

# PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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The Legislature met at 2:00 p.m.

Matters of Privilege and Recognition of  
Guests

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Thank you, Mr. Speaker.

Pleasure to rise and welcome colleagues here in the Legislature and visitors in the gallery and those watching on other platforms.

Three things; congratulate Pamela Large-Moran of Charlottetown as the recipient of the Bertha Wilson Honour Society, contributions to the profession and the community.

Second, the Parks Canada and my district, yours, the Rustico-Emerald, others, has now planted the last of a project of 38,000 trees in the park this year. The last of them being a red oak, so the closest you can get to a tree being a person in this province.

Tomorrow, the Advancing Island Connections program; bringing together immigrant entrepreneurs with PEI businesses to grow business locally and internationally. It's a great program and there will be a great attendance and some real things achieved.

Thank you, Mr. Speaker.

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

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

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

I'd like to send out a special acknowledgment to a group of radio personalities that put a terrific event on last night. That, of course, is the staff at 105.5 Hot FM. They held their annual pajama sleepover and that was in support of the Upper Room food bank. Hats off to the great folks over at Hot 105 for that endeavour.

I'd also like to send out a special greeting today to the residents of Andrews of

Stratford, who are regular viewers of the proceedings here in the Legislative Assembly. And, also to the individuals that tune in quite regularly and provide me with lots of advice from St. John House in Stratford.

In closing, I'd also like to recognize all the residents at Beach Grove Home and special hello to my mother, Elizabeth Aylward, and I'm looking forward to spending some time with you Friday afternoon, mom, and get the puzzle out.

Thank you very much, 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'd like to welcome everybody back to the House and particularly our guests in the benches today. I'd like to particularly recognize Catherine O'Brien and Boyd Allen, who are here for the imminent discussion on the *Water Act* later this afternoon, and also, of course, Hannah Bell, who is with us once more.

Thank you very much, Mr. Speaker.

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

**Speaker:** The hon. Member from Borden-Kinkora.

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

I just want to say, thank you very much to Marion Miller, last night and the South Shore Chamber of Commerce. That's where I was. Had a great discussion with them, over an hour-and-a-half in Crapaud. It was good to hear their ideas for the South Shore and the business community and what they're doing to try to bring more tourists into that area.

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 here again today and to welcome all those viewing at home in District 22 Summerside-St. Eleanors.

I'd like to welcome a very special guest, who is here today in the gallery and he is, indeed, a great member of the District 22 Summerside-St. Eleanors. Actually, he helped me immensely during my campaign. He drove me almost every other day. Kevin Barbour, welcome to the gallery.

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

**Speaker:** The hon. Member from Souris-Elmira.

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

It's great to be back again this afternoon with everybody in the House; all those that are watching from Souris-Elmira District 1.

I was saying yesterday that during parade week in the town of Souris every night they have special events. Tonight, you'll hear me announce one each day. Tonight, is all the businesses, not only in Souris, but the surrounding area, are open all evening with sales and door prizes. They have hot chocolate, apple cider, sugar cookies, and real special deals on, real sales on for Christmas.

If anybody wants to get their early Christmas shopping done all the businesses in Souris and the surrounding area are open late with sales this evening, Mr. Speaker.

Thank you.

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

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

I'd like to welcome all to the public gallery today. I also would like to say hello and welcome all viewers that may be watching in from the area of District 10 out in Charlottetown-Sherwood. I hope everybody is having a great day there.

I, too, would like to welcome Catherine O'Brien, who is with the water coalition folks, actually the head of the water coalition folks, who I have had an opportunity to sit with at many tables over the last year or so. It's always been a pleasure to work with her. It's great to have her in the House today as things will be progressing on our much-awaited *Water Act*. It's great to have her in the room today.

Thank you, Mr. Speaker.

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

**Speaker:** The hon. Minister of Rural and Regional Development.

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

Pleasure to rise and welcome all the folks in the public gallery, especially one of our former constituents in the Alberton-Roseville district, Kevin, and a former member of my Liberal executive. Welcome to the House, Kevin. It's good to see you. I also say hello to all the good people in Alberton-Roseville that maybe at home watching.

I'd like to especially mention: I attended two meetings this week with two volunteer organizations that are great organizations and that's Transportation West Inc. and the Western Hospital Foundation and I don't know what we'd do in the community if we didn't have such volunteers as we do in those organizations.

Thank you so much, Mr. Speaker.

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

**Speaker:** The hon. Member from Rustico-Emerald.

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

A pleasure to rise today and welcome everybody watching from District 18 Rustico-Emerald. It's a busy time of year – everyone getting ready for the holidays.

I'm particularly pleased that today the *Water Act* should be coming to the floor. I want to thank the minister from bringing that in and the folks that are in the gallery that are here, specifically, for the *Water Act*, good to see

you, especially Catherine O'Brien with the Coalition for the Protection of PEI Water. I just wanted to remind all the constituents of District 18 Rustico-Emerald to get their road priorities in to me as soon as possible. I know the minister of transportation wants to see them; she's dying to have some input from Islanders.

**Ms. Biggar:** Table them.

**Mr. Roach:** Table them.

I sent them to the minister a year and a half ago and I'd say at least 80% of them haven't even been addressed.

Thank you, Mr. Speaker.

**Speaker:** Thank you.

**Mr. Trivers:** I will table them.

**Mr. Myers:** He should. He should (Indistinct).

**Mr. Trivers:** I will.

#### Statements by Members

**Speaker:** The hon. Member from Summerside-Wilmot.

#### **Canada Games Swimming Team**

**Mr. Palmer:** Mr. Speaker, I am happy to stand in the Legislature today to recognize the Prince Edward Island swim team for their tremendous efforts this past August at the 50th anniversary of the Canada Summer Games. I had the honour of attending the games, as I cheered from the stands. I was not only a proud Islander, but also a proud father, as my son Logan Palmer was one of the 34 Islanders who made up the PEI swim team.

It was fantastic to watch all of these young Islanders experience this once-in-a-lifetime opportunity. From competing at the national level, to bonding with their teammates, to meeting other young people from all over Canada, and swapping provincial clothes; there were memories made at the games that I am sure all of the athletes will carry with them for the rest of their lives.

I would especially like to mention Alexa McQuaid for winning the silver medal in the 50-meter breaststroke.

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

**Mr. Palmer:** She joins her mother as a medalist from PEI, who brought home silver in the 100-metre freestyle in the 1985 Canada Games. These two have put PEI on the national stage for swimming across a generation and it is always wonderful to see Island representation on that level.

It was an excellent meet for the 2017 Team PEI swimmers, and I am very grateful that I was able to be a part of the action.

Thank you, Mr. Speaker.

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

**Speaker:** The hon. Member from Charlottetown-Victoria Park.

#### **Recognition of Workers Restoring Province House**

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

I want to thank all the workers of Prince Edward Island. Prince Edward Island is great because of all of the workers in Prince Edward Island. They're the people that build our infrastructure; they are the people who teach our children; they are the people that provide health care to many Islanders; they are the people that work in the manufacturing plants, and the farmers' fields, and the fishing boat, and the fish plants.

But especially I want to recognize the workers that are next door that are restoring one of the finest buildings in Canada. Each and every day we leave the House we see them working extremely hard in cold weather, rain and snow. They're up above working extremely hard to restore the building. I just want to send a great big thank you out for them. I think they're doing an excellent job and that building will be the building it should be because of the workers that are there today.

Thank you very much, Mr. Speaker.

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

**Speaker:** The hon. Member from Kensington-Malpeque.

### **Kensington-Bedford Pee Wee Hockey Exchange**

**Mr. MacKay:** Mr. Speaker, each year the Kensington-Bedford Pee Wee Friendship Hockey Exchange brings together second-year peewee-age players from Kensington, the South Shore Minor Hockey Association, and the North Star Minor Hockey Association. This year will mark the 50<sup>th</sup> anniversary of this long-standing tradition.

In the past, the exchange has only been offered to Kensington-registered players, but has since been changed and is now open to South Shore and North Star players. What an excellent way to bring everyone together. The exchange is an event that players look forward to every year. It is considered an honour to participate in the exchange.

The exchange takes place during the last weekend in January when Quebec travels to Kensington, and then during the last weekend of February the Kensington team then travels to Quebec. This hockey exchange is not simply about playing hockey or winning. It is a tradition that brings together communities and people to forge new friendships and bonds. It offers the opportunity to experience a new culture and make new friends.

One of the unique features of this exchange is that the players are billeted with members of the other team in both communities, which often leads to life-long friendships. On top of that, there will be a full schedule of events on and off the ice for both teams during their time in PEI and Quebec where they will be able to learn more about the area they are staying in and learn a new language.

This is one the longest-running hockey exchanges in Canada, and we are extremely thankful for the volunteers who have kept this incredible tradition alive. It takes a lot of work to prepare and organize such an event. The players, parents and the community appreciate the work that is put into this exchange. Although this year's exchange is still a few months away, I know the planning and fundraising has begun.

I encourage everyone to continue to support this exchange and tradition, which has built friendships that will last a lifetime. I know I will be supporting this 50<sup>th</sup> year tradition.

Thank you, Mr. Speaker.

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

Responses to Questions Taken as Notice

### Question Period

The hon. Leader of the Opposition.

### **Tabling of PNP review**

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

Yesterday we talked about immigration and problems that have, once again, emerged and how this government runs the Provincial Nominee Program. We called for a complete top-to-bottom review of the PNP program and the minister said one had been done six to eight months ago.

Question to the immigration minister: Will you table a copy of that top-to-bottom review of the PNP program here today?

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

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

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

It's an honour to get up again and talk about immigration and how important it is to the Province of Prince Edward Island. A review was done based on our findings in the immigration department and it was done in-house, and it was done for a reason that we felt that we could be doing more, and immigration is playing such an important, integral role in growing the economy in Prince Edward Island.

We felt that if we can take that and make it even better, that's what we're going to do and that's exactly what we did, Mr. Speaker.

Thank you.

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

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

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

Same question to the same minister: Will you table that report in this House?

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

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

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

I think we've openly conducted a transparent assessment of it when we included the expression of interest that we've just – we published it. The hon. member sitting across the floor – we've taken in the opposition in front of staff and we explained exactly what the immigration portfolio contains and what it does, and how we work with it. We've made several changes to the program that are going to make the program much better, including 12 new intermediaries and we're very fortunate the way immigration is working in Prince Edward Island –

**Mr. Myers:** (Indistinct)

**Mr. MacDonald:** – and we'll hope it continues.

Thank you, Mr. Speaker.

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

**An Hon. Member:** Working together.

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

**Newcomers concerned with PNP**

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

The government may not like the questions being asked, but we're not the only ones asking. In fact, representatives of the Chinese Canadian association have also spoken out. In fact, the president of the association said this: I feel that the government wants the Chinese people to come here to pay money and they are not

really interested in if the business is successful.

Question to the minister: Why does there seem to be such a disconnect between what you are saying here and what newcomers are seeing in practice.

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

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

**Mr. MacDonald:** I can assure the hon. member that we're taking action on every aspect of the immigration file – and interesting enough, I saw the interview and I opened Facebook today and on Kijiji or (Indistinct) it's called, the only Chinese newspaper printed on Prince Edward Island, and the Facebook page was actually a picture of the hon. member that's asking the question.

In that article, they talk about how good immigration is on Prince Edward Island, so there is a disconnect but –

**Mr. Myers:** You read Chinese?

**Mr. MacDonald:** – you know what? We're working with these associations. We're working with newcomers.

**Mr. Myers:** (Indistinct)

**Mr. MacDonald:** We're working with everybody right across PEI from one end to the other and we're improving immigration as we go.

Thanks, Mr. Speaker.

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

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

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

Yes, I am in favour of immigration. I am in favour of immigration when it's done properly above board. Yesterday I asked about the deposits system that this government is profiting from. As I noted, a growing number of provinces have moved away from this model finding it problematic.

**Review of changes to deposit system**

Question to the immigration minister: What did your PNP review say should be changed about the deposit system now in place?

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

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

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

The deposit system and the default system has been in place for a number of years and we're building on that. That's why we went out and we have 12 intermediaries now. We went to 13 communities. We have them engaged in a process to develop more immigration in rural PEI.

Also, part of the Atlantic Growth Strategy, part of that growth strategy, if you read *The Chronicle Herald* today, if Jamie Baillie was sitting across the House from me today, he'd be in agreement with what Prince Edward Island is doing.

Thank you, Mr. Speaker.

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

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

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

I also raised the issue of residency requirements for newcomers who start new businesses here. Currently, they're only required to operate for one year.

**Residency requirements for newcomers**

Again, question to the minister: What did your PNP review say should be changed around residency requirements for newcomers starting their own businesses?

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

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

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

Actually, there's many different entities that they have to go through when they arrive here on Prince Edward Island. The first one is, the first stop, is the immigration office on Prince Edward Island. Then, they invest \$150,000, which we've talked about openly. Then they have to incur a minimum of \$75,000.

Also, IIDI requires proof of applicant lived in the province while operating the business. Proof includes, but not limited to; tax returns that were filed on PEI, lease or proof of purchase of a resident, utility bills, bank and credit card statements, and copies of passports.

We're doing our due diligence on these individuals, but we'll keep improving the system.

Thank you, Mr. Speaker.

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

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

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

Due diligence on this side of the House when it's only 20% of the time in place, I don't think that's a very good practice.

Most new business start-ups need three years to become viable. Right now, we only require these businesses to be open for 365 days to reach their threshold.

Question to the minister: Why do your residency rules run counter to most normal business cycles?

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

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

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

It's actually two years. If we're talking about a business going forward, if you read the latest issues on *Forbes Magazine*, over 90% of businesses fail.

Let's not put all – we have a very successful

immigration program here. We're leading in population growth right across Canada at –

**Mr. Myers:** Filling your pockets.

**Mr. MacDonald:** – 1.7%. We're leading in –

**Mr. Myers:** (Indistinct)

**Mr. MacDonald:** – retail sales. We're leading in housing starts. We'll continue to grow the immigration program. We have checks and balances in place.

If I get another question, I'll get up and offer you what we do, actually, to help the immigrants when they arrive.

Thank you, Mr. Speaker.

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

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

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

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

It's clear and evident that our retention rate in newcomers beyond one year is very low. In fact, it's as low as 20%.

The way this government has set-up the PNP program that may be contributing to it, and they seem fine with it.

### **Retention percentage for economic immigrants**

Question to the Premier: Why is 20% retention for economic immigrants fine, but 37% turnout for a plebiscite not good enough?

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

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

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

I'm not sure where the 20% is coming from. One year retention in 2014, we're at about 63%. It's not hard, if you take a drive around the Island and, especially, in the

Charlottetown area, you're going to see that immigration is growing –

**Mr. Trivers:** (Indistinct) after one year.

**Mr. MacDonald:** – here are some of the things in the previous question. Here are some of the things that we've as a settlement of Office of Immigration.

During 2017 calendar year, we did 174 site visits to businesses. We did eight internal education sessions at 185 attendees. Four external education sessions estimated at 200 attendees and the PEI connectors did 15 educational sessions during the year, estimated at 250 attendees.

We're getting the job done, Mr. Speaker, and it shows.

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

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

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

It certainly shows in \$27 million in default escrow deposits over a two-year period.

There is a theme emerging in government's response to these issues. Namely, as long as newcomers are spending money here for at least one year, that's fine, because you only need one year to make a footprint in our population figures.

### **Increased federal transfers dollars**

Question to the Premier: Premier, how much does PEI stand to make in increased federal transfers due to inflated population figures?

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

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Mr. Speaker, Statistics Canada is a reliable organization. They produce, on an annual basis for 2016-2017 the population in this province; the population of the other nine provinces and three territories. I believe those to be highly reliable and I'm proud of the progress that Prince Edward Island is making. We've already surpassed our target of 150,000 to

152,000; highest ever population. We believe that to be correct and we're proud of it.

Thank you, Mr. Speaker.

