

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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The Legislature met at 2:00 p.m.

Matters of Privilege and Recognition of
Guests

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

It's an honour to rise to welcome everyone here in the Chamber and in the gallery. It's great to have folks here to see the workings of the Assembly. And, of course, those who are viewing from home or on the Internet. Special greetings to those from my district York-Oyster Bed.

This weekend will be the big children's Christmas party at the North Shore Community Centre from 6:00 p.m. to 7:00 p.m. There's a lot that goes into that; a great time for everyone. That's on Sunday evening.

Later this afternoon, I'll be taking part in the swearing in of the newest Justice of the PEI Supreme Court, Justice Terri MacPherson. A long time great public servant, department of justice. In fact, I'm wearing my MacPherson tie to honour the occasion. That will be the third time since the 22nd of November that I've been at a swearing in at the courthouse, the Supreme Court. Last Friday, for Justice James Gormley, and on November 22nd for Chief Justice Tracey Clements. We welcome all of those people to join the Supreme Court. It's a great time and to see the court develop and, of course, to recognize the contributions of those who have gone before them.

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 a pleasure to rise today and welcome everyone that has joined us here in the gallery today; also, those individuals that may be tuning in over the Internet, if they're lucky enough to have Internet, especially in

the rural areas to be able to actually watch the proceedings here. As well as on EastLink.

I'd also like to send out a special thank you to the Mayflower Seniors Club in Stratford-Kinlock for their great hospitality last night. My father and I attended their annual Christmas banquet and it was certainly a great evening of festivities and a beautiful meal put on by Dick Murley, and a wonderful group of volunteers that helped with that.

Also, I'd like to send out a special birthday greeting to Linda Acorn, who is a constituent of mine in District 6. Linda is a tremendous volunteer within her community and I would like to thank her for all of that. I wish that she's able to get out and enjoy this glorious day that we have here on PEI in celebration of her birthday.

Last but not least, I'd also like to recognize the many individuals from District 6 Stratford-Kinlock. As I walked into the building today I started taking stock of how many of my constituents actually work in or around the building, or might be assigned to this building on any given day from the police force here in Charlottetown. I'd just like to say thank you for all that you do and all the best.

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.

As always, it's a pleasure and an honour to rise in this House. I would like to welcome some special guests to the gallery today. I also don't usually do this, but any residents of District 17, who may be watching online or on t.v., today is a special day for South Shore residents as I will be presenting, later on, a petition signed by almost 700 people from my area.

In the House today, I'd like to welcome to the gallery, Joe and Connie McCardle, Brenda and Leo Boudreau and Lisa Gallant, who have all been part of the – they've been

spearheading the process to maintain primary health care services in the South Shore region.

I'd also like to welcome a couple of regulars; Eddie Lund, of course, and somebody who might be pushing for frequent flyer points here, Eddie; Hannah Bell, the MLA elect for District 11, who is with us, again.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Mr. Speaker.

I'd like to say hello to Joe McCardle, good friend of mine and Lisa Gallant. Thanks for attending today; say hello to everybody also too, in District 19.

I want to give a special shout-out to Terri MacPherson and wish her all the best. I worked with Terri over a number of years when she was a Crown prosecutor and I have the utmost respect for this lady. I know she's going to do a terrific job and I solemnly wish her all the best going forward.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Mr. Speaker.

It's an honour to rise on this beautiful, sunny Thursday. I'd like welcome everybody to the gallery and everybody watching home in District 20 Kensington-Malpeque.

I just want to take this opportunity to say how great it is – the good will Islanders provide. I experienced something here over the last couple of days I had a –

An Hon. Member: Flat tire?

Mr. MacKay: – phone call from a couple who asked for a quick meeting. I went and met with them and as soon as I got there,

they handed me \$400 in Sobeys gift cards. They said: We don't want anybody to know where these come from, but we want you to disperse these to people in need that you think could use them. When you think about that, Mr. Speaker, you look at all the great things Islanders do. The benefits, the supports, everybody comes together. We certainly live in a great province.

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 watching from District 18 Rustico-Emerald. There was a great band concert at Gulf Shore Consolidated last night. The music was fantastic, but the community spirit was what really touched my heart, Mr. Speaker.

I wanted to send condolences to the family of Bill Hodgson. He is a well-known metal sculptor across Canada really, and he's been quite involved with the Watermark Theatre in North Rustico and he had spent, indeed, a lot of his career building theatre sets and he's married to Andrea Surich, who's the general manager at the Watermark, so I wish her and the rest of his family condolences in this difficult time.

I wanted to wish all of the students who are preparing for exams the best of luck in their upcoming writing.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. MacDonald: Thank you, Mr. Speaker.

Of course, welcome everyone in the gallery and everyone from District 16. Lucy Smith's 100th birthday is Wednesday, December 6th. She's the mother of Earnest Smith. Earnest actually ran in a political campaign a few years ago. So I wanted to wish her a very happy birthday for 100 years.

Fern Macleod of Albany, my aunt; Marion and Sheldon Howatt, of Crapaud; and Roma and John MacKay, of Crapaud – I wanted to also say hello to them as they watch daily.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

It's always a pleasure to rise and I welcome all those in the gallery, especially those that are home watching on from District 1 Souris-Elmira. I'd like to give a big shout-out – birthday to Warren MacKinnon. Warren MacKinnon turns 80, so give him a big shout-out.

Christmas is fastly approaching and I just want to let everybody know to check their smoke alarms – make sure they have working smoke alarms. Have an evacuation plan. Make sure you have two ways out – two ways out of a home.

Another thing and I say this every year, is don't use candles – real candles. Try not to use real candles because I had some past experience in house fires where they were caused by candles burning. Especially around Christmas when trees are dry and everything's so dry and there seems to be more candles out. Just take a second precaution when using lit candles. Again, make sure you have smoke alarms working.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Statements by Members

Speaker: The hon. Member from Summerside-Wilmot.

College of Piping

Mr. Palmer: Thank you, Mr. Speaker.

I am honoured to be standing in the Legislative Assembly to congratulate the College of Piping bands on an outstanding performance at the World Championship in Glasgow, Scotland this past summer.

The College of Piping's grade 4 category band placed first among nearly 60 other bands from around the world. Bringing home the World Championship title to Summerside has made the community and the rest of the Island very proud. This is the first time that the College of Piping has gained international recognition on the world stage, making this an even more incredible accomplishment.

I would also like to acknowledge and congratulate the College of Piping's grade 2 category band who placed 10th in the world among 28 competing bands. Despite the small size of both bands in comparison to some other bands they competed against, they were able to stand out because of their remarkable talent.

Making a mark on the world stage is a wonderful accomplishment for the PEI College of Piping bands. I thank both of these bands for all of their hard work and practice that led to their success, and for giving Islanders another reason to be proud to call PEI home.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

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

I am pleased to rise in the House today to congratulate everyone involved in bringing back the bells of St. Dunstan's.

Some Hon. Members: Hear, hear!

Bells of St. Dunstan's Basilica

Mr. R. Brown: The St. Dunstan's bells manufactured by the Paccard Bell Foundry in France and first rang on Easter Sunday in 1928.

The bells rang until 1970 when they were removed because of structural issues with the steeple. At the time, it was thought they would never be put back in place. But, Charlottetown historian Catherine Hennessey had other ideas. She spearheaded the movement to bring back the bells. With

the belief and determination she brings to all her projects, Catherine began her work.

A fundraising committee led by businessman Kevin Murphy to raise the money required to put the bells back, and after 40 years of sitting in storage, the 18 bells were sent to the Paccard Foundry in South Carolina to be re-furbished and returned. There was tremendous excitement when the bells were returned last June and people gathered in front of the church to watch them being lifted up to the tower. I must say that one of the best crane operators in Prince Edward Island was putting the bells back in the towers, my son Richard.

On Canada Day, several hundred people gathered on Great George Street to celebrate the ringing of the bells. Everyone involved in this ambitious undertaking deserves our congratulations. The Bells of St. Dunstan's Basilica will enhance the historic character of, not only Charlottetown, but all of Prince Edward Island and will play for the enjoyment of generations to come.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

The hon. Member from Rustico-Emerald.

North Rustico Christmas Lights

Mr. Trivers: Thank you, Mr. Speaker.

I'm dreaming of a white Christmas, and so is the home of Mr. Christmas, James Gallant, in North Rustico. Do you hear what I hear? North Rustico has become famous as the place to see the most beautiful Christmas lights in Prince Edward Island. You might even see *Rudolph the Red Nosed Reindeer* or *Frosty the Snowman* lit up in some yards.

The residents of North Rustico go all out at Christmas, and families, from all over the province travel to the crik to enjoy the beautiful light displays *Up On the Housetop* and to stop by the yellow house for Christmas treats. The entire town turns out for the Annual *O' Christmas Tree* lighting ceremony at Seawalk Park to enjoy free hot chocolate and some great music, which the crik is also famous for.

This Friday night, the third annual Community Christmas gathering will be taking place featuring many great bands, including my group Party Mix, and it will be a lot of fun, but don't expect a *Silent Night*.

North Rustico residents better watch out and better not cry because the annual house decorating competition is now underway with winners to be announced on December 20th.

On December 14th the town will be hosting a Christmas cold plate at the Star of the Sea Seniors facility where the seniors really are stars of wonder stars of light. It starts out at 5:00 p.m. to be followed by the journey to Bethlehem, which is a walking nativity scene that will start in Seawalk Park and finish at Watermark Theatre, most likely accompanied by jingle bells, jingle bells. This will start at approximately 6:30 p.m. and will finish up with music and Christmas carols inside the theatre, but no chestnuts roasting on an open fire.

As you can see there are many events planned during this Christmas season, and I suggest that Islanders check out the town's website and come on down to North Rustico; you'll be home for Christmas, and celebrate with us the many joys of this Christmas season.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

An Hon. Member: Did you take marijuana?

Some Hon. Members: Hear, hear!

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

Mr. R. Brown: (Indistinct) must have been the shine.

Ms. Biggar: Missed opportunity for leader.

Some Hon. Members: Oh!

Speaker: Thank you very much, hon. Member from Rustico-Emerald, for that most enjoyable statement.

Mr. R. Brown: It was good. It was great.

Ms. Biggar: (Indistinct)

Speaker: The hon. Leader of the Third Party.

Mr. R. Brown: Get your trumpet out!

Dr. Bevan-Baker: I know.

Some Hon. Members: [Laughter]

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

That's a hard act to follow. Today, I would like to do two things with my member's statement, neither of them is sung.

Firstly, I would like to recognize the work and the international success of one of our Island's premier filmmakers, John Hopkins, and also to bring attention to the condition of the tuna fishery here in the Gulf of St. Lawrence.

John's documentary film *Bluefin* highlights the many facets of the tuna fishery on Prince Edward Island and beyond. I have enjoyed, on social media, following John as he has rubbed shoulders with celebrities on red carpets from Korea to London to California and beyond, winning numerous international awards along the way.

John's ultimate purpose is not to mingle with movie stars, it is to protect and preserve an extraordinary creature that has thrived in our oceans for millions of years. We have lots of examples of decimation and extinctions of species at our own hands. John has grave concerns that we are on the brink of just such a devastating situation with bluefin tuna.

The department of fisheries and oceans assures us that tuna stocks are recovering, but as John reminds us, this is the same department which oversaw the collapse of the cod fishery, which, over 20 years later, remains shattered.

John's work on other species on which the bluefin tuna are utterly dependent is worrisome; with herring numbers in steep decline and great volatility in the ocean ecosystem surrounding our Island.

Oceans everywhere remain places of profound and rapid change and growing

uncertainty over their future health. With our Island fisheries as a tourist lynchpin, as well as, the critical place that they occupy in PEI's social, economic, and ecological health, perhaps it is time for a major study of our entire gulf ecosystem, our entire gulf marine ecosystem to consider establishing a marine protected area and to ensure that the vitality of all species, and therefore, all fisheries is secured for future generations.

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.

Earlier this year an investigative report by *The Globe and Mail*, titled, *Unfounded*, shed light on the gaps in how sexual assaults are handled by police across Canada.

Following that investigation, police forces here on the Island reviewed their files and forwarded that data onto the province.

Results of reviews of sexual assaults

My first question is to the Premier: Premier, what did those reviews, of how sexual assaults are reported, show?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, following that publication of the work by reporter Robyn Doolittle, as Attorney General, justice minister, we made a request to the police forces on Prince Edward Island to conduct a three-year review, 2014-2016 of their sexual assault files. That was undertaken with a view to getting a greater degree of consistency, in both investigation and reporting, Mr. Speaker.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

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

Upon completion of those reviews the government, the Premier himself, actually, stated that those reviews would be publicly released.

Results of studies publicly shared

Question to the Premier: When will the results of these studies be publicly shared with Islanders?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I'd be happy to pursue that and, indeed, to seek and participate in the sharing of that information. As well as, the learning that has come from that process.

One of the things that we're all learning is that sexual assault is something that we have to, kind of, understand, the trauma, the experience, and that belongs to police forces as well as to others in society who work to support victims. I'm happy to say that as recently as early November, the parties that are involved in that area met together in the province to work to a higher standard.

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'm asking these questions because this is a Premier; this is a government that said they were going to do things differently. They were going to be open and transparent. The Premier made a commitment that this information would be open to the public, but yet, he has failed to do so.

Community advocates and police forces themselves have called for clear, consistent

definitions and reporting for sexual assaults here on PEI.

Definitions and standards for sexual assaults

Question to the Premier: What work has happened to establish more clear definitions and reporting standards for sexual assaults?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, in March of this year, representatives of the Crown, of Victim Services, PEI Rape and Sexual Assault Crisis Centre all took part in a symposium or a working conference in Ottawa about the development of knowledge and knowledge exchange and the criminal justice system's response to sexual assault in the investigation and in the follow-up and that was the further work that was done in early November of this year when the groups on the Island got together. Tomorrow, the chiefs of police are having their semi-annual meeting.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

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

Better public data is one of the steps we need to take to face the challenge of sexual assaults more efficiently.

Reporting of sexual assault statistics

Question to the Premier: Would you commit to publically reporting of sexual assault statistics annually so that Islanders have a better understanding of the scale of the challenge that we face here on the Island as a society?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I'm entirely in agreement with the spirit of the

question that, indeed, better information, better awareness, better and consistent data – because that’s really the only way in which it becomes useful is if all of the parties – and indeed the investigative forces – are using the same standards.

So, I will produce and release – and I have no reason not to – what we’ve learned from that three-year review, as well as the steps that are being taken to improve standards.

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.

Well, what I was asking for is if the Premier would release this information on an annual basis – of the statistics of the number of sexual offenses here on PEI – sexual assaults here on PEI.

The need for stronger reporting standards is only one area of how we deal with sexual assaults that needs overhauling. There are also improvements needed in our medical and justice systems. This is a societal problem that needs a more comprehensive response from everyone.

Approaches from government and public institutions re: sexual assaults

Again, question to the Premier: Do you agree that sexual assaults are a public policy challenge that requires a better approach from government and public institutions?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, on the day after our gathering on December 6th and that important national occasion certainly marked with all-party support and commitment here, of course we should all agree that this is an area where we can all do better and, indeed, it is a multi-party collaboration that is involved to, in the first part, prevent sexual violence, and to pursue it, and to investigate it, and to pursue those

who are the offenders, and, indeed, to be consistent in our standards.

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.

How we respond and prevent sexual assaults is a conversation that needs to be held in this province. Without adequate public supports, the cycle of violence and pain will continue to affect women, children, and men and add even more pressure on our mental health system. I feel that a legislative committee would be a good platform to move that conversation forward.

Committee review of issues around sexual assault

Question again to the Premier: Would you support a call to having a standing committee on health review the issues around sexual assaults here on PEI?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Let me say, Mr. Speaker, I have absolutely no reason to resist or oppose or be concerned about such a review, but that will be an initiative for the committee. On the question that’s being asked about continuing or ongoing release of data, that’s the only basis on which such information is useful, if it’s a comparison and included in those comparisons, a challenge to do better, to do our best, and to work together through all parties to be sure that we’re achieving what we should be achieving, which is the prevention, and reduction, and prosecution of sexual violence.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

Mr. Speaker, I concur with the Leader of the Opposition and I think a letter from the Leader of the Opposition, from the Premier, and the Leader of the Third Party here in the Legislature to that standing committee would certainly send a message to the people that are involved and the people that might come forward to present at that standing committee. So, I fully support the idea and thank the member for that.

Most sexual assault victims need help right away and they turn to our health system. We know the pressures that our mental health system is under.

Frontline supports for victims

Question to the health minister: Do you think that more effective frontline supports for sexual assault victims would help reduce the pressure on our mental health system?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: We have many health care professionals in this province that deal with a myriad of issues when they come to their door and they're all trained to their level of competencies and, in fact, most of our staff are trained in emergency rooms and within our mental health to deal appropriately with any particular sexual assault victims as they deal with their challenges.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

And I'm not sure if I agree with the minister there, that everybody is prepared to deal with that onslaught of help. I know – we've heard that the RCMP is looking into third party reporting as a way for victims to report assaults and one measure being used in other jurisdictions, to better respond to sexual assaults, is what's known as the third option. This allows forensic information collected from sexual assault victims to be safely stored for up to a year. Doing this gives

victims more time to process what's happened to them and decide how to proceed.

Third party reporting

Minister, what changes in the health system would we need to make the third option available to victims of sexual assault in PEI?

Some Hon. Members: Hear, hear!

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

Ms. Biggar: Thank you, Mr. Speaker.

As Minister of Status for Women, actually at our FPT meeting in Ottawa that I attended recently, that was a presentation in regard to the third person reporting option is different than the third option. I think they're a little bit confusing by that word 'third' person reporting. The RCMP did a presentation to all of the ministers at that particular meeting and the RCMP have made a commitment to change their policy in regard to receiving reports of sexual assaults from third party.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

Thank you to the minister for bringing us up to date.

Yes, I know that's the third party reporting system. I'm actually asking about the third option, which would be an initiative of this government. I'm pleased to hear that, potentially, that may be an option. If this third option was available to sexual assault victims in our hospitals, what extra training would be needed for our frontline staff?

Some Hon. Members: Hear, hear!

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

Ms. Biggar: Thank you, Mr. Speaker.

I know that through the sexual assault and rape crisis centre that is certainly a topic of discussion. I know there was an interview on it recently. In working with our inter-ministerial department, the sexual assault, the family violence prevention centre, those are all discussions that go on and are working with police enforcement on that and certainly, within the hospitals that is a protocol that has to be put in place to follow the line of evidence.

So, that's all an integrated system that has to be put in place. It is something that's being discussed, but it requires a coordination to ensure that evidence is secure.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

Services available for sexual assault cases

We've seen numbers out there of over 1,000 sexual assaults occurring in PEI every year. I think the advocate groups would tell you that we're pretty confident that that's probably understated. Because we know that it is being underreported. The minister mentioned a number of services available, but do you think that that's sufficient resources currently exist in our system now to help deal with the over 1,000 potential cases of sexual assault on PEI right now?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Yes, Mr. Speaker.

Once again, in our department we try to deal with the services that people when they present themselves, whether it's around mental health facilities or whether it's our emergency rooms or to our family physicians and in all those cases we work in collaboration with justice and public safety, status of women, and we work towards trying to make sure that we're providing the least intrusion and issues as it pertains to the patient who presents themselves.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

Lack of trauma counselors

Mr. MacEwen: Thank you, Mr. Speaker.

This comes down to priorities for the government and policy decisions. The PEI Rape and Sexual Assault Centre is an important community resource for sexual assault victims. They have four trauma counselors to provide support for victims.

Does the minister think that four trauma counselors is enough to deal with over 1,000 potential sexual assault in PEI every year?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, one of the big initiatives that we've tried to deal with it when it deals with particular issues of sexual orientations or sexual assaults, some of those things, is our women's wellness centre. We are working with our staff that is getting up and running at the moment.

Once again, if any individual presents themselves with issues around sexual assault or other issues pertaining to women's wellness, they certainly can contact our resources there and they will provide the appropriate service in a triage format.

Some Hon. Members: Hear, hear!

Funding for more trauma counselors

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Mr. Speaker, I don't think these people can find the services they need. We can't find it at the ER right now; we can't find it at walk-in clinics. What's needed is more trauma counselor support for sexual assault victims. Victims need fast access to these counseling services.

Minister, we've had programs announced outside of budgets before for emergencies. Will you commit today to funding more trauma counselors for sexual assault victims to your list?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, I would find it hard to believe that any person who presented themselves to an ER that there wouldn't be a triage nurse that would be able to find that information out on how to access the women's wellness centre or any other particular mental health issue –

Mr. MacEwen: Days later. We need it right now.

Mr. Henderson: That's their point of contact, and it's their responsibility to work towards trying to find that service for that particular individual –

Mr. MacEwen: Weeks (Indistinct)

Mr. Henderson: – no matter what issue that those individuals present themselves with, and we will continue to work with women's wellness and the women's wellness program and evolve services as required.

Some Hon. Members: Hear, hear!

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

Review of sexual violence support grants

Ms. Compton: Thank you, Mr. Speaker.

In the spring, the matter of sexual assault supports were brought to the floor of this Legislature. The minister responsible for the status of women announced a \$7,000 grant for review and evaluation of programs for supporting survivors of sexual violence in Prince Edward Island.

Minister: Is this review complete and will you table it in the House today?

Some Hon. Members: Hear, hear!

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

Ms. Biggar: Thank you, Mr. Speaker.

The grant that the hon. member is speaking to was to the sexual and rape crisis centre. I haven't received that report myself. I'll go and check that out, but what I would like to also point out is that through the interministerial secretariat this year we have put out a \$50,000 additional grant to address the prevention of violence against women.

We have to work together as a community, as members of the Legislature, as families, to all address the issue and the attitudes towards violence against women.

Some Hon. Members: Hear, hear!

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

Ms. Compton: Thank you, Mr. Speaker.

The minister of education joined with the members of the official opposition in highlighting the lack of a dedicated 24-hour line for victims of sexual assault.

Will the minister responsible for the status of women tell us what progress has been made since April in making this much needed support a reality?

Some Hon. Members: Hear, hear!

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

Ms. Biggar: Thank you.

Actually, the reason I was looking to another minister is because the funding for that doesn't come out of my particular department, hon. member, but it's something that we have worked in meeting with the sexual and rape crisis sexual assault centre. It is not, and has not been, a 24-7 service that was provided. It is a service that is provided for women who are seeking counseling, but I do know there's a 1-800 number, a crisis call number that's provided through health and wellness that people can call –

Leader of the Opposition: (Indistinct)

Ms. Biggar: – anytime that they are in crisis, and if it has to do with sexual assault,

hon. member, they can be referred further on.

