

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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The Legislature sat at 2:00 p.m.

Matters of Privilege and Recognition of
Guests (I)

Speaker's Ruling

Speaker: Hon. members, I am prepared to rule on the point of order raised by the hon. Leader of the Opposition yesterday concerning the length of responses to oral questions.

As hon. members will recall, on November 18th of this year I reminded everyone that I had set a limit of 40 seconds for questions and answers. The hon. Leader of the Opposition has raised as a point of order the four responses given during the Oral Question Period of November 23rd, 2016, yesterday, exceeded that time limit.

Hon. members, I have had the opportunity to review the relevant statistics and I can confirm that there were responses that exceeded 40 seconds. There were also questions that exceeded 40 seconds. Speakers of this House have consistently held that the time devoted to Oral Question Period should be used wisely.

Furthermore, as recently as July 7th, 2015, I provided clarification on that topic. Again, I draw your attention to *House of Commons Procedure and Practice*, Second Edition, page 501, where Speaker Bosley addressed the issue of guidelines for the conduct of Question Period and he stated: "Time is scarce and should, therefore, be used as profitably as possible by as many as possible." He based his ruling in part on the 1975 ruling by then House of Commons Speaker Jerome who observed: "There can be no doubt that the greatest enemy of the Question Period is the Member who offends this most important principle [that of brevity]."

Hon. members, with these guidelines in mind, and confirming my earlier statement regarding time limits, I will be closely monitoring the length of questions and answers with a limit of 40 seconds for each, and if necessary I will interrupt proceedings to remind the member of this limit.

Members, I just want to remind you all that if you think that it's going to be enjoyable for me to sit somebody down at the 40-second mark, if you think I'm going to be jumping with joy for doing that, you're wrong. I don't look forward to doing that and I don't want to do it. But if you continue to abuse the 40-second limit I will do it. Just a fair warning.

I thank you, hon. members, for your attention and I trust that the foregoing will provide the clarification on how I intend to preside over Question Period from here on in.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

Welcome to colleagues, those in the gallery, those watching from home.

I want to in particular recognize a constituent and good friend, Gordie MacCallum, who has been a supporter and a friend and a neighbour for a long time. Eddie Lund who is back for I don't know how many consecutive days. Also, to recognize two journalism students Jordan Ramsay and Logan Plant who are in the gallery.

I started out the day by taking part in advancing Island connections program organized by the Greater Charlottetown Chamber of Commerce, and indeed, attracting an Island-wide audience for investment partnerships, in particular, for welcoming newcomers, entrepreneurs, skilled people, into our business community. It was telling that there were at least 400 people there. The room was full, diverse, and indeed there was translation into four languages in addition to English. It says a lot about how our province and our business community are growing and prospering and becoming more diverse.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

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

It's not very often I put my glasses on to speak, but I want to give a shout-out this afternoon to the South Shore Watershed group and also the Westmoreland River Watershed Group. I've been watching this project for some time. They've done a tremendous job in consultation with the province in the Stewarts Pond, making it a family area. They've also installed a fish ladder. They've done just an amazing job there. I know it's not in my district, but I think it's a good asset for our area and both districts combined. I would encourage anybody – a good place to take your family as they continue to go up and look at it and check that out.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Communities, Land and Environment.

Mr. Mitchell: Thank you, Mr. Speaker.

(Indistinct) pleasure to rise and (Indistinct) everybody in our public gallery here. Of course, Eddie Lund is back. Here's a fairly frequent visitor. It's great to have Eddie in.

I also want to recognize Gordie MacCallum who's in the House today. Of course, Gordie is in particular a very big supporter of harness racing on PEI and it's always great to see him around the track. I think he's owned many horses over the years. I may be wrong on this, but I think he's also co-owned some with another good supporter, Orville Willis, from the west end of PEI who's probably watching in today, so I'll say hello to Orville as well. It's great to have the industry of harness racing on PEI strong because of owners like these two gentlemen. It's great to see them in the House today.

Also, to all viewers from all over PEI, but especially from the Sherwood area, I'd like to say hello to them. I know that we have many viewers from that area that tune in faithfully. I always look forward to

comments that come back as they watch the proceedings of the House.

Lastly, I'd like to just draw a reference towards an annual event being held Sunday, it's the annual Parkdale Sherwood Lions seniors dinner next door to the Confed Centre. I'd just like to remind seniors in the area that already have their tickets it is at 4:00 p.m., it's a go, and it's always a great time and a great meal.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Agriculture and Fisheries.

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

I want to say hello to everyone in the gallery, too, and welcome to Harris, especially Eddie Lund, and also I want to put a shout-out to my members from my district in Vernon River-Stratford, District 5.

Interesting fact. I know the Premier mentioned yesterday he had met with some trade people from Saint Vincent and Grenadines. I, as well, did yesterday morning, Minister Caesar and another member of his trade team, C.G. Huggins. They had the opportunity to go out and visit Eastside Holsteins owned by Bloyce Thompson. They were amazed at the quality of the cattle that we have on the Island and how we run our dairy industry. They were looking very much for information so they could take that and transfer it back to the Grenadines and Saint Vincent.

An interesting note, Bloyce was so impressed with them and the visit they had and the interest they had that he now has two young calves that were born, just born, and are registered now in the names of Caesar and Huggins, and they will carry that name forward for the rest of their lives.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Ms. Compton: Thank you, Mr. Speaker.

Welcome everyone in the gallery today and those watching at home, especially from District 4 Belfast-Murray River.

Last night I had the opportunity to attend a dinner for the Belfast fire department. It was hosted at the rec centre and hosted by the Belle River women's institute. It's an appreciation dinner for the fire department. Each year the different institutes in the area take turns hosting the dinner. Last night Cressy Gillis was honoured with an award for 20 years of active service and as a lifetime member of the Belfast fire department. I just want to congratulate Cressy and all the firemen from the Belfast area.

Some Hon. Members: Hear, hear!

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

Mr. Dumville: Thank you, Mr. Speaker.

I'd like to welcome everybody here in the gallery today, and especially Eddie, he's up. We can always count on Eddie.

But a special welcome to all those residents of Andrews of Charlottetown who look in on EastLink to see the proceedings. I'd like to wish them a great day, Mr. Speaker.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Alberton-Roseville.

Mr. Murphy: Thank you, Mr. Speaker.

I, too, would like to welcome all the folks in the public gallery as well as all the good people that are watching at home, especially those in the Alberton-Roseville district.

I'd also like to send out a special hello to Earl Matthews. Earl is home, he's battling some illness there. There's going to be a benefit actually tonight at the Alberton Community Centre in aid of Earl. The last few benefits that we had up in the western part of the province were really successful, and I expect nothing less of this one.

Thank you, Mr. Speaker.

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 welcome those at home viewing from District 22 Summerside-St. Eleanors.

I'd also like to say hello to Eddie Lund who's here in the gallery again, and a District 22 Summerside-St. Eleanors lad, Logan Plant. Welcome to the gallery.

I want to give a huge shout-out to Brenda McAlduff, who is the vice-president of District 22, and her whole team for the success of the sold-out dinner last night in Summerside for District 22. We had a great many laughs. Our guest speaker was the Minister of Communities, Land and Environment, and he did an awesome job.

The people that attended last night were quite surprised when they heard of an article that was in the *Trot* magazine that had uncovered the separation at birth of our Minister of Communities, Land and Environment and his twin brother George Clooney. They've been reunited and we're all quite happy.

Again, congratulations to Brenda and her team. District 22 is strong and growing stronger every day.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Ms. Casey: Thank you, Mr. Speaker.

I would like to say a big hello to my tablemates from the successful dinner in Summerside-St. Eleanors, last night. I know they're watching today. It was a wonderful evening and I'd like to thank them for the warm hospitality shown to me last night in Summerside-St. Eleanors.

Thank you.

Some Hon. Members: Hear, hear!

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

Mr. MacDonald: Thank you, Mr. Speaker.

I'd just like to welcome into the gallery Eddie, Gordie MacCallum, who I had the opportunity of attending many hockey games with.

Also, I'd like to talk about Jordan Ramsay who I met through Andrews Hockey Growth Programs, and my son. Jordan, if you're as good as you were with a stick and a puck with a pen, you're going to be okay.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker. It's my pleasure to rise in the House today and welcome everyone watching from District 18 Rustico-Emerald, especially those folks out at Rosewood seniors' residence in Hunter River who I believe are celebrating their monthly birthdays today. Hello to all you folks there.

Also, I just wanted to give a shout-out to all those who attended a town hall at the Murphy's Community Centre last night for the Charlottetown districts. We had really great conversation about being progressive and how we can move this province to a better place perhaps under a new government, Mr. Speaker.

Thank you.

Some Hon. Members: Hear, hear!

Statements by Members

Speaker: The hon. Member from Charlottetown-Brighton.

Colonel Gray Craft Fair

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

Last week was the ever popular Colonel Gray Band Christmas Craft fair. This was

the 24th annual event. Each year the numbers that turn out for this event never cease to amaze me.

There were approximately 97 vendors and about 130 tables of awesome homemade crafts; a tree and wreath sale; a canteen; and my all-time favourite, the homemade fudge. The quality of product that can be purchased at that craft fair is astonishing.

Also, I hope everyone got a chance to stop into Shelly Morrison's booth. Shelly takes care of my kids during the week and is a great person, and lives in the hon. member across' district.

Vendors were spread out all over the gym, cafeteria, and band room. The smells of Christmas filled the air and the spirit of giving was apparent.

Of course, all hustle and bustle of the buying and selling would be nothing without the seasonal sounds of the Colonel Gray Band students serenading the crowd.

I would like to congratulate Colonel Gray Band on another successful craft fair and extend that out to all of the vendors, teachers, volunteers and those that make this event such a great way to start out the Christmas countdown.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Alberton-Roseville.

Alberton Lions Club 50th

Mr. Murphy: Thank you, Mr. Speaker.

Last month saw the celebration of the 50th anniversary of the Alberton Lions Club and I would like to acknowledge all of the great work they do in our community.

There are currently 12 regular members and one life member. Three of these gentlemen were there from the beginning in 1966 when the club first started meeting at the B and J Restaurant, which is now Kings Restaurant. The original trio are Raigh Callbeck, Francis Crane, and Jerry Saunders.

The club moved from the restaurant into the old Institute Hall, then moved to the old Legion building, then to the Curling Club.

The club decided to build the Alberton Community Centre in 1989, which is now the Canadian Mental Health Centre. After selling that building in 2005 they still continued hosting their meetings at the location and still used the facility to host special functions today.

Many community organizations and institutions have felt the generous support of the Lions Club such as: Western, Prince County, Queen Elizabeth, and IWK hospitals, the Phillips Residence, as well as Westisle high school student bursary recipients. They are also the lead supporter of the Lions Cavalcade for Diabetes.

As you can see, the Alberton Lions Club has provided assistance to residents of Alberton and area for years. Congratulations to them on generously supporting our community for over 50 years. Thank you, Lions members.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Souris-Elmira.

Brandon O'Brien

Mr. LaVie: Thank you, Mr. Speaker.

I'm pleased to rise today and recognize the excellent young leader from my district, Brandon O'Brien. Brandon also happens to be a Page here in the Legislature.

Brandon joined the Royal Canadian Sea Cadet Corp Kent in November 2011 and has advanced through the program in his corp coxswain.

Brandon has spent his summers since the age of 12 aboard the HMCS *Acadia* learning how to sail and how to act as a member of a ship's crew as a boatswain and in 2016 as a staff member.

Brandon has travelled across the country to British Columbia, first to take place in a national tall ship deployment and most recently as a trainer aboard an Orca class vessel.

Brandon is very active in his community. Brandon volunteers with the Souris Legion Branch 3, the Souris Food Bank, students against violence, and the Souris regional school student council.

Brandon has received the Silver Duke of Edinburgh's award and is currently working on his gold. He was named the Souris youth volunteer of the year in 2015 and has received the Legion 150th medal. Brandon also attended Encounters with Canada in Ottawa last year.

In his spare time Brandon enjoys reading, history, likes following politics – he couldn't get a better seat than right up front here – being on the water, and spending time with family and friends. I know Brandon has a bright future ahead of him and will no doubt accomplish great things in the future.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party.

Luann Molyneaux retirement

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

I rise today to give thanks to a very special citizen of District 17 Kelly's Cross-Cumberland for her extraordinary contribution to our community. That person is Luann Molyneaux, former librarian at the Crapaud library for over 28 years. She retired this summer. I attended a lovely retirement event in the library back in July when so many people spoke fondly of her dedication to the community and to literacy.

Libraries perform a critical function in the health and vitality of our communities, and librarians are the human conduit between Islanders and that vast pool of information and entertainment to be found in books. Luann had a particular fondness and concern about our youth and the importance of exposing children to the joy of reading. Many generations of Crapaud area children have Luann to thank for opening that door and inviting them to experience the many and varied wonders of the written word.

I had breakfast at Anna's County Kitchen last weekend with Luann and her husband, and discovered that while she's enjoying her retirement, she still misses her job and the daily contact she had with her neighbours and friends. I ask this House to join me in recognizing her exemplary contribution to the community of Crapaud and to all librarians across Prince Edward Island for their promotion of literacy.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Responses to Questions Taken as Notice

Speaker: The hon. Minister of Health and Wellness.

New legislation re: physician complaints process (further)

Mr. Henderson: Mr. Speaker, in response to a question taken as noted by the hon. Leader of the Third Party, I wish to provide the following.

Subsequent to the original drafting of the 2009 *Medical Act*, the approach to the regulation of health professions has evolved across the country. The department identified concerns with the 2009 *Medical Act* including an absence of oversight by or accountability to the minister by the College of Physicians and Surgeons, and that neither the minister nor the Lieutenant Governor in Council had any authority with respect to the provisions contained in the regulations. Therefore, the 2009 *Medical Act* was repealed by the members of this Legislature in December 2015.

At that time, an amendment to the current *Medical Act* was passed and included the repeal of the 2009 act as well as –

Speaker: The hon. Minister of Health and Wellness, your time is up.

Mr. Henderson: Thank you, Mr. Speaker.

Questions by Members

Speaker: The hon. Leader of the Opposition.

State of high-speed Internet

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

On this side of the House we talk about the importance of infrastructure to our communities and the economy we talk about the need for a vision for rural development, and we talk about ways to grow our economy. High-speed Internet access is an issue that touches on all these conversations and grows the economy.

Question to the Premier: Does the Premier recognize that the current state of high-speed Internet access is a barrier in growing the economy?

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

Mr. MacDonald: Thank you, Mr. Speaker.

That's a good question and a fair question. I think everybody in this Legislature is on tune with it in regards to wanting businesses and communities and students and tourism entities to have better access to Internet right from one end of the Island to the other, Mr. Speaker.

Thank you.

Speaker: The hon. Leader of the Opposition.

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

Our caucus has heard from business who say it is. Businesses of all sizes, start-ups to exporters, and back into our key industries. We've heard that same message from local governments and communities, groups too.

Question to the Premier. Better high-speed Internet access would remove a roadblock to grow our economy and our communities. Why does your government care so little about this issue?

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

Mr. MacDonald: Mr. Speaker, most recently we met with the seven companies to bring them in and talk about their futures and their structures, business plans going ahead.

We've come to a conclusion that in some cases they want government to stay right out of Internet connections right across the Island and realize that it's a fair opportunity and it's a complex issue. They want to be a fair enterprise.

But I can tell you this, that what we're doing is we're opening up information to these companies. We're responding to some of their needs. We're putting our infrastructure in place for them. That if they require any additional infrastructure –

Speaker: Thank you, hon. Minister of Economic Development and Tourism.

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

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: I'm glad that you've heard – I don't understand how you can say that businesses want government to stay out when you keep on extending the contract.

If the Premier cared at all about this issue we'd be having a serious discussion about how to improve access for residents, businesses, and communities. Instead, your government's twisting like a pretzel to hide information – again – about how poorly your government manages this issue.

Question to the Premier. Islanders are crying for a better high-speed Internet access and your government ignores them. Why should they believe you have an interest in making the service better?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, it is important to ensure that Islanders have information about the options that are open to them.

I had a meeting with three constituents earlier this week, along with officials from the department. They left with information about two additional services that they could consider.

That's what government needs to do and for all of us to recognize, that there are new

options, competitive options, and that by the end of next year we're going to have the best Internet service in Canada.

Thank you, Mr. Speaker.

Some Hon. Members: Oh! Oh!

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Kensington-Malpeque.

Internet contract

Mr. MacKay: Thank you, Mr. Speaker.

Our members have been trying to have government release its secret untendered Internet contract since it was signed back in 2008. We have tried FOIPPING it, we've asked in question period, we've asked for estimates, we've requested it in standing committee multiple times. Finally this summer we got a copy that was blacked out and redacted.

Can the minister of economic development explain why this government has repeatedly refused to release the full contract?

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

Mr. MacDonald: Mr. Speaker, our government has contracts with multiple companies and corporations and we have to respect their privacy in regards to that contract.

But I can tell you that this company, in particular, went before committee. They had an open discussion and asked several questions in relevance to this contract. If I recall, the media the next day was wondering why they even actually went to committee because the questions were somewhat irrelevant to the whole process.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Mr. Speaker.

Government's fiction on this issue goes back years. The former minister told this House in

2009 that there was no contract and no public money involved.

This summer our standing committee wrote to the minister for the contract and he responded that he refused to release it. The next meeting the committee agreed to ask him to appear and he didn't even acknowledge our request.

Minister: Why have you shown so much disrespect to an all-party committee of this House looking for answers on PEI's lacking Internet access?

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

Mr. MacDonald: Thank you, Mr. Speaker.

In fact, I was just recently reading the notes of the committee members when they met with the company in question. It was very interesting, some of the questions that they posed.

We're very concerned. As economic development minister, I'm very concerned about companies from one end of the Island to the other, from tourist-bought businesses from one end of the Island to the other, and we're working closely with those new companies. In fact, there was just a new announcement in Kings County two weeks ago about another company expanding into that area.

We are working diligently to progress Internet solutions right across Prince Edward Island from one end to the other. If you look across Atlantic Canada, or Canada as a whole, we're doing very well, where we have 99% of our consumers at 1.5 megabytes, which is not enough, and I understand that, Mr. Speaker.

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Mr. Speaker, the committee also discussed warranting a complete copy of the contract.

While he ignored the committee requests, the minister told the media he would never release the contract without a warrant from the committee. He also said he did not know why his caucus colleagues were preventing

the information from being released, and insisted there is nothing in the contract government is trying to shield from the public.

Minister, have you figured out yet why your colleagues are preventing the release of this information?

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

Mr. MacDonald: Thank you, Mr. Speaker.

Again, if the concern from the opposition, or the hon. member, is about Internet solutions from end of the Island to the other going forward, then that's a valid question.

But going back and going back is not going to help Tignish or East Point in regards to Internet connections and helping those businesses thrive. So there seems to be a smoke screen being set-up here.

But I can tell you we have no problem releasing the contract.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Kensington-Malpeque.

Internet contract wording

Mr. MacKay: Thank you, Mr. Speaker.

What the minister also said to the media was as follows:

"I have my personal opinions about it..."

"Remember this was eight years ago this contract was drafted. Would it change today? I certainly think it would. Would the wording change? I certainly think it would."

Minister, which articles and what wording are you opposed to in this secret contract?

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

Mr. MacDonald: Mr. Speaker, going back to 2008 when we're coming from dial-up, when we're coming from dial-up?

Now we're into 2016 and we're talking

about megabits and 1.5 to 5 and 25 and another company coming in that's going to give us 100%, and likely have one of the best percentages on per capita on average in Canada over the end of next year.

Going back I don't think is going to help those small businesses in rural PEI determine whether or not they're getting good service or not. We're a progressive government. We're looking ahead and we're doing everything we can with the companies that are in place and we're creating a competitive field –

Mr. Aylward: Unfortunately, you're not a progressive (Indistinct).

Mr. MacDonald: – for – and if you read the article in the Globe the other day –

Speaker: Thank you, hon. Minister of Economic Development and Tourism.

Mr. MacDonald: Thank you.

Mr. MacKay: Thank you, Mr. Speaker.

Speaker: The hon. Member from Kensington-Malpeque.

Internet contract (further)

Mr. MacKay: Mr. Speaker, imagine our surprise when a redacted version of the contract was waiting for us at the next committee meeting.

It turned out the Chair had called the minister without the knowledge of the committee and somehow the contract was dug out, redacted, and send to the minister in 20 minutes by Bell.

Minister, why are you playing such games over a multi-million dollar contract we all paid for that is failing to deliver proper high-speed Internet to all of PEI?

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

Mr. MacDonald: Thank you, Mr. Speaker.

As minister of economic development and responsible for these items, you know what? We've reached out to communities such as Maximeville, we're working with Cavendish

Resort Municipality, and we'll continue to do that. When we see a problem or we're given a problem, we'll consider funding requests from community groups interested for their economic development.

I know that the opposition doesn't really care about that, but you know what? That's important to rural PEI and we have to keep progressing forward, Mr. Speaker.

Thank you.

Speaker: The hon. Member from Kensington-Malpeque.

Fulfillment of Internet contract

Mr. MacKay: Thank you, Mr. Speaker.

The Liberal majority also voted to make a meeting involving Bell closed to the public and media. Public pressure forced them to backtrack, and when Bell appeared they clearly said they have honoured the contract and have no plans to do anything else.

Minister, do you believe Bell fulfilled all the terms of this secret, untendered contract?

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

Mr. MacDonald: Yes.

Speaker: The hon. Member from Kensington-Malpeque.

Internet contract (further)

Mr. MacKay: Minister, why are you refusing to release a fully clean, non-redacted version of this secret untendered contract?

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

Mr. MacDonald: Thank you, Mr. Speaker.

We'll release the contract. Thank you.

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Mr. Speaker.

Minister, when will you release the contract? When can we expect to have it?

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

Mr. MacDonald: I'd say by the first of the week.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Mr. Speaker.

I'm looking forward to getting a contract first of the week. I certainly hope after –

An Hon. Member: (Indistinct) speechless.

Mr. MacKay: I am speechless, I'll be honest. We've been chasing this since 2008 and we've hit roadblock over roadblock.