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

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

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

I think we can start to see where this government has such an incentive to maintain the status quo: the money is too good. In fact, many would say it's addictive. Failure to address these structural issues puts PEI's brand reputation at risk and will make successful long-term immigration that much harder into the future.

#### **Review of Provincial Nominee Program (further)**

Again, question to the Premier: Premier, will you launch a full and complete top-to-bottom review of the Provincial Nominee Program that looks at structural issues with deposits, residency requirements and questionable business practices?

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

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

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

This is the second day that I've talked about the changes that we have made in this program, and the model that we're following.

We've met with the director general of immigration. We're in consultation with their department. We met with the secretary of immigration. We reviewed everything that we're doing and they're looking at us, saying: good job, you guys. Keep going. You're doing a good job.

What bothers me is we're dealing with a new program. We're –

**Mr. Myers:** (Indistinct)

**Mr. MacDonald:** – dealing with new entries. We're dealing with 13 communities that want this program across Prince Edward Island.

We used to do first-in-first-out and we said no to the intermediaries. We're not doing that anymore. We want to be more particular on who comes in to Prince Edward Island. That's part of the new model. There are all kinds of new issues that we're dealing with, but there's all kinds of benefits that we're dealing with, as well, Mr. Speaker.

Thank You.

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

**An Hon. Member:** You'd have to go back to Jason Kenney to (Indistinct)

**Speaker:** The hon. Member from Kensington-Malpeque.

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

In the Capital Budget speech government said that PEI Energy Corporation will build a fibre backbone to support high-speed Internet at a cost of \$30 million.

#### **PEI Energy Corp build of fibre backbone**

Question to the energy minister: How long will it take to complete this project?

**Mr. Myers:** Good question.

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

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

**Mr. Myers:** (Indistinct)

**Mr. LaVie:** You're hot today.

**Mr. MacDonald:** Mr. Speaker, we have been hearing from residents and as long as I have been a minister in this portfolio, I've been hearing about Internet and I've been hearing about the issues and we've been trying to this battle this issue because it is a broad issue.

Speaking of broadband, but there are things that we are trying to do as a government to build a foundation to create sustainability

right across Prince Edward Island for generations to come.

This is one that we should be all proud of because we're likely the only province in Canada that's able to do it, first of all, but the only province that was willing to do it.

What we're doing with broadband right across PEI is positive for everybody and every business and every home, every student. Whether you're using it for anything, Mr. Speaker, it's going to advance our province.

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

**Speaker:** The hon. Member from Kensington-Malpeque.

**Mr. MacKay:** Simple question: When would the project be complete? Simple question; never got an answer. Thank you, Mr. Speaker.

During Capital Estimates we got a couple of different stories about this project. The finance minister said this would be a three-year project, but the next day the economic development minister said it would only take two years.

### **Real high-speed Internet access on PEI**

Question to the energy minister: When will all Islanders be able to plug-in and see real high-speed Internet access in their homes?

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

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

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

The government-owned fibre backbone will cover approximately 1,500 kilometres. It's a big project. The RFP went out. I talked about that the other day, for final project design, high-level design is four to six months. We should have that ready to go in January. We'll make ready build within 18-24 months that we'll be pushing this out.

The total project time should be between 24 and 30 months, Mr. Speaker.

Thank you.

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

**Speaker:** The hon. Member from Kensington-Malpeque.

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

After this backbone is complete Internet service providers will still need to do work to connect it to homes and businesses. I've heard suggestions that it might be as long as five years before residents and businesses see any improvements in services.

Last fall the Premier told this House that all Islanders would have the best high-speed Internet access in Canada by the end of 2017.

**Mr. Fox:** Yeah.

**Mr. MacKay:** Clearly, this hasn't happened.

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

**Mr. MacKay:** Question to the energy minister: What happened to this promise?

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

**Speaker:** The hon. Premier.

**Mr. MacKay:** Duck, duck, goose today. (Indistinct) pointing fingers.

**Premier MacLauchlan:** I'm pretty sure that if the hon. Member would go back he'd see that what I said was the most complete Internet service relative to the population –

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

**Premier MacLauchlan:** – and to the geography of the province and that work is well underway. There are towers being built as we proceed through the year and what has been proposed with the new backbone will see an enhancement on that level of service.

Thank you, Mr. Speaker.

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

**Speaker:** The hon. Member from Kensington-Malpeque.

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

Not a great sign when the lead ministers aren't on the same page about how long it may take Islanders to get any benefit out of this.

### **Dollars split between Island taxpayers and Ottawa**

Question to the energy minister: How will that \$30 million cost be split between Island taxpayers and Ottawa?

**Mr. Fox:** Yes.

**Speaker:** The hon. Premier.

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

**Mr. Fox:** (Indistinct).

**Premier MacLauchlan:** Mr. Speaker, as I explained in the course of Capital Estimates, there have been initial discussions with Ottawa about how the federal and provincial governments could approach this – there are a couple of programs under consideration.

If I can remind the opposition of the discussions that took place here and before the government changed about the electricity cables under the Northumberland Strait – our government is committed to working cooperatively with the federal government and to getting the best possible deal –

**Mr. Myers:** For Maritime Electric.

**Premier MacLauchlan:** – for rate payers and for taxpayers.

Thank you, Mr. Speaker.

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

**Mr. Myers:** (Indistinct).

**Speaker:** The hon. Member from Kensington-Malpeque.

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

During the review of the Capital Budget, government spoke about cost-sharing this project with the federal government – trips to Ottawa and meetings with ministers.

### **Proposal and funding applications for project**

Question to the energy minister: Will you table copies of the proposal or funding applications that were submitted to the federal government for this project?

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

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

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

As the opposition knows, anytime you're going to go out to RFP, you're not going to just start exposing contracts because you want the best bang for your buck.

**An Hon. Member:** You would know.

**Mr. MacDonald:** So, Mr. Speaker, this is a project and it's funny because all we hear is the opposition about going back, going back. In 2006, let's not forget, the province under the Binns government paid itself \$4.3 million to construct a fibre line up the middle of Prince Edward Island.

**Mr. Myers:** Where is that? Where is it?

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

**Mr. MacDonald:** Under that agreement, Exetel owned the line, the province maintained it. The province maintained the right to use the agreement up until 2028 and we're very fortunate for that, but you know what? That fiber is at a capacity. What we're doing – and when we announced this and I spoke about it at the cultural event that paid \$3.5 million over three years for – or five years – they all got excited. Why? Because they all work out of their homes; they want to grow their businesses and they need Internet to grow their businesses, Mr. Speaker.

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

**Speaker:** The hon. Member from Kensington-Malpeque.

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

When we heard the Capital Budget speech this \$30 million project was mentioned.

When we checked the five-year Capital Estimates, there was no line item for the project and we were told the project would be off-book in a Crown corporation.

### **Announcement of capital project**

Question to the energy minister: Is it normal to announce a \$30 million Capital project with so little preparation work done first?

**Mr. Myers:** Good question.

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

**Mr. MacKay:** Tag, you're it.

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

When we entered into a similar agreement under the PEI Energy Corporation to do the cable, that particular funding was 50/50, but we only had \$50 million of that initially from the federal government back in 2006. We went back to Gail Shea and she wouldn't put any more money in. When Justin Trudeau became minister, we were able to acquire another \$20 million towards that project and that is \$70 million that Islanders do not have to pay back on their rates.

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

**Mr. Myers:** (Indistinct)

**Ms. Biggar:** Mr. Speaker, any time we can get an opportunity to cost-share these types of infrastructure projects that we are investing in Islanders for the future, that's the way we will continue to explore.

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

**Speaker:** The hon. Member from Kensington-Malpeque.

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

No wonder why people are confused. The project was announced in Capital Budget speech, but it isn't in the five-year Capital Budget; government says Ottawa will cost-share, but there hasn't been any funding proposal submitted yet; then one minister says it'll be a two-year project, the other says a three-year project; now we learn that

completing this backbone still won't provide high-speed Internet to Island homes and businesses direct.

Question to the energy minister: Shouldn't some of these basic details have been nailed down before announcing this project?

**Mr. Fox:** Yes.

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

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

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

We're taking concrete steps to establish a backbone right across Prince Edward Island that the ISPs can interchangeably mode, where they can access that point of contact and expand out even further into rural Prince Edward Island and it's needed

There's 12 strands mainly on what we get to use right now on the Bell Aliant fibre that's there, there's 48 in total. We're at capacity – we hear it all the time, the opposition hears it.

Brad Trivers, if I could quote him: –

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

**Mr. MacDonald:** We need the government to take the lead and go, community by community to issue an RFP to the Internet service providers – get back the gap in cost and that it's going to take for them to put the Internet access in and we need the provincial and federal governments to step up.

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

**Mr. R. Brown:** Ah, you can't even get on the same page over there. You can't even get on the same page.

**Speaker:** The hon. Member from Kensington-Malpeque.

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

**Mr. Trivers:** Good work. Good work.

**Mr. MacKay:** Islanders who don't have access to high-speed Internet are at a distinct disadvantage. Children can't do their

homework, entrepreneurs can't grow their business, and the list goes on. For once in all, we need you to be honest with Islanders.

### **Timeline for completion of project**

Question to the minister: Given that we don't have a timeline, nor funding lined up for this project, when will it be realistic for this project to be complete?

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

**Mr. Fox:** Yes.

**Chair:** The hon. Minister of Economic Development and Tourism.

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

I think I did give the actual time and I also said that the initial RFP has already gone out and is due back. So, I guess the project's in motion and we're looking forward to it and I know every Islander's looking forward to it and it's something extremely important to us.

You know, if we increase the Internet service based on what we want to do, it could add 1% to the economy and to the GDP overall. That's how important it is and being the minister of economic development, I'm on board for this and I hope we expedite it as soon as possible.

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

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

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

There's been a lot of talk both yesterday and today in this House about a review of the PN Program that was completed earlier this year. Given the issues that have recently emerged about this program, I'm wondering – many others are wondering too – what this review said about the efficacy of the program in achieving its intended outcomes.

### **Review of rate of performance on outcomes of PNP**

A question to the Minister of Economic Development and Tourism: What are the

key outcomes of the PN Program and how did the review rate the program's performance on these outcomes?

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

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

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

It's a good question. What we're trying to do is we're trying to build an immigration portfolio that is strong and sustainable for a number of years and I think we're getting there. We've changed how we deal with the intermediaries –

**Mr. Trivers:** If only people would stay.

**Mr. MacDonald:** – and some of those intermediaries may not even like it because they used to have an allocation that they were given and it would be first in-first-out on the applications. What we're saying to them right now is: Look, we're going to evaluate every application you put in and we're not necessarily taking your application. I think that, in a start itself, is allowing us to choose better applicants to fulfill different positions right across the Island – whether it be new businesses, or labour, or whatever it may be. Let me note to the House that not all immigrants that have start-ups on PEI –

**Speaker:** That's good. Thank you, Minister.

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

**Speaker:** Hon. Leader of the Third Party, your first supplementary.

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

We still don't know what the outcomes were in this review, indeed if there were any or how they were rated. Government has said that the PNP recipients must submit business plans as part of their application and that they generally receive help from consultants. Concern has been raised about the quality of this consultancy work – whether applicants are receiving good advice and about government's role in advising applicants.

### **Monitoring of quality of business plans for success**

A question to the minister: How does the Office of Immigration monitor the quality of the business plans and advice that applicants receive to ensure that the proposed businesses have the greatest chance of success?

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

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

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

Another good question, hon. member. The consultant is basically a chartered accountant. We receive a business plan from the chartered accountant on behalf of the immigrant and we look at their financial analysis. They already have their market research done through that business plan.

It puts our department in a tough spot for us to say: Yes, you can open this business or no you can't open this business. I think at some point in time, government needs to take a lead and that's exactly what we're doing, but at some point in time government, for all kinds of reasons, needs to get out of the way and at that point I think we have to take –

**Mr. Myers:** You're picking winners and losers all the time.

**Mr. MacDonald:** – the information provided by the chartered accountant and say whether that's a good business or a bad business; will be up to the individual.

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

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

### **Tabling of PNP review (further)**

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

I have to wonder about the scope and the quality of this internal review of the PN Program and whether a more thorough audit might be in order. The only way we can determine that is if we have all the information, and in the spirit of

collaboration and support of the Leader of the opposition's earlier request this afternoon: Could the minister table the internal review as well as the performance monitoring information relating to the PN Program?

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

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

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

There are many facets to this immigration program from settlement services through the federal government, from Island Connectors, from Island Advance, from the chamber of commerce, from our own department. Now, there are private consultants doing some of this work. I was about to say, before my time was up, all immigrants that come to Prince Edward Island don't necessarily go through the immigration office; don't necessarily go through the business side, the economic stream.

We have 600 labour positions that we fulfilled over the past year, part of that economic strain. We're shining a light on individuals and businesses that I don't think it's fair to paint them all with the same brush. We have some extremely good immigration businesses that opened up and are contributing to the economy on PEI.

Thank you, Mr. Speaker.

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

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

### **Replacing stop signs with yield signs in safe locations**

**Mr. Dumville:** Mr. Speaker, my question is to the Minister of Transportation, Infrastructure and Energy.

Our transportation methods are a leading contributor to greenhouse gas emissions; starting, stopping and idling have been proven to increase greenhouse gas emissions. Minister: Will the government replace stop signs with yield signs where roads meet with clear and safe sightlines?

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

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

First and foremost, our department is concerned with the safety of the travelling public and that's our top priority. The guidelines that we use when determining where a stop sign should be take into account the traffic count in that area, the sightlines, other factors such as speed and stop signs are used for that particular reason, to control that kind of traffic.

In regard to greenhouse gas emissions, we have installed seven roundabouts since 2015 and in the past – and that's replaced 15 stop lights across PEI, but we will continue to review areas where stop signs or yield signs are in place.

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

**Speaker:** The hon. Member from West Royalty-Springvale, your first supplementary question.

**Mr. Dumville:** Minister: Has your department ever done a study to determine if a certain percentage of stop signs should be converted to yield signs?

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

**Ms. Biggar:** Mr. Speaker, as I noted when we get a request for, whether, it's a stop sign installation, which we have in some communities – they want us to go to four-way stops or three-way stops in certain areas.

We take into account, again, the movement of traffic and how it increases safety. Islanders are used to the way that our stop signs are installed. We have a lot of travelling visitors on Prince Edward Island and we have to, first and foremost, keep that in mind. We have not done a traffic study, but again, as I said, every time a request comes in there are many factors that are studied.

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

**Speaker:** The hon. Member from West Royalty-Springvale, your second supplementary question.

**Mr. Dumville:** Minister: Will you commit today to have your department research this initiative?

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

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

Every time we plan to do work in an area, whether it's a roundabout or a road construction that we're doing right across Prince Edward Island, we take all those factors into account already. We are ongoing studying traffic flows in communities, and I don't know what exactly the member would else like us to do, but if it's a specific study, we study that every day.

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

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

### **Supply and market re: blueberry producers**

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

As we all know, West Prince produces some of the best food in Prince Edward Island. Our lobsters, potatoes, crabs, oysters, and mussels are enjoyed around the world and in my district, blueberries are another important crop. Last season, blueberry prices took a deep dive and this season wasn't any better.

Can the minister inform the House on the current supply and market situation for our blueberry producers?

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

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

**Speaker:** The hon. Minister of Agriculture and Fisheries.

**Mr. McIsaac:** Thank you very much, Mr. Speaker. Thank you for the question.

This is a concern, not just in the Tignish area but across the Island, across the Maritimes

and across North America. Just for an example of the size of the production, in 2013, I think on PEI we garnered about 16 million pounds. Three years later in 2016, we had 34 million pounds. This year was a little bit off. We're down to 23.5, but the stocks are high thus the prices are down. I know we saw the price go down to 30 cents; not finalized yet, but it may be lower this year as well.

There is grave concern there, but we do find that the stocks in the States and the stocks overall, and talking to Wyman's and Bragg, the stocks are coming down so it may bode well better for the years ahead.

Thank you very much, Mr. Speaker.

