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LEGISLATIVE ASSEMBLY  
OF  
PRINCE EDWARD ISLAND

RESPONSES TO QUESTIONS AND ORAL QUESTION PERIOD  
(PRELIMINARY PROCEEDINGS)

FOR

WEDNESDAY, 23 NOVEMBER 2016



Responses to Questions Taken as Notice

**Speaker:** The hon. Premier.

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

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

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

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

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

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

Thank you, Mr. Speaker.

Questions by Members

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

**Hillsborough Hospital replacement**

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

Last week we spoke about our idea for an infrastructure summit which government rejected. We also spoke about government's decision to fast-track the Cornwall bypass.

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

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

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

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

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

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

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

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

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

**Ms. Biggar:** Thank you, Mr. Speaker.

Hospitals do not qualify under the infrastructure replacement program.

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

### **Hillsborough Hospital capital budget funding**

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

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

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

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

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

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

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

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

Well, this government promised a new hospital.

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

Question to the transportation minister. You're in charge of transportation and infrastructure. What assurances do Islanders have that the Hillsborough Hospital replacement isn't the next capital budget project to get pushed to the back of the line in favour of the \$65 million Cornwall bypass?

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

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

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

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

**Speaker:** The hon. Member from Stratford-Kinlock.

### **Child advocate**

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

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

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

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

**Ms. Mundy:** Thank you, Mr. Speaker.

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

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

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

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

Thank you, Mr. Speaker.

**Speaker:** The hon. Member from Stratford-Kinlock.

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

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

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

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

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

**Ms. Mundy:** Thank you, Mr. Speaker.

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

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

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

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

Thank you, Mr. Speaker.

**Speaker:** The hon. Member from Stratford-Kinlock.

### **Global Network contract**

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

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

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

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

**Ms. Mundy:** Thank you, Mr. Speaker.

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

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

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

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

Thank you so much.

**Speaker:** The hon. Member from Stratford-Kinlock.

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

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

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

**Child advocate (further)**

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

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

**Ms. Mundy:** Thank you, Mr. Speaker.

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

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

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

Thank you.

**Speaker:** The hon. Member from Stratford-Kinlock.

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

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

**Ms. Biggar:** (Indistinct).

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

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

that are supposed to be working as advocates for children would do so.

### Care facilities under FHS minister

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

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

**Ms. Mundy:** Thank you, Mr. Speaker.

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

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

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

Thank you, Mr. Speaker.

**Speaker:** The hon. Member from Stratford-Kinlock.

### Tour of care facilities

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

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

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

**Ms. Mundy:** Thank you, Mr. Speaker.

Actually, yes I have, hon. member. It was actually a very moving experience. I got to meet some of the children when I was out there. I got to meet the staff that were there. The staff were very appreciative that the minister did come out and see. We had long conversations and we chatted about the children that come into their care.

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

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

Thank you, Mr. Speaker.

**Speaker:** The hon. Member from Stratford-Kinlock.

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

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

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

Minister, will you commit to that here today?

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

**Ms. Mundy:** Thank you, Mr. Speaker.

Again, I don't think that surprising staff is the way to do anything. These staff are good

workers. They are in it for the right reason. Their hearts are in the right place. To show up unexpected to surprise them and hopefully catch them doing something, I just don't understand the rationale behind that.

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

**Speaker:** The hon. Member from Stratford-Kinlock.

### **Child advocate (further)**

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

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

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

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

**Speaker:** The hon. Premier.

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

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

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

Thank you.

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

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

**Mr. Myers:** Thank you, Mr. Speaker.

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

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

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

**Speaker:** The hon. Premier.

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

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

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

Thank you, Mr. Speaker.

**Speaker:** The hon. Leader of the Third Party.

### Physician complaints process

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

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

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

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

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

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

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

### 2009 *Medical Act*

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

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

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

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

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

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

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

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

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

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

### New legislation re: physician complaints process

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

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

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

I have to admit, I'm not as up to speed maybe on that one in particular – 2009 is a little bit before my time – but I will try to

get some of that information back. I think it's very important that all our acts that we administer through our department, to make sure that everyone is following the proper procedures within the legislation and the regulation. I want to make sure that Islanders get the highest quality of health care and that it's delivered in the most professional manner here in this province. If it's not, we want to take the appropriate action to make sure that it is.

Thank you, Mr. Speaker.

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

### **Status of registered health care professions act**

**Ms. Casey:** Thank you, Mr. Speaker.

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

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

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

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

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

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

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

### **Midwifery collaboration**

**Ms. Casey:** Thank you, Mr. Speaker.

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

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

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

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

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

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

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

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

**Prince Edward Home plan**

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

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

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

**Ms. Biggar:** Thank you, Mr. Speaker.

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

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

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

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

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

**Ms. Biggar:** Thank you, Mr. Speaker.

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

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

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

Madam Minister, this is the fourth time that I've asked you this series of questions in relation to this property. I'm wondering if there's a timeline as to when we might expect some action or activity in relation to this property.

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

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

**Ms. Biggar:** Thank you, Mr. Speaker.

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

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

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

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

**Development and debate of legislation**

**Mr. Myers:** Thank you, Mr. Speaker.

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

Somewhere around September 16<sup>th</sup> Bill No. 20 was drafted and then it was sent to the priorities committee for approval. According to Cabinet minutes, the next time you actually met was September 29<sup>th</sup>.

Coincidentally, on September 22<sup>nd</sup> the Auditor General sent you a letter asking for a request for all your documents on egaming.

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

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

**Speaker:** The hon. Premier.

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

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

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

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

**Mr. Myers:** Thank you, Mr. Speaker.

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

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

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

**Speaker:** The hon. Premier.

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

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

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

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

Thank you, Mr. Speaker.

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

**Mr. Myers:** Thank you, Mr. Speaker.

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

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

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

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

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

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

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

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

Steps have been taken to increase records management training for all government employees across government. Ten new record retention schedules were approved in

October. We were exploring the adoption of the electronic records management system, and hoping to pilot a system in the fall of 2017.

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

Thank you.

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

### **Record management responsibility during transition of premiers**

**Mr. LaVie:** Thank you, Mr. Speaker.

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

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

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

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

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

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

with record management policies prior to the removal of email accounts.

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

Thank you.

[End of Question Period]