Some Hon. Members: Hear, hear!

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

24-7 line for sexual assault victim support

Ms. Compton: Thank you, Mr. Speaker.

We're well aware that it's not a 24-7 line and that is part of the issue here. People are not getting the help that they need.

To whatever minister would like to answer the question: When will Islanders have a 24-hour line dedicated for victims of sexual assault?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, the line is a 24-hour line. People are there to take calls –

Ms. Compton: Not a sexual assault (Indistinct)

Mr. Henderson: – and basically take that information and try to provide whatever counseling services they can provide.

Some Hon. Members: Hear, hear!

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

Ms. Compton: Thank you, Mr. Speaker.

Well, maybe I did miss-speak on that. It is a 24-hour line but there's no one on the other end and that's the issue here. They're getting an answering machine. People who are devastated and in crisis and have nowhere to turn, so that's the issue.

I remind this government that the rape centre coordinator said this spring: We could all use more resources, but there's plenty of asks out there so I guess it's a matter of government priorities.

Minister: Why is this not a funded priority of your government?

Some Hon. Members: Hear, hear!

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

Ms. Biggar: Thank you, Mr. Speaker.

I want to commend the work that the PEI Rape and Sexual Assault Centre does do on behalf of those that approach them to provide the service. It is a phone system. Yes, it's operated 24-7. If the person calls the line they can – most of the calls that they get there are a follow-up from an emergency incident which require the further services of counseling.

Any victim who is in the immediate aftermath of having a sexual assault should present themselves to the ER. There are nurses on staff that are trained in testing for sexual assault.

Thank you.

Some Hon. Members: Hear, hear!

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

Funding for more trauma counselors (further)

Ms. Compton: Thank you, Mr. Speaker.

Well, this government has made announcement after announcement on the fly during the recent by-election, but the gaps in our sexual assault supports are real and are still not addressed. Government provides the core funding in the PEI Rape and Sexual Assault Centre for \$240,000 a year. Imagine what they could do if it was fully funded and it was operating the way victims expect it to operate,

This budget line has not moved since this Premier was elected. Will the Premier commit to instructing his budget Cabinet to increase the funding level for the PEI Rape and Sexual Assault Centre?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, budget Cabinet tends to work in the opposite sense.

Ministries bring forward their proposals which are then vetted through various phases and that work will start shortly. This is something that – let me go back to the first part of this exchange. There's no question about the commitment or the priority that our government, and I would say that applies to people throughout on all sides of this House and in our community, attached to a proper and effective response to victims of sexual violence.

One of the areas where we are making some headway, and there's more work to be done, is in the whole process of the investigation and the understanding, and the understanding of the neurobiology even, of trauma. We are committed to that and we will provide the resources.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party.

Herring stocks in PEI

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

Earlier today in my member statement I talked about the concerns that many have raised about the health and sustainability of the ocean surrounding our Island. As in all ecosystems, species live interdependently and the health of one is intimately dependent on that of others and of the whole system itself.

Just over a decade ago in 2004, fishers in the Souris area fought hard to protect the herring stock from seiners, yet today fishers are reporting herring stocks are collapsing in Prince Edward Island waters.

A question to the Minister of Agriculture and Fisheries: What does the current data tell us about the health of herring stocks in our region?

Speaker: The hon. Minister of Agriculture and Fisheries.

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

With all the species out there we work with the Department of Fisheries and Oceans, they have the responsibility with setting the quotas on those. We work with the fishermen's association, with the fishers, not only those in house, but those who are on the water that are experts in their field, as well as the people who are working in the department, our staff as such.

We look at the herring stocks. We look at the tuna stocks. We look at the mackerel stocks, which are shrinking, as well. Decisions, based on the science, decide what the quota will be the following year.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Moratorium on breeding tuna

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

I infer from the answer that herring stocks are, indeed, shrinking. Herring is a critical element of the gulf marine ecosystem and it's used extensively for bait in our lobster industry, as well as being an essential food source for whales, dolphins, sharks and, in particular, tuna.

In 2016, the premier's cup was presented to Ross Keus, whose fish, due its lack of body fat, was sold for a mere \$1.25 per lb. Ross actually lost money because of the cost of freight. Now, a prime breeding fish is gone.

Minister: Given the uncertainty of the stock assessments on tuna, will you recommend a moratorium on taking these mature breeding tuna, releasing the big spawners as is done with some other large predatory fish?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Agriculture and Fisheries

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

Again, we work with DFO on these issues. The quality of the fish, the size of the fish does not mean the dollars he's going to get for that. It has a lot to do with the quality of the fish. You can get two fish the same size; are going to get a different price for it based on the grading that happens there.

We work with our fishers. We work with the PEI Fishermen's Association. We work with the department of fisheries and oceans to look at each and every one of these issues. The stocks, for sure, be it mackerel, be it herring, be it tuna, whatever that may be. We are serious about watching that.

You mentioned in your member's statement about the demise of the cod quota, cod fishery, years ago. We do not want anything like that happening again. We will work with all the partners in this fishery to make sure the future is very bright.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Study of ecosystem surrounding PEI

Dr. Bevan-Baker: Thank you.

Indeed, the price is entirely dependent on the quality and it was of such poor quality, that the champion fish, the president's cup fish, lost money for that fisherman because of the cost of flying it to Japan.

According to the United Nations Food and Agriculture Organization: 85% of global fish stocks are either overexploited, depleted, or recovering from depletion.

Question to the minister: Will your department spearhead a call for a full-scale independent study of the marine ecosystem surrounding Prince Edward Island to ensure that our waters remain healthy, and that future generations of Island fishers will have access to the resources on which they depend?

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Thank you very much.

The tuna cup that is presented by the Premier is based on the size of the fish. It has nothing to do with the quality of the fish. The fisherman in the next boat may have caught on that was worth twice as much because of the quality of it. It has to go through that. We work, like I said, with the DFO, with the fishermen's association, whatever, in the different species to make sure the future is bright.

We're looking at marine protected areas that you mentioned in your speech, as well. The federal government has set the goals of 5% for 2017. We look like we're going to reach that; very close. I think we have reached that maybe already. By 2020, we want to be at 10%. We're working on that and advancements on that. We have a marine protected area, right now, off of Basin Head. We're going to get counted, the scallop banks off the eastern end of the province, may fit in for 2020. Things like that are great.

We do work with all the partners to make sure our fisheries do not collapse and they're very strong into the future.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Shortage of physiotherapists in West Prince

Mr. Perry: Thank you, Mr. Speaker.

My question is to the Minister of Health and Wellness. Minister, I am personally aware of people from the West Prince area, who are required to travel and incur added expenses in order to receive physiotherapy. I am also aware that positions in West Prince have been posted for almost a year now.

Minister: What is being done to address the physiotherapy shortage in West Prince and the lack of services?

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Thanks, Mr. Speaker.

As the hon. Member from Tignish-Palmer Road would be aware, that earlier in 2017 we did have a spate of vacancies created, 2.6 full-time equivalent vacancies in physiotherapy at our community hospitals in both O'Leary and in Alberton.

Recruiting and retention put on everything they could to try to find somebody to, and we still have those positions advertised, but we didn't have any success. At that point in time, we decided to do an RFP to see if there were any companies out there that would like to provide those services, to which we also had no success.

Currently, I can say that we are in negotiations with a particular company to provide some of those services.

Some Hon. Members: Hear, hear!

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

Competitive compensation incentives for recruitment

Mr. Perry: Thank you, Mr. Speaker.

Appreciating that the private sector pays better than the public sector, what is government doing to ensure competitive compensation incentives?

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Yes, Mr. Speaker, there are two initiatives that we are working on in that particular issue. One is we have asked that the classification and compensation package be reviewed for physiotherapy in the Province of Prince Edward Island. We're working with our union representatives on that.

The second initiative that I'm quite excited about is that we're developing a three-year return-for-service sponsorship program for physio and we're currently going to be meeting with a lot of the different students in physiotherapy across from the province and other locations. We're hopeful that that will address both of those issues. The union does support both initiatives, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Private sector partnerships for open positions in health care

Mr. Perry: Thank you, Mr. Speaker.

Should the health care system be exploring more private sector partnerships when it runs into situations like this where positions are difficult to recruit so that Islanders continue to receive services in a timely fashion without interruption to care until such a time as positions can be recruited to?

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: That's precisely what we're trying to do. We believe that, in that what we're initiating with physiotherapy, we have already, like I alluded to earlier in my previous question, that we had entered into a contract with a company called You Move Physio in Alberton. They're going to provide services on a short-term basis to fill the gap.

I think it's important that if we're looking at other professions that are hard to recruit, we want to also work with our partners, the health care professionals involved with those partners, unions, et cetera, to see if that option exists for short-term services to provide continuing services to the patient.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Summerside-Wilmot.

Addiction services removed from Prince County Hospital

Mr. Palmer: Thank you, Mr. Speaker.

My question is for the Minister of Health and Wellness. A recent publication in *The Royal Gazette* suggests amendments have been made to the *Mental Health Act* removing addictions services from Prince County Hospital.

The removal of addictions services from Prince County Hospital is not acceptable.

Minister: On what basis do you think you can remove addictions services from Prince County Hospital?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, I can assure the hon. member that there is no removal of addictions services at Prince County Hospital or any change in addictions services anywhere on Prince Edward Island.

I'm not sure if it would take a lawyer to figure out *The Royal Gazette's* notification, but ultimately the notification was that it's regarding that we have, basically, involuntary services here and voluntary services, so we have actually no involuntary services for addictions on Prince Edward Island. There is no change.

Some Hon. Members: Hear, hear!

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

Designation change to Prince County Hospital

Mr. Palmer: Thank you, Mr. Speaker.

Another amendment outlined is a designation change to Prince County Hospital.

Minister: Can you explain why Prince County Hospital's designation is being changed under the *Mental Health Act*?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Yes, Mr. Speaker, actually, in fact, in the Prince County Hospital's situation, once again, I have had a number of calls of this, too. I'm not sure where it's coming from.

The reality of is, we're actually raising the level acuity at Prince County Hospital so that we can also include involuntary services for mental health patients, which mean that

the Prince County Hospital will play a bigger role in the delivery of mental health services in the province. It will prevent those individuals from having to travel to the Hillsborough Hospital, which is our only current involuntary location, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Provincial addictions facility designation change

Mr. Palmer: Thank you, Mr. Speaker.

Minister: Can you also explain why our provincial addictions facility designation is also being changed under the act?

Mr. R. Brown: (Indistinct)

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: It boils back down to the original question, Mr. Speaker. We have no services here that are considered involuntary when it comes to addiction services, and I want to emphasize there a difference between addiction services and mental health psychiatric services. So, basically, a voluntary situation means that we cannot hold any particular patient for more than 36 hours, so should they decide to leave any of our addiction facilities, they can if they so choose. So, we have no involuntary services here in the province. We just wanted to make that clear.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Souris-Elmira.

Federal and provincial student loans

Mr. LaVie: Mr. Speaker, our university students are coming to the end of the first, fall semester and getting ready for the second winter semester. The federal student loans are issued for the fall. PEI student loans are issued at the beginning for the January semester.

My question is to the minister of advanced learning: Are you aware that PEI student loan for the second semester are always less money than the federal loans?

Some Hon. Members: Hear, hear!

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

Mr. Gallant: Thank you, Mr. Speaker.

There was a new program initiated this year called career connects and we saw over a thousand students apply for it. 700 have been approved, a few were declined, and there's about 200 or so in the process. These individuals, if they are entitled to unemployment insurance benefits, it will affect their student loan. When they get a review that is part of their student loans.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Souris-Elmira.

Provincial student loan clawbacks

Mr. LaVie: Thank you, Mr. Speaker.

The minister is correct. They did come in with a program where the students can collect EI while going to university.

To the minister of advanced learning: Why are you now clawing back the PEI student loan because these students are also in your program?

Some Hon. Members: Hear, hear!

Mr. Myers: Oh, good question. That's a good question.

They're supposed to save up their EI and (Indistinct).

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

Mr. Gallant: Thank you, Mr. Speaker.

Just to make it perfectly clear, this is not a clawback by our department or by the provincial government. This is an

entitlement – they are receiving unemployment insurance, so it affects the amount of their student loan.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Myers: Clawback by any other name is a clawback.

Speaker: The hon. Member from Souris-Elmira.

Mr. Myers: Soon.

Mr. LaVie: Thank you, Mr. Speaker.

Island students are now heading in to the January semester – they're getting in ready for January. They're drawing EI. You're clawing back their student loans from the province because of their EI.

Will you correct this?

Some Hon. Members: Hear, hear!

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

Mr. Gallant: Thank you, Mr. Speaker.

To address the hon. member's question, I'll repeat again: We're not clawing back. If a student gets an income, it affects their student loan. So, some of the students can get from \$3,000-\$5,000 through unemployment insurance during –

An Hon. Member: Holy.

Mr. Gallant: – their year. Then they don't need as much student loan. This helps the student, at the end of their studies, to not be in debt as much as they were before.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

To the minister of advanced learning: If this was your plan all along, why didn't you let the students know at the time?

Some Hon. Members: Hear, hear!

Mr. Myers: Good question. That's a good question. Good question.

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

Mr. Gallant: Thank you, Mr. Speaker.

My department had dealt with some of these students and the ones they've dealt with were made aware of this back at the time of their application. Things can change over time. As I said earlier, if there's going to be some money made through an EI benefit, it's going to affect their student loan. They won't need as much of a student loan.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Myers: (Indistinct)

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

This minister is putting money in one pocket and taking it out of the other. How do you expect these students to afford school this winter?

Some Hon. Members: Hear, hear!

Mr. LaVie: You came in with this program to help them and now you're taking it away from them. How do you expect them to make it through the winter?

Some Hon. Members: Hear, hear!

Mr. Myers: Good question.

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

Mr. Gallant: Thank you, Mr. Speaker.

I need to be clear again to the hon. member's question. We're not taking money away from the students –

Mr. Myers: You're not. You're not giving it to them.

Mr. Gallant: – what this will do, this will give the students like millions of dollars to spend and they won't have that much of a burden at the end of their education and have such a great loan.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

These students still have tuition they have to pay. He gave them EI, but he never told them it that is was going to claw back on their loan.

Minister: Will you take immediate action and fix this problem?

Some Hon. Members: Hear, hear!

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

Mr. Gallant: Thank you, Mr. Speaker.

This is a federal program, and as far as taking immediate action, to the comment that the hon. member is making, like, they are getting an income; be it EI, be it working. It affects their student loan. It's based on their income when they apply for their student loan. To say that we're clawing on anything is not something we are doing.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

This is a federal, but it's administrated through your department. You give out the loans. You give out the EI. You give out both through your department.

Minister: Will you fix this mistake before these students return to the fall semester in January?

Mr. Myers: Good question.

Some Hon. Members: Hear, hear!

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

Mr. Gallant: Thank you, Mr. Speaker.

On another point of clarity, our department is involved with this, but we do not give out the EI, hon. member. If anyone has any concerns with their student loan they can contact our department and they'll be addressed or they're be looked into.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. LaVie: Thank you, Mr. Speaker.

These students had faith in this government that they were getting their EI. You made the announcement out of your department. You give the EI out through your department. You give the students loans out through your department. Now, you're paying Peter to rob Paul.

Now, will you stand up in the House today and tell these students that are calling me to fix this problem today?

Mr. Myers: Good question.

Some Hon. Members: Hear, hear!

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

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

Anything that our department or our government can do to help our youth get an education without a major financial burden when they're finished, we will continue to work at. I may repeat that our department does not give out the EI benefits. Our department is a catalyst in this. We have

staff involved in this. We will continue to work to help our Island students. If anyone has concerns they can contact our department.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. R. Brown: Come on, on board (Indistinct)

Speaker: Before we continue on, hon. members, I want to give way to the hon. Member from Borden-Kinkora for recognition.

Mr. Fox: Thank you, Mr. Speaker.

I'd like to recognize Tom and Fran Albrecht from District 19. They have been great advocates for health services in rural PEI. I applaud them for that.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

Statements by Ministers

Speaker: The hon. Minister of Finance.

Cannabis

Mr. Roach: Thank you, Mr. Speaker.

Our province has been working diligently to prepare for the federal government deadline for legalizing cannabis in July of 2018.

In implementing cannabis legislation in the province our government is focused on making sure Islanders have an informed choice about the use of cannabis and getting rid of the illegal market for cannabis.

We have been assessing the implications of legalization of cannabis, exploring regional approaches, gathering research and engaging with a wide range of Islanders to hear their views and determine their needs.

Islanders are curious about what the legal use of cannabis will look like. While full legislation will be introduced in the spring to meet the federal deadline, we have set directions in three key areas.

First, once legalized, cannabis will be sold in dedicated government-owned retail locations on Prince Edward Island. This will help ensure that we provide safe, secure and responsible retailing of cannabis. Additionally, it will be sold through an e-commerce platform.

Second, to limit the impact on communities and public health, cannabis use will be restricted to private residences with a potential for expansion to designated public spaces at a later date.

Third, the legal age for cannabis use for age 19 aligned with the PEI legal age for alcohol and tobacco. New Brunswick, Nova Scotia and Newfoundland have all announced the age of 19.

These three policy decisions are significant steps in the cannabis legalization framework for Prince Edward Island.

Our decisions today are in line with the other jurisdictions, as all provinces and territories work to meet the federal government's timeline and objectives. There are additional decisions to come related to keeping our Island roads safe; public health education, ensuring informed choice, including; keeping cannabis away from children and enforcing the laws and regulations that will come along with legalization.

We are working towards a full framework for legislating recreational cannabis use on Prince Edward Island and we expect it to be released publicly in the coming months. This is new territory for all jurisdictions. We continue to press upon the federal government the need for appropriate resources, comprehensive public education and an adequate licence supply.

All of these are required in order to protect the health and safety of Canadians, prevent young people from accessing cannabis, and reducing the illicit market.

As I mentioned: this is new territory. We will continue to keep Islanders informed as we work towards implementation and our goals of informed choice and public safety.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Ms. Compton: Thank you, Mr. Speaker.

I think it gives pause to everyone here in the House as to how we feel about this legislation and how we're moving forward. It's something that I feel that federally has been pushed upon us. I think there are a lot of questions to be answered.

July 1st of next year is a very short timeframe to make any of these decisions, and to enforce them. The questions out there about, you know, we're selling it online and you'll only be able to use it in your home.

Where, in public outlets, are we going to sell it? The age, maybe the details are – the devil is in the details, really, especially with this legislation. I think everyone in this House is very concerned.

A promise was made federally to legalize cannabis. There are a number of people who are very concerned about it. How do we control it as far as the use, operating vehicles, at the workplace; all very, very concerning issues. I think we're pushing very, very quickly on something that everyone in this Legislature feels very passionate about for different reasons.

I look forward to the details. It's going to be interesting to see how we can move forward on this.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party.

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

It's a relief, at last, to have something from government about what they plan to do on this. I welcome that, minister.

It was a little ambiguous. There was one aspect of this that I think needs to be clarified. Yesterday, or I think it was even today, we heard Nova Scotia is going to sell

marijuana in liquor stores. Now, you, I think the phrase you used was: dedicated government-owned. I'm not sure if you're talking about liquor stores. If you were talking about something separate and distinct. I see you nodding and I'm very glad to hear that. I think that Nova Scotia has made a very profound mistake in the way they're going forward. Thank you for clarifying that, minister.

Mr. Roach: (Indistinct)

Dr. Bevan-Baker: There are, I mean, there are so many aspects to this. Uncharted territory, I think is how you put it, minister and indeed, it is. I think we should allow the decisions that we make here to be informed by other jurisdictions who have already gone through this process. I'm thinking specifically about Colorado, where they've had a fairly lengthy, now, experience with it. They have noticed that there are really no significant problems, as long as it is done properly.

The main thing is not to sell it in conjunction with liquor and for people not to use the substance in conjunction with liquor. There are all sorts of other aspects of this.

An education program is clearly an important part of doing this right. There are so many ways that we can get this wrong. As the hon. member said: the devil will be in the details here. We don't know what the price point is going to be. We don't know how we're going to deal with edibles. We don't know how we're going to deal with vehicle operations, and doing any sort of useful test when it comes to impairment.

The other medicinal, therapeutic potential with marijuana and CBDs, which is not at all related to the THC, the hallucinogenic aspect of this. All of these things are incredibly complicated. What I don't like about some of the conversations around this is the demonizing of the substance itself. Marijuana is a substance, that used properly and medicinally, can be incredibly helpful to so many people. The idea that we have to be closeted away in our own residences to smoke it, it just doesn't sit well with me. Of course, we're not going to encourage people to smoke it in the streets. I'm not suggesting that. There are other ways of ingesting this material, this substance without actually

having to smoke it. I think that's one of many, many aspects of this which remain to be looked into. I appreciate the initial government announcement on this. Thank you, minister.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Economic Development Success in Prince Edward Island

Mr. Murphy: Thank you, Mr. Speaker.

I'd like to take the opportunity to highlight some of the many great things happening in eastern Prince Edward Island.

Fellow Earthlings is a glass company located in Guernsey Cove, all handmade by hardworking and creative young Islanders.

Our Prime Minister Justin Trudeau has also been spotted wearing Fellow Earthlings sunglasses, and, of course, so has our Premier. He has them on here today.

Many frames have been strutted down the catwalk at last year's New York Fashion Week.

Another couple of creative and talented Islanders making waves in eastern PEI are Ashley Condon and Ken Spears.

Just last month they opened the beautiful Copper Bottom brewery right in the heart of Montague.

Also, less than two kilometres away from the brewery is the Montague Bay Foods plant, which has hired more than 100 staff and continues to hire more as they expand.

Companies that have seen expansion in the area are the Northern Harvest Sea Farms in Cardigan, and AquaBounty in Rollo Bay.

Heading up further east to the town of Souris, we'll see expansion to Gateway Park. Between our department and economic development and tourism, we invested nearly \$100,000 into the project, which includes a new splash pad and retail shops.

These improvements enhance the experience of the town of Souris for both residents and visitors.

Visitors is another success I would like to touch on. With our province reaching one million overnight stays this past tourism season, I know eastern PEI experienced a very positive season at their cottages, campgrounds and hotels.

As you can see, eastern PEI has a lot of be proud of, with Statistics Canada's latest report on PEI seeing an increase of 2,700 jobs. We know many of these opportunities are created in rural Prince Edward Island, where, just like elsewhere across the province, Islanders know how to work together to get great things done, which makes us a mighty Island, indeed.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

I know many members on that side of the House wouldn't know their way down east. They certainly couldn't find their way around down there.