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

**Speaker:** The hon. Member from Tignish-Palmer Road, your first supplementary

#### **Buyers of Island blueberries**

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

The situation is definitely troubling for producers in my area, and for me as their MLA, as well as other Island producers. The government needs to help find a market for Island growers.

**Minister:** Has your department made any efforts to help seek a buyer for Island blueberries?

**Speaker:** The hon. Minister of Agriculture and Fisheries.

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

We are always looking at that sort of thing. In fact, I've met with my counterparts in Nova Scotia and New Brunswick specifically on this blueberry issue because it is a concern, not just our province but to theirs as well. We do need to find a further processor and help with that, but with the stocks going down and we think with the interest that is there – because it's a very valuable crop not only to the producers, but also to the consumers – that we can see some rise in that. We'll get the stocks balanced out and work with some new

processors. I think we can turn things around in that commodity.

Thank you very much, Mr. Speaker.

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

**Speaker:** The hon. Member from Tignish-Palmer Road, your second supplementary question.

#### **Promoting Island blueberries through events**

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

More and more people are following diets of natural healthy foods. Prince Edward Island wild blueberries are not only delicious, but also nutritious. Various food sectors have had great success through promotions like Burger Love and Love our Lobster.

**Minister:** Will your department consider promoting Island blueberries as a super food through a similar promotional event?

**Speaker:** The hon. Minister of Agriculture and Fisheries.

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

Great question and we saw the success with Burger Love and Porktoberfest and Love our Lobster. Those things have really worked well and they've worked through our Growing Forward 2 program and we see that extended now for five years with the Canadian agriculture partnership; 37 million in the non-business risk and 129 million in the business risk part of it.

So, there are dollars going forward. We have the SIGI program for strategic initiatives that we can work with as well, and their staff are working with our producers and will continue to work with producers to get us over this hump and get us onto success and a commodity going forward.

Thank you very much, Mr. Speaker.

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

**Speaker:** The hon. Member from Souris-Elmira.

**Mr. LaVie:** Mr. Speaker, the PEI Home Renovation Program is now closed to applications until next spring.

### **PEI Home Renovation Program**

A question to the Minister of Family and Human Services: Do you not recognize the need out in our communities for this need?

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

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

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

Yes, indeed, we do. It was our government that increased that very valuable program by an additional \$400,000 once we were elected. We see the difference that it's making in Islanders' lives and we're very proud of it, Mr. Speaker.

Thank you.

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

**Speaker:** The hon. Member from Souris-Elmira.

### **Waiting list for home renovation programs**

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

This is a vital program: assist Islanders in making major structural renovations to their homes.

Question to the Minister of Family and Human Services: Minister, how many Islanders are left sitting on your home renovation waiting list during these cold winter months?

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

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

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

We have other programs that help low-income Islanders to cover their costs with their basic needs. We are committed to looking at new and innovative ways to helping Islanders to live successful

rewarding lives. That is a valuable program, and a valuable program that we will continue to look at and we will continue to offer to Islanders, Mr. Speaker.

Thank you.

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

**Speaker:** The hon. Member from Souris-Elmira.

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

The minister won't let the people know how many are on the waiting list. There is a waiting list. The Seniors Home Repair Program is now unofficially closed until sometime in the new year.

Minister: How many Islanders are left sitting on your Seniors Home Repair Program waiting list during these cold winter months?

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

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

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

I think we're talking about a couple of different programs. For one, we have a PEI Home Renovation Program. We also have a Seniors Home Repair Program, and we have a Seniors Safe @ Home Program.

If the hon. member is talking about the Seniors Home Repair Program, we do not have a wait list. That's actually open all year round.

Thank you, Mr. Speaker.

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

**Speaker:** The hon. Member from Souris-Elmira.

### **Seniors being rejected from home repair programs**

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

The Auditor General found proof of seniors being deliberately passed over for low-

income housing by this government, and never being told the truth.

To the Minister of Family and Human Services: Will you admit if any Islanders have been unfairly passed over for these two programs, as well?

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

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

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

On the contrary. The Auditor General, and we do appreciate the work she did and we take the work that she does and we learn from it. I do take offence to the hon. member saying that people are deliberately passed over. We take pride in matching the units with the individuals.

When individuals come to us they sometimes have a long list of requirements that they need. It is up to our department, and we work very hard, to make sure that we are matching those individuals with the units that are available.

Thank you, Mr. Speaker.

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

**Speaker:** The hon. Member from Souris-Elmira, before you ask your next question, I just want to remind you, and, I guess, all hon. members, you had mentioned that: You're not telling the truth, or somebody is not telling the truth. That is bordering on unparliamentary.

**Mr. LaVie:** I'll take that into consideration.

**Speaker:** Go ahead.

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

**Mr. LaVie:** To the Minister of Family and Human Services: Those are the words of the Auditor General. They're not my words. She found the proof. Not me.

We recognize a problem. You're not recognizing the problem out there for these seniors. You're not recognizing the problem.

Your minister before you has seen a problem. Senior members coming in the backdoor and passing out these applications, so there is a problem inside your government and you're not recognizing it and you're not telling people –

**An Hon. Member:** Say it.

**Rules changed in housing repair programs**

**Mr. LaVie:** – what they should heard.

We have seniors stuck for years on these waiting lists. And it's true. I have them in my own district. As this government jigs how many people can make and what renovations are covered from year to year.

To the Minister of Family and Human Services: Why does your department keep changing your rules and denying access to these important programs for seniors?

**Mr. Myers:** Good question.

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

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

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

Again, we believe that appropriate affordable housing is one of the most important social infrastructure in a community. That goes for seniors housing. That goes for family housing. We, as a government, take it very seriously.

I will reiterate that it was our government that invested an additional \$400,000 in to the PEI Home Renovation Program. We increased our rent supplements. We also brought back the Seniors Home Repair Program –

**Some Hon. Members:** Yeah.

**Ms. Mundy:** – which the previous government, the previous Conservative government cancelled, and we introduced the Seniors Safe @ Home Program –

**Mr. Fox:** (Indistinct)

**Ms. Mundy:** – these are all valuable programs that help –

**Mr. Fox:** (Indistinct)

**Ms. Mundy:** – Islanders in their homes and Islanders that need the help most get the help most.

Thank you, Mr. Speaker.

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

**Mr. Myers:** You were Conservative back then.

**Mr. Fox:** You were.

**Speaker:** The hon. Member from Souris-Elmira.

### **Struggles for Island seniors**

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

This is the government that left \$5 million on the table and never gave it to the seniors. That's what happened to the last minister.

Then, she goes and she says she has upped the ante. Well, you took \$5 million and gave it to the Minister of Finance and then you put \$5 million back. No, you didn't up. No, you didn't. You still have got seniors on a waiting list. You've got seniors turned down year after year. The same people are turned down.

These two programs are the main programs that support Island seniors who are low and modest income to improve their homes and maintain their independence.

Question to the Minister of Family and Human Services: Why are these people's troubles falling on deaf ears when it comes to your Cabinet table?

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

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

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

Maybe the hon. member wasn't in the House on Friday past when this government announced –

**Some Hon. Members:** Oh!

**Ms. Mundy:** – a very valuable program that would introduce –

**Mr. Trivers:** (Indistinct)

**Mr. LaVie:** (Indistinct)

**Ms. Mundy:** – what we call a Seniors Independence Program. That is going to be invaluable for seniors who want to remain in their homes and live independently. We are going to now help them with light housekeeping, meal preparation, snow removal, heavy lifting. These are all things that senior Islanders have told us that they need and will help them to stay independent in their home. This government listened. This government took action.

Thank you, Mr. Speaker.

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

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

### **Rules changed in housing repair programs (further)**

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

This government can't keep the highways clean. How are you going to clean every senior's driveway across Prince Edward Island? I'd like to know.

There are examples where seniors who applied and were turned down the first time were told not to reapply because they were already in the system. No need to reapply; you're already in the system. Now, last year they found out too late. They had to reapply and missed again.

To the Minister of Family and Human Services: Minister, what are your rules and application processes going to be this year?

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

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

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

Successful communities respect their seniors. We respect our seniors –

**Mr. LaVie:** Show them.

**Ms. Mundy:** – and we are always looking at ways that we can improve services that will help our seniors, and all Islanders.

The Seniors Safe @ Home Program, Seniors Home Repair Program, PEI Home Repair Program are all valuable, valuable programs that are helping Islanders who need the help most and able to stay in their home with the repairs that they need. We are very proud of that program, as well as, all of the other programs that we have to help seniors stay in their home.

We have the Seniors' Drug Program. We have the property tax referral. We have the income tax changes that was made. We are committed to helping seniors that need the help and we will continue to help them, Mr. Speaker.

Thank you.

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

#### Statements by Ministers

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

#### **Seniors Mental Health Resource Team**

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

Aging is a natural part of life and as we age we can face various health challenges both mentally and physically.

Seniors mental health can be tested as they are faced with grief and depression, anxiety over their home, their families or even psychiatric symptoms associated with dementia. Health PEI has a number of supports for services for mental health care, including a specialized Seniors Mental Health Resource Team.

The team includes of nurse practitioners, registered nurses, social workers, psychiatrists, consulting psychologists. These professionals provide care at homes and community care and in long-term care facilities.

Originally, this team was based solely in Queens County. As you recall, last spring it expanded into Prince County and today I'm pleased to announce that the Seniors Mental Health Resource Team has branched out again and will provide this vital service to people in Kings County.

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

**Mr. Henderson:** Our department and this government are working to improve quality of life and well-being for Island seniors, families and caregivers. We want to enable seniors to remain independent for as long as possible.

The Seniors Mental Health Resource Team is visiting seniors, conducting assessments and creating a treatment plan for complex needs that cannot be met by primary or secondary care alone.

Provincial government funding for this program has grown to over \$900,000 annually. We remain strongly committed to strengthening mental health services for all Islanders and this is a great step forward for Island seniors.

Thank you, Mr. Speaker.

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

**Speaker:** The hon. Member from Morell-Mermaid.

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

I'd like to thank the minister for his statement. We'll look at all the details. Obviously, any more access to service and resources for mental health in this province is welcome. We don't need to go through the litany of problems that we're going on with – that are happening right now in the province. I'm happy to hear it's extending to eastern PEI.

I'll be interested to see the details on it, whether it's current resources or new resources. I know diagnosis is the key early, but I'll say, hopefully it's good news and we'll wait for the details.

Thank you, Mr. Speaker.

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

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

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

Indeed, this is a great announcement. We are now covering all of the Island, but like the hon. Member from Morell-Mermaid, I am interested to hear the details of this whether this is new resources. When you say you're into Kings County; that's a large area. Are we covering all of Kings County or, you know, so there are details here yet to know.

As the minister said, mental health is such a prevalent problem in all age groups. Seniors have some very particular and specific challenges regarding mental health. There is the natural neurological decline that comes with aging. There is loneliness and isolation that we see so often in our seniors. There are medications that they take that often can impair their mental acuity. There are stresses, well, that everybody faces, but particularly older people regarding familial problems. Financial issues, are, also quite often a stress for seniors. This is – it's a serious problem in that group.

It's important that we do provide the resources and this team clearly will help to do that. But we have to remember that when it comes to mental health the most important thing we have to do is to prevent problems in the first place. We need to support people in mental wellness, but we need to do everything we can in order to prevent people getting to that point where they're suffering from problems that need to be, where you need to intervene.

That will mean incorporating – I mean there are all sorts of innovative programs out there. How about we incorporate daycares into seniors housing? That program is in place in many other jurisdictions. It's good for everybody. It's good for the young children. It's great for the seniors. There are co-housing programs where students at university live with seniors and they get a reduction in their tuition or in their rental.

All of these things of reclaiming of reuniting the different age groups are hugely important in all kinds of ways, but particularly, when it comes to maintaining mental wellness.

I appreciate the announcement, minister, but there are so many more innovative things that we could be doing.

Thank you, Mr. Speaker.

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

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

### **Student Well-being Teams Progress Update**

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

Today, I'd like to update members on the good work being done by our new Student Well-being Teams, which are now up and running in the Westisle and Montague Families of Schools.

The teams are there to meet the needs of children and families as early as possible and in the least intrusive manner. Having services available in schools makes access to services easier and more timely.

It allows students to be supported earlier and it prevents issues from escalating and impacting a student's ability to succeed in school and later in life.

The Westisle team includes; Lorna Hutt, mental health therapist and clinical team lead, Bethany MacIsaac and Alicia Doyle, school health nurses, Cory Snow and Barbie Barber, school outreach workers, Andrea Garland, counselling consultant.

In Montague we have Dara McGregor, mental health therapist and team lead, Sheri Ferguson and Juliana Barry, school health nurses, Jane Wood and Mark Campbell, school outreach workers and Craig Conahan, counselling consultant.

As expected it's taking a bit of time for the teams to get established, but they are getting there.

I can tell you, I've heard comments from a number of different places that the teams couldn't have been better staffed if we had tried.

A team member has been assigned to each school and space has been set-up in all schools for them to see students.

To date, the teams have received more than 130 referrals; responded to many informal requests and led several educational initiatives and group sessions. Students are coming to them for help with a variety of issues such as; anxiety, relationship challenges, attendance issues, diabetes management and eating disorders.

This is a true collaboration of four government departments working as one team with the youth and the family at the centre. We are getting very positive feedback from principals, school counsellors and teachers.

They appreciate the added support and being able to readily connect with the teams for suggestions on how to help a particular student.

One of the common themes we're hearing about is trust. Most of the team members, whether they are experienced public health nurses or youth workers, are from the communities and have known the students and families for years.

Team members are making special efforts to be present in the halls, in the cafeteria and in the parking lot when students get off the bus in the morning. They are taking time now to connect with students so they will reach out to them later when they need them.

The good work is just beginning. We are looking at how the teams can support students at the French language schools. Meetings are taking place this week at Bluefield, Colonel Gray, Morell and Souris where teams will be in place next year based on the unique needs of their student populations.

These new professionals are already making a difference in the lives of many youth and we are encouraged by the capacity of the teams to prevent more serious issues later.

Thank you, Mr. Speaker.

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

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

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

We have talked about over on this side of the House now for a number years, the importance of a good start and the importance of mental health and the importance of getting the assessments down.

I do think it's a positive move any time the government can do any work that leads to better results on the mental health front. I do know that we are the only province that doesn't have a psychologist on the staff. I think the worry that I'm hearing out there is that it can lead to a misdiagnosis or not a proper diagnosis so then all the great work that the great staff are doing could be misdirected because they're not actually doing it under a proper diagnosis, or, perhaps, in some cases, the wrong diagnosis.

I think the government has failed repeatedly when it comes to school psychologists. The wait here is really, really long. The minister promised that he was going to fix it back right after he became a Cabinet minister. The early days of this Legislative Assembly, he had to backtrack and say actually he couldn't make that happen. He didn't have the authority to make that happen and wouldn't the steps necessary to change the legislation so he could fix the problem.

I hear a lot of the names and I know the people down in my area, there are some great people in the core team that you had. It sounded like some of them were already hired. I know Craig Conahan was the guidance counsellor at the high school, so I assume he's either still the guidance counsellor or you've replaced him as the guidance counsellor, but there's no question about his credentials as a person in this system who can help better the outcomes and the mental health of students in the system.

I think that government has a long way to go, patting yourself on the back after two months of a program might be a little too soon to say to fly the flag of success. This is something that you have to stay on all the time. This is something that you have to keep funded all the time.

I know like your short-term commitment to the teacher problem earlier this year where you said you were going to increase 40 teachers for one year and then you wouldn't, in Question Period here, commit to extending that beyond that or that it was a permanent deal. This is something that has to stay in long-term. It's not something that you can fix in two months. These aren't issues and you should never lead Islander to believe that these are the type of issues that can be fixed in two months. If there's issues here that require the help of a psychologist, if there's issues here that need to be dealt with on a higher level, I think that this government need to bring a bigger commitment; government has to look at the long-term outcomes; government has to look at the long-term health of not just students in this province but of every Islander when it comes mental health services here in the province.

