

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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The Legislature met at 2:00 p.m.

Matters of Privilege and Recognition of
Guests

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

Pleasure to rise to welcome colleagues here in the Chamber and those joining us in the gallery, and folks watching from home or on the Internet.

I want to say a special welcome to Christine Batten, who, I expect, likely to be welcomed, as well, by the Member from Alberton-Roseville. Christine's the mother of Olivia Batten, one of our great Pages, and talented in many ways. Christine also serves as a member of the Regional Economic Advisory Committee in West Prince and we appreciate that.

Eddie Lund is here to keep an eye on us and be sure that we're making our way; the progress of the sitting and we appreciate you being here, Eddie, as you are just about every day.

In my travels this morning in my home area, I noticed that the rink has been completed and has a sheet of ice on it at the North Shore Community Centre. It looks like all the great volunteers that did that have really combined their efforts. They got their timing right. It looks like we'll be able to hang onto the ice for the foreseeable future, we'll see.

The other thing I'd like to note is that tonight at the Confederation Centre of the Arts will be the opening of an exhibit: The Flowers of Canada: A Celebration of Canadian Unity by Island artist, Mary Margaret Land.

I had an opportunity to visit with her at her home while that work was being done. She's a prolific artist, and certainly very enthusiastic about the opportunity to celebrate Canadian unity. We congratulate her and recognize her on her fine work.

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 had the pleasure yesterday of attending two separate events. One was the turkey drive for the CBC Feed a Family in Stratford at the Sobeys location. The reason I mention this event is we had a very special guest there in attendance.

The individual's name is Adele Gillis; it was actually her last working day for the town of Stratford. If anybody knows Adele and I'm sure many on the other side of the floor do, she's an incredible individual. She fills a room with her laugh, and her personality. I'd just like to wish Adele all the best for a healthy and a happy retirement. I look forward to engaging with her in Stratford.

I'd also like to mention another retirement event that myself and many Members of the Legislative Assembly attended last night, as well. Marian Johnston, one of our beloved coworkers here in the Legislative Assembly retired, as well.

Marian, of course, was the assistant clerk. Many of us always called her the head clerk, as a matter of fact, because she not only told us what to do, but she told the Clerk what to do on many occasions, as well.

Again, I wish Marian and her husband Randy all the best in their retirement. And a healthy and joyful time, as well.

Just in closing, I want to send out my most sincere condolences to the family of Danny Connolly. Danny, I have known since I was a young person growing up in Sherwood and he grew up in Charlottetown, Parkdale area. We knew each other many, many years growing up. Danny succumbed on Tuesday evening to ALS after a long battle with this terrible disease.

I'd like to send out a heartfelt condolence to his parents, Pat and Rosalie Connolly. His daughters, of course; Kara and Molly Rose, and his wonderful sisters; Lisa and Patti-Lyn, and of course his many, many other relatives and friends, such as Dean Adams and Vince Jay.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Mr. Speaker.

It's a pleasure to rise this morning, and say hello to Eddie there in the gallery, and everybody else in District 19.

I want to give a shout-out to Marian. Congratulations on your retirement. I hope you enjoy what's to come for you.

Last night I attended the first annual Cape Traverse ice boat memorial tree lighting ceremony. The communities really come together down there to get this ice boat memorial back up to where it should be and where it was. There was about 75 people there last night and the new antique gallery across the road – they opened their doors and I actually got to – I ran into one of my old antique pumps from the gas station – one of the old hand-operated ones. I couldn't believe it that they had that in there and I sold that many years ago. I was quite pleased with that.

Leader of the Opposition: For profit, no doubt.

Mr. Fox: Yes. But today is extra special and I'm so proud of my wife. Today she completed all her tests to return to nursing with a B+.

Some Hon. Members: Hear, hear!

Mr. LaVie: Now we know who's got the brains.

Mr. Fox: Yeah.

Some Hon. Members: [Laughter]

Mr. LaVie: Now we know. The truth comes out.

Mr. Fox: Well if you've ever been around me in the shop, you can understand why I need a nurse sometimes, I can tell you that.

Mr. Roach: Look out behind you.

Mr. Fox: She's done it and it means so much to me for have her complete that today. She wrote her last test at 10:00 a.m. this morning and now she only has to do her clinical and her lab and then I'll be back to the minister to see if we can get her back on. I'm just so proud of her, Mr. Speaker.

Thank you.

Some Hon. Members: Hear, hear!

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

Mr. Murphy: Thank you, Mr. Speaker.

Pleasure to rise and welcome the folks in the public gallery; Eddie and Christine. As the Premier said, Christine is the mother of Olivia and a very smart young lady. She's going to do great things in this world. Christine is on our advisory council and we're eagerly awaiting the great advice that they're going to present to us. Another thing, too, is Christine is also sort of an immigrant to Prince Edward Island, I guess you might say. She's a former Newfoundlander –

An Hon. Member: That's great.

An Hon. Member: That's an Islander.

Ms. Mundy: Best kind.

Mr. Murphy: She moved up to Alberton, her and her husband, and they carved a great life out in rural Prince Edward Island and we've very pleased to have her and I'm very proud of her and her family and the accomplishments that they did make on Prince Edward Island here.

Some Hon. Members: Hear, hear!

Mr. Murphy: I'd also like to say hello to all the good people that may be watching out in Alberton-Roseville on the computer or t.v. I'd like to also give a shout-out to Kevin and Donna Rochford out in Cascumpec on Route 12. Each and every year they put up a great light show and they invite people to come in – they even provide a fire pit there where you can sit down and roast marshmallows or have a cup of hot chocolate and enjoy the lights and the light show. I really appreciate what they do and see how the kids' eyes

light up when they go in there for a little tour.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

A pleasure to rise and welcome everyone watching from District 18 Rustico-Emerald.

I just wanted to alert the House that today, if you weren't aware, down in the United States, they're voting on the idea of net neutrality and whether to continue that. That means, simply, whether to give content from every source the same priority on the Internet. It could potentially mean, if they take it away, that a person creating content in their basement may receive lower priority than a great, big multinational. So it's very important and I'd encourage everyone in this House to watch the results closely as to how it could impact our Island.

Also I just wanted to let the House know that today I'm going to table an amendment to the *Water Act*. I think it's really important we get this legislation passed. I want to bring it to the floor as soon as possible – I'd like you to bring it to the floor as soon as possible, so we can debate it and get some legislation in place.

Thirdly, I was at Christmas concert last night in Rustico-Emerald and one class – the grade 3 class, my son's class – were tasked with talking about love and things they were thankful for and the one girl summed up some issues on PEI when she said: I just hope that my father can make it home this winter from his work. And that's what we see: so many people that are still having to leave the Island to get good-paying jobs.

Thank you, Mr. Speaker.

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

Mr. Myers: Thank you, Mr. Speaker.

I want to welcome the handful of people in the gallery and hopefully the many at home

that are following along at home. It's a cold day out there – quite a temperature change from last night and I noticed that everybody was cautious and took their time this morning because there was lots of black ice around and that was great.

I'd like to give a shout-out to Melvin Ford. It's funny, I saw Melvin in the paper this morning, but I ran into Melvin last night for the first time, probably, in a little bit. Last winter I would have seen him every other day during the school debacle, but it was good to touch base with Melvin and I see he's continuing on the tradition of hosting a community Christmas dinner and this year it's going to be in Souris. I encourage anybody who is interested to take that in and I congratulate Melvin for doing it.

I also had the good fortune, or perhaps misfortune, depends on how you look at it, of running into Paul MacNeill last night. I hadn't seen Paul in a while either and we had a –

Mr. R. Brown: (Indistinct)

Mr. Myers: – great chat about a lot of different topics and while Paul and I seldom agree on anything, it was still nice, nonetheless, to run into him and have a talk. Actually, we did agree on a couple of things last night so I had to mark that one on my calendar that we agreed.

Finally, I'm very fortunate to be witnessing democracy from the ground floor. I attended a meeting this morning in my district of a group of people that are working with me to help me commit or fulfill my commitment to holding a plebiscite on the Three Rivers organization and we had a large turnout of people that are going to volunteer to help this happen.

Like I had told the House before, I'll have an announcement about that tomorrow as well as tabling some documents about that tomorrow. If I was a betting man, I'd be ready to answer questions about that tomorrow if I was the Premier. For me to see a real grassroots movement of people who care about where they come from, care about their community and care about their neighbours, is democracy in action and I can't wait for this to get rolling. It's a

special group and I'm very honoured to be a part of it.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Gallant: Thank you, Mr. Speaker.

It's always a privilege to rise here in the Legislature and a privilege to rise today and welcome everyone to the gallery.

Yesterday I had the occasion to drop out to the Acadian day of remembrance, along with the minister of education and culture. It was a very sad day in our history when that happened in 1758 and a lot of our Acadian ancestors were deported, but it was a somber day, but it was so enlightening to see the youth there, and to be made aware of that sad day in our history and for them to take time out of their day to remember their ancestors.

With that, I just want to thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Statements by Members

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

Constable Tim Keizer Police Officer of the Year Award

Mr. Dumville: Thank you, Mr. Speaker.

It is my honor today to recognize an outstanding individual in our community, Constable Tim Keizer.

This past May, during National Police Week, Tim Keizer of the Charlottetown Police Services was awarded the 2017 Municipal Police Officer of the Year Award. He was recognized for his ongoing commitment to work with youth in schools and sports, as well as his involvement in community initiatives and activities. In addition to this recognition, the Rotary Club recently presented him with the Vocational Service Award for showing exemplary

leadership and for his work with community youth.

Tim Keizer's efforts and commitment to the betterment of our communities is evident. He began his career with the Charlottetown Police in 1996, and for over 15 years he facilitated the Drug Abuse Resistance and Education curriculum, DARE as we know it, in Charlottetown schools. He has also been involved in coaching and assisting Island youth, helping them to reach their potential for more than 25 years. In 2012, he became the first school resource officer in PEI, which was a major leap for our communities and has provided many students and parents with the help they need during a tough time.

Constable Tim Keizer's work with youth is admirable and exceptional. He has made a major difference in our community. I would like to thank him for all of his hard work and effort, and for his continued success in making PEI a better place.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Retirement of Marian Johnston

Ms. Casey: Thank you, Mr. Speaker.

It is with pleasure I rise today to say congratulations to Marian Johnston on her retirement from the Legislative Assembly of Prince Edward Island.

She has been serving as the acting Chief Electoral Officer since June, 2017, prior to that she was the Clerk Assistant and Clerk of Committees since 2001. Marian served on the executive of the Association of Clerks-at-the-Table in Canada from 2010-2013, including a term as president in 2012.

The association was established in 1969 to promote, encourage and facilitate the professional development of clerks. Members share parliamentary knowledge and professional experiences, discuss and debate on issues of interest, and consult and collaborate with similar professional organizations in other jurisdictions, both nationally and internationally.

Marian Johnston is so highly regarded in her profession that if she let her name stand she would be hired immediately by any parliament in Canada and around the Commonwealth.

As a new speaker without any experience with the rules, traditions and formalities of this House, I always appreciated Marian's guidance and sound advice. I learned from the best.

Marian loved the rules of the Legislative Assembly, and you could say that she was kind of a rules geek. The Rules of the Legislative Assembly of Prince Edward Island were recently updated by Marian and it was a monumental project and I know she took great pride in its completion.

She was an exceptional organizer of conferences and I particularly remember the year of celebration for the anniversary of Prince Edward Island having responsible government. It was her idea to open the doors of Province House and hold events throughout the year. It was a huge success.

One of her legacies is the succession plan for the new clerk assistants. They learned from the best.

Marian will be fondly remembered for the respect she had for this House and each member who sat in these historic seats.

Congratulations, Marian. Enjoy your retirement.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

Blood Donation

Leader of the Opposition: Mr. Speaker, at this time of year we all get busy rushing about attending social events, buying gifts and visiting friends and family. Donating blood is not something most people even think about until suddenly someone in our family needs blood or we may even need it ourselves.

Studies have shown that 52% of Canadians have either needed blood for a medical emergency or have a family member that

requires blood. It's hard to believe, but every minute of the day someone in our country requires blood for medical treatment.

For example, a cancer patient can use up to eight units a week, while a car accident victim may require up to 50 units.

Canadian Blood Service surveys show the top reason people do not donate blood is because they have not been asked. To combat this, the Canadian Blood Services is trying to recruit potential donors and to let them know that the best gift that they can give this holiday season literally comes from the heart.

I want to encourage all Islanders and members of this House to consider making a blood donation this holiday season. Islanders can donate this precious gift at the Charlottetown blood services office, which collects whole blood, as well plasma.

This very generous and unselfish act normally takes no more than 45 minutes and it could ultimately save a life, perhaps even your own.

I, myself, am a regular blood donor. I would like to thank all those who give the special gift regularly and challenge them to bring a new donor to their next appointment.

In closing I would like to remind all Islanders that blood: it's in you to give. It's precious, but not pricey.

I would encourage all to call 902-892-3700 to book your appointment at the Canadian Blood Services clinic here in Charlottetown, which is located at 85 Fitzroy St. or Google: the PEI Canadian Blood Services to register online.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Charlottetown-Parkdale.

Women in Government

Ms. Bell: Thank you, Mr. Speaker.

Yesterday I became the 27th woman in 144 years to take her seat as an MLA on Prince Edward Island. That's just enough women to fill the seats of this Legislature once. Looking around this House it's clear women are still significantly underrepresented among Members of the Legislative Assembly of PEI.

Parliaments across Canada, including that of PEI, were designed at a time when the democratic process excluded the voices and experiences of women, when women did not have the right to vote, or even be considered as persons under the law.

While we have made advances, in 1918, women over the age of 21 gained right to vote in federal elections, in 1922, Island women gained the right to vote in PEI provincial elections, and in 1970, Jean Canfield became the first woman elected to the PEI Legislative Assembly. We obviously still have much work left to do.

Dawn Wilson of the PEI Coalition for Women in Government states: Having a greater diversity of voices and experience in government is vital to strengthening democracy. Introducing family-friendly policies and procedures into the legislature is one way to make the job of an MLA more sustainable and attractive to new and diverse candidates.

To this end, I was delighted to see the Minister Responsible for the Status of Women introduce a government motion yesterday on reviewing the hours of this House – a motion crafted in the image of work done by the Coalition for Women in Government from almost ten years ago.

I look forward to working collaboratively with all members of this House on this and other measures to help bring more diverse voices and experiences to our Legislature.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Responses to Questions Taken as Notice

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, yesterday I was asked a series of questions from the MLA from Morell-Mermaid regarding Health PEI and their board of directors. On attendance, all information related to the board meetings, including copies of agendas, minutes and presentations, as well as regulatory information is available – public, online at www.healthpei.ca/board.

The Member from Morell-Mermaid asked questions about attendance records of the board. All of those attendance records are publicly disclosed at part of the meeting's minutes, which are available also online.

On remuneration, Health PEI follows the Treasury Board policy 9.01 regarding honoraria for the board. All members receive an annual stipend prorated for the number of regular meetings attended and a per diem for each meeting day. The stipend is \$4,000 for members and \$13,875 for the board chair. The meeting per diem is \$200 for the chair and \$142 for the member.

On public meetings, as I stated in the House yesterday, the Health PEI annual general meeting is a public meeting. As for the regular board meetings, it's up to the board to determine which meetings are open to the public. Per section 3.11.12 of the Health PEI board of directors governance policy states, and I quote:

Health PEI may determine from time to time to hold meetings of the board of directors which are open to the public to attend.

I will table that policy manual a little later on under tabling of documents.

I also want to clarify and eliminate any confusion that was reported by the media yesterday. As I stated: the Health PEI annual general meeting is a public meeting where they advertise and invite the public to participate. The regular Health PEI board meetings are only open to the public at the discretion of the board and if a member of the public would like to reach out to Health PEI and request to make a presentation or attend a meeting, the board would consider that request and decide whether to open the meeting up, or not. The board has stated that they're always open to receive requests from the public and will, when possible, accommodate the public's request.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

An Hon. Member: All you had to do was look it up on Google.