I'd love to take the opportunity to speak about some of the great businesses that exist in rural Prince Edward Island, even the ones that aren't involved with the government. You don't have to be funded by government to be a great business.

Wicked EH? who is based down the street here has done wonders for rural Prince Edward Island, particularly in my area in bringing high-speed Internet services to people. They are a fantastic business, and they're a great, young business here on Prince Edward Island and they should be applauded.

Cardigan Feed recently opened a great big new building up on the top of the hill just outside of Cardigan. Actually, it's inside of Cardigan, but you'd think it was outside of Cardigan, but it's inside the boundaries of Cardigan. Anyway, that's a family business that goes back for sixty-plus years. It's

almost close to moving into its third generation there now, by the looks of some of the Facebook posts I've seen lately. They're a business that should be applauded for the great work that they've done.

Birdmouse, it's down on a property that used to be the old St. George's rink, now there's a great art and quirk shop down there. You can get a coffee and you can have a great visit with Lenny and Heather. They're fantastic people. They'll show you what they do. They're passionate about it. I encourage anybody to go out there and see it. They're doing it on their own and they're making their mark in eastern PEI, as well.

Maroon Pig Bakery, I know, very well, the business that they do and the volume of business that they're able to do right in the heart of Georgetown. When the factories open there, there's a trail of people walking up there to get their lunch special, which if you're in Georgetown during the day check out their lunch special. It's the best deal around and it's the best food that you'll find at that price point, bar none. They're fantastic people. They have an art shop there right on site.

If you go across the street you'll see Peter Llewellyn there and he's making jewelry and he'll give you some entertainment and tell you what you don't know if you want to spend some time there.

I know other fantastic businesses. If you look at Quinn's Marine and Machine Shop in Cardigan doing a fantastic business, employing all kinds of people right in Cardigan. I noticed this fall the fishing community must have done well because there's a lot of boats lined up in his yard to have some work done to it, so that's fantastic for the people who work in that business and it's a family-run business that's been around for many years and they've done that on their own. They work hard to provide employment for rural Islanders.

Brothers' Machine & Welding, I know that they branched out over the past couple of years and are out doing some bridge work and some off-site stuff that would be vastly different from what they originally started at in a small building in the backyard of Alban Brothers' place in Cardigan. If you check out that, that's probably close to going into a

third generation here before awful long too, because I know that Frank's son, Joe, is around the shop quite a bit and while he's still in high school, he's coming onto that age.

Rodd's Brudenell is probably one of the major employers in rural Prince Edward Island and right in the heart of District 2, or the current District 2. I know a lot of people who get their summer employment from that facility, and I know how important it is to us to have that facility in rural Prince Edward Island for the overnight stays that the minister talked about. If you happen to spend any time around Cardigan during the summer, you'll quite often get stopped mostly to ask where the liquor store is, but anyways business is business and the traffic – there's a lot of out-of-province plates come through and they're coming down to golf in Brudenell and stay in Brudenell, so there's many important things that are going on in eastern Prince Edward Island.

I could go on and on. Perhaps I'll save it for my response to the Speech From the Throne, but –

Ms. Biggar: (Indistinct)

Mr. Myers: – there are all kinds of great things happening in rural Prince Edward Island. There are all kinds of people doing it all different ways, and it's good to note that you don't always have to have government help to be a great business here on Prince Edward Island.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party.

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

It's always nice when we see rural areas of our province doing well economically. You talked specifically about Prince County, but it's happening all over the place. No, you did say Kings County. It's eastern PEI we're talking about; my apologies.

The Member from Georgetown-St. Peters listed off a whole number of businesses there, and Lenny and Heather Gallant at

Birdmouse there in the quirk shop; fantastic people that are just doing it. It's that independent entrepreneurial spirit and finding those niche markets and making quality products. That's what we have to do here on PEI, whether it's artwork as they're doing at Birdmouse, or whether we're talking about food and beer, Copper Bottom, or making trailers or making glasses or soaps, the Chuckwagon, Dave and Rose Viaene in Belfast. So many, or the Fleece & Harmony, Belfast Mini Mills – there are so many different, small businesses that are thriving in rural Prince Edward Island and it's that entrepreneurial spirit and just giving them an opportunity.

I would love to see government rather, and I've said this before in the House, rather than giving out a small number of large loans, to give out a large number of small loans. In Prince Edward Island, there is a huge untapped resource of entrepreneurial spirit and skill, and I think we don't need to help them very much. We just need to give them opportunities.

In our rural areas, again, of course high-speed Internet is going to be a critical element of that. So many businesses these days require that they be connected to the rest of the world, and I know we're working on that and Wicked Eh? is going to be part of that solution. There's lots of good stuff happening here and it's finding those niche markets, making a quality product that people can identify with and the rural areas of Prince Edward Island, I think can be just as booming as the cities that we have here.

Thank you very much, Mr. Speaker.

Presenting and Receiving Petitions

Speaker: The hon. Leader of the Third Party.

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

Before I do this, I would also like to recognize Fran and Tom Albrecht, prior patients of mine in my former life and much happier sitting here just listening to me talk without sticking needles in your face. Mr. Speaker, I beg leave to present a petition from residents of the South Shore region and I move, seconded by the Member from

Borden-Kinkora, that the petition now be received and do lie on the Table.

Speaker: Shall it carry? Carried.

Dr. Bevan-Baker: Mr. Speaker, this petition states that with the upcoming departure of Dr. Giordani to Cornwall, the communities of Crapaud, Borden, Victoria, Kinkora, Tryon, Hampton, Augustine Cove, DeSable, Bonshaw and many smaller areas in between, collectively known as the South Shore region, will no longer have local access to health care services.

At a community meeting on November the 15th, 2017, residents came to a clear consensus that maintaining access to local health services is a top priority for this region. Residents want this vacancy to be filled and to ensure a doctor or nurse practitioner, or practitioners, are practicing in the region to meet the needs of all patients in the South Shore region.

There are 692 signatures on this petition. The petition prays for the Legislative Assembly to urge Government of Prince Edward Island to take immediate action to ensure local access to a doctor or nurse practitioners in the South Shore region.

Thank you very much, Mr. Speaker.

Tabling of Documents

Speaker: The hon. Minister of Finance.

Mr. Roach: Mr. Speaker, by Command of Her Honour the Lieutenant Governor, I beg leave to table information required pursuant to sections 28, 30, 32, 46, and 47 of the *Financial Administration Act* since the last report dated March 31st, 2017, and I move, seconded by the Honourable Member from Charlottetown-Victoria Park, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Leader of the Third Party.

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

Mr. Speaker, by leave of the House, I beg leave to table a written question to the Minister of Justice and Public Safety and I

move, seconded by the Honourable Member from Tignish-Palmer Road, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

Reports by Committees

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

Mr. Dumville: Mr. Speaker, as Chair of the Standing Committee on Education and Economic Development, I beg leave to introduce the report of the said committee and I move, seconded by the hon. member from Summerside-Wilmot, that the same be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

Mr. Dumville: Mr. Speaker, I move, seconded by the hon. Member from Summerside-Wilmot, that the report of the committee be adopted.

This report is an account of committee activities since last reporting to the Assembly. The committee met on 10 occasions since its last report and put forward the following recommendations:

1. Your committee recommends that the Department of Education, Early Learning and Culture and the Public Schools Branch review the School Change Policy, including by consulting case studies and similar policies in other jurisdictions.
2. Your committee recommends that Government work with Internet service providers (ISPs) in a spirit of fairness, collaboration, communication and facilitation with a goal of establishing the best possible access for Islanders. This includes: educating Islanders on methods of Internet access and factors affecting performance; providing timely access of ISPs to public infrastructure where appropriate; and in cases where no ISP can independently make a business case for improving service where there is an identified community need, implementing an open and transparent request for proposals.

3: Your committee recommends that the *Provincial Emblems and Honours Act* be amended in order to designate the red fox as PEI's provincial animal, and that the designation take place this year as a way of commemorating the 150th anniversary of Canada.

4: Your committee recommends that the legislation be enacted to ensure external oversight of sexual violence policies at PEI's postsecondary institutions.

5: Your committee recommends that government consider the possibility of a per-student funding approach for the delivery of mental health services at PEI's postsecondary institutions.

6: Your committee recommends that government work with PEI's postsecondary institutions and First Nations to encourage greater enrolment of indigenous students and promote inclusion of indigenous culture, history and knowledge in postsecondary education as per the calls to action of the Truth and Reconciliation Commission.

7: Your committee recommends that government continue to attempt to reduce wait times for children's psychological assessment by employing the service of private psychologists until a full complement of school psychologists in the Public Schools Branch can be reached.

In conclusion, your committee thanks the various individuals, organizations and businesses that took the time to share their concerns and ideas. Your committee looks forward to continuing its work and providing further updates to the House in the future.

And a special thank you to our clerk, Ryan Reddin, for such a well-written and thoughtful report.

Thank you, Mr. Speaker.

Speaker: Are there any members who would like to speak to the report?

The hon. Member from Georgetown-St. Peters.

Mr. Myers: Thank you, Mr. Speaker.

So this is one committee that I actually do sit on. I will say there's been a lot of positives come out of this committee. I know when we moved into the Chamber here to hold committee meetings, the education minister now was a committee member, had suggested that rather than sitting in groups together grouped by party that we just sit alphabetically, which we do.

I think it works really, really well to reduce partisanship amongst the committee, because in our committee we all agree that we're working on some of the exact same issues. I thought it was a really good approach, and I thought it was a really good change, too, a simple change to the committee structure to allow the committee to function properly.

We've had a lot of really good presentations and discussions on the education committee. We had a lot of hearings about the Internet, so we had ISPs in and we learned some really valuable information from them.

Being someone with an IT background myself, I picked up a lot about the Internet and some of the issues that ISPs have when it comes to delivering here on Prince Edward Island. It was quite enlightening, and like the committee report says, certainly encouraged government to do everything they can to help those people do things that they need to do.

We had a group of students in here from Montague. They did a great presentation on changing the *Provincial Emblems and Honours Act* to bring the fox in as the provincial animal. There was some very well-spoken young students came to present to committee about the reasons why that should happen. I think that bringing that forward was a great opportunity for us.

We had a lot of discussions about taxes, particularly the tax changes that the federal government was bringing in, and to a lesser degree we had talked about EI zones because it was brought to our attention through the UPEI students whenever they had their presentation to the committee that that was still one of the lingering issues that they had, that your government had brought in changes to the EI program so that students could draw EI while they go to school, but that some of the limitations were; the zones

created some limitations because people in Charlottetown couldn't qualify as easily for EI as people who lived outside of that zone.

So we started sending letters to our Island MPs looking for clarification of where they are on the issue and seeing what they can do to fix that. I know the hon. Member from Charlottetown-Victoria Park went to Ottawa on this issue and I know I asked questions about it this week, and one of the things, and I think it may be the best avenue for government, is that if government changes the requirements themselves so that everybody's on an equal playing – at least we control it ourselves, how students access that system.

There was talk about school psychologists, and I think that that's something that's probably going to be an ongoing concern. I know at one point we had the French school board in and they said they hire outside psychologists to clear up their – so they don't end up with any backlog. For me that's kind of been my push for the minister now is can we clear it up by hiring and – I understand the whole shortage of school psychologists and the shortage of psychologists period, so I do get all that, but I think anything that we can do to help that situation is important.

And I guess the reason why I think it's so important is when you're talking about your school-aged years and you need to see a school psychologist so you need to have some changes to how your education gets delivered, or you, on a personalized level, to make sure that you're able to keep up with the rest of the class and move along. We don't want to miss any years.

So if you have to wait 18 months to see a psychologist and there's a period of time after that to kind of get your assessment proper and get the (Indistinct) – you could be two years behind, you could be three years behind by the time you actually get going. That's why it's so important. That's why we continue to talk about it, because – that time needs to be shortened.

While no one should wait, there's a big difference between waiting for a year when you're 40 and waiting for a year when you're five. You know, the difference between five and six is vastly different than

the difference between 40 and 41. I think it's very important that government does everything they can to focus on how to reduce that list to zero. I know the minister knows that and I know government knows that because it's been a topic over and over and over again.

I think the committee has done good work. I think – there's a lot of topics. Great chair, we have a great chair. The committee is covering a lot of topics. We have a lot of topics on the agenda. I think the last I checked we might have between nine and 12 so there's a lot of things still have to be done, and they're wide-ranging because it's economic development and education.

So we have everything in between. We're dealing with things like Internet, taxes, school psychologists, UPEI student concerns and kind of everything that would fit in between there. So we have a very full agenda. It's a committee who I think is bringing good recommendations to the floor of this Legislature, and I certainly hope that government listens to what we're saying because we're working hard together to come up with those recommendations.

Thank you.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Well thank you, Mr. Speaker.

I'm not a member of this committee, but I find a lot of what the committee talks about very, very interesting and applicable to my constituents in District 18 Rustico-Emerald. I take a keen interest in it.

I just heard the recommendations for the first time today, so I'm still taking it all in, but I did want to highlight a few areas that I'd like to give input on, perhaps just for the record in the House here today.

The first one is I wanted to talk about the idea of making sure that Internet service providers are able to be engaged to provide reliable high-speed Internet access to all Islanders. I think that's a fantastic recommendation. That's one of the big problems right now. It's one of the reasons that we don't have high-speed Internet that's reliable across the Island.

Really what we're talking about here is going, essentially, house by house, civic address by civic address, trying to find out what the needs of the people are. Do they need single play, double play or triple play? That means do they need just Internet access, do they need Internet and phone or do they want Internet/phone or do they want Internet, phone and television entertainment?

Once you determine that on a house-by-house basis, if they have a need for that or if they're satisfied with what they have right now, then you can take that list and you can create an RFP and you can send that out and let Internet service providers sort of bid on it. Then they know how their business case applies and then we can see the gap. The hon. Minister of Economic Development and Tourism is taking some good strides to take that approach, but we really need to do more.

The biggest problem for our Internet service providers today is they don't know where they can connect to the Internet backbone on Prince Edward Island because it's owned by a couple of large Internet service providers who keep that information as proprietary and that's a big problem. That's why the minister of economic development and that government is –

Mr. LaVie: Failing.

Mr. Trivers: – is really – they're taking this approach with the Internet backbone, but one thing that I haven't heard from them really is why they aren't able to compel the owners of the existing backbone to actually come up with a map of that backbone to Internet service providers so that they can go out and they can provide Internet access to people today. That's something, in some of the committee meetings I did sit in on, when we had some of the large service providers there that do know where the backbone is, they actually committed in the meeting to provide the location of the backbone – well, we haven't seen it. That's a role that this government can take, I believe, to make things happen more quickly.

Mr. LaVie: No plan. No plan.

Mr. Trivers: The other thing, Mr. Speaker, is this government hasn't been collecting information at the civic address level this spring, and that's information that, in my mind, although it wasn't made clear by the government exactly why they were collecting it, but in my mind, they were doing that exactly for this purpose, but we have seen no leadership from this government in actually using that information to go out, to create the RFPs and to proactively get high-speed Internet across Prince Edward Island. That's a part of the report I would like to see a stronger recommendation there.

Finally, this approach to the RFP process where you identify the type of service that Islanders want that they're not receiving, and then you are able to issue an RFP so that ISPs can make a business case, it works well for wired – for example, fibre optic access to the Internet, but it doesn't really address well how wireless high-speed Internet technology might be able to address Islanders' needs. So that's where this government could really show better leadership and figure out a way to encourage and fund, possibly, or at least provide supports – financial, administrative – to provide wireless Internet access across this Island.

There is federal government money that's been given to a particular Internet service provider and they are rolling out some of that service. By all reports, the people I've talked to that have XplorNet, their new towers they put up on the Island, the service is good and that's great to hear, but there's still parts of the Island that are not serviced. I think the other problem with having a federal award one by a company, is that it doesn't allow local players to get in on the action and that's something, again, this government could address and from what I've seen, they're not really going that direction. So I would like to see a little more meat in the recommendations regarding wireless.

There is another part of the report that talked about the recommendations. It's really identifying and treating any mental health issues that might exist early on, so this is in our schools, which is absolutely critical.

The people that I talk to that are experts in mental health say the number one thing we can do – and it's not just mental health, it's really across all health – is prevention. You want to prevent illness, you want to prevent disease, you want it identified earlier, you want to get on top of things, and that's why it's so important – so, so important – that we have the proper resources and supports in our elementary schools and perhaps in our preschools, even, to identify mental health issues, mental illness in its early, early stages and nip it in the bud. It's about prevention and that's good in so, so many ways.

Of course, number one: It's so good for the people, but number two: It's also great for the province and from a cost perspective because it prevents costs that are down the line. So, along the lines of what the Member from Georgetown-St. Peters was saying, he said: In other jurisdictions, in fact even here on Prince Edward Island within the French Language School Board, they go out and they make the effort to hire psychologists and psychiatrists that are not on Prince Edward Island and have them come in and do contract work. And I fully support that – taking action, not more talk, not more strategies. That's what has to happen.

There's a lot of differing opinions on this, but there's really, really high quality video conferencing software out there. It's like you're really right in the room with a person.

WebEx is one that they've used, this government, and they've had some success. We heard Dr. Keizer come in and speak to the Standing Committee on Health and Wellness about their success there. In the absence of the resources in the school system and that are local to PEI and government employees, we really need to look at hiring the psychologists and psychiatrists on contract, leverage whatever we need to use, whether that be video conferencing – high-quality video conferencing – and of course, that links right back to the recommendation for good quality high-speed Internet access across the Island.

There's another recommendation that – I don't believe I heard it in the report, but it's one that, if I would have been able to attend

more of the meetings, I would have brought it forward. It goes right along the lines of what we're talking about, is prevention of disease – prevention of illness and that's school food programs.

The PEI Home and School Federation, they've come up with a strategy and recommendations themselves about how school food programs could be implemented, not just for breakfast for those who don't have breakfast, or coming to school hungry, but making sure healthy food is provided for breakfast and for lunch to everyone in the school, because I believe that healthy food – and the home and school association believes – is the foundation that people need to be healthy, to be able to learn, and, of course, then to be able to be productive and thrive through their life.

Spending the money now on school food programs – and there's a lot of controversy about it. Some people say: Well, there's going to be people who can afford to buy good food for their children and they're going to go and take advantage of it. That's not the point, the point is: Children are not able to make their own decisions properly to consume healthy food and if someone else in their household is making poor decisions, that reflects on them and they don't have a say in the matter.

That's why, I believe, school food programs are a foundation that will build a healthy society, healthy people on Prince Edward Island, and as well, go a long way – and I know the Minister of Family and Human Services would probably agree with me on this – is breaking the cycle of poverty. I'm not saying that everybody who's poor or living in poverty sends their kids to school without food or are unhealthy eaters, there are a lot that do, but in many cases, there is a link between poverty and poor health and a lot of it may have to do with either lack of food or unhealthy food. I would like to see a recommendation about school food programs.

One other thing that I thought was omitted from the report that I would have liked to see – and perhaps this was discussed at the standing committee and I'm just not aware of it. I haven't reviewed the Hansard, Mr. Speaker, but it's something that the official opposition has brought up before, and this is

the school review process that happens – right now it's scheduled, I believe, it's on a five-year basis. The minister of education, maybe, could address this. It really doesn't make sense to have a five-year school review process. It should be done on an ongoing basis. Decisions should be made to make things happen, to improve schools, on an ongoing basis. So I would like to see a little bit more of that as well in the report.

Finally, I do applaud the report for its encouragement for Indigenous peoples and the idea that supports need to be there, encouragement, so that as many as possible do pursue the post-secondary education.

I wanted to bring up those comments to the report because I wasn't able to attend a lot of the meetings; however, I think the committee is doing excellent work and –

Mr. Dumville: We'll put you on the committee.

Mr. Trivers: – and should continue. That would be fantastic; I would love to be part of the committee.

Thank you.

Mr. LaVie: You'll be sorry.

Mr. Myers: (Indistinct)

An Hon. Member: (Indistinct) standing vote (Indistinct)

Some Hon. Members: [Laughter]

An Hon. Member: Standing vote.

Speaker: Are there any other hon. members, who would like to speak to the report?

Shall the report carry? Carried.

Thank you.

Introduction of Government Bills

Orders Other Than Government

Motions Other Than Government

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Mr. Speaker.

Opposition would now like to call Motion No. 4 to the floor, please.

Speaker: Shall it carry? Carried.

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

WHEREAS currently there is a mental health crisis on Prince Edward Island;

AND WHEREAS this mental health crisis involves increased demand for mental health services, staffing shortages, aging infrastructure and the need for more integrated community mental health supports;

AND WHEREAS early intervention is key to helping individuals cope with mental health concerns;

AND WHEREAS many Islanders with mental health issues do not receive timely assistance and the untreated condition often escalates requiring more invasive and expensive treatment later;

AND WHEREAS early and preventative intervention helps to reduce overall mental health care costs, and reduces the impact the mental health concern has on the quality of life for the individual;

AND WHEREAS many Islanders and community groups are working collaboratively to address the gaps in our health care system in relation to mental health by providing peer assistance to those in need without resources or training;

AND WHEREAS accessible online mental health training programs relating to recognition of mental health issues could have positive benefits for Islanders and help lessen strain on workers in the mental health system;

AND WHEREAS if training and resources were available online it would help increase awareness and reduce social stigma around mental health issues at home, at school and in the workplace;

AND WHEREAS such a training resource could benefit parents, family members, health care providers, first-responders, teachers, students, coaches, employers and community groups, enhancing the self and peer assistance being offered to those in need;

THEREFORE BE IT RESOLVED that this government provide Prince Edward Islanders with online training and resources to assist individuals in providing self and peer assistance to themselves and others who are suffering from mental health concerns.

Speaker: I will now call on the mover of this motion, the hon. Leader of the Opposition to speak to the motion.

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

I'm certainly pleased to rise today to move our opposition motion, which I believe is a necessary step towards improving mental health awareness and education here in our province. It's certainly not the first time that I have risen in this House to talk about mental health and specific issues related to mental health here on PEI.

Over the last number of years, I think, we as a province and a society, we've come in great strides with regards to eliminating some of the stigmatization around mental health issues. Certainly, there was a time, not that long ago, that most people were very reluctant to come out and talk about mental health issues. They found it better to keep it behind the shades of their house; behind closed doors and not to speak about it.