I think it's way too early to sing any successes here. There's great people involved and there's no question about that the program will be a benefit to students; however, I think just to stand on the political basis and say: Look at me, I'm doing a great job – after two months shows the government is short-sighted; shows the government isn't looking far enough ahead; and it shows that government doesn't actually care about anything more than a clip in the Legislature, versus the proper outcomes for these students in the long-term.

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.

Interesting that this minister's statement would be juxtaposed to the one that we just heard on mental health in another demographic in our society; I talked about the importance of prevention and promotions and wellness and good mental health and, of course, if you've been on this planet for 60, 70, 80 years developing new habits at that point is sometimes a difficult

thing to do. But we're talking about a much younger age group here where the development of good habits, whether that be in terms of health and exercise, of stress management, of diet, all of those things is entirely possible. This is a great thing that we're doing. Whether or not it's premature to celebrate it, I don't know, but it's certainly a good thing that we're doing.

I talked earlier about the particular and specific challenges that elderly people have in our society and there's another particular and specific group of challenges that the student population has. You mentioned some of them in your statement, Minister, about the cost of tuition; new relationships; new responsibilities in life; access to new medications and other things that perhaps were not available to them before; having to work jobs at a time where their focus should be on studying; concern about getting a good job when they're finished their degree. All of these things are stress-inducing and can take a toll on mental health.

So, this development of healthy lifestyles, recognizing when people are struggling at an early point is critically important. And, of course, we all know that the most effective way to deal with mental health issues and stresses is just to develop relationships, and to be empathetic, and a little bit of kindness. There's a very big difference between loneliness and being alone. One can be alone and be perfectly happy, but you could also be in a large crowd and feel extremely lonely. I know a bunch of students who suffer from that. They may appear to have very active social lives, but inside they're hurting. That reaching out to them as these groups do and developing those relationships, and being sympathetic, and being a listening ear is one of the most important things that we can do.

I thank you for your statement, Minister.

Thank you, Mr. Speaker.

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

Presenting and Receiving Petitions

#### Tabling of Documents

**Speaker:** The hon. Member from Borden-Kinkora.

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

Mr. Speaker, by leave of the House, I beg leave to table a written question further to written question No. 1501 to the Minister of Justice and Public Safety and I move, seconded by the Member from Rustico-Emerald, that the said document be now received and do lie on the Table.

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

**Mr. Fox:** Mr. Speaker, by leave of the House, I beg leave to table a written question further to written question No. 1502 to the Minister of Justice and Public Safety and I move, seconded by the Member from Rustico-Emerald, that the said document be now received and do lie on the Table.

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

The hon. Member from Borden-Kinkora.

**Mr. Fox:** Mr. Speaker, by leave of the House, I beg leave to table written question further to written question No. 1503 to the Minister of Justice and Public Safety and I move, seconded by the Member from Rustico-Emerald, that the said document be now received and do lie on the Table.

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

The hon. Member from Kensington-Malpeque.

**Mr. MacKay:** Mr. Speaker, by leave of the House, I beg leave to table the Hansard dated November 24, 2016, as the Premier quoted – which he couldn't remember during Question Period – it states "...next year we're going to have the best Internet service in Canada" and I move, seconded by the Leader of the Opposition, that the said document be now received and do lie on the Table.

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

The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Mr. Speaker, by leave of the House, I beg leave to table the 2016 road priorities for District 18 Rustico-Emerald –

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

**Mr. Trivers:** – because despite the best efforts of road supervisors – (Indistinct) John Gallant and Francis Kelly – they need the support of the minister to get the funding to make the changes and I move, seconded by the Honourable Member from Borden-Kinkora, 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

Government Motions

Orders of the Day (Government)

**Speaker:** The hon. Minister of Agriculture and Fisheries.

**Mr. McIsaac:** Mr. Speaker, I move, seconded by the hon. Minister of Communities, Land and Environment, that the 9<sup>th</sup> order of the day be now read.

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

**Clerk:** Order No. 9, *Water Act*, Bill No.13, ordered for second reading.

**Speaker:** The hon. Minister of Agriculture and Fisheries.

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

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

**Clerk:** *Water Act*, Bill No.13, read a second time.

**Speaker:** The hon. Minister of Agriculture and Fisheries.

**Mr. McIsaac:** Mr. Speaker, I move, seconded by the Honourable Minister of Communities, Land and Environment, that this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

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

I will ask the hon. Member from Charlottetown-Lewis Point and the Deputy Speaker if you would mind coming and chairing this water bill.

**Chair (Casey):** The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *Water Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

**Leader of the Opposition:** Chair, perhaps if we could just have a brief overview from the minister first and then we'll (Indistinct)

**Chair:** Minister, would you care to take a stranger to the floor?

**Mr. Mitchell:** Yes, permission to bring somebody on to the floor.

**Chair:** Permission.

**Some Hon. Members:** Granted.

**Chair:** Thank you.

**Mr. Mitchell:** I'll let you state your name for the record.

**Jim Young Director:** Jim Young Director of Environment – Communities, Land and the Environment.

**Chair:** Welcome, Mr. Young.

The minister is going to give a brief overview before we get started.

Minister?

**Mr. Mitchell:** Thank you, Chair.

I'd like take an opportunity to talk about this bill – a comprehensive piece of work that has been in the works now for over two and a half years, beginning back in around June-July of 2015 as a white paper, but in actuality before that even, for a couple of years in many discussions around the Island. As I said, we've moved from a presentation of a white paper to two public rounds of consultation to a document in front of us today that will be great protection for – we're trying to preserve and conserve our water quantities and qualities in Prince Edward Island for many years out into the future.

I'd like to take an opportunity as well today to recognize the great work of many people, and individuals, and groups, who have put a lot of input into this bill. First of all, members from the water coalition, Catherine O'Brien and her team, who have attended many of the public events and have had many roundtable conversations with me bringing many pieces of input that I know will be reflected today in the bill; to other members of our Island public who came out evening over evening to present what their views and thoughts and opinions are on what measures we should put in to protect our water supply in Prince Edward Island for years into the future.

As well, members of our Environmental Advisory Council, and there are several members on the floor today; Dean is back, Darlene and Art are with us today who were part of the contingency of the EAC that went across and listened to the first round of public consultations and put forward, to me, a phenomenal report so that we could begin the second round of getting the draft done before we headed back out across the Island again. As well, there is Jim Young, who sits beside me today, was instrumental and George Somers, who is also in the gallery today, instrumental staff members who have put hours and hours of work into this.

We're really pleased to be here today. I said last week, when we got it laid for first reading, it was an historic day for Prince Edward Island to get this *Water Act* on the table. Before this *Water Act*, we were governed by many different pieces of policy and a patchwork of policy pieces, and regulation that served us well. Let's not make no mistake; it served us well, but today is the day where we begin a new future for how we deal with our water in regards to withdrawals, where it's being used, how we're going to preserve and conserve it so that it's here for Islanders many years into the future.

Thank you.

**Chair:** Hon. members, you've heard the minister's statement. I will be keeping a speaking order, so if you could come through the Chair I would appreciate that and is it the wish of the committee that I read it line by line?

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

I had a question about overall approach just before we start going clause by clause, and I would like clause by clause.

**Chair:** Hon. member, I'm going to want to keep it pretty organized as we go through it.

**Mr. R. Brown:** That's going to be hard for him.

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

**Chair:** I'll allow your question, but if we go section by section, then it'll keep it tidy.

**Mr. LaVie:** (Indistinct) respect.

**Mr. Trivers:** All right. Well, this more of an overall. It's about the approach.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair. Much appreciated.

Minister, thank you to you and all of your staff, the environmental advisory committee, as well as all the various different groups for the hard work and the diligence put into this act. I know it wasn't a small undertaking and I do believe it is going to provide some very good value to Prince Edward Island in protecting our most valuable resource, our water. Some people would claim it shouldn't even be called a resource because it's so important.

At any rate, I'm interested in your approach because, as you know, we do need to use our water and a case in point is when we're talking about extracting water for commercial use, municipal use or agricultural use, there's a moratorium on high-capacity wells for agricultural use, but there's no moratorium for a commercial and municipal use, even though over 80% of high-capacity wells that use fresh water are for commercial and municipal purposes.

It seems to me, reading through the act, that your approach is really to monitor the water as it exists, and the amount, and the quality,

and then also monitor the usage, and then make sure that the usage doesn't outstrip the amount and the quantity.

I was wondering if you could comment if that's generally correct, and what your approach is to managing our water usage on Prince Edward Island overall, without getting into – before we get into the details of the act.

**Mr. Mitchell:** Thank you very much for the question, hon. member.

When you talk about the high-capacity usage, we all know on the floor of this Legislature that there was a moratorium brought in back in 2001 specific to agriculture and usage of water from high-capacity wells. That has remained in place from then until now and will remain in place moving forward. There is some pieces of research and science that are unavailable to us at this point in time.

We are working, currently, with Dr. Mike van den Heuvel to help us achieve those parts and pieces that we need of science so that we can actually say: What are the effects of withdrawals of water at those levels to our streams and our estuaries that have an effect to our aquatic life, or for a lack of a better scientific – the critters that live there and how does it affect them? When we have those research pieces, we'll be better prepared to how we move forward with high-capacity wells on Prince Edward Island.

I think it's important and I think what I heard loud and clear as we were going out to public meetings, that Islanders are really concerned about where our water is being used and how much water do we have. Until we're able to define all of those things and provide that information in an open and transparent way online; where permits are, where water is being used, where withdrawals are occurring, to give people a piece of mind of how much do we have; what's being used, what's our recharge levels – so that we always know at any point in time where we are on the supply of water on the Island.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** To summarize then, you're approach really is to look at the water we have, monitor it and then monitor the usage and make sure that usage doesn't outstrip supply?

**Mr. Mitchell:** Well, that would be an excellent way to look at it.

When you know how much you have and what you're using it for, and what area it's being used in, that'll give you a great baseline of what the future would look like for it.

**Mr. Trivers:** I just wanted to clarify the approach.

Thank you, Chair.

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

**Dr. Bevan-Baker:** Thank you, Chair.

I know the first section here is to do with definitions and there are many of them, and I have some questions specifically on that when we get to it, but there's a word that's used frequently in the bill which is not defined and that's 'stakeholders', particularly when it comes to consultations. I'm wondering what, in your mind, you mean when you say stakeholders.

**Chair:** The hon. Minister of Communities, Land and Environment.

**Mr. Mitchell:** Well, I guess the meaning of 'stakeholders' would be probably every person on Prince Edward Island, whether you're a member of a watershed group or you're a member of the agriculture sector, whether you're a member of a commercial sector.

Waters are a life-sustaining resource that everybody has a vested interest in. When you mention stakeholders there are specific times where there may be a particular case where the watershed group, the agriculture sector, government may have a more defined role to play in an outcome, but realistically, it's everybody on Prince Edward Island. We all want to ensure that our water quality and quantity is the best it can be.

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

**Dr. Bevan-Baker:** Thank you, Chair.

Would you therefore exclude a stakeholder as other life forms on Prince Edward Island, and future generations of Islanders? Do you think they are stakeholders in this process?

**Chair:** The hon. Minister of Communities, Land and Environment.

**Mr. Mitchell:** Well, I guess that would be a fair assumption. I guess I'm speaking for my future generations that my grandchildren or great grandchildren, that I don't have yet. So, I want to make sure that Prince Edward Island is a good place for them, and I know you do, too, so I guess we're speaking for our great grandchildren and their grandchildren as well, when we're developing this piece.

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

**Dr. Bevan-Baker:** And how about other non-human life forms on PEI?

**Mr. Mitchell:** Well, now there's one that is a little new to me and that didn't come up at any public consultations either. So, you'll have to explain that a little bit better to me, probably.

**Dr. Bevan-Baker:** Clearly, the availability of good quality and quantity of water is critical for other life forms on Prince Edward Island. They cannot speak for themselves, but they are, in my mind – that's the problem here, I guess, that I'm trying to get to is that 'stakeholders' is not defined within the definitions and I'm just wondering how far you're taking that and if you feel that –

**Mr. Mitchell:** Well, I can guarantee you I have a whole section in my department, fish and wildlife, who are very concerned about animal life in Prince Edward Island.

**Dr. Bevan-Baker:** Exactly.

**Mr. Mitchell:** So, they speak loud and clearly every time that there's something going on for their needs, and the watershed groups; they have a vested interest in all those type of things. There are other groups that you and I both know, the bird waters, our hunters, our fishermen and women –

everybody has the concerns of our wildlife and our animal life as well.

I think that can be encompassed into each and every Islander that is a stakeholder; this a part of the process.

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

**Dr. Bevan-Baker:** Thanks, Chair.

Do you think it would be useful or do I hear you saying you think it's unnecessary to have a specific definition of what a stakeholder is?

**Mr. Mitchell:** Well, hon. member, nothing is ever, you know, insignificant (Indistinct) I think it is encompassed by stakeholders. It's you and I that are very concerned about our future generations, our wildlife protection and it's larger than you and I; it's all Islanders in reality.

**Dr. Bevan-Baker:** Okay, thanks, Chair.

**Chair:** Thank you.

**Dr. Bevan-Baker:** Thank you for that.

**Chair:** Hon. members, is it the wish of the committee that I go through line by line?

**An Hon. Member:** Yes.

**Chair:** Thank you.

Part 1 – Interpretation, Purpose, and Application

1. Definitions  
In this Act

(a) “adverse effect” means an effect that impairs or damages water resources or changes water resources in a manner that negatively affects related aspects of human or animal health or an aquatic ecosystem;

(b) “analyst” means a person appointed as an analyst pursuant to the Environmental Protection Act R.S.P.E.I. 1988, Cap. E-9;

(c) “approval” means, unless the context indicates otherwise, an approval given under this Act or the regulations that is valid and current, including, without limiting the generality of the foregoing,

(i) a licence,

(ii) a certificate of approval,

(iii) a certificate of qualification,

(iv) a certificate of registration,

(v) a consent,

(vi) a permit,

(vii) a variance,

(viii) an exemption, and

(ix) a permission;

(d) “aquatic ecosystem” means the components of the environment related to, living in, or located in or on, water or the beds, banks or shores of a water body, including, without limiting the generality of the foregoing,

(i) all organic and inorganic matter, and

(ii) all living organisms and their habitat;

**Dr. Bevan-Baker:** Question.

**Chair:** Question by the hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you.

Under the definition of aquatic ecosystem, does that include – clearly it includes freshwater aquatic ecosystems, but does that also include ocean?

**Jim Young Director:** Yes, it would.

**Dr. Bevan-Baker:** Okay.

If it does, how are we going to – how does the act interact with federal jurisdiction, which kicks in when you reach the sea. How does that work?

**Chair:** Mr. Young.

**Jim Young Director:** The provincial – we have authority out to the three-mile limit, so that's where our authority would stop and start, but not forgetting the federal government through DFO has far-reaching powers and so does Environment Canada

when it comes to helping manage the ecosystems.

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

**Dr. Bevan-Baker:** I'm thinking, my district, District 17 is on the South Shore –

**Jim Young Director:** Sure.

**Dr. Bevan-Baker:** – the strait is an area which suffers from high-levels of pollution and nitrate leaching.

**Jim Young Director:** Right.

**Dr. Bevan-Baker:** You mention that there is the three-mile jurisdiction –

**Jim Young Director:** Yes.

**Dr. Bevan-Baker:** – the strait, of course, is much wider than that. We have New Brunswick on the other side. There's a, you know, we've got a jigsaw puzzle of two provinces plus federal jurisdiction in a very small body of water.

I'm just wondering how you plan on dealing with, let's say, for example, a dead zone appears off Charlottetown harbour in the strait there. How would the act be implemented there?

**Chair:** Mr. Young.

**Jim Young Director:** The act itself, we would look at which is the most powerful piece of legislation and work with the federal government. DFO, right now, would have superseding powers out in the strait and when it comes to dead zones out in the strait. We would rely on that.