Questions by Members

Speaker: The hon. Leader of the Opposition.

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

Earlier this year government named 12 intermediaries to help deliver the Provincial Nominee Program after an RFP process.

Tabling of applications re: intermediaries and PNP

Question to the Premier: Will you table the criteria used to evaluate the applications to become intermediaries?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, it's my understanding that the criteria were published online and, indeed, the RFP process was open and transparent. There was an evaluation of those submissions and there were recommendations made to Cabinet.

But let me say that we have a great success story in immigration with not more than 30% of it, indeed, in the investor stream. We've got refugees, we've got workers, we've got people who are coming in through the Atlantic Immigration Pilot. It's a very important and positive contribution to our province that these immigrants are making.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

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

Government's own RFP stated that 10 intermediaries would be appointed.

Number of intermediaries appointed

Question to the Premier: How did you end up with 12 intermediaries, when the RFP you issued stated you were looking for 10?

Some Hon. Members: Hear, hear!

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

Mr. MacDonald: Thank you, Mr. Speaker.

I think we all know by the attendance the other night at the Christmas reception put on by settlement services, how important immigration is to the Province of Prince Edward Island, over 500 people attending.

As far as the open RFP, first and foremost, you'd think the opposition would be saying to us, finally, that because they have continued to tell us that we don't have transparency and accountability, and we have put everything online through Request for Proposals.

We did an evaluation. There were 10 that came in. Two more that were extremely close to those top 10 out of the 18 in total. It was a recommendation from our staff to go with 12.

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.

Again, question to the Premier: What was so strong in the application of the last two intermediaries that you had to name more than your tender called for? Was it a connection to the Liberal Party?

Mr. Myers: Or was it a (Indistinct)

Some Hon. Members: Hear, hear!

Mr. Myers: Some sort a (Indistinct)

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, there was a recommendation made to Cabinet by the Office of Immigration. Let me say, that these recommendations came and this RFP was undertaken in the context of a clear policy to expand immigration and, in particular, to expand it to all parts of the province and to emphasize people who would be able to bring immigrants to the rural areas of Prince Edward Island.

We consider that to be a very high priority, and one that will bring benefits to the province as a whole. It was with that understanding that we accepted the advice of the Office of Immigration.

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.

The Premier certainly didn't answer my last question, but he did bridge into the context of where my next question is going to.

In doing this RFP, government said the idea was to put a greater focus on rural immigration. That's something, over here on this side of the Chamber, we've been asking for, for quite some time, now.

New nominees dedicated to rural PEI

Question again to the Premier: What percentage of new nominees received annually under the business class category will be dedicated to rural communities here on PEI?

Some Hon. Members: Hear, hear!

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

Mr. MacDonald: I'll go back to the previous question, Mr. Speaker, and just add to the hon. member, who should be very, very well aware of who the intermediaries are on the Province of Prince Edward Island,

including his chairperson through his election campaign and his –

An Hon. Member: Oh!

Mr. Myers: (Indistinct) Premier's dog walker –

Mr. MacDonald: – (Indistinct) become leader.

Mr. Myers: – (Indistinct) the Premier's dog walker.

Mr. MacDonald: As far I can see there has been no patronage whatsoever –

Mr. Myers: You know (Indistinct)

Mr. MacDonald: – in these intermediaries.

Let me tell you, we've have had 13 communities interested in growing their population base and they feel that they can do that through immigration. We're going to stand alongside them and that's why we went to expression of interest, to increase the population in rural PEI.

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.

One of the reasons we've been calling for a stronger rural focus for immigration is so that rural communities can get long-term benefit from immigration.

That means families joining our communities and putting down roots, not just turnstiling in and out of rural businesses every 365 days.

Safeguards of PNP to achieve goals

Question again to the Premier: What safeguards are in place to make sure that this latest version of the Provincial Nominee Program actually achieves the goals it's supposed to?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, let me start by reminding the House, again, that not more than 30% of the total 2,000 to 2,300 immigrants who will come to Prince Edward Island last year and we're expecting and we'll welcome them again, this year, are in the investor stream.

It's very important that we recognize what immigration is doing in all parts and in all aspects of our life in this province. It goes well beyond the business stream.

The piece that was incorporated into the contracts with the intermediaries is that there will be a review in the third year to ensure that these goals are being met.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

Mr. MacKay: No, Mr. Speaker.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

Intermediary firms or agents play the central role in bringing immigrants to PEI via the Provincial Nominee Program. Along with the escrow deposits totaling \$200,000 that are given to government, PNP participants must pay a fee to the sponsoring intermediary firm.

Amount intermediaries charge PNP client

A question to the minister responsible for PNP: What is the average amount that intermediaries charge each PNP client in the business stream?

Mr. MacEwen: Good question.

Some Hon. Members: Hear, hear!

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

Mr. MacDonald: Thank you, Mr. Speaker.

There is a whole process for what intermediaries do. In the past, what has happened, is the intermediaries would submit applications to the Office of Immigration. The Office of Immigration would process those applications.

The opposition is making it sound like every time someone comes to Prince Edward Island they have to go through an intermediary. That's not the case. We have over 600 through our labour stream. Those people don't have to necessarily go through any intermediaries, or either do the business applicants.

What's happening is we're growing the population base. They're creating a falsehood. I've had people come up to me very, very concerned. I had one last night at a reception. A Vietnamese individual very concerned about the nominee program, and what's being related to it, and how it's being presented in the media and the opposition.

It's a good program. We've made (Indistinct) changes to it that the federal government is onside with and we're going to grow the population of Prince Edward Island for the economic benefit.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

I asked specifically about the business stream, the minister talked about the labour stream and he didn't answer my question.

It's my understanding that the 12 intermediary firms chosen by this government stand to make millions each year from the PNP. Few, if any of, these intermediary firms are headquartered in rural PEI.

Positive impacts to rural PEI

Question for the minister: How do you expect the millions and millions of dollars the intermediary firms bring in to provide a positive impact to rural PEI?

Some Hon. Members: Hear, hear!

Mr. Myers: Good question.

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

Mr. MacDonald: Let's go back to the hon. Leader of the Opposition's –

Mr. Myers: (Indistinct)

Mr. MacDonald: – second question and we'll talk a little bit about the intermediaries.

I have the list sitting right here and I can read them all –

Mr. Trivers: Please tell (Indistinct)

Mr. MacDonald: – off, but let me tell you, Mr. Speaker, there is the former president of the Tory party. There is the former interim president of the Tory party. There is a former treasurer of the Tory party. There is a real well connected individual. There is a real well connected lawyer, that's one of them. One of the last –

Mr. Myers: The Premier's dog walker. Say it!

Mr. MacDonald: – two we have chosen because of the –

Mr. Myers: The Premier's dog walker is there.

Mr. MacDonald: – Office of Immigration – you don't like listening to this? Because of the Office of Immigration –

Mr. Myers: The Premier's dog walker is there!

Speaker: Okay! Okay!

Mr. MacDonald: Because of the Office of Immigration decided to say you got two more, one of them is very well connected.

If the hon. member wants to talk about their personal business, he should contact his party members.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

Thank you, minister, for making our point so eloquently. There are 12 intermediary firms. Originally, there were 10. It was bumped up to 12. You mentioned some. I'll tell you about some others.

One of the intermediary firm members or a member of one of the firms is the current treasurer of the Liberal Party of PEI, right? Neil Handrahan –

Mr. Myers: Interesting.

Mr. Trivers: – another, is a former leader of the Liberal Party of PEI, Wayne Carew. Yet, another is the Premier's neighbour and dog-sitter, Gerard Watts.

Mr. Myers: Oh!

Mr. Trivers: When it comes to business –

Mr. Myers: The dog days of the Liberal government.

Mr. Trivers: – this government has a track record of trying to pick winners and losers, and a poor one at that.

It seems to me that if a firm has the capabilities to be an intermediary, they've got a great track record and they've proven themselves, they should be allowed to participate in the PNP.

Cap on number of intermediary firms

A question for the minister: Why do you need to cap the number of intermediary firms, at all?

Some Hon. Members: Hear, hear!

Mr. Fox: Yeah.

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

Mr. MacDonald: Mr. Speaker, I'm somewhat confused. They want to open it up to everybody. The next minute they want to do away with the program. It's confusing.

We've redeveloped the program. We had a study done, an evaluation done on the program in 2016. We have a new program that we're doing expression of interest. We're putting more emphasis on the intermediaries to come in with good applications when they can.

Out of the less than 30% that we deal with, over 920 families come to Prince Edward Island a year through the immigration program and we're dealing with it through expression of interest. We're on side with the federal government.

Everybody saw the article in the paper how Mr. Hussen responded to the criticisms of the program. There's another 300,000 immigrants added to the amount of immigrants coming to Canada this year.

We have other provinces doing the same thing. We've seen investment in New Brunswick of \$500,000 toward UNB to do research on retention. We're going in the right direction whether the opposition likes it or not.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

Permanent resident statuses of immigrants

Mr. Trivers: Thank you, Mr. Speaker.

The only thing confusing is how this government administers this program and figures out what rules are going to be used to try to achieve the goals of the PNP. We have seen many immigrants come to PEI through the PNP program over the years and successfully make a positive addition to the Island community and economy. That's not something we're trying to argue. I want to thank them for their significant contributions. There are many in my district.

Unfortunately, in the official opposition, we see that this is the exception rather than the norm and the PNP settlement plan rules seem to have loopholes that allow immigrants to do things like live in the city while their business is in a rural area, or

even just rent an apartment in the rural area that they qualified for in the settlement plan but actually live and work in the city.

Question for the minister: Does a PNP business program participant receive their permanent resident status even if they don't abide by the settlement plan?

Some Hon. Members: Hear, hear!

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

Mr. MacDonald: Thank you, Mr. Speaker.

I went through in the House several times about what's required of the immigrants when they land on Prince Edward Island, what's required of the immigrants and the obligations if they say they're going to open a business and they know what the requirements are.

There's one really important point here: 96% of the immigrants in the last year that landed on Prince Edward Island, even though they didn't open a business, have retained living on Prince Edward Island. Not to mention –

Mr. Myers: (Indistinct)

Mr. MacDonald: – if within two to three years –

Ms. Compton: (Indistinct)

Mr. MacEwen: (Indistinct)

Mr. Myers: You're living (Indistinct) Toronto.

Mr. MacEwen: Don't mix it up, minister.

Mr. MacDonald: If living in Prince Edward Island in two to three years and they come back to us and say: You know what? Now I'm ready to open a business. We'll work with them in that regard.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

In-house evaluation of PNP

Mr. Trivers: Mr. Speaker, I'd say the minister must be quite the hockey player because he's really skating around the issue quite well.

Recently, the Leader of the Opposition asked the minister responsible for immigration to table the top-to-bottom review of the PNP program, he told the House was done six months ago. We haven't seen that yet, but then the minister was confused saying that an in-house review had been done instead. Well, perhaps the minister is referring to an evaluation of the PNP program that was completed March 18th, 2016, and that is available on the government website.

Minister: Are you familiar with the findings of this evaluation?

Some Hon. Members: Hear, hear!

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

Mr. MacDonald: Thank you, Mr. Speaker.

Grant Thornton, by the way, out of Halifax, conducted an evaluation of Prince Edward Island nominee program present their final report November 2016. The report was presented to the IIDI board in January 2017 and then sent out to federal immigration department. The report was posted to the immigration website on August 3rd, 2017. The internal review was based on that evaluation.

That's how we came up with the expression of interest. That's how we came up with dealing with our rural Prince Edward Island. That's how we came up with 13 communities wanting to be on board in this. Yes, I am familiar with it. Number one; goal setting.

Mr. Myers: (Indistinct)

Mr. MacDonald: Number two, evaluation and number three, survey results. Yes.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Well, Mr. Speaker, that evaluation talks about concerns of the impact of escrow deposits, on keeping nominees on the Island to operate a successful business in the long-term. It talks about the fact that IIDI doesn't publish reports or compare actual results to the intended goals of the program.

It also talks about the fact that they need more information on the age and timeline of immigrant arrival that could better help IIDI with the protection of costs. There are a number of concerns in this evaluation and, really, from over here it does not look like the rules of the program are addressing them.

Complete top-to-bottom review of PNP

A question to the Premier this time; we need to get your minister in line, Mr. Premier: Will you finally launch a complete top-to-bottom review of the new PNP to make sure these structural issues are fixed once and for all?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

As this whole recent line of questioning has made it totally apparent, there's been a review, an arms-length review, an expert's review. It was made public. It's been the basis for the new –

Mr. Trivers: (Indistinct) still all kinds of problems.

Premier MacLauchlan: It's the basis for the new program. There's to be, in the third year, a review of the –

Mr. Trivers: If at first you don't succeed (Indistinct)

Premier MacLauchlan: – intermediaries, and of course we keep reviewing as we go and we keep achieving the objectives as we go.

Our total immigration program is one that we're proud of and is bringing benefits in every sense to our province and we're proud of it.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

Failure to answer written questions

Mr. MacEwen: Thank you, Mr. Speaker.

It's laughable. I'm listening to the Premier talk about how things are clear. I listened to the minister talking about – he's mixing up facts over there. The last time I heard a minister start repeating over and over again that it's a good program, it goes back to 2008 and we know what happened there, minister.

Mr. Myers: Oh.

Mr. MacEwen: Do you know what? This past spring things started really heating up in our caucus hearing about –

An Hon. Member: (Indistinct)

Mr. MacEwen: – hearing about concerns with PNP and with immigration in PEI, and we didn't go right out. We started doing our research. We started meeting with people. One of the things I did was submit 64 written questions to the Minister of Economic Development and Tourism over there on good things, on talking about immigration and retention numbers. Not one answer; seven months later, not one answer.

An Hon. Member: Shame.

An Hon. Member: (Indistinct)

Mr. MacEwen: Can the minister tell me why refuses to answer my questions?

Some Hon. Members: Hear, hear!

Mr. Myers: (Indistinct) the answer written (Indistinct)

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

Mr. MacDonald: You know, Mr. Speaker, it's interesting that the opposition – we actually – I had my staff actually invite the opposition and the third party to attend a session on immigration. It's a complicated file and they did, and they said – answered any question that they obviously had, but obviously they didn't write down their questions because their memories are getting short.

But, if you look back at the immigration program, and I have done the history on it, you look back to what Jason Kenney did to this program as the federal minister and the blunders that he created –

Mr. Myers: He shut you fellows down (Indistinct)

Mr. MacDonald: If you're going back to 2008 –

An Hon. Member: (Indistinct)

Mr. MacDonald: – John McCallum was the minister that had to come in and clean it up, and now we have minister Hussen – excuse me –

Ms. Compton: Straighten him out.

An Hon. Member: (Indistinct)

Mr. MacDonald: This is a good program. It's a small percentage of the people that come to Prince Edward Island for the safety and quietness. I saw 500 of them the other night over here at the Confederation Centre. They come up to me each and every day and thank us for our way of life and what they're doing to Prince Edward Island.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. J. Brown: Here comes the (Indistinct)

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

It's true what they say: Sometimes heroes don't wear capes.

Some Hon. Members: Hear, hear!

Mr. Myers: He hurt his shoulder patting himself on the back.

Mr. MacEwen: The amazing things that this minister is talking about.

Do you know what? Over two weeks ago I asked the minister's department, three different people in his department, to provide me with the presentation that they gave the Leader of the Third Party and the Leader of the Opposition and myself. Over two weeks ago, a simple presentation; will you send it to me? Nothing; it's secretive. We don't know what's going on. They won't answer our questions.

Minister: Why will you not give me the presentation? Why will you not answer my written questions? Why is it every time your government dabbles in PNP everything is secretive and scandal comes from it?

Mr. Myers: Good question.

Some Hon. Members: Hear, hear!

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

Mr. MacDonald: You know, it's unfortunate, Mr. Speaker, that the opposition continue to taint the immigration program in Prince Edward Island and all the immigrants. There are many immigrants and I've done acknowledgements of a seafood plant right in the hon. member's own riding where immigrants played a very significant role in that labour stream.