Anyway, I'm certainly looking forward to getting it.

Just what is government hiding in this contract, minister? He's going to release it. I can't wait to see it. Thank you.

Some Hon. Members: (Indistinct).

Speaker: The hon. Member from Rustico-Emerald.

Enforcement of Internet contract terms

Mr. Trivers: Thank you, Mr. Speaker.

The current national target for high-speed Internet is five megabits per second, and this government's untendered contract with Bell Aliant is to deliver only 1.5 megabits per second, as we've heard. That's over three times slower.

Bell Aliant has openly admitted at standing committee that many Islanders get Internet speeds far below this. I know that's true because of all the messages I get from Islanders with speed tests that show proof of this.

This is a question for the Minister of Economic Development and Tourism: Minister, why are you not doing your job to

represent Islanders and enforce the terms of the Bell Aliant contract?

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

Mr. MacDonald: Thank you, Mr. Speaker.

Again, the contract we're talking about, they're fulfilling that contract. It was a 2008 contract at 1.5 megabits per second, and as far as we're concerned they're fulfilling their contract. But if they're not fulfilling their contract we will take them to task on that.

We are seeing a good competition right across PEI with seven new entities doing Internet work right across PEI, and they're telling government, most of them, to stay out of the way.

Thank you, Mr. Speaker.

Speaker: The Member from Rustico-Emerald.

Mr. Trivers: Mr. Speaker, Bell Aliant also confirmed at standing committee that regardless of the speed customers are actually receiving, all DSL customers pay the same rate.

Minister, why are you allowing Bell Aliant to charge high-speed Internet rates for what are really dialup speeds?

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

Mr. MacDonald: Thank you, Mr. Speaker.

Again, I'm going to repeat this and I've repeated it before: this is fair enterprise. There are companies out there. If people think they're being treated unfairly in price they should be contacting CRTC who regulates this. They should also be making it public because I can assure you that there's going to be one company that picks up another company's business just as ongoing and quickly as someone turning off their computer.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Rustico-Emerald.

Internet contract due diligence

Mr. Trivers: Mr. Speaker, not only did this government single-source high-speed Internet services in 2008, as we've heard, they extended the contract twice since then.

First they extended it till 2017, which is even past this date, and then until 2020, and completely failed to negotiate in Islanders best interests. Now rural Islanders are locked into a single provider who has no intention of improving service until government issues a new RFP. That's right. That's what we heard at standing committee.

Minister, why didn't this government perform the due diligence that Islanders deserve and negotiate a high-speed Internet contract that would actually meet Islanders' needs?

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

Mr. MacDonald: Mr. Speaker, the last amendment to the contract was 2014.

I believe, reading from CRTC and how they're dealing with some of the complaints coming in from different companies – not just specific companies, but different companies across Canada – there are avenues there for people to contact CRTC and supply them with the information.

If they feel they're being wrongly treated, then I think they have an avenue to access some information that may provide them with additional information on their contract.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Now, Mr. Speaker, the minister says he understands that reliable high-speed Internet is essential to rural economic development, and as the minister of tourism he should know that slow or no Internet access is the number one issue Island tourists complain about.

In my district I hear it from tourism businesses, home-based entrepreneurs, farmers, businesses of all kinds, who

describe lack of reliable high-speed Internet as their biggest challenge to doing business in rural PEI.

Now we've heard from the Premier today that by next year, I believe –

Speaker: Hon. member, do you have a question?

Mr. Trivers: Yes, I do.

Confirmation of best Canadian Internet access

We heard the best Internet access in Canada by next year.

My question is to the Premier. I want to confirm this. By what date will you commit to providing the best Internet access in Canada, at the very least access to reliable high-speed Internet at five megabits per second or higher to these rural businesses –

Some Hon. Members: Time, time.

Mr. Trivers: – that are so important to Island economy, Mr. Premier?

Speaker: Thank you, hon. member.

The hon. Minister of Economic Development and Tourism.

Mr. MacDonald: Thank you, Mr. Speaker.

Just to clarify that 77% of PEI currently has five megabytes or more. There's a percentage there, 33%, that are dealing with the 1.5. Technology has changed since 2008. Now we have videos that people are sharing online, there's games, there's all kinds of things that are eating up Internet service.

This is adapting very quickly. We have to, as a government, adapt. We have to make sure that the companies have – if there's infrastructure available to them that they can utilize to create better Internet service from one end of the Island to the other, that's what the government should be doing.

The government should be informing the people, and that's what we're doing, of saying there's more than one company out there. There are several companies out there.

Let's not confuse DSL with FibreOP or MiFi. We know where it's going. It's going to MiFi, and it may be a better solution here in the next year or so.

Thank you.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

The Premier today in this House promised the best Internet access in Canada for Prince Edward Island. I believe it was by next year.

Mr. Premier, by what date will you commit to providing the best Internet access in Canada on PEI?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, when I said "best" what I mean is most complete, that (Indistinct) the cradle.

By the end of next year Prince Edward Island will be the province that is the closest to having complete Internet access from tip-to-tip.

Speaker: The hon. Member from Rustico-Emerald.

Internet contract renegotiation

Mr. Trivers: Thank you, Mr. Speaker.

This is a question for the Minister of Economic Development and Tourism: Minister, when will you commit to renegotiating the Bell Aliant contract so that Islanders have the high-speed Internet access they deserve?

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

Mr. MacDonald: Thank you, Mr. Speaker.

As we move forward and have additional companies coming to Prince Edward Island wanting to do business and open fair market, I'm not sure that we'll ever have to negotiate a contract. Because I think everybody knows that these companies are independent of one another and they're working towards having a good business case here on PEI. As a

government I think what we've got to do is ensure the people from one of the Island to the other have the best possible service and the cheapest price, Mr. Speaker.

Thank you.

Speaker: The hon. Member from Rustico-Emerald.

Annual value of government portion of Bell Aliant contract

Mr. Trivers: Thank you, Mr. Speaker.

A question for the Minister of Economic Development and Tourism. Minister, what is the value of the portion of the government contract with Bell Aliant that provides telephone service? What is the annual value of that portion?

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

Mr. MacDonald: Thank you, Mr. Speaker.

I'll have to bring that figure back to be exact.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

Motion 80 and parliamentary sovereignty

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

In remarks reported this morning in the media the Premier finally admitted that his motion entitled A Clear Question and a Binding Vote cannot, in fact, be binding. As a constitutional law expert, I find it hard to imagine that in drafting this motion the Premier was unaware of the concept of parliamentary sovereignty and that this motion clearly violates that principle. It was either an oversight or it was a clear effort at deception.

A question to the Premier: Can you finally admit to this House that Motion 80 is non-binding in every legislative sense and is therefore no different from the plebiscite that we just had?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, in the language of plebiscites and referenda it's well-known that plebiscites are non-binding and that referenda are considered to be binding.

It's in that sense that we speak about it in this motion. To have a clear question, to have a clear response, and to have a question that is posed on the ballot along with the referendum is indeed going to be binding in every sense in terms of the obligation of the people who get elected as a result of that election.

Thank you, Mr. Speaker.

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

Dr. Bevan-Baker: I beg to differ. In my research, referendum and plebiscite appear synonymously in legislation.

The other erroneous claim in this title as referenced by the Premier was that the motion is a clear question. There's no definition in this motion of what that clear question actually means. There are all sorts of other imprecise statements. We still do not know what the second option that the Premier prefers in this second non-binding plebiscite that we're going to hold will be.

A question to the Premier: How can such an unclear and imprecise motion lead to a clear question for this second non-binding plebiscite?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, that will be the work of a sovereign Legislature, the 27 of us who are here, and I'm sure we're quite capable of coming up with a clear question.

Thank you, Mr. Speaker.

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

Motion 80 removal

Dr. Bevan-Baker: A few days ago I privately invited the Premier to discuss how we can work together to craft a solution to this impasse, to collaborate in finding a new

way forward that respects the dignity of all parties. That offer still stands and I am available to talk any time.

Having established that this Motion 80 is misleading in its title and possibly even unconstitutional in its intent, I ask you to withdraw Motion 80 from the floor in order that you and I can begin our work together.

Mr. Premier, will you do that?

Some Hon. Members: (Indistinct).

Speaker: The hon. Premier.

Some Hon. Members: (Indistinct).

Premier MacLauchlan: Mr. Speaker, Motion 80 remains on the Table, many members of this House have spoken to it, and it is open for further debate and deliberation, and I expect that that will take place.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Evangeline-Miscouche.

Interconnection update

Mr. Gallant: Thank you, Mr. Speaker.

My question is for the Minister of Transportation, Infrastructure and Energy. The PEI and New Brunswick cable interconnection upgrade project is the most significant strategic investment in the province's history since the building of the Confederation Bridge.

Could the minister please advise this House on the project progress to date?

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

Ms. Biggar: Thank you, Mr. Speaker. I'm very pleased with the work that's been happening in regard to the cable interconnection in the Northumberland Strait which started in May. To date we have had one cable installed across the Strait and actually now two. As of November 20th the second cable has been laid across the Strait and we will begin the process of digging them under the Strait.

The *Isaac Newton* is in the Strait doing that work for us, and we're very pleased with how things are progressing and the work that has taken place to move that forward.

Thank you.

Speaker: The hon. Member from Evangeline-Miscouche, your first supplementary question.

Mr. Gallant: Thank you, Mr. Speaker.

Madam Minister, once the cable is placed could you give us any idea when you think it'll be operational and hooked up?

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

Ms. Biggar: Thank you, Mr. Speaker.

As I said, things are progressing very well. Of course, in these kinds of circumstances we're dealing with weather situations that may arise, but we are looking to target towards the end of 2016, barring any unforeseen weather events that may take place.

A lot of our government has worked very hard on this particular funding piece of this project with the federal government, and we're very pleased that the federal government has added an additional \$19 million to bring their contribution up to \$69 million because this is a project for PEI.

Thank you.

Speaker: The hon. Member from Summerside-Wilmot.

Update on PCH ambulatory care centre

Mr. Palmer: Thank you, Mr. Speaker.

Earlier this fall the government announced an expansion of ambulatory care centre at Prince County Hospital.

To the Minister of Health and Wellness: Can you provide the House with a status update on the expansion plans for the ambulatory care centre at PCH?

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Thank you, Mr. Speaker.

The expansion of the ambulatory care section is part of a bigger project including a women's wellness centre there at Prince County Hospital. We've seen rapid growth of services that have been required there at that particular location. In our announcement we stated that the planning is underway at the moment and construction should be started in the spring and completed by January 2019.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Summerside-Wilmot, your first supplementary question.

Mr. Palmer: Thank you, Mr. Speaker.

Does this expansion mean that existing services, nursing care suite, oncology and surgical clinic, will be expanded or that new ambulatory care services will be introduced?

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, the concept of this is really to actually not to add more services other than the women's wellness centre services to ambulatory care.

It's to really provide more issues around patient safety, privacy of patients, and also to deal with infection control at that location. We have seen the rapid growth of many of those services that has just outgrown the space. We just need to provide better patient confidentiality and patient safety at that location, Mr. Speaker.

Speaker: The hon. Member from Summerside-Wilmot, your second supplementary question.

Mr. Palmer: Thank you, Mr. Speaker.

Will Islanders in Prince County need to travel to another hospital for these services while construction and renovations to the centre are underway?

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, during those renovations and the expansion of ambulatory care we're going to try to make sure that we provide the minimum disruption to our patients that require services there, but during the whole process we are quite confident that we can accommodate everybody, that they will not have to go to other facilities for those particular services.

Thank you, Mr. Speaker.

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

Archives and Records Act and former premier

Mr. Myers: Thank you, Mr. Speaker.

Yesterday the Premier stated:

"I'll be happy to clarify that section 1(2)" of Bill 20 makes "... it clear that the office of the political party leader or caucus is not a public body for purposes of the records legislation."

Question to the Premier: Will you confirm that based on your explanation that former-Premier Robert Ghiz was not subject to the *Archives and Records Act*?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, as I explained yesterday, when this law was first introduced by the Binns government in 2001 it included a language in 1(2), that said: public body does not include the Legislative Assembly, the Office of the Speaker, etc., caucus offices, and the offices of the party leaders.

That was the law that was in place until the amendment of November of last year.

Thank you, Mr. Speaker.

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

Records management during premiership transition

Mr. Myers: Thank you, Mr. Speaker.

There seems to be a lot of important questions that have gone unanswered by this Premier on this issue so I'm going to ask him some of them again.

Question to the Premier: Who was responsible for records management during the transition between your Premier's office and Premier Ghiz?

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

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

As the Minister of Education, Early Learning and Culture, I am responsible for records information management. I will take that question under advisement and bring it back to the House as soon as I get the information.

Thank you.

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

Deleted government email accounts (further)

Mr. Myers: Thank you, Mr. Speaker.

Another question that's been asked a number of times and I'm going to ask it again today to the Premier.

Premier, what two email accounts were deleted by your government?

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

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

I really appreciate your new 40-second rule. As a head coach, I always asked my players to not go over the 40-second rule, so I won't.

I will take that question under advisement and also bring that information back to the Member from Georgetown-St. Peters.

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

Mr. Myers: Thank you, Mr. Speaker.

We all know that the Premier is elbows deep into this cover up. Like we said yesterday, with the rule change or wherever there's wiggle room he'll take it. He took it today from Question Period. He made a promise at the start and by the end of it he had already reneged on it.

Robert Ghiz emails

Question to the Premier: What happened to the emails of Robert Ghiz?

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

Mr. Currie: Once again, I will make sure that I go back to my department and gather the information.

I wasn't the minister – I was the minister of health during that time – but as the minister now responsible for records information management, I will bring that information back to the Member from Georgetown-St. Peters.

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

Mr. Myers: Thank you, Mr. Speaker.

I was at the coffee shop this morning and somebody said to me the Premier is actually elbows deep into this cover up, which it's becoming more and more common knowledge out there because he won't stand up and answer questions. I'm asking him pointed questions and he won't tell Islanders. Islanders deserve answers and they don't know why he's taking on the role of the cover-up man for the previous government.

Chris LeClair emails

Question to the Premier: What happened to the emails of Chris LeClair?

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

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

I, too, will take that question under advisement and also bring that information back to the Member from Georgetown-St. Peters.

Speaker: The hon. Member from Souris-Elmira.

Low-income housing waitlist

Mr. LaVie: Thank you, Mr. Speaker.

Question to the minister of seniors and social services: Can you tell me how many Island families are waiting for low-income housing?

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

Ms. Mundy: Mr. Speaker, our government is committed to providing Islanders with the tools and supports to help them attain greater security for themselves and their families, and housing is one of those options.

Currently we do have a waitlist and it is going to be reviewed under our new housing strategy. We've been waiting for information from the national housing strategy because the federal government is initiating a federal national housing strategy.

We do have plans to take a look at our housing situation. Currently, to answer that question, we do have approximately 1,300 Islanders.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Souris-Elmira.

Low-income housing in District 1

Mr. LaVie: Thank you, Mr. Speaker.

I have 10 families in my district alone waiting for housing. Lots of phone calls. Single mothers looking for housing.

Minister of social services and seniors: Do you know if there will be any housing built in District 1?

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

Ms. Mundy: Mr. Speaker, affordable appropriate housing is one of the most important social infrastructures in communities.

I'm not sure what you asked. You said: Do we have any plans to build?

Mr. LaVie: (Indistinct).

Ms. Mundy: Okay, sorry, I didn't quite hear the end of it.

Actually, as I explained in the latter answer, we are currently taking a look at housing on Prince Edward Island. The federal government hasn't been at the table in probably over 30 years. It's pretty hard for a province the size of Prince Edward Island to be building without the leadership of the federal government.

We're very happy that the federal government is now back at the table and they are undergoing a national housing strategy, and we're hoping that we can align ours with theirs as well, Mr. Speaker.

Thank you.

Speaker: The hon. Member from Souris-Elmira.

Low-income housing and three counties

Mr. LaVie: Thank you, Mr. Speaker.

I don't imagine my district is the only district that is looking for family housing. Right across Prince Edward Island we're looking for family housing.

When you speak to the federal government, minister, will you be dividing this up between the three counties on Prince Edward Island?

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

Ms. Mundy: Thank you, Mr. Speaker.

This government does care about the well-being of all Islanders, rural and urban. Affordable, accessible housing is a basic need for all Islanders.

Actually, when I was in Ottawa just last month and we were trying to come up with wording around the framework, there was some wording that actually I changed to make sure that rural was included in the discussion, Mr. Speaker.

Speaker: The hon. Member from Souris-Elmira.

Low-income housing waitlist crisis

Mr. LaVie: Thank you, Mr. Speaker.

To the minister of seniors and social services. There's 1,300 families waiting on a waiting list. Minister, how did you let this crisis happen to 1,300 families on a waiting list?

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

Ms. Mundy: Thank you, Mr. Speaker.

Again, we are well aware, this government is well aware, that housing is a basic need of all Islanders. Unfortunately, we have been on our own for probably the last 30 years. We've been doing what we can to help low-to-moderate income families stay in their home if they want to stay in their home. We've invested millions of dollars into home repair programs, Seniors Safe @ Home Repair Program, as well as Seniors' Home Repair Program.

We also have rent supplements and we do have low-income housing. We have been trying our very best on our own with help through CMHC, however. But not having a federal partner at the table has really tied our hands, Mr. Speaker.

Thank you.

Speaker: The hon. Member from Souris-Elmira.

FHS funds

Mr. LaVie: Thank you, Mr. Speaker.

Thirteen hundred families without a home, and the former minister held back \$5 million. Actually, it's probably the reason she lost her seat.

Minister, what happened that \$5 million that the minister prior to you left on the table?

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

Ms. Mundy: Mr. Speaker, actually, I'm sorry, I didn't hear the latter part of your question, if you could just repeat the latter part.

Speaker: Hon. member, repeat the latter part of the question.

Mr. LaVie: Thank you, Mr. Speaker.

What happened to the \$5 million that the prior minister of seniors and social services left on the table? Did the minister of finance put it in his account?

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

Ms. Mundy: Mr. Speaker, all I can speak to is what I have been privy to since I've been minister.

What I've seen is commitment on behalf of our government to making sure that we do provide Islanders with the supports and programs that they need to help them gain greater security for themselves and their families, Mr. Speaker.
That's all I can speak to today.

Speaker: The hon. Member from Souris-Elmira.

Government action on low-income housing

Mr. LaVie: Thank you, Mr. Speaker.

Words don't put anybody in a home. Words don't put a roof over anybody's home. Words don't feed hungry children.

Question to the minister of seniors and social services: What has your government done, since being elected, on this issue?

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

Ms. Mundy: Thank you, Mr. Speaker.

Actually, I don't think I could name it all within the 40 seconds that we're allotted today, but we do realize that more can be done.

However, we've invested millions into, as I said, home repair programs. We have invested millions into drug programs that help Islanders. We've completed – just my department alone – six of our 11 platform commitments.

We have increased the food allowance for persons on social assistance. We have increased the comfort allowance for persons on social assistance. We have increased the foster care payments to the foster parents. We have done – sorry.

Thank you, Mr. Speaker.

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

Low-income housing waitlist (further)

Mr. LaVie: Thank you, Mr. Speaker.

This minister seems to have done a lot. How did you let 1,300 families slide through the cracks? These families are out there hungry. I've got single families down there with no home with kids sleeping from people's houses, from couch to couch.

Minister, when are you going to look after these 1,300 families that you said that have no home here on Prince Edward Island?

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

Ms. Mundy: Thank you, Mr. Speaker.

As I mentioned earlier, these families are not homeless, okay, Mr. Speaker?

They are on a waitlist for low- to moderate-income housing. That waitlist will be adjusted with our provincial housing strategy which we are currently underway. We're hoping to have some information back to the House in early 2017.

Currently, we have over 34 programs across seven departments that help families that are low- to moderate-income. We have social assistance, disability support, child care

subsidy, senior housing, family housing, rent supplements, seniors' home repair, PEI home repair programs, Seniors Safe @ Home Program, Seniors' Drug Cost Assistance Program, generic drug program.

And I have to sit down again. As I said, I can't through it all in 40 seconds.

Thank you, Mr. Speaker.

Dr. Bevan-Baker: Mr. Speaker?

Speaker: Yes, go ahead, hon. Leader of the Third Party.

Point of Order

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

I rise on a point of order.

Beauchesne's Parliamentary Rules and Forms, 6th edition, states under section §565 that, and I quote:

“A motion should be neither argumentative, nor in the style of a speech, nor contain unnecessary provisions or objectionable words...”

Section §541 of the same book states that a motion, and I quote, “... which contains unbecoming expressions, infringes its rules, or is otherwise irregular... [can] be withheld from... the *Notice Paper*” if it is wholly out of order.

In Motion No. 80 the words “binding vote,” “binding referendum” or “bind government” appear in the title, in two whereas clauses, and in two of the operative clauses.

Motion No. 80 also states that this referendum would occur during the next provincial election.

We can clearly infer from the Premier's remarks in the media yesterday, as reported in the *Guardian* and on CBC, that because of parliamentary sovereignty a referendum held during an election cannot truly be made binding on the next Assembly.

Motion No. 80, by calling for a “binding referendum”, is asking this Legislature to do something that is not within its power to do.

I would ask that the Speaker make a determination as to whether or not Motion No. 80 is in order.

I would also ask that he consider not only whether this motion infringes on the rules of this House, but also whether the misrepresentation of the proposed referendum as binding constitutes objectionable words.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Third Party, I will be taking this under advisement.

Statements by Ministers

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

Advisory Councils Progress

Mr. Currie: Mr. Speaker, education is one of the highest priorities for this government and for Islanders.

A year ago this month we made a clear commitment to advance excellence for K-12 learners.

As a first step we introduced a new governance model that gives students, parents, and communities a stronger voice in education.

We established a Principals Council to give our instructional leaders more input into the direction we are taking as a system.

The Principals Council is working with us on three priorities for our system: student achievement; student well-being, and; building confidence in our collective ability to support learners.

Our 62 principals have worked with their teams to identify goals at the school level that align with the overarching goals.

We established District Advisory Councils in each of our 10 families of schools who are working towards the same goals. Council members have become familiar with the work going on in their family of schools and they are now providing a student and parent perspective to this important work.