This is more focused on our water, our streams, how it gets out there; impact on our fishery areas, like our shellfishing and things like that.

Out in the strait, you're talking dead zones, way out, that would be more federal territory. We would rely on them because their regulations and their acts, which would be far-reaching than ours would be.

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

**Dr. Bevan-Baker:** Thank you for that, Jim.

I just wanted to clarify because, again, aquatic ecosystems, there is no mention there as to saltwater systems and that in between –

**Jim Young Director:** Right.

**Dr. Bevan-Baker:** – zone that we find in many of our rivers here, which are part salt, part freshwater.

I just wanted to make sure that this –

**Jim Young Director:** Sure.

**Dr. Bevan-Baker:** – does apply to the –

**Jim Young Director:** Yeah.

**Dr. Bevan-Baker:** – saltwater areas –

**Jim Young Director:** It does.

**Dr. Bevan-Baker:** – as well.

Thank you. Thank you, Chair.

**Chair:** Thank you.

(e) “contaminant” has the same meaning as in the *Environmental Protection Act*;

**Dr. Bevan-Baker:** Question.

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

**Dr. Bevan-Baker:** What is the definition of a contaminant in the EPA?

**Chair:** Jim Young.

**Jim Young Director:** A contaminant includes: any solid, liquid, gas, waste, odour, vibration, radiation, sound or combination thereof, which is foreign or in excess of the natural constituents of the environment into which it's being introduced.

There are about five other clauses there –

**Dr. Bevan-Baker:** Okay.

**Jim Young Director:** – under the EPA.

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

**Dr. Bevan-Baker:** Including that definition, and I know it's a long one, Jim, has that definition been enforceable at a federal level?

Have any –

**Jim Young Director:** (Indistinct)

**Dr. Bevan-Baker:** I guess, put another way: have any fines or offences been overturned because of arguments based on that definition?

**Chair:** Jim Young.

**Jim Young Director:** I would have to go back on record, but we rely on our definition, but also depending upon who has more stringent enforcement capabilities, such as; DFO's legislation and Environment Canada comes in an enforces DFO's legislation for them, we would rely on them.

Contaminant, I believe people have been successfully convicted. I know, in certain areas, when it comes to wastewater and things like that and discharges on land and stuff: yes.

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

**Dr. Bevan-Baker:** Thank you.

I know people have been successfully prosecuted. My concern, though, is that somebody – has anybody ever successfully argued that pollution that has had a deleterious effect somewhere did not fall under that definition of what a contaminant was? Is there weasel room there, is what I'm asking?

**Chair:** Jim Young.

**Jim Young Director:** Not that I'm aware of.

**Dr. Bevan-Baker:** Okay.

Thank you.

**Chair:** (f) "Department" means the Department of Communities, Land and Environment;

(g) "discharge" has the same meaning as in the *Environmental Protection Act*;

(h) "domestic purpose", with respect to water, means the use of water for household purposes, including drinking water, food preparation and sanitation, and to meet other basic household requirements;

**Mr. Trivers:** Question.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** I just wanted to know if domestic purpose includes washing things like vehicles and other parts of the property, indoors or outdoors.

**Mr. Mitchell:** If you were washing your car in your own driveway being fed by your own well that would be considered domestic use.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** I don't know. I think it might be worthwhile to make that a little more clear because, I think, when we're looking at conserving water, the use for watering lawns, washing vehicles, sometimes washing driveways. It may be worthwhile separating those out, or if they are domestic purpose, I think it's important to designate that.

**Mr. Mitchell:** I think when you're dealing with domestic usage, we're using that definition of less than about five gallons per minute would be a normal household usage. Whatever you use that for – I think Islanders are much better at conserving water in times when, you know, we're having periods of dry weather, I think we're all very aware of that: practices that we need to stop doing when weather is dry.

I know municipalities put those measures in place, as well. I'll take your points forward, though, as far as defining washing of cars, washing of driveways.

What was your other, your two other ones, I think?

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** I was saying for watering lawns, washing vehicles, washing driveways, watering gardens.

I think, as we move through the act, and we see how domestic purpose is used within the act, it may become clear whether we need to break out those into separate definitions.

**Mr. Mitchell:** Yeah, and that, also, hon. member, could become part of regulation if needed to be. We will be, as you will, you know, later on encounter that we will be, also, engaging the public on discussion on regulations. There may be more of those types of things, of that nature, come forward, at that point in time, as well.

Thank you.

**Chair:** The hon. Minister of Finance.

**Mr. Mitchell:** Jim wants to add something there.

**Chair:** Sorry, Jim Young.

**Jim Young Director:** Yeah –

**Chair:** Actually, Jim, I'm going to get you, before you speak each time, could you just say: Jim Young so that our sound people will know – can attribute your comments to you.

**Jim Young Director:** Sure.

**Chair:** Thank you.

**Jim Young Director:** Just so you you're aware, Charlottetown, through orders under, their extraction order that they have now, they were to implement a conservation program. Their conservation program has got them down to 2,000 levels. Two thousand levels, in terms of extraction, in 2017.

I think, to your point, so to speak, the public on PEI is just getting used to the idea of water conservation. Charlottetown has done a pretty good job in trying to achieve that. You'll notice they put notices out all the time about they feel they're getting close to their limits of stop using water. It's just a case-in-point of how that can work.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair and thank you, Mr. Young.

That speaks directly to the point I'm trying to make. I think that using water for drinking, domestic purpose including drinking water and using water to clean your driveway are two very different things and may require differentiation within the legislation as we look at the different clauses that deal with domestic purpose. That's the point I'm trying to make; exactly the point I'm trying to make.

If people are just getting used to it, maybe it needs to be spelled out specifically.

Thank you, Chair.

**Chair:** The hon. Minister of Finance.

**Mr. Roach:** Yes, thank you, Chair.

Minister, I guess when I read that section and I think that at the end of it when it says: to meet other basic household requirements. We didn't list in there, for example, that washing your clothes with a washer, and those kinds of things, but I think is it not that those are considered basic? The things that you would normally do around your household and your home and your property, you know, going out and watering your garden a little bit if you have got a 4x4 patch of a bit of a yard out there.

I think that we have to, kind of, rely on common sense to some degree in other basic household requirements. I think if you're washing your own car, it's part of what goes on in your daily life as household.

But if I set-up a business and I'm washing every car in the neighbourhood that's a horse of a different colour.

**Mr. Mitchell:** Yeah.

**Mr. Roach:** Did I not hear you say that this will be broken down a little bit more so within the regulations.

**Mr. Mitchell:** Yeah, like, this is the legislation. Regulations will follow and we will be out talking to Islanders for their views on regulations.

We've had a lot of discussion, every when we were looking at the legislation; people were bringing regulation ideas forward. We've amassed a fair number of things that we're looking at now.

You're right; regulations could accompany more specific items. But you are right, it's that area of reasonableness for what you need to do; wash your dishes, wash your clothes, wash your car if you absolutely need to –

**Mr. Roach:** Sure.

**Mr. Mitchell:** – when conditions are – when recharge conditions are perfect, you know, people will be expecting to do those things. It's that reasonability that is assumed by everybody.

**Chair:** The hon. Minister of Finance.

**Mr. Roach:** Yes, and I guess I just don't want to see us become so rigorous that a local guy says: Gee, you know, I have to go down and get a permit or I have to have the legislation changed because I got a garden that's 12 feet by 18 feet. I think there needs to be a reasonableness there and I just don't want us to see us go too far on some of this.

**Mr. Mitchell:** I appreciate that, thank you.

**Mr. Roach:** Just a comment.

Thank you, Chair.

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

**Dr. Bevan-Baker:** Thank you.

That's a perfect segue to the question I was going to ask: When it comes to watering gardens and lawns, in particular, because a large lawn can use enormous amounts of water or subsistence agriculture, for example, all of those things sort of border that, well no, I guess the place I'd like to go is: Where is the cut-off point here between household use and industrial use?

Does a small – how big does a small farm have to be before they would fall outside of the domestic purpose?

**Chair:** The hon. Minister of Communities, Land and Environment.

**Mr. Mitchell:** Five gallons per minute, that's the cut-off –

**Dr. Bevan-Baker:** It's –

**Mr. Mitchell:** – anything that you're using over that would be, and the five gallons would be your normal usage for your household.

If you were using it to do a commercial business on a farm, you would probably be, I would have to determine – that would have to be determined, but that would probably be over five gallons per minute you'd be using.

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

**Dr. Bevan-Baker:** I understand the usefulness of that measure. That, of course, is not a measure of how much water you use, you could have a five-gallon-per-minute tank – tap and only turn it on twice a year –

**Mr. Mitchell:** Right.

**Dr. Bevan-Baker:** – or it could be on 365 days a year 24 hours a day. I understand that you have to have some way of something in there, but I'm wondering if there's any other more useful or more accurate measure that one could use, short of having to metre every single water source on the Island?

**Mr. Mitchell:** We've talked and we've consulted and people have told us, quite clearly, that anything over normal use, we should know how it's being used and what it's being used for.

We've listened to that. We are trying to incorporate that in here. It doesn't mean you can't use water to do those things. It just means we're going to – you need a permit and you need to be metering.

Certainly, you know, well within your rights to use it, it's just that we're going to know where it is so that we can add it to everything that we know so that at the end of the day we have a running tabulation of what's being used and where.

I think that's pretty reasonable when you're trying to work into the future of protecting it well, well out.

**Dr. Bevan-Baker:** Well well out.

**Mr. Mitchell:** Well well out.

**Dr. Bevan-Baker:** No, I mean I appreciate reasonableness in all things and I understand, again, following up on what the Minister of Finance said. I get that this is an imperfect way of accounting for how much water is used, but we have to do something.

I just wanted to ask that question, at this point.

Thank you, Chair.

**Chair:** The hon. Minister of Finance.

**Mr. Roach:** Just to follow-up along with what the Leader of the Third Party said. I guess where we're just entering into this, this is the first time around with a *Water Act*.

I think, is it reasonable to expect, that as we progress through this and we find areas where something then becomes an issue or a problem, that we'll come back to this particular table and we'll revise the act to fix it.

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

That's when you would look at that. I know I'm not going to get this right, but Winston Churchill, I think he said something like: Don't dispel the very good for the perfect. That's what this is: this is very good.

Is it 100% perfect? Obviously, hon. member, there are probably things that we will be addressing as we move out into the future. This is where we are at this point in time. It is a great document. I think it provides the purpose that we need to have it serve us today.

Will we be addressing other things in the future? Absolutely, we will be. Things change. Things evolve. We will do what we need to do when we need to do it, I guess is the best part to put it.

**Mr. Roach:** Thank you.

**Chair:** (i) "emergency field order" means an order issued pursuant to section 23;

(j) "environment" has the same meaning as in the *Environmental Protection Act*;

(k) "environment officer" means an environment officer designated or appointed as an environment officer pursuant to the *Environmental Protection Act*, and includes any person who is an environment officer by reason of subsection 6(5) of the *Environmental Protection Act*;

(l) "environmental flow needs" means the volume and timing of water flow in a watercourse required for the proper functioning of the aquatic ecosystem of the watercourse;

(m) "fire suppression purpose", with respect to water, means the use –

**Mr. Trivers:** Chair?

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Yes, so just looking at how: "(l) "environmental flow needs" "...volume and timing of water flow in a watercourse required for the proper functioning of the aquatic ecosystem of the watercourse;"

I'm wondering if 'environmental flow needs' should also include a reference to groundwater.

And whether you looked at that. Maybe, I'm completely off base here, but –

**Chair:** Jim Young.

**Jim Young Director:** Not off-base, just that at certain times of the year the streams, and actually most of the year, 60% of our stream (Indistinct) flow is groundwater flow, so the groundwater comes down and – comes up into our streams –

**Mr. Trivers:** Yes.

**Jim Young Director:** – so it is included in that, from that perspective.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** The reason I mention that is, that as we all know, for our drinking water, at least, the vast majority is provided from our groundwater and that's one of our water sources that we have to strive hardest to protect, to monitor.

It's really, when we're talking about things like high-capacity wells, that's the water source that we're tapping into.

I ask that just because I want to make sure that when we're talking about environmental flow needs, or water throughout this act, especially when it comes to how it's being used, we reference groundwater and make sure that it's not ignored because I feel it's so important, that's why I bring that up.

Thank you, Chair.

**Chair:** (m) “fire suppression purpose”, with respect to water, means the use or storage of water for the protection of life and property in the event of a fire;

(n) “geothermal purpose” means the use of groundwater or another fluid to transfer thermal energy to or from the ground, and includes both heating and cooling applications;

(o) “groundwater” means water occurring below the surface of the ground;

(p) “hydraulic fracturing” means the transmission of a carrier fluid to apply pressure and transport proppants to an underground geologic formation to create or enhance subsurface fractures;

(q) “Island Regulatory and Appeals Commission” means the Island Regulatory and Appeals Commission established under section 2 of the *Island Regulatory and Appeals Commission Act* R.S.P.E.I. 1988, Cap. I-11;

(r) “Minister” means the Minister of Communities, Land and Environment;

(s) “municipal wastewater treatment system” means a wastewater treatment system owned by a municipality or operated by or on behalf of a municipality;

(t) “municipal water supply system” means a water supply system owned by a municipality or operated by or on behalf of a municipality;

(u) “municipality” has the same meaning as in the *Municipal Government Act* S.P.E.I. 2016, Cap. 44;

(v) “person responsible” means

(i) the owner of the matter or thing that is or may be regulated or prohibited under this Act,

(ii) the registered owner or the occupier of real property on which the adverse effect or the activity, matter or thing that is or may be regulated or prohibited under this Act has occurred or may occur, or was or is located, as the case may be,

(iii) a previous owner of the matter or thing that is or may be regulated or prohibited under this Act,

(iv) a person who has or had care, management or control of the activity, matter or thing that is or may be regulated or prohibited under this Act, including care, management or control during the development of the activity, matter or thing and care, management or control during the generation, manufacture, treatment, sale, handling, distribution, use, storage, disposal, transportation, display or method of application of the matter or thing, as the case may be.

**Mr. Trivers:** Chair?

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Looking at:

“person responsible” No. (ii): the registered owner or the occupier of real property.

I'm just wondering if you thought about whether that would be ambiguous and perhaps allow a registered owner to transfer responsibility to the occupier, when it was really them that was at fault, or the occupier to transfer responsibility to the registered owner, or a potential loophole there where you could be a registered owner and say: Well, that was the occupier that did that and you can't charge me and they're gone now.

These sorts of things, was that something you thought about or am I bringing up something that you believe won't be the case.

**Mr. Mitchell:** I do believe you're going a little deep there in your thinking, however,

having said that, it's a good point. Ultimately, there will be responsibility. It has to be – somebody will pay for the action and I don't think there's been any cases where what you've referenced has been suggested in the past or anything, has it?

**Jim Young Director:** It's to bring clarity to it, so under some previous pieces of legislation where somebody got off the hook, but the owner might not be living here and it's an occupier of the property.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** If you were very clear and you said: it's the registered owner, I could imagine that they would be very careful in how they monitored the occupiers of their property and what they did. It just seems to me this could represent a loophole where they're both pointing fingers at each other and it ends up that – it'll be difficult to assign responsibility.

**Jim Young Director:** I think really, either way, it's saying somebody is going to be responsible at the end of the day.

**Mr. Trivers:** Okay.

**Jim Young Director:** Whether it's the owner, whether it's the occupier, or the list of all those things – it's somebody responsible.

**Mr. Mitchell:** There will be an outcome.

**Jim Young Director:** There will be an outcome.

**Mr. Trivers:** Thank you.

**Chair:** The hon. Premier.

**Premier MacLauchlan:** You're doing a great job.

I just want to point out that when you were reading the definition, there's (v) and (vi) on the following page that we'll likely be dealing with as one thing and where it goes: successor, assignee –

**Chair:** Yeah. We're getting there.

**Premier MacLauchlan:** Oh, okay, I thought we were going to do the whole thing. Great.

**Chair:** No, sorry. He had a question on one of the –

**Premier MacLauchlan:** Okay, excuse me.  
**Chair:** I appreciate the advice.

**Premier MacLauchlan:** (Indistinct) on what you're doing.

**Chair:** Appreciate it.

The hon. Minister of Finance.

