

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

Hansard, Published by Order of the Legislature

Third Session of the Sixty-fifth General Assembly

Tuesday, 5 December 2017

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The Legislature met at 2:00 p.m.

Speakers Ruling

Speaker: Hon. members, on Friday, December 1st, during debate on the motion to adopt the report of the Standing Committee on Public Accounts, the hon. Minister of Transportation, Infrastructure and Energy rose on a Point of Order to object that one or more members of the official opposition, while sitting within the rail, were conversing with persons in the media gallery, which is outside the rail.

At the time, I indicated that I would take the matter under advisement and I am now prepared to issue a ruling.

I am guided in this matter by the ruling of former Speaker Wilbur MacDonald, who responded to a similar Point of Order on the 25th of November, 1997.

Speaker MacDonald referenced the 1995 report of the Special Committee on Legislative Assembly, which defined the floor of the House as, "...that area inside the rail and in front or beside the Speaker's chair..."

Of course the committee of the day was referring to the Chamber in Province House, but the current Chamber is similarly defined: the partition that defines the boundaries of the floor upon which all Members sit is commonly known as the rail.

Proceedings of the Assembly take place within the rail and the public and press galleries are situated outside the rail. Participation and proceedings from outside the rail is not permitted and indeed, permission of the Assembly is required for strangers to enter the floor by crossing the rail.

Speaker MacDonald noted that it had been a regular occurrence for Members in their seats to converse with media in the press gallery, and I find this still occurs today. Our Chamber is small and I suspect it may be difficult to resist the temptation to speak with persons outside the rail, who are only a couple of feet away, whether they are media, members of the public, or fellow Members of the Assembly on the way in or out of the

Chamber. The small size of this Chamber also makes these conversations distracting and disruptive for those trying to follow the actually proceedings of the Assembly.

Hon. members, I draw your attention to Rule 35 (3) of the Rules of the Legislative Assembly, which address interruptions during debate.

Rule 35 (3) states, "When a member is speaking, no member shall interrupt except to raise a point of order or privilege."

Debate is not typically carried out in complete silence, but interruptions are out of order, and that would include conversations with persons outside the rail.

These conversations contribute to the background noise in the Chamber that sometimes rises to the point that I, or the Chair of the Committee of the Whole, must intervene to call for greater quiet and respect.

Speaker MacDonald offered some observations in his 1997 ruling that remain pertinent today, and I will repeat them here, while adding further observations of my own:

"Members who wish to carry on a lengthy conversation with media representatives should do so outside of the confines of the media Gallery. To do otherwise could interrupt the proceedings of the House and the work of other media present in the Gallery."

Now, I can overlook the briefest of exchanges, but ongoing conversations over the rail or within the galleries should not occur. If a conversation can't wait, the hallway is only a few steps away and there are other much less disruptive e-communication options available to members.

Speaker MacDonald also observed that these over the rail conversations could have more serious implications:

"Members should refrain from addressing media in the Gallery from the seats in the House.

In addition to the reasons stated above stated above, there are questions of privilege and issues of precedent which I do not wish to expand on at this time but could cause considerable difficulty for a Member.

For example, are the comments of a Member protected by privilege if stated within the House and attributed to that Member but do not become part of the official record of proceedings?"

Good question.

Hon. Members, as you know, parliamentary privilege protects you from criminal or civil action based on what you say during proceedings of the Assembly. Proceedings may be loosely defined as that which takes place within the House or its committees.

The current matter is one of order, not privilege; however members would do well to be cautious about engaging in such conversations. Words spoken, or overheard in the House that do not form part of the official record or proceedings, but are nevertheless reproduced publically could well lead to unintended, and unwanted, consequences.

In closing, I ask both Members within the rail and persons outside of the rail not to attempt to have conversations during proceedings. I will monitor compliance with this request over the next while to determine whether or not any additional action is required.

Thank you very much, hon. members.

Matters of Privilege and Recognition of Guests

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

Welcome back to all colleagues and to those in the gallery and those viewing from further afield to a further week of our good work here in the Assembly. There are lots of people to welcome in the gallery – I'll single-out two: Carol Carragher was a high school classmate and a great contributor to her community; Daniel Larter, who's been active in various affairs of the community

and takes an interest here – of course, as does everyone who's with us today.

I congratulate Her Honour, Lieutenant Governor Antoinette Perry on her first Christmas open house and the beautiful work that was done to open up the house to decorate and to offer musical performances and certainly well-attended and appreciated by the community.

A further event to acknowledge that will be before we come here tomorrow, being that December 6th is the National Day of Remembrance and Action on Violence Against Women in Canada, established in 1991 by Parliament to acknowledge the events in 1989 in Montréal and the murder of 14 young women. A number of our colleagues here in the House will be attending and that will be the culmination of our wearing of the purple ribbons to take part in and to lend our part to the campaign against violence against women.

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.

It's certainly an honour for me to rise here as well in this Legislative Assembly and to recognize some individuals, in particular again, Daniel Larter who's joined us today. We also have Sam Sanderson from the Construction Association of Prince Edward Island.

I'd also like to send out a special hello to my mother-in-law, Doreen MacPhee. She's an avid watcher of the proceedings here and she quite often reaches out to me and gives me little tidbits of information on some hot topic issues. I can't get all of them in, but I do try to respond to my mother-in-law, as I do all my constituents.

I'd also like to remind all members in the Legislative Assembly that today, December the 5th is International Volunteer Day. This global celebration was founded in 1985 by UN volunteers. It promotes public awareness of the great work being done by

volunteers and the positive impacts they are having. Our province is well known for being a kind and charitable place, with Islanders being eager to offer their time and skills to volunteer with countless organizations. Islanders are among national leaders when it comes to volunteering and with recent statistics placing our rate at 56%. I would suspect from what I've seen just even in the last couple of weeks that 56% would be on the lower scale of that. Last week I started talking about an army of volunteers that are out there this time of year and I was out and about in retail areas and I'm very proud to say that the volunteers for the Salvation Army Christmas Kettle Campaign are steadfast volunteers in our community and again, I congratulate them on the wonderful work that they're doing.

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 would like to welcome everybody back for another week in the Legislature, and particularly all our guests in the gallery, and Daniel and Sam have already been recognized, and behind me are three good friends of mine: Lynne Lund, Susan Hartley and of course, the MLA elect for District 11, Hannah Bell.

I'd particularly like to mention Carol Carragher who has done some incredible community work recently in order to protect the lighthouse at Rocky Point, and I want to recognize the incredible effort that you did to make that happen, Carol. Thank you.

Talking of individuals who make a difference in our community, Rachel Peters has spearheaded, basically singlehandedly, the Sleeping Bag Project here on the Island; a project that has raised to-date over \$25,000. A lot of community partners have stepped forward to help Rachel with that, but here's one person making an enormous difference and making our community of Prince Edward Island a better place.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. MacDonald: Thank you, Mr. Speaker.

I'd also like to welcome Daniel Larter and Eddie Lund back again and Carol Carragher, who I have known for some time, and the work that you've done on the lighthouse. It's a place I visit pretty regularly, so congratulations on that. Also, Sam Sanderson, who is in the gallery, general manager of Construction Association of PEI. I know Sam has been extremely busy the past couple of years and we hope to talk more about that today.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

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

It certainly is a pleasure to rise and welcome everybody to our public gallery today. Of course, Eddie is back. Dan Larter is in the gallery today, and Sam Sanderson who has already been mentioned on a couple of occasions. Of course, Sam is the general manager of the Construction Association of PEI, doing a super job over there. Sam is also a personal good friend of mine, and we are members of the Parkdale-Sherwood Lions Club together, so it's great to have Sam in the House today.

I would like to offer huge congratulations as well to owners of Sherwood's most iconic business, I'll say, the Maid Marion's restaurant in Sherwood; taken over – new ownership as of last Friday. The new owners are Rob and Stephanie MacLellan, owners of the Sherwood pharmacy and taking on Maid Marion's in the same parking lot. I know that they'll approach this with the same business sense and good attitudes that they are with the pharmacy, and it was really nice to see them in there on Friday meeting all of the new customers.

As well, I'd like to offer all the best to former owners, Peter and Wendy Walker,

who spent pretty near 31 years in that business. I didn't make the opening day for them 31 years ago, but I was there the second day and pretty near every day since. So, they're good, personal friends of mine and I wish them all the best in the future.

Finally, I would like to remind all Islanders about the wonderful event that's going on at the MacLauchlan arena. Our sledge hockey challenge; fantastic teams, international teams from all across the world there just playing their hearts out. It's such a great thing to go and watch and see the tenacity these players bring. They're athletes above all athletes, and they give all they have. I'm not exactly sure who's playing tonight, but I do know that tomorrow night will be team USA playing team Canada and I'd like to see the rink filled. That is the biggest rivalry of these international teams, and it's going to be great to see them all there playing.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Dumville: Thank you, Mr. Speaker.

I'd like to welcome everybody here today and give a shout-out to the residents of West Royalty-Springvale, and especially to those in Andrews Lodge in Charlottetown. I would also like to remind everybody that Rotary Radio Bingo goes tonight and thank all the citizens that support our Rotary club so we can support the community.

Speaking of lighthouses, I'd like to commend the minister of health for looking after his lighthouse. The West Point lighthouse is dear to all our hearts up there and I'm glad to see he's looking after his lighthouse as well.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Ms. Biggar: Thank you, Mr. Speaker.

I'd like to welcome everyone watching at home from Tyne Valley-Linkletter. I had a very busy weekend in the communities across the area with craft fairs and concerts, and I know that's happening right across PEI coming up to the holiday season.

I, too, would like to welcome Sam Sanderson to the proceedings today; great partner with our department in the construction association and also with Team Construction. It's a great program for young individuals trying to get into the construction business, and to the business, into the construction world. I value their partnership in that, as well.

I, also, again, would like to mention that tomorrow is our memorial at Confederation Centre Memorial Hall in remembrance of those, who were massacred in the Montreal massacre at *École Polytechnique* there, the women that were murdered.

Also, there is a memorial service going to be taking place in Summerside at noon at the Baptist church.

I would invite all of those, who would like to attend, to join us there in remembrance.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

It's a pleasure to rise and welcome everyone here in the Chamber and, of course, everyone in the public gallery and watching from District 18 Rustico-Emerald, especially those folks watching from the great community of Emerald. Brother Al Croken comes to mind and right here in our gallery we have his next door neighbour, Ryan Ross. It's great to see you here. I would just want to put out a message to *The Guardian* that would be: Love to see Ryan Ross cover more here in the Legislature. It's just fantastic to have him here.

I had the opportunity to attend a couple of the concerts that were mentioned and 'dos on the weekend. One was Missing Christmas at the New Glasgow Christian

Church. They were raising money to buy animals to send over to Africa to populate, hopefully, multiple stables. Last year, I think, they said, three or four.

I was also able to attend a great community concert and sing-along at the Rustico Bay Seniors Club. This was to help Sister Cecile Buote with her work in Cameroon, Africa.

It's fantastic communities we have out there. I just want to say, again, how important it is that these community halls like in Emerald and Rustico do play in our communities.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

I'd like to say hello to everyone in Souris-Elmira District 1, everyone in the gallery and also, a good friend of mine is Sam Sanderson. Sam and I met back through the fire departments when he worked for T&K and he was on the fire department in town here. We became good friends back in the 1980s and have been good friends ever since.

Sam was up working one day for T&K selling items, of course, and that's the day we had the Usen fire. Sam was up and the Usen fire was so huge it was carrying cinders three, four, five miles east of Souris. Sam put on a set of turnout gear and gave the Souris fire department a hand and represented Charlottetown well at the fire. It was a huge, huge fire and the cinders were carrying far. Ever since that, Sam and I have been good friends. Sam is now working with the construction association. Every time I'm pretty near in town, I'm running into Sammy and we have great conversations. It's great to see you in the gallery, Sam, and I hope you enjoy the debate today.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Perry: Thank you, Mr. Speaker.

I'd like to stand and welcome to the gallery today everyone who is visiting, also those who are at home watching on television or online from District 27 Tignish-Palmer Road. A special hello to my aunt Rachel Miller and all the other people at the Tignish co-op seniors home, and to my aunt and uncle Jackie and Aldona Morrissey who watch every day. And to my aunt and uncle Louis and Irma O'Rourke. Irma was playing elf this week in Tignish. She does it every year. She cooks fudge, she wraps it up and she drops it off at businesses throughout the community and different organizations as a little treat to say thank you for all that you do. I would just like to say back to Irma: thank you for everything that she does.

I would also like to thank – there were a little over 100 people last night, I got on two buses leaving Tignish and we went down to – as the Premier mentioned, the Government House to see the Christmas décor, and also to one of our Tignish natives, Her Honourable Antionette Perry. It was really nice to have 100 people from the community of Tignish go down to see the decorations; say hello to one of our own. I would also like to, at this time, thank Ruby Arsenault for helping me organize this.

Thank you.

Some Hon. Members: Hear, hear!

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

Mr. Murphy: Thank you, Mr. Speaker, for the opportunity to rise and welcome all the folks in the public gallery, as well as, all the people that are home in the wonderful district of Alberton-Roseville that may be watching, as well as right across the province.

I had the opportunity to attend the Christmas party at the Phillips Residence in Alberton and I got to meet Santa Claus, who put my wish list in early there on Saturday. I also had an opportunity to attend a banquet with the West Prince Tired Iron Club.

They're an organization that they rebuild antique tractors, but that's not all they do. They give back to the community. They

grow a crop on a 40-acre parcel of land that the province owns at Bloomfield corner and they work with the province, and they put a crop in and they harvest that crop and they donate it to the world foodgrains bank. They're really helping feed the world there.

I'd just like to say a thank you to all the great work that they do and that all the great work that the staff does at the Phillips Residence in Alberton in looking after the residents.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Statements by Members

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

Ethel Ellsworth-Gallant

Mr. Perry: Thank you, Mr. Speaker.

I'd like to congratulate a West Prince resident on her valued community work. This is Ethel Ellsworth-Gallant and she's retiring this coming December. Ethel has dedicated 32 years of working in the field of human services.

Her career began in 1985 at the Tignish training centre. In 1998, she began working for Community Inclusions, which is a non-profit organization in West Prince that provides supports to adults aged 18 to 65 with intellectual disabilities. These supports range from residential, employment, supportive and recreational. The goal of Community Inclusions is to ensure that every individual has the opportunity to participate in the activities and in the strong community life of West Prince.

Her colleagues describe her as knowledgeable in her field; a great leader with sound judgment and someone who is well respected and reliable. She always puts the needs of residents, clients, and staff first. She is hardworking and dedicated to her career and goes above and beyond when caring for a person at Community Inclusions.

It is with my deepest sincerity that I thank her for her strong contributions to our

community, and to congratulate her on her retirement after many, many years of good work.

To celebrate her retirement, Community Inclusions will be holding an open house at the Tignish training centre on January 19th from 4:00 p.m. to 7:00 p.m. I would encourage anyone who knows Ethel to stop by and wish her well.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Summerside-Wilmot.

Esther Finkle Walk for Kids

Mr. Palmer: Thank you, Mr. Speaker.

I am pleased to be standing in the Legislative Assembly today to talk about the Esther Finkle fund for kids walk, which happened this past October for the 17th consecutive year.

This walk is in memory of Esther Finkle, who spent her life dedicated to working with children. She believed that by helping to fulfill a child's dream, no matter how small it may seem, you support them in realizing their unique value in all the possibilities of life.

The walk is one of the major ways in which the Esther Finkle fund for kids raises money. The fund is used to support kids in the community who have a dream that their family cannot afford to help them accomplish. The funds go towards children's goals such as; buying a prom dress, registering for hockey, or going to summer camp.

Helping children achieve their dreams gives them a sense of belonging, increases their self esteem, and boosts their confidence believing that their dreams can become a reality.

The fund has continued Esther's work and passion for helping children in her memory for almost two decades. The dreams of many children have been filled as a result of this fund.

This year, the walk, about 70 participants raised a total of \$10,425 in support of children's dreams. This fund is an incredible initiative. I would like to congratulate the organizers and all participants for their hard work and efforts in making the Esther Finkle walk a success in making our Island a better place.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Montague- Hamilton Hockey Exchange

Mr. Myers: Thank you, Mr. Speaker.

Over 50 years ago two McKenna brothers, from the Montague area living in Mount Hamilton, Ontario called their sister Mary Henneberry back in Montague wondering if they could take a peewee hockey team down to play some exhibition games. The rest is history.

Montague took a team back up there the next year and has been providing peewee-aged players in both communities an incredible sport and cultural exchange ever since.

These teams used to travel by train, but now go by bus. I know the bus ride can be one of the more exciting of the trip for some players.

The Montague Norsemen will depart for Hamilton by bus on Sunday, March 25th and return the following Saturday. While in Hamilton, the team will play three games against Mount Hamilton, a game against another city and a skills competition.

Some of the activities while there include a tour of Niagara Falls, a tour of Toronto, which includes the CN Tower and the Hockey Hall of Fame to name a few.

The exchange has seen two generations of fathers and sons and fathers and daughters play as one family having five children play in the exchange.

This year's team has players from four different hockey teams from five different

communities participating. The team is also coached by former exchange players; Luke Collins and Nolan Irving.

Exchanges like the Montague-Hamilton trip need the support of the community to make it happen each and every year. Every year they step up and contribute so the kids can have the experience they won't forget.

Before I finish there is one person, who without, the Hamilton exchange simply would not be possible. Mike Annear has given countless hours each year for the past 25 years to ensure that the exchange carries on. Before Mike, his father Harry was instrumental in organizing the exchange each year. Harry started in the exchange's third year. We are grateful for their time and knowledge.

I encourage those in the community to step-up again and help make the 50th anniversary a year to remember. Best of luck to the players, coaches, and parents as they embark on this exciting journey.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Responses to Questions Taken As Notice

Questions by Members

Speaker: The hon. Leader of the Opposition.

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

Funding for abortions on PEI

My question is to the Premier: Premier, how many abortions were funded on PEI this past year?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, there was a number mentioned in the public media. I believe it's on the order of 120, 116, 120, something of that order. That information was communicated to the public.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

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

Funding for in vitro fertilization treatments on PEI

My second question is also to the Premier: Premier, how many in vitro fertilization treatments were funded on PEI this past year?

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, as far as in vitro fertilization treatments, none of them are done on Prince Edward Island. We have a new women's wellness centre here now, operating in Prince County and we have some divisions out across the province. They would work with helping families or individuals that are having trouble conceiving a child and they would make recommendations, refer them to off-Island for in vitro fertilization should that be the approved choice of service.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

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

Having a child can be one of the most rewarding moments in a person's life, but unfortunately, many are unable to experience this joy due to fertility challenges, which often causes stress, reduces self esteem and strains relationships.

Supports for Islanders seeking in vitro fertilization

Again, question to the Premier: Premier, what supports are now available for Islanders seeking in vitro fertilization services to help address fertility issues?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, basically if a particular individual or family is deciding that they are requesting services regarding the conception of a child, they would, once again, go to our women's wellness centre. They can go a self-referral, or they can be referred by their family doctor. They would counsel and provide them different ideas and ways of trying to help with that issue.

Then, once again, if there is a case, the referral would be made and it would be up to the family to get to those locations and pay for that particular treatment.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

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

For couples and individuals dealing with fertility challenges there are significant roadblocks to accessing necessary care that this government has simply not dealt with.

Government refusal to provide IVF services

Again, question to the Premier: Premier, why has this government refused, for 10 years, to provide access for Islanders to IVF services?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, that particular service, like many other services on Prince Edward Island, that there are requests and we work through these initiatives to try to provide those particular services. At this point in time, we have not provided the supports and funding for that particular in vitro fertilization service, but we do provide a lot of issues around counseling and to try to help families conceive in other forms of ways of doing that through our health care system.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Mr. Speaker, the Advisory Council on the Status of Women reported little or no progress on this issue in their last report card for this government.

Women or couples who desire or require assistance to get pregnant now have no local fertility specialist or access to supports for in vitro fertilization treatment and it remains a top priority for the council.

Financial supports for access to in vitro fertilization

Again, question to the Premier: When can Islanders expect to see financial supports for women and couples trying to access in vitro fertilization?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: One of the things that our government has done is the developing of the concepts of a women's wellness centre on Prince Edward Island. We made that announcement about a year and a half ago and we are now getting up and operational. We are now working on many different issues – women's issues – around conception, all those particular issues that are particular to women – postpartum depression, things of that nature. We've now launched those services out into the communities. Charlottetown, I think we just recently made an announcement – O'Leary and Alberton. We'll continue to work on many initiatives that will advance the causes of women's wellness.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

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

I was actually at that announcement at the PCH just a little over a year ago and sadly, leaving there; I didn't hear anything remotely close to an announcement around IVF. A single round of IVF treatment can cost \$10,000 or more. Multiple treatments are often needed, so costs can quickly add up. The cost can put the dream of

parenthood out of reach for many. It's reported that one in six couples have problems conceiving a child naturally.

Lack of financial means to see IVF treatments

Again, question to the Premier: Do you think it is fair that Islanders who lack the financial means are unable to seek IVF treatments?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, certainly I can empathize with many families that are having that difficulty. Once again, with our development of our women's health program and sexual health services that are provided to Islanders and women, we are doing our very best to provide services and will continue to provide more services as they evolve.

I might add that the construction of the site has not even been completed in conjunction with the ambulatory care section at the Prince County Hospital and, once again, these services will be evolving as time moves on.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

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

Just roughly over a year ago the announcement was made in Summerside at the PCH with regards to the women's wellness centre. No announcement there; no announcement here today, again, a year later, with regards to assisting women or couples who are seeking IVF.

A number of provinces offer some measure of coverage or financial support for fertility treatments. For example, New Brunswick offers a one-time grant of \$5,000 to partially offset treatment costs.

Again, a question to the Premier: Will you please take action to provide financial support towards fertility treatment to offset some of the huge costs Islanders face?

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, once again, as we provide many services to women, and women's wellness programs, and sexual health services in this province, we will continue to look at more and more services as time and skill sets exist. We have added a number of services around postpartum depression, sexual health education, pregnancy testing and options around that, menopause care, and conception counseling. These are the types of things that we'll be doing in the women's wellness centre and I'm sure these services are only going to continue and expand, but it's really only been a year and a half since we've made that announcement and we'll continue to work with providing more and more services to Islanders for many other causes too, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

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

It's easy for the minister to stand and rhyme off just a few of the items that they're finally providing at the women's wellness centre, but I could equally stand here and rhyme off the many, many services that this government is still ignoring. But today, I'm speaking specifically about in vitro fertilization.

For Islanders struggling with fertility issues, a compassionate approach is needed – one that gives these families and individuals hope.

Provision of a grant or tax credit to Islanders seeking IVF treatment

Again, question to the Premier: Will you commit to providing these Islanders a small measure of hope, either through a grant or tax credit that helps shoulder some of these costs?

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, and I know as minister of health, there are many challenges that I face on a day-to-day basis and trying to provide many, many services. The opposition has brought up many questions around it, whether it's long-term care, whether it's more drugs in the formulary, whether it's now in vitro fertilization.

Once again, as minister I'm working hard on trying to make sure that we can provide as many services as we possibly can and we'll continue to do so – and this would be one of those other services that we'll add to the list, but I certainly can be empathetic to any particular family that is having this significant challenge in their creating a family, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

Mr. Speaker, I have questions on autism today. I'm curious to as which member I should direct them to.

Speaker: You can ask the question, hon. Member, and whichever person wants to answer it can answer.

Some Hon. Members: (Indistinct).

Speaker: Hon. Member, I can't order any particular person to answer a question, you just ask the question.

Mr. MacEwen: Thank you, Mr. Speaker.

I much appreciate that and by the looks of people looking around over there, is kind of the reason why I was asking it. Autism falls in amongst a number of departments and I know a lot of advocates out there are feeling that it's falling through the cracks.