We established a third council, the Learning Partners Advisory Council, whose mandate is to provide a broader perspective and to advance a culture of learning in our province.

This council includes 20 learning champions from education organizations and the community. Members are putting their collective thoughts together in a white paper which they will share and seek feedback on in the very near future.

In addition to seeking input from educators, parents, students, and community leaders, we also sought advice from global experts with proven success in moving education systems forward.

And we began a school review to seek input from all Islanders on how we can better use our existing resources to support learning for all students and move to improved excellence.

A great deal of developmental work has been done to bring Islanders together to advance education in our province. Creating excellence in our K-12 system and a culture of learning is a large undertaking that requires new thinking and a new approach to education in this province. I am encouraged by the progress we are making.

I would like to thank the 170 Islanders involved in the councils and the many other Islanders who are contributing their ideas to advance learning and creating a better future for our youth and for prosperity for this great province we live in.

Thank you.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

From the first time since the original announcement was made I have heard this government utter the word "excellence." I have been waiting for it for a long time. For me, it has been very important, and for a number of years I talked about this from an opposition perspective, how important it was for excellence in our system.

I feel really bad for the teachers in the system today. This government doesn't think a lot of its teachers or else it wouldn't be putting them through all the heartache it has for the past 10 years.

I talked to some people that are on the District Advisory Councils for their area recently and they said: I don't know what our role is anymore. This is what's going on on the ground and I wish the minister would get a little more closely binded to what's happening on the ground. He has taken the words of Pat Campbell and he is not getting good advice because she is not listening to them either and they feel like nobody is listening to them. I urge the minister to go on out and meet with them, maybe without Pat Campbell in the room. You will get an earful, but it would be good for you.

I still feel like this government has torpedoed the process by dropping that study that he had commissioned up in Toronto. We don't need advice from Toronto. I don't need advice from Toronto. Nobody over here needs advice from Toronto. I don't know why you need advice from Toronto.

Bob Andrews was the wrong guy to put in the process. He was pompous and dismissive for the whole thing. I don't know why you put him there. He had no other job, I guess. You recycle them. It's the problem that we have been saying all along, you're recycling people in education and wondering why it's not better. You need to do better yourself. You need to take control of this yourself.

Some Hon. Members: Hear, hear!

Mr. Myers: I always am willing to offer you constructive criticism as well as destructive criticism. I always look forward to bringing this forward and having excellence in education. I do think that some of the people that you have in place are not helping you. They are hurting you and you can do better.

Thanks.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party.

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

We have had much governance restructuring in several departments including education recently and PEI, through the education advisory council, I think really has an opportunity to reimaging how we deliver not just governance and not just the delivery of education, but the desired outcomes as well and I think the wide ranging conversations that you're no doubt having in the council are very useful.

The industrial model of education clearly is passed. Its time is gone. It does not speak to the needs or to the inner child of so many of the kids that attend Island schools. We need a different approach. We need a more individualized approach and I think on Prince Edward Island because of our size and the fact that we can be nimble, we have opportunities to be innovative and I think through this educational advisory council we really have the opportunity to do that so I welcome the statement and I look forward to some real innovative ideas coming out of the council.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Communities, Land and Environment.

New Trapping Restrictions on Public Land

Mr. Mitchell: Thank you, Mr. Speaker.

My department recognizes that furbearer trapping plays an important role in wildlife management, as well as the economy and culture of Prince Edward Island. That being said, we need to ensure that trapping is done in a very safe manner.

Since becoming minister I have heard of unfortunate incidents where domestic pets have been harmed from an encounter with a trap. In cooperation with the PEI Trapper's Association, government has identified an additional 800 hectares, or 1,977 acres, of public land on which trapping restrictions will be implemented. This acreage addition will result in a total of 3,525 hectares, 8,710

acres, of public land on Prince Edward Island that is closed to trapping.

The land chosen as off limits to trapping was selected because it is popular for activities including dog walking, hiking, and snowshoeing. Sites that are included under the new trapping restrictions include areas of: New Harmony Demo woodlot; Auburn Demo woodlot; Valleyfield Demo woodlot; Camp Tamawabe Demo woodlot; Brookvale Demo woodlot; Boughton River Trail Natural Area; Murray River Pines Natural Area; Gairloch Road trails; a property within the Winter River Trail network; Royalty Oaks Natural Area; Beach Grove Natural Area; and the Bonshaw Hills Wilderness Park.

These restrictions are effective immediately and signage is now in place to inform trappers and land users of these restrictions.

Most public land is open to all outdoor enthusiasts and that is why it is important that we designate specific public areas for both trappers and non-trappers to enjoy the beautiful outdoors.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

It's a pleasure to hear the minister speaking about trapping here on Prince Edward Island in the House today and how they are taking some land away from trapping and making sure that it can be used safely by people who are doing things like walking their pets.

I know that trappers on PEI are having a tough time, not the least of the problem which is the aging demographic of trappers on the Island. They are having trouble getting young people to take over from them. I believe one of the reasons is that it is not as lucrative as it once was. My understanding is that the price for pelts has gone down quite a bit.

Although I am encouraged to hear that pets are being kept safe – of course, I think all Islanders would agree with that – I do

believe that trapping is something on PEI that is not only a part of our heritage, but something that's important and could provide really a good source of revenue to our economy.

In conjunction with this sort of announcement, I would like to hear what the Minister of Communities, Land and Environment, and the government as a whole, are doing to help trappers on the Island so that they can continue to thrive and this profession actually continues into the future.

That's my response, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party.

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

I welcome this announcement from the minister. I had actually hoped later this session to present to the House a petition which is being currently circulated regarding trapping regulations, and I'm just going to use this opportunity to tell this House what is written on that petition: That we increase the minimum setbacks from 200 to 400 metres for unbaited snares, to increase the minimum setbacks for baited snares from 300 to 500. Perhaps this is the more important one or relevant one given the announcement has just come forward, that the trappers and snarers must require written permission from an occupier or person authorized to set traps or snares on private land.

Currently the *Trespass to Property Act* allows trappers and snarers who trespass on private land, essentially, to set their traps – they can claim that they reasonably believe that they had permission of that landowner in order to do that, and putting the burden of proof on the landowner in this instance I don't think is fair.

The other thing that I believe will appear on the petition is that the trappers must require signage or markers to clearly, visibly state where their traps are for the reasons you just stated: pets are getting caught in these and it's something we need to stop.

Thank you, Mr. Speaker.

Speaker: Before I go to the hon. Minister of Finance, I just want to take some time to welcome an old friend of mine, a neighbour, Donnie MacKinnon.

Some Hon. Members: Hear, hear!

Speaker: By the way, Donnie is a former Junior A Hockey player who played for the Moncton Junior Beavers back quite a few years ago, and he played under coach Turk Broda. Now, how many of you here remember Turk Broda?

Some Hon. Members: (Indistinct).

Speaker: The hon. Minister of Finance.

Capital Budget 2017-18

Mr. Roach: Thank you, Mr. Speaker.

Before I begin this House statement, and kind of in line with some of the rules around timing today, as this statement will be somewhat long I would beg your indulgence to deliver this statement, and the indulgence of everyone in the House.

Speaker: Certainly, in this case, hon. minister, you go ahead. You have my indulgence.

Mr. Roach: Thank you, Mr. Speaker.

I'm honoured to present the 2017-2018 Capital Budget for the Government of Prince Edward Island.

Our capital budget is consistent with our pledge to grow our economy, spend public dollars wisely, and build sustained prosperity for all Islanders. Over the coming year we will make investments of over \$96 million to build and maintain critical infrastructure in several priority areas, including schools, hospitals, manors, and highways.

Islanders have spoken about their priorities, and our government has listened, and we have set a course to ensure our communities have a larger and more sustainable share of Canada's prosperity, now and in the future.

Capital Forecast 2016-2017

Mr. Speaker, our investments in 2016-2017 have built on our commitment to investing in education, where construction was started on the renovations to Three Oaks Senior High School and École la-Belle-Cloche, as well as the École-Sur-Mer band room.

Major improvements costing in excess of \$5.7 million are also being made to the information technology provided in classrooms across Prince Edward Island to ensure that our children have access to the tools needed to succeed in the interconnected and technology-driven world of today.

New equipment costing \$6.2 million was purchased this year for our hospitals, including diagnostic imaging, dialysis machines, and monitoring for patients in the intensive and critical care units. Much of this equipment is purchased with the help of the hospital foundations, whose support is greatly appreciated, as we strive to improve the health services provided to Islanders.

During the current year, significant improvements of approximately \$2.7 million were made to the Queen Elizabeth Hospital's electrical system. These improvements will enable the hospital to move ahead on the dialysis and linear accelerator projects.

Mr. Speaker, our government has purchased over 170 long-term care beds costing over \$1 million for Beach Grove Home and Wedgewood Manor — replacing beds that had exceeded their expected lifespan.

The beds will promote wellness and improve safety for both the residents and the staff. The fire protection systems in both of these facilities also were upgraded in the current year to ensure that residents continue to live in a secure and safe environment.

There was additional work done in the 2016-2017 year on our national and collector highways. This work was the direct result of successful negotiations with the federal government to expand the program criteria so that Prince Edward Island's infrastructure projects were eligible for funding. The total cost is expected to be over \$25 million this year — an increase from the \$15 million budgeted — an investment that especially supports economic development across PEI.

Rehabilitation work was also done on eight highway structures and a further six highway structures were replaced, including the Cascumpec and York bridges.

A total of 113 kilometres of highway were improved this year, with major work on the Trans-Canada Highway from Maypoint Road to Poplar Island and significant reconstruction in Mount Mellick.

The total capital expenditure for the 2016-2017 is now expected to be \$79.7 million. This is an increase of \$1.8 million over last year's budget, which is a direct result of the increased investment in highway projects that are now eligible for federal funding. Making sure that our essential infrastructure is safe and positioned for future growth is not only a priority for our government, but it is essential to our economic success as a province.

Capital Budget 2017-2018

In 2017-2018, major investments will be made in the Department of Education, Early Learning and Culture. This capital plan will continue the renovations at Three Oaks Senior High School, École La-Belle-Cloche, which will cost over \$10 million in 2017-2018. École La-Belle-Cloche will be K-12 and include a community centre. The renovation at Three Oaks will cost a total of \$15 million and is expected to be completed in 2018-2019.

Mr. Speaker, we will also invest \$26.7 million in health system infrastructure. Renovations for the dialysis and post-renal transplant programs at the Queen Elizabeth Hospital will cost \$1.8 million. These renovations will allow the repatriation of Island patients who to this point have been served in Nova Scotia.

Construction work will also be started at the Prince County Community Hospital for the Women's Wellness Centre and expansion of the ambulatory care program. The total cost of this project is expected to be approximately \$5 million.

The construction work to house the new linear accelerator at the Queen Elizabeth Hospital will begin in the next year. This project is expected to cost a total of \$8.9 million and is planned for completion in

2018. This addition will ensure adequate capacity is in place for continuity of this important service right here in Prince Edward Island.

During the next year, this Capital Budget also provides funding to begin the master planning and functional programming processes for our mental health facilities. This step is necessary in order to solidify inpatient and outpatient services in the province, identify the number and type of beds required, determine the most appropriate setting to provide these essential services, and develop the best staffing model for operating these facilities. This is the next step in implementing the recently released Mental Health and Addiction Strategy.

Major work will also commence on the Riverview and Tyne Valley manors in the next year. \$10.9 million is currently slated for expenditure and a further \$10.6 million will complete the Manor Replacement Program in 2018. This program will ensure that our seniors have suitable accommodations in a comfortable and safe environment.

We are also introducing a Forest Fire Truck Replacement Program, with one truck expected to be replaced each year for at least the next five years. The current forest fire fleet of 12 vehicles — located throughout Prince Edward Island — are beginning to show their age.

The Capital Budget for the Department of Transportation, Infrastructure and Energy will be over \$46 million for 2017-2018. With that investment, the department is expected to improve approximately 109 kilometres of highway over the next year.

This will include the major project to reroute the Trans-Canada Highway around the town of Cornwall. This project will ease traffic flow within the town by redirecting tractor trailers, industrial vehicles, and passenger cars. It will also improve safety for the tens of thousands of people that travel this route every day.

It will, Mr. Speaker, improve the economic development prospects of Cornwall.

Since the early 1990s the council in the town of Cornwall, on behalf of its residents and

businesses, has been requesting this new route to improve safety and business development options within the town. Our government has listened and delivered.

Conclusion

Mr. Speaker, this Capital Plan is one more step forward in our commitment to improve the province's infrastructure in areas that Islanders have identified as priorities.

These investments represent the building blocks in our foundation for a more sustainable and prosperous Prince Edward Island. As a Government — and as a province — we must continue to build this capacity for growth.

Investments in education technology and schools will ensure that our children are provided with an environment to learn and succeed.

Investments in health equipment and hospitals will ensure that our residents are provided with the treatment and services they need in order to live healthy and fulfilling lives.

Investments in transportation infrastructure and highways will ensure that our businesses are provided with accessible and efficient pathways to markets around the world.

By making these capital investments this year, Mr. Speaker, we are positioning our province for growth next year and in the years beyond.

The dividends from these investments are both immediate and long-term. Our government has been, and will be, guided by what is best for Prince Edward Island and its people. And that is building a solid foundation for long-term and sustainable economic growth, one investment at a time.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Ms. Compton: Thank you, Mr. Speaker.

It's my pleasure to rise today and respond to the minister's statement. I would have to say my first reaction to the Capital Budget is one of skepticism. I say skepticism because it's becoming increasingly clear that the Capital Budget has become a bit of political theatre that bears little resemblance to reality.

I have two specific examples to point to, both of which I will table. The first is in the 2009-2010 Capital Budget Plan delivered on November 28th, 2008. I'll quote directly from the document:

"I am also pleased to announce that funding for the replacement of the Maplewood Manor in Alberton and the Riverview Manor in Montague... will commence within the five-year budget cycle."

Promises, promises yet again by this government. It's now 2016 and we're no closer to a Riverview Manor now than we were eight years ago. Money gets set aside, priorities change, and we see evidence of the priority in Montague right now. This government is building a new liquor store in a green space next to a church. That's the priority of this government.

My second example has to do with the Cornwall Bypass. When the project was announced in June of this year government said that the work would be completed in the fall of 2019. On October 6th government told the Standing Committee of Education and Economic Development that the new Trans-Canada Highway will be open in the fall of 2019.

Imagine my surprise when I looked in this year's Capital Budget and I see that money is set aside for the Cornwall bypass until 2020-2021 fiscal year, two years later than the government told Islanders. Is there a phase 3 for this project that Islanders haven't been told about yet?

I must say I'm also disappointed that no specific mention of Hillsborough Hospital is in the Capital Budget. As the Leader of the Opposition said yesterday, this is an important project that could have wide-ranging positive benefits for the health of Islanders. I think many Islanders will be disappointed.

Another thing that quickly came to mind was actually about the spending of this year. In the 2016-2017 estimate total capital spending was \$77 million, but government actually spent 2 million more than that, nearly \$80 million. So on the one hand government says they're ahead of their budget projections by 1.9 million, but overspend in your Capital Budget by that much.

You can see why we would be skeptical of this government's Capital Budget process. It's clear the government themselves don't believe what they put in this document, so why would Islanders believe that anything that is in it will be followed through on?

You can also see why our side of the House has been pushing for an infrastructure summit to develop a credible long-term infrastructure plan that helps grow our economy and our communities. We need an infrastructure summit.

I'll reserve further comment until we have more detailed consideration of the estimates on the floor in committee. I expect there will be plenty of discussion had by this government's misplaced infrastructure priorities.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party.

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

I freely admit I have not spent a great deal of time looking at this document thus far, I was busy this morning. I hope to spend some time looking at it in-depth.

A couple of very obvious things jump out at you. One is, as the hon. member just stated, that transportation is way up largely due to the Cornwall bypass, and of course the collector highways as well. An example of this government moving forward with something without really conferring or consulting fully with Islanders. It's more of the announce-and-defend mentality rather than the true consultation.

I also note, as the hon. Member from Belfast-Murray River just said, that indeed there is here in the budget money for long-term health care facilities. That, of course, is assuming they actually do it this time. It's great to see this on paper, but I look forward to seeing those buildings actually on Prince Edward Island.

One suggestion I would like to make to the minister is that in these capital estimates, as you look ahead through the years, there's really no indication as to whether these expenses are being covered with provincial dollars or federal dollars. Clearly the bulk of the infrastructure payments for the new roads is coming – or I shouldn't say the bulk, I have no idea – but a large amount of that is coming from federal funds. It would be really nice to know, to have a breakdown of the funding, how much is provincial, how much is federal, so that we could see that in the estimates.

Thank you very much, Mr. Speaker.

Presenting and Receiving Petitions

Tabling of Documents

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I present herewith a message from His Honour, the Honourable H. Frank Lewis, Lieutenant Governor of Prince Edward Island, which said message is signed by His Honour.

Speaker: Hon. Members, I shall ask the Clerk to read the message from His Honour and, hon. members, I will ask you to please stand while the message is being read.

Clerk Assistant and Clerk of Committees:
Honourable Speaker of the Legislative Assembly
Province House, Charlottetown
Prince Edward Island

Dear Mr. Speaker:

His Honour, the Honourable H. Frank Lewis, Lieutenant Governor of the Province of Prince Edward Island, hereby transmits the Estimates of Capital Revenue and Capital Expenditure required to carry on the public services of the Province for the fiscal

year ending March 31, 2018, and also until the passage of the capital estimates for the fiscal year ending March 31, 2019.

In accordance with the provisions of the *Constitution Act, 1867*, and the Prince Edward Island Terms of Union, 1873, His Honour recommends the same to the Legislative Assembly.

Commended by
Paul T. Ledwell,
Clerk of the Executive Council
and Secretary to Cabinet

signed by
The Honourable H. Frank Lewis,
Honourable Lieutenant Governor

at Charlottetown, Prince Edward Island
this 21st day of November, 2016.

Speaker: Shall it carry? Carried.

The hon. Premier.

Premier MacLauchlan: Mr. Speaker, by Command of His Honour, I present herewith the Estimates of Capital Revenue and Capital Expenditure required to carry on the public services of the province for the fiscal year ending 31st March, 2018, and also until the passage of the capital estimates for the fiscal year ending March 31st, 2019.

I move, seconded by the Honourable Minister of Finance, that the said estimates be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I move, seconded by the Honourable Minister of Finance, that consideration of the Estimates of Capital Revenues and Capital Expenditures in Committee of the Whole House be added to the Orders of the Day until such as they are dispatched.

Speaker: Shall it carry? Carried.

The hon. Member from Belfast-Murray River.

Ms. Compton: Mr. Speaker, by leave of the House, I beg leave to table the documents I

referred to in the response to the Capital Budget 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. Member from Souris-Elmira.

Mr. LaVie: Mr. Speaker, by leave of the House, I beg leave to table the questions to the Minister of Transportation, Infrastructure and Energy and I move, seconded by the Honourable Member from Georgetown-St. Peters, 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: Mr. Speaker, I beg leave to introduce a bill to be intituled Bill No. 40 *An Act to Amend the Highway Traffic 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 Highway Traffic Act*, Bill No. 49, read a first time.

Speaker: The hon. Minister of Transportation, Infrastructure and Energy, will you give us an explanation of this bill?

Ms. Biggar: Thank you, Mr. Speaker.

This is a very special amendment, actually, to this bill. I want to thank Hannah MacLellan, former Easter Seals Ambassador, for her discussion with us on this. Also, that today the city of Charlottetown recognize it as Accessible Parking Awareness Day.

Thank you for your indulgence.

This section replaces, in the act, that refers to disabled parking spaces and to persons with physical disabilities, and it replaces that section with wording that says: designated accessible parking spaces and to persons with mobility impairments.

It also amends the offence section in that wording, but it also increases the fine for parking in those spaces from \$100 to \$200.

Thank you, Mr. Speaker.

Oh, I'm sorry, Mr. Speaker, that's everything for today.

Speaker: That's it for today? Okay, thank you.

Motions Other Than Government

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Mr. Speaker.

Opposition would now like to call Motion No. 50 to the floor.

Speaker: Shall it carry? Carried.

Clerk Assistant (R. Reddin): The hon. Member from Rustico-Emerald moves, seconded by the hon. Member from Morell-Mermaid, the following motion:

BE IT RESOLVED that this Legislative Assembly instruct the Legislative Committee on Communities, Land and Environment to conduct a review of the Freedom of Information and Protection of Privacy Act through expert witness and public testimony, and report back to this Assembly with detailed recommendations.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

I'm really pleased to rise today to address this Legislative Assembly about the need for a review of the *Freedom of Information and Protection of Privacy Act* in this province.

The Liberal Party in its platform for the 2015 election promised that it would review this legislation. That promise was followed

up on in the 2015 Speech From the Throne, which stated: “My Government will work to make government information more transparent, including a review of our Freedom of Information legislation.”

Our opposition believes that a review of this legislation is long overdue. We also believe that this review should receive public input through the Legislative Standing Committee on Communities, Lands and Environment, which would report back to this Assembly with its recommendations.

Today’s world is complex and access to accurate information is vital, and oftentimes, sensitive to businesses, political parties, financial institutions, the legal profession and the media, just as a few examples.

Also, today’s taxpayers are very well informed. They can look up government announcements, watch on television or online as debates take place in our House of Commons and our provincial legislatures. They can access news reports instantaneously and find out just about anything they want to know in seconds through various means, whether that be via a Smartphone or a tablet or a desktop computer. They can access the provincial budget online and read the Auditor General’s report.

All of this makes it imperative that we provide more and more information to our citizens through an open and transparent process. The more information available online, the less we will actually need the FOIPP office and FOIPP legislation.

Unfortunately, we are simply not there, yet. We are slowly changing how we view things in government, but I think we are beginning to clue in that everything we do in government involves taxpayers’ money. All taxpayers have a right to track and to understand what is being done with their hard-earned dollars.

This includes transparency on the funding provided to our educational institutions such as UPEI and Holland College, which received this year alone upwards of \$70 million in provincial grants. We believe, as well, that our municipalities should also come under this legislation. Prince Edward Island is the only province in Canada where

municipalities are not subject to freedom of information laws. We believe that citizens of our communities should have that option available to them.