**Mr. Roach:** Just a question for follow-up to the member across the floor: In terms of (ii), whether it's the registered owner or the occupier of the real property, would it be reasonable to assume that if there's a problem on that property that's being looked at, that there's going to be an and that we would rely fairly heavily on that investigation to tell us whether it was the occupier at the time, or whether it was negligence on behalf of the registered owner? Would that be a reasonable assumption?

**Mr. Mitchell:** Certainly. There would be an investigation of some sort and some evidence collected, absolutely.

**Mr. Roach:** Regardless of whoever was at fault, you'd still have to have that to point you in the direction of –

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

**Mr. Roach:** Yes.

**Mr. Mitchell:** Yes.

**Mr. Roach:** Thank you.

**Chair:** (v) a successor, assignee, executor, administrator, receiver, receiver-manager or trustee of a person referred to in subclauses (i) to (iv), or

(vi) a person who acts as the principal or agent of a person referred to in subclauses (i) to (v);

(w) “plan for a water management area” means a plan developed in accordance with section 31, 33, 35 or 37, as applicable;

(x) “sewage” means any human waste emitted from a house or premises where people work, live or frequent, and includes wastewater from ablutions, culinary activities and laundering;

(y) “sewage disposal system” includes any system or part of a system for disposing of sewage or wastewater not directly connected to a municipal or central sewage collection system approved under this Act or the regulations;

(z) “wastewater” means sewage or commercial or industrial process water;

(aa) “wastewater treatment system” means a system for the collection, treatment and disposal of wastewater, but does not include a sewage disposal system.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

Sometimes I hear the word greywater used and I was wondering if that’s really just a subset of wastewater, or where does greywater fit into these definitions? I know it’s not explicitly defined, but –

**Jim Young Director:** Greywater would be considered part of sewage, where you’d break it down coming out of your house, so that’s the water that’s coming out of your sinks and out of your showers and things like that. So that’d be combined with – you hear about recirculation systems for greywater.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

Again, I’m thinking forward to where – there are uses for greywater that are potentially separate from raw sewage and that’s why I’m thinking it might have been useful to break that out as a separate definition – greywater versus sewage. When it comes again to the future where we’re going to see more conservation of water

potentially needed– or hopefully there will be uses of greywater and I don’t know if we’re going to need that particular in the *Water Act*, but I can foresee that in the future, so I just wanted to bring that up.

**Mr. Mitchell:** Absolutely, there’ll be things coming forward in the future that will, no doubt, change how the *Water Act* will read. So, that’s something that may become very pertinent in the future – it could very well.

Thank you for bringing it up. We’ll highlight it – keeping track of it.

**Mr. Trivers:** Thank you.

**Chair:** (bb) “water” includes liquid and frozen water in a watercourse or wetland or that is groundwater;

(cc) “water management area” means an area designated under Part IV as

(i) a water sustainability plan area,

(ii) an aquatic ecosystem protection area,

(iii) a municipal water supply area, or

(iv) a well-field protection area;

(dd) “water protection order” means a water protection order issued under subsection 22(1).

The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Looking at (cc) “water management area” and you defined your water sustainability plan, aquatic ecosystem, municipal water supply and well-field protection.

We are seeing the use of irrigation ponds, and very large as well, and I was wondering if you’ve considered included them as a water management area as well.

**Mr. Mitchell:** Well, when we talk water management areas, we’re talking about areas that we want to see protected, or others want to see protected. If we’re doing work in a particular area where we’re taking levels or checking water samples or something like that and we want that protected, that’s what we’re speaking of.

I'm not sure that the reference to the holding ponds that you mentioned is part of what we're trying to achieve with water management areas. If a municipality has a water supply area, they'll want that protected, so to avoid any chance of anything bad happening to it; contaminants or things of that nature, that's what the water management areas would achieve.

**Mr. Trivers:** Thank you.

**Chair:** (ee) "water resources" means groundwater, water in watercourses, water in wetlands or water derived from groundwater sources, watercourses or wetlands.

The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you, Chair.

Would that include rainwater that might have been intercepted and is sort of being held in a rain barrel or some containment? Would that be considered a water resource?

**Jim Young Director:** It would be water that would obviously be used and stuff, but in terms of the definition we're looking at water that's already hit the ground; infiltrated into the ground in our resources, in our streams, in our wetlands et cetera.

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

**Dr. Bevan-Baker:** Thank you.

On a much larger scale, would that then include the holding ponds that Rustico-Emerald just talked about? Would they be considered a water resource since they have pumped already-fallen groundwater into a holding facility, if you like?

**Jim Young Director:** That would be a holding facility or a use of the water, but I wouldn't call it a resource. The resource would be the well or the groundwater where it came from. That's what we're looking at in that definition.

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

**Dr. Bevan-Baker:** So, those so-called holding ponds – and I see there's no definition for that, but maybe it has different

terminology – are they defined in any way in the *Water Act*?

**Chair:** Jim Young?

**Mr. Mitchell:** I don't believe so, no.

**Jim Young Director:** No.

**Dr. Bevan-Baker:** All right, thank you, Chair.

**Chair:** (ff) "water supply system" means a system for the collection, treatment, purification, storage, supply or distribution of water to

(i) five or more households, or

(ii) a public building or place of assembly;

(gg) "water use" means the use of water for domestic purposes, fire suppression purposes, geothermal purposes or other purposes specified to be water use purposes by the regulations;

(hh) "watercourse".

The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

Just to be clear, the use of water for irrigation would have to be specified, then, as a water use purpose by the regulations?

**Jim Young Director:** Yes.

**Mr. Mitchell:** Are you talking new usage for irrigation or are you talking existing usage or (Indistinct) today?

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** I mean, you specify fire suppression, geothermal, domestic purposes, but irrigation for the purposes of agriculture, for example, is a major use of water that would be right up there with those other purposes. So, I'm assuming that you're planning to specify that in the regulations.

**Mr. Mitchell:** It does say purposes or other purposes specified by the water-use purposes by the regulations, which would be spelled out what usages are in there.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** I guess, it seems like if you're going to specify geothermal as a purpose here in this level of legislation in the act, then perhaps irrigation is of a large enough weight that perhaps it should also be specified.

**Mr. Mitchell:** Perhaps it will be, absolutely.

**Mr. Trivers:** That's some feedback here for you.

**Mr. Mitchell:** Yeah, and that's right. Perhaps it will be in the future.

**Chair:** (hh) "watercourse" has the same meaning as in the *Environmental Protection Act*;

(ii) "watershed" means the area drained by, or contributing water to, a watercourse;

(jj) "well" means an artificial opening in the ground

(i) from which water is obtained,

(ii) made for the purpose of exploring for or obtaining water, or

(iii) made for geothermal purposes;

(kk) "wetland" has the same meaning as in the *Environmental Protection Act*.

Shall section 1 carry? Carried.

## 2. Purpose and goals

The purpose of this Act is to support and promote the management, protection and enhancement of the water resources within the jurisdiction of the province, in recognition that –

**An Hon. Member:** Question.

**Chair:** Hon. members, if you don't mind, I think I'll read this section and then we can ask questions. Is that okay so we can keep it (Indistinct) – thank you.

(a) the Government has a guardianship role to play in ensuring that the quality, quantity, allocation, conservation and protection of

water is managed in the interests of a common good that benefits and accommodates all living things in the province and their supporting ecosystems;

(b) access for everyone to a sufficient quantity and safe quality of reasonably affordable and accessible water for personal and domestic uses, and to basic sanitation that is safe and hygienic, is essential for an adequate standard of living;

(c) water is a renewable but finite resource, the withdrawal and use of which should be subject to a transparent evaluation and approval process to ensure its long-term sustainability and availability;

(d) every person in the province has a duty to prevent, minimize and repair harm that the person may cause to water resources or the ecosystems supported by water resources; and

(e) where there is a threat of serious or irreparable damage to water resources, the lack of scientific certainty should not be used as a reason for postponing measures to prevent degradation of water resources,

with the following goals:

(f) that present and future generations shall have sufficient, safe, acceptable, physically accessible and affordable water for domestic purposes;

(g) that access to and use of water be sustainable and not harm water quality, water security or the ecosystems that support water quality and water security;

(h) that the public be involved in and kept informed about the state of the water resources, including by access to Government reports and information concerning water resources and public consultation by the Government;

(i) that decisions with respect to water management be made by applying consistent, science-based assessment processes, and decisions with respect to water allocation take into account seasonal conditions, climate change and the need to protect the long-term availability of groundwater, the security of aquatic

ecosystems and the integrity of wetlands.

The hon. Member from Rustico-Emerald and the Leader of the Third Party.

**Mr. Trivers:** Thank you, Chair.

This is in a section that's carried, but it's a question that I wanted to ask.

(jj) "well" means an artificial opening in the ground from which water is obtained. It seems to me that that might actually cover irrigation ponds or any man-made lakes or man-made ponds of any kind. Would that not be the case?

**Mr. Mitchell:** (jj)?

**Jim Young Director:** Yeah, referencing it back to this.

**Mr. Mitchell:** Yeah, when you read it, it certainly explains what a holding pond would be, now wouldn't it? Doesn't it?

**Mr. Trivers:** Yeah.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** So, as I go through the *Water Act*, when I see the word "well" I'm actually going to apply the legislation to things like holding ponds, as well, and see how that bears out. Because of course, that might be the way that it's interpreted going forward by users of water.

Thank you, Chair. That's the point I wanted to make.

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

**Dr. Bevan-Baker:** Thank you.

That's an interesting discussion. The word that would concern me if I were a lawyer arguing this in court is the word "artificial." That hole in the ground in which the water is there was not created by nature, but is it artificial? I get your point and I appreciate you bringing that up, Rustico-Emerald, but I'm not just sure whether it would fall under the definition of artificial.

**Mr. Mitchell:** Yeah, I guess, I'll let Jim answer the question.

**Jim Young Director:** When we compare to a well, a well is artificial opening down to groundwater to pull out water. I'm not aware of the irrigation ponds being dug, or we scrap off the top material and groundwater is rushing – you know, coming up into them. That would be the difference between them.

**Chair:** The hon. Member from Rustico-Emerald.

**Dr. Bevan-Baker:** Oh.

**Chair:** Sorry, the hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you.

My apologies, because I should have prefaced my very first question by thanking the minister and Jim and many of the other people who are present in the room today for the enormous amount of work that has gone into this. Sorry, I didn't say that right at the very beginning, but it's very much appreciated by myself and many other people around this province.

The first sentence of the purpose and goals, there, the phrase: within the jurisdiction of this province, appears.

You see that several times during the act. I'm wondering what water resources are outside the jurisdiction of this province that we're talking about.

**Jim Young Director:** It was just to bring clarity to the word. I think, in a lot of other pieces of legislation it just says province. This is to bring further clarity to within the jurisdiction of the province. Rather than have to go to court and define what a jurisdiction is or whatever, it's clear: it is the jurisdiction of the province and where does the province lie, et cetera.

So, that's the way I understand it.

**Dr. Bevan-Baker:** Okay.

**Jim Young Director:** To bring further clarity to it.

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

**Dr. Bevan-Baker:** In the aim of looking for even further clarity –

**Jim Young Director:** Yeah.

**Dr. Bevan-Baker:** – can you imagine any water resources that we – I mean, we talked, or maybe I've already touched on this, because we talked earlier about saltwater resources. So maybe that's what you're talking about there as a possibility of a water resource that would fall under the act, but isn't part of provincial jurisdiction. Would that be – sorry, I'm asking and answering a question at the same time: more apologies.

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

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

**Dr. Bevan-Baker:** In subsection:

(a) "the Government has a guardianship role...", as it's written out.

Can you tell us what responsibilities that implies?

**Mr. Mitchell:** It's certainly to protect our supply, our quality, our quantities, and to, I'd say, in an open and transparent way to inform Islanders of how the water situation, what the levels are; how it's being used is certainly within the mandate of our department and the goal of this entire act, so –

**Dr. Bevan-Baker:** Okay.

**Mr. Mitchell:** – that would be the role, the primary role.

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

**Dr. Bevan-Baker:** Thanks, Chair.

I know that there were suggestions made that the word 'trustee' should be used rather than 'guardian'? I'm wondering if you can comment on the difference of those two terms and why you decided to choose guardian rather than trustee.

**Mr. Mitchell:** I would certainly, you know, like to say that there are comparisons to other jurisdictions. I'm assuming that that is probably more defined from other pieces, but I'll let Jim, kind of, address that, as well.

**Jim Young Director:** Yeah, I guess we looked and it's throughout this document,

searched and the time would indicate that; how long it took us to put this together. And look for various clauses and pieces and other pieces of legislation throughout the country and North American and elsewhere for purpose and goal statements.

I think this is one of the first pieces of legislation we have on Prince Edward Island that does have this.

**Dr. Bevan-Baker:** Indeed.

**Jim Young Director:** We were trying to include the guardianship role. We're not the keepers of everything. The reason for guardianship is everybody has a role to play; government has a role to play, and the public and everybody else. And whoever is allocated water has a role to play in terms of the management.

We're the guardian to ensure the quality and quantity and the sustainable management of it, et cetera, as defined in that descriptor but it's not the complete trusteeship, which, I'm not sure if we ever used trustee. It may have been suggested. When we came out with our draft, we never had trustee in there.

**Dr. Bevan-Baker:** Okay.

**Mr. Mitchell:** It's to enforce the rules and regulations associated with maintaining what we're trying to do with the act.

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

**Dr. Bevan-Baker:** Again, this is a layman's thinking, but I was always of the impression that a trustee would imply greater legal responsibility than a guardian, but maybe the Premier or the Minister of Education, Early Learning and Culture would illuminate us on whether there is any legal distinction between trustee and guardian.

**Mr. J. Brown:** (Indistinct)

**Chair:** The hon. Minister of Education, Early Learning and Culture, would you like the member to repeat the question?

**Mr. J. Brown:** So far as I'm aware there are not defined terms in relation to this particular legislation, hon. member, that would essentially, set that definition in that context.

Guardians and trustees, I think, would be, in different context, two very different things, but in certain context could, effectively, be the same thing. It might depend, I guess, would be what I would say. I don't have any particular opinion in relation to that legislation or that definition there.

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

**Dr. Bevan-Baker:** I appreciate that intervention, minister, thank you.

It seems that there are semantics here and they're probably interchangeable in the context of this act, is what I hear you say.

**Mr. Mitchell:** In the eye of the beholder, yeah.

**Chair:** Do you have any further questions?

**Dr. Bevan-Baker:** I do, actually.

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

**Dr. Bevan-Baker:** In subsection:

(b) "... access to water is qualified by the words "reasonably affordable"...".

What would you imagine a reasonable price would be to pay for water, and is that actually defined anywhere in the act?

**Jim Young Director:** It's not defined in the act anywhere when it comes to that. That would be further defined in regulation if there was an issue. It's about ensuring that everybody; any person in the public has access to safe water, is basically what the statement is trying to do.

To say 'affordable' meaning everybody can afford it so that people don't go without water.

**Dr. Bevan-Baker:** Okay.

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

**Dr. Bevan-Baker:** Because if we had spoken to our grandparents and say that if you were to go out and a litre of water is going to cost you more than a litre of gasoline, which is the truth today, I mean, they would have laughed and thought that would be an impossibility.

Affordable to one person is certainly not affordable to another and I'm just wondering why that's even in there. I get that access to water has to be universal, and it has to be – well, I would love to see it enshrined in a right, and I'll get to that in a minute – I'm just wondering why that phrase is in there if we don't actually define what affordable is?

**Jim Young Director:** It's just to ensure that people, regardless of where you live on Prince Edward Island, have access to water. Okay? And making sure that money does not come into it.