In 2010, a comprehensive study made 37 key recommendations to improve services for Islanders living with autism.

Improving services to Islanders with autism re: key recommendations

A question: How many of those 37 key recommendations remain outstanding?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: When it comes to the issue of autism, the hon. member is correct; it does fall under different portfolios and departments. If it's a preschool autism issue, that falls under the Department of Health and Wellness. One of the things I can say is that we have 2.5 positions that are there with doing psychologists, pediatrics psychology. There's a one-half position that's vacant at the moment. In fact, we have seen our wait times for pre-autism assessments decline from back in August of 2014 at about 22 months to currently; it's about an eight month wait time for pre-autism assessments.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid

Mr. MacEwen: Thank you, Mr. Speaker.

That had absolutely nothing to do with my question.

My question was: How many of the 37 key recommendations remain outstanding, and I would appreciate if the minister would bring that back.

One of the key recommendations was for the creation of a navigator position to help families literally navigate the many silos in schools, health care system, and government. That position was created in 2011, only to be later cut after proving success with families.

Restoring of navigator position for autism

Question to the minister: Has there been any discussion within your department to restoring the navigator position for families with autism?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, once again, in our department we're doing our pre-autism issues before our preschool. We, once again, work with those particular families. We have our student wellbeing teams in place and we also have our physicians that would make referrals and our child psychologist to assess individuals and things of that nature and we'll continue to work with those particular families to try to provide the most appropriate level of care, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

I asked the minister if there was any discussion about bringing back the navigator position. I simply didn't get an answer again.

Accessing of autism grant for school-age children

I'll move to another question: Another outcome of that report was that the autism grants of \$6,600 a year be made available for school-age children under the age of 18. Less than half of those people are accessing that funding grant right now. Can the minister explain why?

Some Hon. Members: Hear, hear!

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

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

Through our department there is autism funding for school-age children and there is a grant of up to \$6,600 available annually to help those families – to enable their children to access resources that might help them to progress as they go through their education. We are actively looking at ways of facilitating that process for them, Mr. Speaker.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

Education on financial autism supports

I understand that there's a lot of red tape, of course, with setting up the company and it's not the easiest thing to do. So, I would appreciate the minister looking into that and also, the province has a public education campaign right now called Be Aware and Get Your Share. The idea behind it is to help vulnerable Islanders access federal-provincial benefits they may be eligible for.

A question to the minister: Will the department look at a similar campaign to make sure that the families of students with autism are aware of the financial supports that are available to them?

Some Hon. Members: Hear, hear!

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

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

I think that is a great idea, hon. member, and I wouldn't be too quick to overlook the work that's being done currently by the Stars for Life group and the disability support program, both of whom I know through having navigated this system myself with constituents, are very good and very quick to help families that are dealing with accessing funds to enable this kind of care. I think there is a fair bit there, but we can always do better and we'll take a look at that idea, hon. member.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

Stars for Life seeking core funding increase

Mr. MacEwen: Thank you, Mr. Speaker.

The Stars for Life autism foundation has put a request in for an increase to their core funding.

Will the minister honour that request?

Some Hon. Members: Hear, hear!

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

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

I can say that I honestly haven't seen that request. I'm not sure whether it would come to me or not, but I will look into that as well, Mr. Speaker.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

Again, we see the problem. That request goes to a number of departments and everything; it seems to be, with autism keeps getting pushed around from department to department. Even with this strategy, it seemed like the government of the day, which this is still the same government that is there, cherry-picked ideas. Now, there have been some good progress made, don't get me wrong, with early childhood education in our school system, but they cherry-picked certain ideas and the rest of the strategy fell.

To the minister: The Stars for Life foundation, their services are exceptional. You know their programs are incredibly valuable. Will you please honour their request for an increase in their core funding?

Some Hon. Members: Hear, hear!

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

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

As I indicated, I'll take that back. I think, while we're on it, I should be very quick, though, too, to indicate that there has been

significant increases in funding for autism supports and for special needs students that are coming through the system. We're hiring two new early years' autism specialists this year. In fact, it's right in progress right now. Early years' grants have gone up by approximately \$350,000 this year.

So, there is a lot being done in this regard and I think we should be proud of the work we have done, and we should recognize there's always more to do.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

This government knows that the Stars for Life Foundation for Autism – if they had more funding to hire and pay the professionals appropriately, they could do so much more.

Will this government honour a request to increase the core funding?

Some Hon. Members: Hear, hear!

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

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

As I had indicated previously and I'll indicate here again, I think we are looking at all of our programs that involve supports for autistic students and we do recognize and value the contributions that Stars for Life makes, and we certainly recognize and value the other supports that we have and the issues that parents and families that deal with autism, and teachers and frontline workers I should say, too, every day.

We're constantly looking at the resources that we have to put towards that and we have very significantly increased those resources over the last few years.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

Education on financial autism supports (further)

Mr. MacEwen: Thank you, Mr. Speaker.

I'm not sure if this government gets it. Here I am asking questions about the Stars for Life, an organization that helps adults with autism. We have the minister of education standing up to answer these questions that's based on school-aged children. That's the disconnect that we have here.

I keep hearing from people who feel that we need a renewed focus on adults with education. Why are we doing just enough to let people with autism survive? Why aren't we running every provincial funding decision through the lens of making people with autism thrive? That's the question.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, when it comes to issues with dealing with children with complex needs, our government has made significant investments and we've focused on issues, whether it's a student wellbeing teams, which are now unfolding and rolling those out across the province. We've seen our pre-autism wait times reduced. We've made occupational –

Mr. LaVie: Not answering the questions.

Mr. Henderson: – therapy part of the student wellbeing teams to try to, once again, deal with students and children that require these complex needs. We certainly understand the challenges and toll that this can take on many Island families. We'll do our level best to try to address these issues.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

Service-based approach to autism

Mr. MacEwen: Thank you, Mr. Speaker.

Let me finish with this today. I started asking my questions today about how autism can fall through the cracks of all departments. We see that in the answers right here today, coming from many departments.

The autism action group itself said this in their report: The department-based or serviced-based silos are entrenched and cannot be penetrated by the goodwill and intent of AAG participants alone because each department or service applies very different approaches to ASD supports and services. At their levels with their corresponding organizations, the AAG participants did not have the authority or mandate to resolve these issues.

While Stars for Life needs an increase in its core funding to be able to do the great work that they do, the larger issue that must be addressed is this and I ask the minister today: What have we done as a province to address the entrenched service-based silo approach to autism?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, actually we've done many things in trying to deal with some of these different programs. One of the things that we've developed here is the bridging program where if an individual might have particular challenges where different agencies get around the table and they come up with solutions to work that through.

We also realize that there are differences between our different departments in dealing with school-aged children versus pre-school and beyond, and as a department of health we've had discussions and we're continuing to work in collaboration. One of those things of collaboration has been around occupational therapy where we have worked in making sure that our recruiting and retention department is working with trying to recruit and fill these vacancies. We're also having discussions around the issues of psychology. We are working together

collaboratively to try to meet the needs of Islanders, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party.

Qualifying criteria for grandparents and care givers program

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

In a November the 10th Facebook post, the Minister of Family and Human Services wrote the following: Words cannot describe how full my heart is. I couldn't hold back my tears as I let these dedicated grandparents, some who are caring for up to four of their grandchildren, hear from me firsthand about a new grandparents and care provider program. This program will help families who provide out-of-home care for children for safety reasons, giving them \$700 per month per child, as well as child care and children's dental and drug coverage.

A question to the Minister of Family and Human Services: Are there any qualifying criteria for grandparents to access this program?

Some Hon. Members: Hear, hear!

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

Ms. Mundy: Thank you, Mr. Speaker.

Actually, hearing that again, again made my heart feel so full because it was very befitting that I went back there to announce the program. It is an interim program. We wanted to get something out the door immediately that would help the grandparents, and care givers; the aunts, the uncles, the neighbours who are caring for children, vulnerable, traumatized children who have been removed from their home, had to leave the safety of their home for safety reasons.

Our interim program is the one that rolled out –

Mr. LaVie: Answer the question.

Ms. Mundy: – actually just last week, December 1st, and it is open right now and it is being acted upon for those family members, or those grandparents, or those caregivers that are caring for the children with open child protection cases across Prince Edward Island.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

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

Clearly, getting something out the door was the priority here because it was not made clear whatsoever that there would be some very stringent eligibility requirements attached to this program.

The vast majority of grandparents care for their grandchildren in an informal arrangement and approximately 75% of them will not be eligible to receive assistance. I believe that all care giving grandparents regardless of their income, custody arrangements, or the status of the child, should be able to access simple, universal and sufficient financial support equivalent to that provided to children in the care of the province.

A question to the minister: How can you design a program that intentionally excludes the vast majority of people needing assistance?

Some Hon. Members: Hear, hear!

Some Hon. Members: Oh.

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

Ms. Mundy: Thank you, Mr. Speaker.

That is so far from the truth, I can't even address it. We have identified 54 grandparents that are caring for children that have had to leave their home in an informal situation. They have been doing that out of the kindness of their heart; they stepped up to the plate. Those are the ones that we identified right off the bat. Those are ones

we knew about because we had an open child protection case on them.

Those are the ones that we are helping in the interim program. In the meantime, we announced, that very day, that we would be expanding the program and that would expand on April 1st. We will identify more families that are coming forward and we will address those –

Speaker: Thank you, minister.

Ms. Mundy: – on a one-on-one basis.

Some Hon. Members: Hear, hear!

Ms. Mundy: Thank you.

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

Lacking supports for majority of grandparents and caregivers

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

I read, carefully, the government announcement. There is nothing there about interim program, there's nothing about April 1st. This was to be available December 1st.

There is a diverse range of reasons why grandparents are caring for a child. The one thing that they all have in common is that they are determined to keep these children safe and well-cared for within their own families.

This government loves to talk about acting in the best interest of the child, but when it comes to actually helping vulnerable children you create a complex program of conditional help that excludes more than it assists.

Question for the minister, again: How can you claim to be acting in the best interest of the child when this policy fails to support the majority of grandparents, who are working so hard to keep their families together?

Some Hon. Members: Hear, hear!

Mr. Trivers: All talk, no action.

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

Ms. Mundy: Thank you, Mr. Speaker.

Again, I don't think the hon. member heard what I said last time that I stood. We have 54 families that are now receiving, as of December 1st, supports. Fifty-four families that we knew about because they had an open child protection case on file, 54 families that our social workers, our caring social workers, are helping and they are receiving supports.

The others that the hon. member mentioned, we are dealing with them as they come in. Each and every one of them have been told that we will look at their case. When the full program is up and going in April, we'll be able to move forward with those.

Right now, the 54 that needed the help most are getting are getting the help they needed.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

GPS tracking for snowplows

Mr. Dumville: Thank you, Mr. Speaker.

My question is to the Minister of Transportation, Infrastructure and Energy.

On PEI we rely on snowplows to keep our roads clear and safe during the winter months. In the past few years other Canadian provinces such as Ontario and Nova Scotia have implemented public online GPS tracking of snowplows in order to allow real-time tracking of roads that have been plowed.

This gives citizens a timeframe for which snowplows will be clearing and opening up roads around their homes and in their communities for safe travel.

Minister: Has your department ever considered looking into implementing this type of public online GPS snowplow tracking system for our provincial plows?

Mr. Trivers: Good question.

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

Ms. Biggar: Thank you, Mr. Speaker.

Actually, our department does have GPS, as it's referred to, on our provincial plows and other departmental vehicles. Those are used by the highway supervisors to determine and to report and dispatch to the dispatch officers who manage crews, and dispatch equipment and deal with inquiries. It's currently available for our department only.

Some Hon. Members: Hear, hear!

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

Mr. Dumville: Minister: Currently, are there any systems in place to be able to determine where plows have been or where they are going in order to allow Islanders to plan their winter travel?

Some Hon. Members: Hear, hear!

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

Ms. Biggar: Thank you, Mr. Speaker.

If Island residents either call 511 or go online to our department with 511, you can see what the road conditions are. You can monitor through the cameras that are placed across the province to see what roads are already plowed and what road conditions are. That is continuously updated on an hourly basis by our department to ensure the people know and have a sense of road conditions before they get out on the road.

Some Hon. Members: Hear, hear!

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

Mr. Dumville: Thank you, Mr. Speaker.

Minister: Will your department commit to researching the idea to see if something like this could work on PEI?

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

Ms. Biggar: Thank you, Mr. Speaker.

That's certainly something we have had discussions on; as to the costs and the logistics of how that would work based on the fact that 40% of our highways are plowed by contracting out to private contractors, our provincial plows that do have the GPS on it are on the main highways. Those are all factors that when the snow contracts come up in two years time that we would have to look at what the added costs would be and the logistics of doing that.

I know other provinces that do do it actually, by majority. The roads are plowed by provincial equipment.

Thank you.

Some Hon. Members: Hear, hear!

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

Number of foster family homes on PEI

Ms. Casey: Thank you, Mr. Speaker.

My question today is also to the Minister of Family and Human Services. Minister, I have noticed since you have been elected and sworn in as the Minister of Family and Human Services that you carry out your duties with a great deal of compassion. I have noticed this right away. One of your first duties was the supports for grandparents, and we all know the success of that program. This compassion also extends to foster families and the need for increased foster families.

Can you explain how many foster homes there are on the Island and what is being done to increase the numbers of foster families?

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

Ms. Mundy: Thank you, Mr. Speaker.

Every day, foster families across Prince Edward Island, from tip-to-tip open their

hearts and their homes to vulnerable children who have had to leave their homes to be safe.

Approximately, we have 80 foster families on Prince Edward Island. We also have five group homes and they are caring for approximately 120 children that have had to come into care of the director of child protection.

We work hand-in-hand with the Federation of Foster Families on Prince Edward Island, as well as other community partners to retain and recruit foster families. We look forward to collaborating more in the future.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Review of foster families association

Ms. Casey: Thank you, Mr. Speaker.

Minister, we have had many conversations about foster families and I understand there are many positive things happening in your department with regards to the foster families with the supports that have been increased lately.

You'll soon be undertaking a collaborative review of the foster families association on the Island.

Could you explain what this review will entail?

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

Ms. Mundy: Thank you, Mr. Speaker.

Again, I can't say enough about how much we do appreciate the crucial role these foster families step up to the plate each and every day to care for the Island's vulnerable children.

I am very happy to say that we are going to be undertaking a collaborative, comprehensive, thorough review of the entire foster care program. We will be doing

that in collaboration with the PEI foster families federation, as well as other community partners because doing it together is the only we're going to thrive.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Students receiving benefits from Career Connect program

Mr. Myers: Thank you, Mr. Speaker.

Back in April, government announced its Career Connect program to allow eligible fulltime students to collect EI while pursuing their studies.

Question to the Premier: To date, how many students have received benefits from this program?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: I don't have a precise number for that. The Minister of Workforce and Advanced Learning, I'm sure would be happy to answer the question.

There was, and I'd encourage all hon. members to look at it and I'll be looking myself. When Statistics Canada produced its most recent report on EI beneficiaries or EI recipients across Canada, there was a significant increase relative to last year in the number of people in that student age group who are recipients of EI to the end of September and I'd be happy to give the House the precise numbers, but (Indistinct) would be significant in terms of the benefits received and the impact on the economy.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

Earlier this fall, the UPEI Student Union came to committee and they talked about their priorities and it was a great discussion

to have on the issue and this issue came up – about unequal access to this program because of the dual zones.

Following the student union's presentation, our committee wrote to our four MPs trying to confirm their position on this issue. The committee heard back from three of the four MPs and the response is not encouraging, Mr. Premier. Only one stood by their 2015 election commitment, one hedged, and the other completely reversed.

Consensus among MPs on program

Question to the Premier: Are you troubled by the fact that there appears to be no consensus among our Island MPs on this issue?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, the changes that have brought about the situation that the hon. member is raising indeed took place under the previous government and were led by minister Gail Shea as she was at the time and I think there were concerns at the time about what that impact would be, notably from one area and from one community to another. It's our understanding – and we've heard some discussion about that when the prime minister was here that this is something that the federal government has under consideration and presumably they'll be dealing with it in due course.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

Well Gail Shea isn't there anymore, in fact, Bobby Morrissey is – and Bob's pretty clear about where he stands on the issue and it happens to be the complete opposite of Charlottetown MP, Sean Casey.

He says in a letter to back the committee that I received today:

Economic region boundaries exist to provide support for those who are at a disadvantage

due to where they live. Perceived inequality for workers who commute into regions with lower requirements is exactly that – perceived. In the case that these commuting workers become unemployed, they have a significant and quantifiable advantage over their rural counterparts.

Question to the Premier: Do you agree with Bobby Morrissey's take on this?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, our government has a record of working closely with our four MPs from Prince Edward Island and the four MPs have a record of working together, collaboratively. It's the nature of when you're in government or when you're dealing with public policy, that things arise that people have to speak to each other and find whatever the best common position is and I'm confident that our four MPs are conducting that collaboration and encourage them to do so.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

What Bobby Morrissey is saying is that the rural residents of Prince Edward Island are the ones that have a significant disadvantage when it comes to work.

Question now to the minister responsible for rural and economic development: Do you agree with Bobby Morrissey's take on this issue?

Some Hon. Members: Hear, hear!

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

Mr. Murphy: Thank you, Mr. Speaker.

As the Premier spoke earlier, we have to work together in these issues. This is the federal government jurisdiction and I don't

feel that it's my responsibility to weigh in on that.

Mr. Fox: Oh come on.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

So the reason why it is your issue is because it was brought forward to a committee here of this Legislature, UPEI students expressed their concerns over this issue, and our committee wrote to the MPs asking them to clarify their position. Bobby Morrissey continued. He said more than that.

He said: This is a necessary part of a system that is adapted to help the unemployed weather economic hardship. If it were eliminated, rural Islanders would lose an estimated \$8 million in benefits each year.

Question to the rural and economic development minister: Do you agree with Bobby Morrissey's take on this?

Some Hon. Members: Hear, hear!

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

Mr. Murphy: I haven't seen those numbers myself, so I'll have to take his word on that. If that's the case, of course I wouldn't want to see rural Prince Edward Island lose \$8.1 million.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

Well, I'm glad to hear that. I'm glad to hear that the minister responsible for rural and economic development is siding with Bobby Morrissey on this issue, which I think he should. This issue impact all post-secondary students; however, on Prince Edward Island.

The question back to the Premier: Premier, do you agree with Bobby Morrissey's take

on the issue, or Sean Casey's take on the issue?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, as I said in my earlier comment this is a federal initiative. Indeed, it started under the previous government. There have been various positions put forward as to how to move that to whatever might be a further stage. We have lots of work to do in this House; advancing rural and regional development are, indeed, doing so –

Mr. Trivers: Take a stand.

Premier MacLauchlan: – we're very impressed to see –

Mr. LaVie: (Indistinct) not your pocketbook.

Premier MacLauchlan: – what that means in the hands of students –

Mr. LaVie: (Indistinct) not your pocketbook.

Premier MacLauchlan: – in our post-secondary institutions and you can see it in the Statistics Canada report, the most recent one on EI recipients. I think that's the focus that we should all have as we're trying to move our province forward.

Thank you.

Some Hon. Members: Hear, hear!

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

Access to Career Connects program for all students

Mr. Myers: Thank you, Mr. Speaker.

This is an issue about students. The reason this is an issue here today; it was your government that brought forward this program that students were supposed to be able to access. Except, a lot of them can't access it, and I don't know how you didn't see that prior to bringing this program in.

Good to hear the minister responsible for the rural Islanders here believes in rural Prince Edward Island.

Premier, I haven't heard anything what you believe in. You haven't said anything at all about statistics, and previous governments. We want to hear what you have to say.

Question to the Premier: Will you be changing your program so that all Island students will have to work the same number of hours so they can access it?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, the underlying criteria are those of the Employment Insurance program, which is a federal program. But I'm happy that our government and, indeed, our hon. members and the Member from Tignish-Palmer Road had a hand in this, too, which was to make the case for students at university, as well as at college to be able to access these benefits.

That initiative has, indeed, translated into material benefits for a great number of students for here on Prince Edward Island and we're proud of that.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Georgetown-St. Peters, your final question.

Mr. Myers: Thank you, Mr. Speaker.

This government brought in a program this spring that wasn't equal. It wasn't equal access for all Islanders. I don't know how they didn't see that it wasn't going to be equal, but it didn't.

Now, when we look for clarification on the EI issue, we're hearing a different story from Island MPs on the issue. We can't get any clear message from the Premier. We're hearing a straight message from the minister responsible for rural development.

Question to the Premier: Why did you introduce a program that wasn't equal for all Island students on Prince Edward Island?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, it seems that the direction of this line of questioning is to contend that we shouldn't have brought this program forward and we brought it forward because it does benefit a large number of students here in our province who are attending university today. I think if we go back and look at those numbers for the month of September for students in that age cohort, who are accessing EI benefits in our province it's a very significant number in the range of several million.

I'd be happy for the House to know about this and if the Member from Georgetown-St. Peters thinks that we shouldn't have done it, then I disagree with him.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

An Hon. Member: (Indistinct) shame it isn't all equal.

Statements by Ministers

Speaker: The hon. Premier.

Queen's Counsel Appointments

Premier MacLauchlan: Thank you, Mr. Speaker.

Three distinguished Island lawyers have earned the prestigious Queen's Counsel designation for 2017. I'm pleased to announce that Alanna Taylor, Thomas Laughlin, and John Maynard have been selected as the 2017 appointments to Queen's Counsel.

This honour represents the top recognition in the field of law and we are fortunate to have these three individuals living and working in our Island community.

Alanna Taylor attended the University of New Brunswick law school and was called to the bar of Prince Edward Island in 1997. She is chair of the Workers Compensation Appeal Tribunal and vice-chair of the Prince Edward Island Criminal Code Review

Board. She is also a recent inductee into the UPEI Sports Hall of Fame. Alanna practices with Cox & Palmer in Charlottetown.

Tom Laughlin was called to the bar in 1999. He has extensive litigation experience and is the Charlottetown agent for the Public Prosecution Service of Canada.

He has volunteered his time with the Canadian Bar Association, The Hospice Palliative Care Association of PEI, and Habitat for Humanity. Tom practices with Stewart McKelvey.

John Maynard was called to the bar in 1984 after graduation from Dalhousie Law School. He has appeared before the Supreme Court of Canada, all levels of the Prince Edward Island courts and administrative tribunals. He is a Director of the Stars for Life Autism Foundation and a member of the PEI Law Foundation Board of Directors. He practices with Key Murray Law in O'Leary and Summerside.

Lawyers who receive the Queen's Counsel designation are selected by a committee of their peers for their outstanding career achievements and their contributions to the community. Presented annually, the designation goes back to the 16th century England when one or two senior barristers of the High Court were entrusted with providing the Crown with Legal Counsel.

We recognize the work of these three individuals and thank them for their valuable contributions to the justice system and to our province.

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 certainly welcome the Premier's announcement today, or declaration with regards to these three fine individuals receiving the designation of QC – Queen's Counsel. Just from the description of the work that the Premier described within their community, not only their professional

careers, but also especially in their community. I think it's very fitting that the Premier stood and rose today here in the Legislative Assembly as it is, again, December the 5th which is the International Volunteer Day. I applaud Alanna Taylor, Tom Laughlin, and John Maynard on their terrific accomplishments and wish them all the best in their future careers and volunteerism as well.

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, too, welcome the Premier's statement and want to extend my congratulations to Alanna Taylor, Tom Laughlin, and John Maynard. Particularly – this is a designation that's selected by their peers and that's notable. When the people who work with you note the contributions that you have made to your community and the quality of your service to your profession, then that's something to be celebrated.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Economic Update

Mr. MacDonald: Thank you, Mr. Speaker.

Over the last year, the Prince Edward Island economy has outperformed much of Canada in terms of growth in key economic sectors, population, and job growth.