I think we've turned a page; we haven't fully opened the book yet, but we have, at least, opened the cover and turned at least one page. I think there is so much more that we can do as individuals, family members, friends, coworkers, peers, to help support those around us that may be suffering from a mental health issue.

In no way, shape or form is this motion intended to replace the health care professionals that we so desperately need in, not only in health care system, our education system, and our justice system, our health

care system, of course, to help those that are struggling with a mental health issue.

The intent of this motion is to help those around other individuals that may be experience a mental health issue to help those individuals have a better understanding and appreciation for what that individual may be dealing with. And, to maybe identify some of the key indicators of someone that is suffering from a mental health issue.

As this House is well aware, services for Islanders suffering from mental health and addictions has been a topic that I have raised in this House time and time again. I will certainly continue to do so until a real action takes place to address the inadequacy of mental health services provided here in our province.

There are just too many Islanders who are falling through the gaps; I would actually say cracks. Our services have more than cracks, more than gaps, it is a huge hole. Unfortunately, many Islanders are falling into them and not returning.

We currently have 9.5 full-time equivalent psychiatrists practicing in our province. Of that 9.5 we have 4.7 full-time equivalents, who are able to do on-call in the emergency room. According to our chief of psychiatric services, this is the lowest number of psychiatrists that we've had for some time, in actual fact, a very long time. I commend her for her honesty. She was quite forthright in stating that Prince Edward Island currently does not have adequate psychiatric care.

Our psychiatrists, our doctors are, therefore, responsible, not only for, emergency care at our hospitals, but they are also responsible for the 90 inpatient psychiatric beds between the QEH and the Hillsborough Hospital.

As was broken down for us at committee, at the moment, we have one on-site psychiatrist at the QEH and one tele-psychiatrist delivering child and adolescent care and we have one on-site psychiatrist delivering oversight for 69 beds at the Hillsborough Hospital.

This is a huge workload for these psychiatrists. While, there is no doubt that

psychologists can provide a role in dealing with some mental health issues, they are not qualified to treat many conditions the patients – such as bipolar disorder, dementia, and complex medical and psychiatric illnesses.

What is truly alarming, as well, is that the Hillsborough Hospital, at the moment, does not have sufficient medical coverage for 17 patients in their geriatric unit because of a shortage in physicians. At the moment the province only has 0.4 psychiatrists in the Richmond Centre, which really requires at least three full-time FTEs. There are 0.9 psychiatrists at the McGill centre, who are delivering service to chronic care patients, and two other psychiatrists. Full-time FTEs in the community, who are delivering outpatient services, but both of them are post-retirement age and both of them are unable to provide on-call services to emergency room or inpatient services.

It is not uncommon for our on-call psychiatrists to see between 15 to 20 patients in the emergency room per shift. Some of these cases are complex cases, and often take hours each, which means that there are instances where an individual with mental health problems may go unseen. This is just some of the background related to the crisis in mental health care in our province.

Just two days ago, I received an email from a grandparent, who indicated that her grandson, the eldest of the two grandchildren, was suffering severe psychosis. He was taken to the ER. In that case, the protocol that was delivered that day was to medicate this young man, I believe, he's in the range from about 15 to 16-years-old, and send him home after being medicated.

There was no psychiatrist on-call available to see this young man. The emergency room, the emergency room doctors are doing the best they can and I commend them for the terrific work that they do. But, if we're getting to the point where we have the closure of beds in our psychiatric unit, unit nine, if we're getting to the point where we have a protocol in place where, particularly, young people are coming into the ER with mental health issues are being medicated and sent home because there's no

psychiatrist to see them, then I'm sorry but in my view we're certainly failing Islanders.

Unfortunately, instead of getting better it's getting worse, if that's even possible. I want to stress from the onset; I do not believe that our motion is going to address the mental health crisis we are currently experiencing in our province, nor do I believe that we're the only province that is experiencing a crisis such as this. We've heard recently about situations in our neighbouring province of Nova Scotia as well. It does not address the issue of a critical shortage of psychiatrists, the lack of child psychiatrists, the shortage in psychologists and in fact, that many Islanders with mental health concerns are not receiving the care and treatment that they need and deserve.

This motion, I believe, is necessary (Indistinct) to outline some options for many frustrated and angry Islanders who do not know what to do when they feel they have a mental health problem or that their family member is in trouble mentally. Obviously, they are already aware that they cannot rely on the services to meet their mental health needs. They already know that the best that they can do is to try and cope the situation the best they can with whatever information that they can find.

We believe that an online service for those suffering from mental health issues will help at least to better educate Islanders about mental health issues and coping skills and to better inform Islanders of some of the services they may be able to access. It needs to be a true 24-7 service and easily accessible and user friendly. It has been identified over and over again that Islanders are not aware of what mental services may be out there. While they may be limited because of the lack of psychiatric and psychologist care, at least some provide someone to talk to or can suggest some ways of coping with an illness or offer advice on treatment programs.

This government has over the past few months been making all kinds of announcements aimed at trying to make Islanders think that they are addressing the needs of Islanders with mental health issues, whether it be the clinics that they talk about continually, but the clinics aren't open 24-7, seven days a week. Unfortunately, if you're

experiencing psychosis or a mental health issue you can't schedule your illness around when the clinics are open. It's just not possible. The truth is that many of these announcements are shallow and not effective, and end up causing even more anguish for the individual concerned.

The minister will no doubt talk about the new mental health walk-in clinics, just as I alluded to. The idea of having such clinics indeed is a good one. They are needed in our Island communities, both urban and rural; however, we are hearing that many Islanders are disappointed with the services provided.

As I understand it, Health PEI was hoping the three mental health walk-in clinics in Prince County would improve access for patients and cut down overcrowding in the hospital emergency rooms. What is really wonderful about this project is that it's taken no new staff, no new expense to Health PEI. It's been really a reallocation of our workload and our staff to meet this need really at the ground level. That is a quote from Health PEI's chief of mental health and addictions. But, our MLAs are hearing these clinics are not working well simply for that reason. The workloads of those in our mental health and addictions are much too high now.

It's great to make these announcements, but too often this government is asking our health care professionals, who are already struggling with heavy workloads, to do even more work. What is particularly concerning at the mental health walk-in clinics is that most of them are only open, as I said earlier, for a few hours per week. It would seem somewhat unrealistic for someone who may be having a major panic attack or who is feeling suicidal to have to wait until a walk-in clinic is open in their area.

While Charlottetown does offer a better timeframe, the rest are quite time restricted. For example, the Prince County Hospital mental health walk-in clinic is only available Monday from 9:00 a.m. to 5:00 p.m. and Wednesday from 9:00 a.m. to 5:00 p.m. The Lennox Island health centre is open from 9:00 a.m. to 3:00 p.m. The walk-in clinic at the O'Leary health centre is only open from Wednesdays from 9:00 a.m. to 3:00 p.m. while the one at Westisle High School, which is open for students at the school, is

only available on Thursdays from 9:00 a.m. to 3:00 p.m.

Because of the stigma that surrounds mental health problems in our province, it takes a lot of courage for an individual, especially a young individual, to present themselves to a walk-in clinic to get help. If that help is not available, there's a good chance the individual will not find that courage again. What happens to those who need help outside of these limited hours?

In many of our rural areas, the problem of accessibility is further compounded by the fact that there is also, such a shortage in family physicians. Prince County, for example, only has about a third of the physicians that they are supposed to have. Mental health and addictions programming in this province is underfunded, and understaffed. It is an urgent situation and one that needs to be addressed immediately. The current level of services provided for mental health illnesses, is simply not enough, and while I applaud the hard work that goes into the development of new programs and new strategies, without the funding and physical resources to support them, the situation is not going to improve.

Our motion suggests at least one step towards better education and communication with Islanders and their families who are struggling to cope, both on an individual or family level with mental illness. Having access to information in the privacy of your own home can be comforting to those who are afraid, who don't understand what is going on, or who are feeling isolated and that they are the only ones suffering from this illness, trauma or overwhelming grief.

Being able to access training online can also help many Islanders who work in daycares, schools, hospitals and helping organizations to feel more confident in coping with situations involving individuals who may be suffering from mental health issues. It's a small step in trying to at least offer some help to Islanders, who at this moment may not know where to turn.

Mr. Speaker, I ask all Members of this Legislative Assembly to support our motion.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The seconder of the motion, the hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

I'm pleased to rise today and second our motion which I believe helps address one of the gaps in the provision of mental health care service to Islanders. Islanders just don't know all the time what mental health services are available and we're needing help on showing them where to turn.

It is a serious gap that can keep Islanders from getting the help they need to address their mental health problems. It's also an issue that was raised, as the leader said, during the recent legislative committee hearing on mental health and addictions. It's hard to access help if you don't know it exists.

As for organizations, and professionals in various helping fields, additional training online, or even information on how to obtain additional training to support your employees who work with children, youth, adults and seniors can be critical in helping workers to identify a mental health problem, or to advise individuals on where to seek help.

A well-informed and educated public could go along way, I am sure, to alleviating the anxiety and helplessness that many families, employers, teachers, clergy, and even health care professionals feel with trying to advise, and comfort someone who is suffering from a mental health problem.

The chief mental health and addictions officer in our province admits that government isn't doing a great job of advising Islanders on what is available. Online assistance could also help individuals who are suffering from mental health concerns to find the help they need to address their issues. Perhaps they don't need to see a psychiatrist, or a psychologist. Perhaps it could mean something like joining an existing support group. This is information that I would hope would be available for those seeking help. We need better continuity and delivery of programs across our province. There is simply no point in someone who is deeply distressed

heading off to a mental health clinic in O'Leary only to find it is closed, or that there is no one west of Summerside with the training available to treat them or diagnose them.

It's time for government to provide the financial and person resources this province needs to address mental health services in the province.

We know that government's been told over and over again this; that the mental health services in the province are understaffed. The minister has been told that our compensation levels are not always competitive with other provinces, and that, coupled with high workloads, PEI psychiatry is not an attractive place sometimes to find employment. We offer the second-lowest starting compensation in the country, we're told.

People are an important component in the delivery of mental health system and we can't afford to allow to continue to operate underfunded and understaffed. The price of life or lives is too high.

The psychiatrists we do have; I seen the escalating numbers year over year over year. We need to address this shortage as soon as possible. Even the chief coroner has outlined her concerns about the resignation of the province's only geriatric psychiatrist and the loss of adult psychiatry coverage in the out-patients department.

We know there were federal dollars that were earmarked for mental health and that was put into the school system. Certainly, these schools deserve the public health nurses and the core service teams. But, shouldn't government also be able to find that funding that education without having to neglect its obligations to provide adequate mental health care services in the province.

This \$400,000 a year, which will double every year over the next five, could go a long way to help improve mental health treatment in this province, as well. I'm not sure how that decision came about or how that funding was diverted to another department without the consultation of the mental health and addictions division. Perhaps that funding could have gone to help finance or conserve for better

communications avenues for mental health advice online, as well as, towards the development of a mental health crisis team and a province-wide telehealth on-call psychiatrist team.

Dr. Keizer asked: will these nurses increase suicide responses in the community like a mobile mental health crisis until will? Will they provide service to our high-risk offenders transitioning back into society? Will they make hospitals more safe for our psychiatry nurses who are dealing with homicidal patients?

Dr. Keizer was extremely critical of the government suggesting that this appropriation of mental health money may have been politically expedient and may well have been done with the best of intentions, but without the input of those, who work daily on the frontlines. It has been highly unfortunate and may well increase our current crisis in mental health and addictions. That's concerning.

Another quote: We need moral and social support, but we also need more than political promises. They need the money.

I'll put all that aside for a second, and I want to think of, to get to the meat of the motion, and think of all the people in our communities, who are helping already. They're lending a kind heart and a willing ear with no training at all. We know of all those now.

The perfect example is online. The Facebook group, it's the #HowManyWade group. I just saw a post here from one of the members, just a couple of hours ago and I'd like to read that now.

This is from a member of that group, an admin from the group.

Listen to this: Someone reached out for help from me. The call came in at exactly the same time another phone call so it went directly to voice mail and did not leave a record of the call. It said: help. The RCMP and I cannot find the phone number of this caller, which makes it impossible for me to find her. If anyone reading this needs help please call 911 immediately. I'm here to support anyone who needs help. You know I love and help with no judgment. I'm so

sorry that I missed you call, but I'm here now. I love each and every single one of you so much.

That's the kind of community that some of these Facebook groups are providing. It is tough to read some of the stories in there, but you know what? They, the men and women on that group are providing support for each other. Do they have training? Probably not; some of them may do. What they're doing is trying their best. The mothers helping mothers Facebook post, they're trying to help each other.

We understand that the province isn't going to be able to do everything, so that's kind of why we're talking about this. The Leader of the Opposition spoke about; this isn't a replacement. This is an addition to. We know there are people in our communities. I just mentioned some of the them.

The service clubs, the Lions Clubs. These people that help with poverty. In Question Period today, we talked about sexual assault victims and all the different groups and organizations that are trying to help. We're asking for more services, but those victims are always seeking mental health supports. Imagine if we had some training or something else available for community.

Coaches, so many of us out there are in the public. We see the kids. It could range from younger years right through to teens that you're coaching. You can identify. You can start to identify these things if you had a little bit of training or a little bit of help. You might be able to say: do you know what? You should go down to present yourself, perhaps, to your family physician to be referred, or maybe you go down to Richmond Centre. You can start to pick up those signals. I think a little bit of training would help. I know it would help myself in that role if I seen someone.

We've talked lots of post-secondary mental health issues and helping on campus, say, at UPEI or Holland College. I know the student union there, as we spoke about before, is pushing hard for dedicated mental health funding. Maybe if there was a program that they had a group of volunteers from campus that could be reached; a texting service or a spot that they could go to speak to somebody, we don't know what

a peer help group like that might be able to do right on campus.

Teachers are a big one. I know so many teachers can – they're probably not trained, but they can identify quickly, a lot of times. Imagine if they had a little bit of side training. This isn't mandatory stuff, but just would be available as an additional resource to help in the community.

I don't have to tell you, you know darn well the MLAs that are in here and the number of calls and concerns that we receive or the meetings. I had them before in the district. You're sitting down with a constituent. I know everybody in here has done the exact same thing and you're trying to help them navigate that system. You're trying to help them. You're trying to be that listening ear. The more and more you're listening, the more you try help navigate the system the more you learn about it. You start to skim the surface of the knowledge on our mental health system in the province.

I can tell you now, I can really appreciate the – our leader's former role as the health critic because, just in a month, I dealt with it in the district. But now that you're dealing with it in a public way; wow, the number of people that are coming forward. I can just imagine it's no different for the minister's that are involved with this service; the minister of health and the Minister of Family and Human Services, all the ministers. It's intense. It can be very overwhelming at times. It's something that we do want to be prepared for, I think.

There's actually, I think, a training course coming up. I seen it on Facebook and depending on our schedule here in the Legislature, I'd like to attend. It's Mental health First Aid basic training. It sounds wonderful and I have heard lots of good feedback from constituents on it. It's put on by the Mental Health Commission of Canada. I think it's on December 14th and 15th. It's two-day course on helping people that might feel that they're in a situation where they could help out. This is the type of stuff that the Leader of the Opposition is putting forward with this motion. Perhaps some online help, but there are good things out there; I don't think we need to reinvent the wheel here.

I would really encourage the members of this Legislative Assembly to support this motion. I think there are lots of good things out there. As we said: we're up here. We're criticizing. We're pointing out the failings of our mental health system, but we know we have such great communities here on PEI. Communities of people; communities of support groups that, maybe if we gave them a little extra training we could do just that much more and we could help them navigate the system, especially, the people that need it immediately.

We talk about the immediate need here. Maybe, if someone had a little bit of extra knowledge, a little extra training they could help.

With that, Mr. Speaker, I'll close my remarks and I would really appreciate the support of the members for this motion.

Thank you.

Some Hon. Members: Hear, hear!

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

Mr. J. Brown: Thank you, Mr. Speaker. Could I grab the podium, please?

This motion highlights the importance of mental health literacy, prevention, early intervention and peer support. These are very important priorities, especially when it comes to youth mental health.

We are addressing these priorities in our schools through our curriculum, through student services and through online initiatives. Peer support and assistance can be a very effective strategy, particularly among youth who are often more interested in hearing from somebody that's close to their own age.

Annually, the Prince Edward Island Physical Education Association and our department staff host an active leaders' day, where high school leadership classes organize activities for 150 elementary and intermediate students. These activities encompass five dimensions of wellness, including mental wellness.

High schools, in partnership with Big Brothers Big Sisters of PEI provide peer mentorship and relationship building with youth in their feeder schools. Students organize initiatives that engage their peers in wellness weeks or activities. For example: Last week at Charlottetown Rural High School, each day of the week consisted of a wellness activity for students to participate in with their peers over their lunch hour. These activities included mental wellbeing. In phys ed. classes, upper elementary students lead their peers through wellbeing initiatives, for example: self regulation, yoga, fitness, acts of kindness, and inclusion. All of which promote wellbeing.

Mental health and social-emotional learning are embedded through the K-12 health and phys ed. curriculum. In the early grades, students learn about stress and how to express their feelings and some coping strategies are introduced. At the intermediate level, the focus is on mental health literacy and helping students understand the difference between the normal stress of life and situations where they may need help. Intermediate students also learn strategies to reduce, prevent, and manage stress.

The intermediate curriculum includes; resources on developing positive mental health attitudes and help-seeking approaches. It focuses on things like dealing with pressure to try drugs, responsible decision-making, and suicide prevention and awareness. At the high school level, students are required to develop their own wellness plans. Schools are responding to the increased awareness of mental health by focusing on mental health literacy on current topics. They are continuously updating the curriculum as new information and research emerges.

Our new student wellbeing teams are having a far-reaching impact in our schools. They are providing direct services to individual students and to groups of students – should say the families as well, Mr. Speaker. They are providing advice and assistance to teachers with the delivery of health curriculum and they are working closely with teachers and staff to raise mental health knowledge and skills. I expect that in a short time, they will significantly increase the capacity of teachers and of staff to understand and deal with mental health

challenges and, in turn, support the social-emotional wellbeing of their students.

Student wellbeing is one of our three main goals as an education system. We are always looking to expand and enhance wellbeing supports. I'm pleased to advise that we are not considering a recommendation to work collaboratively with the other Atlantic departments of education to purchase e-mental health solutions. One of these is a 24 hour, online peer support program that provides emotional support for students through anonymous, confidential conversations with trained active listeners. Students could call in to receive support from trained facilitators who would refer or follow them for up to six months.

This work, along with the work we are doing with Dr. Stan Kutcher, is timely and valuable work. It increases mental health literacy and it enables youth to understand and address mental health challenges now before they escalate and become more serious problems later.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

It's a privilege to rise and support this motion here today, Motion No. 4, in the House. I think it's so, so important that we provide better mental health resource training for Islanders providing peer and self-help. That's the title of the motion and I think it really cuts right to the chase.

I've already talked in this House today about how I'm a great believer in prevention and in stopping mental illness – or identifying it early and helping to prevent it from becoming critical as soon as possible and that's really what this bill helps do – that's one of the things it helps do.

Mr. Speaker, I wanted to tell you a story. This summer I was at the Queen Elizabeth Hospital, I was just visiting a person who was ill. On my way out I ran into an acquaintance and he was there with his daughter and had a little bit of small talk – a little bit about a political process that was going on this summer – we might have

discussed that a little bit and then he said to me: This is my daughter Alanna, and we talked for about 10 more minutes and then his daughter said to me: Do you mind if I talk to you a little bit about mental health? And I said: Why, sure. She said: My father's picking me up because I just spent three weeks in Unit 9 because I've got problems with post traumatic stress disorder and some other issues. I've got some recommendations that I would like to bring to you as an MLA so that you can bring them up.

Then she went even further and she said: Use my name, use my story, do whatever it takes. We need to address these issues. I'm passionate about solving them. And she went on to say that in her experience at the Queen Elizabeth Hospital, where she'd been, unfortunately, a few other times, she first of all would arrive there and typically have many, many hours, if not days of wait to see a health professional – a doctor – a psychiatrist and then quite often, even when they did determine that she should be at the hospital, there were no beds available for her to go into in Unit 9.

So what she had to do was they would find a place for her, typically sort of in the hallway – in the emergency department, really. What she said was – she said that the people that were responsible for security at the emergency department really had no training at all how to deal with people that might be experiencing mental health issues. She recounted her experiences about how – the way they dealt with her: she was tackled to the floor and they held her down and these sorts of things, when she really believed that if they would have had a little bit of training on how to deal with people that were experiencing a mental illness, just a few ways of approaching them and identifying the signs, there was really no need of that happening at all.

Her recommendation was, right off the bat she said: Everyone who deals with people, professionally, should have mental health first aid training. That's exactly the sort of thing that this motion is talking about. She said: Every single commissionaire, security person in the hospital should take the time to go to that course. She went further, her name is Alanna Stewart and she would, in fact, probably like me to mention that here in the

Legislature. She recorded a video with me this summer talking about those very things. I would encourage all members to go on and listen to her, especially the Minister of Health and Wellness, the Minister of Education, Early Learning and Culture, who deal with these issues a lot, and perhaps the Premier, but everybody really.

I'll make a commitment here to send out a link to that video clip, a YouTube link, so you can go watch Alanna talk about her recommendations of what she'd like to see. At the root of it was, really, getting this mental health first aid training and then, she talked a little bit about peer and self-help, which is exactly what this motion is talking about.

This motion is not something that the official opposition sat up on the third floor in the Coles Building and said: Oh, what can we provide a motion for here today? This is something the people of Prince Edward Island have identified and they brought to us, and they want to see these sorts of things in place.

I should also say that from all reports and my conversations recently with Alanna; she's doing great. She's out there. She is advocating for people with mental health, and she's doing great things in that area. It's really fantastic to see. She's a very, very bright young lady. I believe she was at Mount Allison University, dean of residence there and these sorts of things. She's doing great work.

I should mention that she was not the only person that reached out to me this summer. In fact, not long after I had talked to Alanna Stewart, I got another phone call. These are not people that I'm going out to talk to. These are people that are coming to me. Alanna is not even a constituent of mine.

But, this next person is a young man whose father committed suicide just about a year-and-a-half ago. I think that everyone in this Chamber is familiar with him. He was a member of, a civil servant; he worked for government in IT Shared Services, actually, under the Minister of Finance. His name was Jamie McManaman. His son, Carson, came to me and wanted to, again, put his name out there and say: I want to be an advocate to help people with mental illness.