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

**Dr. Bevan-Baker:** I'll accept that.

Subsection (b), it also refers to water as "... an essential for an adequate standard of living".

Does the act, again, define what constitutes an adequate standard of living?

**Mr. Mitchell:** I think an adequate standard of living would be, you know, something that every person on Prince Edward Island would have an opinion on. Certainly, again, it's kind of like reasonably affordable: they're words that try to cover all the bases, I guess, for lack of something better.

We all are well aware of what an adequate standard of living is and that water needs to be a level that people can drink; can use to wash their clothes, use to wash their – sanitation purposes. I think adequate standard of living may not be referred to in any other parts of the act, but it's just one of those statements that – it's an expectation of how Islanders would want it to be.

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

**Dr. Bevan-Baker:** Thank you.

Both of those questions and answers are sort of moving us very close to the issue of rights and whether, essentially, your answers suggest that the access to water should be a right for all Islanders, and I'm wondering why there is no clause in here defining that water has to be a right for all Islanders, why that is not explicitly written here.

**Mr. Mitchell:** I think, hon. member, that every part of this act would be debatable by anybody at anytime. The way it reads in front of us today was the way that we felt it would cover the needs for all Islanders and that's how it was.

I know there has been letters, as early as today, of saying we need a statement to be this and I've had many discussions over the last months about that. This was something that we felt covered everything we need to cover and that's something that we will continue to address when we need to or have opportunities into the future.

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

**Dr. Bevan-Baker:** Thank you.

What do you see as the problem with declaring water as a human right, explicitly declaring that in the *Water Act* itself?

**Mr. Mitchell:** Well, I think, as I said earlier, we look at other jurisdictions. We look at what we're trying to accomplish and then we come up with the best possible means by a lot of measures to determine that. This was the one that we've used for this legislation. It's the one that we put forward.

It is a little different than the draft, it may be even more comprehensive, which I think at the end of the day is a good move forward and that's what we're trying to do with the whole entire act; move forward how we treat our water supply on the Island. Will there be other things that we will be visiting in the future? Absolutely, there will be. Things do change. Things do evolve, but for this point in time, we've determined that this will cover where we need to be today and that's how it's been. But, it has changed even since the draft act.

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

**Dr. Bevan-Baker:** Minister, would you entertain an amendment or an addition to the act, as it exists now, which explicitly declares water as a human right for all PEI citizens?

**Mr. Mitchell:** I think, hon. member, what I'd be looking to do today would be to move forward with the clause as it is and as we move forward and we have more regulation,

and we have other areas of the act to address later on. We can have more conversation on that.

I have had a lot of conversation as we speak, that's why we see changes from where the draft is today, but this was what we've determined of how we'd like to move forward and that's what I'd be suggesting today.

**Chair:** the hon. Leader of the Third Party.

**Dr. Bevan-Baker:** The question prior to that was if there was a particular problem with declaring water as a right, and I didn't hear a compelling reason as to why not, so I'm wondering why we could not, in discussions here in Committee of the Whole, come up with a new clause or an amendment to one of these clauses in order to declare water as a human right for all PE Islanders.

**Mr. Mitchell:** I'll let Jim touch on it a little further about the work that went on, I'll say, in regards to the draft and to what we see before us today and how some things were determined.

**Jim Young Director:** This came up early on in our discussion back in, probably, October of 2015, where it first came forward from the report from the Environmental Advisory Council members. We looked across the country; we looked across various jurisdictions, everywhere, to see how they defined.

We did a lot of work on this one section here, section 2, to see how other jurisdictions defined these things. We didn't find a lot of support for a lot of the pieces we have here, so we kind of created a lot of our own. Then, we went through all our legal people that we have; whether it's legal services, leg council office, and asked them: These were the questions, these were the suggestions; do these types of descriptions cover what has been suggested? Their answer to us: Yes, that's a very good start.

That's kind of where we are today.

**Mr. Roach:** Carry the section.

**Chair:** Hon. member, I still have others on the speaking order.

**Mr. Trivers:** (Indistinct)

**Mr. Roach:** (Indistinct)

**Chair:** The hon. Leader of the Third Party, do you have another –

**Mr. Trivers:** We have questions to ask.

**Mr. Roach:** Perfect.

**Mr. Trivers:** Good.

**Chair:** Leader of the Third Party.

**Dr. Bevan-Baker:** You can go to somebody else, Chair, but I do have other questions.

**Chair:** Okay, perfect.

The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

Just one quick comment on (jj) the definition of ‘well’. As per our discussion we just had, perhaps you should consider a future amendment to:

(i) and (ii) from which groundwater is obtained and then;

(ii) made for the purpose of exploring or obtaining groundwater, just to be clear.

Moving on to the section that we are debating –

**Chair:** Thank you.

**Mr. Trivers:** In 2, after (e) it has:

“with the following goals”.

When you look at (f):

“that present and future generations shall have sufficient, safe, acceptable, physically accessible and affordable water for domestic purposes”.

Then access et cetera (g), (h), and (i).

To me, the language should be stronger than just ‘goals’. I would say it should be more along the lines of:

‘To ensure that present and future generations’.

I was wondering if you chose that language purposefully, or did you consider making it stronger and saying: The purpose is to ensure that these things happen, not to just have the goal to make them happen.

**Mr. Mitchell:** I think, hon. member, it’s there with purpose. It is a goal. It is something that we would take very seriously and that’s the way it’s spelled in there.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** As you well know, Islanders are extremely serious and are very concerned with water on Prince Edward Island and I think that it, again – I’m not going to propose an amendment today or anything, but if you could consider for a future amendment bill words along the lines of ‘to ensure’ and Chair, if I may?

**Chair:** Yes, continue.

**Mr. Trivers:** I’d like to comment on the line of questioning that the Leader of the Third Party had, just with regards to rights to water.

I wanted to thank Catherine O’Brien and Marie Ann Bowden with the Coalition for the Protection of PEI Water, because they indeed had sent information to me saying they would like to see the rights better enshrined in the act and had suggested that, in fact, an additional bullet or additional letter point be added to your purpose and goals: The peoples of PEI have the right to affordable water, sufficient in quality and quantity for human and ecosystem sustainability. This includes the inherent water rights of the Indigenous people of PEI.

I’m not going to try and propose that amendment today, but I wanted to get that on the record again for a future package.

I also wanted to make the point that I realize this has been a very lengthy and a very good engagement of the public, but it is important to provide the final version of the legislation as soon as possible so that this sort of feedback can be made, and indeed, it’s very important that the *Water Act* is a living piece

of legislation that continues to be amended going into the future.

Thank you, Chair.

**Chair:** The hon. Member from Morell-Mermaid.

**Mr. MacEwen:** Thank you, Chair.

Is the minister entertaining questions from other sections?

**Chair:** Sorry?

**Mr. MacEwen:** Is the minister entertaining questions from other sections at this time?

**Chair:** Hon. member, we stated at the beginning just in order to keep it tidy and the discussion focused, we're going through it section by section. So, if you have a question, if you could hold it til the section that we get to, that would be appreciated.

**Mr. MacEwen:** Yeah, it was kind of a burning question, but I noticed we're still in the definitions and purpose, so I have to wait?

**Chair:** You do.

**Mr. MacEwen:** You're sure, minister?

**Ms. Biggar:** (Indistinct)

**Mr. Mitchell:** I'm not in charge at this table.

**Chair:** He's a wise (Indistinct)

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

**Mr. Mitchell:** It's kind of like my house.

**Mr. MacEwen:** I'll wait patiently.

**Chair:** Thank you. I appreciate your cooperation.

The hon. Leader of the Third Party, do you have more questions?

**Dr. Bevan-Baker:** Yes, I do.

I'd just like to endorse what Rustico-Emerald just said about that particular

wording, and I hope that we have further discussions on that.

Subsection (i) states that the decisions on water allocation should be based on science and you've mentioned earlier that there's research being done at UPEI. Could you just sort of expand on that a little bit?

**Mr. Mitchell:** Yes. So currently Dr. Mike van den Heuvel from the Canadian Rivers Institute is doing some research in regards to withdrawals. It's in regards to the withdrawals now in the North River area, which is part and parcel of the well supply for the municipality of Charlottetown. It's an excellent opportunity as wells are coming on and testing is going on to say: What are the effects of the nearby streams. This is the research that he is doing. He has some previous data from last year. He will be collecting data over the next several months – I don't know how long. I get updates from him regularly, but it is a defined piece of work that he's going to be doing there and then bring the results back to us so that we can provide those science pieces that we currently don't have.

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

**Dr. Bevan-Baker:** So, is this research that's being done at UPEI, would it include a water budget analysis of each watershed on the Island?

**Mr. Mitchell:** You know what? That could be something that comes out of it. It's not part of that, per se, but it's something that that research would be very valuable to do that work later on. That's the best way to put it at this point in time.

It's not part of that, right?

**Jim Young Director:** His work is looking at what's safe to leave in streams throughout the years. When we're extracting water, what's the impact on streams and what level do we need to leave there?

If you remember in the first – when the EAC was doing their consultations, Dr. Kerry MacQuarrie, who's one of the top hydrogeologists – researchers in the country – presented on an assessment of PEI's water management structure and that's online and it's been there. The piece that was missing

is: What's safe to leave in our streams for the ecosystem health throughout the year? Because, as we know, the streams are flowing well in the spring, but come fall, they drop off. We have to manage that, as well as manage extractions.

To your point about water budgets, we would love to get there, but we need to start and get this piece of work done first and present that to the public and review that to make sure everybody's onside, then we would roll out and with our most threatened watersheds – start there and start doing the water budget, thus the reason for metering low capacity, high capacity, and all that so we can then put a proper budget in place to ensure that our rivers are protected throughout the year.

**Mr. Mitchell:** We have heard about water budgets as we were doing our consultations and you were at some of the meetings and you heard the concerns, so it's something that, certainly, we'd like to develop and some of this research will certainly be part of that process. No question.

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

**Dr. Bevan-Baker:** I appreciate that answer. We talk about the science as if it's some sort of single, static, definitive thing –

**Jim Young Director:** No, no.

**Dr. Bevan-Baker:** – and science is not like that, as you well know, Jim. It's something that's ongoing, it's fluid, appropriately enough for a water act and you can't accept science from a single source and then extrapolate that forever and a day.

**Jim Young Director:** Right.

**Dr. Bevan-Baker:** So, I'm concerned when we hear anybody say: Well the science tells us this.

It's important that we understand that that is one person doing research in a specific thing, for a specific reason and –

**Jim Young Director:** That's correct.

**Dr. Bevan-Baker:** – this does not – if the science tells us that we can extract water from this particular watershed, we cannot

then assume that we can do that all over the Island.

**Mr. Mitchell:** That's right. Exactly right, but part of the science is the math itself of withdrawals. Where's it being used, how much is being withdrawn, what's the research level – all of that is science when you break it down.

So, I guess, this is something that came to light and I often get asked this since 2001: How come you don't get this piece, but I think it was only, probably, brought to light in 2014, when all that conversation began that said: Well, you don't have this. In all fairness, it went on for 13 years and it didn't get heightened until that time – that's why it's imperative that we get it done.

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

**Dr. Bevan-Baker:** Thank you.

Jim used the phrase: our most vulnerable watersheds – maybe it was the minister, I'm not sure.

**Jim Young Director:** (Indistinct)

**Dr. Bevan-Baker:** Have we already identified those watersheds that are most at risk from water extraction?

**Jim Young Director:** I think our hydrogeologists could easily put a map out and identify those areas, but it's typically related to our highest populated areas.

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

**Dr. Bevan-Baker:** Which, of course, correlates to the high-capacity wells in order to supply those nearby areas. So, that brings me to the issue of watershed extraction rates and high-capacity wells and I understand that this act is silent on that. Can you tell us what the plan going forward is with high-capacity wells –

**Chair:** Are we going to get to that section?

**Dr. Bevan-Baker:** – and the existing moratorium.

**Chair:** Are we going to get to that section?

**Mr. Mitchell:** I don't know. I can answer that question, though.

**Dr. Bevan-Baker:** Sorry, my –

**Chair:** Yeah.

**Mr. Mitchell:** You're a little ahead but it's addressed –

**Chair:** Yeah. If you don't mind saving that –

**Dr. Bevan-Baker:** Okay.

**Chair:** Thank you.

**Dr. Bevan-Baker:** Chair, my apologies. I got sidetracked there. I do have further questions on the specific section.

**Chair:** Sure.

The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you.

There's no mention in this section on rights of Indigenous peoples' right to water and I'm wondering why that's the case.

**Jim Young Director:** We have had some meetings with the Indigenous peoples. We have had presentations from them – public presentations. This act, in terms of the actual legislation, it's talking about everybody in PEI – not singling out anybody and that was how we drafted the act. You won't see that mentioned anywhere in the act specifically.

When we get into the regulatory permitting piece in the regulations, we will have further detailed discussions and there may be some pieces that are recognized at that point, but I can't say that right now. I'm not sure if there will be, but there will be more detailed discussions with our Indigenous people when we do get into the regulatory development.

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

**Dr. Bevan-Baker:** Thank you.

We all know when the sale of Crown land comes up, there's a duty to consult. Those consultations or discussions that you just mentioned, Jim, was that part of a duty to

consult, or was that just something that you did out of a sense of kindness?

**Jim Young Director:** Well, we just did it because we were talking to everybody and we wanted to make sure they understood what was in the act and we had presentations from them and to public meetings, especially in the first, under the EAC and what to see in a water act.

**Dr. Bevan-Baker:** Thank you.

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

**Dr. Bevan-Baker:** So you say all peoples on Prince Edward Island were consulted, including the Indigenous people and the jurisdiction of PEI, of course, covers a large number of rights and responsibilities of all Islanders, but there are special dispensation – special rights that Indigenous people have in some areas, so I'm wondering whether in the case, for example, of water exports, whether any particular rights or special rights that may or may not be applied to the Indigenous population; whether they would trump this provincial legislation.

**Mr. Mitchell:** I could say the Indigenous population was supportive of the ban on water bottling – that's what I know today. They were very supportive of that being encompassed in this and in the work we did prior to that, so there's no concern to my mind that they would be looking to do something different than their approach.

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

**Dr. Bevan-Baker:** I don't have a concern about that either, but I want to make sure that there is no – that the jurisdiction of the province cannot be overridden by an Indigenous right, for example, for the extraction of bulk water and as far as you're concerned, there's no legislative possibility?

**Mr. Mitchell:** No.

I would say, based on the public outcry by that, they were supportive, as all Islanders were, so I don't see that being something that they would pursue. Obviously, I don't have the crystal ball, but all indications were we did the right thing when it came to bottling water on PEI.

**Dr. Bevan-Baker:** Okay. Yeah.

**Chair:** Good?

The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** I have to agree with you on that and I appreciate the decision that was made.

That's all the –

**Ms. Biggar:** Carry the section.

**Dr. Bevan-Baker:** – questions I have on it this section.

**Chair:** Thank you.

The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

I'm looking at 2(f) where it uses the term 'domestic purposes' and again, as we discussed in the definitions section, domestic purposes is rather broad and can include things like watering your lawn, washing your driveway. I just wanted you to take under advisement perhaps again for a future amendment package for essential domestic purposes, perhaps.

**Mr. Mitchell:** Essential?

**Mr. Trivers:** Domestic purposes, as opposed just for general domestic purposes because I really do believe that, at some point in the future, we could be in a situation where we have to be extremely diligence about how we conserve our water. I'm afraid that the legislation is not going to properly reflect what our essential uses are. Just a recommendation for a future package –

**Jim Young Director:** Thank you.

**Mr. Trivers:** – essential domestic purposes.

**Chair:** Jim Young.

**Jim Young Director:** A lot of the pieces that you are talking about would be further defined in regulation; grey water, use of grey water, domestic purpose, pieces like that could be further broken down in regulation and I suspect they will.