Allow me to share a few recent figures with you: The Island's unemployment rate is at a record low of 8.8%; full time employment averaged 83.1% through November, ahead of the national average of 81%, representing an increase of 2,700 full-time workers year-over-year.

Some Hon. Members: Hear, hear!

Mr. MacDonald: Exports were up 5.3% through September after an all-time high of \$1.32 billion in 2016; manufacturing sales were up 8.9% through September compared to 2016, well above the national average of 6.2%; retail sales were up 7.6% after a strong year in 2016, and tourism visitation and spending are projected to grow by 5% and 3.3% respectively after a record year in 2016.

We all know, any minute now, we will reach one million overnight stays for the first time ever in the history of the province.

Some Hon. Members: Hear, hear!

Mr. MacDonald: And perhaps the most impressive; housing starts are up 43.7% compared to 2016 and building permits have increased 23.8%.

There are a number of factors at play that are helping to spur the provincial economy. First and foremost it's the Island's entrepreneurial community. Their hard work, dedication, and imagination are the biggest contributing factors to the province's success.

The provincial government is doing its part as well. Our population action plan is working. Our population is growing faster than any province in Canada. Labour gaps are being filled through a combination of retention, repatriation, and recruitment.

Right now, the province has over \$350 million out in financing to companies and primary producers across the province. This financing has been crucial to allowing businesses to expand, invest in new products, and access new markets.

We are also making strategic investments targeting sectors like aerospace, bioscience, and advance manufacturing. In the last three years alone, 18 new bioscience companies and research organizations opened up shop on Prince Edward Island. The aerospace sector is a major contributor to our economy, and it expects to reach \$200 million in exports this year. We are also investing in new companies with micro-loans, ignition fund grants, and venture capital.

The Startup Zone and LaunchPad PEI are fostering the development of early-stage companies and we've seen many successes already on those fronts. Combine these investments with our traditional supports for businesses and you have a recipe for success.

These efforts are helping to make the Island's economy one of the strongest in the country and demonstrate why we deserve to call ourselves the Mighty Island in so many ways.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Ms. Compton: Thank you, Mr. Speaker.

We're all well aware of this government's ability to stand up and boast about how well they're doing. Well, it's not the government that's doing well and it's not because of you. Yes, tourism is up. Yes, farming is up and fishing is up. Those have nothing to do with you.

But I'd like to point out, also, that we have the lowest wages in the country – the lowest wages in the country – and if you look at the employment rates in Charlottetown – in the city – we're looking at 6.4, but let's not forget the rural areas where right now it's at 13.7%.

Mr. Myers: Oh.

Mr. LaVie: Oh.

Ms. Compton: We have also the lowest basic income exemption and Islanders take home the least amount of money from their pay than anyone else across this country –

Mr. Myers: Oh.

Ms. Compton: – not something to boast about. And if the minister is so excited and believes in what he has to say, I would ask him to reach out to the food bank, to the Upper Room, to the Salvation Army, to the P.E.I. Turkey Drive, to the Lions Clubs, the Rotary Clubs, the Kinsmen Clubs, the Knights of Columbus, the Santa's Angels,

and all of the volunteer groups that are working hard to ensure Islanders get through this Christmas season.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party.

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

I stand up and I welcome some of the things the minister said, but I also appreciate the part of the response where – as long as one's provincial economy is embedded, to the extent that we are here on Prince Edward Island in the global economy, then we are going to be vulnerable to the winds of change and the shifting situation that is way beyond the control of a provincial government, for better or worse. There are times when your provincial economy will do well because of that, but there are times where you could be absolutely slaughtered and I'm concerned about the emphasis that this government places on exports – particularly when it comes to global commodities.

Having said that, our economy is doing better than many other of our neighboring jurisdictions, and for that, we should be grateful.

One thing that I would like to ask the minister: We have \$350 million of investment through his department and are we monitoring the impact of that? Are we following-up on the return of investment? Is this effective? Because if you go looking for the tangible benefits of the \$350 million, those results are sometimes difficult to parse out – and I understand that's the nature of economic analysis, but I do wonder whether we do follow-up as carefully as we should. Interestingly, the cultural program that was just developed, in my mind, a fantastic opportunity for economic development here in the Island.

Some Hon. Members: Hear, hear!

Dr. Bevan-Baker: It was announced by this minister and the minister of early education and learning. The funding for that is \$3.5

million, exactly 1% of the overall budget for your department. I'm wondering what effect the moving the cultural strategy – the budgeting of the cultural strategy into economic development is going to have on those programs. We've been waiting for years for the money to come forward and there were a lot of very excited artists at Receiver Coffee Co. a couple of weeks ago, but we need to know the details. They've been waiting for a long time and crafts people, NGOs, community organizations, a whole bunch of people who could be stimulating our local economy here, are waiting for details on when is this money coming, how is it going to be distributed.

So, yeah, this is good. There are good things happening here, but I look forward to particularly the details on the cultural file.

Thank you very much, Mr. Speaker.

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

Hour of Code 2017

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

This is National Computer Science Week and I'd like to recognize our teachers for making computer science fun and accessible for students.

Yesterday I was pleased to attend Gulf Shore Consolidated School in Rustico to take part in their Hour of Code event. In fact, the hon. Member from Rustico-Emerald's son was in the class I was in. Hour of Code has become the largest educational event in the world reaching tens of millions of students in 180 countries. Hour of Code websites offer one-hour activities for all ages that demystify code and support computational thinking and creative problem-solving, which are 21st Century learning skills.

I joined Mark McGillivray's Grade 3 class at Gulf Shore to participate in an activity. I was a bit slow at the start, but I was lucky to get some pointers from the grade 3 students, including the hon. member's son, around me who seemed to be quite comfortable with the activity.

The event was organized by Bluefield computer science teacher Devin Clayton and his grade 11 students. I might note, it was remarkable to see the Bluefield students teaching the grade 3 students how to do this and how to navigate the programming. They are to be commended for leading this initiative in the Bluefield feeder schools this week, including: Central Queens Elementary; East Wiltshire Intermediate; Elliot River Elementary; Englewood; and Westwood Primary.

We won't all become expert writers of code, but we can all learn the basics of coding and the big ideas behind computer science. Technology is becoming increasingly important in our personal and professional lives. Education staff now have much more capacity to teach digital literacy now that we have the classroom devices, and an additional \$10.4 million for classroom technology in our five-year capital plan.

Our teachers and our new digital strategy committee are to be commended for collaborating to integrate the STEAM education across the curriculum.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

Well, it sounds like a great event. I'm sorry I couldn't make it out, but I heard I can watch the contents of it on alextrivers.com.

Some Hon. Members: Hear, hear!

Mr. Myers: Anyways, it was probably back in the spring; the previous minister of education had an announcement and it was out in one of the schools in Cornwall and I went out to see it, and afterwards I watched some of the kids. They had robots, and they were coding the robots to do certain things, so I stood there and watched them. They weren't very old, like they were probably grades 2 or 3, somewhere in that vicinity and it was remarkable how smart they were with the logic part of the coding.

I remember the Member from Charlottetown-Victoria Park and I once worked on a project. He did the work. I provided the far-away support, but the member over here was the first person to allow government to give you your travel claims back right into your bank account so that you didn't get a cheque. At the time, and that's going back quite a few years ago, that was a really big deal for us and for government. Now, when I see my own children who are obviously older than grade 3 but still in the school system, and the stuff they can do; I'm like: Whoa, had you been around 20 years ago me and this fellow wouldn't have jobs.

It's great to see the opportunity being there for students who are interested in that area and that field. I know there are a lot of opportunity, not only now, but well into the future in this tech-driven economy that we're in and everybody expects to have instantaneous results and have the Google on their phone and all that stuff. It requires a lot of really smart IT people to allow this world that we live in to not only operate, but to continue to come up with new and innovative ideas because everybody wants the new gadget or to be able to do something even easier than they were able to do it the day before.

Anything we can do to shape the minds who are going to be interested in that type of field, to see early on that there's an opportunity there for them, I think it's something that we should support and obviously, I do.

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.

Our world is always changing and it's really important that our education system remain relevant to our evolving society. Clearly, computers and devices that we are all looking at right now as I talk are important in our lives today.

But it's sort of like when I did anatomy as a dental student 30-something years ago we learned about the neurons and the dendrites and the synapses and all that stuff, and the sort of nuts and bolts of what your brain looks like inside, but we were never told about the beauty and the amazing, awesome capabilities of what a brain can do. While I welcome a necessary importance that we're placing on computing and technology and screens, I think we have to be aware that it's not necessarily an unalloyed good.

There are studies now that are showing that too much screen time can be not good for children in terms of their anxiety levels and stresses, and levels of loneliness and feeling unconnected, ironically, as they look at their machines.

Yes, we need to be aware of what computers can do, but I think we also need to be aware that computers in themselves are only a tool and if we are using those computers to truly educate the whole child, not just their head but their heart and their hands, and all of all parts of being so that we are teaching young people to be innovative thinkers, to be creative, to be good citizens because that's what our education system is about, ultimately.

So yeah, this is important, but let's remember that the computers are only a tool to an end.

Thank you very much, Mr. Speaker.

Presenting and Receiving Petitions

Tabling of Documents

The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, by leave of the House, I beg leave to table the answer to written question number 10 which was the same question that was asked in Capital Estimates from the hon. Member from Borden-Kinkora and I move, seconded by the Honourable Member from Charlottetown-Lewis Point, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Member from Georgetown-St. Peters.

Mr. Myers: Thank you, Mr. Speaker.

By leave of the House, I beg leave to table the letter from Bobby Morrissey and I move, seconded by the Honourable Member from Belfast-Murray River, 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)

The hon. Minister of Agriculture and Fisheries.

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

Speaker: Shall it carry? Carried.

Clerk: Order No. 13, *An Act to Amend the Civil Service Superannuation Act*, Bill No.15, ordered for second reading.

Speaker: The hon. Minister of Agriculture and Fisheries.

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

Speaker: Shall it carry? Carried.

Clerk: *An Act to Amend the Civil Service Superannuation Act*, Bill No. 15, read a second time.

Speaker: The hon. Minister of Agriculture and Fisheries.

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

Speaker: Shall it carry? Carried.

The hon. Member from Charlottetown-Lewis Point.

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

Mr. Myers: Chair, I'm wondering if we can get an overview.

Chair: Thank you.

Permission to bring a stranger to the floor?

Some Hon. Members: Granted.

Chair: Thank you.

We'll allow them to set up.

Good afternoon. Could you please introduce yourself and your title for the record?

Terry Hogan Manager: My name is Terry Hogan. I'm the Manager of Pensions and Benefits.

Chair: Thank you.

Minister, an explanation?

Mr. Roach: Yes, this bill is largely a housekeeping bill. It repeals some of the temporary clauses and it updates the rules for purchasing service under our civil service pension plans.

The civil service commission, superannuation commission, which has representatives from the unions, wanted to make the rules less complicated for its members while continuing to protect the financial integrity of the plan. We are also proposing the same changes, actually, to the *Teachers' Superannuation Act* as well.

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

Mr. Myers: Just off the top, give us an idea, how big is the fund currently, that this group would manage?

Terry Hogan Manager: Just this plan?

Mr. Roach: Just this plan, yeah.

Terry Hogan Manager: It would be close to about \$1.8 billion.

Mr. Myers: (Indistinct)

Terry Hogan Manager: Billion.

Mr. Myers: Billion? Okay.

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

Mr. Myers: Is that managed all together, or do you have several entities managing certain parts of it.

Chair: Terry Hogan.

Terry Hogan Manager: The assets for the MLA plan, the civil plan and the teacher's plan are all co-mingled and those are all distributed over about a dozen different international fund managers.

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

Mr. Myers: What would the fee structure be on each of those 12 entities?

Chair: Terry Hogan.

Terry Hogan Manager: I don't know off the top of my head the fees by manager, but collectively the fund in total pays about one-third of 1% fees.

Mr. Myers: Okay, so that would be about average? Industry –

Terry Hogan Manager: It's slightly above – or slightly lower than average.

We did a survey just recently and it came in a little better than their peers.

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

That's it?

Mr. Myers: Yeah, I was just trying to get some clarity about how big of a file we were

actually working with here before I asked questions.

Chair: Thanks.

Hon. members, do you want me to continue to read clause by clause or is that –

Ms. Biggar: Carried.

An Hon. Member: Carry the bill.

Chair: Are you good?

Ms. Biggar: (Indistinct)

Mr. Myers: No, I have questions.

Chair: Okay.

Ms. Biggar: Oh (Indistinct)

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

Mr. Myers: You don't have to read it line by line (Indistinct) you can go ahead if you like.

Chair: Do you have questions particular or do you want me to –

Dr. Bevan-Baker: Just general questions, Chair.

Chair: General questions? Sure.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

I personally want to thank Terry and the minister, and the deputy minister was there last week, who could have walked us through this bill, myself and the Leader of the official opposition, and answered many of our questions there and it seems to me that this is a fine bill put together to clear up some housekeeping things and all of the changes that were made appear to bring benefits to the employees.

But, just so it's on the record, I want to make sure that all of these amendments; the review of this bill was done in collaboration with the PEI Union of Public Sector Employees.

Terry Hogan Manager: The civil service superannuation commission consists of employer and union reps and retiree reps, and UPSE, the Union of Public Sector Employees, have got two representatives on that committee.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

Just a further one; I was looking back and the last time that this bill was amended and debated, about half of the House had to recuse itself because members of the family or themselves or spouses were part of this civil service act so I just want to make sure that everybody in the House here is fine to stay and listen and participate in this debate.

Thank you, Chair.

Chair: The hon. Member from Georgetown-St. Peters, do you have a question?

Mr. Myers: Yeah, thank you.

Just on some of the housekeeping you're doing here, can you give us a general – what is it with the approve leave and changing some of the stuff you're changing in 1(1) here? I read the back, but it didn't really give me any indicators.

Terry Hogan Manager: Those are all currently approved leaves that can be purchased under the legislation, and it's when we're drafting the bills the drafters tend to look at this and say: it's much easier to define the approved leave rather than have to name them every time throughout the act. There are no new leaves or nothing dropped here. It's for drafting purposes.

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

Mr. Myers: So, you're basically just streamlining some of the wording so that you don't – it's not repetitive and you don't have to come back to Legislature to change the small things (Indistinct)

Unidentified Voice: (Indistinct)

Mr. Myers: (Indistinct)

Chair: Shall the bill carry?

The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Section 8 in 8(4) it talks about repealing the section to provide greater flexibility with respect to how interest on missed contributions must be paid.

Can you give me an example of a common example of what would happen there?

Chair: Terry Hogan.

Terry Hogan Manager: This entire section is what we call missed contribution section, and typically it's around administrative errors where an employer may for some reason fail to enroll an employee who is supposed to be enrolled in the plan. So when we periodically check the data and find that, we flag that and there's language about what the employer must pay and what the employee must pay. There's an interest charge for missed time that's borne by the employer, and this is talking about updating the way we calculate that missed interest.

Mr. MacEwen: To the benefit of the employee?

Terry Hogan Manager: Yes, and to the protection of the plan. The plan must be kept whole, so we have to charge interest that's borne by the employer.

Mr. MacEwen: Thank you, Chair.

Chair: Shall the bill carry? Carried.

Mr. Roach: I move the title.

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

Shall it carry? Carried.

Mr. Roach: I move the enacting clause.

Chair: Be it enacted by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows.

Shall it carry? Carried.

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

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intitled *An Act to Amend the Civil Service Superannuation Act*, I beg leave to report that the committee has gone through the said bill and has agreed to same without amendment. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

The hon. Minister of Agriculture and Fisheries.

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

Speaker: Shall it carry? Carried.

Clerk (R. Reddin): Order No. 14, *An Act to Amend the Teachers' Superannuation Act*, Bill No. 8, ordered for second reading.

Speaker: The hon. Minister of Agriculture and Fisheries.

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

Speaker: Shall it carry? Carried.

Clerk (R. Reddin): *An Act to Amend the Teachers' Superannuation Act*, Bill No. 8, read a second time.

Speaker: The hon. Minister of Agriculture and Fisheries.

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

Speaker: Shall it carry? Carried.

Clerk Assistant: *An Act to Amend the Teachers' Superannuation Act*, Bill No. 8, read a second time.

Speaker: The hon. Minister of Agriculture and Fisheries.

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

Speaker: Shall it carry? Carried.

I will now call on the hon. Member from Charlottetown-Lewis Point to come and chair the Committee of the Whole House.

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

Mr. MacKay: (Indistinct) Chair.

Chair: Permission to take a stranger onto the floor?

Some Hon. Members: Granted.

Chair: We'll allow them to get settled.

Good afternoon, could you state your name and your title for the record?

Terry Hogan Manager: My name is Terry Hogan; I'm the Manager of Pensions and Benefits.

Chair: Welcome.

Minister of Finance, an explanation.

Mr. Roach: Yes, thank you.

This is largely a housekeeping bill. Again, it repeals some temporary clauses and it updates the rules for purchasing service under teacher pension plans.

The Teachers' Superannuation Commission, which has representatives from the union, wanted to make the rules less complicated for members while continuing to protect the financial integrity of the plan.

We're also proposing the same changes, which we just did earlier with the *Civil Service Superannuation Act*.

Chair: Shall the bill carry? Carried.

We have a question from the hon. Member from Georgetown-St. Peters.

Mr. Myers: Thank you, Chair.

I'm just looking for the same information from the last bill, so the size of the fund?

Chair: Terry Hogan.

Terry Hogan Manager: Teachers' plan would be just shy of \$1 billion.

Mr. Myers: One billion?

Terry Hogan Manager: Yeah.

Mr. Myers: Okay.

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

Mr. Myers: How many – how is that broken up to be managed?

Terry Hogan Manager: As with the previous, the funds are all comingled between the three plans and they're all shared amongst the same investment managers.

Mr. Myers: So, it's 12, too and the rate is the same?

Terry Hogan Manager: Correct.

Mr. Myers: Okay, thank you.

Chair: Shall the bill carry? Carried.

Mr. Roach: I move the title.

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

Shall it carry? Carried.

Mr. Roach: I move the enacting clause.

Chair: Be it enacted by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows.

Shall it carry? Carried.

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

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intituled *An Act to Amend the Teachers' Superannuation Act*, I beg leave to report that the committee has gone through the said bill and has agreed to same without amendment. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Minister of Family and Human Services, that the 2nd order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk (R. Reddin): Order No. 2, *An Act to Amend the Child Protection Act*, Bill No. 3, ordered for second reading.

Speaker: The hon. Minister of Agriculture and Fisheries.

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

Speaker: Shall it carry? Carried.

Clerk (R. Reddin): *An Act to Amend the Child Protection Act*, Bill No. 3, read a second time.

Speaker: The hon. Minister of Agriculture and Fisheries.

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

Speaker: Shall it carry? Carried.

I will now ask the hon. Member from Charlottetown-Lewis Point to come and chair the Committee of the Whole House.

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

An Hon. Member: Overview.

Chair: An overview. Yes. Can we bring a stranger onto the floor, permission?

Some Hon. Members: Granted.

Chair: Thank you. We'll allow them to get settled.

Could you please state your name and your title for the record?

Wendy McCourt Director: Wendy McCourt the Director of Child Protection.

Chair: Welcome.

Minister, could you give us an explanation of this?

Ms. Mundy: Certainly, it's my pleasure.

Chair, children who are under the director of child protection have involvement with some of our most vulnerable children on Prince Edward Island. The delays caused by lengthy and complex legal proceedings have meant that these children are being kept in limbo for longer periods of time.

In November, 2016, the *Child Protection Act* Review Advisory Committee Report, it was noted that amendments to the *Child Protection Act* were necessary. This is one of those necessary amendments.

Recommendation 28 of the advisory committee was, "...that a jurisdictional scan of child protection legislation be conducted to assess how hearsay evidence is addressed across Canada and, if necessary, make recommendations for consideration of legislative amendments to the PEI *Child Protection Act*."

Over the past summer we did do a jurisdictional scan. It was completed by the office of the Director of Child Protection in conjunction with legal services. It was determined that this amendment is required

to bring Prince Edward Island in line with most other jurisdictions across Canada, who allow hearsay evidence in child protection proceedings.

The amendment will allow for reliable and relevant hearsay evidence to be introduced in child protection proceedings. It will also allow evidence of the child to be presented at court without requiring the child to attend court. This amendment will reduce the demands on the court's time, Legal Counsel involved, workers involved, external service providers and, most importantly, in the best interest of the children.

Chair: I have a question from the hon. Member from Charlottetown-Victoria Park.

Mr. R. Brown: Thank you, Chair.

I think this is a great piece of legislation. It's just another plank in building the bridge of child protection on Prince Edward Island. We saw it last year with the children's lawyer, which goes a long way to helping families and children in need here.

This piece of legislation goes a long way, I think, in protecting the child even further and with the child lawyer. It's just a great piece of legislation.

We have the bridge program down in the province now that brings departments together. We heard the discussion earlier today about autism and about the split between departments. Maybe the model that was put in place for the bridge program that brought different departments together to put the child at the centre of the legal case or the legal action that's happening and putting the best interest of the child again, is a great model that we could put in other places also.

I commend you for bringing this bill forward, because anything we can do to protect the children in Prince Edward Island or anywhere is great news.

I just – no, I'll leave it for another time. There was some legislation. They were debating some stuff in Ottawa where some court cases are that you can't bring evidence or prior claims or prior injustices done, the record of people, on sentencing.

I hope that's not the case here. I hope that if there's a multiple child abuse that the evidence or the person's record is fully put to court. Is that the case here? The previous record like – if the person had other convictions that those convictions are also in court?

Wendy McCourt Director: We would put forward to the court any evidence that would be relevant to the child protection concerns.

Mr. R. Brown: So does that include –

Wendy McCourt Director: It would include that.

Mr. R. Brown: – the full record of the person, if they were prosecuted under that before?

Wendy McCourt Director: Yes.

Mr. R. Brown: Great.

Thank you very much.

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

Mr. Myers: Thank you, Chair.

The Member from Charlottetown-Victoria Park brought up a topic and I think it is actually quite relevant to this piece of legislation. Number one: anything you can do to strengthen this act, I'm 100% behind.

Is the child lawyer active right now?

Wendy McCourt Director: Yes.

Mr. Myers: Okay.

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

Mr. Myers: How would that lawyer interact with these changes that you're making when it comes to the hearsay evidence and whatnot?

Chair: Wendy McCourt.

Wendy McCourt Director: Actually, the child's lawyer would not necessarily be involved directly in this because our legislation allows us to actually hire a lawyer for a child if the court orders that, so

the children's lawyer, not necessarily, would take this on.

Mr. Myers: Okay. Thank you.

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

Ms. Compton: Thank you, Chair.

When you talk about hearsay evidence or any other direction concerning the child, who would determine what hearsay evidence would be allowed and whether it was relevant? Would it be a judge? Would it be the judge?

Chair: Wendy McCourt.

Wendy McCourt Director: The judge would determine that.

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

Ms. Compton: Thank you, Chair.

So, no matter what comes forward, it would go to the judge?

Wendy McCourt Director: Yes. The judge would determine whether it had relevance.

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

Ms. Compton: We've talked a number of times about a child advocate and we'll continue to push for a child advocate because even in this case here, I think there'd be a number of times where maybe the representation for the child would not be there. So, I'm just wondering if you can comment on the child lawyer, which you say might not necessarily be needed or hired – it could be another lawyer, but can you comment on why or why not the child lawyer would or would not be used in this case?

Wendy McCourt Director: The child protection social worker would be the voice for the child. The social worker speaks very clearly and talks with the child, independently of family; provides to the court the information from the child. So, the social worker is definitely a voice for the child in the court.

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

Ms. Compton: Thank you.