Mr. Myers: (Indistinct)

Mr. MacDonald: It's unfortunate –

Mr. Myers: (Indistinct) by the way.

Mr. MacDonald: It's unfortunate that they continue to go down this path.

I agree at least he acknowledged that he was at the presentation and had the opportunity to ask questions on the immigration program, but we know the contribution of the immigration file, portfolio, to Prince Edward Island, whether it's retail, housing starts – it doesn't matter – new businesses,

employment being created, and the list goes on and we're going to continue to build on that with those 13 communities that want to invest in immigration.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

Yesterday I questioned the Minister of Education, Early Learning and Culture about efforts to develop new policies around the retention of BlackBerry Messenger and text messages and it was clear from his response there are no policies in place and no immediate plans to start logging these messages on government servers.

Policy around government records (further)

A question to the Premier: As the minister responsible for the FOIP act, are you concerned about the education minister's failure to protect government records? And if so, what do you intend to do about it?

An Hon. Member: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I felt that the minister of education gave a forthright answer yesterday and, indeed, indicated that this is an area where the law itself is evolving and that point is well supported by external bodies, as high up as the Supreme Court of Canada. I thought that was an adequate answer. And, as minister responsible for the FOIP act, we will indeed be having a review of the FOIP legislation and the regime in its administration and we welcome input on that.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Charlottetown-Parkdale, your first supplementary question.

Ms. Bell: Thank you, Mr. Speaker.

Premier, it has been over a year since the Auditor General tabled her special report on e-gaming, in which she brought to light the issues of ministers and staff using texts, instant messaging, and BlackBerry PINs for government business. In effect, senior officials are using the lack of policy as an excuse to evade their obligations under the *Archives and Records Act* and to avoid public scrutiny under the FOIP act.

Destroying government records (further)

A question to the Premier: Why have you not yet acted to stop this willful obstruction of government records?

An Hon. Member: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, that's pretty strong language for day two, so I guess we've got a lot to look forward to.

To accuse senior officials of evading their obligations or destroying records when the question is being asked about an area of the law and a technology that is still in evolution and, indeed, it's being taken to heart, as were the other recommendations by the Auditor General and the provisions and the personnel that were put in place to ensure that government records are safeguarded, that the regime is in place, that the personnel is in place, and that the rules are in place to do our job.

I will contend that that is a very fulsome response to the Auditor General's recommendations and, indeed, there's an opportunity as we look at the FOIP act to look at that. But I would hope that the hon. member, if she has submissions to make about that, we'll make it in more measured language than we just heard.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Ms. Bell: Thank you, Mr. Speaker.

Premier, you were elected on a platform of increased transparency and accountability and yet you stand here today offering excuses to justify your lack of action on these very issues. The solution to this problem is simple: it is literally a matter of activating software that is already embedded on your government servers and has been for many years.

Premier: Will you show Islanders that your talk of transparency and accountability isn't just rhetoric and immediately end the needless destruction of valuable government records?

An Hon. Member: Hear, hear!

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

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

As I indicated yesterday, we've made a significant investment in this area and it was to outline a three-year plan. Last spring, as all members of this House – at least that were here at that time, would be aware, we made amendments to the public *Archives and Records Act*, which are very relevant to this particular area. Since then, we've set out to and have hired nine new staff in that department who are expert in that area and who will be preparing retention schedules for each department and who will be providing training to each individual in the departments that will outline policies as to what, in fact, a government record is.

I should add that the document that was tabled yesterday indicated that the federal government, which we would look to, has indicated that they are not activating the easy fix that the hon. member has indicated to start to track BBM messages, or text messages, or whatever. This is evolving technology. Every day we get messages from constituents, or whomever, and the same is true for government employees. The technology is constantly evolving; the law is constantly evolving and we are employing the proper people to look at this and to go to work to get the policies in place to make sure that we're doing what we need to be doing.

Thank you very much.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Summerside-Wilmot.

Mr. Palmer: Thank you, Mr. Speaker.

My question is for the Minister of Economic Development and Tourism. Summerside is a welcoming community with limitless opportunities. With a little support, our community could really thrive and become an economic force in Atlantic Canada. While I agree the Summerside Regional Development Corporation needed a new approach, I do not support the idea that the province is abandoning the function of economic development in Summerside. Last year, the province announced that SRDC would be wound down.

New approach to SRDC

Can the minister please inform the House where they are in this process?

Some Hon. Members: Hear, hear!

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

Mr. MacDonald: Thank you, Mr. Speaker.

I think we've all discussed the process of recreating economic development across Prince Edward Island, not just in any specific area. We've created economic development councils that are on the ground – their feet on the ground. We've looked at all kinds of different opportunities by purchasing great assets that could be beneficial to communities in the surrounding areas, such as Slemon Park; such as the timber yard in Georgetown. These are the types of things that this government wants to do to ensure that prosperity is from one end of the Island to the other.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Palmer: Mr. Speaker, as I've said in this House many times: If you don't measure it, you can't manage it.

Minister: How is the function of economic development being measured in Summerside to determine its effectiveness?

An Hon. Member: Hear, hear!

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

Mr. MacDonald: Thank you, Mr. Speaker.

There's no boundaries in economic development across the province. There's several ways to measure economic value on everything we do. Some people put it on jobs; some people put it on GDPs; some people put it on the way people live in those communities. Has there been advancement in retail? Has there been advancement in housing? Has there been advancement in car sales? Those are the types of things I think you really have to look at. The investments that this government has made in places like New Leaf Essentials in Slemon Park, in Slemon Park – a new runway, all kinds of things that are happening.

Mr. Trivers: You're not (Indistinct).

Mr. MacDonald: You have to look at the overall picture to evaluate the success of any program, but our economy is diverse enough right now that we're seeing success in pretty near everything.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

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

As we move closer to the federal government's deadline for legalizing cannabis, there has been a lot of concerns brought to my attention by my constituents in my area. My question today is about advertising and how cannabis is going to be allowed to be advertised, or if it's not going to be allowed to advertise.

I want to make it clear, Mr. Speaker, that I've never supported advertising when it comes to gambling, alcohol, or cigarettes. I just think it's wrong. There's been a lot of concern about the advertising and the Canadian Public Health Association wants a complete ban on advertising for cannabis.

Advertising of cannabis

Can the minister tell us what is going on in the federal government in terms of advertising for cannabis?

Speaker: The hon. Minister of Finance.

Mr. Roach: Thank you, Mr. Speaker.

The Province of Prince Edward Island has no plans to advertise cannabis products. In fact, we stand very strong on that. This is regulated by the federal government. In fact, early in January, we're going to be engaging in a comprehensive public awareness campaign to ensure that Islanders are aware of all that's taking place with that and they are able to make informed choices on Prince Edward Island.

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 want to come back to a point here. The minister keeps trying to talk about that opposition is focusing on the negative and stuff like that and that's simply not true.

The minister talked about my hometown and I want to use that as an example. He's 100% right. We have a wonderful community of new Islanders that are coming through here. The temporary foreign workers that are going through the system, through an immigration system that the minister's staff members did brief us on and told us about.

They're coming. They're working. They're living in our community. They're going to our schools. They're registering for sports. That's building our community.

Do you know what it's not doing? It's not coming, buying a business, and flipping it a year later and then filing their taxes here after a year and then high-tailing it to Toronto. That is not what they're doing. That is the kind of immigration that we need.

We have wonderful things that are going on with immigration here. The association of newcomers is doing things. Yes, he's right; 20% of these people are doing awesome things on PEI. What we're trying to focus on is why is mediocrity this government's mantra? Why can't we focus on the other 80% and make it even better for PEI? Why can't the minister focus on that?

Some Hon. Members: Hear, hear!

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

Mr. MacDonald: Mr. Speaker, this whole process and what we're doing here. This whole process of expression of interest, building our – building rural PEI up, involving the 13 communities across Prince Edward Island. That is the process to make improvements to the immigration program. That's what we're doing.

I don't see how you can take a program that we just did an evaluation on. We did an internal evaluation on. We went to expression of interest. We recreated – it went to an RFP, transparent, accountable. To intermediaries. These are the things that are adding up to making a positive assessment of our immigration program and going forward.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Services lacking in rural PEI

Ms. Compton: Thank you, Mr. Speaker.

The erosion of our rural communities under the 10 years of this government continues: attempted school closures and reduction of government services, the loss of local business pillars like restaurants and stores,

and no access to local health services. This week, the announcement of the closure of the bank in Murray River.

Can the Minister of Rural and Regional Development explain why lip service is the only service rural communities get from this government?

Some Hon. Members: Hear, hear!

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

Mr. Murphy: Thank you, Mr. Speaker.

I think we're giving this a lot more than lip service. It's unfortunate that the bank is closing, but I would say that's a business decision that they're making. What we're doing is growing the population, especially in rural Prince Edward Island. We've proven that with our – the agents, the intermediary agents that we've spoken about earlier today. We have made sure that they have offices in O'Leary, Tignish, Souris, Montague, right across the rural parts of the province.

It's our intention that these agents will work with the communities and try and make a better fit for the immigrants that are coming in those communities so they will stay. They will be part of the community going forward.

We've named our regional economic councils. I mean, they're right across the province. The fact that we have a complete department dedicated to rural Prince Edward Island. I think that says quite a bit about we're giving it a lot more than lip service on this side of the House.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Underspent grants in rural PEI

Ms. Compton: Thank you, Mr. Speaker.

Last year the minister's department vastly under spent their grants, which are the only specific grants targeting rural PEI. The

minister invested less than \$600,000 for rural PEI, which is 0.03% of government's total program spend.

Minister: Why is this the case?

Some Hon. Members: Hear, hear!

Mr. LaVie: Here we go.

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

Mr. Murphy: Our entire budget is not – is \$7 million. To be exact: \$6,936,100. That's delivered right across rural Prince Edward Island with the Rural Jobs Initiative program; with the Jobs for Youth Program, with the Community Development Program. I just have a paper here where there's \$17 million spent in the hon. member's riding last year –

Mr. R. Brown: Oh! (Indistinct)

Mr. Murphy: – I don't know where these facts are coming from, but they don't appear to be accurate to me, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. MacEwen: Must be new ferries.

An Hon. Member: (Indistinct) facts.

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

Mr. LaVie: You know what I'm looking for.

Ms. Compton: Thank you, Mr. Speaker.

Not only does this minister shortchange rural PEI through its grants, this government eliminated the Island community fund, the sole funding vehicle for local services like volunteer fire companies and local rinks –

Mr. LaVie: Shame!

Ms. Compton: – now our province is awash with Chase –

Mr. LaVie: It's a shame.

Ms. Compton: – the Ace –

Mr. LaVie: Shame!

Ms. Compton: – the Deuce is Loose. Jig for the joker; community fundraising to cover-off the shortcomings of this government.

Adding insult –

Mr. LaVie: (Indistinct) wouldn't touch them.

Ms. Compton: – this government charging 2% of that pot –

Mr. Myers: Shame.

Mr. LaVie: Shame. Oh!

Ms. Compton: – minister: Why is there such a gaping hole in real dollars and supports for local regional development under you government?

Mr. LaVie: Oh!

Some Hon. Members: Hear, hear!

Mr. Myers: Good question.

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

Mr. Murphy: I guess the member didn't hear me about the \$17 million that was spent in her riding last year.

We have the Community Development Program. It leverages money from ACOA and other programs that are out there and it's all community-based. Last year the Souris group home received funding, the town of North Rustico received funding –

Mr. LaVie: Great MLA.

Mr. Murphy: – the Royal Canadian Legion in Souris –

An Hon. Member: (Indistinct)

An Hon. Member: Hear! Hear!

Mr. Murphy: There's a member, he does quite well.

Mr. R. Brown: (Indistinct) work, you just send it to him.

Mr. Murphy: – the Royal Canadian Legion, the town of Souris, the Kings Playhouse in Georgetown, the Argyle Shore Women's Institute, the Malpeque Women's Institute, Morell and Area Development Corporation, the community of Morell.

Mr. MacEwen: Don't start with Morell.

Mr. Murphy: I don't think we're neglecting rural Prince Edward Island, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. R. Brown: Twice (Indistinct) Charlottetown (Indistinct)

Ferry services in eastern PEI

Ms. Compton: Thank you, Mr. Speaker.

I appreciate that list. None of those are in my district. Wood Islands is a main gateway to our province. Yet, this government ignored our ferry crisis last summer. They took the permanent weigh station out. There is a general apathy towards the region by the government.

Initial steps are concluding tomorrow on a new operating model for the ferry. The federal government repeatedly states in the RFI around eastern Canadian ferries that they are only considering a long-term contract. No firm commitment. No money committed, and no indication of an actual RFP for services.

We haven't heard a lot from you minister about our ferry: What are your plans moving forward to ensure the ferry service remains and thrives in eastern PEI?

Mr. R. Brown: Keep Lawrence elected.

Some Hon. Members: Hear, hear!

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

Mr. Murphy: I think the Member from Charlottetown-Victoria Park hit the nail on the head there; make sure we have a good Liberal member representing that part of the province.

An Hon. Member: Oh!

Mr. Murphy: There was –

Mr. MacEwen: Where's the ferry?

Ms. Compton: Yeah, where's the ferry?

Mr. Murphy: Mr. Speaker, yes, the car ferry. There was an agreement signed for a long-term agreement for 20 years. I don't know what more we could do than that.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

An Hon. Member: Get the facts.

Mr. Myers: Who signed it? Get us a copy of that?

Mr. R. Brown: (Indistinct) elected for 20 years.

An Hon. Member: Yes.

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

Ms. Compton: Thank you, Mr. Speaker.

My – your interpretations of what happened and mine are slightly different. Yes, there is an RFI that is, basically, the conclusion is happening tomorrow. There is no talk, yet, of an RFP. There is no indication. We need to have a company that is willing to operate under the stipulations that are placed by the federal government.

Ten-year contract, or 20 year contract or not, we need to have a company that is willing to do it. And we need the support from Ottawa to make sure that happens. I am looking to this government to be a voice for eastern PEI on the ferry and not leave it up to the Honourable Lawrence MacAulay.

Thank you.

Some Hon. Members: Hear, hear!

Ms. Compton: Mr. Speaker, these are all symptoms – I'm coming to my question.

These are all symptoms of failure by this government. In Murray River, there is a

vacant clinic that this government promised back in 2011.

Mr. LaVie: Oh!

Ms. Compton: This government still pays the rent on it and it's still empty.

Mr. LaVie: Oh!

Mr. Myers: Oh!

Ms. Compton: We have area residents that are former patients of Dr. Hambly, who are still left without a doctor. When they call the patient registry, they're told: Don't call us, we'll call you. That's the answer they're getting about where they are on the list.

Mr. LaVie: (Indistinct)

Rural Islanders treated differently

Ms. Compton: Minister: Why are rural Islanders being treated like second-class citizens by this government?

Mr. Myers: Good question.

Some Hon. Members: Hear, hear!

Mr. LaVie: Oh!

Mr. Myers: Oh!

Ms. Compton: Oh!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker –

An Hon. Member: (Indistinct)

Mr. Henderson: – when it comes to issues around the delivery of primary care in this province we have –

Mr. Myers: (Indistinct)

Mr. Henderson: – numerous physicians that are out there. They're delivering primary care at various locations across this province.

I'll remind the hon. member, we did go down and meet with the wonderful Gillis Lodge there, and we did add some more

long-term care beds to that particular location just recently.

An Hon. Member: Oh!

Mr. Henderson: – in fact, I talked to the owner of the property this morning and he was quite excited and quite eloquent about the great work that this particular minister did in making sure there are beds there, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. R. Brown: Okay, Ronnie

Speaker: The hon. Member from Belfast-Murray River, this will be your final question.

Ms. Compton: Thank you, Mr. Speaker.

Yes, great place the Dr. John Gillis Memorial Lodge. Wonderful. There is no explanation there about the patients or the people in our district who are without a doctor, and call their MLA and saying: Where is the promise for a doctor for every Islander?

Eliminating services –

Mr. LaVie: Six years now.