The objective of FOIPP is transparency and accountability. Yet our current FOIPP legislation supports a process that is both cumbersome and costly. It appears to me that more often it represents a roadblock to freedom of information rather than ensuring that Islanders have an opportunity to obtain this information that they need.

I have a fine example and it’s a personal one. I attended a meeting where a report was presented by representatives of government. It was related to amalgamation and based on government policy. I found it interesting. I asked for a copy of this public document and was told I would have to check with the government department involved. I checked with them and was told I would have to go to FOIPP. This was a document that was already in public domain and I was going to have to make a FOIPP request to get it. Frankly, I was a little shocked. I had thought I had made a simple request, a reasonable request. Yet, here I was, forced to go through the FOIPP process to get a document that had already been discussed at a public meeting at a hearing in front of at least 100 Islanders. I really struggled to understand why I was being denied this access.

This is a prime example of why we need to improve openness and transparency because our *Freedom of Information and Protection of Privacy Act* has little to do with openness.

I found it odd that while the promise for the FOIPP review was an election promise, it wasn’t mentioned in the 2016 Speech From the Throne.

FOIPP is supposed to protect privacy, yet on several occasions when the opposition has filed a FOIPP request the minister of the department involved was notified. How does that inspire any trust in a process that is supposed to ensure privacy?

In fact, Hansard had a minister of the Crown commenting in the Legislature on a FOIPP request using it as an excuse not to answer a question. This meant that the minister was aware that a freedom of information request

had been made to his department even before that information was made public. That example certainly raised questions in the public mind about whether ministers were deciding what applications were allowed, which were allowed to proceed, and which were simply stalled.

I believe at the time there was quite a debate, and it was argued that ministers are allowed to know everything because they have the final say on the release of the information. The act even states it is the deputy minister, not the minister, that has the final say. This kind of intervention in the freedom of information act is simply wrong. The process should be at arm's length to ensure there is no political interference.

There has been on numerous occasions when our opposition has tried to get information on government expenditures, we make the request only to have government refuse. For example, we were forced to go to FOIPP to try and get information on the \$950,000 egaming loan and how it was spent. We finally received a response but it took a challenge by the *Guardian* to get it, the newspaper the *Guardian*, and even then the document contained only a generalized list of proposed deliverables and dollar figures. Only one recipient was specifically referenced.

Another paper, the *Eastern Graphic*, was forced to go to FOIPP because this open and transparent government would not provide information pertaining to the redevelopment of the Rodd Mill River Resort and the surrounding area. Using the *Freedom of Information and Protection of Privacy Act*, the *Eastern Graphic* requested a copy of a report prepared by a noted tourism consultant, Harvey Sawler, on future development of Mill River Golf Course Fun Park and Campground. As well, the newspaper the *Eastern Graphic* requested copies of all records pertaining to government's response to the Sawler report including analysis, emails and correspondence from the minister and deputy minister.

However, the government felt that the records associated with the request could not be released for competitive reasons. In an editorial, publisher Paul MacNeill stated, and I quote: This is a perfect example of

government's abuse of the FOIPP act. He also stated: The department of tourism knows that by denying release of any information it is effectively delaying release of any information for years, delayed to a point that by that time it will be worthless.

The main point of the editorial was, and I quote: That Island taxpayers have invested hundreds of thousands of dollars into Mill River and surrounding areas and we have every right to know what is being proposed. To suggest that every government document somehow impinges on corporate secrets is silly to the extreme. This is the worst form of government abuse. It wants to spend our money, but not tell us how it is being spent.

This is what was written in the *Eastern Graphic*.

Mr. MacNeill also talked about the denial letter from the deputy minister of the department at the time, and he stated: In this case, the public body had reason to believe if disclosed the information will interfere significantly with the negotiating position of a third party. The release of the Harvey Sawler report and related correspondence at this time would have a major negative impact on ongoing negotiations.

If government was open and transparent and did not stonewall attempts by the opposition, the media, and the public to access information about how they are spending taxpayer dollars we wouldn't even be debating this motion today. I am not sure why government does not want us to see information that taxpayer's have a right to. We have a right to this information. It is our money and we deserve to know how it is being spent. It's very simple information that the government should provide readily and without any obstruction.

I would hope that the review of this legislation will help to ensure that FOIPP becomes a real source of freedom of information. However, as stated earlier, I believe that essentially we should not even have to debate this issue. We should not need FOIPP. We really shouldn't. This whole freedom of information process shouldn't have to exist.

What we need is a true open and transparent government. This is a government that takes

all the information at their disposal and makes it available to taxpayers when they request it in a format they can easily access. This is what we're talking about when we talk about open data. This is really at the root of it. This isn't taking a bit of information and publishing it on the Internet. This is truly storing electronically all government information with an interface to it that developers and programs can access, slice it and dice it and report on it, and make it accessible, easily and transparently, to anyone who wants to access it.

That is what Islanders deserve and I hope that all members of this Legislature will really think carefully about this motion and support it and get this review of the FOIPP act underway right away.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

I am pleased to second our opposition motion, which calls for this government to act on its promises to the people of our province and launch a review of the *Freedom of Information and Protection of Privacy Act*.

Right off the bat, we have a perfect example here today in the Legislature of an example of what's not working and why people are losing faith in the process.

Our office, and I know members of the media, and no doubt I bet you, the Leader of the Third Party, has FOIPPed the high-speed Aliant contract years ago trying to get details on it. That was turned down. The standing committee asked for the contract. That was turned down. Late this summer or early this fall the minister decided late one day that he would release the contract all of a sudden. We got the contract. It was redacted. The committee asked for a non-redacted copy. Turned down again: No, we can't do that, absolutely not, it has to be redacted. Today in Question Period, all of a sudden we can get the Aliant high-speed contract.

So here we are, years into the process. In fact, I will go back to 2009 when I worked in the opposition office writing questions for committee members, for our MLAs, asking about this. We couldn't get access to this information, so not just the past years of wasted work, but going back many years – thinking about the requests and the time and the effort, all of that was a waste because today the minister says: Yeah, we can give you that, no problem. It's no wonder people want a review and they're frustrated with the process. It seems like the whole point of this is to stymie releasing information.

That's frustrating. That's why I was frustrated today in Question Period, and it's frustrating to see people start laughing about it: Oh yeah, we'll just give it to you all of a sudden. Why not the last number of years? Why not when we asked last winter? Why not when the committee asked? There's no respect there.

Mr. Trivers: Seven years. Seven years. What's the hold up? That's not open and transparent.

Mr. MacEwen: I wanted to start with that example because that's the frustration that's going on.

Mr. Speaker, our current legislation, as stated by the mover of this motion, has served primarily in recent years as an obstacle to obtaining information.

It certainly does not represent freedom of information. I believe the public, the media, and certainly our opposition can provide many examples of where we have been stymied by this cumbersome process.

In the 2015 annual report of the Information and Privacy Commission our new commissioner stressed that: "The most pressing challenge of our office is to complete reviews and investigations, and issue decisions, in a timely manner." She stresses that: "Timely reviews of access decisions... are essential to ensuring applicants receive the information they are entitled to, while the information is relevant."

I will go back to that example again. We had a full committee tied up because of this Aliant high-speed contract. Couldn't get it.

Think of that committee that a number of our members sit on. It has really important issues to get at, a number of important issues, but yet they were held up and tied up because they couldn't get release of this report and it could have been – the minister just said today: Yeah, no problem, we'll give that to you. What has changed since 2009? What has changed since a year ago when we asked? What changed since a couple of months ago when we asked? Do we just need to ask a little bit nicer? Why did you send a letter back saying no, you can't do it? Why, when they asked for an un-redacted version: No, we can't do it? Today: Yes, we can do it.

That's why people are suspect. That's why people are so concerned.

As an example of the challenges that the privacy commissioner obviously is facing, she notes that she “issued 12 orders relating to 14 access review files in the latter half of 2015, four of which were initiated in 2010, three in 2011, six in 2014, and one in 2015.” The same backlog situation exists for privacy complaints which she describes as “less substantial but still pressing.”

The Information and Privacy Commissioner also points out that the office, due to its large backlog, cannot carry out many of the projects they would like to address. She suggests that: “Continued additional human resources will assist in completing the tasks” they want to perform, such as “developing protocol, practices and procedures so public bodies and citizens may have clear guidance, completing our Records Information Management process, and fulfilling the education and promotion part of our mandate through public speaking engagements and community outreach initiatives.”

I think what the commissioner is trying to say here is that her office needs additional resources to try and clear the backlog and to provide the timely services that Islanders should be entitled to.

One of those ways to get rid of that backlog is that when an MLA or a member of the media or a member of the public makes one of these requests to the department, maybe if we had the mindset that – how can I absolutely help to get you that information,

instead of – oh no, how do I – this person might find out something. They've got me on something. They might be using this to embarrass me. That seems to be the mindset. How do we protect what we have instead of how do we get it going?

I know the Member from Rustico-Emerald is very passionate about open data, and I think that's a good first step.

It's unfortunate, but due to the lack of cooperation from our government in providing information to us regarding many programs, services, and financial concerns our opposition is forced to make numerous requests to FOIPP. Quite often, however, by the time we get the information back it is too late or we have been denied, or it is so vague that it is meaningless. On one occasion our office received 19 pages, 11 of which were totally redacted.

Now that the minister has said today that we can get un-redacted versions, I wonder if that request now could be redacted.

These are the questions when all of a sudden they say no, no, no, and then yeah, we'll give it to you, that makes people suspect.

The long delays are often frustrating and frankly, after a while, the process becomes an exercise in futility. Perhaps this is the objective of government. Maybe the objective is to make the process so cumbersome that we quit asking for information. But we are persistent, and I guarantee we will not give up our efforts to obtain important information that will ensure that this government becomes accountable to the people of this province.

For the public, however, it's not only frustrating but costly as well. The issue surrounding fees is another matter that needs to be addressed.

The commissioner's office was established due to the high number of requests for information, 50% of which comes from the public. It was our own privacy commissioner who had concerns with the way FOIPP was being conducted. The province's privacy commissioner repeatedly raised concerns about the backlogs in her office as a result of the FOIPP requests that were denied. She notes instances when she

has been asked to review a decision that included work that government departments should have done, including organizing and indexing records. She also found instances when government officials withheld information that was already publicly available. She asked for more due diligence by government departments on these requests.

The new office was to help streamline service and to ensure consistencies in how decisions were made by government. But the FOIPP process still involves delays, and again, they are being asked to access records and information that the public is entitled to and could be posted online which would save a lot of time and effort and save tax dollars.

The overall point is that if we truly believe in the need for an information and privacy office we must ensure that it has the resources necessary to carry out its work.

Again, I go back to my point: if they weren't dealing with a number of requests that are being turned down by government departments, which absolutely could be released as we're finding out – we found out a big one today that could have been released – think of the time and effort that could have been focused on something else rather than focusing on this.

I'm assuming now the minister's going to release it because there must not be anything embarrassing in there or something. Why all of a sudden have they changed their mind? Why wouldn't we have put that to rest a year ago and started talking about getting the best Internet in PEI?

It ties up our time as opposition. We don't want to be up here day after day asking for stuff and for stuff that should have been given to us right off the bat.

There's a good member over there that was in opposition for a number of years, and he knows all about getting stymied. He knows all about FOIPP. He knows all about the troubles. I hope in Cabinet and caucus that he speaks up and says: Do you know what, guys? This has to change. We just can't all of a sudden announce in the Legislature: Oh here, we'll give you the unredacted contract. No problem.

It's embarrassing. It really is if people were following along the whole time.

Getting off my tangent here. Trying to give you a little credit.

The FOIPP process still involves delays. Again, they're being asked to access records and information that the public's entitled to and could be posted online. That was the point we were trying to get at. It would save a lot of time and effort to save tax dollars.

The point, if we truly believe in that need – I'll say it again – if we believe in the need for an information and privacy office, we must ensure that it has the resources to carry out its work. Certainly government does not skimp on its own communication office which utilizes millions annually to promote government programs for a number of government departments.

If this government was truly interested in being open and transparent they would ensure that the FOIPP office has the resources to ensure it can respond quickly to requests and that its departments are directed to provide the information necessary in a timely fashion.

The government needs to realize that Islanders and the opposition have a right to have their answers answered. If the government is acting in the best interests of the citizens, it should not be afraid or worried about providing that information. By utilizing FOIPP as a censor of information government merely appears to be hiding information or covering it up. That's the example here today. That's the message that would be sent today now that that contract is released. Why couldn't we have done it for a full year? What was the problem?

It's the cynicism. It breeds it, it keeps it going. We don't want that. We hear it at the door all the time when we go door-to-door, when we go to the coffee shops; You guys are just hiding something there, you're nothing but a bunch of politicians. It's those types of things that happened today is what keeps that going. We need to change it. We are in an era of transparency. We are in an era where transparency must become more than just a word and must become a reality.

As stated by our mover, I believe it is imperative that our post-secondary institutions and our municipalities should also come under FOIPP. They're heavily funded by our public and therefore a high degree of transparency is necessary. This is a subject that needs to be addressed in the review process.

There is a lot of work to be done if we are to ensure that this review comes up with meaningful processes and policies.

For example, I believe everyone has a right to personal privacy, and that privacy should not be breached to satisfy someone who may want to publicly embarrass, harass, or threaten someone, absolutely. We need to ensure that we are protecting the right to privacy, and again, I believe that seeking public input on this subject is essential in coming up with new legislation that is fair to all those concerned.

Security of certain information is also important, but again it's up to the review. But it is up to the review to determine what information is personal, what information needs to be secure, and what information should be available to the public as a right to know.

If we want our FOIPP office to be meaningful, we need to dissect its operations and come up with recommendations that will make it a respected source of information. We must ensure that the political influence is removed from the process of open and transparency in our government.

I believe, by participating in this review, Island businesses, individuals, corporations, and not-for-profits can advise us in what they think is reasonable for public access via the Internet, via the government website, and what is not. I believe there is a lot of information that could benefit our business community, our new residents, that could be of great help in their lives and perhaps eliminate a lot of red tape.

We must have an open and frank discussion. We need to find out what the expectation is from the public and what they want to know. I believe our intention should be to create a body that respects the rights of individuals

while balancing it with the need to the right to know.

We all agree that governments today are being held to a high degree – they should be held to a high degree of accountability. Let's take the opportunity to ensure the accountability and to ensure public access to information.

I believe FOIPP needs changes. I believe it's a big job and I believe it can be best done through our committee process and through engagement with the public. I believe that all government departments should look at ways to say: What can we put out there, what can we put online so that our privacy office is not being tied up with appeals and requests and, basically, waste of time, when we know that information could be public? That's what we want. It's the public's (Indistinct), they should know what's going on, it would save so much time.

I would ask that the members here today support our motion, and I'd like to thank you for the opportunity to second it.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

I welcome the opportunity to rise and speak to this important motion. It speaks to the importance of open government and to our government's strong commitment to strengthening accountability and building public trust. That's been a commitment we've made going back to the election and before that, and indeed, since coming to office we've made engagement and openness and transparency a central theme and guiding principle for our government.

We started off by streamlining the Office of the Premier, by committing in the first weeks of government to open data – and I'll say more about that – to appointing a first Ethics and Integrity Commissioner, extending conflict of interest requirements to deputy ministers and senior political advisors, extending post-employment

requirements to deputy ministers and senior public advisors.

We introduced new requirements for Cabinet ministers to publicly release detailed copies of travel and hospitality expenses, publicly posted mandate letters for Cabinet ministers, introduced whistleblower protection and we will, later in this session, introduce a lobbyist registration act.

Throughout these initiatives, our commitment – and it's consistent with the spirit of this motion and some of the comments opposite – was really motivated for a preference for a proactive approach to making the work and the information and the data of government available to the public, and making it available on user-friendly terms.

It was in that spirit that we've initiated and spent considerable effort throughout government promoting an open data initiative. I'm pleased to say that at least 24 data sets have been made available publicly in places that are easily accessible and with the desire that they be on user-friendly terms.

Our government strives to provide timely and efficient and complete responses to requests for information. I recognize that there remain ways in which people making requests can be frustrated by the FOIPP process. I also recognize the good work of the Information and Privacy Commissioner in dealing with matters and in developing a significant body of jurisprudence in the way that the commissioner deals with requests and offers a rationale for the decisions that she makes. I get to read of those in my role as Minister of Justice and Public Safety, and in that way, as minister responsible for the FOIPP legislation, I recognize that this is continuing work and one that, by its nature, has an element of request and response, and it's structured that way.

But let me go back to say – and it can be seen through the number of measures that I've enumerated, pointed to – that it's our preference and our first initiative as government to continually find ways to make government information and data proactively available so that it can be useful to citizens, and useful in the way that openness leads to good government.

Rigorous, efficient, and timely access to information is an important pillar in strengthening accountability. This, of course, as others have noted, must be balanced by a commitment protecting the personal information of Islanders.

The increasing demand for, and complexity of, access to information requests demands full-time and dedicated resources. The Access and Privacy Services Office was expanded in 2014 as a result. The office is now responsible for providing support and guidance to all government departments on privacy-related policies and procedures. That's an important part of the work of the office, to, in a sense, build a culture that is, across government, responsive to and open to the purposes and the desire for open and accountable government.

The number of FOIPP requests received by government, even within the past year, had increased dramatically. To date in this fiscal year we've had 220 requests. If you go back to 2011, that would compare with 59 requests in that year. The departments that tend to receive the most requests are Transportation, Infrastructure and Energy, Economic Development and Tourism, Finance, Health and Wellness, and my own department.

In our most recent annual report the Information and Privacy Commissioner wrote: "I have been impressed with the overall quality of submissions and other communications from public bodies since the establishment of the APSO office, and trusts this trend will continue."

We must work proactively to employ best practices in both freedom of information and protection of privacy. It was with that view that we did indeed make a commitment in the course of the 2015 election, which was reiterated in the June 2015 Speech From the Throne, to undertake a review of the *Freedom of Information and Protection of Privacy Act*.

I say with respect to the timeframe contemplated by the June 2015 Speech From the Throne, the whole framework for that Speech From the Throne was to set out the commitments that comprise a four-year mandate to ensure, following an election,

that this Legislature was aware that that commitment would not be lost.

In other contexts, including at least twice, in speaking to the federation of municipalities and in interactions through our department with post-secondary institutions, it was made clear that there was a two-year window that we were envisioning that would be given to – I shouldn't say given to, but that would be provided, during which there would be a high expectation that the municipalities and post-secondary institutions would look at their own capacity through the development of policies, as well as administrative practices and resources, to be more proactive providing information and having policies that would enable the spirit of freedom of information to be implemented and respected.

It's to say that the contemplation from the time of the 2015 Speech From the Throne was that there would be a review of the FOIPP legislation starting in the latter half of 2017.

In that spirit, I support the idea of the standing committee taking a closer look at the current process and in bringing forward recommendations that would lay a foundation for or make the path for that further review.

It underscores the openness and transparency to which our government has committed and that we recognize it always a continuing work, and something that Islanders desire and expect, and that we all do, as I said, in the way that openness and transparency is a very important instrument for a way of building culture for good government.

With that I will be supporting this motion.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Communities, Land and Environment.

Mr. Mitchell: Thank you, Mr. Speaker.

I just wanted to add a comment around municipalities and the *Freedom of Information and Protection of Privacy Act*.

At present municipalities are not included in the requirements for access to information and privacy prescribed in the *Freedom of Information and Protection of Privacy Act*. However, the new municipal government act sets out new requirements and provides a greater measure of clarity and consistencies for municipal governments regarding to access to information and protection of privacy.

There are several municipalities that have already developed policies that address access to information, and the city of Summerside has even created and adopted a transparency and accountability policy.

We do feel, as the public has become more aware of their rights under FOIPP, it has become more important for municipalities to make sure they understand both the principles of open government and their responsibilities regarding access to information and protection of privacy. We are certainly committed to working with local governments to develop tools, such as templates that embody the principles of access of their information.

Government continually strives to enhance accessibility and accountability and we remain committed to the principles of open government. We have stated publicly our preferences for municipalities to incorporate the principles of openness and transparency within their own organizational processes.

Bringing it back to the new municipal government act, in September of 2015 the Access and Privacy Services Office provided feedback on the draft MGA to the department and advised that the draft act should, at a minimum, require every municipality to have a policy relating to access to information and protection to privacy. In response, the MGA provides a legislative framework for municipal councils to adopt the principles of open government.

The draft act requires municipal councils to comply with requirements respecting access to information that was created or collected by the municipality, as well as the protection of personal information in their custody and control.

The act also allows the province to set standards through regulations. Under the act

councils must establish bylaws related to access to information and the protection of privacy. Examples of this would include approved financial plans, auditor reports, meeting minutes, permits that have been issued, contract strategies, plans, policies, etc.

I do feel that given the new standards for access to information and the protection of privacy under the municipal government act, which we hope to bring to the floor of the House in the future, municipalities will be held to a heightened standard of openness and transparency.

One further point in relation to a question raised by the hon. Member from Rustico-Emerald regarding a FOIPP through my department earlier this year. In that particular case the document that the hon. member was looking for was only a partial piece, a very small piece of the presentation that was held. It did not have the related – to use a term of the member from last week – it did not have the verbiage that would have been required to fully explain it. The department, as it was looked at, would have created a lot of confusion without the entire document. The department actually posted it online with the accompanying recording, which explained it to its full entirety.

I do believe, I may stand to be corrected on that, that the hon. member did receive the document that he could then refer folks to, that it would not create confusion to people that he's talking about.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party.

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

As many previous speakers have mentioned, last year's throne speech said government would indeed renew this legislation. The Premier himself has issued a challenge to the municipalities to develop their own legislation in order to be open and transparent themselves or be subject to FOIPP. I'm not sure, though, whether the same invitation has been extended to the

post-secondary education institutions here on Prince Edward Island. I look forward to hearing that.

I hope that we will, indeed, enshrine these changes not just in policies and guidelines, but in new legislation or updated legislation.