We've heard a number of times where the voice of the child is not being represented, whether it's through the child care worker; whether it's through a family member; whether it's through a lawyer; we still see, on a regular basis, where the child is not being represented the way the child should be, in an independent way and it comes back to needing a child advocate. That would be my concern and I'd like to point that out, especially now when we're looking at hearsay evidence and any other evidence that could be tabled on behalf of that child. So, I'd just like to make that comment.

Wendy McCourt Director: Madam Chair?

Chair: The hon. Premier.

Premier MacLauchlan: Chair, to pick up on that point, the precise purpose of appointing a children's lawyer is to represent the voice of a child where it's necessary tends to be more in family separation or divorce. In child protection, the services are well-established and have been for a long time and the child is represented and is, first and foremost, the best interest of the child is the core work of the department and the personnel in the department and this provision – and a child advocate is not one who would intervene in a matter of this type.

This legislation we're dealing with today is to permit the court to hear evidence that, under the traditional rules of court, might be difficult to have admitted and the purpose here is to ensure that the child has an opportunity to testify in surroundings where the child feels confident and is more likely to give evidence that will help the court and the court still has the job of determining reliability.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

I really think this is a great amendment and will enhance the *Child Protection Act*. You mentioned in your introduction, Minister, that most other provinces, I think you said,

have similar rules of evidence in child protection hearings so what's the split there? Is it 8 of them? Is it 5 of them?

Wendy McCourt Director: I can't answer 100% exactly how many, but we did a full jurisdictional scan and this will bring us more on par with our counterparts across the country. Some of our counterparts were quite surprised that we were dealing with this and thought that we definitely need to do something so that we can ensure the information. And the hearsay, perhaps maybe help, is for example: If we have addictions, right now we would have to call – if there are five addiction workers, we have to call all five addiction workers. They may or may not allow us to give our information from our own interviews with the children, so this is really what this is going to get at – is that our information – the judge will be able to determine what is relevant and reliable that we could put forward. We certainly have done this for many years – this was a change.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

Wendy, you mentioned there that the other provinces, or the people you spoke to in other provinces, were surprised that we're dealing with this now. Was that because they imagined that we would already have this on the books, or are we sort of at the cutting edge here?

Wendy McCourt Director: No, because they were surprised that we didn't already have it on the books.

Dr. Bevan-Baker: Yes.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: But you mentioned – you didn't say that all other provinces have these similar rules regarding child protection hearings, so I'm wondering, again, you weren't sure of the number, but is it the majority?

Wendy McCourt Director: The majority would have it.

Dr. Bevan-Baker: Okay. And the minister mentioned that it was – and the word you

used, minister, was ‘necessary’ for us to adopt these changes to bring us into line with the rest of the country. Would it be fair to extrapolate then that in any other piece of legislation where we’re perhaps not in line with the majority of other provinces that it’s necessary for us to amend our legislation to do so?

Ms. Mundy: No, I wouldn’t say that.

Dr. Bevan-Baker: No, me neither.

An Hon. Member: (Indistinct)

Ms. Mundy: I would say – what’s that? No. I would say that would be for our social workers and for the courts. It’s necessary for the child, is what it is. To bring us in line with the rest of the provinces, yes that’s one thing, but it’s also necessary to bring us in line so that our child protection workers can do their job more effectively and we can protect the child more effectively – get them back in the home if necessary. If they’ve been removed from the home, the hearsay evidence that we could provide, could put them back in their home – get them out of foster care, get them out of a group home – so, it’s in the best interest of the child, is why we have to necessarily do it.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: And I absolutely agree with you, minister. I think from the children’s point of view, it is necessary. It was just it was inferred in the way the comments were made that it was legislatively necessary, rather than from the point of view of the child.

Did you consult with the Supreme Court justices around the changed rules in this amended bill?

Wendy McCourt Director: During the *Child Protection Act* review, there was a consult with the Supreme Court judges and, yes, there is a sense that we do need to look at this. It is tying up, right now, a lot of court time to a point that children are in limbo for a very long time because it requires so much time to bring all of the witnesses in.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: As you mention in your introduction, this is the 28th recommendation of the child protection review, so there are many in there. I’m just wondering if you’re anticipating, obviously not in this bill, but in the future, any further amendments to the *Child Protection Act* in response to that review?

Wendy McCourt Director: Yes. There’ll be a number of further amendments that we will be looking at.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: How are you prioritizing those amendments, which are flowing from that review and why did this one become the first priority?

Wendy McCourt Director: This one would become the first priority because of the length of time that children are in limbo and that this one impacts the work in a significant way, both for us to book court time and get it before the court.

It also impacts the families of the children because the longer that we have to wait to get it before the court, it means that really, overall, justice is not being served. Everyone benefits by moving this forward.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: I agree. As I said at the very beginning, I do think this is a really valuable amendment to the *Child Protection Act* and I look forward to others based on the review.

Thank you, Chair.

Chair: The hon. Member from Charlottetown-Victoria Park.

Mr. R. Brown: Thank you, Madam Chairman.

Any time we can talk about the protection of children in this Legislature is time well spent in this Legislature. Because the more we can protect the children it’s a better society we live in.

I want to commend you for your homework you did. You know your act. You know your legislation. I think your comments about the

time it used to take to bring all the witnesses together, register the court time. You just think of it. You know, the amount of time it would take to get five or six, like you said, addictions workers, and then five – the medical people. And your caseworkers are out front already knowing the situation. In the time we're allowing that child to be in jeopardy while we wait for us to get a court date for everybody together.

Again, it comes back to the bridge model of working, you know, saying: okay, how can we get this to the courts faster? How can we work together faster to get this done?

I have just got one concern there. There was something about maybe the staff, child protection staff, or the lawyers that are hired may not represent the children. I know the work of the child protection people because I know some of the workers and I know some of the situations. They work extremely hard. They get so frustrated. I can see the frustration in them sometimes, that, you know, the amount of work they have to go through while that child is suffering.

I just want to say a big thank you to all the child workers out there; the staff at the department because this is one of the hardest jobs you could ever have, I think. Anything we can do to support those workers in the protection of our children on Prince Edward Island is a great thing.

Again, I just wanted, on behalf of the Legislature, and on behalf of every Islander, I think – I know the cases that I've phoned about and the fast action and things like that and the parents – the hard work that you do to work these situations out and the child lawyer and things like that. My heart goes out to you because I have seen the frustration. I have seen the pain and suffering of some of your workers down there, and their dedication to their job.

Thank you.

Some Hon. Members: Hear, hear!

Chair: The hon. Premier.

Premier MacLauchlan: Madam Chair, if I may follow on that to echo what's been said about the workers who are involved directly in child protection and to identify a related

cohort, who would be at the Family Law centre; family legal aid; the people who are now in place as we develop alternative dispute resolution, while that's not directly related to child protection. In some ways it is because the more we can do to assist families to resolve differences or reconcile situations that may lead to the kind of volatility where the child is in even greater degree of vulnerability.

This is all a collaborative process and one that starts with healthy families. You get out to the parenting programs and the counselling programs and there are a lot of people in various parts of our public service and then in community organizations who do excellent work to ensure that the children in this province are protected in the larger sense.

Ultimately, when we get to a situation where it becomes a matter of child protection in the kind of, I'll call it in the formal sense, that we're able to do that work as effectively as possible for the ones that need it the most.

Chair: Shall the bill carry? Carried.

Sorry, I have a question from the hon. Leader of the Opposition.

Leader of the Opposition: Thank you very much, Chair.

I'm just curious, with regards to the *Child Protection Act* itself; was the Native Council of Prince Edward Island consulted in this?

Ms. Mundy: For the *Child Protection Act* review?

Leader of the Opposition: Correct.

Ms. Mundy: The Mi'kmaq Confederacy, we did have consultations with the Mi'kmaq Confederacy.

Chair: The hon. Leader of the Opposition.

Ms. Mundy: MCPEI.

Leader of the Opposition: Thank you, Chair.

I guess my question was: Was the PEI First Nations, Native Council of PEI, were they consulted directly?

Ms. Mundy: We have a fantastic working relationship with MCPEI. We actually have a Memorandum of Agreement with them and we have produced, would you call it –

Wendy McCourt Director: A working protocol.

Ms. Mundy: A working protocol –

Leader of the Opposition: Yeah.

Ms. Mundy: – on how we address child protection with the Mi'kmaq community.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: I appreciate that and I think, as we are all aware, the Mi'kmaq Confederacy represents the on-reserve, but I'm referring to the Native Council of PEI, which is off-reserve.

Ms. Mundy: We had open public consultations from tip-to-tip and anyone was able to attend those consultations, hon. member. We had, I think, 34 consultations across the Island. They were advertised on social media. They were advertised on Facebook. They were advertised on the radio. They were advertised in the newspaper, many letters went out.

We had very rich, valuable discussions with many. If the Native Council, they were welcome at any one of those 34 consultations, as were the Mi'kmaq Confederacy.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Chair, if I can indulge you just for a moment. I just want to read something here quickly.

This was written to the minister, dated today:

As President and Chief of the Native Council of PEI, NCPEI, I'm writing concerning a lack of meaningful consultation with the Native Council of PEI in the child protection review act developed by your advisory committee despite references made to include us "at a later date."

This is the quote:

To ensure an inclusive engagement with PEI's First Nations and Aboriginal community advisory committee organized engagement sessions on the Abegweit First Nations Reserve in Scotchfort and the on the Lennox Island First Nation Reserve on Lennox Island. An invitation was also extended to Aboriginal people living off-reserve to either attend the sessions held on-reserve or alternatively, at a meeting to be held, at a later date, at the Native Council of PEI.

She goes on to say:

We were contacted by Marilyn LeFrank back in June, 2016, to see if the Mi'kmaq Confederacy of PEI could hold a session at the Native Council of PEI. However, due to the mistrusting relationship between our members and the Mi'kmaq Confederacy, First Nation bands, the Native Council of PEI, was directed to wait for the province to contact us to arrange for consultation and this was never done. I would strongly suggest that before this report goes beyond this point that the Native Council of PEI's Aboriginal community be consulted with the mindset the changes will be made to this act to reflect the growing off-reserve Aboriginal population.

I won't read the rest because you have received that. I guess my concern is that – and I appreciate the fact that you did consult directly with the Mi'kmaq Confederacy – but as we all are aware, the Native Council actually represents a much larger number with regards to Aboriginal peoples here on PEI than the Mi'kmaq Confederacy does.

I guess what I'm proposing is that, minister, that you go back, with your department, and hold a further consultative process directly with the Native Council of PEI.

Mr. R. Brown: I cannot support that (Indistinct)

Ms. Mundy: First of all the Native Council were contacted and, as I said, hon. member, there were 34 public consultations –

Leader of the Opposition: Yeah.

Ms. Mundy: – we also had private consultations. We had email submissions. We had letters written. There were many,

many opportunities for the Native Council to engage during this process.

Again, it was held over numerous months and there was a lot of public talk about it. The Native Council had opportunity. Our doors were open. We're always open and willing to talk to any organization that wanted to talk about it.

Since then, the report has been received. We've been acting on the recommendations. If the Native Council would like to sit down and talk to me as a minister, my door is always open to talk to any group.

Leader of the Opposition: Okay.

Ms. Mundy: This *Child Protection Act* review report has already been received and it's already being acted on.

As I said, we went through great many venues and ways that we could get the message out there that this was going on, and I have not received that letter yet.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thanks, Chair.

I guess I'm just putting this out to you, and I appreciate that you didn't receive this letter yet because I just received it in my inbox there a few minutes ago and that's why I left the Chamber for a minute just to read it and print a copy off. But the way this is reading to me is that the offer was made for a one-on-one consultative process with the Native Council of PEI. They were basically told: We'll arrange that at a later date. But then it was never done and the review was completed without their consultation.

There are lots in the media these days with regards to failure to consult, whether it's on Crown land or now we're seeing with regards to the *Child Protection Act*, and I agree with the Member from Charlottetown-Victoria Park. I think the staff in the department do an admirable job. It's not a job that I would ever want to be in myself so I commend them for the incredible work that they do. But, when we have a marginalized group such as this that we're discussing here this afternoon, and I think they're in the range of about 980 members that the NCPEI

represents, I think it's incumbent upon us to ensure that their voice is heard.

Ms. Mundy: MCPEI's voice was heard. We collaborated with MCPEI.

Leader of the Opposition: Yeah, MCPEI is on-reserve. NCPEI is off-reserve and they're saying that they weren't consulted with.

Ms. Mundy: All right.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

I've already said that I think this is a great thing. It deals with the admissibility of hearsay evidence, but I have a question about the robustness or the strength of that. Has there ever been a decision that was made, whether it's on PEI or anywhere else, which relied on hearsay evidence and then was challenged and successfully appealed?

Wendy McCourt Director: Actually, the appellant court here in Prince Edward Island, there was an appeal and the hearsay evidence that we are now held to come through the appellant court that changed how we presented our evidence before the court and that is what requires us to then bring everyone forward, many affidavits.

However, even with our consult with our judiciary they are also feeling that this needs to change. This is tying up court time and it doesn't mean that a judge may not allow hearsay evidence. Hearsay evidence is not the only piece of evidence that is put before the court. It also doesn't mean that we may not need to call witnesses to speak to their direct evidence, and the social worker will give their direct evidence as well. It just means that it's going to allow us – prior to that appeal, we would have been able to go to court and talk about what the child told us when we interviewed the child.

Right now, if I was to go to court today, it would have to be decided whether the child had to come and tell me that: Daddy pushed me down the stairs. Prior to that, I would have been able to give that information and it would have been accepted. So, that's really more what this is going to do, is going to allow that evidence in hearsay. But, no

decision would just be made on hearsay. We will have to have the supporting evidence.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair. Thank you for that explanation, Wendy.

I suppose the concern that I'm getting at here is, yes, a lot of court time is tied up because this facility does not currently exist. But, if in allowing admissibility of hearsay evidence, are we only going to create situations – and I understand this is only one part of a much bigger puzzle – but are we going to create situations where court cases may move through the courts more quickly, but then we end up with a whole bunch of appeals because that decision was partly based on the, again, the robustness of hearsay evidence.

Are there other jurisdictions where that has happened?

Chair: Wendy?

Wendy MacDonald Director: Within our jurisdictional scan, this was not – when we did the jurisdictional scan, this was not something that was raised. Many of the jurisdictions have not had an appeal on hearsay. It was quite a surprise that we were in this quandary.

Chair: Premier, do you have an intervention on that?

Premier MacLauchlan: A brief one, Madam Chair.

I believe the operative language here in response to the issue being raised by the Leader of the Third Party is hearsay evidence that the court considers reliable, which appears in both 1(3)(a) and 2(3)(a) and it's really the leading language relative to hearsay evidence and that's the type of a consideration or a judgment that would, in the main, not be subject to or not vulnerable to an appeal where a trial judge sees the witness has all the surrounding context, that judgment on reliability, which is really the control that you might say is being raised or the question that's being raised generally in relation to hearsay.

That's what this legislation is, in effect, doing.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

I appreciate that, Premier, and I suppose for me, without a legal background, reliable hearsay has an oxymoronic ring to it, so I'm interested and concerned that in introducing this into the *Child Protection Act*, that we might be apparently doing something which is going to speed things up, but in practice we may not be doing that.

I'm very interested and surprised to hear that you said in your jurisdictional scan there were no appeals in those (Indistinct)

Wendy MacDonald Director: Now, that was none that were identified or raised by the people we spoke to.

Dr. Bevan-Baker: Okay.

Wendy MacDonald Director: We did speak to lawyers in some of the other provinces.

Dr. Bevan-Baker: Some of the other provinces?

So, I guess a full jurisdictional scan may reveal some other evidence, perhaps, contrary evidence.

Wendy MacDonald Director: In fairness, one of our questions would not be like: Have you had an appeal? We would be asking: Do you have an ability in your legislation to present hearsay evidence?

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

Chair: The hon. Member from Charlottetown-Victoria Park.

Mr. R. Brown: With all due respect to the Leader of the Opposition, there's an old saying out there: Justice delayed is justice denied. If we delay this legislation one day, two days, a week, three days – it's justice denied for some child out there and I'm not willing to –

An Hon. Member: Carry the bill.

Mr. R. Brown: – I'll not be supporting that motion. I want to make that clear.

Now –

An Hon. Member: (Indistinct)

Ms. Biggar: He said carry the bill.

An Hon. Member: (Indistinct)

Mr. R. Brown: Did he say carry the bill?

Leader of the Opposition: (Indistinct)

Chair: Thank you.

Mr. R. Brown: No, hold it. I'm not done. Did he say carry the bill?

Ms. Biggar: Matt did.

Mr. R. Brown: Did you say carry the bill, Matthew, on your side? You're the House leader.

Mr. MacKay: (Indistinct)

Mr. R. Brown: No.

Mr. MacKay: Carry the bill.

Chair: Carry the bill?

Ms. Biggar: Carried.

An Hon. Member: (Indistinct)

Chair: Sorry. I have the Minister of Transportation, Infrastructure and Energy on the –

Mr. R. Brown: I'm not finished.

Chair: Oh, you're not finished?

The hon. Member from Charlottetown-Victoria Park.

Mr. R. Brown: No. If they were willing to carry the bill –

Chair: Yes, absolutely.

Mr. R. Brown: – I was willing to shut my mouth and –

Chair: You have the floor, hon. member.

Mr. R. Brown: – to protect the children in PEI.

Chair: You have the floor, hon. member.

Mr. R. Brown: Thank you.

Mr. Myers: That's a good deal. We should reconsider it.

Mr. R. Brown: Yeah.

Chair: Order!

Mr. R. Brown: No, you should consider it.

Ms. Mundy: This is not a joke, guys.

Mr. R. Brown: So –

Ms. Mundy: This isn't a joke. We're talking about children.

Mr. R. Brown: – you mentioned earlier there was an appeal decision that questioned our legislation around hearsay evidence. So, we're putting legislation through allowing for hearsay evidence so the judges are allowed to have that evidence put before them.

Now, when you said the other jurisdictions have this legislation –

An Hon. Member: (Indistinct)

Mr. R. Brown: Thanks.

I thought I spoke loud enough.

Where other jurisdictions have this legislation, there may be no appeals because they have the legislation that protects the trial judge. So, to the third party member, is that it's working in other jurisdictions because they have the legislation that tells the judge you can allow hearsay evidence. Is that – am I on the right track there? Wrong track?

Wendy MacDonald Director: Yes, and that would be why we are asking –

Mr. R. Brown: Good.

Wendy MacDonald Director: – to make this amendment.

Mr. R. Brown: Great. Thank you.
(Indistinct) 100%.

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

Ms. Biggar: Thank you, Madam Chair.

I would have to concur with my colleague, the Government House Leader. My concern first and foremost is that every child, no matter what membership they hold in any group on Prince Edward Island, is first and foremost, protected by this legislation.

And that as the Government House Leader noted, should not be held up by, perhaps, disagreements that people may not agree with around the consultation process.

My question is: Does this legislation cover every child who is a resident of Prince Edward Island wherever they live?

Chair: Wendy?

Ms. Biggar: Will protect them.

Wendy McCourt Director: This amendment will protect any child that comes under the child protection legislation.

Ms. Biggar: Yes.

Wendy McCourt Director: That we go before the court.

Ms. Biggar: Yes, thank you.

So, that's every child.

Thank you.

Chair: The hon. Minister of Finance.

Mr. Roach: Thank you, Madam Chair.

My question was pretty much the same as the minister before me.

I've been involved in some child protection cases for almost four decades. This is a really good piece of legislation. I think that with hearsay, anybody who follows the regular court system, it doesn't exist. I've been involved in cases where the child, through what happened, simply was not able to go before the courts and we lost those

cases completely. I applaud this, that the government of PEI, and your department has moved this forward. I totally support this bill. I don't think we should wait any longer.

Thank you.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you very much, Chair.

I want to stress, first and foremost, that it's not my intent to hold up this bill and it's not my intent to put any child on Prince Edward Island in harm.

If the members in this House will recall, I've been probably one of the most outspoken individuals with regards to the issue that Prince Edward Island does not have a child advocate –

Ms. Biggar: Here we go.

Leader of the Opposition: If the hon. members, opposite and around me want to protect the interest of children as intently as they say here today, we have another motion that's going to be coming forward, co-sponsored by myself and the Leader of the Third Party, to once again call on this government to establish a office of child advocacy –

Mr. R. Brown: This protects children –

Ms. Biggar: This protects (Indistinct)

Leader of the Opposition: I'm certainly hoping that when this motion comes forward that everyone in this House that is speaking with regards to this bill will step forward and do the right thing to ensure that we have everything in place here on Prince Edward Island, and that also includes the office of a child advocate.

Chair, just in closing, and I'm more than happy to carry the bill, but just in closing, again, I want to remind this government that time and time again you've been called out for your failure to consult with the Indigenous people of Prince Edward Island.

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: (Indistinct)

Chair: You're good.

Carry the bill? Carried.

Minister of Family and Human I need you to read the third line. This one –

Ms. Mundy: I move the title.

Chair: Order! Order!

Some Hon. Members: (Indistinct)

Mr. Myers: Where do you think you work?

An Hon. Member: (Indistinct)

Chair: An Act to Amend –

Mr. Myers: Where do you think you work?

Chair: Hon. members, we are reading the *Child Protection Act*. I would appreciate everybody paying attention.

Mr. Myers: It's him over there.

Chair: Thank you.

An Act to Amend the Child Protection Act.

Shall it carry? Carried.

Ms. Mundy: I move the enacting clause.

Chair: Be it enacted by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows.

Shall it carry? Carried.

Ms. Mundy: Madam Chair, I move the Speaker take the chair and the Chair report the bill agreed to without amendment.

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intituled *An Act to Amend the Child Protection Act*, I beg leave to report that the committee has gone through the said bill and has agreed to same without amendment. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.
The hon. Minister of Agriculture and Fisheries

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

Speaker: Shall it carry? Carried.

Clerk (R. Reddin): Order No. 9, *Water Act*, Bill No. 13, in committee.

Speaker: The hon. Minister of Agriculture and Fisheries.

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

Speaker: Shall it carry? Carried.

I will ask the hon. Member from Charlottetown-Lewis Point to come chair the Committee of the Whole House.

Chair (Casey): The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *Water Act*.

Hon. members, we are already in committee on this. We are on page 6, number 11 and it has not been read.

Permission to bring a stranger onto the floor?

Some Hon. Members: Granted.

Mr. LaVie: He's no stranger.

An Hon. Member: (Indistinct) poor fellow.

Mr. LaVie: (Indistinct)

Mr. Mitchell: He's on now. He's here.

Chair: Order!

Could you introduce yourself for the record and your name, please.

Jim Young Director: Jim Young, Director of Environment; Communities, Land and Environment.

Chair: Welcome, Mr. Young.

We're at number 11 on page 6. I'll read it first and then I'll open the floor for discussion.

Grounds for refusal, revocation, etc.

Grounds for refusing, amending, suspending, revoking, imposing terms or conditions on, or altering terms or conditions of, an approval include, but are not limited to,

(a) current or prior non-compliance by the applicant or approval holder with this Act or the regulations, with any order or direction issued under this Act or the regulations or with any term or condition of an approval;

(b) current or prior non-compliance by the applicant or approval holder with the *Environmental Protection Act* or regulations made under that Act, with any order or direction issued under that Act or those regulations or with any term or condition of an authorization given under that Act or those regulations;

(c) current or prior non-compliance by the applicant or approval holder with the *Pesticides Control Act* R.S.P.E.I. 1988, Cap. P-4, or regulations made under that Act, with any order or direction issued under that Act or those regulations or with any term or condition of an authorization given under that Act or those regulations;

(d) discovery of relevant information not disclosed or not available at the time the approval was issued;

(e) information being received that the activity, matter or thing to which the approval relates is affecting water resources in a way not anticipated, which may include an effect on the use of water resources by other persons;

(f) discovery of an adverse effect that is, or is apparently, being caused by or exacerbated by the activity, matter or thing to which the approval relates;

(g) that due to natural conditions, the availability of water for domestic purposes is threatened; and

(h) that water withdrawals in a watershed or portion of a watershed may exceed limits on water withdrawals established under this Act or the regulations.