Ms. Compton: – failing to staff primary health care professionals –

Mr. LaVie: Six years.

Ms. Compton: –disrespecting community hospitals in their regions from dialysis, to emergency rooms, lab services to mental supports – this is the track record of this government.

Success of economic development in rural PEI

Minister: How can regional economic development in rural PEI be successful and how can we attract new immigrants or anyone else while this government continues to strip away services and erode the trust of the people?

Some Hon. Members: Hear, hear!

Mr. Myers: Good question.

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, recruiting and retention in our department is working very diligent at trying to recruit the vacancies in Prince Edward Island, but as the hon. member may be aware that we've had a number of announcements just recently. I think we announced 13 new doctors just recently in the Charlottetown region. We announced six new doctors in the Prince County region just recently, and we have actually more doctors practicing in Prince Edward Island than in many years.

Mr. LaVie: (Indistinct)

Mr. Henderson: But yes, we do have vacancies and it's my responsibility to make sure –

Mr. Myers: (Indistinct)

Mr. Henderson: – that we're doing our very best to recruit those and we've implemented a number of programs to make sure –

An Hon. Member: (Indistinct)

Mr. R. Brown: No.

Mr. Henderson: – that we can retain services and physicians and we'll continue to do that, Mr. Speaker.

Mr. LaVie: (Indistinct) closed the ER in Montague.

Some Hon. Members: Hear, hear!

Mr. R. Brown: Al's taking care of it.

Mr. LaVie: (Indistinct)

Mr. R. Brown: (Indistinct) the end.

Speaker: Hon. members, you probably noticed today that a lot of the preamble to questions went away over. A lot of the answers went way over.

An Hon. Member: (Indistinct) Christmas.

Speaker: Hon. member, you're right. It is getting close to Christmas.

An Hon. Member: (Indistinct)

Mr. Roach: (Indistinct)

Leader of the Opposition: (Indistinct)

An Hon. Member: (Indistinct) all we want for Christmas is a (Indistinct)

Speaker: But, as we get closer to Christmas, Santa Claus may be in a little worse humor than he was today.

Some Hon. Members: Hear, hear!

An Hon. Member: The longer we stay.

Leader of the Opposition: Duly noted, Mr. Speaker.

Statements by Ministers

Speaker: The hon. Premier.

FOIPP - Modernizing access to information

Premier MacLauchlan: Mr. Speaker, this will be a short statement.

Openness and transparency is a central theme of our government. Rigorous, efficient and timely access to information is an important pillar of accountability.

We have been proactive in making information on the work of government available to the public. We've done this through routinely making a greater range of provincial government information public, including open data sets. We've expanded disclosure of expenses of ministers. We've expanded many of our disclosure policies to include senior staff. And we've introduced public interest disclosure and whistleblower legislation.

As a next step, government is committed to modernizing the *Freedom of Information and Protection of Privacy Act*, commonly known as FOIPP. The FOIPP act was introduced 15 years ago, and over time, there have been suggestions of strengthening the act. The time has come to modernize the act. The aim of a modernized act is to ensure that public bodies continue to be transparent and accountable, to increase citizen engagement, to strengthen the quality of

government decision-making, and to strengthen the protection of personal privacy.

A discussion paper has been posted online and government is inviting input from the public and from our partners. This discussion paper will encourage a principled dialogue on how to strengthen this important legislation. Government will be accepting responses to the discussion paper over the next two months. Government will be seeking input on areas of the act, including scope, efficiency, clarity, renewal and responsibility. I look forward to the input on the review of the FOIPP act.

By working together, we can continue to take an ambitious path on open and transparent government.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

So to touch on a few points that the Premier talked about; he talked about openness and transparency were the mantra of his government. Since the last election in 2015, there are countless things that we have asked for in budget estimates, both, in the spring budget and the Capital Budget in the fall of each of the years that we are still waiting for; we can never get. Government always says they'll bring them back and they never, ever bring them back.

Today, the Member from Morell-Mermaid was asking where are his questions that he asked a number of months ago: never get that information back. I know the Leader of the Opposition was asking for the results from the RFP for who the intermediaries were. There was no commitment at all to bring that back.

Earlier in the session the finance minister was asked who is lobbying him on cannabis. No information was offered on that front. We couldn't get that information back.

Paul MacNeill, for a number of years, was looking to print a sunshine list or a list of, at

least, who in government makes what. Government's all but blocked him on that.

These things are important to people. Paul MacNeill is not doing it for his own benefit. We're not doing it for our own benefit. We're doing it because we believe in transparency. We want to have openness for all Islanders. That's why we're bringing this stuff forward.

It's appalling what I've had to sit through in six years of stuff that you ask for that you never, ever get to see. Then you wonder why things like e-gaming happened. It was happening right under everyone's nose. There are people in this Assembly that didn't know it was happening because it was happening right underneath their nose.

That's because there's no information. There's no actual openness. The Premier talks about open data sets. There is nothing. There is no open data sets of any value that he's offering. He's offers like the school numbers. That's not open data. That's not what open data means. It means open it so people can look at it. So people can discern themselves from the numbers what's going on in government. Open everything up. If you have a contract, put it on the Internet. If you spend money, put it on the Internet so people know. That's what open data is.

He has a complete misunderstanding of what open data means. He has a complete misunderstanding of what openness and transparency means. He has a complete misunderstanding of what Islanders look for.

Talk about the FOIPP act. When you talk about some of the things that are wrong. Anybody who has ever had a FOIPP application; if you have received the information or been denied the information you get the letter from the deputy minister. How is your own identity protected? How is the person, the applicant being protected because under the act the person needs to be protected, as well. How would a deputy minister actually know the applicant and be able to respond to them directly?

It's okay if it's me. I don't care. But what about somebody out in the street who direly wants their identity to be protected from this government because they don't trust them. They don't trust that there won't be some

sort of the retribution on them. They have to expect that the deputy knows and no one else does. There is no protection for people under this act.

This government has a long way to go to fulfill any hope of making me believe that they're open and transparent. Making Islanders believe that they're open and transparent is going to take a lot more than a six or seven month process of looking at this FOIPP act. This government has to offer Islanders way more than they're offering them. It's embarrassing that you would ever, ever claim to be open and transparent.

Just while you spoke I wrote those things down off the top of my head, what I could think of. There would be countless examples, I'm sure, that the media has, that other MLAs have, and that Islanders have where you haven't been; where you have actually blocked them from getting the information. That's not how this should work. This is the taxpayers' dollars. We are here to protect it and make sure that it is used the very best it can be used. It doesn't belong to you. You have no business hiding it from Islanders. You have no business hiding anything from Islanders.

The FOIPP act will do little to change that unless the attitude on those benches changes and you actually care what Islanders think and you actually give them what they deserve and that is openness and transparency.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party.

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

The Premier mentioned that over time there have been many suggestions made as to how we could strengthen this 15-year-old act. Indeed, that is true. Back in 2009, this House adopted a committee report with recommendations from the previous privacy commissioner and those recommendations were never acted on.

In 2012, there was an internal review done

of the act, and yet, when I asked you table it, Premier, you refused to do so.

In your 2015 throne speech you promised a review of the act. To date, that has been put off for two-and-a-half years. I welcome the news today.

Since then, the privacy commissioner has conducted her own review and she has tabled with the committee of communities, land and environment, a whole bunch of suggestions. Now, you tell us that we're going to have another review further delaying the process.

Given the almost decade of inaction, multiple reviews and a continued procrastination, it's really hard to be anything other than deeply skeptical that this administration will actually do what we all know needs to be done. That is to do a fundamental review and strengthen this act.

I look forward to the Premier proving me wrong. And that my distrust is misplaced, and that we will actually end up getting the changes that we all know are needed to strengthen this act.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Youth Employment

Mr. Gallant: Thank you, Mr. Speaker.

Over the last year, Prince Edward Island has shown why we are a mighty Island by outperforming much of Canada in terms of population and job growth.

I'm pleased to report that the Island's unemployment rate is at a record low of 8.8%. More Islanders are working, and there are more full-time jobs available. Seventy-four thousand Islanders are working full or part-time.

There has been an increase of 2,700 full-time workers year over year.

Some Hon. Members: Hear, hear!

Mr. Gallant: Our government's job creation initiatives are the hard work of our business community and they are connecting thousands of Islanders with training and job opportunities each year.

Working closely with industry we are creating collaborative employment opportunities across strategic sectors. These sectors are meant to provide a greater sense of possibility for our young people. I would like to highlight just a few of our government's new and expanded job programs that benefit Island youth.

First, our government partnered, once again with the PEI Seafood Processors Association and the federal government to expand Team Seafood. Team Seafood's youth participants helped the seafood processing industry take advantage of strong markets for lobster and mussels.

Second, a group of 16 youth participated in work experience through Team Youth Trucking programs this summer in partnership with the trucking sector council.

Third, through Team Construction our government helped connect 40 youth in jobs in construction this summer. This was in partnership with the Construction Association of Prince Edward Island and the federal government. At the Team Construction announcement one young man said he had always wanted to get involved in construction, but it took this program to help him get started. This is exactly where government works to achieve and accomplish with their youth programs.

Finally, more than 200 youth have been connected to good paying long-term jobs through our government's Graduate Mentorship Program since this past April. I am hearing great reports of the positive contribution young workers are making to the companies that they are hired with. This success means our government will escalate our efforts to connect more young Islanders with career opportunities right here at home on PEI.

This will help ensure a skilled, vital workforce on Prince Edward Island and prosperity for all Islanders into the future.

Mr. R. Brown: Great.

Mr. Gallant: Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

I want to remind the minister that government does not create jobs, businesses create jobs, entrepreneurs create jobs. Let's put credit where credit is due.

Some Hon. Members: Hear, hear!

Mr. Trivers: Let's stop trying to pick winners. Let's look at giving tax credits to let hardworking Islanders keep more of the money that they're making so that they can create jobs and they can employ more people.

Right now, on Prince Edward Island we have the lowest average weekly wage of anywhere in Canada. The unemployment rate in the rural part of PEI is more around the area of 13.6%. Let's get our facts straight as well.

I do like the Graduate Mentorship Program. That is a good program. That gets people out of post-secondary and into businesses where they can stay long-term. That is a good program, so I'll applaud you for that one. If we have workforce initiatives that focus on letting businesses do what they do best, and that is produce products and services that they can sell, and let them guide where money is spent. That's how we're going –

Mr. R. Brown: That's tricky.

Mr. Trivers: – to improve the economy and we're going to employ the workforce on Prince Edward Island.

Mr. Trivers: Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Charlottetown-Parkdale.

Mr. R. Brown: (Indistinct) own business.

Ms. Bell: Thank you, Mr. Speaker.

It is great to hear about the support that is being provided for youth in the sectors, particular sectors relating to sort of more traditional industries and manufacturing, in particular.

I'd also like to make sure that we do not forget that, particularly, for youth where many programs are connected to eligibility including EI eligibility, then that excludes participants from being able to access some of the programs and services available.

Being able to be more flexible in terms of the programs that are offered, whether they'd be broader in terms of the sectors. So, for instance, including the arts and cultural sector, which is, as we've heard in the most recent cultural strategy, critical to our Island economy and one that has significant financial impact, as well as impact on our way of life; that is not necessarily reflected in the programs and services that are supported when we look only at traditional sectors.

Having worked recently in that area, I can also speak to the fact that programs that are supportive of arts and cultural support for youth are very hard to receive funding for, for either the program providers, the non-profit sectors, and for the participants.

So it'd be really great to sort of think, perhaps, about a bit of a broadening of scope – not only for the sectors that are supported, but also what we define as good work and good work experience. If we want to continue to grow our cultural economy here, we need to invest in it in many different ways. That doesn't only mean investing in things like theatre production, but also in where the skill sets come to deliver that theatre production. So, I look forward to seeing some more creative and innovative programming coming in the next year.

Thank you.

An Hon. Member: Hear, hear!

Presenting and Receiving Petitions

Tabling of Documents

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, by leave of the House, I beg leave to table a document Health PEI Board of Directors Governance Policies, October, 2015 and I move, seconded by the Honourable Member from West Royalty-Springvale, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Premier.

Premier MacLauchlan: Mr. Speaker, by leave of the House, I beg leave to table a background paper entitled: Open and Accessible Government – Modernizing the *Freedom of Information and Protection of Privacy Act* and I move, seconded by the Honourable Government House Leader, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Member from Rustico-Emerald.

Mr. Trivers: Mr. Speaker, by leave of the House, in the interest of openness and transparency, I beg leave to table an amendment to Bill No. 13, the *Water Act* that removes the condition that only substantive amendments to regulations require the minister to seek public input and add a requirement that the minister refer all proposed regulations and amendments to the appropriate standing committee of the Legislature not less than 90 days before the enactment and I move, seconded by the Honourable Member from Borden-Kinkora, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

By leave of the House, I beg leave to table a picture of the Mt. Stewart Consolidated School gym during the Christmas concert last night, a picture of the Mt. Stewart Consolidated School gym during their Remembrance Day ceremony this year, and a picture of the Mt. Stewart Consolidated School lobby, all of which are very sad sights. I spoke a little bit humorous of it

yesterday, but this is getting serious. We had seniors walking around these buckets and the water all over the Christmas concert last night. I'm receiving calls every day and that's the reason I'm tabling these pictures today and I move, seconded by the Honourable Member from Belfast-Murray River, that these documents be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

Reports by Committees

Introduction of Government Bills

Motions Other Than Government

Orders Other Than Government

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Mr. Speaker.

Opposition would like to call Motion No. 21 to the floor.

Speaker: Shall it carry? Carried.

Clerk: Motion No. 21.

The hon. Member from Morell-Mermaid moves, seconded by the hon. Member from Belfast-Murray River, the following motion:

WHEREAS work began on a dementia strategy for Islanders in 2009 and in November of 2015 the then Minister of Health announced that a framework for a dementia strategy was complete;

AND WHEREAS it is now November, 2017 and Prince Edward Islanders have still not seen a provincial dementia strategy;

THEREFORE BE IT RESOLVED that this Legislative Assembly urge the provincial government to live up to its commitment of eight years and bring forth a dementia strategy that will provide the supports that will assist caregivers and health providers to deal effectively with a growing population of individuals who are suffering from Alzheimer's Disease and other forms of dementia in our province.

Speaker: I will now call on the hon. Member from Morell-Mermaid, the mover of the motion, to speak to the motion.

Mr. MacEwen: Thank you, Mr. Speaker, for the opportunity to move this important motion here today.

This is a motion that this House has talked quite a bit about over the past number of years. We're calling for the government to finally come through on its promise of a provincial dementia strategy.

On June 22, 2017, Canada became the 30th country to launch a national dementia strategy. According to a release issued by the Alzheimer Society of Canada, Bill C-233, an act respecting a national strategy for Alzheimer's disease and other dementias, means the government of Canada will address the scale, impact, and cost of dementia. The Canadian Alzheimer society has been calling for the national dementia strategy for many years. They want to see enhanced research efforts and ensure access to quality care and support, so that Canadians with dementia can have the best quality of life.

I believe we, in this Legislative Assembly, can support that objective as well. The act, according to the society, not only brings Canada in line with many other countries around the world who have made dementia a priority, but also commits our government to action within definitive timelines, targets, reporting structures, and measurable outcomes.

Seven of Canada's provinces currently have some sort of a dementia strategy. It is time this government, which has been working on a strategy since 2009, finally releases our strategy and gets to work.

The Alzheimer society notes that common elements of dementia strategies include raising awareness, co-ordination of care, research funding, enhanced training for healthcare professionals, and sharing of best practices.

The society has proposed a framework for implementation. They state that a national dementia strategy means that all Canadians living with dementia, their caregivers, and their families, will have access to the same

level and quality of care, no matter where they live. We hope this will be true for Prince Edward Islanders as well.