He said: I have some recommendations; some things I would like to talk about. So, we met. Carson McManaman is another great young man, who is quite an excellent hockey player. He was out west, and he spent time, as a teenager, and was assistant captain at a school out west, and that's where he's living now. He was back on Prince Edward Island and out there he was talking about some of the supports that were there for him when he had some mental health issues of his own. The one thing that stuck out to him the most was peer support. He said, after he had received help and medication to help with his mental illness, which he said was very, very key, then the next thing was to meet on a regular basis with peers, who had also experienced various types of mental illness; and really just discuss those things. It was facilitated by a mental health professional, someone with expert in that area. That was one of the recommendations he brought forward that he'd like to see on Prince Edward Island, as well.

Again, this is something that is exactly what this motion from the Leader of the Opposition is speaking to. That's why it's so important that we all, as MLAs in this House endorse this motion, and bring it forward.

In fact, the same video clip with Alanna Stewart and her recommendation includes Carson McManaman. The three of us met at Sea Walk Park in North Rustico. We were just discussing mental illness and things that could be done and their perspective, both of them as young people. I said: you know, would you mind, would you like to do a video and get your ideas out there, right now? They said: Yes, absolutely. One take; we did the video clip and both of them are that passionate, they had no problems just pouring their hearts out and getting their message out. They continue to do that, both of them, through real community engagement with various groups.

I wanted to highlight Carson McManaman and Alanna Stewart for the work they do, but I wanted to point out, as well, that there are many, many passionate individuals on Prince Edward Island; passionate about mental health and making sure that people are not pushed to the brink or into situations

where really their life is in danger. That's what these people want to help prevent.

They understand what it's like to have mental illness. They understand how people feel, and how having a peer to talk to can make a world of difference. Indeed, it can mean the difference between life and death. That's why this bill is so important. When we're talking about peer and self-help, it really can mean the difference between life and death, and both of these individuals were advocating exactly for that.

If government moves forward, as this motion indicates, and provides things like accessible online mental health training programs to help people recognize mental health issues and really to let people help themselves and help others, it would go a long, long way to addressing this issue on the Island. Really, it would, when it comes to cost, I believe, it's relatively inexpensive compared to other ways of addressing mental illness. For example, waiting until it occurs and then having to go out and hire expensive psychiatrists and psychologists.

This is preventative and it lets people help themselves and lets communities help people within their communities. When we're talking about here, in the motion: benefitting parents, family members, health care providers, first responders, teachers, students, coaches, employers and community groups; community groups means; some of those great service groups, like the Lions Clubs, like Kiwanis. When I talk to these folks a lot of them say: you know, it might not be all of the members in the service group, but they say: we're passionate about helping our communities and people with mental health issues.

I did want to highlight, the Member from Morell-Mermaid, had mentioned earlier about Mental Health First Aid. In fact, there are two courses coming up on Prince Edward Island. One is December 12th and the other one is December 14th. They're two-day courses, six hours per day, so we're not talking massive amounts of time, and we're not talking huge costs either. As the Member from Morell-Mermaid said: This is something that, as MLAs, we should really strongly consider.

December 12th and December 14th, it really

depends on what is happening with this session of the Legislature, whether we'd all be able to attend, but it's something – I know they're going to have them in the new year. We should really strongly consider, I think, as MLAs, I know I will commit to getting the Mental Health First Aid training.

Again, I just want to encourage everyone to support this motion because it's so important that government provide the supports for people to get that sort of training so they can provide peer support and potentially self-help.

One final point I wanted to make is, when it comes to peer and self-help and all these passionate people who want to get out there and want to see mental health issues addressed, and they want to prevent mental illness, I think there's room, as well, for the government to take the lead here and really look at a train the trainer approach, even, perhaps?

What you may be able to do is have these passionate individuals, who are not asking for money, they're asking for support and for government to provide the resources to get trained. The train a trainer approach, I think you could have somebody who could offer things like Mental Health First Aid training or other appropriate training within every community on the Island. I would really like to see government take the bull by the horns and take some action on this.

That's really what this motion is all about. I mean the resolution in the motion is: that this government provide Prince Edward Islanders with online training and resources to assist individuals in providing self and peer assistance to themselves and others who are suffering from mental health concerns.

This is not expensive. It can be put together. Let's stop talking about it. Let's pass this motion and then let's make it happen.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Can I have the podium, Mr. Speaker, please?

Speaker: Podium is on its way.

Mr. Henderson: Thank you, Mr. Speaker.

I guess from my perspective as Minister of Health and Wellness, it's always good to have a good conversation and debate on particular motions as it pertains to health care in this province, as well as issues around mental health, in particular. We understand the toll that mental health issues can have on Islanders, their families, their individuals that they have acquaintances. It's an issue that we're seeing is a societal issue. It's every jurisdiction and every place that I talk to my counterparts in other jurisdictions; they all are under the same challenges when it comes to the delivery of mental health services and I'm not sure what's a systematic reasoning for this, but we have seen changes in our society.

We have become less communicable in individuals talking back and forth. There's more social media. There's more pressures of addictions that go with that, and these are things that have changed in recent times and we have to, as a government and as legislators here, respond to that and respond to that in an honourable and professional manner.

In my term in my 23 months as Minister of Health and Wellness in this province, the one thing that we try to prioritize as minister was strengthening mental health services in this province, as well as being a priority for our government. We've been doing many things in recent times. I think of some of the issues around just how much our budget has increased for mental health and addictions. Just in the last year, we've increased our budget by \$3.5 million on a budget that is now \$46 million in trying to deal with mental health issues in this province.

Some Hon. Members: Hear, hear!

Mr. Henderson: We have been trying to come up with very innovative and creative ways to deal and come up with the best possible mental health care for Islanders who face mental health challenges.

But, I think the one thing I really emphasize is that we have to focus on evidence-based concepts that have some sense of proof. This isn't just about going out and trying all these different initiatives and seeing how they might work. It's about making sure that we either look at what best practices have been done in other jurisdictions; how do we apply that to Islanders and see where there's commonalities. We have to look at the professionals that we have within our province, and we have to then implement programs. That's why we've developed numerous strategies, whether it's our mental health and addiction strategy, whether it's our opioid management strategy – we're working on these types of initiatives so we can put professionals in place where they can do the research, assess the information and then get it implemented where we can have the maximum impact on that.

I know every family that is stricken with someone that they know or a loved one that has a mental illness, it is a big challenge for that family and I know those individuals are wanting urgent and immediate care, and we are providing that in many incidents. We have increased our funding to mental health and we are trying to do our very best in dealing with our ongoing issue around recruiting professionals to psychiatry.

It is increasingly a challenge to find a psychiatrist in this province, but we're not alone in that. Every other jurisdiction – I remember asking my department: what is the competition factor out there for the psychiatrists? I hear Newfoundland looking for about 20 psychiatrists, Nova Scotia 10, New Brunswick two – we are looking for five and we've got some help coming. We've got some locums that are coming and we've also got some psychiatrists that are signing contracts to come in the future. We are addressing those issues, and I think once we get up to our full complement then I want to take a real good look at: Does that meet the needs? I always say: What's the point of having 17 psychiatrists as a complement if you can't get to 15? You have to get to that point and determine what your needs would be.

What is being proposed in this motion is really about online training and resources to assist individuals in providing self and peer assistance to themselves and others who are

suffering from mental health concerns. On the surface, that sounds very honourable and worthy. What the reality is, we're already doing that.

So, I want to inform this House that the mental health and addictions team at Health PEI have already been participating in the computer-based training for cognitive behavioral therapy. I think we need to understand what we do have out there and not put words into place here that says we have vacancies or needs or issues when we're already doing it. There's a certain redundancy in that.

We've also been utilizing other online support systems for clients such as our Strongest Families for parents and families. There is also our telehealth and telephones which are used, under our free and confidential Island helpline. I know there were some questions in the House there earlier today and the Island helpline is available 24 hours a day. I think the line that they were referring to is with another department, but the reality is, is that there are opportunities for people to call and there are trained individuals on the other side to provide, either, the individual who is thinking about doing harm to themselves, or for a person who knows of somebody who is doing harm to themselves.

I might also add that when I had the opportunity to go out to the Island EMS headquarters on the Hurry Road, we now have when an individual calls 911, we have professionals that are trained on the other end on how to help and respond to issues, whether that be an issue of someone potentially doing harm to themselves or somebody that requires an ambulance and paramedics to arrive on the scene.

Once again, it's just a phone call. There's always somebody on the other end of the line that can help and give some advice. We do our very best to make sure that those individuals are trained. They understand the complexities. They have protocols to follow and we're already seeing good results from that information.

Clinicians are also encouraged to share with their clients different evidence-based applications and website that have been created over the years, including one from

the National Centre for Addictions and Mental Health. This is a self-help tool and it focuses on recovery and spirituality. Once again, there are resources there that are available for individuals that may be afflicted with this within their family and/or the individual who might be thinking about doing hard to themselves. There are resources out there.

In mental health and addictions, we are in the process of reviewing many of our programs and services and to the delivery for best practice researched models. We had mentioned in this House and we announced in our Capital Budget that we're looking at a campus approach to the delivery of our institutional and mental health services in the province. We're going to see what the experts in Cannon Design and architect 45 as they do the research and see how that is going to be implemented in Prince Edward Island and how we can then invest the monies into the facilities and the structures and the staffing models that will deliver what would be now deemed as modern evidence-based mental health delivery of services.

Clinical researchers need to review the efficacy of these programs before saying that they are best practice and determine if this service is right for the various client issues that might be presented at the time. We've seen situations where our seniors mental health staff and clinicians, experts in the fields, have informed us that many online peer-to-peer supports are relatively new and have little evidence to prove promising practices for teens and young adults, but there is some emerging evidence that it may be effective with some adult populations. Once again, we need to know that this information is effective and that it meets the needs of the situation at hand here.

As a major part of the restructuring services within community mental health, access to services has been a primary focus for Health PEI. They are working to ensure that they are supporting people early on in their struggles, as well as with their chronic concerns. In conjunction with the department of education, when we announced our student wellbeing teams, we are now providing – those are the types of services that if a student is thinking about doing harm to themselves or having anxiety

issues, or whatever it might be, there's going to be somebody that's going to be available for them to make a referral from the teacher, the parent, and it'll be somebody there with professional training that's going to be able to provide those particular students with what advice is the best suited based on, once again, evidence and factual information. So these are the types of things that we're looking at doing.

It certainly would be reasonable to request for management to explore effective implementation of service options for online and peer support models, but we would need to allow them to be rolled into our planned review of service delivery options for Islanders, versus trying to push a program which many not be best suited for the demands and which may not meet the majority of Islanders needs as we serve them.

We need to ensure that we are evidence-based, best practice supports and services for Islanders. With the work underway on online and telehealth, it is evident that we do support portions of this particular motion. And if the experts in the field believe an online self-help tool would meet the needs of Islanders and can identify resources which would be evidence based, we would be open as a department to explore in integrating that into our current service delivery model, however, this has not happened. For these reasons – these are the realities of what we're trying to deal with here in the Legislature and when the opposition makes a motion, it's hard to support motions when they don't have the facts behind the issue.

I think it's very important to highlight to some of the realities that we are seeing here today when it comes to peer support groups and what we do provide that's available. I'd mentioned earlier: Community Mental Health offers group treatment education program for some mental health conditions, such as severe stress, anxiety, or depression; through Addictions Services, support groups are available such as CRAFT program, which is known as the Community Reinforcement Approach Family Training and Family Education Program; Friends Supporting Friends; seniors' support groups; and family aftercare groups.

There are also many supports offered via our community partners. And I think that's very important to note. In the delivery of health care service in this province, we have many partners. It's all right for an individual to come out and speak out about whatever they may not be receiving, but I think when it's an organization that we tend to work with, we certainly listen much more intently in the regards to what they're saying because they would be, once again, individuals that would be in the know and deal on the frontlines with many Islanders that are suffering from these issues.

The one group that I really have a lot of time for, they do great work in this province is the Canadian Mental Health Association. They have individual and family support and education programs; they have self-help groups; they have training on suicide; they have the ASIST program; the Changing Minds program on mental illness; and Mind Your Mind website for youth.

The Catholic Family Services Bureau is another group that's out there that has a myriad of counseling and support services for individuals and they have specific group support programs for men, they also have music therapy, and sessions for individuals or groups. In fact, we provide – in our department we have a contract with the Canadian Mental Health Association to the tune – last year, I believe it was \$1.58 million of core funding that we provide the Canadian Mental Health Association and that funding has steadily continued to be increased and we've worked out contracts with them on suicide prevention models and numerous other initiatives to make sure that they are in the know and they are providing our department with the appropriate access when it comes to providing supports for mental health.

Anyone who is struggling with mental health or addictions, they are encouraged to help through our primary care providers – could be a family doctor, go to a walk-in clinic, community mental health associations, call a helpline – the Island Helpline, or even just simply talk to a friend. We certainly don't want people to be struggling and we certainly don't want anybody to be struggling alone.

I think it's really important to note some of the things that we have implemented here. When I think of things like – and I know the opposition one time mentioned it's just names of programs and stuff, but we focus on the families and the individuals affected here and I have numbers to that. The student wellbeing teams – we've already dealt with 80 students since the start of the school year. Eighty students that have sought help and have received services and supports. The behavioural support team that we have – 51 children and families have been supported since last fall – 51 families.

We get into issues like the Strongest Families Program. Get this one: 369 families served since the fall of 2015, with about 40 new referrals a month. These are programs that are out there. I can think of the Strength Program and the residential mental health and addictions program: 75 persons have received services in the past year. Our INSIGHT Program: another 20 individuals received supports. We've now opened up our mental health and walk-in clinics across the Island. More than 520 Islanders have accessed those services since last fall. So that's individuals – any day of the week, you can get access to a mental health professional in our walk-in clinic somewhere in PEI.

Then we get into the issues around our Opiate Replacement Therapy Program. We have about 900 Islanders that have received service in that at four different sites and that's just through our programs and there will be some through insurance and that perspective. So there's all those types of services that are out there and I think it's very important that we work with these organizations.

I know the hon. member earlier on in his discussion around this particular motion; he started to mention names of individuals. These are things that would be very concerning to certainly myself as a professional, I understand that sometimes we can do these things at a slip of the tongue, but I think you have to be very professional in the way we deal with this and not do undue towardness to particular families and maybe putting them in an awkward situation of information that they may not have required. I just caution that to any member here.

Leader of the Opposition: (Indistinct) are already on social media advocating.

Mr. Henderson: Be a little bit careful of that.

Well, and I say, and we as a government and myself as minister, work intently and frequently with groups and organizations that are out there and they advocate on behalf of their individuals and there would be very few days that go by that I, as Minister of Health and Wellness wouldn't have an email, a phone call, a text message from an individual on a particular situation. I have to, once again, be very respectful of their situation. This isn't about trying to get one person a service over another or anything like that, but we want to make sure that we are doing our due diligence in making sure that Islanders access the particular service that they require at the appropriate location in the appropriate timeline.

I understand that every Islander – that's the one thing I find when I'm dealing with the health and wellness, is that every family and every individual – their issue is the most important issue at the time and I fully understand the duress a family can be under in a stressful situation and I certainly want to be as empathetic to their plight as I possibly can, but as minister of health I have to deal with the big picture of trying to make sure that we can have a good, streamlined system that is effective and deals with Islanders and their mental health challenges that they have as professionally as we possibly can.

I certainly emphasize that we have some tremendous professionals out there in our health care system, whether that be at our emergency rooms or whether it's at our other providers – whether that's Canadian Mental Health Association. They work really good on that – on that particular issue.

So I think it's very important that we make sure that the type of information that we're dealing with and when we talk about issues about research that organizations may be doing, we want to make sure that that research is factual.

One of the groups that we focus on is the provincial research and ethics board that makes sure that anybody that's asking

question as it pertains to mental health and whatnot, that we're getting accurate information back and that it's responded to in the most appropriate fashion.

So I'm saying, as the Minister of Health and Wellness, as we continue to work on this and as we all collaboratively look at potential solutions in this province, we're going to see improved outcomes when it comes to mental health services in this province and I feel that when we see our campus at Hillsborough Hospital being modernized and upgraded – questions in today's House about the designation at Prince County Hospital and how we're going to be providing psychiatric services there and that we'll be able to deal, now, with involuntary patients and the stress load that that's going to take off many families in the western end of the province.

It allows our Prince County Hospital to now focus on a higher level of severity and acuity of mental health patients. That's going to take a big weight off our Queen Elizabeth Hospital and Hillsborough Hospital in providing a level of services. I think that's critical that we're able to do that. Although, you know, there, certainly, were, questions, I guess, through what we were doing there, but the reality is: the Prince County Hospital, I've met with the foundation on numerous occasions, and they want a higher – play a bigger role in the health care system in the province of PEI.

That's why we put the women's wellness centre – they have the capabilities –

An Hon. Member: Great initiative.

Mr. Henderson: – of delivering equipment. They have the ability to fundraise to make sure that people in the community are aware of what service delivery is going. I'm really looking forward to the big expansion to the ambulatory care section that's going to be held there and that the women's wellness centre will be housed in that.

On top of that, we've also spread our services out across the province; Charlottetown, O'Leary and Alberton, Montague, are also receiving mental health and women's wellness programs, so when we get into issues around post-partum depression. I mean that's a severe issue that

many women sometimes find after childbirth and I think, I'll just read here: 20% of women experience some form of mood disorder from post-partum situations. These are serious issues and we are addressing that. We certainly have seen our amount of inquiries coming into our department, for those types of services, have massively declined. I think as we move forward we'll be able to address even more of that.

If we go back to our mental health and addictions strategy, I think, the goals and focus of that strategy were all about the issues of investing early; focus on children and young people and their families. I think we've checked that one off in the respect that we've done a lot with our student well-being teams. That's going to make a difference. That has just happened since September. It has just happened in at two communities so far; the Westisle family and the Montague family of schools. Now, we want to roll that out over the next three years, that all of the family of schools will have access to those types of services. That's going to have a big impact on families on Prince Edward Island.

The access to the right service, treatment and support: I think that's another point, and that's part of what we're looking at with our mental health walk-in clinics. People don't necessarily have to make appointments. They can come in and then, at that point, that'll be a good referral point and they can be referred, then, to other services as required. It may not be the case for a psychiatrist is required in every situation. Maybe a psychologist can deal with some of the issues. Maybe just a mental health counsellor can deal with that. It might a bit more of an addiction issue. It goes back to making sure that whatever entry point that an Islander is asking for a service, when it comes to mental health, if it's just as simple of 911, there will be a referral point to send that person on further.

Mental health promotion of people of all ages: we've certainly seen the challenges that we've been—

Leader of the Opposition: (Indistinct) that easy (Indistinct)

Mr. Henderson: — faced with — we've announced all of our senior's mental health centres across the province. We made the announcement last week, I believe, in the House about our seniors mental health team being announced for Kings County. Another thing that, that's — so, now, we have that, now, already, just within about a year, we've announced and have them all across the Island, those services.

I know we have many seniors that struggle with mental health by time. Lots of it is loneliness. Lots of it is not being able to cope and do the things they once done. Now, once again, there are locations for those individuals to go and access service.

Foster recovery and well-being for people of all ages: once again, we're going to be upgrading our Hillsborough Hospital. We're going to come up with a new model that's more reflective of some of the issues that we have. I think that that'll be new and innovative. It'll be frontline services. We're going to focus on our transitional housing, as well as our forensics. Some of those are going to be unfolded and construction starting in the very near future. While other components of a campus style will happen over time.

Very innovative and collaborative workforce is number five. I think that's part of what we're talking about here. It's about cross-training as many people as we can out there and making sure that they're all aware of how to respond to a mental health issue, or a sexual assault case. And, you know, all of these people are health care professionals. They've had training at their location of their choosing of, whether they're an RN, or an LPN or an RCW, and every one of those health professions would deal with the issues around mental health and how to respond to an individual that's crying for help.

The other one is leadership and monitoring and evaluation. I'm confident that the — we have many individuals out there that are director of our departments —

Ms. Casey: Call the hour.

Mr. Henderson: — within the health —

Speaker: The hour —

Mr. Henderson: Thank you, Mr. Speaker.

Speaker: – has been called.

Some Hon. Members: Hear, hear!

Hon. members, this House will recess until 7:00 p.m. this evening.

The Legislature recessed until 7:00 p.m.

Speaker: Please be seated.

Orders of the Day (Government)

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Premier, that the 16th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant (E. Doiron): Order No. 16, *Public Interest Disclosure and Whistleblower Protection Act*, Bill No. 25, ordered for second reading.

Speaker: The hon. Minister of Agriculture and Fisheries.

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

Speaker: Shall it carry? Carried.

Clerk Assistant (E. Doiron): *Public Interest Disclosure and Whistleblower Protection Act*, Bill No. 25, read a second time.

Speaker: The hon. Minister of Agriculture and Fisheries.

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

Speaker: Shall it carry? Carried.

I will ask the hon. Member from Charlottetown-Lewis Point and the Deputy Speaker to come and Chair the Committee of the Whole.

Chair: The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *Public Interest Disclosure and Whistleblower Protection Act*. Is it the pleasure of the committee that the bill now be read clause by clause?

Leader of the Opposition: Yes.

Chair: Hon. Members, could we have permission to bring a stranger on the floor?

Some Hon. Members: Yes.

Chair: Thank you.

We'll just wait for him to introduce himself.

Good Evening. Could you state your name and title for the record?

Blair Barbour Manager: Blair Barbour, Manager of Policy, Planning and FPT Relations for the Department of Justice and Public Safety.

Chair: Welcome.

Premier, did you have an opening statement?

Premier MacLauchlan: Yes, thank you, Chair.

A short version of what we're doing here is that is a bill to strengthen government's approach to public interest disclosure and protection against reprisals for individuals who make disclosures of serious wrongdoing.

There was an earlier version of the bill tabled during the spring 2017 session of the Legislative Assembly as Bill No. 76. It was left on the order paper and there were consultations over the course of the summer.

The main ways in which this builds on the policy that has been in place is to enable an independent appointment process for a commissioner and to put in place penalty sections for certain breaches of the legislation.

Chair: Thank you.

Hon. members, I'm going to read a full section. Then, I'll open the floor for discussion.