Chair: Question from the hon. Leader of the Third Party.

Dr. Bevan-Baker: It's nice to see you again, Jim – Minister.

I'm wondering whether there was any consideration given in this section to a clause relating to excessive waste or inefficient use of water. I'm thinking here of unmetered users – industrial, commercial, small users.

Jim Young Director: The act allows us – and as you heard the minister previously – all high capacity/low capacity wells will require metering, so it'll just be residential use. So we'll have control and we'll know who's using water and how much water they're using and what the original allocation request was for – so we can determine that, but that would be detailed in regulation.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: I'm certainly familiar – off the top of my head, I can't bring forward an example – but industrial process that use enormous amounts of water for various purposes – and perhaps with a modern technology, or a change to their manufacturing system, or whatever – that they could reduce that substantially. Even though they may be within the limits of what they're allowed to take, in the big scheme of things if we can encourage all users to use their water as efficiently and effectively as they can. So I'm wondering whether with a clause like that, it would allow government to be able to step in and mandate a change.

Mr. Mitchell: If I think about what goes on in Prince Edward Island right now, I struggle to be able to name a situation just as you referenced already. I think, moving forward, where we will know where water is being used by a permitting process – by a metering process. Not to say that I can tell

you every future case-by-case example, but I mean I can't quickly jump to anything that would be an immediate concern. But certainly down the road if something did come to attention that would be something that could be addressed at any point in time.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: The one that jumps to my mind, as I've had a minute to think about it, is the washing of things – whether that be produce or trucks or anything else – and there may be an opportunity to recycle that water, clean out the sediment, or whatever and keep using it in cycles, rather than just flushing it away. I know there are many, many facilities here that use copious amounts of water for cleansing and washing and I just wondered whether you'd consider putting a clause in there to allow you to step in if somebody was just clearly doing something in a way that could be improved.

Jim Young Director: Most of the businesses that you were just referring to do recycle a lot of their water because it costs money to pump water, so they look at opportunities to reuse the water and besides that, their allocation may not be very high and if they're in a metered system, like in a municipality or something, they are constantly recycling. All your car wash systems are all recycled water.

Dr. Bevan-Baker: Okay.

Jim Young Director: So not all fresh water going on all the time. It's recycled water.

Dr. Bevan-Baker: Oh. Good to know.

Mr. Mitchell: I think of fish plants in a similar way – that it's all recycled water that they're being used. There is cost associated to getting water, so they try to run their business efficiently, of course. But to say, if there was something that came to the forefront, certainly it'd be something that we could – we could even discuss it during regulation talk as well –

Jim Young Director: Oh, absolutely.

Mr. Mitchell: – as we move forward over the short term anyway – moving forward.

Jim Young Director: I guess the other thing to read into this is this has not been put into the EPA, this is not been put into any of our other legislation. The minister is clearly being open to the public and to anybody when he's refusing a permit and this is written to be fairly broad to include things that you're talking about. So, if there was an issue where somebody was literally wasting water and creating problems – well, adverse effect is written here – anybody creating problems with their use of water, absolutely could be revoked, amended, whatever.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Just to clarify that last point you made, Jim: So a wastage of water would be considered adverse effect, eh?

Jim Young Director: It could be if it's having an impact on the natural environment.

Dr. Bevan-Baker: Okay.

Jim Young Director: Right –

Dr. Bevan-Baker: All right.

Jim Young Director: – because in the definition of adverse effect at the front it describes that.

Dr. Bevan-Baker: Thank you, Chair.

Chair: Thank you.

Hon. Members, I don't mind you taking your conversations outside.

Thank you.

Shall Section 11 carry? Carried.

Mr. LaVie: Thanks for that, Chair.

Chair: Sorry, what? Did you have a question?

Mr. LaVie: I said thank you.

Chair: Oh, okay. You're very welcome.

12. Transfers of approvals

(1) Except as permitted by the regulations, an approval is not transferrable.

Reasons for refusal

(2) Where an application to transfer an approval is refused, the Minister shall, within the time limit prescribed by the regulations, notify the applicant of the refusal and the reasons for the refusal.

Chair: Question from the hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

Minister, this is just a simple question for clarification. Can you give an example of a time when an approval would be transferrable and a sample regulation that would apply to that?

Mr. Mitchell: Currently – you're talking currently?

Mr. Trivers: Yes.

Mr. Mitchell: Go ahead.

Jim Young Director: Currently when there's a land transaction for a property, a permit or approval is issued to that owner. So, a transaction happens. Under this legislation, they would have to apply for another permit and approval to operate. It can't just simply be: I'm buying a property and I'm having access to that water. There is an assessment that takes place.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Are you planning on putting in regulations that will allow that in some cases?

Jim Young Director: That will require the assessment. This is a way – in the past when approvals went out, there was no way of calling that back. It was very difficult to call that back, so this gives the opportunity to look at that approval and approval includes everything. If you go to the definition of approval: permits, allocations, et cetera. It allows us to go back and reassess that on the point of transfer.

Thank you.

Chair: Shall the section carry? Carried.

Dr. Bevan-Baker: Question.

Chair: Oh, sorry.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: I'm just wondering what happens if an approval is held by a company – corporation or a company and that company is acquired by new owners. Would that new owner need to reapply?

Jim Young Director: Yes.

Dr. Bevan-Baker: They would. So, there's not an automatic transfer –

Jim Young Director: No.

Dr. Bevan-Baker: – when there's a change of ownership.

Okay. Thank you, Chair.

Chair: Shall the section carry? Carried.

13. New information required from approval holder

An approval holder shall, without delay, submit to the Minister any new and relevant information respecting any adverse effect that actually results or may potentially result from the activity, matter or thing to which the approval relates that comes to the attention of the approval holder after the issuance of the approval.

Chair: Question from the hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

I'm just wondering how many people are sort of self reporting issues that come forward currently. Is that a common occurrence?

Jim Young Director: Generally, when it comes to discharges, absolutely, because that's in the EPA now. So, if a municipality or something has a discharge beyond their limits, they have an obligation to report, and they do report because it impacts shellfish growing areas, it impacts a number of other things. This is clearly asking for – if new information becomes available. If it gets into water extraction and they're pumping and

they notice a problem, they have an obligation under this piece of legislation now to come forward and tell us about that.

Mr. Mitchell: Municipalities are good at that today as well. They'll report what's going on with their systems, as well.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Yeah. I imagine that an institution like a municipality may do that, but here your sort of asking the individuals who may be carrying out a certain activity and – oops, we've created a problem – that they're going to voluntarily going to come forward and do that and I'm not sure how reasonable that is.

Jim Young Director: Currently, that happens quite a bit, actually – in municipal wastewater and industrial wastewater discharges, and commercial wastewater discharges. It happens on a routine basis when things occur. Okay? So now, with this piece of legislation in here, that means with their water withdrawals – and they notice impacts – they're going to have to report to us. The same way they used to reporting to us on discharges.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Will there be a penalty or an offence related to not self-reporting in a situation like that, Jim?

Jim Young Director: It'll be in a further section in the act under penalties and appeals. It's near the back, the middle section. Offences and penalties, under division 3, section 71.

Dr. Bevan-Baker: Okay –

Mr. Mitchell: I think there is, currently, a sense that there will be more rigour associated with drawing water on Prince Edward Island moving forward. That became evident at meetings.

Is everybody pleased about that? Perhaps not, but they do understand it. They do appreciate it that there will be new rigour measurements in place because that's what needs to occur for protection of our water supply.

Anybody that attended meetings saw that first hand. I think that, that is the perceived going forward method; that things will be different. How water will be, you know, withdrawn from our PEI system.

Will we have people that we will have to coach along? Certainly we will. We will do that, as a department, too, as well.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: I'm thinking here of the annual fish kills that happen here on the Island. I have never ever heard of a situation where the farmer, assuming that's the source of the problem, will voluntarily tell the public that there's a fish kill associated with a stream near the – it's always a watershed group that goes along, walks through and discovers, or an individual. I have never heard of anybody voluntarily telling the public that they have created a fish kill.

Jim Young Director: You're speaking about a specific thing to do with pesticides and discharge. A lot of times landowners don't know that a discharged has happened and run-off off their land.

We have had people report, when they've – something happened near a watercourse of something like that, they'll call right away, to tell us they've had a spill or something like that take place.

It may not be out in the public or anything like that and it may not have related to a fish kill. A lot of the – you know, you bring up fish kills, but a lot of them have been related to land run-off events and landowners probably don't even know that that has occurred.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: I accept, in part, what you said, Jim.

I'm trying to bring up the point that relying on self-reporting it's not going to be –

Jim Young Director: No.

Dr. Bevan-Baker: – iron clad.

A question: What would the minister do if a situation is discovered where somebody did

not self-report and clearly was aware that they had caused a problem.

What would happen there?

Mr. Mitchell: I think you would have to look at the type of offence. The severity of the offence. The frequency of offence. You'd have to deal out by what's presented. It's hard to go out to set-up a scenario to what you're asking for.

I really believe that, in my discussions, in all sectors, water usage and withdrawals on Prince Edward Island will take a new face once this act becomes proclaimed and regulations follow.

I think those that are using water today commercially, agriculturally, residentially, are all looking at: this is good for our environment. It's good for our water protection. I think people will, overall, do the right things. I mean, it's hard for me to sit here today and go over scenarios. As I said, you look at them. You look at what occurred. You look at: has anything like this occurred previously? You look at, kind of, what the record of the person you're dealing with is and make, I'd say a common sense approach. There may be some that, you know, will deserve more severe action than others. So, we'll just, kind of, move along with that.

It's fairly new for people. There will be some education, some coaching, some encouragement to do things a little differently.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Final question on this.

Jim, you mentioned there was a fine associated with not self-reporting and it was later on in the document.

Can you just – do you have access to how much that is, just while –

Jim Young Director: Well, I – there's –

Dr. Bevan-Baker: – we're talking about this issue here.

Jim Young Director: – general clauses back in the appeals, not appeals, but sorry, offences and penalties. Failure to report is a penalty, and it's a penalty in the EPA.

Dr. Bevan-Baker: Okay.

Jim Young Director: This requires people to report. Failure to report is a fine. It's a penalty.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thanks.

Do you know how much that fine is, Jim?

Jim Young Director: Currently, an individual is \$200 under the EPA and to \$1,000 and then –

Mr. Mitchell: Five thousand to \$10,000.

Jim Young Director: Yeah, something like that.

Under the new, it's quite a bit more –

Mr. Mitchell: Yes.

Jim Young Director: – it's a \$1,000 to \$10,000 –

Mr. Mitchell: Ten thousand to \$100,000, I believe.

Jim Young Director: Yeah.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Sorry, I said it was my last question –

Chair: No worries.

Dr. Bevan-Baker: Is that in the regs or is that actually embedded in the legislation?

Mr. Mitchell: It's in the legislation.

Dr. Bevan-Baker: It's in the – okay.

Thank you. I thought that.

Thank you, Mr. Speaker.

Chair: Shall the section carry? Carried.

14. Changes to orders

The Minister may by order, as the Minister considers necessary, amend, suspend, revoke, impose terms and conditions on or alter any terms and conditions of any order of an environment officer or of the Minister issued under this Act.

Shall the section –

Mr. Trivers: (Indistinct)

Chair: I have a question from the hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you.

Is that subject to any regulations or is that just out-and-out, it's all on the minister's shoulders?

Jim Young Director: No, that would be as outlined in regulation. There would be details laid out because environment officers don't issue orders unless there are details on how they have to do their work.

When they issue something, the minister does have authority to say: no, I want something else. This is just giving that power to allow for more stringent pieces to go into play.

Mr. Trivers: Thank you.

Chair: Shall the section carry? Carried.

15. Application for injunction

(1) The Minister may, in addition to any other remedy provided by law, apply to the Supreme Court for an injunction to restrain any contravention of this Act or the regulations, and the court shall grant the injunction upon being satisfied that the granting of the injunction is advisable to ensure compliance with this Act or the regulations.

Types of injunctions granted

(2) An injunction granted pursuant to subsection (1) may be prohibitive or mandatory in nature, and where mandatory, may require the taking of action to clean or restore the environment.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: This section allows a minister to apply for an injunction. The question that I have is: Can anybody else, a member of the public, for example, could they file an injunction?

Jim Young Director: Not under this act.

Dr. Bevan-Baker: Could people go through the minister to try –

Jim Young Director: Absolutely.

Dr. Bevan-Baker: – and would that be the mechanism by which a member of the public –

Jim Young Director: Yeah.

Dr. Bevan-Baker: – could trigger that.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: In that instance, if a member of the public were to go the minister to ask for an injunction, would the minister have any requirement to respond to that? Is that –

Jim Young Director: (Indistinct)

Dr. Bevan-Baker: – clear in the legislation?

Jim Young Director: It says: the minister may apply for an injunction. It would be up to the minister to review and detailed further on.

Injunctions are, you know, it's pretty severe: somebody's not listening to an order. Somebody is not stopping to do something that's impacting the environment, watercourses, whatever. For us to take that step would be somebody is just totally ignoring us.

Dr. Bevan-Baker: Okay.

Thank you, Chair.

Chair: Shall the section carry? Carried.

16. Mandatory program to monitor water resources

(1) The Minister shall establish a program to monitor water resources in the province for the purposes of tracking the quantity or quality of water resources, so that

(a) trends can be detected and assessed on a province-wide and regional basis; and

(b) the effectiveness of legislation, policies and other initiatives in managing, protecting or enhancing water resources can be assessed.

Optional program to monitor water resources

(2) The Minister may establish a program to monitor water resources in the province for any of the following purposes:

(a) assessing the presence and extent of contaminants in water resources;

(b) evaluating the state of aquatic ecosystems;

(c) developing a deeper understanding of different components of groundwater and aquatic ecosystems.

Chair: Question from the hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

In 16 (1) tracking the quantity or quality of water resources: Why is that not tracking the quantity and quality of water resources?

Jim Young Director: It can be both.

Mr. Trivers: The legislation right now says one or the other.

Jim Young Director: Typically, we don't track one without the other. Any of our reporting that's online now is quality and quantity.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you.

I think that it's probably is just a small oversight. I'm thinking it should be 'and' – do we need to ask for an amendment for

that, or is that something you're willing to amend on your own?

Mr. Mitchell: I think it's, as Jim already says, you don't track one without the other. It's a hand-in-hand measure. It's pretty detailed to go 'or/and' specifically when you do them both anyway.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I think it should be 'and', and given the power that is available in the regulations and the public nature of those consultations, I'll put that forward on the regulatory side to make sure that the quality and quantity are both at programs monitored (Indistinct)

Mr. Mitchell: That would be much appreciated for you to bring that forward again.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Under the optional program monitor water resources, optional to develop a deeper understanding of different components of groundwater and aquatic ecosystems. Why is that under the optional area and not under the mandatory area, especially when it comes to groundwater?

Jim Young Director: Typically, when we're reporting on a program and as the member obviously pointed out, that it will be detailed in regulation; the whole monitoring programming will be in regulation and how we do that.

Typically, we report on water quality and quantity. When we're going to get into other things, it's whatever we have the resources to do at that time. If we're going to study a certain contaminate, then we'll have to put a package together and see what that's going to assess and cost and stuff like that. We're just saying it's not a mandatory thing, but we're reporting on – I mean you can go online and see all the different things we're reporting on in terms of pesticides, whatever we're finding in the environment we're trying to report on everything we can.

Mr. Mitchell: There may also be events specific due to the climate of the season or

something that would tell you to go investigate this measure, because other jurisdictions are having similar – get out in front and get at it now because we know we've got so much rain or we didn't get enough rain or something that influences a different outcome.

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

Ms. Biggar: Thank you, minister, Madam Chair.

I just wanted to comment, I guess, about the work that's happening in communities around their water and wastewater upgrades. This last year, in particular, I think there are 19 communities that have done –

Mr. Mitchell: There is.

Ms. Biggar: – 49 projects, if you want to maybe comment on how that helps protect their water.

Mr. Mitchell: Right.

In regards to water and wastewater management systems, 19 communities have spent over \$90 million this season, in some cases to buy, protect, put up barrier measures. There's a lot of forward-thinking work that's going on in municipalities and communities, and they're not all in municipalities either. There's a lot of forward-thinking parts that are being developed and engineered, and I think that we'll be looking at more projects coming over the next number of years too.

\$90 million in 19 communities in Prince Edward Island is a significant amount of work, for sure.

Ms. Biggar: Thanks.

Carry this section.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: This mandates a minister to establish monitoring of water, but there's no timeline attached to this at all, so my first question is: Does that already exist to a certain extent, the monitoring of water?

Jim Young Director: The section below.

Dr. Bevan-Baker: Pardon me?

Jim Young Director: The section below, the next section.

Dr. Bevan-Baker: The –

Chair: The next section. We're getting there.

Dr. Bevan-Baker: The optional –

Jim Young Director: No, sorry. Section 17.

Chair: The next – 17. We're getting there.

Dr. Bevan-Baker: Okay.

How long do you imagine this will take to establish this program?

Jim Young Director: We already have a lot of monitoring that goes on now and it's a matter of trying to enhance it. We've been able to, through the Capital Budget process, successful in getting more monitoring equipment to put out in our watersheds in monitoring stream flow and some groundwater networks so we are slowly expanding that and real-time so that people can see it, and that's the goal long term.

But, we plan to develop. This is a new section of regulation and we know the public is keenly interested in the results of this and we want to be able to get that out as quickly as we can.

Chair: the hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

I see the next section where it says you shall report in each calendar year, but this is a big project to monitor the entire water flow across the province, so clearly this is not going to be in place for 2018, I assume.

Jim Young Director: We'll go with what we have, but we have to develop a set of regulations under there as well so we've been reporting for a long time and I know some people look at it and some people don't, but when other jurisdictions look at how much we report online they're surprised that all the information that they can get real-time, so we'll be continuing to enhance that network and further report.

Then, also, over a five-year period do a study. So what are the trends long-term over the past five years? What are they reporting to us? What's happening to our water table long-term in various watersheds across the Island?

So that's –

Chair: Shall the – oh. I'm sorry.

Dr. Bevan-Baker: I have more questions, Chair.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Yeah, so what I hear is that this is going to be something that's going to be cumulated –

Jim Young Director: It's going to evolve.

Dr. Bevan-Baker: – you're going to add to it as –

Mr. Mitchell: (Indistinct) enhanced and enhanced year over year.

Dr. Bevan-Baker: Will that information be publically available?

Mr. Mitchell: Absolutely.

Dr. Bevan-Baker: How long –

Mr. Mitchell: Real-time, when we can.

Dr. Bevan-Baker: Will that be sort of available in an open data –

Mr. Mitchell: Click on it and look and then it's there, yeah, and we have it available now to a certain degree.

Chair: Shall the section carry? Carried.

Ms. Biggar: Call the hour.

Chair: The hour has been called.

Mr. Mitchell: Madam Chair, I move the Speaker take the chair and that the Chair report the bill agreed to with amendment.

Chair: Oh, no.

Sorry, this one.

Mr. Mitchell: Close. I like that.

Mr. Myers: (Indistinct)

Chair: Sorry.

Mr. Mitchell: That means I don't have to come back.

Chair: This one. Put your glasses on.

Mr. Mitchell: Madam Chair, I move the Speaker take the chair and that the Chair report progress and beg leave to sit again.

Chair: Shall it carry? Carried.

Sorry, I pointed to the wrong one.

Mr. Mitchell: Yeah, no problem.

Chair: 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.

This House will recess until 7:00 p.m. this evening.

The Legislature recessed until 7:00 p.m.

Motions Other Than Government

Speaker: Please be seated.

The hon. Member from Georgetown-St. Peters.

Mr. Myers: Thank you, Mr. Speaker.

Pursuant to notice given, I beg leave to introduce a bill to be intituled *Food Waste Awareness and Strategy Act* and I move, seconded by the Honourable Member from Souris-Elmira, that the same be now received and read a first time.

Speaker: Shall it carry? Carried.

Clerk Assistant (E. Doiron): *Food Waste Awareness and Strategy Act*, Bill No. 103, read a first time.

Speaker: Hon. Member from Georgetown-St. Peters, could you give us a brief explanation as to what this bill is about?

Mr. Myers: I will, thank you, Mr. Speaker.

The bill entitled *Food Waste Awareness and Strategy Act*, the main purpose is to reduce food waste here in our province. Our province is lacking a public policy conversation around food waste, food security and our food strategy.

We are Canada's Food Island, but the government is missing the point. I view the bill as a first step, and it's the beginning of the conversation. It's my intention to reach across party lines and work with all hon. members to engage stakeholders through our food supply chain.

We need to consult with, among others, our agriculture and agri-food industries, our grocery retailers, and many charitable organizations that help distribute food to Islanders.

PEI can be a national and international leader in reducing food waste and raising awareness and having a provincial strategy. This bill will hopefully make that happen.

Thank you.

Speaker: I'll call on the hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Mr. Speaker.

I'll just beg your indulgence for a minute. I'd like to welcome this evening all the paramedics and firefighters, who are with us tonight for this next set.

Mr. Speaker, I move, seconded by the hon. Member from Kensington-Malpeque, that order No. 18 be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 18, *An Act to Amend the Workers Compensation Act*, Bill No. 102, ordered for second reading.

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Mr. Speaker, I move, seconded by the Honourable Member from Kensington-Malpeque, that the said bill now be read a second time.

Speaker: Shall it carry? Carried.

Clerk: *An Act to Amend the Workers Compensation Act*, Bill No. 102, read a second time.

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Mr. Speaker, I move, seconded by the Honourable Member from Kensington-Malpeque, 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 good hon. Member from Rustico-Emerald, would you mind coming and chairing the Committee of the Whole House for this bill?

Mr. Trivers: It would be my pleasure.

Speaker: Thank you.

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

Some Hon. Members: Yes.

Chair: Thank you.

Premier MacLauchlan: We could start with an overview.

Ms. Biggar: Yeah.

Chair: Thank you, hon. –

Ms. Biggar: That'd be good.

Chair: – Member from Borden-Kinkora.

Mr. Fox: Thank you, Chair.

We've been asked by members of the emergency services personnel and also from the population general at large that feel that

PTSD needs to be recognized under the *Workers Compensation Act* and this act is doing just such that.

It's *An Act to Amend the Workers Compensation Act* to recognize PTSD and it follows basic legislation that's in place in the provinces of Alberta, Manitoba, Ontario, also New Brunswick, and with that, in September of this year, the Province of Nova Scotia has also introduced legislation to amend the *Workers' Compensation Act* to make coverage of PTSD a pursuable benefit for frontline and emergency services. This bill would see that PTSD services would be recognized for all workers within the *Workers Compensation Act*.

Chair, with that, I'd like to ask a guest to be brought on the floor.

Chair: Does it please the committee that a guest be brought onto the floor?

Some Hon. Members: Granted.

Mr. Fox: I'd like to ask that Jason Woodbury come.

Chair: The Chair welcomes Jason Woodbury to the floor.

Ms. Biggar: Could he identify himself?

Chair: Yes –

Jason Woodbury, President: Sure, absolutely. Jason Woodbury, President of CUPE Local 3324, representing paramedics of Prince Edward Island.

Chair: All right. I will start reading the bill clause by clause.

Mr. Gallant: Question, Mr. Chair.

Chair: Yes, question.

Mr. Gallant: Thank you, Mr. Chair.

I'd certainly like to welcome everybody here, all the first responders and firefighters. At this point, I'd just like to mention, hon. members, that the intent of the bill is very important. We understand that. To protect employees from PTSD and other psychological disorders is very important in the workplace.