Regarding the Bell Aliant contract that was mentioned earlier, I have what I think may be some – I may be able to shed some light on that. Maybe more light than has been shed on it in the last year and a half. That's that I made a FOIPP request myself back on September 13th. Received a very quick reply from the department through the deputy minister, Neil Stewart, who said at that point they were prepared to provide access in full to the contract, as the minister said this morning.

Just over a month later, October 17th, I received a further communication from the Office of the Information and Privacy Commissioner saying: I'm writing to inform you that we are unable to disclose the records as originally stated. The reason for that is that a third party, Bell Aliant, had requested that the request be reviewed.

Now, that's a very convenient situation, of course, for government to say: Yes, sure, here you are, fill your boots, we're very open and transparent, take everything you want – but when there's a third party there who is apparently able and willing to block it, as they have done very recently, my guess is we're going to be faced with exactly the same situation here.

The minister himself, and the department, may well be willing to release these documents, but whether or not Bell Aliant will allow us to see them is another thing entirely.

Anyway, I fully support this motion, hon. member, and I look forward to movement in this direction.

Thank you, Mr. Speaker.

An Hon. Member: Hear, hear!

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

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

First of all, it is the *Freedom of Information and Protection of Privacy Act*. Most parliaments or legislatures have two different pieces of legislation. I commend the government of the day that combined the two of them into one. You can see the whole picture of when people were asking for information.

I also want, at this time, to commend Karen Rose, the commissioner now. She's an excellent person, an excellent worker. She puts a tremendous amount of time in on these decisions and searches. She writes really quick decisions. I have, over the last – since she has come back, decisions have been rolling out extremely fast. When she was here before her work ethic was impeccable and her decisions were well laid out and well discussed.

I do want to report today on the post-secondary education. The Premier has requested – not requested, ordered that the department be in contact with our post-secondary institutions in order to open up their data and to open up more information to the public. We have been meeting with the University of Prince Edward Island. I'm proud to report that the University of Prince Edward Island - I have a minister's statement coming in a couple days, but I'll announce it now.

The University of Prince Edward Island has adopted a freedom of information and protection policy. They did pass it and now it is a part of the university's law.

The University of Prince Edward Island, when I was discussing it with them, the president said to me: This will be coming to the executive. I said: Could I maybe come to the meeting? He says: All of our meetings are open. I didn't know that. A lot of the university's monthly meetings or the board meetings are open to the public. I'm quite impressed by the university. I'm quite impressed by the university with the amount of date they do put online. They put all their minutes online, they put all their financial statements online. They put their budgets online before they're passed and there's budget consultations and everything. So the university, I believe, is following the spirit of freedom of information here.

I think it's great that the committee is going to meet over this and see if we haven't gone far enough, but personally, I think we have gone far enough. Universities are independent institutions. Sure, they get a lot of money from the Province of Prince Edward Island or from the taxpayers, but they have to have some autonomy in order to be the institutions they are. On that, I want to thank the University of Prince Edward Island and especially the president for his fast action on this.

We have been in discussions with Holland College in order to make sure that they follow the same policies and procedures, and I'm told we will have a policy before the end of December and it will be public. If you go on the Holland College now, a lot more information has been appearing on sites since we opened up our discussions with the Holland College. I commend the Holland College also because they are putting a lot more information. Their financial statements are online.

Matter of fact, they even started posting their financial statements back as five years ago. They started posting other reports they have online. They have a publication site now with a lot more information. I've been asking them to basically follow the university example, you know, minutes of board meetings and things like that.

But we are working with our higher institutions and I think we will be getting a lot more information from them. I know the university has a good open data process and Holland College is working towards it.

We are working on it. UPEI is done, I believe, and Holland College will be on the books by the end of December, I'm told, so that will be the higher institutions will have a freedom of information and privacy – they have a privacy one now, but they will have a better freedom of information one by the end of the year.

The committee can take a look at it and see if it's good enough, but I only caution the committee, I believe by letting our institutions be independent and to allow them to apply for their grants – we have discussions over their grants, but besides that we allow them to run as an independent institution. One of the reasons we have a

successful – I'd say one of the most successful universities in Canada right now in terms of foreign immigration and student enrolment is because of the flexibility that we give them. We don't want to tie these institutions down too much. I also want to commend Holland College for its recruitment of foreign students also.

These are competitive markets that the colleges and universities are in, so I'd just caution the committee. I believe that the colleges – and if the committee comes back with some additional information – these are independent institutions. We should try to keep them independent. But force them – or not force them, request them vigorously to open up their data, and I think that is being done now.

I want to commend the university and I want to commend Holland College. I'll leave that commending until they have their policy online.

Mr. Speaker, I just want to update the House on that.

Thank you very much.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

I, too, believe that this needs serious overhaul, and I'm glad to hear that government members over there are going to support sending this to committee.

This has been five years for me this past October since I've been elected, and it's quite frustrating, believe it or not, to go through the process that you have to go through to get information.

Generally, what happens to us is we make a FOIPP request because we have no other way to get information because government won't share. They won't, even when we ask for things here in the Legislature. They won't table documents, budget estimates. We ask for a bunch of things that we get promised and then we never get them so we have to resort to FOIPping them.

Thirty days after we make that request we'll nearly always get a reply back from the department saying they need more time and they kick it out another 30 days. By the time you get some of that information it's not even close to being relevant anymore.

It's disappointing because, for me, we're trying to get to the bottom of things. It's not necessarily that we're – it's kind of our job, right? We have to hold government accountable and we need to have some this information to do it.

On the matter of privacy, I do understand when there's a third party the requirement to go out and check that their privacy isn't being infringed either, and under the act a person also has a level of privacy that is granted to them.

I know for myself my own privacy wasn't respected through the whole process when I sent a FOIPP in at one point and a person from the department called the third party themselves – not the privacy commissioner – the person from the department called the person themselves, used my name, and said I was looking for the information. How did anybody in government know it was me if my privacy was being respected, and who were they to share it with a third party that I was asking for it?

That's how you get people to not ask for information. I don't care because they never picked up the phone and called me because they wouldn't. What about the other people out there who want to find out information and there's no guarantee at all that their own privacy will be respected? In the act the applicant is a person, and a person's privacy is protected. Mine wasn't. How many others weren't?

That's an issue. You can't have a real act that protects privacy if you don't protect everyone's. This act needs a major overhaul.

Some of the research I've done over the years, I've sent requests in to other provinces to find out some of things that we were doing, comparative stuff, so comparatives. I have one with one of our neighbouring provinces right now. It's amazing how easy it is for me to get information in Nova Scotia and New Brunswick. It's amazing how quickly we

can get information from Nova Scotia and New Brunswick, how uncumbersome it is.

To date, I haven't heard that my privacy has been breached in any other province. The information has been timely. There's been no snags. Nobody has kicked it down the road and said I need a 30-day extension because I couldn't get you the information. Nobody has said that it's going to cost you \$1,000 because government has to print 90,000 documents to answer your question.

This is reality. Here on Prince Edward Island, why would a Member of the Legislative Assembly get told by government that it's going to cost them \$1,000 for printing? Telephone bills, one time I got – and it was all redacted. Paid \$500 for telephone bills and there was nothing, it was all just black marks. Must have just been running it through the photocopiers as many times as you possibly could –

Mr. R. Brown: Well, the markers cost \$500.

Mr. Myers: Yeah, the markers. I paid for the markers.

But this is reality. Yeah, it's tough when you're in government, then. I realize it's tough that when people have information sometimes it can be misconstrued. I understand that. I understand that through the process you're dealing with that sometimes the information is also timely to not be out because you're not through the process. If people only have half of the story then it doesn't tell the proper story. I get all of that.

But the part you have to remember is that each and every one of us here works for the people. Government belongs to the people. The executive branch of government is the people. The money you spend is the people's money.

It's why I kind of always get a kick out of you, even today the Capital Budget, the minister gives a speech today patting himself for all the money he's spending. Well, it's our money. It belongs to the people. All he's doing is redistributing the money of the people. That's what he's doing.

Well, that's his job, but that's his job. He doesn't need any more special pat on the back than anybody who has the responsibility or ministry that they have to deliver on, right?

That's my point. It's the money of the people, and this is the work of the people, so the people deserve to know where their money's going without having to go through a big long process of months and months of having their privacy breached on numerous occasions, and then being told that they have to pay \$500 for redacted telephone bills.

I certainly support this motion. I felt it for five years from the frustrating side, and I know anybody who is out in the public who is trying to find information, how frustrated they must be. When I spend my life doing this I know how the process works and I know what I'm in for when I start. Somebody comes for the first time and they're like: Hey, the government has this act and I can get information if I want it. I'm going to go put an application in. Only to find out that their own privacy isn't protected, even though the act says it is, and that it's going to cost them a lot of money, and at the end of the day they're not getting the information that they thought they were going to get on a lot of the occasions.

Anyway, I look forward to this going to committee, I look forward to the work of the committee, and I look forward to the report back from that committee.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: Are there any other members who would like to speak to this motion?

If not –

Some Hon. Members: (Indistinct).

Speaker: Order, please!

Now we'll call on the mover of the motion to speak to the motion.

The hon. Member from Rustico-Emerald.

Mr. Trivers: Actually, I'd like the podium.

Just want to make sure the Minister of Workforce and Advanced Learning can see me over here.

Mr. Speaker, first of all I just wanted to thank all the members who did get up and speak to this motion.

It could be one of the most important subjects that we brought to the House this sitting, for sure. When it comes right down to it, what Islanders want, what taxpayers want, is they want government that is going to spend their tax dollars wisely and they want to be able to confirm that that is actually happening. That's really what we're talking about here. It's about openness and transparency. If actions are being taken place and information is being produced and there is nothing to hide and no reason to hide it, then why shouldn't it all be available? I mean all.

I am encouraged to hear people talking and rising today, especially the Premier. Honestly, I was a little surprised that the Premier gave his support to this motion, and probably not for the reasons a lot of people are thinking. The reason I was thinking that is I had made a recommendation during Question Period, or actually a question. I asked the Premier if he would be willing to come to the Public Accounts standing committee and testify about the egaming report. He said that he didn't think it was appropriate for the House to comment and make recommendations to standing committees.

But as you can see it's completely appropriate, and the Premier does agree, and I hope he does reconsider actually coming and being a witness that does testify before the Public Accounts standing committee on egaming because that's what openness and transparency is all about. That's what's called sharing information without hampering the process and that's exactly what this motion is asking for.

I do want to just be very clear that this motion is to instruct the legislative committee on Communities, Land and Environment to conduct a review of the *Freedom of Information and Protection of Privacy Act* through expert witnesses and public testimony and then report back to this Assembly with its recommendations.

I know the Minister of Workforce and Advanced Learning has some concerns about how we approach this. I can assure you, with the Chair from Charlottetown-Lewis Point looking after the standing committee she will let us get away with no shenanigans. I am also hopeful that unlike the Public Accounts Committee we will be able to get the expert witnesses in that we need to actually get to the bottom of what really this act should hold.

We need to have the information we need to fully evaluate and make recommendations on how this *Freedom of Information and Protection of Privacy Act* should work. I know there is a lot of snickering around the room right now and this is a very serious subject.

Like I said, it's one of the most serious subjects, and it's one of the reasons why we see the electorate up and in arms and so disillusioned with government at times. I've said it before, when I was knocking on doors during the 2015 election they were saying: I've lost faith, I've lost trust in politicians, I feel like they're doing things we don't know what they're doing, they're taking advantage of us, using our taxpayer money. I talked about the fog bank or friends of government bank.

I just want to tell you this is extremely important that we review this FOIPP legislation, and I'm really glad to hear the support to bring that to the Standing Committee on Communities, Land and Environment to do that.

I did want to speak as well to the concerns of the Minister of Workforce and Advanced Learning about bringing the FOIPP legislation and having it applied to post-secondary institutions, the advanced learning institutions, and also the concerns of the Minister of Communities, Land and Environment about how that would apply to the municipalities.

I believe I understand what you're saying by having the UPEI and Holland College develop their own regulations surrounding freedom of information. Then they'll be able to mould them specifically to what their needs are, and the same thing with municipalities. If you allow them to make their own regulations, they'll be able to be

applicable to exactly (Indistinct). That's a strength, but at the same time it can also be part of the problem. Because in the end what we want is consistency so we can consistently have freedom of information across this Island from all institutions where our public taxpayer dollars are being spent.

We all know that post-secondary institutions, the advanced learning institutions, UPEI and Holland College, \$70 million of public taxpayers money. Part of me wonders – as the Minister of Workforce and Advanced Learning said: These are competent entities, they have to compete across the world for students. But if they're using 70 million of our taxpayer dollars to do that, I'm sorry, I want to know what's going on. If they want to be a private competitive industry and don't want taxpayer dollars, they can go on their merry way.

But I think it's important that FOIPP legislation apply to as many institutions and entities where public taxpayer dollars are spent as possible for consistency, and to make sure that information is not withheld and not fall through the cracks. It's important to note right now what's happening with the freedom of information is – information is only free if the government decides they want it to be free. That's going to be one of the biggest challenges, I think, in redoing this legislation. We have to make sure that the people who are administering the *Freedom of Information and Protection of Privacy Act*, are free from political meddling from within government.

Indeed, we've seen from the examples I brought up when I moved this motion that that has happened. It's going to be really tricky and tough to find a way to legislate so that doesn't occur, but I think that's a really important thing. I know that the Standing Committee on Communities, Land and Environment will be able to get to the bottom of that and make some really important recommendations.

One other thing I wanted to comment on in the Premier's response to this motion was how he said that the 2015 Speech From the Throne was meant to have a timeframe with its information of the full four years prior to the next general election. It was really

interesting to me that, in fact, was the Legislature was prorogued and there was a second Speech From the Throne in 2016. Of course this wasn't mentioned – there's the Premier right there – the reason I bring that up, Mr. Premier –

Some Hon. Members: (Indistinct).

Mr. Trivers: Yes, I can tell when the Premier is standing up. When the Premier is standing up I can recognize him no problem.

Mr. Premier, it really begs the question, if the 2015 Speech From the Throne was a plan for the full mandate of this government for the next general election, why there was a 2016 Speech From the Throne and why, indeed, this Legislature was prorogued in between?

This speech directly, I think, to the freedom of information issue because it's my theory – and I published this on my blog, as well, I'm sure everyone has been there and subscribed to my email newsletter – I know that the Member from Belfast-Murray River –

Ms. Compton: Absolutely.

Mr. Trivers: – always goes there.

An Hon. Member: No wonder the Internet's slow, so many people are trying to (Indistinct).

Some Hon. Members: Hear, hear!

Mr. Trivers: It speaks to the fact –

Mr. R. Brown: All six of them.

Mr. Trivers: – I believe, Mr. Speaker, there were bills on the order paper that this government and the Premier did not want to remain on the order paper, and so they used the option to prorogue, to restart the process, so those bills were taken off.

I believe the Leader of the Third Party had the wellness bill on there, it was sent to committee, and that caused that bill to die. That's exactly the sort of not being open, not being transparent, and jury-rigging and playing with the process, that we need to avoid. This is exactly the reason why we need a thorough review of the FOIPP act.

Mr. R. Brown: (Indistinct) filibuster your own (Indistinct).

Mr. Trivers: Mr. Speaker, I think it's time –

An Hon. Member: (Indistinct) recap.

Mr. Trivers: It's not about – let's not get –

Some Hon. Members: Hear, hear!

Mr. Trivers: It's time to –

Ms. Biggar: It's time to go to work.

Mr. Trivers: – it's time not to –

An Hon. Member: (Indistinct).

Mr. Trivers: – that the talk the talk – I mean, we know that this government can talk the talk. We've heard them talk and talk. It's time to walk the walk, Mr. Speaker, and that's what we're asking here.

It's not enough to have a spirit of openness and transparency. You actually have to be open and transparent. I'm going to say it again, that I really hope at the Public Accounts Committee we actually see the witnesses come forward so that we can have openness and transparency and taxpayers on this Island can finally find out what actually happened.

Some Hon. Members: Hear, hear!

Mr. Trivers: Mr. Speaker, with that I'd like to urge all members to support this important motion.

I look forward to reviewing the FOIPP act with my colleagues on the Standing Committee of Communities, Land and Environment.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: Are we ready for the question?

Ms. Biggar: Standing vote.

Speaker: Members, a recorded division has been requested.

Sergeant-at-Arms, you can ring the bell.

[The bells were rung]

Mr. J. Brown: Mr. Speaker, government members are present.

Speaker: Thank you, hon. member.

Mr. MacEwen: Mr. Speaker, the opposition is ready for the vote.

Speaker: Thank you, hon. member.

Hon. members, all those voting against the motion, please stand.

All those supporting the motion, please stand.

Clerk Assistant and Clerk of Committees:

The hon. Minister of Workforce and Advanced Learning, the hon. Minister of Finance, the hon. Minister of Transportation, Infrastructure and Energy, the hon. Premier and Minister of Justice and Public Safety, and Attorney General, the hon. Minister of Agriculture and Fisheries, the hon. Minister of Family and Human Services, the hon. Member from West Royalty-Springvale, the hon. Member from Alberton-Roseville, the hon. Minister of Health and Wellness, the hon. Minister of Economic Development and Tourism, the hon. Minister of Communities, Land and Environment, the hon. Member from Evangeline-Miscouche, the hon. Member from Charlottetown-Lewis Point, the hon. Leader of the Third Party, the hon. Member from Tignish-Palmer Road, the hon. Leader of the Opposition, the hon. Opposition House Leader, the hon. Member from Rustico-Emerald, the hon. Member from Summerside-Wilmot, the hon. Member from Charlottetown-Brighton, the hon. Member from Morell-Mermaid, the hon. Member from Belfast-Murray River, the hon. Member from Georgetown-St. Peters, and the hon. Member from Souris-Elmira.

It is carried, Mr. Speaker, and it is unanimous.

Speaker: Motion is carried and it is unanimous.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Mr. Speaker.

Opposition would now like to call Motion No. 7 to the floor.

Speaker: Shall it carry? Carried.

Clerk Assistant and Clerk of Committees: Motion No. 7.

The hon. Member from Rustico-Emerald moves, seconded by the hon. Member from Georgetown-St. Peters, the following motion:

WHEREAS Prince Edward Island's generation of greenhouse gases (GHGs) is minor compared to other Canadian provinces due to the small size of our population and the lack of a heavy industrial sector;

AND WHEREAS Prince Edward Islanders already pay significant costs for energy in the forms of fuel and excise taxes on gasoline and furnace oil;

AND WHEREAS Prince Edward Island has already taken significant steps to reduce our reliance on fossil fuels through the development of alternative energy sources such as wind and biogas;

AND WHEREAS the introduction of a carbon tax in Prince Edward Island would unfairly penalize the residents, farms and businesses of our province who contribute very little to the carbon footprint of our nation;

AND WHEREAS the introduction of incentives for consumers, farms and businesses may have a more positive impact to influence a reduced carbon footprint;

AND WHEREAS many Prince Edward Islanders do not have access to a publicly funded transit system;

THEREFORE BE IT RESOLVED that government investigate the provision of incentives to assist Islanders in reducing their carbon footprint used for heat and transportation which are the largest sources

of greenhouse gas emissions in our province;

THEREFORE BE IT FURTHER RESOLVED that government defers the imposition of a carbon tax until potential incentives could be introduced and their effectiveness measured and evaluated.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you. I guess I'll forego the podium since we only have a few minutes left.

Some Hon. Members: Hear, hear!

Mr. Trivers: All right. Thank you for cooperation.

Mr. Roach: Just like a FOIPP request you get –

Mr. R. Brown: Call the hour.

Speaker: The hour has been called.

This House will reconvene at 7:00 p.m. this evening.

The Legislature recessed until 7:00 p.m.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Premier, that the 10th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant and Clerk of Committees: Order No. 10, *An Act Respecting the Winding Up of Judgment Recovery (P.E.I.) Ltd.*, Bill No. 40, ordered for second reading.

Speaker: The hon. Minister of Agriculture and Fisheries.

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

Speaker: Shall it carry? Carried.

Clerk Assistant and Clerk of Committees:
An Act Respecting the Winding Up of Judgment Recovery (P.E.I.) Ltd., Bill No. 40, read a second time.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Thank you, Mr. Speaker.

Mr. Speaker, I move, seconded by the Honourable Premier, 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 West Royalty-Springvale to come and Chair this bill.

Chair (Dumville): The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *An Act Respecting the Winding Up of Judgment Recovery (P.E.I.) Ltd.* Is it the pleasure of the committee that the bill be now read clause by clause?

Mr. LaVie: Yes.

Premier MacLauchlan: May I have permission to invite a stranger to the floor?

An Hon. Member: (Indistinct).

Chair: Stranger, please come.

Before you begin, would you just mention your name for Hansard, please?

Robert Bradley Superintendent: Robert Bradley, superintendent of insurance.

Chair: Thank you.

The hon. Leader of the Opposition.

Leader of the Opposition: Could we have an overview of the bill, please?

Premier MacLauchlan: Mr. Chair, this is an act to wind up Judgment Recovery P.E.I. Ltd.

Judgment Recovery was incorporated in 1961 and conducted business until 1994 as

an industry I'll call it organization to look after situations where there was an innocent victim, a motor vehicle accident, but no specific insurer could be identified to respond. It's (Indistinct) uninsured victims. In 1994 the work or that role of judgment recovery was taken over by the Facility Association and that facility association has been in place since June of 1994.

Judgment recovery is down to two modest files that you could call active and has not done any business for a couple of years. With the company having no assets or liabilities, and being unaware of any pending actions, it's as a result of legal opinions that the only way – since there are no active players in Judgment Recovery – the advice is the only way to wrap up or to wind up the company is with this legislation.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thanks, Chair.

These two outstanding files, Mr. Premier, there's no thought that they might be dealt with?

Premier MacLauchlan: One of them is \$25 a month, one of them is not paying, and the Facility Association (Indistinct).

Robert Bradley Superintendent: Currently the two the files are being administered by judgment (Indistinct) Nova Scotia and they're going to be moved to the Facility Association and they'll administer it.

Leader of the Opposition: Chair, carry the bill.

Chair: Shall the bill carry?

Some Hon. Members: Carried.

Premier MacLauchlan: I move the title.