1. Definitions

In this Act

(a) "Commissioner" means the Public Interest Disclosure Commissioner appointed pursuant to section 2;

(b) "complaint" means a complaint respecting an alleged reprisal, made in accordance with section 19;

(c) "deputy head" means the deputy minister or chief executive officer of a public entity;

(d) "disclosure" means a disclosure of information respecting alleged wrongdoing made in accordance with section 9;

(e) "employee" means an employee or officer of a public entity, unless otherwise indicated;

(f) "head" means the minister or the head of the board of directors or other governing body of a public entity;

(g) "Office" means the Office of the Public Interest Disclosure Commissioner established in subsection 3(1);

(h) "public entity" means

(i) an entity to which the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, applies, including those entities listed in the schedules to that Act, except

(A) the Island Regulatory and Appeals Commission,

(B) the Legislative Assembly,

(C) the Office of the Auditor General, and

(D) the Prince Edward Island Human Rights Commission, and

(ii) any other entity prescribed as a public entity;

(i) "reprisal" means any measure taken, directed or threatened against an employee because the employee has, in good faith,

sought advice about making a disclosure, made a disclosure or participated in an investigation of a disclosure, or is suspected of doing any of those things, where the measure adversely affects or would adversely affect the employee's employment, including a dismissal, layoff, suspension, demotion, transfer, reprimand, discontinuation or elimination of position, change of employment location or hours of work, or reduction in wages;

(j) "wrongdoing" means any of the following conduct in or in relation to a public entity:

(i) the contravention of an enactment or an Act of the Parliament of Canada or any regulations made pursuant to it,

(ii) the gross mismanagement of public funds or government assets,

(iii) an act or omission that creates a substantial and specific danger to the life, health or safety of persons or the environment,

(iv) a direction or counsel to others to engage in conduct described in subclause (i), (ii) or (iii).

Question from the hon. Member from Georgetown-St. Peters.

Mr. Myers: Thank you.

When you outline in (i) "reprisal" and you talk about a lot of things and being familiar with government and the way it works, what protections are there to ensure that there is no change to the actual treatment of your employee. I don't really see – you talk about dismissal, lay-off, suspension, demotion, transfer, reprimand.

I've seen it happen to people where their work just kind of shifted or changed or people didn't get the same kind of assignment they once did, but they weren't demoted. They weren't eliminated. They weren't reprimanded or transferred. Their work hours didn't change. Their work location didn't change, just their overall ability to contribute to the entire workplace changed.

What protection is there for that type of situation?

Chair: The hon. Premier.

Premier MacLauchlan: They're protections under collective agreements; protections against harassment in the workplace if that's the kind of thing that the member may be suggesting.

In the context of defining reprisal, it's important to understand that that's linked section 17, which would, in effect, create an offence with some quite serious sanctions for a reprisal. It's with that link between the definition of reprisal and that prohibition in 17 and the sanctions in, I believe, it's 25 that really sets the bar, you might say, for, the kind of, more explicit action that you're talking about it.

If it's poor – if it's a complaint against management in the workplace then that would be dealt with under protections or under provisions that are in place through, I'll just simply call it, collective agreement and employment law.

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

Mr. Myers: Thank you.

That brings me, kind of, into my next question then: What, over and above, are you offering beyond what your current labour laws offer any employee and what any union protection a government employee would have. What, in this, would go beyond what the employee would have with those two entities alone?

Chair: The hon. Premier.

Premier MacLauchlan: This bill, in the first place, sets up a regime for there to be disclosures. That's a whole system in and of itself. The part that is really the link between the encouragement of disclosures and the whistleblower protection is the whole system of prohibiting and then sanctioning reprisals. That's a very specific provision that an employee would have a hard time putting together currently under the combination of the collective agreement and employment laws.

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

Mr. Myers: Thank you.

The protection that's offered to them is only if they go through a disclosure process with the disclosure commissioner. They're not offered any other protections? Say, if they went to the media.

Premier MacLauchlan: This is about disclosures to the head of your entity where you're working and a whole regime that is then, in place, for how those disclosures are dealt with.

This is the same in whistleblower protection and disclosure legislation across the country. It's set-up to, in the first part, enable and create a system for making and dealing with disclosures and then the protection against reprisals.

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

Mr. Myers: Thank you, Chair.

In the case of reprisal, or protection against reprisal in a disclosure situation where an employee didn't necessarily trust the head of the entity for their area with a disclosure and they decided to take a different route and went public, is there protection offered in this act to that person?

Premier MacLauchlan: No. It would not – that's the whole point. It's to; I'll call it, normalize and encourage disclosures as part of the culture of the workplace.

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

Mr. Myers: Thank you, Chair.

I guess from my own personal experience, that sometimes the – not all situations of it, there has been some really good examples, but I have seen some really toxic examples, too, where people are – there's a point where people are scared and worried about their future in an organization inside of government because you have toxic management and they don't know who they can trust anymore, and it seems to become – some of the shops – anybody who has spent any amount in government could tell you, some of those shops is really kind of a closed-loop system.

How does that person who is taking the complaint of the commissioner – how is there any assurance that they will get the trust of an employee who is in an extremely toxic workplace?

Chair: The hon. Premier.

Premier MacLauchlan: When you're speaking about a toxic workplace, there are systems, or there should be systems, to address that this is about acting to redress serious wrongdoings. The whistleblower legislation, whether it's here or in other provinces or federally, is about the public interest in preventing and redressing serious wrongdoing.

There are other systems in place to build the kind of positive workplace culture that you're talking about and that we all believe should be the case.

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

Mr. Myers: Thank you, Chair.

I do, I understand that and I guess by the nature of the disclosure process that you have explained here, and created, the expectation is that there is going to become a disclosure culture. In order for that to happen, there has to be a level of certainty with the employee that the person they were disclosing it to is going to be – is on their side, for the lack of a better word.

Premier MacLauchlan: That's a great point because that really gets at the fundamentals here. That is to say, we will put in place a legal standard and legal provisions and systems and processes, but what is really necessary for this legislation to work is to build the culture and to educate directors, deputies, leadership of all of our public entities and to do it collectively and in turn, for employees to have the confidence and trust that comes with having a system like this.

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

Mr. Myers: Thank you, Chair.

So, am I to understand, you talked in more legal terms there, that the commissioner would be a lawyer type?

Chair: We're actually getting to that in the next section.

Premier MacLauchlan: What this provides is the appointment process for the commissioner. There's no job description as such. It would be to put out a call and as you will see in section 2, there's some extensive provision regarding the appointment and terms of office of the commissioner.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

First of all, I want to thank the Premier for the opportunity to consult on the draft that was presented to the House last session and as the Premier is aware, our office wrote a fairly lengthy letter with a number of suggestions, many of which have been incorporated and I very much appreciate that. Thank you.

I just have a couple of questions on this first section; 1(h)(i) which – well, in this case we're just defining them, but later on in the act these bodies: IRAC, Legislative Assembly, Auditor General and Human Rights Commission – they are all excluded from this act and I'm wondering why those entities were excluded.

Premier MacLauchlan: The entities that are named here, in the case of the Legislative Assembly and the Auditor General, they are entities of the legislative – or at least they have the independence that comes with being of the Legislative Assembly and it's not with any presumption that it would be inappropriate for those B and C entities to be subject to and to work with whistleblower legislation, but the request to be subject to it should come from the Assembly, not from the Assembly in its independent operation – in effect, I suppose, the management committee or legislative management rather than a bill coming to the floor that's proposed by me as minister.

In the case of IRAC, it's that they are a quasi-judicial entity and again, it's not inappropriate or in any way a poor fit, but the request to be included should come from

IRAC as opposed to coming from the minister of justice or the Premier.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thanks.

I know it's sort of split between the provinces as to which ones do include these bodies and which do not. It's almost 50/50, but there was a very famous case recently in Newfoundland where members of the Legislative Assembly were actually jailed because of wrongdoings, and that triggered a whistleblower protection specifically for the Legislature, which led later to a number an umbrella piece of legislation, similar to what we have before us.

But, clearly there, there was a need for it in the Legislative Assembly and I'm just wondering why you feel – I understand that you feel it should come from the Assembly itself, but given previous and fairly recent activities in other jurisdictions, do you not feel that it would have been prudent for us to do that proactively?

Premier MacLauchlan: What I think would be the most prudent way for that to come about would be for the legislative management committee with the Speaker's participation and membership – I believe you're the Leader of the Third Party is a member – to take the initiative in which case there could then be an amendment or there could be an initiative taken to put in place the disclosure provisions and the whistleblower protection to extend to the operations of the Assembly, and then in turn the Auditor General – I don't know whether it would be the Auditor General herself or again, legislative management, who might take that initiative.

But as I say, it's not out of any belief that it's out of order, inappropriate, or poor fit for this whole regime that we're putting in place to extend to the Assembly.

Dr. Bevan-Baker: Okay.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

I'll save my arguments for the legislative management committee.

Thank you. Thank you, Premier.

Chair: Shall the section carry? Carried.

The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Premier, what did the Public Service Commission have to say about this when you reviewed it?

Premier MacLauchlan: We didn't hear back (Indistinct)

We did not get a written response or a submission from the PSC. This was sent out to various public entities, the unions, to the parties here, and we heard back from the Leader of the Third Party, from UPSE, the main public sector union, not others, and from the workers' compensation and Health PEI, neither of which had (Indistinct) – Health PEI and workers' compensation had no concerns.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

I know when whistleblower legislation was brought to the floor quite some time ago, it was back in 2010, I wasn't on this side of the rail but I was on the other side of the rail and I know the premier at the time that time said that they had the public – this would be premier Ghiz – and they had the Public Service Commission lawyers look at it and I'll quote: It can be stated that legislation whistleblower is unnecessary as internal disclosure of information to authorized department personnel is already permitted. Then he said, it goes on, and it's encouraged: It could also be stated that the current grievance process could handle any allegations of disciplinary action.

I'm curious why they felt so strong about it then and we haven't heard back from then now. Do you have any concerns with the Public Service Commission lawyers having concerns then and not now?

Premier MacLauchlan: Not particularly. They were certainly aware that this was taking place so I don't have a strong view on that. When we formed a government, one of

the first things we did was put in place the policy to indicate that we believe in the utility – with the accompanying education and building of a culture and then, as we know, the Auditor General made the recommendation that this be in the form of legislation, rather than policy and that's what we're doing now.

Mr. MacEwen: Chair?

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

I do find it odd that they didn't get back to you. I wonder if we could follow-up with them again just to see if they do happen to have a response.

Premier MacLauchlan: Our department, in particular the director of policy, was in contact with PSC around various provisions as the bill was being developed and as the further bill that's here was developed, so they're well aware of this initiative and of the content of the bill.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you.

They're fine with this then? They don't have concerns this time? Okay.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Premier, do you have any concerns about how this would make civil servants look, I guess?

Premier MacLauchlan: If I could just get the context of that. You mean if they make a complaint? Or the fact that we're putting in place a whistleblower –

Mr. MacEwen: Yeah, would it make –

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Do you feel that it might be – because you're bringing this in, there's an appearance of guilt in the civil service?

Premier MacLauchlan: That certainly has not been expressed by any of the interactions that we've had and under the whistleblower policy that's been in place for two and a half years, this is one of the very first things. There was an act of promotion, I'll call it, of the policy with the group of directors – they would comprise of roughly 130 people who meet and then have a network and with the deputy ministers council, which meets more regularly, and they, in turn, were encouraged to and – certainly my impression that this took place – to share not only the existence, but the purpose of the policy with employees and this was, to my understanding, always received as the encouragement of our public service as a whole to the view that we should be preventing wrongdoing. But I don't think I heard indirectly that anyone said: Well, are we being sort of accused of anything?

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Thank you, Premier. I'm glad to hear that nobody has done that recently. I know – and I guess the reason I bring it up is during the last debate on this, the Member from Charlottetown-Victoria Park, he made these comments. He said: I've been a civil servant for a number of years and I can assure this House, Madame Chair, that any member of this House, every civil servant I've ever worked with made their views, opinions and worked their way through the system. This bill is making civil servants look bad. You're insinuating in your bill that wrongdoing is going on in the civil service and I can assure you no wrongdoing is going on in the civil service the 15 years I worked there. None of my colleagues, none of my fellow employees broke any laws. You know yourself.

Mr. R. Brown: When did I say that?

Mr. MacEwen: 2010.

You haven't heard those concerns because I know a number of the members of this

Legislature were there that day and I watched them from outside the rail and they weren't all that excited by whistleblower legislation back then, so I'm curious if you guys have had that discussion in caucus.

Premier MacLauchlan: This is a government bill and it's come forward through a deliberative process going back to it being on the order paper on first reading. We'll see what people vote, but as far as I know, we're okay on this.

Mr. MacEwen: Interesting.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Would the Auditor General already cover any of this? Would her work cover this (Indistinct)? And I say it because the hon. Member from Charlottetown-Victoria Park, he also said: that we know any civil servant can go to the Auditor General with allegations and the AG will investigate them. Is that true? At any time can the civil servant go and ask the AG to investigate that there's wrongdoing?

Premier MacLauchlan: There are various ways that things get brought to –

Mr. LaVie: (Indistinct) Hansard.

Premier MacLauchlan: – the attention of the Auditor General and the Auditor General has an independent ability to undertake work, as we know. This is meant to build, in House, both a culture and a corrective, responsive, and disciplinary process to deal with wrongdoings – and to deal with it within the structures and the personnel of the public service.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Thank you, Premier. It's good to hear that.

Premier, I sat outside the rail and I listened to the provincial treasurer – as it was called back then, not the finance minister – that was Wes Sheridan. He said that inside our province, we have the *Freedom of Information and Protection of Privacy Act*, as well as the *Occupational Health and*

Safety Act, the *Child Protection Act*, and even the *Public Health Act*, all of which enables our employees go forward internally and make sure that they have the strength and the rights to go to those in authority in their departments and achieve the same goals. He goes on to say that basically that's already there instead of whistleblower legislation.

Do you have any concern that these acts already cover what we're doing here today?

Premier MacLauchlan: There's undoubtedly a close relationship and an overlap and, indeed, people can approach their supervisors or approach the departmental or the head of a public entity as things stand. What legislatures have done across Canada and elsewhere, is to put in place a further layer that has with it both sanctions and a process to offer the protection against reprisals.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

I'm glad to hear that, Premier. The minister of education the other night when we were debating the Leader of the Third Party's bill said that: We already have mechanisms within the law to protect people.

Is that the same case for provincial civil servants if they come forward? Because he was making the same case against the Leader of the Third Party's bill. Can that case be made here this evening? I'm interested to hear if he does make that case here tonight.

Premier MacLauchlan: Well, I guess he'll have to speak (Indistinct) and he may. But the difference between what was being considered the other night and this bill is that it is specifically for public servants and the public service and it is developed in a way that is built on jurisdictional scan of what's been done in other jurisdictions for public servants and to protect against reprisals. I expect we'll come back to the bill presented by the Leader of the Third Party, but I'm just trying to use my time as effectively as I can tonight.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Thank you, Premier. I wish you had been on the floor with Olive Crane back in 2010; you could have answered all of these questions for your members of your caucus when they were asking them.

Premier, there are eight members of your caucus over there that voted against it that night and I hope that they don't. I do believe in whistleblower legislation.

There are a few things in this bill that I think we'll debate here this evening, but I think it's important and I appreciate your bringing it forward.

Thank you, Chair.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

I just want to go back to something Morell-Mermaid said and it was about the Public Service Commission and you speaking with them.

Did they actually give you a written response saying they were fine with it?

Premier MacLauchlan: It was the interaction with them. So, we didn't –

Dr. Bevan-Baker: There was no official response, then?

Premier MacLauchlan: But we were in touch with them through Blair Barbour's team as this was being developing and then as the finishing touches were being put on it.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: I just say that because I made a rather flippant and facetious comment the other night when we didn't receive feedback from particular organizations and I said: oh, I assume that means they endorse it, which, of course, it does not. It means that they just not respond and that could mean any number of things. I'm just interested that there wasn't an official written response, saying: no, we're

fine with this from the Public Service Commission.

Premier MacLauchlan: In the case of the Public Service Commission, since this legislation obviously deals with –

Dr. Bevan-Baker: Yeah.

Premier MacLauchlan: – the, I might call, the culture and the, kind of, norms of the public service, we were in regular contact with them as this was being developed. There probably wasn't an expectation that they would write anymore than Legislative Counsel would write. It's a collegial kind of an environment.

Dr. Bevan-Baker: Okay, thank you, Premier.

Thank you, Chair.

Chair: Shall the section carry? Carried.

Oh, sorry. The hon. Member from Georgetown-St. Peters –

Mr. Myers: Thank you, Chair –

Chair: – I did. I did have you on the list.

Mr. Myers: No, that's fine.

There has been an interesting discussion here both by the member from Morell and the Leader of the Third Party, and I've picked up some good information. I want to go back to one of the points that we had talked about when I'd first asked questions at the beginning of this.

Given the fact that it is important to have a protection mechanism in place for the public service, and given the fact that you told me that there's no protection for an employee who worked outside of the confines of this disclosure system and went to the media themselves.

Is there a way we can strengthen this bill to ensure that somebody who works outside of your disclosure system and the bureaucracy that you've created around this, that they, too, would get the same protection?

Is there a place where, in this act, we can put some additional clout to it to ensure that

people, who really see wrongdoing – like the PNP was a great example. The original one when the Member from Charlottetown-Victoria Park was assigned 3,000 PNPs one afternoon –

Mr. R. Brown: (Indistinct)

Mr. Myers: – and –

Mr. MacEwen: Two days in August.

Mr. Myers: Two days in August.

That those people who spoke about the program, at that point, who didn't feel like they had the support –

Mr. MacEwen: Deputy (Indistinct)

Mr. Myers: – inside the system to have something done about it would be offered the same sort of protection.

My understanding of this act had a lot to do with some of those people who spoke out. The member for Morell was around working the hallways of the political world at the time and he'd have a better understanding of what kicked off the original push for the whistleblower protection.

My understanding is some of those people that it would – this was initially kicked off to give protection to, still aren't protected through this act if they were to act the same way that they acted at that particular time if they didn't follow a very strict disclosure type system.

Is there a way we can strengthen the act to protect those people?

Premier MacLauchlan: I think it's important to understand what this act does, and that is disclosures are to take place through the process and the perimeters that are laid out in sections eight through 16. It's precisely that. That there is a way to receive, respond, investigate disclosures of serious wrongdoing and it starts by making a disclosure to the deputy head. That's the way whistleblower legislation exists and it's to recognize that there is a proper – a way to deal with this and that employees who have concerns about serious wrongdoing are encouraged to do so and that's paired with a protection against reprisals.

(Indistinct) to say: let's say that they could go this way to that way would be, I would say, outside the scope of this legislation. It's not because I'm here saying that they should do it this way or that way, but there is this precise thing that's being done here to encourage disclosure and the public interest in disclosure and the resolution and pursuit of those, kind of, disclosures within the process that is set out here. It wouldn't really be consistent with the bill to say: well, let's tell them to go whatever other way they might want to go.

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

Mr. Myers: Thank you, Chair.

I'm not suggesting that we tell them to. I'm just suggesting we offer them protection if that's the way they choose.

I'll ask another question then: If somebody saw some wrongdoing inside and decided they wanted to tell me. They reached out to me and they either gave me documents, which happens all the time or shared information with me, which happens all the time or tells me where to FOIPP something, which happens all the time, and you found out or somebody inside found out, are they offered protection under this act?

Premier MacLauchlan: No.

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

Mr. Myers: Thank you, Chair.

Why would that be?

Premier MacLauchlan: Because they didn't go to their deputy head. They may have other protections because you're a legislator and they can come to you, but the Legislature has its own kind of ways to address these things, but this is a disclosure to a deputy head or to the head of the entity where the person works within the public service and that's what the reprisal, or the protection is paired with.

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

Mr. Myers: Thank you, Chair.

All the deputies in government are at-pleasure-appointments by you, so they work directly for you. You're telling me that the mechanism by which people would be protected are: they'll be protected by a political-appointed deputy?

Premier MacLauchlan: The deputies work in a professional context. They have a job to do as the administrative head of the department or the entity for which they are responsible and they do that within a long culture of good public administration. This bill is a further step toward good public administration. The fact that they're appointed by the Premier doesn't change that. This is a step; a whole set of provisions that encourage that.

The employees do have the option to go to the commissioner.

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

Mr. Myers: Thank you, Chair.

In the case where something was reported up the chain and it was something that was very detrimental to yourself, or a minister or to government, period. Who would the deputy be first responsible to protect, the employee, the public interest or you?

Premier MacLauchlan: There's a whole process that the deputy head or that the head of the entity follows upon receiving a disclosure and that responsibility does not include coming to the Premier.

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

Mr. Myers: Thank you, Chair.

When we talk about deputies, they're at-pleasure-appointments of the Premier, so they work directly for you.

I'm asking my question again: If there was something that was reported up to the deputy level that was detrimental to government, who would they have to obligation to first protect, the employee, the public or yourself?

Premier MacLauchlan: They have the obligation to respect the law and to do their

job. We've got parallels already. FOIPP legislation is a good parallel. Their job is not to come and say: What would the Premier like? It's to act in accordance with the provisions that we'll get to if we can sort of make our way forward.

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

Mr. Myers: Thank you, Chair.

So, what you said if they have an obligation to do their job, which is interesting when the deputy is an at-pleasure appointment of the Premier's. I'm not sure what their job is and I'm not sure that you clarified it any by saying that. Actually, I think you made it even murkier.

I'm going to ask my question again: If there was something that came up to the deputy level that was detrimental to government, who would they have the responsibility to protect, the employee, public interest, or you?

Premier MacLauchlan: They have the responsibility to respect the rule of law and that's precisely why we're sitting here as a Legislature passing what is proposed to be a law, and that will make something better in terms of our overall public administration, and will make something better for employees who are interested to disclose something and it'll make something better for the people of Prince Edward Island. That's where they have the responsibilities to the law.

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

Mr. Myers: Thank you, Chair.

So theoretically then, this bill passes and becomes law and something detrimental to government comes up to the deputy level, who would the deputy have the responsibility to protect first, the employee, public interest, or you?

Premier MacLauchlan: To the extent that you keep coming back to protecting me or protecting the Premier, living up to the law serves the Premier because it serves the purpose that we're here as a Legislature and why we would pass this bill.

Mr. Myers: I'll have to ask it again (Indistinct)

Premier MacLauchlan: Period.

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

Mr. Myers: Thank you, Chair.

I have to ask the question again because I am really uncomfortable with your answer. I just want to know which person. Basically, what I am asking you is: Is the employee the first – is the employee protected? Are they the ones that matter the most in this situation?

I'll ask it again: This bill passes and becomes law, and somebody comes up with something that's detrimental and it's going to seriously harm the standing of government and their ability to get re-elected, and it's in the deputy's hand, by this law: Who does the deputy have the responsibility to protect first, the employee, the public interest, or yourself – government?