According to the Alzheimer Society of Prince Edward Island, in 2017: 2,537 Islanders were affected by Alzheimer's disease and related dementias; 13.5% are under the age of 65; 64% are women. The total economic impact of dementia in our province is over \$152 million. Unpaid caregivers' costs exceed \$50 million. That's a number, that is significant and one that we need to pay attention to. Do you know what? The numbers of dementia in PEI will nearly double by 2031. In 2038, 4,000 Islanders will be living with dementia. Informal caregivers will be providing 2.7 million hours of unpaid care. Think about the time commitment from those people in these homes around PEI that are giving these hours of unpaid care. Unpaid caregiver opportunity costs will exceed \$204 million. That the money that someone could be out, helping their family, making. The total economic burden of dementia will exceed \$560 million.

We must do something now to ensure that a framework for care and treatment will be available for those who suffer now and into the future with various kinds of dementia. We must make it a priority and we must include in that strategy supports for caregivers that includes compensation and respite care.

Caregivers are providing millions of dollars in free service and care to these individuals. This is service that if there were not able to provide, the provincial government would have to provide, and at even greater costs. We need to acknowledge how important this care is to the health of individuals with dementia and to the province's health care system. I have no doubt that should these caring individuals stop providing care for their friends and family with dementia, our health care costs would be astronomical.

I could speak personally, as everybody in this Legislature can, about a dementia case and I'll speak about the caregivers. My grandfather, Johnny Trainor, had dementia later in his life and he lived with us and eventually had to go to Beach Grove Home. It was funny – my whole life, he called me Ian. That was the name of an older cousin I

had and there wasn't a lot of male cousins. We had a very large family – 30 or 40 cousins, but not a lot of guys there and I always got a kick out of the fact he'd: Ian, Ian, come over here. I knew it was really affecting him when he called me by my name one day.

It was the first time in my whole life he probably actually called me by my real name and it's a cute story, but he lived with us – he lived with aunt for a period of time and it was a wonderful experience to be, but you really see firsthand the added stress, the care – mom was home. She wasn't working at that time. The extraordinary care that my grandfather got once he went into Beach Grove as well, it is wonderful the services that they are providing, but I just wanted to speak to that.

We are aware that this province intends to bring in a senior's and wellness strategy and we look forward to seeing the details. A senior's strategy is greatly needed in our province as well. However, we do not believe that a senior's strategy should in anyway impede the work nor negatively impact the fact that our province is in a bad need of a dementia strategy.

I believe just referencing the alarming figures mentioned earlier underscores the magnitude of the need for a dementia strategy to improve services for all involved.

Also the fact that a national strategy will soon be implemented indicates that our nation is deeply concerned about the growth of dementia in our nation and wants to take measures to ensure that the needs of this growing population are met now and well into the future. We believe it is necessary to have a provincial plan to address the needs of our province in context with the national strategy. There are 80 different kinds of dementia and we all know that it can be very difficult for families and caregivers to deal when a family member becomes ill.

I believe this quote by Margaret Chan, the Director General of the World Health Organization helps summarize the reality of living with dementia and I quote: I can think of no other disease that has such a profound effect on loss of function, loss of independence, and the need for care. I can think of no other disease so deeply dreaded

by anyone who wants to age gracefully and with dignity. I can think of no other disease that places such a heavy burden on families, communities, and societies. I can think of no other disease where innovation, including breakthrough discoveries to develop a cure, is badly needed.

This quote can be found in the National Strategy and was released this past June.

Both Nova Scotia and New Brunswick have had the vision and foresight to take action and put together their own strategy. As you know, our province has one of the fastest-aging populations in the country.

In 1976, the median age in PEI was 27. By 2016, this has already risen to 44. The median age for the province is projected to rise to 44 by 2026 and to 46 by 2036. We've talked about these numbers before. The number of people aged 65 and over in 2016, just over 28,000. It is projected to rise to 38,000, 45,000, 47,000, 51,000 by 2056.

Time is flying past us and the longer we wait to deal with what we know is an aging population and an increased number of Islanders with dementias, the bigger the crisis we will bear. We need to start planning now. We are going to need the services, and a workforce and the facilities. In fact we need them now.

I have been talking about a lot of statistics here, but these are figures that count. They tell us what is going to happen and we can't ignore them. I do not think that we can take the risk of not being prepared to provide quality services for our aging population with dementia. The price to pay in terms of the quality of life for our patients suffering with dementia is simply too high. I would ask the members of this Legislative Assembly today to help support our motion.

A couple of other things to add into my written notes here as well; I want to give a lot of credit to the Leader of the Opposition here. He's the former health critic and he's done a lot of work with the Alzheimer's society here in PEI to push their agenda, to help – he deserves a lot of credit.

I really want to give a tonne of credit to the Alzheimer Society of PEI. Corrine Eldershaw, the CEO there, is a close

personal friend and just the amount of work they do to deal with families and lobbying government, it's second to none and we really appreciate it. I'm only a relatively new MLA here. I know many of the members across the floor here have been here for the majority of 10 years and –

Mr. LaVie: Too long.

Mr. MacEwen: – I know they've heard it. They've heard it multiple elections. They hear it in their phone calls. I know because I've heard it so many times in two-and-a-half years. Mom or dad, they're starting to act a little different. They're starting to get that way, and it's tough. I spoke in my notes about outlining about how it starts and it's significant.

I've listened to motions here in the past. We put it forward again. We keep trying. I know the government is meeting with them. We're talking about it, and I'm hoping they will talk about it the senior's strategy and all these other things that are going on, but we need something dedicated. It's coming; it's coming fast. I know everybody is calling for resources, but this is a significant one and we feel it's very important.

With that, like I said, again I ask the Members of this Legislative Assembly to support our motion.

Thank you, Mr. Speaker.

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

Ms. Compton: Thank you, Mr. Speaker.

It's a privilege to rise in the House to second this motion calling for immediate action to a dementia strategy that supposedly was done. The work began, I think, in 2009, as the motion mentioned. The health minister announced a framework was in place in 2015. The framework was completed, we're told, and now it's November of 2017 and Islanders have not seen or heard anything about the provincial dementia strategy.

It is a shame because once again, we are forced to call upon the members of this Assembly to urge government to take action on something they promised they would do,

but haven't. A promise they would do, but haven't.

Perhaps, we shouldn't be too surprised since the failure to deliver on promises appears to be a trademark of this government and a trademark of the federal government as well. The problem of a quickly-aging population is not going away. The population, the senior population is increasing. We all know that. We've talked about it a number of times in this Legislature and this Legislative Assembly.

We need to either prepare to deal with it now or wait until there is a real major crisis. If you talk to families – in my previous career, families that would call on a daily basis at their wits' end about what to do with their loved one who is experiencing dementia.

I want to thank the minister of health because he has provided some more beds for the Gillis Lodge, and I'll point out that four of those beds were in the dementia unit.

Mr. Henderson: (Indistinct)

Ms. Compton: The demand for dementia beds, he knows, we all know; the demand for dementia beds is huge.

We need to have a plan so we are calling on government to provide us with that strategy. Where is the strategy on dementia? According to *Rising Tide*, the impact of dementia in Prince Edward Island, 2008 to 2038, in the next 30 years an estimated 3,917 people in this province will have some form of dementia. That's over 2% of the entire population. We all know – we've talked about it a number of times – the increase in the demand for long-term care beds. It's expected to increase eight times the current requirement over those years.

The increase in diagnosis will also have an effect on the informal caregivers, who are often a spouse, a close relative, or a child, who are already estimated provides one million hours of unpaid care each year, and this is expected to increase to 2.7 million by 2038. This burden is placed not just upon the economy, but on the caregiver as well who have a 75% higher chance of experiencing some form of physical or mental illness and exhaustion as a byproduct

of the stress and hard work that accompanies their care.

This adds to the healthcare costs, but also deeply impacts all aspects of a caregiver's life, both personal and professional. It is important to monitor and look after the well-being of such caregivers who selflessly donate their time and effort. It's the least we can do. I saw it over and over again with family members who were hesitant; they were very hesitant to move their loved one into a long-term care facility because they felt it was their responsibility to give them that care. But, when it gets to a point where they can no longer provide the care it's imperative that we have the supports in place. It's very complex.

The hon. member mentioned the number of different types of dementia, and I can see that over and over again with my previous career.

I can recall one incident where the director of nursing brings in a resident and they're tested and they're tested on a regular basis, I'm going to say maybe monthly; and say there are 20 questions, and they'll score 16 out of 20. So they're doing pretty good. They know what day it is, they know where they are, they know what the weather is like; and one particular resident left and scored 16 out of 20, walked out the door of the director of nursing and said: Where's my room? So that's an example of the intricacies and the different types of dementia

Another resident moved in. They never stopped walking. They paced for 48 hours straight. They never stopped. Imagine the impact that has on the caregiver who's trying to look after their loved one at home.

We know the importance of providing wellness. We talk about it all the time, that if we have a sense of well-being and we have the tools in place to ensure that we have that well-being, the cost on the medical system is lower.

In the *Rising Tide* report, they found that if we were to implement informal caregiver support programs – one of their proposed interventions – then the short term effects would be that over 35 fewer individuals diagnosed with dementia would be residing

in long term care facilities and over 55 fewer in the long term, with a reduction in the direct health costs of \$94.2 million, and a reduced total economic burden of over \$51.4 million.

We don't want to talk about this in dollars and cents, but the bottom line is, for government, it does come down to dollars and cents. If the money is not there, we can't afford to provide the supports that are needed or we can't afford the long-term care beds. So if we could go back to the fact that we need a dementia strategy, and if there is one finished, completed, the framework is there, why are we not seeing it? I look to the minister for an answer for that.

Implementation of caregiver programs would not just be economically beneficial, but personally, emotionally, and medically be of benefit to all involved.

The basis of the program suggested within the report would be to provide occupational therapy to each caregiver - enabling the development of adaptive practical skills for their situation and communication strategies, as well as effective coping strategies.

Another piece of this puzzle is the fact that dementia patients like to have a routine. They like to know where they are, what their environment is, what the daily schedule is. So when you move them into a long-term care facility that affects greatly their well-being.

The dementia strategy is something that we need. The number of caregivers across this Island who really are at their wit's end trying to provide care need the tools to be there. They need to know that we are working on – and from what we hear from government, we do have a dementia strategy. We need to hear what that strategy is.

In the *Rising Tide* report, a special emphasis was placed on the support of spousal caregivers, and the results from this showed an astonishingly high delay rate of being admitted to long term care on an average of 557 days – 557 days that they could be in their home with their loved ones, rather than being in a long-term care facility. That's saving us money, but it's also providing the

care within the home and the supports with the home that the dementia patients need.

If we combine all factors – indirect and direct health care, wage, corporate costing – then by the year 2038 the estimated cumulative price of ignoring the so called ‘rising tide of dementia’ will be in excess of \$3.4 billion, a staggering figure that will affect us all, \$3.4 billion that really, we as a province, cannot afford to be spending.

And if we have a dementia strategy in place, we would not need to spend a lot of that money on the supports out there because family members and caregivers would be given the supports they need to ensure their loved ones are being looked after.

Obviously, if we do not tackle this issue now, we will be failing to fulfill our obligation to future generations. The *Rising Tide* report offers several ideas for interventions that could be incorporated into a comprehensive dementia strategy. Besides a caregiver program, it also suggests case managers for those suffering from dementia and preventive programs aimed at a healthier aging population.

The dementia crisis in PEI is expected to become more severe – and I might say not expected to become, will become more severe – and it has the potential of completely overwhelming the health care system. We know right now the increase in the budget for health care. It’s causing a huge strain on government and the coffers of government, and if we’re going to take it to dollars and cents, let’s work to ensure that we have the tools in place to lower the cost to Islanders and to ensure the well-being of the dementia patients.

Currently one person is diagnosed with dementia every five minutes; by 2038 it will be every two minutes. We cannot afford to wait. We need to act. Prince Edward Island is in desperate need of a dementia strategy, especially if we want to provide the best care we can to the people and the families of Prince Edward Island who are affected by this terrible disease.

It is in the best interests of our residents to ensure that this province fulfills its commitment to implement a dementia

strategy. I encourage all Members to support this motion.

Thank you, Mr. Speaker.

Speaker: Thank you, hon. Member.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you so much, Mr. Speaker and I’d like to thank the mover and seconder of this motion and stand to support it.

Dementia, of course, is a worldwide problem, and Canada is no exception to every other country around this world which is struggling with how to deal with an increasing incidence of many diseases related to an aging population, and dementia’s just one of them.

In Canada – I think the hon. Member from Morell-Mermaid gave us many of the statistics on dementia in Canada, but there are about half a million Canadians who suffer from dementia in its various forms, and that translates to around about three thousand Islanders.

And of course, it’s not the individuals themselves alone who are afflicted with this problem; it ripples out to affect families and communities. I’ll be talking a little bit later about what a critical aspect of any effective dementia strategy support for caregivers is.

It’s interesting if we look at the Canadian strategy, which was just released in June of this year. There were 29, I think, countries prior to Canada who have developed and implemented dementia strategies. Some of them have been around for over a decade. Canada just released its national dementia strategy earlier this year.

Currently we have seven provinces who have their own independent dementia strategies, of course because health care is a provincial responsibility, but the fact that we have only just come to this nationally is perhaps an indication of how far behind we are in global terms in our approach to this problem.

I found it interesting, when I was preparing my thoughts to speak today, to look at other jurisdictions where they have implemented

effective strategies on dementia. I went back to my homeland, Scotland, where – not literally, I looked online at what is going on in Scotland, and there's a country where they are already on to their third phase of a dementia strategy.

They started in 2010, a year after Prince Edward Island promised that they would have a dementia strategy, and in Scotland they're already on their third iteration of what that dementia strategy looks like, and they're doing some pretty amazing things there. Individuals and families and communities are supported in their battle, in their challenges, in their struggles related to dementia.

In Scotland the strategy there is very progressive and it's regarded as a world leader when it comes to what a good strategy looks like.

I think that's important because here on Prince Edward Island we don't have the capacity. We don't have the ability, always, to develop things that we require simply because of our small size. There are many wonderful things related to our smallness, but the fact that we have limited resources means that we need to look elsewhere. We don't have to reinvent the wheel all the time, either.

Certainly, with the dementia strategy, I think that's abundantly true. When you look at dementia strategies around the world they are very similar in many aspects because the disease is similar in many aspects everywhere you go. But due to cultural differences, historical approaches to health care, financial constraints. You will find that those strategies do vary somewhat from jurisdiction to jurisdiction.

In Scotland, they have a three-tiered approach. The first is timely diagnosis. The second is post-diagnosis support and the third is care and coordination in the community. I'm going to go through each of them in turn.

Diagnosis, timely diagnosis and that is a challenge here on Prince Edward Island. The member for Belfast talked about how inadequate a simple survey with numerical attributes to answering questions is because there are subtleties involved in and

intricacies involved in this disease, which don't always show up on simple tests. Making an accurate diagnosis is not a simple thing to do. It's a very unique individualized problem.

We need the health care professionals here in place in order to make proper diagnoses. That's a challenge here on Prince Edward Island where we don't have access they do in bigger centres to a number of geriatricians and the other people, who are specialized in this sort of field. Making timely diagnosis is the first thing.

The second thing, once a diagnosis is made is in offering those individuals and their families that post-diagnosis support to know that they will make their journey through this disease in a way that will provide them with a sustained good quality of life and that they will be able to do as much as they are physically and mentally able to do until they die.

In Scotland, there are five pillars to providing this post-diagnosis support. The first is; understanding the illness and managing the symptoms. Of course, it's a big shock when, as an individual or a family member in your family is given a diagnosis of dementia. And with many, as with other shock diagnoses, whether that be cancer or any other major health problem, you have to come to terms with that. You have to understand what that means. That requires understanding the illness, talking to people, reading about it, having supports, having access to people, who are experts, or who have lived this experience before. Understanding the illness and managing the symptoms is the first pillar of post-diagnosis support.

The second one is peer support, because with 3,000 Islanders, approximately, being afflicted by this that's 3,000 families; that's an awful lot of people in a population of 150,000. There are many, many Islanders, who are living now and have lived.