Chair: *An Act Respecting the Winding Up of Judgment Recovery (P.E.I.) Ltd.*

Shall it carry? Carried.

Premier MacLauchlan: I move the enacting clause.

Chair: Whereas Judgment Recovery (P.E.I.) Ltd. was incorporated under *An Act*

Respecting the Winding Up of Judgment Recovery (P.E.I.) Ltd. 1961, Cap. 21, with objects related to indemnifying claimants for damages arising from automobile accidents involving uninsured or underinsured persons and seeking judgments for those damages;

AND WHEREAS the Facility Association is an association of insurers responsible to administer a plan established pursuant to subsection 21(1) of the *Insurance Act*, R.S.P.E.I. 1988, Cap. I-4, to provide payment for claims for damages made by persons who are not insured or have inadequate insurance to cover damages claimed, in accordance with sections 245.1 to 245.993 of the Act;

AND WHEREAS any rights as a judgment creditor and all outstanding liabilities of Judgment Recovery (P.E.I.) Ltd. have been assigned to or assumed by the Facility Association;

THEREFORE BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows.

Shall it carry? Carried.

Premier MacLauchlan: Mr. Chair, I move the Speaker take the chair and that 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 Respecting the Winding Up of Judgment Recovery (P.E.I.) Ltd.*, 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. Premier, that the 11th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant and Clerk of Committees: Order No. 11, *An Act to Amend the Premium Tax Act*, Bill No. 42, ordered for second reading.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Premier, 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 Premium Tax Act*, Bill No. 42, read a second time.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Premier, 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 Summerside-Wilmot to Chair the bill.

Chair (Palmer): 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 Premium Tax Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

Leader of the Opposition: (Indistinct) summary (Indistinct).

Premier MacLauchlan: May I have permission to invite a stranger to the floor, please?

Chair: Can you introduce yourself, please?

Robert Bradley Superintendent: Robert Bradley, superintendent of insurance.

Chair: Thank you.

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

Leader of the Opposition: Yes.

Summary (Indistinct) just a quick overview. Yeah. I've just got a couple of questions.

Premier MacLauchlan: Sure, Mr. Chair.

This is to get rid of a separate fire tax. It combines it into a general premium tax on insurance premiums and then there's a separate category for life as well as accident and sickness. Premiums – the net effect is that the general premium tax rate will go to 4% for most cases and 3.75% for life and accident and sickness. There is a different rate for PEI Mutual, and I can explain that.

This is the first time that this rate has been adjusted since 1998 and, in a comparative sense, this would put Prince Edward Island, I would say, roughly tied with BC for the seventh from the top. That's to say it is below the middle in terms of the rates on the combination of the taxes on insurance premiums across the country.

We have a table – let me see if I can find out where there were copies. We can proceed with questions and I will have that tabled to distribute to the members when we have had copies made, if I may.

The first piece of this, you could say, is red tape elimination for the insurance companies. They have been obliged to calculate their fire tax coverage separately from the general premium when in fact for a considerable amount of time people have a property insurance policy. There is no such thing, really, as a fire policy anymore, so this is getting rid of the antiquated language as well as saving the insurers the transaction of calculating as a kind of a notional thing a separate part of the policy that's for fire when, in fact, the property policies cover fire, vandalism, hail, public liability, freezing, etc.

That's the first step, to eliminate the fire tax and roll it up, which is the practice now in the majority of jurisdictions across Canada to have a general premium tax rate.

Leader of the Opposition: Chair, with that, who's asking for the increase? If the rate is right now, it was in place since 1998, was the last in judgment, why do you we need increases?

Premier MacLauchlan: When we're getting rid of the fire tax rate we're obviously needing to adjust the rate and it's being adjusted to a level that is still below the middle of the pack across the country. But to be precise, the amount by which it is being changed for both the premium tax, the general, and the life and A&S is .25%, which in other words would be \$2.50 on \$1,000 premium.

Leader of the Opposition: How much more revenue is this going to bring into the province?

Premier MacLauchlan: Between \$800,000 and \$850,000 full-year cycle, and in the year that we're now in about \$212,000.

Leader of the Opposition: It's safe to say with that, Chair, that there's no reason not to believe, then, residents in PEI that pay an insurance premium will see an increase in their rate.

Premier MacLauchlan: They will, and I expressed that as being on the order of \$2.50 for \$1,000 premium.

Leader of the Opposition: That's fine for now.

Chair: 1. Section 1 of the *Premium Tax Act* R.S.P.E.I. 1988, Cap. P-19, is amended

(a) in subclause (a)(ii), by the deletion of the word "corporation" wherever it occurs and the substitution of the word "company";

(b) by the addition of the following after clause (a):

(a.1) "insurer" means an insurance company, and includes a mutual insurance company to which subclause (a)(ii) applies;

(c) by the repeal of clause (b); and

(d) in clause (c), by the deletion of the words "insurance company" and the substitution of the word "insurer".

Shall it carry? Carried.

Leader of the Opposition: That line, yes (Indistinct).

Premier MacLauchlan: I know it carried, but just to be clear for members, the point

there is to bring the language referring to mutual insurance companies in this bill or in this legislation in line with how it's referred to in the *Insurance Act*.

Chair: 2. (1) Subsection 2(1) of the Act is repealed and the following substituted:

2. (1) Every insurance company shall pay to the Superintendent of Insurance for the use of the province a tax equal to

(a) three point seven five per cent of the gross premiums on contracts of life insurance, accident insurance and sickness insurance, as defined in the *Insurance Act*; and

(b) four per cent of the gross premium on contracts of insurance other than life insurance, accident insurance and sickness insurance, receivable by the company during the taxation year in respect of business transacted in the province by the company, other than premiums in respect of reinsurance ceded to the company by other insurers licensed to transact business in the province and considerations for annuities, after deducting from the gross premiums

(c) the cash value of dividends paid or credited to policyholders; and

(d) any premiums returned by the company.

Leader of the Opposition: Question.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Chair.

We now have this piece of paper in front of us. My first question I guess would be what was the rate we were at prior to 19 – what is the rate we were at but now we're going to 3.75? What was it before?

Premier MacLauchlan: It was 3.5 and it's going to 3.75.

Leader of the Opposition: It was 3.5?

Premier MacLauchlan: For life and A&S.

Leader of the Opposition: Next question: Who asked for this increase?

Premier MacLauchlan: Our department.

Leader of the Opposition: The department in general, you mean.

The gentleman on the floor, Mr. Bradley, the question is: In your opinion, is this needed? I'm going to put you on the spot.

Robert Bradley Superintendent: It's not my role to make budget policy.

Premier MacLauchlan: I'll answer. We're currently doing our management plan for our department for the coming year and this additional amount will not fully cover what we're challenged to deal with.

A way of saying this is that we're realizing more and more that justice is a frontline department, in terms of the transactions and demands and the ways in which we are the obliged to give service. It's in light of that, and in light of where we stand relative to others in the country, that we feel this is reasonable to make this adjustment for the first time in almost 20 years.

Leader of the Opposition: Thank you, Chair.

Mr. Premier, I'll tell you where I'm going with this. It just seems like every time we turn around we're dipping into the pocket of Islanders for a little bit more. It might be two dollars on the insurance policy, and then two dollars on the life insurance, and two dollars on your car insurance. But it just seems like we're always going back and taking a little bit more out of the pocket of Islanders.

Thank you.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

Mr. Premier, you had said that there's a different rate for the PEI Mutual company. Just curious how that does work (Indistinct).

Premier MacLauchlan: This goes back a long ways, probably from the beginning of PEI Mutual, was it?

Robert Bradley Superintendent: Yeah, I think so, yes, (Indistinct).

Premier MacLauchlan: It's been in place for a long time. The rationale is that PEI Mutual have a very significant part of its book of business which is in agriculture and the fishery. In fact, because it passes or exceeds a 25% threshold for its total book of business that is in the primary industries, that it has been for a long time subject to a different rate.

The rates for PEI Mutual – one and a quarter, is it?

Robert Bradley Superintendent: It'll be (Indistinct).

Premier MacLauchlan: For PEI Mutual, as opposed to 4% for, in effect, the customers of PEI Mutual, as opposed to being 4% it's 1.25%.

Mr. Trivers: Is that what you're talking about in Section 2(1.1) of *An Act to Amend the Premium Tax Act*? Every mutual insurance company with subclause applied shall pay to the Superintendent of Insurance for the use of the province a tax equal to 1.25%?

Premier MacLauchlan: Yes.

Mr. Trivers: Okay, and PEI Mutual is the only company that qualifies for that at this point?

Premier MacLauchlan: Yes, Mr. Chair.

Mr. Trivers: And another question, just a quick one.

Chair: Last one.

Mr. Trivers: Just to be clear, it's actually the responsibility of the insurance company to pay these additional premiums? It's their decision whether to pass that on to the consumer or not.

Premier MacLauchlan: That's right, and the responsibility of the insurance company and the relationship with government and the department is as it has been for decades. The change is in the rate. The change is in the rate going from three to 3.75 of 3.75 to 4.

Mr. Trivers: Just one more question, Mr. Chair.

You mentioned that the additional revenues would be on the order of \$800,000-850,000 a year. What's the total amount of premiums? I could probably do the calculation, but I don't know if you have that.

Premier MacLauchlan: (Indistinct).

Robert Bradley Superintendent: (Indistinct).

Premier MacLauchlan: We know the total amount collected is on the order of \$12 million through the premium tax.

Chair: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Chair.

Premier, you mentioned earlier you're finding higher demands. What's some of the demands? Didn't I hear the word demand? What's some of the demands you're finding?

Premier MacLauchlan: If you look across the board, in justice it could be victims of crime, it could be dealing with families, it could be court services, it could be probation, it could be operation of correctional facilities. As you go through the department from one end to the other, we see that everything we do is in an area where the people have an expectation of service.

What that produces is an overall portfolio that's even more, I'll call it, people-intensive in terms of the functions and, ultimately, the budget for the department, which is where the question started.

It's to say that this additional funding will go toward our ability to do our job.

Mr. LaVie: Thank you, Chair.

Chair: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Chair.

Premier, you figured there was \$12 million worth of demands out there?

Premier MacLauchlan: Mr. Chair, if you look across the board in terms of what we're doing, yes, there's that and more, frankly.

Mr. LaVie: Thank you, Chair.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thanks, Chair.

If I understand this right, the *Fire Prevention Act*, which is being amended by this act, as well has a rate increase of 1% of gross premiums for all fire insurance including automotive. With that, this amendment would also jack up the rates of that to over 4%, am I right, on Section 2(1)?

Premier MacLauchlan: But it will only increase it by, in effect, 0.25%. That's to say, we're getting rid of the fire tax, so it's getting rolled in to bring the overall rate to 4.

Leader of the Opposition: So that 1% is disappearing.

Premier MacLauchlan: It's being abolished. That, in fact, is the red tape piece, the arguments that we're getting. The insurers are no longer obliged to come up with a kind of notional fire part of the coverage, and then it gets rolled into one.

If you look down the province, you will see – and this is of the whole modernization piece – that with this change there will be seven jurisdictions across the country that no longer have the fire tax.

Leader of the Opposition: Can you explain to me: How does this affect local service districts? We'll say the Borden-Carleton fire department, who gets fire tax money to fund the fire department. How would that work now?

Premier MacLauchlan: That funding will not be affected. That's to say the former fire tax went into general revenue and in turn was distributed to the fire companies, and they will continue to be funded at the level that they have been.

Leader of the Opposition: So fire departments will not receive any decrease in funding as per the fire tax. Thank you.

Mr. LaVie: (Indistinct) more.

Leader of the Opposition: It'll get more –

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

Mr. Dumville: Premier, how is this handled interprovincially? Off-Island insurance companies – it's the onus on them to report the business they're doing.

Premier MacLauchlan: Yes, the onus is on them. They have a relationship with the Province of Prince Edward Island because they write the policies here.

Mr. Dumville: Thank you.

Thank you, Chair.

Chair: The hon. Member from Charlottetown-Brighton.

Mr. J. Brown: My question's actually related, Chair, and it does actually go back to the definition from corporation to company, but so far as it relates to 2(1).

Is the company effectively the broker or the underwriter of the insurance policy that's –

Premier MacLauchlan: (Indistinct) they are the underwriters.

Mr. J. Brown: They are the underwriters. So then when we go down to, as an example, 2(b) when we get into the wording of policies written in the province, are we collecting this tax on premiums where policies, as an example, would be brokered through the Internet or by phone?

Premier MacLauchlan: We should capture all of them. If the customer is in the province – if the coverage is in the province that would make it subject to the tax.

Mr. J. Brown: Okay.

Chair: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Chair.

Just one quick question, Premier: This won't affect the fire departments across Prince

Edward Island with an increase to the fire departments in any way? The funding?

Premier MacLauchlan: It won't be an automatic increase. The fire departments are promoting some additional support, it might make it easier for us to respond, but it would be out of general revenue.

We did, of course, last year, through our capital budget work with the fire companies to upgrade radio systems, for example. We have a pretty good relationship with the fire companies and departments across the province. We can say definitively that this will not affect negatively their funding.

Mr. LaVie: Or positively?

Premier MacLauchlan: Not necessarily, that's right.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

I noticed that Newfoundland and Labrador is the only province that has put the full amount of the HST on. I didn't notice the decision was made on PEI not to add any sales tax. Is that decision simply made because you felt you were collecting enough with the increase in rates?

Premier MacLauchlan: That has been the position up till this legislation and we left it that way. That is to say, it hasn't previously been subjected to a sales tax and we're not changing that.

You're right to point out the situation in Newfoundland and Labrador. If you do the combination of numbers there it's about five times higher than the situation on Prince Edward Island.

Mr. Trivers: I just wanted to say I'm glad to see that no decision was made to add the sales tax for PEI. Thank you for that.

Chair: Should we keep going along clause by clause?

(2) Section 2 of the Act is amended by the addition of the following after subsection (1):

(1.1) Every mutual insurance company to which subclause 1(a)(ii) applies shall pay to the Superintendent of Insurance for the use of the province a tax equal to one point two five per cent of the gross premiums on contracts of insurance receivable by the company during the taxation year in respect of business transacted in the province by the company, other than premiums in respect of reinsurance ceded to the company by other insurers licensed to transact business in the province, after deducting from the gross premiums any premiums returned by the company.

(3) Subsection 2(2) of the Act is amended

(a) in the words immediately preceding clause (a), by the deletion of the words "subsection (1)" and the substitution of the words "subsections (1) and (1.1)"; and

(b) in clause (a), by the deletion of the words "property insurance" and the substitution of the words "insurance of property".

Shall it carry?

Ms. Compton: Question.

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

Ms. Compton: Thank you.

Just getting back to what the hon. member commented on about fire departments. This is an increase for the province. We're getting more revenue of up to \$800,000.

We all know that fire departments, especially rural fire departments, can't access funds through the province. I'm just wondering if there is any way we could look at the increase that we're getting as a province – because we no longer have the Island Community Fund to access for jaws of life, or all of the necessities we need to run out rural fire departments – is there any way that we can look at putting some of those funds towards rural or all fire departments?

Premier MacLauchlan: Mr. Chair, I wonder if I might respectfully ask if the member could hold that thought until we come with our budget and estimates in the spring.

That's to say – this is kind of the place to raise the revenue and I am committing here that – there's nothing that we're doing today is going to negatively affect the fire departments. We'll need to come back with our budget and see how we resolve everything then.

To be clear, it has always been the case that the fire tax has gone into general revenue. The relationship between the province and the various fire companies and departments and services has been independent of that in terms of their needs and how they approach government. They would say that, in recent times, it has been a pretty good relationship.

Ms. Compton: Chair.

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

Ms. Compton: Thank you very much, Mr. Speaker.

I'm just putting that forward and maybe that's something you will take to heart and take to mind before the next budget. We know it is a challenge.

I was able to attend a dinner last night for a dedicated group of fire services in our district. There always seems to be a cut. We know with the Island Community Fund there was money available for a number of different needs for fire departments. I just put that out to you as something we can look into.

We are increasing through basically an increase in revenue that we could turn that around and maybe put it back out to fire departments in our communities.

Chair: Shall Section 2 carry? Carried.

3. Subsections 3(1) to (4) of the Act are amended by the deletion of the words “insurance company” and the substitution of the word “insurer”.

Shall the section carry? Carried.

4. Section 4 of the Act is amended by the deletion of the words “insurance company” and the substitution of the word “insurer”.

Shall it carry? Carried.

Consequential Amendments

5. (1) The *Fire Prevention Act R.S.P.E.I.* 1988, Cap. F-11, is amended by this section.

(2) Clauses 1(a) and (g) of the Act are repealed.

(3) Section 9 of the Act is repealed.

(4) Section 22 of the Act is repealed.

Shall it carry? Carried.

Leader of the Opposition: Carry the bill.

Chair: Carry the bill? Carried.

Premier MacLauchlan: I move the title.

Chair: *An Act to Amend the Premium Tax Act.*

Premier MacLauchlan: 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.

Premier MacLauchlan: 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 Premium Tax 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.

Matters of Privilege and Recognition of
Guests (II)

Speaker: I'll give way to the hon. Premier for recognition of guests.

Premier MacLauchlan: Thank you, Mr. Speaker.

It's an honour to rise and recognize the presence in the gallery of the hon. Seboto Caesar, who is from St. Vincent and the Grenadines, where he's minister of agriculture, rural transformation, forestry, fisheries and industry.

Along with Minister Caesar is the Consul General Fitzgerald Hughes – pardon me, Fitzgerald Huggins. Better make sure I've got that right because I understand we've got cattle registered in your name going home. We've had over the past two days a very friendly and productive, constructive visit exploring many aspects of the relationship between our province and St. Vincent and the Grenadines.

Welcome, gentlemen.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Ms. Mundy: I also want to give way to the hon. Minister of Family and Human Services for recognition of guests.

Ms. Mundy: Thank you, Mr. Speaker.

Thank you for this indulgence. I'd like to rise this evening as well and give recognition to a District 22 Summerside-St. Eleanors resident who drove all the way up from Summerside tonight to view these proceedings, Mr. Kevin Barber. Welcome to the gallery, Mr. Barber.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Agriculture and Fisheries.

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

I, too, want to welcome the minister of almost everything down in St. Vincent and Consul General. I had an opportunity to meet with him twice and they're absolutely fantastic people. They're going to fly me down to St. Vincent, something like that.

Thank you, Mr. Speaker.

Mr. Speaker, I move, seconded by the hon. Minister of Health and Wellness, that the 8th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant and Clerk of Committees: Order No. 8, *An Act to Amend the Public Health Act*, Bill No. 38, 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 Public Health Act*, Bill No. 38, read a second time.

Speaker: The hon. Minister of Agriculture and Fisheries.

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 Alberton-Roseville to come and 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 *Act to Amend the Public Health Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

An Hon. Member: Just give us an overview.

Mr. Henderson: This bill basically deals with the protocols that happen if there was an outbreak of a communicable disease that is supposed to be reported to the Chief Public Health Officer.

It clarifies the role that each person has to play in reporting that so it doesn't leave it up to – somebody else thought that somebody else was supposed to do the reporting to the Chief Public Health Officer.

There's some issues around regulatory powers around respect to swimming pools and, same thing, communicable diseases that might be affected by a swimming pool.

Mr. Perry: Carry the bill.

Chair: Shall it carry? Carried.

Mr. Henderson: I move the title.

Chair: *An Act to Amend the Public Health 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 that 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 Public Health 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 12th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant and Clerk of Committees: Order No. 12, *An Act to Amend the Adult Protection Act*, Bill No. 41, 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: *Act to Amend the Adult Protection Act*, Bill No. 41, 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 call upon the hon. Member from Charlottetown-Brighton to come and Chair this bill.

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

Mr. LaVie: Overview.

Mr. Henderson: Basically this is an overview to deal with issues when the minister issues an adult protection order to remove somebody from their home or their situation, and we put that individual into another location. It could be in a hospital or it could be in Hillsborough Hospital or something along that line, to prevent a person that we're taking them from to go then visit them.

As an example, you might have a case where a wife might have some dementia issues or things like that and the husband may not have been providing the proper care. When they move to the hospital there could be an issue there. It allows us to issue an order that would prevent that.

The second part of it would be to have peace officers to go with the adult protection worker to remove the individual from the residence or the place of where harm might occur.

Chair: Thank you, minister.

The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Chair.

Minister, what is the definition of “potential harm”?

Mr. Henderson: I think I will probably ask my cohort Nichola Hewitt to come forward and be more definitive in those explanations.

Chair: Is it the pleasure of the committee that a stranger be invited to the floor?

Leader of the Opposition: Yes.

Mr. LaVie: She is no stranger to the floor.

Mr. Henderson: She’s not a stranger anymore.

Mr. LaVie: No.

Leader of the Opposition: Frequent flyer miles.

Mr. Henderson: Yeah. Maybe you can answer to be more specific.

Chair: Hon. member, do you want to repeat your question there again?

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

Leader of the Opposition: Thank you, Chair.

I’m looking for what the definition for “potential harm” is.

Nichola Hewitt Solicitor: I can tell you that because I have the act here. Where are you finding that, hon. member? Where do you see it in the amendment?

Mr. Henderson: It says “or the source of potential harm to be removed from the

proximity to the adult includes the authority...” That’s in the Explanatory Notes.

Nichola Hewitt Solicitor: In the explanatory notes.

When we draft legislation we don’t define every term. Often you use the ordinary dictionary meaning of a term, so we aren’t using a specific defined term for “potential harm.” But it would be what a minister reasonably believes poses a harm to the individual.

We have had cases where adult children have brought mom from another province in to live with them, have been exploiting her. They were deemed to be a source of potential harm to mom, and mom was removed from the home. So that would be your potential harm. It could be potential physical harm, it could be psychological harm, it could be financial harm, could be a form of elder abuse. It could be any number of potential harms.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Who makes the case to the minister to explain what the potential harm is?

Nichola Hewitt Solicitor: We have social workers that are in the adult protection division and they go out – a call will come in to the adult protection people that there is somebody that is potentially in need of assistance or protection of the ministry. They will go out and do an investigation and gather evidence and make a determination.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: I have a situation –

Nichola Hewitt Solicitor: Sorry?