**Mr. Trivers:** Okay, Chair.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** For the record: I think it's important to enshrine key things like that in the act itself. This is the purpose and the goal, right. So –

**Mr. Mitchell:** We'll keep –

**Mr. Trivers:** – anyhow, just –

**Mr. Mitchell:** – on a kind of a running – something that we should be watchful of.

**Mr. Trivers:** Thank you.

**Mr. Mitchell:** I do appreciate you bringing (Indistinct)

**Mr. Trivers:** Thank you, much appreciated.

**Mr. Mitchell:** – point to it.

**Chair:** The hon. Member from Borden-Kinkora.

**Mr. Fox:** Thank you, Chair.

An intervention on something the Leader of the Third Party said. Does the *Water Act*, does this *Water Act* have jurisdiction on Indigenous land that's controlled by the federal government?

**Chair:** Jim Young.

**Jim Young Director:** I'm not a legal expert when it comes to where the province's rules applies compared to the federal government. Typically, the federal government on PEI likes to follow our rules and so do First Nations, as well. They come to see us over approvals for their water systems and wastewater systems. We train their operators and things like that.

When it comes to, if they decide to say no, I – that would be a court piece that, you know, to your question –

**Mr. Mitchell:** They follow –

**Jim Young Director:** – I don't know.

**Mr. Mitchell:** – all other aspects of the legislation that we have in place currently.

**Chair:** The hon. Member from Borden-Kinkora.

**Mr. Fox:** What I'm talking about, I guess, would be specific lands that are deemed First Nations, I don't know what the proper term is, but exclusive property to the First Nations.

You're saying that, and I know that land, as I understand it, falls under the First Nations laws and Aboriginal act or that kind of thing. So, if that's controlled by the federal government, is my understanding.

**Jim Young Director:** Yeah.

**Mr. Fox:** With that, this act would have jurisdiction on that land.

**Jim Young Director:** As far as them applying or wanting to utilize this act they can use it or they don't have, like, have to, in terms of your –

**Mr. Fox:** Exactly.

**Jim Young Director:** – point. Yeah. What we've seen, in fact, in terms of how they operate, they do come to talk to us –

**Mr. Fox:** Yes.

**Jim Young Director:** – they do want to get our approvals. They do want to see what we have to say and take our recommendations and look at water quality related issues, too. We work with Health Canada and that in assessing their issues.

**Mr. Mitchell:** We do have some outside-the-rail legal experience, expertise at the end. You're nodding your head in agreement. Yes (Indistinct)

**Jim Young Director:** Yeah.

**Chair:** Thank you.

Shall section 2 carry? Carried.

3. Control of water resources vested in the province

The control of the water resources within the jurisdiction of the province is declared to be, and to have always been, vested in Her Majesty in right of the province, and no right to use, divert or withdraw water from the water resources can be, has been, or ever could have been, acquired by prescription.

**Dr. Bevan-Baker:** Question.

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

**Dr. Bevan-Baker:** Basically, what that says is that the controlled water is vested in the Crown. I'm just wondering what the implications of that are.

**Jim Young Director:** That just means the province, then, would control; the access, the permitting, the use, things like that.

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

**Dr. Bevan-Baker:** Just for clarity: by Crown, you mean the jurisdiction of Prince Edward Island?

**Jim Young Director:** Correct.

**Dr. Bevan-Baker:** Okay, just wanted to clarify that.

Thank you.

**Chair:** Thank you.

Shall the section carry? Carried.

Part II – Authority and Administration

4. Powers of Minister

The Minister may take the actions that the Minister considers necessary in order to manage, protect or enhance the water resources within the jurisdiction of the province, including

(a) investigating and inquiring into or about any activity, matter or thing that causes, appears to be the cause of, or may cause, contamination of water or an adverse effect;

(b) coordinating the work and efforts of public departments, boards, commissions, agencies and interest groups in the province respecting the management of water resources;

**Mr. MacKay:** Chair?

**Chair:** (c) – if you don't mind, I'm just going to finish this section and then I'll come to you.

**Mr. MacKay:** Okay.

**Chair:** Thank you.

(c) preparing and publishing policies, strategies, objectives and standards with respect to the management, protection and enhancement of the water resources;

(d) planning, designing, constructing, operating and maintaining facilities for the purposes of this Act;

(e) monitoring and exercising control over

(i) the quantity, quality, use and protection of the water resources within the jurisdiction of the province, and

(ii) the allocation of the use of water;

(f) entering into agreements for the purposes of this Act;

(g) delegating functions assigned to the Minister under this Act or the regulations; and

(h) performing the other functions that may be assigned to the Minister by the Lieutenant Governor in Council.

I have a question from the hon. Member from Kensington-Malpeque.

**Mr. MacKay:** Thank you, Chair.

Minister, so the minister, obviously, has a lot of responsibility in this act. I don't question you as a minister on this role, so I don't want you to take it this way, but my question is: As far as the quantity goes, there must be a scientific number that somebody has for the province that we have to maintain a certain quantity of water at all times; a safe net, I guess.

Is there an accurate number right now?

**Mr. Mitchell:** Yeah, I guess what would be established, and what we're trying to establish would be based on – because I

know the staff do have a really good handle, and Jim can speak to that, about what levels exist today. But, you know, we do need to know what's being taken out of that and we do need to know what is being recharged back into that.

Jim, do you want to address what – how that begins with a baseline from what they know today?

**Jim Young Director:** In terms of the quantity, as I spoke to earlier, we know you start with your recharge, you know how much recharge we get; snow melt, et cetera. That usually peaks in two terms; one in the spring and then one later fall. Although, this fall we didn't really get it until real late.

Through that we are able to assess the flow through groundwater and we do have measurements on that and we have done scientific work, in particular, tracking isotopes in the Wilmot watershed to actually track the flow of water through; tracking how it moves, how quickly it move and the cycle.

We know that. We know how it gets to the streams. What we don't know is what to leave in the streams, in terms, of what we can pull out.

In terms of the quantity, we could do a mass calculation, and I think that's online, all this information that you're looking for about the amount of precipitation we get on an annual basis. I think we have recorded down so many metres where most people are taking their water and trying to equate it to swimming pools or something like that, Olympic size swimming pools, I think, we did at one time, which didn't go over very well; the public meeting, one of the first public meetings we had.

**Mr. MacKay:** Sure.

**Jim Young Director:** We changed that a little bit.

In terms of the overall quantity, it's pretty much based on a watershed basis. That's where we have to get into the actual stream flow; what's safe, what's available on an annual basis throughout the year; spring, summer, fall, where we get into depleting stream flows, and better manage it. That's

what this act will do, where the *Environmental Protection Act* never did that.

**Mr. Mitchell:** Things will change too, but –

**Jim Young Director:** Yeah.

**Mr. Mitchell:** – year over year.

**Chair:** The hon. Member from Kensington-Malpeque.

**Mr. MacKay:** Thank you, Chair.

The reason I ask, and I guess, I'm just going to give a scenario to explain why I'm going down this path.

We have a couple of years of drought, say. Our water table is being used for – it's continuous – being used and it's not being recharged, so I was hoping to see an accurate number that would be in. Once it hits a certain point there's an automatic freeze and nobody can use for it –

**Jim Young Director:** I see where you're going.

**Mr. MacKay:** Okay.

And, once again, has nothing to do with you, minister –

**Mr. Mitchell:** No.

**Mr. MacKay:** – don't take this the wrong way –

**Mr. Mitchell:** Jim will address this further, but as of today –

**Mr. MacKay:** Right.

**Mr. Mitchell:** – there are levels. When the levels where we're doing our work in and we hit a certain threshold, boom; the pumping stops. So, I guess Jim can address those. I can't tell you exactly the level of numbers.

**Jim Young Director:** Right, yeah and I think the minister is referring to stream flow so, for example, in Wilmot, Dunk, Bradshaw river where we have a lot of surface water irrigation, which is in the Bedeque Bay area. This was the first year that I can recall that we never had to shut off irrigators because

we have such a good recharge this year. But normally we get a recharge throughout the year, meaning rainfall events and stuff and we didn't have a lot of rainfall events so those streams kept falling. But, we had enough to maintain through the irrigation period, which is typically late August.

But, to give you a difference; if you're, say, in places in the US, they have what you call a confined aquifer, so that is where they can actually measure the water in their aquifer in the ground and they actually report it. San Antonio, I don't know if you've ever been down there, but front page of the paper right on the top line where we say *The Guardian* covers the Island like the dew, they have a level in what they call the Edwards aquifer, to say the level is at this level.

Well, our groundwater is, basically, if we don't use the water it gets flowed through the ground, to the streams, to the ocean. There's no confined aquifer here. It's free-moving. The water is constantly moving.

So to the point about quantity, we can do it on a watershed basis and across the Island we can make assessments on what the overall quantity would be at a given point in time, but it's better to quantify it per watershed and manage it, as the Leader of the Third Party mentioned, a water budget, so to speak. So quantity, what's coming out, what's available and what the act does now.

Further on, you'll see where the minister has authority to control permits, to reduce permits at certain times of the year, to amend permits. The EPA didn't have a lot of clarity on that and this one does.

**Chair:** The hon. Member from Kensington-Malpeque.

**Mr. MacKay:** Thank you, Chair.

The reason I guess I'd like to see a number in there, I'm just throwing this in the air out there; in 40 years' time we come across a drought and irrigation purposes, they're crying for water, need water, there's political pressure used and the minister has the control and he overrides a decision that might not be in the best interest for Islanders. There's nothing stating in there, I guess, that once we hit a certain point, that

everything stops. It's just the minister's discretion.

**Jim Young Director:** I don't want to speak for the minister, but in the way this is set up is the goal is to use the science, as we just talked about. Then, the regulations would be set up on that. So, the public would understand what's available on a watershed basis and what's being used, and what's not being used.

You'll see throughout the act in various sections, the water management planning area where we do create that balance and you work with the people in the watershed to create that balance and look after the water that way.

**Mr. Mitchell:** And you're heading on the overall goal with what you're trying to achieve. You're trying to determine what's there, what's being used, and at what level do you need to stop usage?

**Mr. MacKay:** Right.

**Mr. Mitchell:** So, that can be done in different ways and the regulation can be a part of it.

In the future, when all of that is determined, if you have to (Indistinct) the legislation to do something there, nobody is opposed to doing that.

**Mr. MacKay:** Exactly.

Thank you, Chair.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

Minister, one of the items that was brought up time and time again during the consultations, it was the term 'precautionary principle' which of course applies to cases where scientific understanding is yet incomplete and to use caution when making decisions in areas where we don't have a full understanding.

Now, I noticed that just doing a quick search of the *Water Act*, the term 'precautionary principle' I don't think is used throughout anywhere in the act. I was wondering if you

considered putting it in, perhaps, the powers of the minister's section or – I mean, were past purpose and goals as well, but this would be an example where you could say: The minister is taking actions where they consider carefully the risks involved where scientific understanding is incomplete – in line with the precautionary principle, or wording along those lines.

**Mr. Mitchell:** I guess, hon. member, if you go back to purpose and goals section:

2 (e) "where there is a threat of serious or irreparable damage to water resources, the lack of scientific certainty should not be used as a reason for postponing measures to prevent degradation of water resources".

Hence, the precautionary approach to doing the same job.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Is there a reason you didn't use the term precautionary principle to describe that, as well?

Again, based on the public consultation, I mean, I think if you used the term precautionary principle it would create more satisfaction for a lot of people, including the Coalition of the Protection of PEI Water.

**Mr. Mitchell:** If you do your research on precautionary approach the definition is really hard to obtain. When you spell it out in that type of a form, you're achieving better –

**Jim Young Director:** (Indistinct)

**Mr. Mitchell:** More, yeah.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

Again, looking at the powers of the minister, one of the things that groups like the Coalition of the Protection of PEI Water and others brought forward was this idea that we need to manage our water to ensure intergenerational equity.

Again, within the powers of the minister

that's a good high-level oversight that should guide the minister when they're exercising their powers.

Did you consider including that term, specifically, in the *Water Act*?

**Mr. Mitchell:** I can guarantee you, hon. member, when it came to what's involved in the act, the parts that you see inside the act, the water coalition played a huge part of how this reads in its entirety.

Certainly, I am aware that they have areas that they would like to see differently. We've had many discussions over that, but the act itself has been, I'll say, significantly driven by input by the coalition.

Are there other pieces that we can work on in the future? Certainly there is and we'll continue to do that. I really support everything they brought forward and I really appreciate that, that moving forward they will be watching things and will be bringing more things to me. That's very important; or me, or whoever is in the chair after me.

**Mr. Trivers:** Chair.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

I'm here with you here today on the floor of the Legislature and as late as today, in fact, members of the Coalition of the Protection of PEI Water are questioning why the term, for example, intergenerational equity, is not included.

I'll ask you again: Did you consider including that term in the *Water Act*, and would you consider, in the future, including it in the, either the purpose and goals, or the powers of the minister section?

**Mr. Mitchell:** As I said we've had a lot of discussion on the act. Both the draft act, you know, everything leading up to the draft act. There are things that we discussed that, I'm sure, are not reflected to their satisfaction in the entirety of the act. We will continue to work with them in the future.

As I mentioned, the way that that reads will cover the term you're looking for and in the

future we will continue to work with them. If there are any enhancements in any of the areas, we'll certainly appreciate their inputs.

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

**Dr. Bevan-Baker:** I note in this section that they're all things that the minister may do. They're not compulsory.

I'm wondering if there are any duties or responsibilities of the minister that would fall under that compulsory, you know, that you shall exercise rather than may exercise, which is the way that all of these are listed here.

**Jim Young Director:** (Indistinct) further on.

**Mr. Mitchell:** I guess Jim indicates further on. I think any minister that anything had to be, would: shall perform the duties required. I would assume, but Jim says it's spelled out later on with –

**Jim Young Director:** Various –

**Mr. Mitchell:** – more definition –

**Dr. Bevan-Baker:** So there are –

**Mr. Mitchell:** – (Indistinct)

**Dr. Bevan-Baker:** Sorry, Chair.

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

**Dr. Bevan-Baker:** There are some sections later on in: which shall, it does exist. But in terms of these duties and responsibilities, at this point, they're all discretionary.

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

**Dr. Bevan-Baker:** On subsection:

(h) the wording is, "...performing the other functions that may be assigned to the Minister by the Lieutenant Governor in Council."

I'm wondering what sort of functions Cabinet might assign to the minister and are there any limitations on that. If so, why is that in there?

**Jim Young Director:** It's just for future-thinking, in case there is something assigned to the minister through Cabinet, Lieutenant Governor in Council, to look at something.

You may see something coming up further in the act in more detail.

**Dr. Bevan-Baker:** Okay, that's all for this section.

Thank you, Chair.

**Chair:** The hon. Member from Borden-Kinkora.

**An Hon. Member:** Carry the section.

**Mr. Fox:** Question –

**Ms. Biggar:** Call the hour.

Sorry.

**Chair:** The hon. Member from Borden-Kinkora.

**Mr. Fox:** (Indistinct) question – the minister has the power to turn off – stop pumping of wells, or pumping of – does this also apply to golf courses?

**Chair:** We're going to get to that, aren't we?

**Jim Young Director:** We will, but I can –

**Chair:** Sure.

Jim Young.

**Mr. Trivers:** (Indistinct) when we get there.

**Jim Young Director:** Yes, it applies to any permit issue, any approval issue under the act.

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

**Chair:** Shall the section carry? Carried.

**Ms. Biggar:** Now, I'll call the hour (Indistinct)

**Chair:** The hour has been called, hon. members.

**Mr. Mitchell:** Madam Chair, I move that the Speaker take the chair, and the Chair report progress and beg leave to sit again.

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

Mr. Speaker, as Chair of a Committee of the Whole House, having had under –

**Speaker:** Order!

**Chair:** Order!

Thank you, Speaker

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intituled *Water Act*, I beg leave to report that the committee has made some progress and begs leave to sit again. 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. Member from West Royalty-Springvale, this House adjourn until tomorrow, November 30<sup>th</sup>, at 2:00 p.m.

The Legislature adjourned until tomorrow, November 30<sup>th</sup>, 2017, at 2:00 p.m.