The hon. Member from Morell-Mermaid, told a little bit about his particular family. My caucus mate here from Charlottetown-Parkdale has family experience with dementia. I'm sure many others in this House have direct experience. There is support out there. There are people who

have lived through this, are living through this, and are willing to talk to those for whom this is a new and novel situation and need the support, the condolence, the understanding of what that means.

The third pillar of post-diagnoses support is planning for future care and as I said a minute ago, dementia does not take the same path in every instance. Individuals are affected in different ways. It will affect their memory in different ways, their behaviour in different ways. The speed with which the disease will progress is different from one individual to another, so it's a very individualized-problem disease and therefore, planning for future care is not going to look the same for everybody. We have to understand what this means for this particular individual and that is sometimes a very difficult thing to do, and that again, comes back to where peer support, people who have lived with this and have an understanding of what it means, can be very helpful.

The fourth pillar is planning for future decision-making. This is a critical element of this; to make sure that those who are diagnosed with dementia have early access to doing things like creating a will, doing power of attorney, making sure that their affairs are in order and communicating to those around them the medical choices that they would like applied to them as their life ends. These are all things that cannot be done in late-staged dementia and have to be done early, so offering those supports, making sure that you plan early for all of those decisions is a critical element of post-diagnosis support.

Finally, in that category, in Scotland they spend a lot of time developing community connections, supported community connections, and developing the social networks, both within peer groups and without to make sure that people do not feel alone. That's the people suffering from dementia and also their families, to ensure that they feel that they are part of a community that is supportive of them individually and as a family, and of the trauma that they are going through, the difficult journey that they are taking.

The third pillar in Scotland after proper diagnosis and that post-diagnosis support is

making sure that there is care coordination in the community. When my mother died a couple of years ago, and thankfully she had no mental problems, she was absolutely sharp as a tack right til the end, but the homecare that was available to her – I found that quite astonishing. There is an enormous effort in Scotland to make sure that people, elderly people, people at the end of their life, are given the supports they need, whether that's physical, whether that's medical, whether it is, in this case, mental, to give them the best chance they possibly can of staying at home; of living in their community, of being with their families.

I think that's something that we could do a lot better here on Prince Edward Island; making sure that that quality of life for our elders as they reach the end of their days is as good as it possibly can be. Support for the carers for the family members who are going through this journey. It's exhausting to look after somebody who is elderly and has demands that are not always evident and can be quite erratic, and that can be absolutely exhausting. We need to provide the best supports that we can in order for these people to stay in their homes as long as possible and live a quality of life that is as high as is possible for them.

When I think of the things that I've learned in my life; we learn much through reading, we learn much through interacting with other people, but the thing that I have found that's been most profound to me in my learning is watching people who are struggling in some way and learning, and finding a teaching from that. Not in my head necessarily, but perhaps more in my heart, to become a better person, to understand what it's like to suffer and to look at that and imagine it as a learning opportunity.

I've done that so many times in my life where I have come across somebody who is struggling for whatever reason, and of course one needs to be empathetic. You need to be sympathetic. You need to be understanding, but it's a tremendous opportunity for each of us to develop better personalities, to call on our better natures, to expand our better natures and I think that's something that we don't always – we look at these as afflictions and problems and challenges, but really, it's an opportunity for us to give thanks for all of the things that we

perhaps take for granted; for our good health, for the fact that we do have solid relationships with others, that we have an opportunity to live our lives as fully as we do and being faced with something like this is a reminder that we should never take those things for granted.

It's an honour to stand up here today and speak to this. I really hope government does move forward very soon with a dementia strategy. It's needed for so many Islanders and it will just improve the lives not only of individuals or families, but of our collective community here, which is Prince Edward Island.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Thank you, Mr. Speaker.

I guess I, too, will ask for the podium.

It gives me great pleasure to be speaking to this particular motion and talk about some of the good things that we're doing regarding dementia in this province and some of the realities and facts and the issues of where we're planning on going as a government when it deals with the critical issue of dementia, and I would also say, a growing trend of people diagnosed with dementia.

I want to talk a little bit about three particular areas in response to this particular motion: Firstly, I want to talk about dementia care in the province and how we are working to enhance this for this vulnerable population and their loved ones. And I will give full disclosure: My mother has been diagnosed with dementia and now is an Alzheimer patient at long-term care at the Stewart Memorial Manor in Tyne Valley, so I can talk a little bit about the experiences that we've seen in that.

Secondly, I want to speak to the collaborative work that is underway at a national level regarding dementia strategy for all of Canada.

Thirdly, I want to stress the importance of our seniors and that more than a dementia

strategy is required for this aging population. We need a fully encompassed seniors' health and wellness strategy for Prince Edward Island and that is what our government is committed to. That work is well underway and should be completed this spring.

In fact, this morning the hon. Minister of Family and Human Services and seniors, her and I had the opportunity to give the opening address, maybe more of a speech, by the Minister of Family and Human Services, than a welcoming address, but – with a group of people that are working on this long-term care strategy and that's why we are engaging with those that are most knowledgeable of this particular subject, and that's our senior population of Prince Edward Island. Those individuals have come from all parts of Prince Edward Island, led by Dr. Michael Corman. I have a couple of constituents that were there: Margaret Stewart Sweet and who was the other person? Anyway, I'll come up with that name later. But anyway, they are putting good work into making sure that they are contributing to the needs. Wanda Livingstone is the lady. That's what we're committed to.

I want to emphasize – already we've done a lot in long-term care in this province. Long-term care is a component of dementia. Just to give you some facts: In 2007-2008, the province spent \$53 million on our public long-term care and private care contracts. Today, this fiscal year, that number is \$93 million. That's a 75.5% increase in the cost of delivering services to seniors on Prince Edward Island. I would say it's a good investment and we do want to continue to do more.

But the opposition is correct in saying that a framework was developed in 2009 for dementia care in Prince Edward Island, but since then it was determined that more was merely needed than a strategy. This is what we are now taking on – taking what would be a strategy and developing a seniors' health and wellness strategy, because it is more than just one issue and one particular illness or affliction.

However, elements of that initial framework have led to many enhancements to dementia care in the recent years, including

– some of the things that we have done is: Health PEI hired a gerontological clinical nurse consultant. This nurse consultant functions as an expert practitioner and educator to create person-centered, dementia-capable services for complex seniors' population. The work will ensure a person-centered approach to enhance the care of older people living with dementia and complex geriatric care needs. Expansion of dementia care beds: we've expanded – 193 dementia care beds are in the province currently.

I want to emphasize that these are in different locations, but we currently have 131 dementia care beds that are in public facilities and another 62 in private long-term care homes. As the hon. Member from Belfast-Murray River expanded, we just recently added a few to Dr. John Gillis Memorial Lodge in Belfast and had the opportunity to be down there with the Member from Belfast-Murray River on the new opening of that facility. I have to commend the owner there, Doug MacKenzie, who I had met this morning, who I had mentioned a little bit earlier, he is part of this seniors' health and wellness strategy that we're doing.

An Hon. Member: (Indistinct).

Mr. Henderson: Yeah. He spoke eloquently of the great work that I did as a minister in accommodating him with his long-term care beds and he certainly suggested he was appreciative and he would be willing to do more at any point in time.

In the public long-term care facilities there has been: environmental modifications – I know I've seen changes to the way some pictures are located, things to create interest and to enhance the situation for those suffering from dementia; we've educated a lot of our staff so they have a greater compassion and empathy and a greater comprehension and understanding of those that are suffering with dementia – and as well as how the families are able to cope and deal with that.

A partnership with Holland College for all staff in long-term care to receive a dementia-specific education. This is a 45 hour course that explores various aspects of dementia using the principles of what's

called the gentle persuasive approach as a foundation. It is commenced this fall with 24 staff receiving this education and it will be reoffered again this January.

The Montessori Program is bringing young people into their homes to be interactive with our seniors; evidence-based reducing medications, particularly antipsychotics; as well, partnership has been entered with Canadian Foundation for Healthcare Improvement, called CFHI, to continue with reduction of such. I know that's been an issue with my own mom, is that by times – sometimes she has become a very tiny lady and just a little bit of medication seems to really throw her off and it's really hard for staff and for the physicians to get that regulated. Sometimes when she seems to have tougher days, it seems to be mostly impacted by medication and trying to get that adjusted and get that right. So I commend the patients that the staff have and working with our family and working with my mom to try to help her get through this aging process.

Home care is another facet that's really critical when it comes to the issues of dementia as individuals start to enter into the concept or the world of this illness. I know in my own case, when my mom started to show signs that something wasn't quite right in her day-to-day routine and decision-making process, eventually we asked for and requested services through home care, we done the assessments, home care came in and did some great supports for my dad: they provided respite care; they tried to help give us advice on how to deal with this issue; so I really appreciate those services that are out there.

I totally encourage families to take advantage of the services that we have out there for families dealing with long-term care or dementia and Alzheimer's. It's very important that these services can make a big difference in an outcome.

An expansion to the Day Treatment Programs across the province came into effect this fall, which is providing more flexible hours. I had the opportunity to be down to Beach Grove Home and the Prince Edward Home to deal with some of the day programs that are there and it's a great opportunity. Day programs support the

senior living in the community by providing meaningful, person-centered activities in a safe environment. I think that, too, is something that people look forward to and they get to interact with other people with similar issues. The program enhances personal well-being for the senior and provides support – respite for the caregiver.

Community Mental Health – the seniors' mental health resource teams have expanded into to both Prince County and Kings County. And we have Provincial Geriatric Program with the addition of Dr. Martha Carmichael, one of our new up-and-coming practicing physicians here on Prince Edward Island. And this year means that we now have three geriatricians working with our provincial geriatric program. The program uses a team approach to provide support for patients, families and caregivers, physicians, home care, rehabilitative services, and others dealing with health care issues for the frail or elderly. The program staff includes three geriatricians, a geriatric nurse specialist, two nurse practitioners, and administrative support. Never before have we had that kind of support to provide people with dementia.

Some Hon. Members: Hear, hear!

Mr. Henderson: The Provincial Geriatric Program provides individualized geriatric assessments to older adults with complex diagnostic care and support needs. The program responds to referrals from physicians requesting specialized assessments of their patients and who may be experiencing difficulties in areas such as memory, mobility, gait, daily function, bathing, cooking, dressing, depression, and medical management. The assessment is provided in her office and it's an institutional, community, and home setting as needed across PEI. Education and information to caregivers, staff, and community groups are also integral.

One of the issues when we go through these assessment tools is, one of the things that our seniors' health and wellness strategy is all about, is to look at how we assess seniors. It's one of the things that – when I became minister, I was asking questions when we were dealing with issues of people who are awaiting long-term care – how we determine that and how does that compare to

how other jurisdictions determine – because if you're going to compare what the bed utilization is on Prince Edward Island, you have to also understand that the assessment tools and the home care that is provided has to be comparable too.

One of the issues is that we have a seniors' assessment tool that determines eligibility for those with long-term care, community care, and what not. Most other jurisdictions use what we call the RAI system – the interRAI – I-N-T-E-R dash R-A-I and I think that's something that – I really think that it's important that as a government we look into that prospect and implement of the interRAI system here on Prince Edward Island. The assessment is provided in an office and it's institutional, community, and home settings as needed across PEI. Education and information to caregivers, staff, and community groups is also a component of this.

We are taking action and we are fully aware of the challenges Islanders and their families face when they experience dementia. We continue to explore ways to further enhance dementia care for Islanders.

Now when I talked a little earlier, we talked about that there's a national strategy and, yes, we are part of Canada – Prince Edward Island – and we work collaboratively with all other jurisdictions and our federal government. We're not alone in trying to put together a planning action-centered approach to dementia care.

On June 22, 2017, Canada became the 30th country to launch a national dementia strategy. The passing of Bill C-233, an act to respect a national strategy for Alzheimer's disease and other dementias, means that the government of Canada will be addressing the scale, impact and cost of dementia for Canadians, so there's work that's being done.

The Alzheimer society has long called for a national dementia strategy to enhance research efforts and ensure access to quality care and support, so that Canadians with dementia can have the best quality of life. Although dementia may be slightly different on Prince Edward Island as it compares to other jurisdictions, I'm sure there will be a lot of comparables and I think it's important

that we work with the national strategy and with other jurisdictions and see how things compare in our jurisdiction comparable to others.

The federal act not only brings Canada in line with many other countries around the world, but also has made dementia a priority, but also commits government to action in definitive timelines, targets, and reporting structures, and measurable outcomes.

Now that Canada has committed to such a strategy, work is well underway to develop it. The 13 provinces and territories, as well as the Alzheimer society and its federation partners, are all collaboratively working with the federal government nationally and they are seeking ways to hear from people living with dementia and their caregivers and to create and implement Canada's first national dementia strategy. We are paying close attention to what will come from this national strategy. Our focus is, and will always be, the health and well-being of Islanders.

The seniors' health and wellness strategy that I talked to before, and I was there this morning, the majority of Canadian provinces have a seniors' strategy to address the needs of their senior population. Seniors' strategies of this type and magnitude allow provinces to better understand the needs of an aging population, and the issues and challenges that seniors face in regard to our healthcare system. Our seniors' health and wellness strategy will reflect on the needs of Island seniors who are 65 years of age and older, as well as the voices of near seniors who 55 to 64 – I guess I have entered that category – and informal caregivers, and public and private partner and private service providers.

We have an entire network of over 100 Islanders leading their voice and expertise to this project. We have had meetings with 16 different organizations already, and work is still underway. This strategy will have recommendations for three-to-five-year vision, as well as long-term visions for 10 to 15 years, and this will help to accomplish our goal to better support seniors for today and into the future.

The report will look at many different areas of need for the health and well-being of

Islander seniors, including their continuum of care which includes long-term care, home care, emergency supports; as well as wellness initiatives, dementia care needs, senior's mental health and the role of the community and the social support systems provided. We are looking forward to that report being completed in spring 2018.

I know this is a big task. It's an issue that Dr. Michael Corman has embraced since he arrived here in about April, and he's engaging with Islanders. Discussing with them – I jokingly referred to him as 'boy wonder' – we're certainly expecting a lot from him and I'm sure members in this Legislature are anxiously awaiting an outcome as I am as minister.

In closing, with an aging PEI population there is a need for a comprehensive senior's health and wellness strategy to improve senior services today and to meet the needs of the future. Dementia care is extremely important, and we will continue to make enhancements to support our dementia patients across the province. We will be including dementia care within our seniors' strategy. We will continue to collaborate with the federal government as they create a national dementia strategy for these reasons.

We will be supporting, or I will be supporting this particular motion. I just think we are doing an awful lot. It's a motion that will be hard to not support. We need to do as much as we can to deal with families that are afflicted by dementia, to which I'm one. I understand it fully, and I appreciate the opposition bringing this motion forward, but I do want to inform this House, as well as Islanders out there, that we are doing a lot of these things that you're talking about here in the motion and we will continue expanding that and we'll have a lot more to say as our senior's health and wellness strategy gets released in the spring, Mr. Speaker.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

It's a pleasure to rise to speak to and support this motion today and there are two points in particular I want to make.

The first one, I believe, has been made by some hon. members here, including the mover and the seconder and the Leader of the Third Party, and the Minister of Health and Wellness. That is, we need to take steps to allow people suffering with dementia to stay in their home communities as long as possible, even if it's not in their own home. If it's in the home of a loved one within their community or even just in the home of a loved one in general.

This is something we've talked about at standing committee and I've raised it before, and the minister, I believe, does understand this imminently this means providing really, I believe, at least three different types of supports to people who wish to look after their loved ones, someone perhaps suffering from dementia, in their own home and that's financial support.

The second one is respite support, so a place where they can take their loved one where they can be looked after during the day or during the evening so that they can take a break.

Then the third one is the visit of health professionals to their living quarters so that they can administer any particular treatment that requires the expertise of a health professional.

This is the three-pronged approach I think we need to take, and if we do we will be able to keep people who require long-term care, like people suffering from dementia, in either their own homes, in the homes of their loved ones, and hopefully within their own communities. I believe it will be better for all involved; the person who needs the care, the people giving the care, the communities as well as, I believe, it could actually save the province money.