Leader of the Opposition: I have a situation. I have a gentleman who will not sign himself into care. He is not able to take care of himself. You and I have talked about this before, minister.

Mr. Henderson: Yes, I am familiar with this case.

Leader of the Opposition: The family has expressed to me many times that he should not be in his own situation. In my own opinion as being a police officer, this man should not be in his own care.

Will this allow the minister to have the power to remove this individual from the house and put him in forced care?

Nichola Hewitt Solicitor: If on – sorry, can I go ahead?

Mr. Henderson: Yeah.

Nichola Hewitt Solicitor: Sorry. If on investigation the minister concludes that this individual is in need, first of all, of emergency intervention there is a provision where, in the act, it will allow the minister to remove the individual, place them in a safe location until I think it's five clear days until they can make application to the court for a court order. So that's –

Leader of the Opposition: (Indistinct).

Nichola Hewitt Solicitor: Yeah, that has been around for years. That's not new.

Leader of the Opposition: Well, the department hasn't been dealing with it.

Nichola Hewitt Solicitor: Well –

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Anyway, that's fine.

Chair: Another member had a question there first.

The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Chair.

These case workers, they are professionals, right?

Mr. Henderson: Adult protection workers, yeah, social workers (Indistinct) department.

Mr. LaVie: They're professionals in their department. Is the minister a professional in dealing with this? Do you know what I'm getting at? Like, these are professional case workers.

Mr. Henderson: Actually, you make a good point. Since becoming minister I have been dealing with a number of these types of cases, and I felt that I needed more information and more explanation and we have made some changes. We've changed, actually, the paperwork that actually comes to me.

Before, I really wasn't getting a lot of information and I was a little concerned about what I was actually signing. In this particular case I've been getting more information and I get more briefing on the situation at hand. From that point, once I sign the order then the adult protection workers will then implement the order by, in this particular case, getting security or peace officers and things of that nature to go with them to the site and remove the individual from a place of harm.

I would say that I had that – that was a big challenge. I didn't really know a lot about the background in this. Now as minister for now pretty near a year I've got a lot more understanding on how to handle these things and what questions to ask the adult protection worker, so I would say that the system is better today than it was.

Chair: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Chair.

It's great that you (Indistinct) better now and stuff, but you're not going to be there forever. Wouldn't it be better if we had say a judge or a JP or –

Mr. Henderson: I better ask Nichola to answer that.

Nichola Hewitt Solicitor: The minister only has really a brief window where they exercise their discretion to make decisions about somebody and it's only on an emergency intervention basis. It's just simply a stop-gap measure until we can get it to court because then a judge makes the decision on what happens.

Mr. LaVie: Oh.

Nichola Hewitt Solicitor: This emergency intervention, I believe it is within five clear days after the minister has acted on an

emergency intervention the minister is required to apply to the court for an order, so it's just a real narrow window.

Chair: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Chair.

This is nothing new to the system?

Nichola Hewitt Solicitor: No.

Mr. LaVie: It's just giving the minister a little –

Mr. Henderson: It's more clarity to the situation, that's what we're trying to (Indistinct).

Mr. LaVie: Yeah. Is there enough housing or hospital beds or wherever you go with these people? Is there enough room out there for these people?

Mr. Henderson: I guess from my end on that is that it is a challenge sometimes to find a safe place for individuals to go because – as an example, we do have respite beds, as an example. If it is somebody that might be a senior, which those tend to be more of the situations we get, we try to access them as best we possibly can and find some location that's safe, that provides that person that sense of safety for a period of time so we can ascertain whether there is an issue that the courts would deem certain that would be implemented.

Chair: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Chair.

Minister, these are individuals that have no family or they are on their own and can't make their own decision?

Mr. Henderson: Not necessarily. They're just in a situation where somebody has identified that that individual is in a situation of harm. So it could be, like, an elderly couple. I know there were a couple of situations that I have had as minister and they want to stay in their home. Maybe both individuals are a bit demented and they're not able to make proper decisions in those particular cases, so they're at risk.

When we have that situation that comes forward and it is brought to attention, then I have to make that decision whether to sign that order or not. We get other situations who might be people with intellectual disabilities that are adults. Same situation. There may be some accusation or whatever it might be made, so it's about trying to intervene in those situations and determine whether there really was something happening or not. It's just to make sure that we're reducing the harm to a potential individual.

Mr. LaVie: Thank you, Chair.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Chair.

Minister, how does this section compare to the Provinces of New Brunswick and Nova Scotia?

Mr. Henderson: I'm going to ask Nichola to answer that.

Nichola Hewitt Solicitor: I actually did a jurisdictional scan and we're bang on with all of them. All of the provinces have similar provisions for emergency interventions and a requirement to get to court within a very short period of time.

Leader of the Opposition: Thank you.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

I have had multiple cases of constituents who have wanted to stay in their home, but because they have been deemed unfit, I think was the term, they were removed from their home and placed into hospital care and the hospital care – I mean, it was obviously not the right place for them because they were very inactive and they weren't able to get the exercise and the attention they needed, and it was obvious that they should be moved to a long-term care facility.

Of course, they were still maintaining not only did they not want to be in the hospital and wanted to go home, they definitely did not want to be in a long-term care facility.

Mr. Henderson: Yes.

Mr. Trivers: I wanted to, first of all, clarify that this is the legislation that allows them to be removed from their home, and then I wanted to find out – and I don't know if this is appropriate to ask you this at this time – if there was any legislation you're considering that would actually allow them to be moved to a long-term care facility even if they didn't want to go because right now that was a main concern and a bottleneck. They were waiting in hospital, not because the bed wasn't available but because there was no legal way for them to be moved.

Mr. Henderson: I'll ask Nichola to answer that.

Nichola Hewitt Legislative Specialist: Again, this is one option we have available to us is through adult protection, so we take them sometimes. Not always, we don't always intervene on an emergency intervention. Sometimes we have the time to go directly to court to make applications. That's one way we can remove somebody from their home and have them placed somewhere. It's under court order.

Another way we can go about this is making an application under the *Mental Health Act* if we believe that the adult doesn't have (Indistinct) capacity, but that is another piece of legislation, but there is a route that way.

Mr. Trivers: Those are court ordered, *Adult Protection Act* or *Mental Health Act*, are the three ways?

Nichola Hewitt Legislative Specialist: Yeah. Now, some provinces do have, but not many – I think there are two or three that may have legislation that allows for people to be placed in community care facilities against their wishes. There are a lot of legal issues around that. People are assumed to have capacity to give consent, so there are a lot of troubling legal issues around that. I think some of the provinces are finding that they are having difficulty with this.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair, and thank you for allowing me this line of questioning.

The consent for treatment act –

Nichola Hewitt Legislative Specialist: That's for treatment.

Mr. Trivers: That's only for treatment?

Nichola Hewitt Legislative Specialist: That's not for moving somebody into a home. That's for treatment.

Mr. Trivers: Okay, maybe that's where the confusion was going on with my constituent.

Nichola Hewitt Legislative Specialist: Could have been. It's for treatment.

Mr. Trivers: Within the hospital setting, very much, they wanted to refer to the consent for treatment act all the time.

Is there an act, right now, that allows for removal of a person from a hospital to long-term care? This is the act –

Nichola Hewitt Legislative Specialist: No, it allows for determination to be made by a court as to what the most appropriate place is for that individual.

Mr. Trivers: Just one final, Chair.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: The main concern of my constituents was in order to get their loved one moved from the hospital to long-term care, which was much more appropriate for them in many ways, they actually had to get a proper –

Nichola Hewitt Legislative Specialist: Assessment?

Mr. Trivers: No, they had to go to court and it was a guardianship of the person, I believe.

Nichola Hewitt Legislative Specialist: Which falls under –

Mr. Trivers: – which was an expensive process –

Nichola Hewitt Legislative Specialist: Absolutely.

Mr. Trivers: – and something that could be done more cheaply, I believe, ahead of time.

Anyhow, I guess my question is: Is that something you're looking at, to make that process easier and less expensive for people to look after their loved ones?

Nichola Hewitt Legislative Specialist: That wouldn't be more – fall under the responsibility of the department of justice, if you're looking at a guardianship act.

I mean, I practiced in Nova Scotia for a number of years and we had a guardianship act there. That's where we dealt with – it used to be called – well, there is an incompetent persons act in Nova Scotia as well which was the department of justice and what happened and what the processes were.

That doesn't really fall under the department of health. We're all about providing health care, right?

Mr. Trivers: Yeah. I guess the reason – thank you, Chair, I know I said last question.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I know the *Adult Protection Act*, it is administered by the Department of Health and Wellness.

Mr. Henderson: That's correct.

Mr. Trivers: It does provide for that option to remove the person from their home. Do you think that this act could be the spot to put that? Where it provides the ability to move it from a hospital to a long-term care?

Nichola Hewitt Legislative Specialist: No.

Mr. Trivers: It just won't work?

Nichola Hewitt Legislative Specialist: No. Like I say, I had done a jurisdictional scan, particularly with respect to these emergency interventions. That was another issue that I'd looked at because I was scanning all of these acts. There was nothing in adult protection legislation across the country.

Mr. Henderson: I think the issue there is that if they're in a hospital they're probably not in a situation of harm.

Nichola Hewitt Legislative Specialist: Yeah.

Mr. Henderson: I think –

Mr. Trivers: This is an emergency intervention –

Mr. Henderson: That's correct.

Nichola Hewitt Legislative Specialist: This is when somebody is facing harm.

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

Ms. Mundy: Thank you, Chair. How are you doing?

I had a couple of questions. As minister responsible for child protection on Prince Edward Island, we have the director of child protection. When a child is deemed to be at harm, that child comes under the legal custody of the director, not the minister.

I'm taking it that it's a little bit different with yours. Does the minister actually become the legal guardian of the adult or who would be?

Nichola Hewitt Legislative Specialist: It's different. It's two different structures. All the minister can do is initiate an investigation. The minister can intervene on an emergency basis and the minister can make application to the court for determination on what would be in the individual's best interest.

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

Ms. Mundy: Sorry, just a couple more questions.

If a person is taken into protection who, then, deems if the person is well enough to be on their own again?

Nichola Hewitt Legislative Specialist: The social workers would be working with probably the health care providers. It depends on what the plan of care is. What

the plan of care is, how it has been developed for that individual, and how it's meeting the needs of the individual.

The social workers, in conjunction with the health workers, and probably getting some legal advice and chatting with the minister, would make a determination as to whether or not an order was still appropriate. Of course, you have to confer with the court because you have a court issued order in place.

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

Ms. Mundy: Would the minister then have to, after all these consultations take place, the minister would then have to sign-off and say that the person is well enough to be on their own, or no?

Nichola Hewitt Legislative Specialist: If there's an order –

Ms. Mundy: Right.

Nichola Hewitt Legislative Specialist: – it would have to be the court that would release it.

Ms. Mundy: Okay.

Nichola Hewitt Legislative Specialist: The minister can't release a court order.

Mr. Henderson: Maybe this is something you'd like under your department, maybe?

Ms. Mundy: No, that's okay, we're busy. We're busy enough as it is, thank you.

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

Mr. Henderson: Maybe you could make a good pitch for that.

Ms. Mundy: Again, the criteria kind of interests me, as well, as to what – I guess the example I'm going to use is I have been getting a call from a constituent. There is an elderly gentleman, who lives above him, who has a severe alcohol problem. The man drinks himself into unconsciousness and he hears him fall and then he has to call the police because he knows he has drunk so much that he has fallen.

When the police come and they open, kick down the door or whatever, and they go in he is unconscious and usually they take him to the hospital. When he sobers up the next day they let him go. This repeats day after day, week after week.

My constituent is very concerned that he needs some kind of help. He has called adult protection, but was told that there was really – if a person doesn't want help they can't make him have help. What my constituent is saying is he doesn't know that he needs the help.

I guess I'm wondering what kind of criteria would be necessary for us to say that alcoholism and drinking yourself unconscious isn't something that is dangerous and you need help with.

Mr. Henderson: I'll let Ms. Hewitt answer that.

Ms. Mundy: Sure.

Mr. Henderson: Tackle it.

Nichola Hewitt Legislative Specialist: When a call comes into adult protection they evaluate the circumstances. There is a number of criteria they look at. They communicate with and assess the adult. They'll perform a capacity assessment. They may solicit or request reports from the health care provider of the individual. Then they sit down and evaluate it.

There are a lot of people who are suffering from addictions to alcohol and substances, but does that mean that they're a person in need of care as provided a protective order or an emergency intervention? They may not meet that threshold.

Ms. Mundy: Okay.

Nichola Hewitt Legislative Specialist: They would make that decision. They'll investigate it and they'll make it in conjunction with the experts around them, who they consult, social workers, health care workers.

Ms. Mundy: That's great. Thank you so much.

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

Mr. Currie: Thank you very much.

Maybe start off by giving me the reason for the changes and the reason for the amendment. I'm just looking at: removal includes limiting and preventing interaction, assistance of peace officer.

Nichola, can you give me an overview of what – and sort of the rationale behind this?

Nichola Hewitt Legislative Specialist: The first, 1.1, we had the ability, the minister had the ability, to remove somebody from a harmful situation.

If you have got – the example I gave out a few minutes ago, these adult children with the very vulnerable mom. If you remove mom and put her in the hospital, but they had no ability to stop her from going – the boys, from going to the hospital and finding her there. This will do that. This will allow the minister to limit contact when it's appropriate to do so.

The second part of this amendment is the police had indicated to adult protection staff that they would like to have an enforcement provision included in the act to make it clear that they had the authority to assist in enforcement, particularly when individuals are appearing on the doorstep.

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

Mr. Currie: Just in respect to the role of the peace officer, have the Charlottetown City Police and the RCMP, the municipal and provincial, have they been engaged in some of these discussions as far as the changes in the legislation?

Nichola Hewitt Legislative Specialist: Yes, well, (Indistinct) been in discussion with them.

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

Mr. Currie: Thank you.

As the minister of health for a number of years I've been exposed to a lot of adult

protection orders, and my experience is that as the ministry you have to rely very heavily (Indistinct) the minister your mandate is to sign the order.

You're put in a position where once you get a briefing and an explanation of the dynamics, which you have to trust the assessments that are being done by the leadership in the adult protection area of your department, so it's prudent that the staff that are involved with adult protections and investigations are extremely thorough because of the impact.

As the minister I've been exposed to quite a range of situations that were quite an eye-opener in respect to my responsibilities. Of course, I always took those responsibilities very seriously under the legislation to protect. I mean, situations where there was a senior that was incompetent, not capable of taking care of themselves and no family members. There's situations where a senior was being abused or taken advantage of by family members accessing resources and financial.

If there's any way that we can continue to strengthen this act I think it's really important, but I also think it's really important that – I think, in my experience is that it's really important that – a lot of times the minister, you know, they call you up and you could be in some part of the province and there's an emergency order.

I just think that there needs to be some sort of process and maybe pre-briefing. If the investigation is underway I would advise, from my experiences, that the minister would get a level of briefings maybe leading up to what the assessment would be in respect to – I think that most of these situations, once you walk into a home and identify a senior who hasn't been recognized or hasn't been on the radar, that you clearly understand that – or you can anticipate that there will be an order coming very soon.

I guess my advice is that there be a – if there is family, that the adult protection takes the time to talk to family, but clearly understand what your mandate and what responsibilities are, but also making sure the minister is extremely up to speed. I found at times they'd call me and I'd go into a situation and, depending on my schedule, I didn't feel

that I got the right level of briefing to really understand the situation.

I think it's prudent as far as the process, because this – when you're signing an order it's pretty serious, it's pretty significant. But as the minister you are always put in a position where this is quite serious, there's been an investigation. You have to rely and have great confidence in your staff that the order is in place to protect the individual in question.

Anything that we can do to strengthen the safety of individuals in our community is very important, and I don't think any of you would disagree that we're seeing – when I first came in in 2007 as the minister of health responsible for the *Adult Protection Act* we would sign orders, but at the back end of my eight years as the minister of education we were seeing adult protection orders signed almost weekly. It just was a reflection of the ageing population, but also the complexities of family dynamics with family.

But it was also a sad reality that we do have a lot of seniors that are very isolated, that live alone, that have no family, and situations where the neighbour would call and say: I haven't seen such-and-such for three weeks. The police check on the situation and then, of course, an investigation starts.

These are all very much part of, I think, a very important piece of legislation. But most importantly, I think that we need to continue to be evaluating how we engage ministers in respect to the pre-signing of an order, and to really, truly understand.

Because when you're presented an order, you really have to sign the order. You can't say: No, I'm not signing the order, because you're saying: Here's the situation and this individual is at risk of their own life, their safety, so anything that we can do to strengthen that.

But I would like to see us continue to do a better job of really briefing the minister of the situation, but also staff being fully aware of – evaluating the situation and communicating to any potential family members the reality of it. Some of those family members may not like what they

want to hear, because sometimes family members are part of the issue. Not always.

But the adult protection orders have been – I've seen just a range of situations in my time.

Mr. Henderson: I think, minister, as you were well aware of the situation, today – that was one of the first things that hit me when I first became minister, and we did a fairly clear review where it was (Indistinct).

We really changed the whole dynamic of the briefings. I'm far better briefed now than I've ever been, and that was the thing. I was (Indistinct) on the same issues that you had identified there, that they'd track me down to the far ends of my district and get me to sign these, and the documentation wasn't nearly clear enough, and I didn't really truly understand what I was signing.

With the help of Ms. Hewitt here we've revamped the whole application process, the information that's given to the minister, and I would say it's not even vaguely what it was.

Mr. Currie: And that's –

Mr. Henderson: But I'd like – maybe Nichola could give a little more detail to the rationale behind that.

Nichola Hewitt Legislative Specialist: I met with adult protection staff and Dr. Mayne back in May and had an interesting conversation with them. What came out of that was briefing notes were going to be presented to the minister before anybody showed up with an order in hand, giving the minister an appropriate amount of time to consider what was (Indistinct).

Mr. Currie: Well, in fairness to –

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

Mr. Currie: I'm certainly very pleased. I knew that my experience – I had numerous – the CEO of Health PEI was my deputy and prior to leaving I said that we really have to do a better job of briefing the minister, and really understanding to a certain level the issues and the challenges. Because when you sign an order, you sign an order and it

gives ultimate authority of a person's life. So it's really important. I'm really pleased to hear that it's been modernized.

In all due respect to the staff of adult protection, they do a good job, but you're seeing the incidence and the rise of adult protection orders growing pretty significantly in the province, and that's directly related to our ageing population.

I think that we're going to continue to see issues arising, and we're going to see a lot of frequency in respect to the number of adult protection orders.

The more due diligence that we can do, and that we're working very closely with law enforcement, social workers, I think it's really in the best interest of the individual that you're signing the order on.

Thanks, it's good to hear.

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

Ms. Mundy: Thank you, Chair.

As the minister of education was speaking here, I could see quite a few parallels with my department. Again, the difference being that I have a director that signs the orders, whereas the minister – and that does put the minister in a very vulnerable position.

This might be a question for another day, but are there any jurisdictions out there that have it any different where there is basically a director of adult protection versus the minister?

Mr. Henderson: I'm going to ask Ms. Hewitt to (Indistinct).

Nichola Hewitt Legislative Specialist: I don't know the answer to that off the top of my head. I really don't know. No, I shouldn't say that, because the emergency interventions are signed off by ministers.

But whether anything else is signed off or whether there's a director – but I do know a number of jurisdictions I looked at the minister did do emergency interventions.

Chair: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you very much, Chair.

Actually, I probably forget my question now.

Minister, I might be missing something here, but what changed from the prior minister to this minister? Because I heard he – what's the difference? Like, he was doing what you're doing, so what's –

Mr. Henderson: Well, he probably had more experience at it than I did. Let's say, when I became minister, I was, like, I would get – adult protection would track me down, hunt me down in this emergency situation, and they'd come in and they'd get me to sign some information. Don't get me wrong, they did give me information, but I was feeling more and more uncomfortable with what I was signing because I really didn't feel that I was briefed appropriately.

As time evolved, with Mr. Hewitt and the CEO of Health PEI – or I guess at that time it was my deputy – to sort of say: I'm not comfortable with this, let's have a look at it. As Nicola had a chance to review it and we really rechanged the documentation, we get briefing notes of it, get some advance notice of what the situation might be. I feel a lot more comfortable when they arrive to track me down to sign the order that I'm getting a far better briefing.

It just simply – maybe my inexperience at the start and feeling a sense of uncomfortableness and kind of have a more different review of the whole adult protection process.

Chair: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Chair.

No, I understand, but what is the difference? We just heard the minister saying he used to get the phone calls and he used to do the signing, and you had to be more briefed and up briefed. What's changed (Indistinct)?

Mr. Henderson: I was (Indistinct) to the same process he was when I first began. All I'm saying is that at the time I really wasn't feeling comfortable. As minister, you have a lot of authority and power in the situation. I want to make sure that I'm utilizing that

authority appropriately. I just didn't feel comfortable at the time.

We really changed the documentation. I think there was quite a revamp of the forms, and what's given to me is information prior to me signing that order. Now I do feel a bit more comfortable. Even the staff at adult protection feel better about the way – they know what the protocols are to brief me. Then, after the order, now they have the supports of the peace officers and they can find the appropriate location to put these people and they feel safer about the process, too. Maybe Nichola could add to it.

Nichola Hewitt Solicitor: When it came to my attention I realized that the minister was not being given, in my mind, sufficient information and given it in a timely fashion.

Because like the minister says, when you're going to be possibly removing somebody from a home or preventing people from getting to them, or whatever, you want to make sure that you've done a fulsome investigation and that you have all the facts in front of you. Not just in front of you, but I've said: a proper briefing note. You send the minister a briefing note setting everything out.

That was the change, and that's what's given Minister Henderson, the Minister of Health and Wellness, the comfort level that he felt that he didn't have when he initially began.

Chair: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Chair.

So what minister (Indistinct) – minister of health has –

Nichola Hewitt Solicitor: This one.

Mr. Henderson: The current minister.

Mr. LaVie: – the prior minister didn't have.