Hon. member, did you have any discussions with the Workers Compensation Board on these changes?

Mr. Fox: Yes, I did.

Mr. Gallant: Okay –

Chair: Just one minute, it's the Minister of Workforce and Advanced Learning that's asking questions.

Mr. Gallant: Thank you, Mr. Chair.

Ms. Casey: Good job.

Mr. Gallant: Are you aware of the current policies that are already in place –

Mr. Fox: Yes.

Mr. Gallant: – on this.

Remember, back in 2016, there was a motion put on the floor about this. As a result of that, there was a policy change –

An Hon. Member: (Indistinct)

Mr. Gallant: – at that time, 10% of people of claims were being approved. Now, it's up to 70%.

Chair: Pardon me, hon. Minister of Workforce and Advanced Learning, if you could speak up a little bit.

Mr. Gallant: Okay, all right.

And in this your amendment includes references to DSM-5. These – this – the diagnostic guide used by the medical profession is what's that called. I understand this guide is constantly updated, is that correct?

Wouldn't it be easier to have this excluded from the legislation and address in the Workers Compensation Board policy?

Mr. Fox: Chair, I'd ask, maybe Jason could answer that.

Jason Woodbury, President: Yes, so if I may. Yeah, you're right. That is constantly being updated. It's always being updated as more research and more science and more diagnoses being played out. That's the

medical profession. It's, our medical profession continues to be updated on a regular basis, so it would make sense for that policy to continue to be reviewed and updated as needed.

Mr. Gallant: So, it would have to be reviewed on an annual basis?

Jason Woodbury, President: That's correct, yes.

Mr. Gallant: Thank you.

Also, the amendment requires approval from a physician or a psychologist, in section 4.1. The Workers Compensation Board states: With psychological disorders they would expect a psychologist or a psychiatrist.

Would you be willing to change that?

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: Maybe it'd be better at this point to get Mr. Woodbury to bring forth his reasons why he believes the act needs to be amended as it is written, as proposed, based on what his experience is in this field.

Chair: If that pleases the –

Mr. Gallant: Okay.

Chair: – hon. Member.

Mr. Gallant: And then I can have some questions when he's finished.

Chair: Mr. Woodbury, perhaps you would like to give an overview yourself.

Jason Woodbury President: Yeah, sure.

So I'll just start with the history with this legislation. In 2014, CUPE Local 3324 which represents paramedics across the Island had a mandate to lobby government to bring forth legislation to include coverage for PTSD under the *Workers Compensation Act*.

At that time, as the president of the local, I met with all levels of government and opposition and also our third party leader, Mr. Bevan-Baker. In saying that, we also met federally with Todd Doherty, the

Conservative MP, and as you folks all know here that Bill C-211 federally was passed nationally.

From there, we continued to lobby government. I met with hon. Wade MacLauchlan on several counts, along with hon. Sonny Gallant; and at that time, in 2016, Workers Compensation did introduce policy; and as we all know sitting here, the policy can be changed at any given time, (Indistinct), and we found that the policy wasn't sufficient and we felt that we needed legislation that is solid.

Policy is very objective, and this is the reason why we're calling for government to support this bill to make sure that we have coverage for those that need it. This does not only include the high risk groups – our police, fire, ambulance, correction workers – but it includes all workers.

This is not the first province to introduce such legislation as the hon. member has already mentioned, and it's something that's really needed within our group, but also all professions. So this would also include nurses, our education assistants, our group home workers.

And as we all know what's going on in the south, can you imagine a tragic event like in the south of us in the US happening here where there's shootings in our schools? Can you imagine that being a traumatic event for our teachers, our EAs, all our custodians in that school to deal with that stuff? So it's not only legislation just for our high risk groups, but it is legislation for all workers.

Just some statistics: in 2017, 43 first responders committed suicide. Nine military members committed suicide. In my mind, and in the view of CUPE Local 3324 and all first responders in this province, that's 50 too many deaths; unnecessary.

Thank you.

Chair: Thank you, Mr. Woodbury; and I wondered if I could ask you: please don't reference people by their name in the Chamber if you can.

Jason Woodbury President: I'll try my best.

Chair: – (Indistinct) Mr. Premier, hon. Premier, hon. Minister of Workforce and Advanced Learning.

The hon. Minister of Workforce and Advanced Learning.

Mr. Gallant: Thank you, Mr. –

Chair: Perhaps did you have something to say?

Mr. Fox: Yes.

Chair: Okay, just one quick intervention.

Mr. Fox: So I will add with that, the member – that this legislation is based on recommendations put forth by Legislative Counsel. Legislative Counsel has reviewed the other bills in the other provinces, and this is what they've recommended to us to have put forward before the House.

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

Mr. Gallant: Thank you, hon. Chair.

Hon. member and Mr. Woodbury, I thank you very much for your comments and I understand your passion on this issue; and as I said earlier, the intent of this bill, we as a government totally understand this. As I'd indicated earlier, there's been some changes from the policy as you alluded to back in 2016.

My department tells me that workers compensation was not consulted, and they have concerns that this bill needs to be looked at more thoroughly and that we should bring it back in the spring when they've had a chance to look at this and talk to the Legislative Counsel Office that write up the legislation. Based on their recommendation, that's what I'd like to see done.

Like I say, we are not in any way, shape or form discrediting this bill. This is very important, but there's comments that maybe some people could be left out. It needs to have more work done on this.

So with that, I'm suggesting that this bill, we don't support this bill the way it's written, and we bring a bill back to the floor –

Chair: The hon. Member –

Mr. Gallant: – for the spring legislative session.

Chair: – from Borden-Kinkora.

Mr. Fox: I can tell you I did have a general conversation with the Workers Compensation Board back – Mr. Affleck was there and also the chairman or CEO of Workers Compensation Board. We did discuss it, not in detail. I will agree that they did not actually see the final draft of the bill, but the bill was drafted on, say, by Legislative Counsel based on legislation in other provinces.

With that, then, today, I was made aware of the fact that the province of Nova Scotia is basically doing the exact same thing, but limiting it to only emergency services personnel, where this bill would encompass all types of employees within the province.

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

Mr. Gallant: Thank you, Mr. Chair.

With all due respect, member, you said they were aware of it. They didn't see the draft copy. Well now they have, and this was tabled on Thursday or Friday, was it? There hasn't been ample time, and that's the concern, that there's more time spent on this and they look at it and we bring this back as a government bill in the spring.

Mr. Gallant: So that's my recommendation, hon. Chair.

Chair: Hon. Member from Borden-Kinkora, anything to add to that?

I do have a couple of people on the list here.

The hon. Member from Georgetown-St. Peters.

Mr. Myers: Thank you.

I think this is a good piece of work and obviously I know the two of you in conjunction have put a lot of effort into this. I know that it falls into line with what other jurisdictions are doing.

With that, and basically when you look in the gallery here today and see all the faces of people who are first responders, I certainly wouldn't want their job and I appreciate what they do, and I think that we need to make sure that we have all the implements in place in an act to make sure that we protect the people that are out there protecting Islanders every day.

I just have a couple of questions. How many cases of PTSD would you say there are a year, give or take?

Jason Woodbury President: Currently – and I can't obviously get into names – but currently, we have four in EMS that I know of that are out on PTSD, and my other role as a fire chief of Miscouche fire department, I do have one member that has been diagnosed with PTSD in our department.

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

Mr. Myers: Thank you, Chair.

I don't think provincially we track suicides, but do you have a number nationally of the number of suicides that were a direct result of PTSD each year?

Jason Woodbury President: Unfortunately, suicide, sometimes it's unexplainable. We don't know what goes in the minds of those folks. We just know that it's increasing every year with our first responders, and unfortunately there's no data that's directly related to PTSD or mental illness. We just know that there's an issue there that needs to be addressed.

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

Mr. Myers: Thank you, Chair.

Just in the general-est of terms, if this bill were to pass, what would be the number one thing that immediately would happen that would help people that were suffering from PTSD?

Jason Woodbury President: Well, with any mental health there's always a financial burden. Right now, as we all know, the Workers Compensation Board is very objective. When we have a legislation piece

that's legislated, it's solid and it's clear and precise on compensation for any worker in the province, including our first responder groups, to have compensation.

Mr. Myers: Okay, thank you.

Chair: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Chair.

Mr. Woodbury, you had mentioned that there was a federal bill passed. How does it compare to this piece of legislation?

Jason Woodbury President: It doesn't compare to this legislation because this legislation that's being put forward covers all workers and not the high risk groups. The federal legislation, Bill C-211, is strictly isolated to the high-risk groups, the police, fire, ambulance personnel, correction workers and service workers. That was one of the issues that CUPE Local 3324 and our national CUPE staff had issues with that bill.

Chair: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Chair.

Just going back on what the minister of workforce said, and I might have heard wrong, I just want to verify. Did you mention, minister, that to take this back in the spring as a government bill?

Mr. Gallant: Yes, (Indistinct)

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

Mr. Gallant: Thank you.

Yes, I did and we can certainly look at this. I'm sure, hon. member, on the floor that brought this bill from Borden –

Chair: Borden-Kinkora.,

Mr. Gallant: Borden-Kinkora – I'm sure that you want this bill to go through, but wouldn't it be better to go through it properly? We'd like to work together. You talk about collaboration, well let's let this go back to worker's comp. They have concerns and the legislative counsel has concerns. To

do this right so nobody is left out and everybody is included, yes, the policies have done good – they'll continue to do good, but it needs to be looked at more closely.

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: Just to clarify, did you just make a statement that the legislative counsel has concerns when they're the ones that wrote it?

Mr. Gallant: Well, that's the information (Indistinct) my department (Indistinct)

Chair: Sorry.

The hon. Minister of Workforce and Advanced Learning.

Mr. Gallant: The Legislative Counsel Office and workers' compensation have concerns, yes.

Chair: The hon. Member from Borden-Kinkora.

Mr. Gallant: That this gets more time –

Mr. Fox: Well, I question the hon. member –

Mr. Gallant: – spent on this.

Mr. Fox: – because I'm wondering why the legislative counsel would then take the legislation, draft it to what they thought was best based on the other provinces and then send it to be printed and put before the House.

Mr. Gallant: That's a question I can't answer, hon. member. But, that's information I got from my department today, that WCB and Legislative Counsel Office had concerns.

Chair: Minister of Workforce and Advanced Learning, thanks for your intervention there. I do have a number of people on the speaking list that would like to speak to this.

The hon. Member from Kensington-Malpeque has one more question.

Mr. MacKay: Thank you, Chair.

I just want to take this time and thank everyone for coming here, and I couldn't do your job. You truly do a great service. It takes a special person to do what you do. You're unsung heroes, and we appreciate everything you do, so I certainly support this bill.

Some Hon. Members: Hear, hear!

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

Let me just echo what was just said. I have such admiration and gratitude for the work that you do and neither could I do that. This hits very close to home for me, Chair, because there's a first responder in my district that's been off for a year on stress leave and I'm not sure whether he will get back to his job; an ambulance worker. This is something that I've been dealing with within my own district and constituency.

A couple of comments on the discussion which has been had already; from my jurisdictional scan, there are five other provinces that have presumptive legislation for first responders. But, there's only one province that uses it for all workers, as you are suggesting here, and there are reasons why the majority of provinces go with just first responders, rather than covering all workers and I'd be interested to know why you chose to go with Manitoba, the only province that does that.

But before I ask that question – regarding the DSM 5, the discussion – the way that most legislation deals with that is rather than specify a particular version, you say the most current version of the DSM, and that very easily deals with that. So, as it's updated the legislation is still current. So, that's a very simple thing to fix.

But, writing legislation is not easy. Even small changes is incredibly tricky, so I'm wondering – I guess my question to the mover of the bill is: Why you decided to go with a version that would cover all workers rather than the more typical first responders.

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: Thanks, Chair.

I think the big thing is you think about what Mr. Woodbury said, and we look at the States and you have school shootings, and the trauma that those teachers or those custodial people are put through at that time, or bus drivers or anybody that's on staff, the receptionist at the desk, and I think we need to be very broad and protect those workers and give them the same protection that is warranted to our first responders.

For a teacher to go to school and have a traumatic event go like that happened, or it could be as simple as a bomb outside this legislative building and our security personnel or a person, a staff member who is out cleaning the yard, it would be quite traumatic. So, I think if we're going to do this, based on my consultation with Jason over the last year and a half or two years, almost, I think we need to go that far.

I can say, hon. member, that we have three support letters to table; one from Island EMS that support this bill going forward, one from the paramedic association who support this bill going forward, and also one from Marilyn Webb supporting this bill.

I have talked to numerous firefighters that want protection there for them that's in the legislation so that they know they have support and help, and I think that's very important.

Chair: Hon. Member from Borden-Kinkora, just a quick intervention from the hon. Minister of Transportation, Infrastructure and Energy.

Ms. Biggar: Could you clarify who Marilyn Webb is?

Mr. Fox: Jason would actually know. You knew her better than I do.

Jason Woodbury President: Yeah, so Marilyn Webb is a psychologist that Island EMS uses and refers our group, our members to if they overcome a difficult call or if they have been diagnosed with PTSD and do psychological sessions with Marilyn.

Ms. Biggar: Okay.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

Thank you, hon. member, for that explanation.

My understanding of – and by the way, I am in full support of this bill and the intent of this bill – but my understanding of the presumption when it comes to PTSD legislation, is that there's a special case to be made for first responders because they are continuously and cumulatively exposed to traumatic incidents and therefore, a trigger for a first responder – it's absolutely fair to presume that that is the cause of their PTSD.

The school shooting example you used, hon. member, that's a once-off thing and it would be very unusual for a teacher or a bus driver, or a custodian or anybody else, to be exposed to repeated incidents of trauma – and I'm not saying that one cannot start having panic attacks the week after or six months after such an event – but the special, unique circumstances of first responders is that they are, by the very nature of their job, going to be exposed continuously and cumulatively to these traumatic experiences. That's why I believe the other provinces limit this to first responders, and the three letters that you suggested all come, not surprisingly, for people who either within or related to the first responder group. That's the only part of the legislation that I'd like to have a discussion about why it's all encompassing.

Thank you, Chair.

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you.

I said it before in this House: I believe I suffer from PTSD and I was a police officer from 1984 to 2004. I took a break from it because I found I was finding things too black and white. I didn't go to work with a good feeling. I took two or three years off and my wife and I, we ran the garages, and I was asked to do shifts for Charlottetown city, and I did that for close to three and a half years.

I find, today, that I will see stuff that happens when I had the gas station, and there's no support there for me as a worker in the province based on what I've seen in the past. This legislation won't help me, but

it'll possibly help somebody else going forward that maybe got out of law enforcement, or maybe got out the paramedics job and now they're working in the private sector and it might protect them. I believe very strongly that you have no idea what it's like when you see something happen and it triggers something, and you either have to turn away or you walk away or you just do something. This act will help that.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you for that and you're absolutely right.

Thankfully, I have never experienced anything like that; hon. member, but I appreciate your moving statement there. Because again, police officers would be considered in all of those other provinces where they limit the presumption that PTSD is work related, and there's a list here – police officers, paid and volunteer firefighters, paramedics, nurses and provincial and federal correction officers are the typical groups who are covered in other provinces for this. And again, I absolutely understand why those groups of people are included.

Chair: Mr. Woodbury would like to respond as well.

Jason Woodbury President: Yeah. Just to respond to that, and I'm glad you mentioned the nurses as well because I've been working with Mona O'Shea, the president of the nurses' union here and I actually spoke to her this afternoon and, unfortunately she couldn't be here to support us. She's in Toronto travelling, but I also sit on CUPE PEI division representing group home workers and some of those workers that are members are encountering being beating at work by their residents. That would be considered as a traumatic event that's (Indistinct) and continuing on. That's where some of the province – except for, like you pointed out, Manitoba – has taken the stand on that and included all workers.

I also sit on a national health and safety community representing Prince Edward Island and I heard a really (Indistinct) story from a flight attendant that sits on that committee with me. She was telling me that

she was doing a flight across to Europe and one of the passengers passed away. So for seven to eight hours, they pulled the patient out of the seat, pulled the deceased to the gallery, and she had to continue doing her job as that deceased passenger was there. This is why it's important that all workers are covered in this legislation. Those are just some of the stories that I've learned about in the past five years that we've taken the lead on this legislation.

Dr. Bevan-Baker: That's all.

Thank you, Chair.

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

Ms. Biggar: Thank you, Chair.

First of all, I want to welcome everyone that's here and recognize the work that they do on behalf of all of us and all Islanders and the difficulty that that entails.

I will say, in my former life, I was an executive member of 3260, so I know the great work that CUPE PEI does on behalf of workers one Prince Edward Island. I also was an educational assistant working with people with disabilities, so I know the examples that you're using. I would like to recognize the passion of the presenter of the bill and for his service as a police officer and, certainly, the difficulty that can be entailed in that.

I find it difficult to support the bill as it is in the scope as it is. I think it's unfortunate because the people that are here, the first responders out there – and that's not to take away, certainly, from the fact that other workers on Prince Edward Island do face incidences, but I think it's unfortunate that, because of the full scope and the fact that it hasn't had, perhaps, the fulsome discussion with workers comp, or with other areas that would clarify, I'm going to say, that might be there. That, because of the full scope, as I mentioned, that it may hold things up in other areas because of that scope, but I think it's very important that we continue to look at the possibilities of making sure that these people that are here – those people that are out there right now in police cars, ambulances – are recognized in some way within a piece of legislation.

But to have it delayed because of the scope of it, I think is unfortunate, but I think it's necessary to fully explore what we can do with this bill and have time to have that discussion, hon. member. I certainly – as I said, the intent of it is very honourable, and recognizing the work that you have done and the passion behind the work that you have done on behalf of this bill, I certainly commend you for that. I'm just hoping we can find a way forward to still work on this bill together because it is very, very important. So, I'm not sure if we can find a way forward to be able to continue to work on this, whether it's working with the other department, but I'm supportive in principle of the bill, but I think we need to do more work on it before it's carried.

Thank you.

Chair: We had decided, as a committee, we were going to read clause by clause. We haven't read any of the bill yet. Would you like to continue with discussion?

Some Hon. Members: No.

Chair: The hon. Member from Summerside-Wilmot.

Mr. Myers: Carry the bill.

Mr. Palmer: Thank you, Chair.

There is no question that these first responders that are here tonight are certainly the heroes in our community, there's no doubt about that. This is a really important piece of legislation and I think the spirit of it is – I really endorse the spirit of this legislation. What I'd be concerned about is any unintended consequences of the way the legislation is written, because as we've heard, and we know, writing legislation is hard work. I would be more comfortable to have – as the minister had suggested – have workers comp take a look at it again just to make sure that we – with the writing of the legislation doesn't omit someone else that we hadn't thought of, or didn't cover everyone the way that it should because this is really important. We know that.

I think this is something that could really – if we make sure we do it right – can really help a lot of folks, but let's make sure we don't do something in the legislation that

kind of causes some unintended consequence that we hadn't thought of up until this point.

So, the only question I have, and maybe I should already know the answer to this is around: Is PTSD covered now through workers comp? Is there any coverage? Where is it? Where is the? I guess is what I want to know.

Chair: Mr. Woodbury.

Jason Woodbury President: So I mentioned before, it is covered under policy; however, hearing from my members, they're not being covered because it's very objective with the policy; very objective.

Chair: The hon. Member from Summerside-Wilmot.

Mr. Palmer: Chair.

I think what you're saying is some people are presenting with this, but they're not able to have a claim initiated on it. Is that correct?

Jason Woodbury President: That's correct.

Chair: The hon. Member from Summerside-Wilmot.

Mr. Palmer: Thank you, Chair.

The assessment part of that process through workers comp, is that done by a physician currently? Or do we know? Maybe –

Jason Woodbury President: I don't know the answer to that.

Mr. Palmer: Could the minister?

Chair: Is there an intervention from the Minister of Workforce and Advanced Learning?

Mr. Palmer: Would the minister know?

Mr. Gallant: (Indistinct) because it puts the physician in an awkward situation. Did you hear that hon. member?

Ms. Biggar: Do they do it now with physicians?

Chair: Sorry, Minister of Workforce and Advanced Learning, if you could repeat what you said for the record.

Mr. Gallant: It's traditionally done by psychologists or psychiatrists. It puts the physician at an awkward situation.

Chair: Are you satisfied, Member from Summerside-Wilmot?

Mr. Palmer: Well I think what I heard – just to clarify that it's done by psychologists? Or psychiatrists are the folks that are currently doing the assessment, so this would expand that to include physicians as well?

Chair: Who wants to speak next? Did you want to answer that, member?

Minister, did you want to respond to that?

Mr. Gallant: I'm sorry. What was the question?

Chair: The hon. Member from Summerside-Wilmot.

Mr. Palmer: This was particular to this bill, so I assume it would be the member from Borden, but I don't know.

This will be diagnosed now by physicians, not just psychologists?

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: By a physician or a psychologist.

Chair: The hon. Member from Summerside-Wilmot.

Mr. Palmer: But that will expand the current bill that's currently psychologists only, so it will be psychologists or physicians.

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: That's right. I must also, maybe, add to it. Legislative counsel was who recommended that we reference the DSM 5 in this bill and also, I have to ask the question: Do not all workers on PEI deserve the protection for PTSD incidents? And I

think that's the question. Our first responders need them for sure, but do not all workers in PEI need protection for PTSD-type symptoms?

Chair: Mr. Premier, did you have an intervention on that?

Premier MacLauchlan: (Indistinct)

Chair: Would you like to be on the list?

Premier MacLauchlan: (Indistinct)

Chair: Okay.

The hon. Member from Summerside-Wilmot.

Mr. Palmer: Thank you, Chair.

The spirit, I guess, of this bill, when it comes back to the diagnosis or the diagnostics and statistics manual, are physicians trained, through your jurisdictional scan, I suppose that you have done? Are they trained enough to be able to follow along with that *Diagnostic and Statistical Manual of Mental Disorders* published by the American Psychiatric Association?

Is that, kind of, in their wheelhouse, I guess?

Chair: Mr. Woodbury –

Jason Woodbury, President: For that I don't know.

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

Mr. Gallant: Just to go back to the physicians, like. My department has indicated, like, Workers Compensation –

Unidentified Voice: Excuse me.

Mr. Gallant: My department has indicated – like Workers Compensation is saying it should be a psychologist or a psychiatrist because it puts the physician in an uncomfortable situation to make a decision outside of their scope.

Chair: The hon. Member from Borden-Kinkora, did you want to respond to that?

Mr. Fox: They're recommending that, instead of the physician, we have –

Mr. Gallant: Yeah, and if I may –

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

Mr. Gallant: That leads back to what I'm saying. We need to look at this more closely. I know a lot of the gallery here, and I understand the importance of this, and I understand your concern and your passion, hon. member.

We want to protect everyone that it's supposed to protect. We want to do it right. There are some concerns from workers comp and from legislative counsel. They have concerns finding – they had concerns finding a solution that meets the Workers Compensation Board's concerns with their legal review, which we agreed it, which they agreed with. As I had indicated before, there are some concerns there.

We're prepared, as a government, to leave this sit on the order paper until the spring and let those people –

An Hon. Member: (Indistinct) do that (Indistinct)

Mr. Gallant: – do their work and this will be done to protect everyone it should protect.

Chair: Thank you, hon. Minister of Workforce and Advanced Learning, and we do have six people on the list that do want to speak to this. We do have it on the floor. The hon. Member from Borden-Kinkora, did you have a –

Ms. Casey: (Indistinct) pull it off the floor.

Mr. Fox: I have a question –

Ms. Casey: We can pull it the floor.

Mr. Fox: – am I safe in presuming that the Workers Compensation Board has approached and spoken to Legislative Counsel about this?

Mr. Gallant: I'm not sure on that, but I know that both parties have some concerns. I was given some information and they have

concerns and that's why we'd like to see this being done right –

Mr. Fox: Chair.