That's the first thing I wanted to mention, and I do hope the minister acts on this. It's become a common theme that we hear a lot of talk but not a lot of action. So, I do hope that now that the minister has shown he understands this, we do see some action.

The next thing that I've seen and experienced at least a couple of times by different constituents of mine, are people who have dementia and they slowly get worse and worse and it's to the point where they can't safely look after themselves in their own home so they are taken to hospital without their consent and held there. Or, they are taken in for an appointment for something else and then they're just not allowed to return home. Given the regulations and the laws of our province, this is allowed. The problem is the regulations and laws of our province do not allow these people to be transferred to a long-term care facility without their consent.

We end up with a situation where the person with the dementia doesn't want to be in hospital. Their family doesn't want them to be in hospital. The province does not want them to be in hospital. They're not getting the care they need. They're actually worsening because they can't get the proper care they need in terms of exercise. They're basically limited to being in a bed, so we need to change the laws and the regulations so that, without the family having to go and go through an expensive legal process to get, I believe the term is legal guardianship of their loved one, they can still be moved to a long-term care facility where they can be best cared for.

That's the other point I wanted to make and again, this is something that requires immediate action and it's something that I believe is very doable and the residents of Prince Edward Island would dearly love to see that; those people who have loved ones suffering from dementia.

Those are the two points I wanted to make. It is a very important motion, as hon. members have said, and I hope we do see this motion pass with unanimous consent.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

It is a privilege to rise in support of this motion and I thank the Member from

Morell-Mermaid for bringing this motion forward.

I have no family members to-date that have dementia, but I have lots and lots of friends and neighbours with dementia. I'm glad to see that the minister supports this motion and agrees to a strategy, but that work has to be done right away on this motion, on this strategy.

My experience with my friends and neighbours with dementia, it's very sad and not only for the person that is sick, but for the family. It's really, really sad and hard on the family as I see their disease worsen and worsen. I just can't believe how a person can go downhill so fast and so far.

I have a real good friend and a great athlete. The Minister of Agriculture and Fisheries would probably know him; he was a great hockey player and I played hockey with him. I played hockey against him and a real great friend, and young, like early 60s. Very young, and took dementia. I'm great friends with the family, with his brothers and his wife. It's just so sad to see somebody go like that. He's probably in the Coleville Manor now for probably four or five years and it's very sad. I used to get my wood off him, my winter wood off him, and the winter went by and I never got my wood and what happened – and nobody probably realized it, but he was in the early stages of it then and he forgot all about me and so it's a very sad situation and his wife kept him at home as long as she could. She's getting sick herself, and they can't care for them anymore. He has to go somewhere. It's very sad. It's hard. It's real stressful on the family. I just, I can't imagine it.

That's why I wanted to stand up and speak on this motion. It's a very important motion and it probably hits pretty near every one of us in here. If not, at some point in their lives, it probably will.

Dementia, I have another friend. A fisher friend, he's a little older gentleman now, but he had to pass on his fishing fleet. He could no longer fish because of his disease. It's fairly sad. He's still at home. He's in the stages where his wife is sleeping with one eye open. That's the stage she's at. It'll only be a short time that this gentleman will

probably have to go into care. It's very sad. I have lots of friends like that.

I have another lady friend. A long time friend, cousin, she's in the Colville Manor now. She's in the stages. It's very sad when you go to visit them and they take them down to a table and here he is decorating Christmas cookies. He's right back into where he was 60 years ago. Here he is. It's very hard as us, as friends and family, to see our friends and family like that. It's really, really hard on the families.

A big shout-out to the RCWs and the caregivers for these people with dementia, they go far beyond the call of duty to make sure that everyone's loved one with dementia is looked after. As I go to the manor and I see the care that these people with dementia do receive; you have to be a special, special person to be an RCW to look after our loved ones.

I got a lot of family members that are RCWs. Actually, I have a daughter that is an RCW and she is a special girl with special needs for what she does. She's got a heart for it. Actually, she's nominated for an award for it. She works at the Prince Edward Home, the new one in Charlottetown here, actually. She works in the brain injury department. When she worked up in Souris, she worked with the dementia unit, also.

Seven of our provinces do have strategies for dementia. When the minister is looking at his strategies, I hope he will be working with these other provinces to see how they rolled it out. I have worked with the last minister of health on dementia. There was a strategy being done then. That was back in 2009. I don't want the minister to get up today and say that he supports the motion, he's going to be working on a strategy. I've heard that since 2009.

The last minister was going to do it and it's still not done. We're after going through three ministers of health since I was here, and nothing done as of yet.

Mr. Myers: It's true.

Mr. LaVie: The Alzheimer's society notes: the common element of dementia strategy includes raising awareness. That's a big one, is awareness. Dementia awareness;

coordinator for care, research funding, enhanced training for health care professionals, and sharing of best practices.

The society has proposed a framework of an (Indistinct) they state: that a national dementia strategy means that all Canadians living with dementia, their caregivers, and their families will have access to the same level of quality of care no matter where they live. No matter where they live. That's very important to state that: no matter where they live will have the same level of the quality of care. That should be true.

If a family member is sick with dementia, it don't make any difference where you're from. It shouldn't make any difference. That person is sick. The family is sick. Not only is he sick, the family is sick. The stress that it puts on family; stress is a very serious illness. Stress causes a lot of sickness.

I know that firsthand. I lived through stress. I was going through some tests myself at a point in my life. They were treating me – they were trying to find out if I had bowel cancer. They gave me every test possible. What they found out, it was stress that caused my sickness. That's how I found out what stress can do to a body. It's hard to believe what stress really does to a body.

Stress can give you headaches. Stress can give you sore backs. Stress can give you back pain, leg pain, arm pain. Anyway, so we don't want any more stress put on the family than we have for.

There was over 2,500 Islanders. Over 2,500 Islanders that are affected by Alzheimer's disease and related dementias; 13.5% were under the age of 65. Sixty-four percent are women. Actually, I didn't realize that. That 64% were women because most of my friends that I was speaking of were men. I didn't realize that 64% were women.

We must do something now to ensure the framework for care and treatment will be available for those who suffer now, and into the future, with various kinds of dementia. We need to acknowledge how important this care is to health of individuals with dementia through our province's health care system.

The health care system is the biggest budget on Prince Edward Island: \$640 million and growing. Something we don't do in health care is just one item that sticks out in my mind and it's a very serious one; we don't manage it. We just keep putting money in; money, money that just keeps growing. The budget just keeps growing. We have got to stop and we have to manage the health care system. We got to have a plan in the health care system. We got to have priorities in the health care.

When I came here five-and-a-half years ago, it was a problem back then, and it's a problem still today. Every Islander, every man, woman and child should have a family doctor. That's something I have been saying since I have come in here, since day one and I'm still saying it five-and-a-half years later: that every man, woman and child do not have a doctor. That's one thing they do deserve, the people of Prince Edward Island do deserve a family doctor. I hear it every day.

Of all the phone calls I get, it's probably about family doctors and health care, the majority of my phone calls, which is great because it keeps me energized, too, to remember where I was five-and-a-half years ago. I hear of instances today that people that can't get their records or women that are pregnant and have no doctor. Our emergency rooms are full because people have no doctor. These people got to go somewhere.

We tell them don't call 911 if it's not an emergency, but they need somewhere to go. This is why they go to the emergency rooms. That's why our emergency rooms are flooded, and our doctors are overworked because these people don't have a doctor, and this is where I tell them to go because they do have to go somewhere.

That's why we end up with a seven hour wait, an 11 hour wait, a six hour wait or a four hour wait. I'm not exaggerating with those numbers because I was in the middle of it, in the emergency rooms.

We are aware that this province intends to bring in a seniors' and wellness strategy and we look forward to seeing the details –

Ms. Biggar: (Indistinct)

Mr. LaVie: – a seniors’ strategy is greatly needed in our province, as well.

There is another issue that we’ve been hearing for the last five-and-a-half years, and I don’t want to hear it for the next five-and-a-half years, and we went through three senior ministers, also. When you say yes to these strategies, don’t have a strategy in the plan to put it on the shelf to collect dust. Make sure it’s done.

I want to thank the Member from Morell-Mermaid for bringing this motion forward and Mr. Speaker, I do support this motion.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: If there are no other members who would like to speak to this motion, I will revert back to the move of the motion.

Ms. Casey: Question.

Speaker: Do we have –

Ms. Biggar: Question.

An Hon. Member: Question.

Speaker: Question. Are we ready for the question?

Some Hon. Members: We are.

Speaker: All those in favour of this motion, signify by saying ‘aye.’

Some Hon. Members: Aye!

Speaker: All those –

Ms. Biggar: Standing vote.

An Hon. Member: (Indistinct)

An Hon. Member: Too late.

Speaker: No, it’s too late.

Ms. Biggar: Too late? Okay.

Speaker: All those voting against the motion, signify by saying ‘nay.’

The motion is carried and it is unanimous.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Mr. Speaker.

Opposition would now like to call Motion No. 17 to the floor.

Speaker: Shall it carry? Carried.

Clerk Assistant (R. Reddin): Motion No. 17, the hon. Member from Georgetown-St. Peters moves, seconded –

Speaker: Order!

Clerk Assistant (R. Reddin): – by the hon. Member from Souris-Elmira, the following motion:

WHEREAS the recent school review process indicated that many rural Island communities have little or no prospects for increasing their populations into the future;

AND WHEREAS the school review process also identified that many of our rural areas have no prospects for any economic development that would enhance employment opportunities or attract new business to their communities;

THEREFORE BE IT RESOLVED that this Legislative Assembly urge this government to make population growth a priority in rural PEI;

THEREFORE BE IT FURTHER RESOLVED that this government take initiatives and offer incentives aimed at halting the decline in our rural populations and attracting new residents, employment and business to our rural communities.

Speaker: The mover of the motion, the hon. Member from Georgetown-St. Peters.

Mr. R. Brown: This will fire us up.

Mr. Myers: Thank you, Mr. Speaker.

I’m quite happy to speak about this motion. I’m going to start at the start of it. This motion comes forward because – actually, I was quite dismayed during the school review process last year.

When that first report came out and it talked about some of the opportunities that were in some of the rural communities that had schools identified for closures and that there was little or no activity or that there were no prospects for actually growing the populations in some of those areas.

It was quite disappointing for some of the areas, particularly the ones that I represent, to hear that about themselves when they have worked so hard to build up their communities, to attract people. They watch businesses come in and businesses grow there, and then to hear a government bureaucrat come along with a report and say that there was little or no opportunity for them ever to grow.

Little or no opportunity ever for them to grow probably always rested on the shoulders of the same government who wrote that report and deemed them as unable to grow. I've said in this House for a long time: education minister after education minister has come along and they've pulled out the numbers and they said: our numbers say that by 2022 there'll only be this many people going to school in, pick a school. That would be their stock answer –

Mr. R. Brown: (Indistinct) now we got a good education minister.

Mr. Myers: But I'll tell you, and I always fought against that. I always said: we could look at a lot of different numbers and say – we would look at the finances of this province and say, with all of the debt that Wes Sheridan racked up in long-term loans for \$40 million with no sinking fund attached to them –

An Hon. Member: (Indistinct)

Mr. Myers: – come due that the province is bankrupt. I could say the same thing –

An Hon. Member: We're not bankrupt.

Mr. Myers: – because effectively Wes Sheridan bankrupted us. Forty years from now, none of us will have to worry about it. It'll be our children cleaning up the mess that Wes Sheridan created in a short period of time.

There is an opportunity to change. That's why that I don't talk about the 40 years down the road. If there's an opportunity for us to fix that; there's an opportunity for government to pay down the debt just like there's an opportunity to grow population in the rural communities without having to say that there is no prospect for growth. I'm going to talk about Georgetown for a minute.

The Minister of Economic Development and Tourism had some announcements down in my area. I know they took the old saw mill and made some changes and there's a company in there. I know, since than Carl Brothers has put his windmill blade business down in the same yard in one of buildings there.

This stuff was all going on and in the plans, while the government bureaucrat was writing the report that said there was little or no economic activity in Georgetown. I was like; it doesn't make any sense. One side of government is saying: hey, look this is happening. We're going to grow a business in Georgetown. Then, another arm of government is saying: there's nothing going on down there and we're going to close your school because there's no opportunity for you ever to grow.

One of the things that I have always said about the Provincial Nominee Program in its several iterations over the years is: I believe in immigration. I believe that the PNP program, the purpose of it is very good. Somewhere in the middle a bunch of people got greedy and turned it into a cash cow and ruined the reputation of what should have been a great program and a great opportunity for Prince Edward Island to settle people here, and grow our populations.

One of the places that actually needed help with population growth has been our rural areas. I know the Leader of the Third Party talked about stuff that had been promised in 2015 in the Speech From the Throne earlier today, and I think it was in the same Speech from the Throne that the Premier talked about a repatriation strategy and that we're going to bring people back to Prince Edward Island. Whether or not there's a strategy, I don't know. I can't recall ever there being anything that's working on it, but nobody's ever come back.

So start there. Let's start there, with Kings County. There's an incredible opportunity to attract people back to Kings County who are from there if government wants to put an effort into it. They're not going to come back and not work, they're not going to come back and not have jobs, and they're not going to come back and not have the opportunity that you would have in Charlottetown or Toronto or Calgary or wherever it is that they are at this point in time.

But on top of that, the same can be said for any immigration strategy that government has. Government doesn't show anything that's out in the rural parts. I remember one time having an event at a restaurant in Cardigan and I invited a bunch of people from the Chinese Business Development Association, out to meet with some local businesspeople in my area.

It was a really nice sunny evening. It was the start of summer. We had a big crowd turn out from both sides and everybody kind of intermingled. We had some help from – the newcomers association sent translators out so that there was an opportunity for anybody who had barriers to speak with one another, that translator could translate.

There was actual business transactions took place from that event. People who partnered up on things on a long term basis came from that. It was amazing because there was people jumping into cars with a translator to take someone for a drive to show them a point of land that was for sale that would make a beautiful spot for a home, and this was all rural ambassadors.

These were people that were from the greater Cardigan area, I guess, is where you would say they were probably from, and they immediately recognized the opportunity. Not from a financial – it wasn't just a sheer financial, it wasn't just: Let's make money, let's do business together. It was actually like: You know what, there's some beautiful land and you would really love it here and guess how far from Charlottetown Cardigan is, 25 minutes. If you have a heavy foot, you might be able to do it in 20. I've never tried, but I've heard that.

But, we're not that far. I bet there are mornings where West Royalty would take you that long to get Downtown on a busy morning. It's really not that far when you live in some of the rural parts of Prince Edward Island to travel around. That's assuming that you need to come to Charlottetown, which is a very big assumption when you're settling somebody in any area. I know there are people who live in District 2 who moved in, not from outside of Canada but Canadians who moved from different parts of Canada and they still do business in Vancouver and Toronto and in New York and places like that. They do it right from their home, so they don't need to come to Charlottetown. Of course they would get some of the bigger items that the rest of all would all have to come for, but there are grocery stores in the east and there are lots of other businesses to get any kind of product that you'd mostly be looking for.

Also, there's the Internet and there's an opportunity for Internet commerce to bring any product that you may need into your home as well. It's easy to live in rural Prince Edward Island, but government doesn't promote it to anybody. Government doesn't say: What a wonderful life it is, come on out and see some of the places that you can buy in the east and come and sit on the wharf in Georgetown and watch the sun go down and tell me that there's not a more beautiful sight than looking straight down the Brudenell River as the sun goes down.

Or, look in the other direction and go down there early in the morning and watch when the sun comes up and the fishing boats are all going out. We do have a wonderful life in rural Prince Edward Island and we have a lot to offer. It's peaceful. It's quaint. People are friendly, sometimes too friendly, but it depends on where you came from and what you're used to. But, most people who have come have adjusted quite well to the way that people on Prince Edward Island would treat them.