Premier MacLauchlan: The public interest and the public interest, and the reason we're sitting here tonight, is that we are proposing to have a law in Prince Edward Island that encourages disclosure of serious wrongdoing.

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

Mr. Myers: Thank you, Chair.

Okay, so we have number one. Number one is the public interest.

I'll ask the question for the other two: Who is second? Who is second to get protected in this? Is it the employee or you?

Premier MacLauchlan: There's no provision whatsoever in here for protecting the Premier. This is to protect the employee. It is to protect the public interest against wrongdoing, and I would assume that the premier of the day would want to know if there's serious wrongdoing and that it be addressed through whistleblower legislation, which is why this is here today.

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

Mr. Myers: Thank you, Chair.

My point, if it hasn't already been made to you, is that the deputy should have no part in this. Actually, anybody who is going to be involved with a disclosure process for a whistleblower act should be completely independent, like John McQuaid; completely independent. He belongs to the Assembly, works for the Assembly, completely independent; answers to nobody. I guess effectively, answers to the Speaker and the legislative management, but effectively has no boss.

A deputy has a boss; it's you. Whether or not you can say that all your deputies today will execute the letter of the law first and protect the public interest first, if you're putting an act in place that has a political appointee responsible at the top level for application of this act, I don't know how anybody can be comfortable that the public interest is actually going to be number one. I think what you need to do is have a look at this act. I think you should take it off the floor and I think you should come back when you're ready with an act that has an independent body that answers to absolutely no one like John McQuaid.

Chair: The hon. Premier.

Premier MacLauchlan: Chair, section 9(1), and I've said this, offers to the employee who reasonably believes that they have information (Indistinct) to make a disclosure, to do it to the employees' deputy head or to the commissioner. So, this act creates a commissioner and we'll make the reference to the conflict of interest commissioner. This commissioner will have a status and an independent and autonomy substantially comparable to that of the conflict of interest commissioner.

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

Mr. Myers: Thank you, Chair.

I'm just getting a little history lesson here. In 2008, Brooke MacMillan was the deputy responsible for PNP, and he was actually the reason why the last whistleblower

legislation came in place because he was the one who broke the laws to begin with.

Do you think in a case – and I'm not saying any of your deputies are like that. What I'm saying is that this bill has to extend beyond you, your term or any of us. It has to extend into the future to provide the proper protection and oversight, and the best interest of the public.

In the case of Brooke MacMillan, in my exact scenario, can we expect that the public interest would be number one? Because it certainly wasn't then.

Premier MacLauchlan: I'm not commenting on that case in particular, but an employee who has a concern about wrongdoing, who is not comfortable going to the deputy head, can go with the same process and the same option, same pathway, to the commissioner and this bill includes that very system and the creation of the office of a public interest disclosure commissioner.

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

Mr. Myers: Thank you, Chair.

You don't think that you should create an independent body that doesn't answer to you?

An Hon. Member: (Indistinct)

Mr. Myers: Not independent at all, actually.

Premier MacLauchlan: Maybe we can get to that when we get to section 3 that that sets up the office of a public interest disclosure commissioner.

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

Mr. Myers: Thank you, Chair.

Can I take that as a no?

Premier MacLauchlan: Of course not. There's a public interest disclosure commissioner and that's exactly what you're asking for.

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

Mr. Myers: Thank you, Chair.

I'm actually not. I guess we'll have to move to that section to discuss it, but I'm not comfortable with how (Indistinct) so let's move to that section if nobody else has questions on (Indistinct)

Chair: Shall the section carry? Carried.

Administration

Public Interest Disclosure Commissioner

2. Appointment of Commissioner

(1) The Lieutenant Governor in Council shall, following a resolution of the Legislative Assembly supported by at least two-thirds of its members, appoint a Public Interest Disclosure Commissioner who shall be an officer of the Legislative Assembly.

Pre-conditions to appointment

(2) Before an appointment under subsection (1) is considered by the Legislative Assembly, the Lieutenant Governor in Council shall consult with the Standing Committee on Legislative Management and make a recommendation to the Legislative Assembly respecting the appointment.

Term of office

(3) The term of office of the Commissioner shall be five years and a person holding the office shall not serve more than two consecutive terms.

Resignation of Commissioner

(4) The Commissioner may resign at any time by notifying the Speaker of the Legislative Assembly or, if the Speaker is absent or unable to Act or the office of the Speaker is vacant, by notifying the Clerk of the Legislative Assembly.

Suspension or revocation during sitting

(5) The Lieutenant Governor in Council may, following a resolution of the Legislative Assembly supported by at least two-thirds of its members, suspend or

revoke the appointment of the Commissioner for cause or incapacity before the expiry of the Commissioner's term of office.

Pre-conditions to suspension or revocation

(6) Before the suspension or revocation of an appointment under subsection (5) is considered by the Legislative Assembly, the Lieutenant Governor in Council shall consult with the Standing Committee on Legislative Management and make a recommendation to the Legislative Assembly respecting the suspension or revocation of the appointment.

Mr. Trivers: Question.

Chair: I'm going to finish this section, reading the section before.

Suspension, Assembly not sitting

(7) Where the Legislative Assembly is not sitting, the Lieutenant Governor in Council may, on the recommendation of the Standing Committee on Legislative Management, suspend the appointment of the Commissioner for cause or incapacity.

Acting Commissioner appointed during sitting

(8) Where the Commissioner is temporarily absent or unable to act or is suspended, or the office becomes vacant while the Legislative Assembly is sitting, an acting Commissioner may be appointed for a specified period of time or until the occurrence of a specified event, in the same manner provided in subsections (1) and (2).

Acting Commissioner otherwise appointed

(9) Where an acting Commissioner is not appointed under subsection (8) before the end of the sitting or the Commissioner is temporarily absent or unable to act or is suspended, or the office becomes vacant while the Legislative Assembly is not sitting, the Lieutenant Governor in Council may, on the recommendation of the Standing Committee on Legislative Management, appoint an acting Commissioner, which appointment shall terminate when the Commissioner returns to act or on the appointment of a new

Commissioner, as the case may be, unless the appointment is sooner rescinded.

Oath

(10) Before beginning the duties of office, the Commissioner shall take an oath, administered by the Speaker of the Legislative Assembly or the Clerk of the Legislative Assembly, to faithfully and impartially perform the duties of the office and not to disclose any information acquired by or available to him or her in the course of performing those duties, except as provided in this Act.

Remuneration

(11) The Commissioner shall be remunerated as determined by the Lieutenant Governor in Council.

Questions?

The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

It's a small point, but I think it's worthwhile mentioning. When you say: shall consult with the Standing Committee on Legislative Management in developing some of the bills we've been working on, the idea was you shouldn't name a standing committee specifically, but maybe the standing committee responsible for Legislative Management.

I just wanted to give that input. I'm not sure if I'm prepared to move an amendment at this time.

Chair: Thank you.

Mr. Trivers: Maybe you can make some comment on that? Is that because there's always a Standing Committee on Legislative Management and that will never change?

Chair: That will never change.

Premier MacLauchlan: There was a discussion with the Clerk of the Assembly, and there wasn't a concern about that reference to the standing committee. It certainly works for it precise – for precision and for the foreseeable future.

Mr. Trivers: Okay, thank you.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

It's just a comment more than anything, but from the original bill I see that there were four new sections added here; 2.4, 5, 6 and 7, to do with the resignation or removal of the commissioner.

I'm just wondering why they've appeared since the last iteration?

Premier MacLauchlan: Thank you, Chair.

When you look at the appointment for a five-year term, the question arises then: well, what if the commissioner is unable to perform the task? What is referred to here is cause or incapacity. These provisions, the added ones, they mirror the provisions for the FOIPP commissioner.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: I think it's a good addition. I have no problems with it. I just wondered why it happened.

Thank you, Chair.

Ms. Casey: The hon. Member from Georgetown-St. Peters.

Mr. Myers: Actually, I'm going to make an amendment here.

Chair, I move seconded by the Leader of the Opposition, the following amendment to section 2. I have copies.

Chair: Section 2?

Mr. Myers: Yeah, where we are, the section we're in.

Number one and two, I want to replace with:

(1) There shall be a public interest disclosure commissioner, who is an officer of the Legislative Assembly.

(2) Appointment, the commissioner shall be appointed by the Legislative Assembly on the recommendation of the Standing Committee of Legislative Management and

following a resolution of the Legislative Assembly supported by at least two-thirds members present.

I'm removing any Cabinet responsibility with picking a commissioner.

I have copies here. Would you like them?

Unidentified Voice: (Indistinct)

Mr. Myers: Yeah, I don't know – you have to bring them to Ryan, I think.

I'm going to give you my reasoning for it. That's actually verbatim out of the FOIPP act. That's how the privacy commissioner currently is selected. The word is verbatim, except we just switched the names around.

We think that if you're going to have a public officer that looks after whistleblower he should be treated in the identical manner that the FOIPP act deals with the privacy commissioner. That's taken Cabinet out of the equation completely.

Of course, government has representation on legislative management and, as has already been pointed out, has membership of both of the opposition parties here, as well.

Chair: The hon. Premier.

Premier MacLauchlan: Chair, thank you.

This legislation has been developed based on the jurisdictional scan and following the approach of other provinces. The Lieutenant Governor in Council has this role together with, or in conjunction with the legislative management committee and the vote of the members of the Legislative Assembly in other jurisdictions.

Insofar as there's a reason for that; important to remember that this is about the work of the public service; this is putting in place a system that is to build strength, to build confidence to put in place mechanisms to deal with issues within the public service. The Lieutenant Governor in Council is an integral part of the very existence of a public service; it's Executive Branch of government.

I would not be supportive of the proposed amendment.

Chair: Thank you.

We are now under discussion of the amendment.

Anybody else like to speak to the amendment?

The hon. Member from Georgetown-St. Peters.

Mr. Myers: Thank you.

Just in response to that. Basically, what the Premier outlined, it wouldn't be that terribly different from the privacy commissioner in role, currently.

The only difference is that we're trying to offer protection to employees. A lot of what the privacy commissioner does would be right in the weeds of what government does on a daily basis.

I don't see this as being, and quite frankly, when it comes to jurisdictional scans that really doesn't matter much to me. I know the jurisdiction that I live in. I know what I witnessed over the years. I know the public discord when it comes to some of the things that have happened inside of government. I think we need to be very, very careful that the – I support the act, so it's not a matter of supporting the act. It's a matter of getting government out of it and making it truly independent like many of the other commissioners would be in government.

I think that the amendment makes that clause identical to the FOIPP act. I think it's very important when we're trying to look out for the protection of employees in government. I'm not sure if you did a jurisdictional scan for scandals that involved governments and deputies, you might find that we're a way ahead of the curve versus other jurisdictions, too. Doing a jurisdictional scan alone isn't probably enough information to base a decision of this nature on.

I would ask that members support it. It's the only thing that I'm looking to have changed in the act. I think that legislative management, which, in the past I have sat on, has done a very job when it comes to appointing people like the auditor, that's a different committee. The Elections PEI – it's

very – the work is done in a very high level, so I would ask that people support it and if government would consider supporting this, I think that's all I'm really looking to have changed in the act.

Chair: I have the hon. Member from Morell-Mermaid and the hon. Leader of the Third Party speaking to the amendment.

The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Premier: Why does the Lieutenant Governor in Council or Cabinet not have a say in the appointment of the FOIPP commissioner?

Premier MacLauchlan: The FOIPP – this is, what you might call a hybrid in terms of, not just the appointment, but the the work that is actually done in the sense that public interest disclosure and the corresponding protection addresses itself to the public service and the prevention and disciplining and disclosing of serious wrongdoing.

The Legislative Assembly has the role that is set out here in the appointment, but the work that is involved goes back to the public service and it's in that sense that the Lieutenant Governor in Council has that role as this bill proposes it and has in the other jurisdictions as well. It is a hybrid, though.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Sometimes hybrids save you gas money in the short term, but they're pretty expensive to fix later on when we don't know how to fix them later; and I'm concerned that that's what we're doing here.

I think it's a great amendment to take Cabinet out of it, because as the hon. Member from Georgetown-St. Peters said, the previous discussion was about deputies answering to deputies. He's 100% right. We could have the best deputies in the world right now, but we do know who we had before and we don't know we'll have in future. I'm sure there are civil servants out there that probably wouldn't want to do that.

Now we are talking about a commissioner, and if this passes and it's your Cabinet that decides, maybe we get the best person in the world for it; but at the end of the day, it's still a Cabinet that's going to make that decision.

I like this amendment a lot. As the member said, it's coming right from another act. I'm finding it difficult why anybody would not support that in here. I'll leave my comments there, Chair.

Thank you.

Chair: Thank you.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

I like the amendment. Not only the FOIPP commissioner but conflict of interest and Elections PEI appointments are made through the process described exactly in this amendment.

While I think it would be certainly looked on very poorly if the process that goes through a legislative management committee comes through the Legislature and requires a two-thirds majority of members of the House to pass, if Cabinet were to overrule that I think that would be looked on extremely poorly.

I'm saying they would have the opportunity to do that in the way that the legislation is currently written, but removing Cabinet from that I think is a good idea and I will be supporting this amendment.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Chair.

Certainly I would be in support of this amendment as well. When we're talking about this act, whistleblower protection as it is, I know on this side of the House I've had several times where employees of the government have come to me to say that they want to meet with the minister or deputy minister but they're afraid to because of politics and because of the repercussions if they came forward.

While I'm extremely pleased that we're finally getting to the point that we're going past policy and we actually have an act or a bill here that we're debating with regards to whistleblower protection, I think it's incumbent upon us to go that further degree to ensure that we take politics out of this as much as we can.

That's why I think this amendment is so important, that we are taking essentially Cabinet out of that process; and again, we have several other examples within our own jurisdiction where we have appointments and it's done on a very nonpartisan basis, and I think that we've been very successful as a committee in ensuring that we have the absolute best person going forward.

But again, as long as we have a lingering thought that it could be politically motivated in one way, shape or the other, I don't think we're going to have the faith of the public service to come forwards, because they're still going to have that potential fear or suspicion that everything might not be quite the way it should be.

I think by going with this amendment, it just adds that further layer of protection and assurance to anybody that might have information that they want to bring forward. So I, as well, would be very supportive of this amendment.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

I wanted to speak in favour of this amendment as well. I think the fact that it's consistent with other, similar legislation really makes it easy to support. I think the fact that with the Lieutenant Governor in Council able to potentially overturn a resolution of two thirds of Members of the Legislative Assembly, at the very best it creates a perception of control by the Lieutenant Governor in Council, the Cabinet, that I think would be not good for democracy.

Of course, the way the bill is written, it's really more than a perception of control. It really does give complete control for the Cabinet to decide who the public interest disclosure commissioner is. That really goes

against the intent, I think, of a public interest disclosure commissioner.

I would like to voice support for this amendment, unless you can provide other reasons why you think it shouldn't go through.

Chair: The hon. Premier.

Premier MacLauchlan: Thank you, Chair.

There are two points here. The first really gets at the function and the difference between the situation of the head of Elections PEI or the conflict commissioner or the FOIPP commissioner. They are officers of the Legislative Assembly in a full sense in that the Cabinet has no more say in elections, nor should it, than other Members of the Legislative Assembly.

What this legislation is about, and it's the way it's been developed in other jurisdictions, is a recognition that there is an executive branch of government, and that may indeed be what the main argument is that's being made with this amendment is that there shouldn't be an executive branch of government; but there is, and it, in its form and in its function, includes the Lieutenant Governor in Council.

It's been that way for a long time, from probably when we got some of the power away from the king in the first place. That's the way it is, and the work that is to be done under this legislation is about the executive branch of government. Elections, for example, it's a different thing. The conflict is fully independent.

That's the situation, and let me add, or let me underline, which a number of the comments seem not to have taken account of, that this does require, that this appointment cannot be made, without a two-thirds approval of the Legislative Assembly and a consultation with the Standing Committee on Legislative Management.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

I just wanted to clarify that last point. So, reading the legislation here: "The Lieutenant

Governor in Council shall, following a resolution of the Legislative Assembly supported by at least two-thirds of its members, appoint a Public Interest Disclosure Commissioner who shall be an officer of the Legislative Assembly."

It doesn't say in that clause that the Lieutenant Governor in Council has to accept the resolution of the Legislative Assembly that was supported by two thirds of its members. It just says that they shall appoint a public interest disclosure commissioner. So it seems to me that really they still control all the power to appoint whoever they want to regardless of who the Legislative Assembly votes for.

I'm not saying, of course, that would happen in practice, but the point is that the legislation leaves it open to do that, it seems to me. Am I incorrect?

Premier MacLauchlan: Chair, yeah that is incorrect.

The parenthetical phrase – the phrase that says: Following a resolution of the Assembly, supported by at least two-thirds of its members, is a requirement. There's no way that anyone could get to be the commissioner without that vote.

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

Mr. J. Brown: Thank you, Chair.

I listened intently to the Premier's comments in relation to the purpose of the commissioner and how the purview of their office really pertains to the operations of government and those employed by the executive branch of government. The Auditor General serves a very similar function, and the Auditor General is appointed pursuant to the *Audit Act*, as we all know and it's a process that we all know and we all trust. The *Audit Act* section 3, subsection (1) reads: There shall be an Auditor General who is an officer of the Legislative Assembly.

Subsection (1.1) – Appointment: The Auditor General shall be appointed by the Lieutenant Governor in Council following a resolution of the Legislative Assembly

supported by at least two-thirds of the members of the Legislative Assembly.

I look at that and, to me; they're basically one in the same. For the reasons that the Premier has stated and it's worked well with respect to the Auditor General. I'm not sure why we would think the process wouldn't work well going forward.

Chair: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Thank you, Madame Chair.

I agree with the way we're looking at it at the present time. I think we have to look at the fact that Cabinet has a role to play. We also look at there are a lot of appointments that go through Cabinet and all of them are vetted to look at the resume, the CV, whatever off the person to make sure they're available or they're appropriate for that position. I think that's a very due-process that they go through.

In this situation here, it would be very much the same. They also can come back here and to get approval through the Legislative Assembly, but we do have a Cabinet that looks very critical and seriously at all the issues that we deal with and I see nothing wrong with the process that's listed here. I think that we're getting caught up in the small little thing over an act that I thought would just be approved very easily.

Anyway, I agree with the way it is and have no problem with that. I have faith in the Cabinet and I have faith in our civil service and the people we put in place to do the job properly.

Thank you.

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

Ms. Biggar: Thank you, Madame Chair.

I guess looking at the way it's written now; I would like to point out one specific word in 2(1) and 2(2).

Mr. Trivers: To the amendment?

Ms. Biggar: No, I said the way it's written now.

Mr. Trivers: Okay.

Ms. Biggar: Excuse me.

Chair: I'll take control of the floor, hon. member, thanks. Thanks for your help, though.

Ms. Biggar: To point out the word 'shall'. It doesn't say 'may'. It does not say: The Lieutenant Governor and council may, following a resolution of the Legislative Assembly supported by at least two-thirds of its members. And it does not say: Before an appointment under subsection (1) is considered by the Legislative Assembly, the Lieutenant Governor in Council may consult with the Standing Committee. It says 'it shall', which is a requirement to accept the fact that this is endorsed by the Legislative Assembly.

So I am quite comfortable with the way that this is written, given the strength of the word 'shall', as opposed – it does not read 'may'.

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

Mr. J. Brown: I just follow on with that comment and further to my last one. Section 3, subsection (1.2) of the *Audit Act* does have a similar process, again, in relation to the Auditor General, except it the Legislative Audit Committee in that situation instead of legislative management. So, again, I'd point out the process is the same from one act to the next and I think the role is very similar from one to the next.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

I just wanted to respond by the comments made by the Minister of Transportation, Infrastructure and Energy and the Status of Women about the 'shall' versus 'may' and it really has to do with the verb that follows and the fact that the comma placement here takes that phrase outside of the verb. So: The Lieutenant Governor in Council shall...appoint. Their mandatory requirement is to appoint a public interest disclosure commissioner. It doesn't say: They shall follow a resolution of the Legislative Assembly. It just says: they shall

appoint. That comma's very important, in my opinion.

The same thing with (2) Pre-conditions to appointment: they shall consult. But it doesn't say they have to listen to the consultation or take their recommendation and that's the whole point here, I think.

Thank you, Chair.

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

Mr. Myers: Thank you, Chair.

There seems to be a lot of confusion over on the benches over there with the issue that I have with it. So it goes to number (2), the pre-conditions. The pre-conditions currently, as they're laid out, basically lay out that Cabinet are the ones that are going to recommend the person and the rest of the process is going to fall in. What I want is the process that we had and I sat in for the Leader of the Opposition, I believe, in the last legislative management meeting – maybe not the last one, but the one that the commissioner for Elections PEI came through on. So I sat through that process and I actually sat through the process before that for the previous commissioner and I believe I might have sat through the one for the FOIPP commissioner.

Anyways, either way, those recommendations come straight out of that committee. Believe it or not, that committee has the ability to do all this work without needing help from Cabinet. We didn't actually need a recommendation from Cabinet to come up with a commissioner for Elections PEI. We were able to do the work ourselves in that committee or the committee was. And that day, it was brought forward and discussed, the merits of the people who came to the table and it was a consensus decision. There wasn't a split vote. Everybody was like: Okay, this is the person. Let's move on. Then, as you all recall, there was a vote here in the Assembly to accept the recommendations of the legislative management committee.

That was all done with Cabinet. We didn't need a recommendation from Cabinet to do that and I guess what I'm saying is that – and I'll go back. I'm going to go back a step

to the discussion I already had with the Premier in the first section where we talked about the deputies and who they report to. The more that government has their hands in this, the less likely you're going to find somebody who wants to report government, which maybe is what you want.

Maybe you're ensuring that nobody ever comes forward with complaints by putting your fingerprints through the entire thing. I'm going to go back to my independence thing. We make this person completely independent at the top and at least it gives the impression to employees that –

Ms. Compton: Someone has their back.

Mr. Myers: – somebody has their back and it's not government-driven.

The Premier talked about that we want to ignore the fact that there's an executive branch to government. Well, the FOIPP Act, I guess, effectively ignores the fact that there's an executive branch to government. I wouldn't argue that the FOIPP commissioner is working for government. I think the FOIPP commissioner is doing the independent job, as prescribed by the act. I don't think that – well maybe it's detrimental to government because information is coming out, but I think that the act is being applied and I certainly haven't heard anybody question the integrity of the privacy commissioner and I don't believe that they should, given the job that's been done.