Chair: The hon. Member from Borden-Kinkora.

Mr. Gallant: – more discussion on it.

Mr. Fox: Just one further point on that. I'm just questioning, I don't understand why, if Legislative Counsel had concerns, why they would not bring their concerns forward.

Mr. MacKay: Good question.

Mr. Gallant: You'd have to talk to them. I mean –

Mr. Fox: Is that not a good question?

Mr. Gallant: – they drafted –

Mr. Myers: Oh, it's a good question.

Chair: The hon. Minister of Workforce and Advanced Learning has the floor.

Mr. Gallant: That's a question that you'll have to ask them, hon. member. I mean they drafted the legislation based on the work you did on it, right?

So, I mean, you know, if they have concerns, like, you know, I understand there are some concerns. Like I said earlier with –

Chair: The hon. Member from Borden-Kinkora.

Mr. Gallant: – the physician versus psychologists and psychiatrists.

Mr. Fox: Thanks, Chair.

I'm wondering why. You peaked my interest here. If, whether it be government or opposition put forth a bill to legislative counsel, who is supposed to work with that either opposition or government in confidence, why legislative counsel, if this happened, or why there would be concerns raised to the opposite of the party that brought the bill forward.

Chair: The hon. Minister –

Mr. Gallant: Is that a question?

Chair: – of Workforce and Advanced Learning, would you like to respond? You don't have to respond.

Mr. Gallant: My department did some checking on this and they instructed me that there needs to be more work done on this.

Chair: We have a question, one final question from the hon. Member from Summerside-Wilmot, then we're moving to the hon. Member from Morell-Mermaid.

Mr. Palmer: Chair.

One final question. Chair, you're doing a terrific job. Thank you very much.

Some Hon. Members: Hear, hear!

Mr. Palmer: The last thing, the last piece I wanted to know was around that diagnostic and statistical manual, so we're not sure; are we sure that a physician is trained to be able to do that?

To, kind of, go through that manual and actually diagnose this –

Mr. Fox: A physician, I would not know.

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: A physician, I would not know.

Mr. Palmer: Okay.

That's my last one. I'm done. I really like to the spirit of this. I think it's really important and we do need to find ways to be able to make this work, but let's make sure we don't have anything unintended that we didn't want. I'm done.

Thank you, Chair.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair. Thank you, Jason, for all your hard work over the past while on this.

It is ironic that the reason it's coming to the floor is because we can't get the coverage

through WCB. It's obviously, WCB that is the hold up here.

I just want clarification from the minister: Who, from the Workers Compensation Board contacted you?

Mr. Gallant: It was my department that contacted me, hon. member. I didn't say anyone from workman's comp. It was my department instructed me that workman's comp board had some concerns with this.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Who from Workers Compensation Board contacted your department?

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

Mr. Gallant: I wasn't told who is was, hon. member. I was told my department had some concerns with this.

Mr. MacEwen: Chair.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Minister, for clarification: Who, from your department, told you that the WCB had concerns?

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

Mr. Gallant: My deputy.

Mr. MacEwen: Great, thank you.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: I'm curious who contacted your deputy on this. If you could find that out for us that would be great.

My next question is: Who contacted you from legislative counsel?

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

Mr. Gallant: No one contacted me from legislative counsel, hon. member.

Mr. MacEwen: Chair.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: I'm not trying to go around and around. You get to the point, minister: Who, from the Legislative Counsel contacted your department to tell you – to tell your department to tell you that there were concerns with the bill.

Mr. Gallant: Hon. member, it's a matter of, the department deals with this. They checked this out in short order because this has only been out here for the last couple of days. They felt, at this time, in the searching they done, speaking with different organizations, that we should wait and have more work on this bill before this bill goes forward.

I mean, as far as who said what, or who said this. There is a department. There is staff. I have a deputy. They looked into it. Now, I don't know of all the names of the people that were involved, hon. member.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

I think it matters. There is – there's obviously – was it your department that reached out to them? Or was it them that contacted your department?

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

Mr. Gallant: You know, it was brought to my attention that the department looked into the bill when it was tabled, which wasn't that long ago, and it was made public. I'd have to ask that question. I wasn't told that it was this person or that person. The department people; there's a deputy, there's a director, there is a director of employment standards, like, all those people did some searching. The deputy passed this on to me that there were concerns. That this needed to be looked at and it had to be spent more time on it, so it protected everybody.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: But you can confirm 100% that someone from WCB and someone from the Legislative Counsel was speaking with your department on this?

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

Mr. Gallant: Once things were made public and it was being worked on, yes, there were some discussions. Who initiated it? I'd have to find out, but I know there were discussions. That's what the department deals with and the staff, and –

Mr. LaVie: (Indistinct)

Mr. Gallant: – as I said.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

The specific concern that WCB had that told your department they had on this bill, was it anything more than the DSM-5? Or was it more than that?

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

Mr. Gallant: There were other concerns; the physicians, you know, WCB sees merit in having a presumption – you know, merit in having this presumption applied to psychologists and psychiatry and disorders, not just PS – excuse me, PTSD. There are concerns that the bill needs more study and more work on it.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Is there any concern that, you know, because this would affect the WCB financially that they might be pushing a different agenda than, say, the move for the bill?

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

Mr. Gallant: Hon. member, as I indicated earlier, since the policies were put in place in 2006, there are 70% of people are being approved where it was 10% before. So, you know, to make a comment, or question like that; there's your answer, like.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

I wonder if this is a case like we had earlier, the Member from Charlottetown-Victoria Park, we talked about a bill here this afternoon about, let's get it passed now so that there's something in place now, and if we need to change it later –

Mr. Myers: That's a good point.

Mr. MacEwen: – we change it later –

Some Hon. Members: Hear, hear!

Mr. MacEwen: – if we could do that now; get this in place because these guys have done the work and then, yeah. We can solve it. If it needs to be changed –

Mr. LaVie: (Indistinct)

Mr. MacEwen: – then government can bring forward their amendment or a new bill to the floor in the spring. Let's get this into place now, would be my suggestion.

Thank you, Chair.

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

Mr. Gallant: Thank you, Mr. Chair.

There are people in the gallery here, who, I admire for what you do. I thank you for what you do. I'm sure you want us to get this bill right.

In all due respect to the presenter of this bill, as I indicated before, I understand the seriousness of this. There are policies in place. As I indicated, we have made great strides since that motion was put on the floor and these policies were put in place, but the department feels we need to do more work on this.

What I'm suggesting is that we table this until the spring –

Chair: Thank you, hon. Minister of Workforce and Advanced Learning –

Mr. Gallant: – and (Indistinct) paper.

Chair: – we do have Mr. Woodbury, as well as the hon. Member from Borden-Kinkora would like to respond to this, comment.

Mr. Woodbury, first.

Jason Woodbury, President: I just have a question for the Minister of Workforce and Advanced Learning. You mentioned 70% are approved now, compared to 10%. Is that 70% of all claims excluding or including PTSD, or mental illness, or is it all claims whether it's an injury to the back or what have now, so –

Mr. Gallant: Mr. Woodbury, it was, excuse me if I cut you off, it was psychological conditions, okay?

Chair: The hon. Member from Borden-Kinkora, did you want to –

Mr. Fox: Yeah, I just want to pick up on something, thank you, Chair, and I started the conversation back five minutes ago and the hon. Member from Morell-Mermaid picked up on it.

I've got a concern. We're talking about confidentiality and client privilege, and I think we need to know as a House why would legislative counsel, who is basically working for opposition at the time to produce the bill, why would they contact your department?

With that, if that did not happen, then, if somebody from your department did contact Legislative Counsel, why they would express their concerns to you or your department when they should have come to the sponsor of the bill to bring their concerns forward?

Chair: The hon. Minister of Workforce and Advanced Learning, would you like to respond?

Mr. Gallant: Yes, thank you, Mr. Chair.

As I indicated before, when this was made public, when it was tabled and made public our department looked into it.

So, you're saying that why would somebody contact somebody? I already stated: I don't know who contacted who. But it's the job of my department to source this out and get the information that it can and they shared that information with me and they understand the importance and the intent of this legislation, but the feel it needs to be worked on more.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you very much, Chair.

I would also like to echo the other hon. members' comments here this evening and thank the members in the gallery this evening for what you do in our communities. You are truly the unsung heroes. We owe much to you. If we can even do this for you, it's a small measure of what you deserve.

There was some discussion with regards to the change with regards to a physician being able to diagnose PTSD versus what WCB currently recognizes would be a psychologists or a psychiatrist.

What I would like to bring the hon. members of the Legislature back to recall is the severe mental health issue that we have here currently on PEI, especially around the shortage of psychiatry services and psychologists.

There are ER doctors, on a daily basis, multiple, multiple times on a daily basis, are seeing patients that are suffering from a mental health issue. These medically trained professionals know their limits within their scope of practice; know what they can do and what they cannot do.

I'm in full agreement with this bill. In my view, right now, we have people out there that are suffering in our communities; people that deserve our compassion, people that deserve to be cared for and to have their medical issues dealt with.

Again, I'll come back to what the hon. Member from Morell-Mermaid said earlier. We had a bill on the floor this afternoon

around child protection. The hon. Member from Charlottetown-Victoria Park made a very impassioned plea to get the bill put through so that we don't go another day where somebody, a child, is suffering.

You know what? In some ways we're talking about the exact same thing here. We have individuals, we have first responders out there in our community that have done nothing but stand up for you and me and for our families. If they need our support then we deserve to give them our support.

What I would like to recommendations, is, no, we don't put this bill off to the side until the spring because people are suffering. I say that we vote unanimously to support this bill. There can be lots of done if it's needed over the winter months. If we feel it needs to be strengthened or amended it can come back in the spring and we can do that work then.

But, while we have individuals out there, and we've all said, basically, our unsung heroes that need our support then they deserve this bill and they deserve this bill to go through this evening so that they can have the help that they require.

Thank you, Chair.

Chair: Would you like to respond at the table?

I have five people on the list. Are we ready for the question?

Ms. Casey: (Indistinct) intervention.

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

Mr. Gallant: Thank you. Mr. Chair.

I just, you know, as the Minister of Workforce and Advanced Learning and as an MLA, when I read to be an hon. member of this Legislative Assembly, just like everyone in this room, was to do the best we can for our constituents and for Islanders.

I respect the comments that are coming from hon. members, but I have to say again: we have to get this right. When I look at the people in the gallery, I understand your concern. I understand the hon. member's concern, but we need to get this right.

My department is telling me that they have concerns with this. We need to get it right. With that, I would like to state that we leave it on the order paper until the spring and we do our work and bring a bill forward in the spring.

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: You can't say you have walked in our shoes. I cannot accept you sitting there saying that you understand because until you've walked in their shoes or somebody else's shoes, then, you can't honestly say it, hon. member.

Thank you.

Chair: Thank you, hon. members.

We have hon. Member from West Royalty-Springvale, the Premier, the hon. Member from Kensington-Malpeque, the hon. Minister of Transportation, Infrastructure and Energy, the hon. Member from Souris-Elmira, and the hon. Minister of Education, Early Learning and Culture on this list.

I'm going to start with the hon. Member from West Royalty-Springvale.

Mr. Dumville: Thank you, Chair.

I can say that I have walked in your shoes. I was a member of the RCMP for 13 years. I've gone to many bad accidents. I've also knocked on the door of the families of the victims. It's not very pleasant.

I hear your comments, hon. member, and I know you have been subject to this, too. I understand it. When I put the uniform on I was very fortunate. I don't know why, but when I put the uniform on it seemed to protect me from all the horrible sights that I seen.

Later on in life, a group of us left here on a motorcycle thing and we left here in Charlottetown and we drove out towards Mount Stewart. A beautiful sunny afternoon and one of our motorcyclists straight across the road and pushed a Ram truck right back to the fire wall.

It was really a bad scene. I don't understand it, but, I never realized, but I was suffering

from shock. I found that later on because after we left the scene I drove too – faster than I thought I was driving because I had an electronic speedometer that was out and we went and decompressed but, we were driving around on our motorcycles. We all went in different ways, but we were kind of – we were in a cloud. We were driving around. The RCMP set up a meeting for us to decompress and I said: Oh, I don't need that.

I couldn't believe it. It was three or four days later. It was on a Thursday. I remember. We had a group discussion and I was actually shocked at the emotion and feelings that come out of me at that time.

I also have a son-in-law that didn't quite – he's serving in the RCMP at the present time. He didn't quite understand it. It's an (Indistinct) problem. It's a very serious one. Until it happened to him, so he has a better understanding of it now.

I hope we get this right. I'm particularly confused here tonight. Like, I usually like to follow on what our departments are recommending. It was said here: Well, if this bill doesn't pass tonight, it's coming back as a government bill. But hon. member, it's your bill. I don't think has to come back as a government bill. You can still be seriously involved in this, but I would like to see it get the proper attention that the minister is saying, from the departments. I don't know why we have to rush it through tonight, or whether it could come before next spring. I'm not certain, you know?

Anyway, I want to commend you for what you do because I know what you do. I was just one of the lucky ones. I know a lot – sometimes you're not so lucky. It depends a lot on your emotions, personality and the situation. I just happened to be a lucky one. I know others haven't.

Thank you very much, Chair.

Chair: The hon. Premier.

Premier MacLauchlan: Thank you, Chair.

First, let me add my voice to what others have said about the group that's here in the gallery and the work that first responders do in all capacities in our province and in all

communities in our province. We totally respect and appreciate that.

In fact, we were at Government House recently with a number of the folks in the gallery who were receiving long service awards and that was a meaningful event.

To you, hon. Member from Borden-Kinkora, recognize your commitment to this. You and I have discussed what you've spoken about here on the floor this evening. It's an example why we do take this to heart. I think everyone, most people, at least, take more to heart today the whole question of trauma, than has been the case historically, indeed.

Jason, you and I met, very soon, probably before I became Premier, it was the Minister of Workforce and Advanced Learning who introduced us and we had a meeting in Miscouche and we had subsequent meetings during the time while I served as the Minister of Justice and Public Safety, that, for a while, included Workers Compensation. We worked together and you worked and we worked with the Workers Compensation Board to develop the policy that's now in place.

Really, I think it's useful – I'll recall what a breakthrough that was because up until that point there was a – well, you might say a policy, but in any event, the approach, was that it was either a single traumatic event that would constitute an injury in a very conventional sense, or it wasn't recognized if it something that built up over time in the nature of the work.

That's really at the heart of this presumption. The presumption that people who work in certain areas do put their – put themselves on the line every day and that things do, kind of, build up over time. That was the point that the Leader of the Third Party made about whether this is first responders who have that presumption or all workers.

The point being that all workers are covered for psychological injury. It's just whether it's understood to be traumatic and an injury. We now have in place the policy under which currently 70% – it used to be 90% were rejected. Now, 70% of psychological conditions that are presented to the WCB

receive compensation. To those who have said let's get this done now because it's important to do, I think, Jason, you made the core point, which is that policy is harder to change.

That's really why this is here. There is a policy, but it would mean more in a, kind of a – I'll say, in terms of the significance and it would more permanent.

The other side of it is that legislation is harder to change. That is to say, and we all understand it, because we're here in the House, and we take all of that to heart, that if we're doing this then we need to do it in a way that we adopt it with confidence that it's doing what we set out to do.

We first say this on Friday when it was tabled. Then, there have been points about who talked to whom. So that's Friday. This is kind of the second working day since Friday. Then, we're here with something that is very meaningful. It's very important. It has significant consequences. We certainly don't want it have unintended consequences.

I consulted with my department, the Department of Justice and Public Safety. They have raised some concerns. I can read from a note. It says: Although it certainly appears that the bill has been drafted with the best of intentions – and these are intentions that we support – it has the potential to result in creating more harm than good.

Now, that's what you get in if you got like a Monday and Tuesday to reflect on it. It says: The bill is intended to allow for consideration of persons experiencing PTSD determining entitlement to compensation. Although, it does not expressly exclude any other psychological or psychiatric conditions because there are, certainly, psychological conditions beyond PTSD, it may do so by inference and that could be unintended consequences.

I'm not saying that's of the final view on that, but it's a question that's left. The question of whether this should extend or whether it's timely to extend to all workers as opposed to those who have a presumption that goes with the nature of the work that they do, and that's the group that's here in

the gallery and we entirely recognize that, I think is a question that requires some consideration or reflection or some time on it.

The question of whether what role a physician can play is one that warrants – more time than frankly, I think we've had to this point. There's one suggestion in the note that was provided by my department and they just, you know, had today.

It says: In light of the policy, which is already in place the overriding concern with this bill is that it is may be far more limiting than the policy, which means that fewer people would be entitled.

I'm not warranting that that's the case, but if it might be, is it that we, you know, put this through tonight or that we take the time and kind of to reflect with the benefit with the input from people, including the people that were here, to be sure that when we – when it does go through that it goes through in a way that we are confident we achieved what we set out to do.

It's with that, kind of, perspective and with total respect, Chair and mover of this bill and certainly to you, Jason, and the people who are here, that I would suggest that this would benefit from some greater exchange and consultation to be sure that we're going what we set out to do.

To be clear, it was, during the time I served as Minister of Justice and Public Safety that we move to have the policy that, in effect, has the presumption, so now the question is: If we're going to put that presumption into law, into legislation, how we do it to do it fully and correctly?

I'll make one final point. It's not an argument, it's just a – I think we're all going at this in a way that's fair and considered and I appreciate that and I hope those in the gallery do. The difference between the bill that we dealt with this afternoon and what we have here as – the bill this afternoon came out of a year-long extensive consultation process and a jurisdictional scan and its implications were very clear. It was down to a few words. In this case, I believe, we would all benefit – and noting that the policy is in place – from taking the time and engaging the people who can help

to get this right, to intend and to commit to put this presumption in legislation, but to do it after we've had that further time to reflect, and consult, and engage.

Anyone like to respond here at the table?

The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Premier.

I understand some of your thoughts your saying, but I have to think of what the Leader of the Opposition said: It's better to have protection now to help people, which can be amended – we amend legislation all the time, as things change – so it's better to have something in place now to put the protection out there than to postpone it down the road. This is something that's been worked on now for three years and as far as it ever got was a policy. We have concerns raised by our professionals that maybe, Jason, you can add on to, but we need protection.

Chair: Mr. Premier?

Premier MacLauchlan: The only comment I would make is that people are being served by that policy. People are being compensated. It was an achievement. It was a significant breakthrough to go from telling people: If it wasn't traumatic, then we don't respond to saying that, in effect, decisions of the WCB will take account of the service, and exposure, and really the working conditions over time of first responders. And that is currently in place.

Chair: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Chair.

I've got three quick points here, so one: Minister and Premier, you said you haven't had enough time, well you've been elected in this House since I've got here – for two and a half years – you could have brought something yourselves. Two and a half years have gone by and Mr. Woodbury has presented this, he's been an advocate for it, so just by getting this on Friday, it's been something that's been discussed over the last couple of years.

Two: The last I checked, workers compensation doesn't make the rules, we make the rules as legislators.

An Hon. Member: That's true.

Mr. MacKay: Something to take in mind.

Three: Mr. Woodbury made a good point. How many suicides, Mr. Woodbury, did you say in the last year in Canada?

An Hon. Member: 54?

Jason Woodbury President: That's 52.

Mr. MacKay: 52.

Chair: The hon. Member from Kensington-Malpeque.

Mr. MacKay: One too many.

So when you say: It's too rushed. Not enough time. Well what about them 52 people that committed suicide? Time wasn't on their side. We've got a chance here to save time and do something about it this evening. Take that into consideration.

Chair: Any response?

Jason Woodbury President: Yeah. Like the honourable here said, we've been working on this as a group – Local 3324 – for five years and we've met, as you've mentioned, several times – met with the third party and also the opposition party and you're right, 52 deaths are too many. And it's important that we make sure that we include all workers, we don't want to leave out workers because workers were left out when other provinces started to put legislation in forward and they amended it to include our correction workers that are here tonight, and include our nurses that are working in the emergency departments.

So, this is why we wanted to make sure – and it's CUPE's on a national standpoint that the legislation does come forward to the province, it includes all workers. Four years? This is not a surprise that this bill was going to come forward. I don't see it as a surprise. You can see all the meetings that we've met and all the meetings that took place with all the other members here. I think it is time that legislation comes

forward. We're not the new province to do it. We've seen it in the other provinces and it's time that this province enacts this legislation.

Thank you.

Chair: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Chair.

Chair, these people in the gallery, they say: Never talk about me until I walked a mile in your shoes. Well I walked 36 miles in your shoes. I've been on the department and a first responder for 36 years – 15 of that as fire chief, 10 of that as a deputy fire chief, and five of that as an officer. When I talk about the people in the gallery, I'm saying 'we' because I'm one of you. I'm one of you. And there's not too much we don't see in 36 years, let me tell you.

We live in the districts that we serve – it's family, it's friends, it's fathers, it's grandfathers, it's grandmothers – entire family. I was the first one on the scene when my father died with a heart attack – I was the first one on the scene. I seen my best friend, family friend, go over a bank – a 75 foot bank in a tractor. If we see it – and we're first responders, volunteers.

I heard an RCMP speaking the other night. I got up and spoke before him and I asked a federal member there, too. I said: Give these RCMP some help. We need more members on the scenes because – and when this RCMP officer got up behind me and spoke, he said: No. Don't give to the RCMP. He said: Give it to these volunteers. These volunteers need the help. That's who needs the help. Because if he gets a call, one member in Kings District, one RCMP member – the first thing he does is dispatches fire and Island EMS – that's the first call he makes and we're there ahead of him. We're there to deal with the scene. And what he called himself when he got on the scene, he's a janitor. That's what he said. We do the big job; he comes and cleans up after us. He does the paperwork, is what he does. We deal with the real scene and that's what we deal with. And I know exactly what you are going through and there's no way, no way we should be playing with this bill. No way we should be. Time has gone by too

often. I see it just as well as these members in here see it. There's too many suicides in our district – I'm seeing it. I'm seeing my friends. I'm seeing it every day. Every year we – and when I end up at the wake house, we've got to do something about it. We've got to do something about it. I'm sorry. I'm sorry. We have to do something and we have to act fast. We have to act fast. It's happening too often. And we're seeing it. We're the first ones on that scene and we're the volunteers on that scene.

I heard it here spoke tonight, one of our members, he was one of the lucky ones. No, he's not lucky yet. PTSD can affect you 10 years down the road, 12 years down the road, a year down the road. It's just not now. It can affect you down the road. I was on a lot of scenes in 36 years and I seen a lot of stuff in 36 years and let me tell you, I can bring every one of them back to you here tonight. Every one of them back here to you tonight. Let me tell you. There's probably nights I don't sleep because of some of my scenes. There's some nights I don't sleep because I'm scared the pager is going to go off. So I know exactly what they're going through. And I know exactly – I'm a suicidal survivor. I am. And I know exactly how people feel when they take their own lives. I hear it different times, and times, and times again: How does a person do that? Well I know. I'm a survivor. I know how a person does it. And it's happened way too far often on PEI and there's no way we should be avoiding this bill. Enough is enough. Let's get it started here tonight.

Thank you, Chair.

Some Hon. Members: Hear, hear!

Mr. Trivers: The hon. Member from Borden-Kinkora, did you want to respond to that?

Mr. Fox: Yes. The hon. Member said something a minute ago and it triggered my mind. One night I remember getting a phone call and it was from a guy wondering if I could come right down to his house. I said: Yes. No problem. I'll go. He was a tow truck driver. There's a guy that – he was really having a hard time dealing with having to clean up the mess of what took place at an accident. So I went down there and I spent time with him.

If this bill that does not go though, it's people like that that we're neglecting and we're forgetting. It's not only our firefighters and our police officers – our tow truck drivers, our department of highway guys that are on the road at an accident scene.