Nichola Hewitt Solicitor: The prior minister did not have the benefit of a more wholesome report put in front of him.

Mr. LaVie: Okay, this is what it is, you're getting more information –

Nichola Hewitt Solicitor: Yes.

Mr. LaVie: – than he got.

Nichola Hewitt Solicitor: Yes.

Mr. LaVie: Okay.

Chair: Good, member?

Mr. LaVie: Done.

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

Mr. Currie: Thank you very much.

The Member from Souris-Elmira, the point that I was trying to make was the challenge that I had in the role was that in the increase and the frequency of adult protection orders, I was feeling that it was putting the minister in a very difficult position. Because you'd get a phone call at 3:00 p.m. and they would drive somewhere to meet you, wherever you were, and you didn't really get a chance to really understand the situation and what you were signing.

The deputy minister of the day was Dr. Michael Mayne, who is now the CEO of Health PEI. My issue at the back end of my time as health minister, we needed to do a better job of briefing myself because if I was signing the order, I had to really get a better grasp on the seriousness and the nature of the incident and be able to ask some questions.

Really pleased to see that now is followed up and I think, Minister Henderson, you and I had talked about that just shortly after. I made the suggestion that that's an area that we needed to make sure we had more information. Now with Dr. Mayne in Health PEI – he obviously was there as the deputy minister of health. Pleased. I think it's better for the minister, I think it's better for the families, better for the individual. I mean, you're signing an adult protection order. You're basically signing the ability for adult protection of (Indistinct) and take control of the individual affairs.

Mr. Henderson: It's a lot of responsibility.

Mr. Currie: I'm happy to hear that it's been upgraded or modernized. Because of the

frequency, we're seeing a lot more now than we did back in 2007. At the end of the day it's about the protection of individuals who are in some very unfortunate situations. Very pleased.

Thanks for doing such a great job.

Chair: Shall the bill carry?

Some Hon. Members: Carried.

Mr. Currie: Good question from the Member from Souris-Elmira.

Chair: Question, the hon. Member from Georgetown-St. Peters.

Mr. Myers: Thank you, Chair.

This is a more of an amendment to clean up some of the problems that existed from before? Is this from the –

Mr. Henderson: I would put it: just a little more detail and information and giving more clarity to the act itself, and to provide a little more of a sense of security and safety to the adult protection workers that are involved in these situations by being able to have a peace officer to be there to help them and that it's in the legislation to do that.

Mr. Myers: On that, then, it does reduce some of the minister's authority from what it was before, though?

Mr. Henderson: I wouldn't say, but maybe Nichola –

Nichola Hewitt Solicitor: No, not at all. There are two things this amendment will do. One is, currently the act can remove an individual from the source of harm. Taken from a home and maybe place them in a community care facility or a hospital or whatever. But if the source of harm was adult children in the home, there was nothing preventing those adult children from attending the hospital. That's what the first part of the bill does. The minister could potentially limit visitors to that individual. That's the first thing it does.

The second thing the bill does is it acknowledges the assistance of peace officers in certain circumstances. When the adult protection staff are going to the House

to remove an individual they know what that – they've done some preliminary investigation at that point in time, they've made the determination that the individual has to be removed. The minister has signed the emergency intervention and, based on the circumstances, they may feel that the attendance of a peace officer is appropriate, and this really facilitates that.

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

Mr. Myers: Thanks.

I appreciate that. I appreciate everything that's going on, and all the fine inner workings of it. Do you think it puts an inordinate amount of pressure on the minister who may not have a whole lot of (Indistinct). The minister has to rely on advice to sign that, and then what? I mean, it could backfire a lot on ministers. You're putting a lot of pressure on somebody who's not necessarily trained in that. I'm not taking anything away from the minister, I think you do a fine job, I know you have a big portfolio, but it puts a lot of pressure on you to really trust what you're being told.

Mr. Henderson: I think that's why I did feel a little uncomfortable about it, and that's why we did modernize and make it a bit more thorough so that I do feel better briefed.

There's still the checks and balances in the system that, within five days, the courts are going to play a role in this. I think from that perspective it's really about each particular situation getting the proper information. I do think we have to err on the side of caution when it comes to vulnerable adults, but we need to make some quick determinations that there is a legal basis here and a determination that there was potential harm involved.

It's just really about trying to get that information as accurate as you can. I think this legislation and amendments to that are just to make more clarity. It actually, in my opinion, gives the minister more power to protect that individual by just extending those protections on and beyond the residence or where they were moved from, and it also provides more supports from peace officers across the province to make

sure there are no issues that might cause harm to our potential workers.

As I say, it's pretty concerning situations people get into.

Chair: I actually have a question on this minister, if I might, from the Chair.

Mr. Henderson: Why not?

Chair: I am interested – the section 1.(1.1), can you provide the committee a sense of what the restrictions on any other individuals might look like?

When I say that, typically in the criminal justice setting you might have anything from a recognizance to what we call an 8-10, but pursuant to section 8-10 in the Criminal Code there's an ability to have a judicial recognizance .

What form does this kind of an order take to prevent somebody from doing something?

Nichola Hewitt Solicitor: It's not an order.

Chair: Okay.

Nichola Hewitt Solicitor: It's not an order. It's essentially a ministerial directive that's put in place until we can get a court order. That's what it is.

Chair: Are there –

Nichola Hewitt Solicitor: And so peace officers are authorized to enforce that. It's called an emergency intervention. It's not an order. It has been mistakenly called that for years, but it is an emergency intervention because it's the court that issues the order, not the minister.

The court issues the order, but 30.1(c) allows them to take action under section – enforce the actions taken under section 23. If you look at 30.1(c) – so if we're going to go and remove somebody from the home under one of these emergency interventions, then the only enforcement mechanism we've got is 30.1(c) which allows peace officers to support that undertaking at that point in time so that individual can be removed.

Chair: Okay. Then, as an example, if they weren't – I don't know. I think the example

given earlier was they could take them to the hospital and the children, say, weren't allowed to be there. I'm just wondering like, physically, how you –

Nichola Hewitt Solicitor: Well again – I mean, really, again, you've got your emergency intervention. You give it to the police. It's up to the police I guess. The same as – and it may say something like: You shall not be within 50 feet of the entry of the QEH, and then it's up to the police to enforce however they see fit. There's some discretion given there to the police by giving them the authority to take action.

Chair: Thank you.

Shall the bill carry? Carried.

Mr. LaVie: My hat goes off to you, minister.

Mr. Henderson: I move the title.

Chair: *An Act to Amend the Adult Protection 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.

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 Adult Protection 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 Family and Human Services, that the 17th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant and Clerk of Committees: Order No. 17, *An Act to Amend the Social Work Act*, Bill No. 47, ordered for second reading.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Minister of Family and Human Services, 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 Social Work Act*, Bill No. 47, read a second time.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Minister of Family and Human Services, 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 Tignish-Palmer Road.

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 Social Work Act*.

Ms. Mundy: May I ask permission to take a stranger on the floor?

Chair: Sure.

Mr. Trivers: Granted.

Ms. Mundy: Thank you.

Chair: Would you please state your name and position, please?

Jennifer Burgess Manager: Jennifer Burgess, manager of Corporate Support and Seniors for the Department of Family and Human Services.

Chair: Thank you.

Would you like to start with just a general statement?

Ms. Mundy: Sure.

This is basically a housekeeping bill. The act will enable the social work registration board, which is a licensing and public protection body of the social workers, to make and set its own bylaws. Presently, the fees are prescribed in section 14 of the certification regulations of the *Social Work Act* and changes to the fees must be approved by the Lieutenant Governor in Council. The board has requested, and it is supported by the association in that request, that the present amendment be made to the legislation basically to simplify the process of changing the fees paid by social workers in the future.

This would be in keeping with the other Atlantic Provinces as well.

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

An Hon. Member: (Indistinct).

Chair: Shall the bill carry? Carried.

Ms. Mundy: I move the title.

Chair: *An Act to Amend the Social Work Act*.

Shall it carry? Carried.

Ms. Mundy: 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.

Ms. Mundy: 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 Social Work 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 Motion No. 52 be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant and Clerk of Committees: Motion No. 52.

The hon. Minister of Communities, Land and Environment moves, seconded by the hon. Minister of Agriculture and Fisheries, the following motion:

WHEREAS the Natural Areas Protection Act is the highest form of conservation for ecologically significant areas in our province;

AND WHEREAS Prince Edward Island contains some of the most beautiful natural areas in Canada;

AND WHEREAS the Act conserves the aesthetic, scenic and natural character and condition of our Island ecosystems and prevents exploitation of our Island ecosystems for commercial purposes;

AND WHEREAS Prince Edward Island has many important environmental areas including forests, ponds, bogs, fresh and salt marshes, streams and rivers, sand dunes, offshore islands, coastal cliffs and marine areas and these sites provide a wealth of ecological, social and economic benefits;

AND WHEREAS the government of Prince Edward Island has set a target to protect seven per cent of its landscape and has

currently reached the half way mark of 3.5 per cent of protected land;

AND WHEREAS since the Natural Areas Protection Act was passed in 1988, 345 individual parcels totaling 8,428 hectares have been protected;

AND WHEREAS Islanders believe strongly that we should preserve natural areas for the benefit of future generations and Islanders have voluntarily protected 2,576 hectares of private land.

AND WHEREAS groups such as the Island Nature Trust and the Nature Conservancy of Canada have worked tirelessly in support of this program;

THEREFORE BE IT RESOLVED that Members of the Legislative Assembly celebrate the successes achieved under the NAPA to date;

THEREFORE BE IT FURTHER RESOLVED that Members of the Legislative Assembly commend the generous Islanders who truly understand the biological importance of their land and have voluntarily agreed to have their land protected;

AND THEREFORE BE IT FURTHER RESOLVED that we continue to encourage private land owners on Prince Edward Island to seek Natural Areas Protection designation to ensure our Island ecosystems are preserved for generations to come.

Speaker: The hon. Minister of Communities, Land and Environment.

Mr. Mitchell: Thank you, Mr. Speaker.

Would it be possible to get the podium?

Speaker: Certainly.

Mr. Mitchell: It might be on the Member from Rustico-Emerald's desk, I'm not sure.

Mr. Speaker, it is pleasure for me to bring forward a motion that is important to all Islanders.

This motion affects us all in a positive way. It commends previous work, celebrates

milestones and encourages continued success.

Prince Edward Island's *Natural Areas Protection Act* provides the highest form of legislated identification to preserve ecologically significant areas in our province. This is the act that deems natural areas protected, including forests, ponds, bogs, fresh and salt marshes, streams and rivers, sand dunes, off-shore islands, coastal cliffs, and marine areas.

We have a small province, and without a conscious effort to protect some of our Island's beauty we will look back in future years and wonder where it all went.

More than any other province our economic success depends heavily on healthy soils, clean air, clean water, healthy and diverse ecosystems, and the beauty of our landscape.

The *Natural Areas Protection Act* ensures that the beauty of Prince Edward Island is preserved and that there will always be breathtaking natural areas for Islanders and visitors to enjoy. I think everyone here in the House, and watching at home, can agree that Prince Edward Island contains some of the most beautiful natural areas in Canada. We need to support the efforts to preserve this beauty so that it will remain to inspire us and continue to play a large part in making us who we are as Islanders.

The places across Prince Edward Island that are being protected under the *Natural Areas Protection Act* provide a wealth of ecological, social, and economic benefits.

For example, these sites filter our water and purify our air. They reduce erosion and protect us from storm surges. They store carbon. They provide food, medicine and building materials, offer sites for healthy outdoor recreation, contribute to PEI's scenic landscape, and provide habitat for literally thousands of species of plants and animals including many economically important species.

Some natural protected sites also provide great locations for hiking, bird watching, fishing, hunting, and trapping.

As you can hear in this list of benefits, designating land under our *Natural Areas*

Protection Act also assists in efforts to mitigate and adapt to climate change. This act supports Islanders in our endless efforts to become a greener province from tip to tip.

The areas that we are protecting are both public land and private land. Since the *Natural Areas Protection Act* was passed in 1988, 340 individual parcels totalling more than 9,000 hectares have been protected. Of that amount, 2,720 hectares or 30% have been voluntarily protected through the generosity of our private landowners.

Public parcels of land that have received NAPA designation include the Townshend Woodlot, one of the best remaining old-growth hardwood forests in our province. It is home to hundreds of species, including, provincially rare orchids and ferns and many types of lichen, including some found nowhere else on PEI. It provides habitat for animals such as flying squirrels and pileated woodpeckers.

Pleasant View Cedars is another beautiful area that has been protected.

Mr. R. Brown: That's like a bad dream, flying woodpeckers and flying squirrels.

Mr. Mitchell: It consists – this is certainly something we should celebrate. Thank you, hon. minister.

It consists of old-growth cedar and is home to roundleaf dogwood, which is known from only one other location on PEI.

More great examples of public designation are the deep, wild, relatively undisturbed salt marshes of the Percival River used by both nesting and migrating waterfowl of many species, and also the spectacular (Indistinct) of Savage Harbour that are habitat for the endangered piping plover. Excuse me, Mr. Speaker.

Earlier this year we announced additional public land designation including the Bonshaw Hills wilderness park, which includes a beautiful river, upland forest with popular walking and cycling trails already being enjoyed by many Islanders and visitors.

There are also many private areas that are being preserved under the protection act. In

July my department announced that five new parcels were designated protected under the act. They include Courtin Island, Holman's Island, an area in Sherbrooke, Acadian marshes in Prince County, and a parcel of land in North Lake Creek. These five parcels combined made up a total of 360 new acres now being protected.

In addition to private landowners and government, two non-governmental groups have shown tremendous leadership in natural areas protection on Prince Edward Island. Both the Island Nature Trust and the Nature Conservancy of Canada acquire land for protection and designation under NAPA. Island Nature Trust also has an active private stewardship program to encourage landowners to voluntarily protect their own lands.

As the minister responsible for the environment, I want to personally thank and applaud both of those organizations for their dedication to this program and the extremely hard work that they do on a daily basis to preserve our beautiful province. We certainly share a desire to preserve our most precious natural areas. The program would not be as successful as it is today without the support of these two wonderful organizations.

In response to the World Wildlife Fund 1989 Endangered Spaces Campaign, PEI set a goal to designate 7% of the province under the *Natural Areas Protection Act*. We are currently more than halfway to our target percentage with about 3.53% of PEI designated protected to date. This is a significant achievement, certainly, but a lot more work needs to be done. This is why this motion is so important. To not only acknowledge the great work that has been done to date, but to encourage Islanders to continue to work with us towards our goal of protecting 7% of our province's land base.

I encourage private landowners across the Island to learn more about why it is something to be considered, and what the attributes and criteria are for designation and just how to apply for protected land designation.

As a first step I would direct anyone interested to our department website. There is information online around what a natural

area is, what does it mean when land becomes protected, a list of protected land to date, and much more.

In closing, I am calling on all members of the Legislative Assembly to commit to a renewed focus on natural area protection, to protect public land with worthy natural features, and to encourage and support private landowners who wish to voluntarily protect their own lands.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Thank you very much, Mr. Speaker, and it is a pleasure for me to second this motion.

Great work has been done under the *Natural Areas Protection Act* and as Islanders we have a responsibility to protect our Island's beauty, and it is a beautiful spot. We had our members here from Saint Vincent and the Grenadines and they just rave about it, and they weren't here for perhaps the best months of the year, but they absolutely fell in love with this Island.

Mr. LaVie: Every month of the year is good on PEI.

Mr. McIsaac: Exactly right. It is a beautiful spot and we need all to do our part to make sure it continues to be that way.

This is an extremely important piece of legislation, and I'm pleased that the Minister of Communities, Land and Environment is placing a renewed focus on this piece of legislation.

Our natural environment is one of the selling points, the real interesting selling points, for our visitors. The overall beauty of our province is well-known, but these natural areas really add a truly special piece to it.

We've all seen the videos shared on social media of our gorgeous landscape, and these scenic views contribute to our tourism industry. As Minister of Agriculture and Fisheries, I also put out a good word for our farmers and our fishermen that we actually

are the reason, big reason, why our tourism is so successful here.

If we didn't have our farmers making such a great job of keeping their farms up, well looked after, if we didn't have our fishermen like the hon. Member from Souris-Elmira there looking after the fishing villages, that really adds to the beauty of our province. They may not be the NAPA-designated sites, but every little piece of that adds together. Then you bring in the natural areas. It just makes it all come together.

These protected areas also provide us with opportunities to enjoy the outdoors with our loved ones, whether it be a Sunday afternoon hike or a Saturday morning bird-watching session.

I think one of the little things too, if you look around at areas as well that Ducks Unlimited have been involved with, and I know even on our farm at home we had a low area in one of the pasture fields. We called on a neighbour of ours – the Minister of Communities, Land and Environment and I grew up a few miles apart in the Fort Augustus area – and Tom Duffy who works for Ducks Unlimited came out, took a look at the property, and said: Yeah, we can do something with that.

They had a machine come in, dug it out. It was no good for us anyway. We couldn't even pasture the area, it was that low. They dug it out and they put some mounds in the middle of it and let the water fill up, and an absolutely great habitat for geese and ducks and muskrats and beaver and whatever maybe other types of waterfowl. But did it ever add to the beauty of the property. It looked like a field with a bog in it before, but then when you let the water come back, and the work they did with that was just fantastic. It really adds to the beauty of the farm. You should drive by.

Mr. LaVie: How long ago was that?

Mr. McIsaac: I would say that's about 15 years ago since they did that, but they've done that right across the province.

I know if you drive down Route 3 you'll see, way off in the side into Summerville, not from where the Amish are there, Tom and Ducks Unlimited dug out another piece.

There's another piece on the Buell Road, a Gallant property, there they did the same thing. Absolutely fantastic, and it just seems to bring things alive, but they're so important.

Anyway, hats off and kudos to Ducks Unlimited for sure.

There's another group – and there are many groups off the watershed groups, what I'm referring to, across the province. I know the SAWIG group, or the Stratford and Area Watershed Improvement Group, over in Stratford have spread out now almost to Vernon River where they're working on cleaning out the streams, planting trees along the sides of the rivers, and plants, like the hon. minister has stated earlier.

Hillsborough River Association has done great work up there building up the trout, putting in digger logs or whatever in the stream after they clean them out. The Winter River – the Premier's area – has great work being done there, and it's just adding to the wildlife and for those of us who like to fish it certainly helps us as well.

But it is great news to hear that we have reached more than half of our goal of protected land on PEI, and I hope this number continues to increase as more and more Islanders learn about the value of having their land preserved under this act.

I know there's great work that's being done by the staff of the forestry division on this file, and it's great to hear that they are currently in the process of having several more sites designated in the near future.

As the minister mentioned, it's not only public land that's being designated. There are several generous Islanders from tip-to-tip who have made the decision to have their private land designated as a natural area, and I'd like to commend the Island Nature Trust and Nature Conservancy of Canada. I know well the valuable work that they are doing to preserve our province's environment.

At this point I'd like to put a little compliment out to our newest Senator who's a constituent of mine, Senator Diane Griffin, who has a great history as a conservationist and as a former executive director of the Island Nature Trust. She's basically put her

whole life into conservation. She served as former deputy minister of environment resources, and was a recipient of the Governor General's Conservation Award, and the PEI Environmental Award. I'm sure in her time in Ottawa and in the Senate she will be there speaking on behalf of our beautiful Island here, the natural areas, pushing items with regards to that, and she will do that great work, perhaps even helping with others to spread it right across the country.

In closing, I would like to encourage this House to support the important memo, and I also want to encourage Islanders to contact the department to find out more about how they can have their private land preserved under the act.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

It really is an honour to rise in support of this motion. I think that the *Natural Areas Protection Act* is a great piece of legislation that has served this Island well for many years. It's really fantastic to see that it continues to protect more and more natural land, and it's great to see the province progressing towards the goal of 7% of the land area under complete natural protection.

Congratulations to the Minister of Communities, Land and Environment for his progress in this area.

The motion, I think, is very well written as well. It really covers off all of the groups that have worked so hard to make this happen, especially the Island Nature Trust and Nature Conservancy of Canada, and I want to commend those groups because they are so passionate, they work so hard.

The Minister of Agriculture and Fisheries has already mentioned the watershed groups who, again, I've talked about them many times in this House. They are so passionate and do such good work, and it's so important, because they not only allow lands to be taken and put into a nature land areas

act and taken and preserved, but they actually restore lands back to nature so that they can be available for years and years to come for people to use and enjoy and help our great province.

I am a Progressive Conservative, and it's no coincidence that conservation and Conservative have the same root because I'm very much a conservationist all the way through and that's why I think this is such a fantastic motion.

I, too, wanted to recognize Island farmers like the Minister of Agriculture and Fisheries has. I've said before that Island farmers are stewards of the land and I think we all agree on that. I think we need more closely with our farmers. We need to encourage watershed groups and farmers to work together to stop some of the bad things that are happening like the fish kills, or, as the Leader of the Third Party has said, river kills. I think if they do work closer together we can prevent those things from happening instead of waiting till they happen and then try and lay blame afterwards.

I know that I have a couple of constituents. One lady is actually one of the heads of a watershed group and her husband is a potato farmer. He says sometimes he feels awkward going into some conversations because farmers are looked down upon, and potato farmers in particular. That's the sort of attitude we have to stop. If we all work together, we can help conserve our environment and our lands.

Lastly, I wanted to make a point about the Alternative Land Use Services program, which is another fantastic program in the province. I would like to see if somehow you can dovetail the land that's in the ALUS program right into being land that's actually in the land protection areas act, and maybe that's already happening, but another great program.

Anything we can do to make the amount of land under ALUS expand is great

An Hon. Member: Call the hour.

Mr. Trivers: – I think.

Speaker: The hour has been called.

Mr. Trivers: Thank you, Mr. Speaker.

That's all I have to say.

Speaker: The hon. Member from
Evangeline-Miscouche.

Mr. Gallant: Mr. Speaker, I move,
seconded by the hon. Member from
Charlottetown-Lewis Point, that this House
adjourn until Friday, November 25th, at
10:00 a.m.

Speaker: Shall it carry? Carried.

Have a good night.

The Legislature adjourned until tomorrow,
Friday, at 10:00 a.m.