So, this wouldn't ignore the fact that there's an executive branch of government. It just removes it from the process so that you are not giving reason for an employee to go around your disclosure process and talk directly to the media or to another politician and put themselves further in harm's way. I'm actually quite surprised that government would take a stance against this.

Independence is something that we all should strive for when you want to protect people. No one who protects people should ever have the fingerprints of Cabinet on them and that's all we're asking, is to remove you.

Legislative management works really well. The people, who are on it work well, and the

two-thirds majority of the Legislative Assembly to approve that.

If you go further into the act, it's up to the legislative management committee to determine a salary and everything. Everything else you're expecting the legislative management committee to do for you, or the House itself, through the Speaker.

I'm just not sure why you would this on the front end. Again, like I say, unless, for some reason, you don't actually want this act to work. You don't actually want people to come forward. You want them to actually be fearful, like they are now, and this act would be nothing but a sham if that were the case if you can't offer complete independence so people can feel safe if they're going to come forward with complaints inside the government system.

Chair: Thank you.

Are you ready for the question on the amendment?

Some Hon. Members: (Indistinct)

Mr. Myers: I want an answer from the Premier.

Chair: The hon. Premier.

Premier MacLauchlan: I didn't hear a question –

Chair: Yeah, I didn't hear a question, sorry.

Mr. Myers: I'll start again.

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

Mr. Myers: Thank you, Chair.

The argument that I've heard from government continually, since this debate started on the amendment was that this was somehow different, that Cabinet should have a role in it. The preconditions to the appointment, the way the act is currently written, say that, basically that the appointment could be driven straight out of the Cabinet to leg management to here, which means you could just pick who you wanted and drive it straight top to bottom.

My amendment, basically, takes that out, and, instead says that it would just come through leg management like other appointments that just come through leg management like the FOIPP commissioner, like Elections PEI and whatnot.

Premier MacLauchlan: Do we have any way of confirming that that's the case –

Mr. Myers: I guess to get to – back to my point. My point was that if it appears that you're in the middle of it. So, if it appears that you're picking your person and driving it in that direction people who work inside of government are going to pick up on that pretty quickly and what they're going to say is that: I can't trust that system because I can't report something that has to do with the Premier or some minister because they're the ones that appointed the person and how do I know that that person is not linked back?

You're actually setting the commissioner up to not be trusted right off the bat because you refuse to make them independent.

My question is this: Are you trying to foil the act before it comes in by putting your fingerprints on it so that the person, who has the job, can't be trusted?

Premier MacLauchlan: No. If I may go back to the comment of the Member from Morell-Mermaid that kind of got this all started. It was that analogy to a hybrid that may be difficult to repair when it gets to be of a certain age. I point out that there is a review section, a five-year review in this legislation, in this bill and one that provides for a further five-year review at every interval after that.

Madam Chair, I think we're probably at the point where we can decide whether it's time to go with the bill or with the amendment. We brought this here with a commitment to promote good public service for that to be recognized, that that includes a role for Cabinet. The appointment procedure is that which appears in other bills and it concludes a central role for the Legislative Assembly in that appointment and then further in the work of the commissioner.

Thank you.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

There are justifications for keeping it based on how the AG is hired and there are justifications for changing it based on how the FOIPP commissioner and conflict of interest, and the one that I want to focus on; the new Chief Electoral Officer, Tim Garrity, who was very recently hired.

I understand that was through an open, a job ad was placed. There was an open competition. Legislative management chose, as Steven said –

Chair: (Indistinct)

Dr. Bevan-Baker: –excuse me, the –

Chair: Thank you.

Dr. Bevan-Baker: – hon. member said, through a consensus decision. That committee worked very well in terms of hiring that particular individual.

I'm wondering whether, I have two questions, two ways of coming at this, Premier. One is: Would Cabinet commit to that same job ad and open competition in order to choose the commissioner?

Chair: The hon. Premier.

Premier MacLauchlan: I don't see any reason why not. In fact, much of what comes through now is through Engage PEI, and that strikes me as a very good process.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

The second angle of this, as the hon. member opposite, the minister, mentioned that if Cabinet shall do this: if it's a formality, then why have it in there, at all?

One other aspect of this is that a two-thirds vote within the House, I mean, there have been many, many instances in the history of this Legislature where one party held way more than two-thirds of the majority in this House. That, in itself, is a bit of a safeguard, but it's not watertight for sure.

I'm still, you know, it has been a very interesting discussion. This is not a small point. I think this is a very important point. I, personally, I'm still in favour of the amendment.

Thank you, Chair.

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

Mr. Myers: Thank you, Chair.

I want to go back to the Premier, again. I want to ask him this: if he understands where I'm coming from that people who work inside of government, not all of them, but could, could automatically not trust the system that's put in place because of your involvement from the appointment part.

Chair: The hon. Premier.

Premier MacLauchlan: Thank you, Chair.

What we are putting in place is something that hasn't been in place before, which is, in fact, to encourage people to disclose or make disclosures where they have concerns of wrongdoing and protections against reprisal.

Chair, as Premier, and I'm not speaking for myself, I'm speaking for the Office of the Premier, I understand why the Premier and the Executive Council remain part of the whole regime that is being put in place here because this is about good public administration. In a legislative democracy with an Executive Branch, you – people, who work in the public service don't expect to have a world that doesn't include a Cabinet. That that is very much part of the world that we are talking about. The world where we believe in good public service; where we believe that public servants should do their work and have confidence and frankly, what's really being asked is: should public servants have confidence because there's a Cabinet? Absolutely.

Mr. Myers: Question (Indistinct)

Chair: The hon. Member from Georgetown-St. Peters, then I have the hon. Leader of the Opposition.

Mr. Myers: Thank you, Chair.

I think the Premier took quite a leap of faith of getting to that assumption from what I said. But he did bring up some interesting points. He said: the people, who work in government should be, should automatically assume they're going to be interfered with by politicians, if I could paraphrase that. That's how I would paraphrase what you said: that they should expect that there's Cabinet there.

My point is that if it's you, or the Cabinet, that are bringing a complaint forward about, if it's you, or the Cabinet, that they're fearful of; if it's you, or the Cabinet who they think they may lose their job because of, if they're found out, that the very fact that your fingerprints are on it at the start, if it was me, I'd be looking at it and saying: yeah, right. I'm going to report to that –

Chair: Do you have a –

Mr. Myers: – person –

Chair: – question, hon. member?

Mr. Myers: Yes, I do, actually –

Chair: Thanks.

Mr. Myers: – I would say: yeah, right. I would actually report that to that person, who was handpicked by the Premier to be responsible for me? I would take it to the street. I'd go to the media and try my chances there. At least my face would be in the paper and I'd have the protection of being public about it. I would hedge my bets that you couldn't fire me because I was on the front page of the paper, versus that I went to somebody – that's the issue.

Can you see that, Premier?

Chair: The hon. Premier.

Premier MacLauchlan: Thanks, Madam Chair.

First, I did not say that public servants should assume they're going to be interfered with by politicians. I said that public servants work in the executive branch of a legislative democracy and that includes Cabinet with the role that Cabinet plays, and I don't think there's any way that we're going to, under our current constitutional

system; get along without a Cabinet anymore than we're going to get along without a Lieutenant Governor. That's what I said.

In the second part in this reference that's been made more than once to my fingerprints, I'm sitting here proposing a bill. Does that mean that public servants should assume that it's no good because the Premier is involved in it? We really have to have some confidence and some common sense, and some commitment to public service, which is why this came forward in the first place and that's why we're sitting here tonight.

Thank you.

Chair: The hon. Leader of the Opposition.

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

I guess I'd like to correct the Premier slightly on that. The reason we're here tonight is because back some time ago opposition actually took a motion to the floor calling government to bring in whistleblower legislation. It was debated back and forth. The government certainly felt the pressure from the public, and I'm sure from the civil service as well, and so they decided to come in with a weaker form and come in with whistleblower policy. That obviously hasn't done what it had proposed to do, so now we're at the point where we have a bill on the floor which again, I applaud the government for finally bringing a bill to the floor; an act for whistleblower protection, but this is where we should have been from the very first when it was called for by the opposition.

However, I would agree wholeheartedly and strongly with the hon. Member from Georgetown-St. Peters and the Leader of the Third Party, and the other members that have spoken to this on this side of the floor, that there is still going to be that overriding mistrust of the position that's put in place when the person that's put in this position has been chosen by Cabinet, essentially, in the first part.

That's why, once again, this amendment, what we're asking you to do is just trying to take as much politics out of this exercise as

possible so that we can put the faith and the trust – provide faith and trust to the excellent people that work there in public service, that they have the confidence if they do have an issue that they can come forward.

Again, as I said before, I don't want to speak for any other member in the House, but personally I have had people that have come forward to me with concerns and I went directly to a minister and I asked that minister if they would be willing to sit down with one of their employees to hear some of their concerns and they said: Yes, I certainly would. I said: Okay, well this employee of yours, the only way they're willing to do that is if you can put something in writing stating that there would be no repercussions and they would be protected. Unfortunately, that wasn't achievable at that time.

I think what we need to do, as I said before, is to take as much politics out of this and make it as much protection for the employee that we can to ensure that the public service employees of Prince Edward Island have the faith and the confidence, that if they do have a concern or issue that they want to bring forward, that there's no politics in play here; they can do it without any repercussions coming after the fact.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

In my last comment I mentioned that I asked if Cabinet would commit to doing the same process that by which the new chief electoral officer was hired, and in your answer, Premier, you mentioned you used the analogy of Engage PEI as a sort of parallel institution and I'm not sure how appropriate that is. There's no formal oversight for Engage PEI at all. They don't hire employees. They just fill advisory bodies.

I just want to make sure that you didn't feel that was a parallel process because that worries me.

Premier MacLauchlan: My response to that question was about your proposal to make a public invitation for people to come forward to be the commissioner, and it was in that sense that (a) I was endorsing the

proposal that there would be a public advertised invitation and with the appropriate timelines and so on. I wasn't saying it would be done through Engage PEI, but more in indicating that this is something that I think is beneficial and I accept the benefit and/or the merit of the proposal to ensure that those who might want to be considered, or might be able to be the best candidate, should be well aware that this position is sought to be filled.

If I may, Madam Chair, just to come back to where this whole discussion has been, it's really whether this role is more like that of the chief electoral officer than it is like the Auditor General. It's to say that there's a reason why Lieutenant Governor in Council would not be involved in choosing the chief electoral officer, because that has to belong to whoever might win the next election, and all of the processes that go with that. I think this is going to clear on the face of it.

The reason, or the function I'll say, of the public interest disclosure commissioner will be actively part of the executive branch of government, and that's its function. That's why we're here and that's why the appointment process is worded as it is with a very significant part in the appointment and then in turn, in the provisioning of the commissioner, and that's what's proposed.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

I know I used the example of the chief electoral officer, but alongside that the process suggested in this amendment is for the FOIPP commissioner and also the conflict of interest staff who work in exactly the way you've just described.

I guess one thing I take or I would push back against, is the idea that this somehow erases Cabinet, that if we do this that it makes Cabinet – it erases them, and it doesn't do that at all. It just shifts a tiny responsibility to the legislative management committee which, as we've already discussed, it seems to me to be perfectly suited to this job, to this task.

Thank you, Chair.

Chair: The hon. Member from Georgetown-St. Peters and then the education minister, and then I'm going to call for the question on the amendment.

The hon. Member from Georgetown-St. Peters.

Mr. Myers: Thank you, Chair.

I just want to go back to something that the Premier said about my last round of questions. He took exception to my question and I don't think my question wasn't really about him, and it's unfortunate that he took it personally and we can't have a debate about the merits of a government that may come after him. This is what it's about. It's not about you personally. It's about a government that could come after.

My question was, and I'm going to ask it again and if you could answer the question without taking it personally and without assuming that it's about you; if you can picture a future government, which there will be, because none of us will be here forever: Can you see in a situation where an employee had serious concerns or had something serious to bring forward about government that the fact that the commissioner is appointed by Cabinet would be a major limiting factor to them wanting to take it through this chain, versus someone who is appointed independently through the legislative management committee and answered only to this House and no one else?

Premier MacLauchlan: In the first part, Madam Chair, I think I've said a number of times this evening: The Premier of the day or the Premier as in the office of the Premier. I can assure you that I'm not taking any offense to anything that's being said here.

In a second part, this is a bill that is designed to build a culture, to build practices, to build confidence in a public service that works daily with the fact that we have a Lieutenant Governor in Council and is, insofar as there are steps taken to disclose what a public servant deserves to be serious wrongdoing, the fact that there is a commissioner whose appointment has included a role for the Lieutenant Governor in Council does not, in my view, take away from the confidence

that that employee has in making that disclosure.

Thank you.

Chair: Thank you.

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

Mr. J. Brown: Thank you, Madam Chair.

I'm just kind of looking at this over and over, as I'm sure we probably all are as we go through this, and I don't – I'll be honest in saying I don't really know how or where we're getting so bogged down.

When I say that, I'm looking at the process here, so I go to section 2 and I go to subsection (2) because it deals with preconditions to the appointment of the commissioner. Subsection (2) says: "Before an appointment under subsection (1) is considered by the Legislative Assembly, the Lieutenant Governor in Council shall consult with the Standing Committee on Legislative Management."

That's the same as section 2, subsection (2) in the amendment, basically.

Then we go on. In the original, I guess, section 2, subsection (2), the next step is: "...and make a recommendation to the Legislative Assembly respecting the appointment." So they go get – the Lieutenant Governor in Council consults with the Standing Committee on Legislative Management, and then makes a recommendation to the Legislative Assembly respecting the appointment.

That kicks it up, and back up to subsection (1), we still need a resolution of the Legislative Assembly supported by at least two thirds of its members. So we've ticked off subsection 2(b) on the proposed amendment, and then after all that it goes to Cabinet and Cabinet has the final ability to appoint the person that's recommended to them by legislative management and then the Legislative Assembly.

So it's not like Cabinet just pulls a name out of the air and says: We're going to appoint John because he seems like somebody who'd be really favourable to us. It comes

through all of us here in this Assembly first, and it only does that after it goes through legislative management.

An Hon. Member: (Indistinct)

Mr. J. Brown: It's a third step on the process. I'm not sure why any of us here would be afraid of having a third step in that process.

Thank you, Madam Chair.

Chair: Thank you.

All those in favour of the amendment, signify by saying 'aye'.

Some Hon. Members: Aye.

Chair: Contrary-minded, 'nay'.

Some Hon. Members: Nay.

Chair: The amendment is defeated.

Some Hon. Members: (Indistinct)

Mr. LaVie: I don't know. We'll have to take a count on that.

Chair: Number three – shall that section carry?

Mr. Myers: No, question.

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

Mr. Myers: Thank you, Chair.

Okay, so now if we're going to stick with Cabinet in here, I may have a bunch of questions about the rest of the clauses.

Let me start with number 11. If the expectation is that legislative management is effectively going to remunerate the person, so the Legislature is going to pay this person, why is it that Cabinet is deciding how much the person gets paid?

Blair Barbour Manager: (Indistinct)

Premier MacLauchlan: (Indistinct)

Mr. LaVie: (Indistinct)

Mr. Myers: He said finally. Under his breath, he said finally.

Premier MacLauchlan: It's consistent with the appointment being an LGIC appointment, that Cabinet determines the remuneration level the same way that it determines the remuneration level of other LGIC appointments.

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

Mr. Myers: Thank you.

So it sounds like the Cabinet is doing a lot more work than you just argued against here a moment ago. If Cabinet is going to make a recommendation and then Cabinet is going to decide what they're being paid, and you just said it's basically in order with other positions, why don't you just take over the whole thing? Why are you involved in the legislation in the Legislative Assembly and leg management at all if you're going to make all the decisions for them?

Mr. LaVie: He did. He did take over.

Premier MacLauchlan: I think if you listen, if you replay the discussion we've had for about the past 75 minutes, there have been many points made as to why the Legislature should have a role and I think that point has been well made by the hon. member and others in the opposition, so I don't think it would be in order to start arguing that there shouldn't be a role for the Legislature.

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

Mr. Myers: Thank you, Chair.

So would you be willing to change that clause so that instead of Cabinet deciding how much the remuneration was that legislative management does? If it's their budget, they effectively have to manage the budget.

Premier MacLauchlan: Madam Chair, the Cabinet does play the role that is laid out in steps 1 and 2 with the integral part played by the Assembly and by legislative management. Cabinet is, as we do for –

Mr. LaVie: Digging a hole.

Premier MacLauchlan: – all –

Mr. LaVie: Digging a hole.

Premier MacLauchlan: – LGIC appointments, the payment, the remuneration, is determined by Lieutenant Governor in Council, so there's nothing inconsistent with that.

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

Mr. Myers: Thank you, Chair.

My understanding of the – and I stand to be corrected if I'm wrong, but for the FOIPP office, legislative management decides how much they give the office. The commissioner decides how it gets spent – how many hours the commissioner works, whether they hire more staff and stuff. We don't get involved with anymore than providing them a budget envelope for them to operate their office.

So in leg management, how would you foresee the budgetary part of it rolling out if they don't even have any role in how much somebody is getting paid or what the budget envelope for that office is going to look like?

Premier MacLauchlan: Madam Chair, the budget envelope of the office is dealt with in section 3, and there is indeed a role, a central role for the Standing Committee on Legislative Management.

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

Mr. Myers: Thank you, Chair.

But legislative management has the responsibility for operating the budget of the Legislative Assembly, which includes many offices. It includes the office of the Third Party, Government Members Office, opposition office, Elections PEI, the freedom of information office. It includes many offices – the Legislative Assembly proper, their offices – and whenever we sit down, which I have, sat on that committee for a number of years, we get basically like any other department of government.

We get a status quo budget, we go through it, then they have an ask for we'd like more money to do this this year. Sometimes they get it, sometimes they don't. The discussion at committee says: At the end of the day, this is what we're putting forward. It comes here. It gets debated. Once it's passed, the money is disbursed however the other part of it works, which I'm not involved in at all.

So my question has more to do with how do you foresee the legislative management committee being able to make these determinants now when they really don't have any control? They're just a dispersal unit for dollars.

Chair: The hon. Premier.

Premier MacLauchlan: Number 2 sub 11 has to do with the remuneration of the commissioner. When you look on, when you look at clause three, you'll see that this is set-up to operate in, essentially, the same way that the provision for the Auditor General operates. That currently takes place with legislative management working through a determination of the needs and the budget, sort of, requirements. It appears to be working well and to have the confidence of the House.

Chair: Hon. member, your question appears to be in the next section –

Mr. Myers: That's fine (Indistinct)

Chair: The hon. Member from Morell-Mermaid, is your question with this section or the next section?

Mr. MacEwen: It might actually be the section previous, if the Premier will allow me to ask it.

Premier MacLauchlan: The definition?

Mr. MacEwen: Yeah. It's a clarification, I guess. This talks about this act applying to all those under the *Financial Administration Act*. I'm wondering if the post-secondary institutions are covered by this.

Premier MacLauchlan: No.

Mr. MacEwen: They're not covered?

Premier MacLauchlan: They're not.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Was there any thought or pursuing of including post-secondary institutions under this?

Premier MacLauchlan: No, there wasn't. This, as we've said, a number of points this evening, is designed and, in other jurisdictions, is designed to address the, I would call, the core public service, as we discussed early on, if quasi-judicial entities of if the Assembly itself would take the initiative to propose that be covered by the act then that would be the case. That would have the ability to follow, but it was never conceived that this bill, which is about the public service, would extend to autonomous institutions like post-secondary institutions.

Mr. MacEwen: Thank you. Thank you, Chair.

Chair: The hon. Member from Georgetown-St. Peters. It is on this section, right?

Mr. Myers: It is, number 6 –

Chair: Thank you.

Mr. Myers: – the preconditions for suspension.

The way I read the preconditions for suspension is, before you can suspend the appointment of the commissioner, and before it can be considered by the Legislative Assembly, first there is a consultation between Cabinet and the Standing Committee on Legislative Management, and then they make a recommendation.

How would that work? All my years that I spent on legislative management, we never interacted with Cabinet at all, let alone consulted jointly with them on anything at all. We worked very independently of Cabinet.

Premier MacLauchlan: So, we're looking at the same provisions as that are currently in FOIPP, right?

Chair: The hon. Premier.

Premier MacLauchlan: This is the same process that would follow – that would be followed with the – if there were to be a suspension of the FOIPP commissioner. I think there's probably good reason why we've never – there's no experience of such a suspension. It just hasn't happened.

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

Mr. Myers: Thank you, Chair.

I understand that part of it. I guess what I'm saying is that isn't it odd that an independent body would have to consult with Cabinet to suspend an independent body?

Premier MacLauchlan: Well, we're back to the debate that we've had. This is an officer or a commissioner that is an LGIC appointment following the steps in the process that we've been discussion.

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

Mr. Myers: Thank you, Chair.

I'll move onto number 7. I might add that I think this bill wasn't ready for the floor today. I think it was poorly thought out. I think the involvement of Cabinet in any part of needs to be rethought to bring this bill back. That's your decision.

It talks again about when the Legislative Assembly is not sitting. Again you say, Cabinet, "... may, on the recommendation of the Standing Committee on Legislative Management, suspend the appointment of the Commissioner..."

So, if the legislative management meets and says they would like to have the commissioner suspended, 'Cabinet may' means they don't have to, they can do what they wish.

How would that work?

Premier MacLauchlan: I think it's highly unlikely that Cabinet would –

Mr. MacEwen: Be crooked.

Premier MacLauchlan: – not act. But you'll see six and – if you read six and seven

together it is the Lieutenant Governor in Council that consults in the first place with legislative – the legislative management committee. Then, on the recommendation of the standing committee (Indistinct) reason (Indistinct) employment law or something (Indistinct)

Blair Barbour Manager: (Indistinct)

Premier MacLauchlan: So, the reason it read ‘may’ is not because Cabinet needs to retain any ability to fail to follow the recommendation of the standing committee, it’s that –

An Hon. Member: Call the hour.

Chair: Hon. members, the hour has been called.

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

Chair: Shall it carry? Carried.

Premier MacLauchlan: Thank you, Blair.

Chair: Mr. Speaker, as Chair of a Committee of the Whole House, having under consideration a bill to be intituled *Public Interest Disclosure and Whistleblower Protection Act*, I beg leave to report that the committee has made some progress and begs leave to sit again. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: I move, seconded by the hon. Member from West Royalty-Springvale, that this House adjourn until tomorrow, December 8th, at 10:00 a.m.

Speaker: Shall it carry? Carried.

The Legislature adjourned until Friday, December 8th, at 10:00 a.m.