I remember an accident in Bedeque when a member – we spoke about a member, Mr. Dawson, that passed away at that accident. I remember talking to one of the highway workers shortly thereafter, Mr. Premier, who was having a real hard time knowing what took place up the road and having to be there to clean up the mess.

We need to protect our workers now. Bureaucrats don't make the laws. We make the laws and the bureaucrats implement what the House wants to go forward. It's as simple as that. If the bureaucrats got concerns, then it's up to the bureaucrats to make sure that the laws that we bring in to protect our workers and our people, that they bring it forward or they make sure it's enacted.

Chair: Thank you, Member.

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

Mr. J. Brown: Sure.

I think there may be an intervention before I get there. (Indistinct) Premier wants (Indistinct)

Chair: Oh, sorry, Mr. Premier.

Yes, go ahead.

Premier MacLauchlan: Thank you, Mr. Chair.

Everyone on all sides here is taking to heart what's being said, including about the timeliness of what's being called for. In the spirit of bringing this forward in a way that reflects the presence in the gallery of the folks who are here in attendance

You're correct, Jason. This has been brought to our attention over a period of three to four years. We're still dealing with words on paper and in a law that – we're just trying to make sure we're doing the right thing.

In any event, Mr. Chair, I am prepared to move an amendment, seconded by the hon. Minister of Workforce and Advanced Learning, that would add a commencement clause to the bill, as in part 2, and we have copies.

Chair: Oh, great. Thank you, Mr. Premier.

Premier MacLauchlan: It would add a commencement clause, and this is not unusual in legislation, and it would read that, commencement:

This act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.

I move that, seconded by the hon. Minister of Workforce and Advanced Learning.

Some Hon. Members: Hear, hear!

Chair: Thank you, Premier.

What I'd like to do is ask if anyone wants to speak to the amendment.

An Hon. Member: (Indistinct)

Chair: I'm starting a new list. The question? We call for a question?

Some Hon. Members: Question.

Chair: All right, so hon. Minister of Family and Human Services did you want to speak to the amendment?

Ms. Mundy: I just wanted to share a story, but that's okay. Let's just get to the vote.

Chair: Let's vote on the amendment and we'll come back and – you're on the list. I have the hon. Minister of Education, Early Learning and Culture, the hon. Leader of the Third Party, the hon. Minister of Agriculture and Fisheries, and then hon. Minister of Family and Human Services.

Hon. Leader of the Third Party, did you wish to speak to the amendment?

Dr. Bevan-Baker: (Indistinct)

Chair: Okay, go ahead. You have the floor.

Dr. Bevan-Baker: Thank you.

As the Premier said, it's impossible not to be moved by some of the things that we've heard here tonight, particularly surrounded by the people who are here with us.

I am uncomfortable with the call – no matter what side of the House it comes from – I'm uncomfortable with the call to expedite passage of any legislation at the expense of due process.

I think in this House we have to be considered, we have to be measured. We must never do things hastily, and we certainly mustn't do things imprudently. I very much appreciate the amendment that the Premier's brought forward, and also his words earlier, which basically said: if we don't pass this bill today, people are covered today. People will be covered tomorrow whether or not we pass this legislation.

This adds a more subtle layer of a presumption that the PTSD is related to your job. As I said earlier, I see absolute value in that. I absolutely do, and I want to see that enshrined in legislation, but we mustn't do that at the expense of due process.

Thank you.

Chair: Thank you.

Now, would we like to have a question on the motion? All in favour of the amendment say 'aye'?

Some Hon. Members: Aye.

Chair: All against say 'nay'.

The amendment is carried.

Mr. Myers: Carry the bill.

Chair: We have a call to carry the bill. Do we have a call for the question? I do have people on my list. I have the minister of education. Do you still wish to speak?

Mr. J. Brown: Sure. I'll make a few brief comments, and I'll try and keep these as brief as possible.

In my career, I have come across a few situations, in particular in relation to psychological disorders, that I do have some concern with in relation to the physician and

psychiatrist and psychologist piece of it. I think they are important.

Just if we go through the little piece of the story in the context, there was one decision, and anybody's free to go look it up if they wish to, where we had a lady who had gone through the Workers Compensation appeal process twice because she had new evidence come up partway through the process to try and bolster her claim.

She had had a doctor that arrived at the diagnosis that she had originally, a GP, and then when she got through the process the board had a doctor that looked at it that was more qualified than the GP that she had had, and they used that to controvert the claim that she was making or overcome the presumption that she had that illness.

So it went all the way back through and all the way back through again. The process took three or four years by the time it got there, and when we wrote our decision we tried our best to say she had a doctor that sided in her favour and there's a policy about the presumption being in favour of the worker. We tried to use that. That's how we rendered our decision.

Ultimately, the board appealed that decision to the court of appeal, and at the court of appeal they had indicated that the physician for, in that case the appellant, takes on the role of an advocate and we should not have taken the evidence of the physician at the same level as the evidence of the board doctor, and they denied the appellant's claim in the end on the basis of those two doctors having given it.

All to say, I think you need to be careful with those kinds of distinctions and thinking that you're getting further ahead by having a lower level threshold to kind of get in there.

Conversely, I'll tell another story in my career – and I should say, too, over the course of my career I've dealt with a number of different accident cases and they are horrific. I don't know how first responders deal with them and go on day-to-day. I had one where a young fellow ultimately was thrown out of a car and the car came to rest on his head, another with a young lady that was thrown out of a car down an embankment and went a significant distance.

She had her whole life in front of her and now is alive but not much more.

I just see pictures of that and I can only imagine. I've seen some of it. I definitely have not walked in your shoes and I appreciate that; but again, to state the importance of it, I had another fellow that was in a bad truck accident. His evidence was that he was seeing the Headless Horseman coming for him after he was sitting there in his hospital bed.

We had a psychologist ultimately diagnose him with PTSD, something that was controverted for a long time, and his claim was able to go through in a much more significant way as a result of that, whereas before, there was huge evidence against him because he had only had a doctor look at him.

I think that's a very important point, I think it's something we can't underestimate, and I think it's something that needs to be looked at, so (Indistinct) –

Chair: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: I'll just make this quick.

I want to say to the first responders, too, how blessed we are to have you. Our family went through a terrific experience with our son in a car accident. He was cut out of the car with the jaws of life. I didn't walk in your shoes, but we were pretty well right there with him through the hospital stay, three weeks and a month in the hospital with head injuries.

We were blessed. He came out of that not too bad, went on to South Korea and actually contracted bacterial meningitis and we almost lost him a second time. So I know a little bit, but I still haven't walked in your shoes.

The only comment I really want to make is: I think it's so important. Here's the issue. I tried to put through a private member's bill when I was in government, but not in Cabinet, is that I didn't have the expertise of the departments, legislative counsel, the way we do as government side. Maybe we need to fix that sort of thing because when government puts through legislation it goes

through the department, comes to legislative counsel, back and forth working on that, then it comes to the priorities committee to look at it again, to review it again. If we sense something different, it goes back again.

There are different levels so that we get to the floor; we don't have a serious concern by legislative counsel, or a serious concern by the department. They're dealt with before that and things go through.

Anyway, maybe we need to do a better job of working with private member's bills and that sort of thing to make sure we don't get in this little bottleneck. But very important legislation; I'd like to see it go through. I'd like to see it go through in a proper fashion. That's all I wanted to say.

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

Ms. Mundy: Thank you, Chair.

I'll be very brief because I don't feel tonight is – should be about any one of us, this side of the rail. It's all about you that are sitting on that side of the rail.

My father was in the military. We've talked about all of you and how you protect us and the suffering that you go through when you do suffer from PTSD, but as a daughter of a military man who also suffers PTSD: When you hurt, your family hurts. Take care of yourselves. Take care of your family. They need you there.

Again, I just wanted to say I think this is a good bill. I'm hopeful we'll be able to get to a spot where we can all agree and it'll be about them and not about this side of the room or this side of the room. It'll be what's best for the workers.

Thank you.

Chair: The hon. Member from Charlottetown-Victoria Park.

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

I'll be quick, too. For those people who don't think the Legislative Assembly of Prince Edward Island doesn't work, we are

proving here tonight that it does work (Indistinct)

Some Hon. Members: Hear, hear!

Mr. R. Brown: I want to thank the promoter of the bill. He did some good work. I want to thank the representative you have on the floor. You did some good work. I want to thank the volunteers out there.

I was explaining, last week, I was coming down the by-pass. There was a major accident. I saw every first responder at work. I mean, all services; the fire department, the ambulance service, the police and that. You know, that's what it's all about. Protecting – you're out there protecting the lives of people that are in danger and accidents and things like that. We owe it to you, as a society, to protect you when you need us; when you need society to back you up.

Thank you very much for the – Mr. Chairman, you did a great job.

Some Hon. Members: Hear, hear!

Chair: If everyone is agreeable, I would like to call for the question.

Ms. Biggar: Question.

Chair: Go ahead and table those documents. Yes. Go for it.

I'll those in favour of the bill as amended, please say 'aye.'

Some Hon. Members: Aye.

Chair: All of those against the bill as amended, say 'nay.'

The bill has passed unanimously (Indistinct)

Some Hon. Members: Hear, hear!

Mr. Fox: I move the title. *An Act to Amend the Workers Compensation Act.*

Chair: Bill No. 102, *An Act to Amend the Workers Compensation Act.*

Shall it carry? Carried.

Mr. Fox: I move the enacting clause.

Chair: Be it enacted by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows.

Shall it carry? Carried.

Mr. Fox: Mr. Chair, I move the Speaker take the chair and the Chair report the bill agreed to with amendment.

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intituled *An Act to Amend the Workers Compensation Act*, I beg leave to report that the committee has gone through the said bill and has agreed to same with amendment. I move that the report of committee be adopted.

Speaker: Shall it carry? Carried.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: I call motion No. 15 for debate.

Speaker: Shall it carry? Carried.

Clerk: Motion No. 15, the hon. Leader of the Third Party, moves seconded by the hon. Member from Tignish-Palmer Road, the following motion:

WHEREAS performance reporting refers to a system of planning and reporting oriented toward achieving outcomes;

AND WHEREAS performance reporting is recognized as an important element of sound financial management, public accountability and transparency, effective planning, open government, and good governance;

AND WHEREAS governments around the world have adopted performance reporting practices;

AND WHEREAS the government of Prince Edward Island does not currently have a government-wide performance reporting framework;

THEREFORE BE IT RESOLVED that the Legislative Assembly direct the Standing Committee on Communities, Land and

Environment to explore the potential benefits of performance reporting;

THEREFORE BE IT FURTHER RESOLVED that the Standing Committee examine in particular the possibility of including performance reporting in the provincial budget process and the presentation of estimates in the Legislative Assembly.

Speaker: Thank you, Clerk.

I will now call on the mover of the motion, the hon. Leader of the Third Party to speak to the motion.

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

Before I start, I want to thank everybody in the gallery for being here tonight and witnessing what was a remarkable evening.

Thank you, Mr. Speaker, for this. This motion, that I have brought forward, motion 15, is about governance on Prince Edward Island.

Governance; however, is a complex and a multi-faceted word. I'm going to begin by explaining how I plan on using it my talk tonight.

In a paper published earlier this year, Susan Rose-Ackerman of Yale University notes that the term 'governance' is indeed vague, but there are two, sort of, overarching features to which it refers.

It refers firstly to effective public policy and secondly to public legitimacy. These may encapsulate issues of accountability, of collaborative decision-making the effectiveness of the civil service, corruption problems and many other dimensions relating to the functions of government.

In the motion that was just read, I make particular mention of financial management; accountability and transparency, planning and open government. These are all issues of governance that we have heard and debated many times in this Legislature. In this motion I'm proposing a tool that could potentially improve these and various other aspects of how this province is governed.

The Manitoba Treasury Board defines performance monitoring, excuse me, performance reporting as, and I quote, "...an integrated system of planning and reporting that is oriented toward achieving outcomes."

This definition makes clear that performance reporting involves more than simply publishing statistics. It's about a system of evidence-based and accounting planning. The other key aspect is about shifting processes of planning and decision-making towards outcomes rather than the typical focus, which is on inputs; the amount of money that we spend on something.

These shifts are designed to improve government's ability to do a number of things; to set clear and strategic goals and priorities, to communicate those goals and priorities, to monitor and improve the achievement of these goals and priorities, to effectively manage financial resources and finally, to provide information to the public and to legislators about the work of government.

Why am I proposing this motion and this idea for Prince Edward Island? Well, simply it is because when we have good governance we have good outcomes. I believe that performance reporting would help achieve those better outcomes for Islanders. A goal that I know is shared by all members of this House.

Prince Edward Island does not currently have a consistent or government-wide system for determining to what extent government actions achieve their intended effects. That's really important. I'm going to read that sentence again, because that's the crux of this: PEI does not currently have a consistent or government-wide system for determining to what extent government actions achieve their intended effects. We don't know whether we're doing the right things.

Too often the intended effect or the outcome is not even clear. This makes it difficult to determine, whether public money is being spent effectively, which really is the crux of everything that we do here, the spending of public money.

Higher spending in one area, of course, does not necessarily translate into better

outcomes; and while there is no government-wide performance reporting system, there are some isolated examples of it within some programs or strategies.

One of the guiding principles, for example, of the new mental health and addictions strategy is that, and I quote from the strategy: Changes, improvements and service delivery will be grounded in the best available knowledge and practices – and this is the good bit – informed by ongoing monitoring and evaluation.

So they're saying there that they're going to use best practices, evidence-based practices, and they're going to monitor that as they go forward to make sure that we are achieving the results that we intend.

The document goes on to clearly identify priorities and anticipated outcomes, forming the basis for a collection of indicators that will allow us to measure government's performance as it implements a strategy. This is a great example of what governance performance reporting looks like within an isolated program or section of government.

There are other isolated examples. The hon. Minister of Agriculture and Fisheries will be aware of the Growing Forward 2 program in agriculture in which the federal department requires that the province follow its performance management system, and no doubt there are many others that I am unaware of and that other members may share with us this evening.

So what I would like to see, Mr. Speaker, is this same process that we see in the mental health and addictions strategy, in the Growing Forward 2 program; I would like to see that same process applied not only to each area within government, but also to government itself more broadly, and at the higher levels, even potentially in this Legislature.

There are great examples of this. One of my favourites is in the country of Wales, close to where I was born. They have the *Well-being of Future Generations Act* in Wales which uses extensive public participation. That's not just consultation, but that's public participation where they set holistic priorities across all levels of government for the sustainable development of their country

and a set of national indicators to measure and report the progress in achieving those priorities. Closer to home, more locally, the town of Stratford has an integrated performance management system which is directly connected to the sustainability plan and budget of that town.

Good governance, sound and transparent management and public involvement are in the public interest. It is important that government lead by example and promote a culture of ethical behaviour that prioritizes the public interest. We're always making efforts in this House to improve, and government can point to draft legislation on whistleblower protections and lobbyist registration as steps in the right direction, but continued emergence of scandals like PNP and e-gaming show that the public interest has not always been paramount in the minds of the decision-makers in this House.

Performance reporting will not solve all of our problems, but it could help to prevent some of the governance problems that we seem to regularly encounter on Prince Edward Island. Performance reporting by focusing on the public interest and sustainable outcomes could help us make better decisions for the people we represent, the people of Prince Edward Island.

We still have much work to do, and I hope that the discussion on this motion can continue, and that it will serve to improve the quality of governance in our province.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: Thank you, hon. Leader of the Third Party.

The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

I appreciate the opportunity to speak on this motion, and to begin by recognizing the fundamental importance of accountability and of performance across government in all of our aspects, including here in this Legislature, and in many of the opportunities that we have to work

collaboratively among departments; together with agencies, with people who are in community organizations, and among the parties here in this House.

It is always a task of governments and of legislators to promote accountability. To seek to advance accountability, and to give an account in terms that are meaningful to the people who benefit from the work that we do.

It may not be apparent to us every day in Question Period, but there are many places where you have got legislatures or you have deliberative bodies in this world who find Question Period to be remarkably open compared to what they're used to. You don't have to go further than to the congress other United States for a contrast with the benefits that we enjoy in our parliamentary system; in our committees. And our committees, some of which are delivering reports even during last weekend and further into this sitting.

There's a lot of good work being done. Work being done by members who spend a lot of time coming together, inviting witnesses, working on issues, giving an account to the public.

The Auditor General, an officer of this Legislature, who has a very important role to play in our system. Indeed, who does value-for-money audits, who can do specific audits, who does annual reports to this Legislature where she takes on assignments on her own accord where she, in fact, drills down; has a talented staff. Indeed, a staff that's well resourced and remarkably talented and young. They've got a great team there. They work hard and they bring forward material and reports to this House. In turn, have an opportunity for further consideration in dealing with committees of the House, notably Public Accounts.

One thing that we have done since this – since we've been together in this Legislature is move for the Auditor General's report on the financial accounts, popularly known as the blue books, to come in by the end of October. That was a step toward greater performance accounting; greater response, greater transparency to the public in a timely way for the benefit, including for the benefit of people in this Legislature.

Let me make the link between those blue books and the estimates that we consider here in – on the floor of this House in some detail. If you go to the Parliament of Canada, the House of Commons, the estimates never get to the floor. It's very interesting to see the amount of time and detail and consideration and, indeed, there is no time limit on what we do with the estimates when they come here.

Those are followed by quarterly reports by the blue books, by public interest in the fiscal affairs of the province. That's not to say, that this is solely a fiscal matter. We appreciate what's being said about performance.

We believe, that that question of performance is one that is constantly tested; constantly evaluated; constantly sought to be improved upon. I don't need to look further than the work that we did this afternoon about child protection. There was an extensive report. A very inclusive committee. A great deal of effort in public engagement. Studies of other jurisdictions. Work done to research into questions and ultimately to bring forward a report with a significant number of recommendations, one of which we acted on this afternoon. I would contend that that is an example, a concrete example of performance reporting, ultimately, in changing the law to give a better service or to give a more effective outcome for young people in need of protection in our province.

I would point to the mandate letters, the ministerial mandate letters that have been published for the first time since this government was formed following the election of 2015. Those were followed up the week before last by a further set of mandate letters that include a reflection on the progress that has been made or the points that have been attended to in the first mandate letter, and further points made as we go forward.

The Speech From the Throne itself, is an opportunity for our Legislature, for Her Majesty's government to set out a plan. A plan that we then, and we have heard it in the course of this session, we're held to account on it. People will say: How far have you gotten on this, or what are you going to do about that? You mentioned this in the

throne speech before last and so on. It's to recall, of course, that throne speeches relate to an entire legislative mandate, not necessarily simply to the work – to the week after next.

One of the things that we must be alert to and there is a lot of evidence of this in government's – many of them in legislative democracies, or in parliamentary democracies, that we overdo it, that we ask too much of our public servants when it comes to the measures or the recording and the reporting the accounting to the point where it's difficult for people to get their jobs done. That's not to be against accountability, but there's always a balance. If people are reporting or reviewing or looking over each other's shoulder that's less time they have to serve the public.

Donald Savoie, who is one of the leading commentators on public administration in Canada. The author of 40 or forty-plus books, wrote in 2013, a book entitled *Whatever Happened to the Music Teacher? How Government decides and Why*. Professor Savoie, who is a good friend of mine, has been concerned about this for some time.

It started out by him (Indistinct) being in a conversation with a friend who said: When I went to school – and this was originally a small country school – there was a music teacher came around and now we've got all these improvements that we've made and ways in which schools are governed and held to account and consolidated and so on, but one way or another there doesn't seem to be as much money for the music teacher relative to the whole operation as there was back in the day where people were walking down the road.

In the course of his book, *Whatever Happened to the Music Teacher?*, professor Savoie has this comment. He said:

“Public servants now produce all manner of reports and navigate various accountability requirements to fabricate a bottom line. The result: Ottawa has an oversupply of officers of Parliament, accountability and oversight processes and performance and evaluation reports. Hundreds of reports are carted every year to Parliament, where they remain

unread unless one of them has information to embarrass the government.”

I’m not saying that as the government, I’m saying that from one of the most productive observers of public administration in our parliamentary democracy in Canada.

I approach this with caution. I approach this with a complete understanding of the value of, and the need for accountability and for performance, absolutely. I think when we get through to what that next step will be or how we perfect on or build on the performance mechanisms that are now in place, it will be very useful for us to take account of the amount of time and effort and talent and active work that is done, currently, to give an account; to perform the job and to be responsible in our relation to this Legislature and to the people who are entitled to the service and the benefit of good public administration. That’s what we’re committed to on this side of the House and I believe that’s what everybody who puts their name forward to be elected to this Legislature believes in and we’ll continue to work toward those goals where we will seek to continually improve how we’re doing that and how effectively we’re doing it.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Ms. Biggar: Thank you, Mr. Speaker.

It gives me great pleasure to rise to speak about this motion and, in particular, some of the words that it talks about is: Public accountability and transparency, effective planning, open government, and good governance.

As minister of a very large department which affects people’s lives whatever we do, I’m quite proud of the work that our department does to be held accountable for the money that is being spent on projects, and within the department. One of the things that we are required to do as a department, in regard to our infrastructure division, is in our partnership with the federal government, all of our projects that we submit to the federal government for our share of our

eligible funding, is audited by the federal government – by that department. So, those are audited reports and submissions. In order for us, as a department, to be eligible for that, we have to be very accountable for the money that’s spent on the projects that we are involved in within the infrastructure division.

But, also as a department, online – you can go to our website and you will find that we have and do submit an annual review of activities of the department and also recently tabled was a more detailed review of the spending in our department, right down to how many tonnes of sand and salt and asphalt and gravel that was ordered and spent because we have to be accountable for the money that we spend. We tender all of these projects that are out there; that’s accountability.

When we tender, we hold, not only ourselves accountable for the money spent, but the money spent in providing that successful contractor with the project and we hold them accountable for work that is being done.

Premier MacLauchlan: (Indistinct)

Ms. Biggar: Absolutely.

And under the review, for instance, it covers key legislation, provincial partnerships, the highway safety program, Access PEI achievements, Highway Maintenance Division, the infrastructure division, the land and environment division, the PEI Energy Corporation, status of women, Public Works and Planning, and highway maintenance. Those are all areas within the Department of Transportation, Infrastructure and Energy, which staff are held accountable for each of their divisions.

Just to highlight some of the key achievements in that regard, specifically to legislation, we amended the *Highway Traffic Act*, and you’ll remember this very well, because we were all thrilled with the introduction of Hannah’s Bill, to provide more inclusive language for those with mobility impairments.

We amended all outdated regulations under the *Highway Traffic Act* as part of the

monitoring standards in regulations, projects with the Standards Council of Canada; we amended the *Highway Traffic Act* by updating the bicycle definition that will allow for the development of bicycle regulations; we strengthened legislation to combat impaired driving by adding enhanced vehicle impoundment rules, increased ignition interlock for second-term offenders and raising the age for zero-tolerance of blood alcohol; we amended the *Off-highway Vehicle Act* to allow the inclusion of scenic, high heritage roads; we implemented a regulatory amendment to allow for online defensive driving courses; we implemented a regulatory amendment to allow demerit points credit for anyone successfully completing a motorcycle safety course; we implemented a policy that restricts motorcycle operators to operate motorcycles of 550 cc or less, unless they are tested on a larger motorcycle; we amended the *Highway Traffic Act* to prohibit the use of engine breaks in any area where the posted speed limit is 60 kilometres per hour or less, and that was raised as a concern from the Member from Rustico-Emerald.

Mr. Speaker, we worked in partnerships with other provinces. We –

Ms. Casey: Call the hour.

Ms. Biggar: Thank you.

Speaker: The hour has been called.

The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Member from Summerside-Wilmot, that this House adjourn until tomorrow, December the 6th, at 2:00 p.m.

Speaker: Shall it carry? Carried.

The Legislature adjourned until Wednesday, December 6th, at 2:00 p.m.