I feel like government has really missed the boat when it came to settling people in rural Prince Edward Island, or even showing them that it was an option. We can't force anybody to live anywhere and I would never suggest that. So, government comes out with a plan. They have a new plan. They're going

to get new intermediaries. There are 12 of them. There was going to be 10 and now there are 12 of them, and those people are going to settle people in rural Prince Edward Island, but they're not because if you read what they're actually doing, that's not that they're doing. They're going to force people who are coming in on the business stream to open businesses in rural Prince Edward Island. They can live wherever they want. So, they can live in Charlottetown if they want, which is fine because again, you probably can't tell people where they're going to live until you can; until you have a program where you're trying to bring people in to help with that.

I'll give you a scenario. If you move somebody in and said: Okay, you're going to set up a business in this town and the population has dwindled over the years and different types of businesses have tried and have struggled to come off the ground and you can't just open up a retail spot in a place that has 40 people living in it and expect that you're going to have any amount of success. We need the people. It's the people that we need to come to rural Prince Edward Island.

Government actually has it exactly backwards. Exactly backwards, but we don't actually – it doesn't make any difference to me where they set up their business. If you're coming here (Indistinct) business, I don't care where you set up your business. Probably, Charlottetown would be one of your better opportunities to have business. You're going to have more traffic, more foot traffic, and more opportunity in here to do retail-type business here in Prince Edward Island. If you want to buy a feed mill or a construction company or something like that, yeah sure, there are opportunities in rural Prince Edward Island. But, if we could get them to settle there – by the same metrics that many of us who live in rural Prince Edward Island come to Charlottetown to work.

With the Legislature open, I'm here pretty near every day. It is 25 minutes, and it's not – there are some days when the traffic is a little heavier than others. That's just life. It's not that tough of a drive. The member from Souris is what? 50 minutes right to the eastern end of the Island –

An Hon. Member: (Indistinct) no flat tires.

Mr. Myers: With no flat tires. As long as he doesn't have any flats a couple of days in a row –

An Hon. Member: (Indistinct)

Mr. Myers: – he has no issues at all.

That's not far. When you're moving people in who live in large cities, who to move 20 blocks is like a big deal because of the traffic, the congestion and waiting for trains and all of the things that come with living in big cities, or if you live in the outskirts of a big city and you have to travel into downtown every day you would spend an hour easily moving around.

What Islanders may view as a limiting factor, that I live an hour away from Charlottetown where I work, you may be surprised to find out that many people who would move here on a business immigration stream wouldn't think that was that far. If your business – maybe Charlottetown is a good spot for your retail business and here is a good spot where we're trying to get some people to live. You should give it a try and it's an hour from Charlottetown, they might be like: Oh, that's not bad then. That's pretty close actually.

I think that we have to start looking at it that way. I think government has it exactly the opposite way that it needs to be because I think if you start opening up storefronts in some of those small, rural locations where they don't have the foot traffic, you're not actually going to get the results that are intended. You're going to get storefront, you're going to get people who sit and wait for the period to end, close their business and get their papers, and disappear; which is largely what's happening now. Everybody knows. It's like the hottest topic on the streets when you talk to people. It's the hottest topic around.

I really want people to come here. I want people to love Prince Edward Island the way that I do and to see what I see when I look at my community. The communities in my area are full of wonderful, open people who would welcome people into the community with open arms; have in the past and will continue into the future regardless of how they found their way to the area. Regardless whether they moved to Cardigan from

Tignish or Taiwan; it does not matter to the people in those communities where the people came from, so I think it's important to look at where people are living. It's the population growth that we need too in rural Prince Edward Island, because the Premier always talks about how he has grown the population numbers. We're not getting enough of that growth in the rural parts of the Island.

We're not getting enough of that growth to see the benefits that the Premier talks about, and perhaps they are in Charlottetown and they probably are if you look around. The vacancy rate in apartments is pretty low, like you can't get an apartment in Charlottetown. The rental properties have increased a lot in their value. A lot of the storefront spaces is rented to some of the business stream PNP people who have come in. We're just not seeing it in the rural parts of Prince Edward Island, and I think that government has misplaced their leading shot on the changes to the PNP program.

The minister talked today about how we always criticize the PNP program; we turned it into a bad thing. You guys turned it into a bad thing. It's unfortunate that we have to point it out, that what you have done. The Member from Charlottetown-Victoria Park, his arm was in a splint for a month after he signed those 3,000 PNP units on the final day when Jason Kenney put it in the basket and called it dead, but it wasn't because of us and I'll reiterate: I think that the PNP program is a good opportunity for Prince Edward Island. I think there's a great opportunity, not only for an influx of finances to the province because I understand that's important, I do, but an influx of people to the province as well. I'd be more than happy to see the Member from Charlottetown-Victoria Park sign 3,000 people into Kings County and say: this is where you're going to live.

Mr. LaVie: (Indistinct) break his other arm.

Mr. Myers: You'd be surprised how strong our economy could be if we had equal access to population growth in the rural parts that they do in the urban parts. It's not because Charlottetown's doing anything special. Charlottetown's not gaming us or beating us to the punch, it's because they're the city. They are the place to settle. They

have a natural advantage and I totally understand that, but that's where government has to be looking for the person who came from a rural part that wants to farm, or wants to fish, or wants to live in a big, open field where they can see the water, or see the trees, or it's dark at night. Maybe somebody is actually looking for those things. If we target the proper people, who want to come here, I think there's an opportunity for all Prince Edward Island to prosper equally under this program.

I know I got off on a bit of a rant there.

Some Hon. Members: (Indistinct).

Mr. LaVie: Rant, it's a good one, though.

An Hon. Member: Call the hour.

Speaker: The hour has –

Mr. Myers: (Indistinct).

Speaker: The hour has been called.

An Hon. Member: Did you like that?

Speaker: This House will recess until 7:00 this evening.

The Legislature recessed until 7:00 p.m.

Speaker: You may be seated.

The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Premier, that the 15th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 15, *Public Interest Disclosure and Whistleblower Protection Act*, Bill No. 25, in committee.

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 to come and Chair the Committee of the Whole House.

Chair (Casey): The House is now in a Committee of the Whole House to take into consideration a bill to be intitled *Public Interest Disclosure and Whistleblower Protection Act*.

Hon. members, this is in committee. Section 2 has been read. There was an amendment and we had discussion on it.

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

Mr. MacKay: Yes, Chair.

Chair: Okay, thank you.

Permission to bring a stranger onto the floor?

Some Hon. Members: Granted.

Chair: We'll allow them to get settled, then I'll turn it to the Premier for an opening remark.

Mr. Myers: Were we still in questions on section 2?

Chair: Yeah. We had questions on – section 2 has been read. There was an amendment that was defeated and so we had discussion, but the section wasn't carried, so yes –

Mr. Myers: (Indistinct)

Chair: – yeah. Great.

Leader of the Opposition: Sorry, Chair. Did you say that the amendment (Indistinct)

Chair: Yes it was.

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

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

Chair: Welcome.

Premier, I'm going to turn it to you – you said you have something, or an opening statement?

Premier MacLauchlan: I'll be brief, thank you, Chair.

This just brings us back to where we were. This bill strengthens the approach to public interest disclosure by public servants and protects against reprisals for public servants, who make disclosures of serious wrongdoing.

Chair, a good part of the discussion the other eve – on Thursday last week, was about the balance and the part played by Executive Council and the Assembly in the appointment and otherwise dealing with the commissioner.

We have prepared a document that reviews how Prince Edward Island and other jurisdictions – I'll distribute it and then I'll speak to it, please.

Chair: Great, perfect. Thank you.

You're tabling it?

Premier MacLauchlan: I'm tabling it, sure.
Chair: Do you need to discuss that?

Premier MacLauchlan: Yeah, I'll make a comment about it.

Chair: Okay. Did everyone get a copy?

Mr. Fox: Yes.

Premier MacLauchlan: Chair, really the most critical page is page 2, which offers a jurisdictional scan of how other jurisdictions, and, of course, including the proposal in Prince Edward Island, deal with the appointment of the public interest disclosure commissioner. As we look down here, in all but Saskatchewan, there is a role for Executive Council in that process. Indeed, the process that is proposed in this bill offers a larger role over would be at the top end of the range in terms of the role that is given to, not given to, that is played by the Legislative Assembly.

In the further provisions we will see how the *Audit Act*, or its equivalent, deals with the Auditor General in a jurisdictional scan,

including in Prince Edward Island, the FOIPP commissioner, the Conflict of Interest Commissioner and the Chief Electoral Officer.

In its totality, what is being proposed here is, as I say, at the top end of the range in terms of the role with a two-thirds vote that would be played by the Legislative Assembly and perhaps what was – and understandable that we have some – I don't know if I'd say struggle, but we have to give some extra consideration when there is this, what I referred to the other night as a hybrid role, but a joint part played by the Lieutenant Governor in Council and the Assembly in dealing with officials – or dealing with officers who play an oversight role.

I think the key difference – and this was the discussion we were having the other night – the key difference between the conflicts commissioner or the Chief Electoral Officer and the others such as the Auditor General or the public interest disclosure commissioner is that those latter roles, in effect, deal with the public service, whereas the Conflict of Interest Commissioner, for example, deals with the Legislative Assembly. So that sort of situates things, but I believe this jurisdictional scan will help us to at least see what is being proposed here in the light of what's done in other jurisdictions.

Chair: Hon. members, I'm taking questions under section 2.

The hon. Member from Georgetown-St. Peters.

Mr. Myers: Thank you, Chair.

On this jurisdictional scan that you did, did you happen to go outside of just the acts that you were looking at and look at some of the scandals that happened in some of these provinces and see if they match up to the level of scandal that we've seen inside our own province?

Premier MacLauchlan: No. No, I didn't. This was really brought forward here in terms of our legislative role comparing how other provinces and the federal government approached this.

Speaker: Member from Georgetown-St. Peters.

Mr. Myers: Thank you, Chair.

I guess that's all well and good, but I don't really like to look at any piece of data in seclusion without considering some of the external pressures that may be put on the system that may have caused this or may cause future pressure on the confines of the role of not only the Assembly, but any member who may be selected to perform a duty outlined by an act that is governed by Cabinet. I think one of the things that we found in this province and we have numerous things: There's Melissa MacEachern and some of her actions; there's Brooke MacMillan and some of the things that he has done – would be two shining examples of your government and the reason why you would need whistleblower protection and numerous other pieces of legislation brought in to protect yourselves from yourselves.

And that's why I wonder if it's important if you're going to have full control over this from a Cabinet perspective that you don't go back and look at some of these jurisdictions and match them up and say: Have they had runaway deputies? Have they had the level of corruption that we've had here in Prince Edward Island? I think there has to be steps made to clean it up and that's why I had – and still believe – that's why I believed the other night and still believe tonight – that it's a simple procedure to move Cabinet out as having any defining role in this hire or any part of the process and start cleaning up some of this act.

Obviously, we moved an amendment the other night that didn't pass, but as you read back down further, there's several occasions where government has put Lieutenant Governor in Council in as part of the determining steps in this – no suspensions, and the remuneration, and hiring, and if you have somebody come in for a part-time appointment or to fill in – all those things are driven by Cabinet, so that's why I think it's important not to bring data into the House without showing us the rest of the data that goes along with it. Can you bring back to this House a jurisdictional scan of scandals driven by the deputy levels by the

provinces that you gave us this same document?

Premier MacLauchlan: Chair, this bill is proposed legislation – is about openness, transparency, good government. It's about Prince Edward Island adopting a whistleblower protection act in the public interest disclosure regime that mirrors and adopts the best of other jurisdictions across the country and it's very much the case that the Executive Council is, and must be, part of that. If we're talking about the executive branch of the public service, what's being talked about here would be to remove the Executive Council from that role that is clear, I'm sure, to all of us who understand how our system works in a legislative democracy in the parliamentary tradition and that's how we got responsible government in the first place. I don't see any part how we could arrive at a position where Executive Council is not part of that and you can see it when you look in other jurisdictions. Well let me underscore that the part that is played by the Legislature – by the Assembly – with a two-thirds vote of the Assembly is, in fact, a larger part for the Assembly than is generally the case when you look at similar offices in other provinces and federally.

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

Mr. Myers: Well you bring up a good point about how we were founded and responsible government and what not and that's back when we did actually have responsible government, which is part of the reason why – I've said, I'm not against the whistleblower protection in the public sector, but at the same time my interpretation is that it doesn't exist. There's no protection even with this act, so that's what I'm scared of. We're going to sit here and push this through so you have a bill that you can say: we have whistleblower protection. But I'm worried that there's not actually any protection the way you have it set up – by taking the independence away. I know we talked about that exclusively the other night. I really feel like you're missing the point and I'm not sure that you understand; perhaps, maybe, you don't understand people well enough to know how that they are going to react to this.

Like I said before, I had spent time inside the civil service and I know there's other people in here – the Member from Charlottetown-Victoria Park has as well and I'm sure he could tell you that immediately upon reviewing this they're going to be like: Okay, yeah the fix is in. I'm going to open my mouth and say something and then all of a sudden, everybody's going to know because I have no choice but to report it to an employee, number one, and it's an employee who was hired, at least in part, by Cabinet. By taking it out, you really don't change anything because you still have the majority in this Assembly; you still have the majority in legislative management, so you're not really changing anything except that you're taking the executive branch of government exactly out of it so that it has to be at least a bipartisan committee.

I'll give you an example: We have eight members here of the official opposition and we have two members from the third party. We have people who sit in the House, so we make up 10 of the 27 of the House right now. So when it comes to the House, we have that ability to be the sober second thought, if you want to call it that. I like to call it that because I think we do a good job with what we do. But we also have each member, or two, on legislative management, so when stuff comes in there, as it did with the hiring of the elections PEI CEO, we all agreed, so there wasn't any partisanship; and nobody was like looking at somebody's lineage to make sure that they were the right person, if you will. We trusted the process that happened before us and what we were being told by the clerk and we had a discussion and we moved forward.

I think that there was nothing wrong with that. I think you take, from an employee perspective, you take that away by saying: well, I know that the Leader of the Opposition and the Leader of the Third Party were also in the room when that hire was taking place. I know that they're going to make sure that the wrong person doesn't come forward because I think the people on those committees when they do those hires really want it to be unanimous. Because if you don't, there are some other things that could pop-up that nobody would want to have to face in the hallways – sorry, I know –

Chair: Do you have a question?

Mr. Myers: – I'm trying to get to it. It's –

Chair: I know, thanks. And you're referring to the amendment, I think, that we had defeated last time, right?

Mr. Myers: No, I could make another amendment on anything down below this –

Chair: Yeah, absolutely.

Mr. Myers: Yeah. So Lieutenant Governor in Council appears several other times. I do have an amendment to make on that and I'll make it if you like.

Chair: No (Indistinct)

Mr. Myers: I want to start taking it out piece by piece. I know the Premier doesn't understand this. I'm going to make my amendment.

I have it only written on a piece of scratchpad here.

2 (11) I want to replace 'Lieutenant Governor in Council' with 'Legislative management committee'.

I want to take the remuneration that's determined, and that's seconded by the Member from Souris-Elmira, and I want to take the process step-by-step and start giving it back to the committee that it belongs to.

The remuneration of said person, instead of being decided by Cabinet will be decided by (Indistinct)

Chair: Hon. member, do you have 30 copies of your typewritten –

Mr. Myers: No.

Chair: – amendment? Could you get some copies, please?

Mr. Myers: Yeah.

Chair: Thank you.

Hon. members, we'll wait until the copies are made.

Mr. Myers: Would you like me to continue talking about my amendment then?

Chair: No. Nobody else has the amendment, so, we'll wait.

Mr. Myers: I just explained it.

Mr. MacKay: It's all right. We're in no rush.

Mr. Myers: I'm in no rush. No, we've got all day.

Mr. MacEwen: What section (Indistinct)

Mr. Myers: 2 (11).

Chair: Hon. members, section 2 (11). We're getting copies of it so it's clear for everybody.

Hon. members, the amendment is being passed around.

Chair: Hon. members, we have an amendment on the floor.

2(11) replace 'Lieutenant Governor in Council' with 'Legislative Management Committee'.

I have, on the list to speak to the amendment, the Premier and the hon. Member from Rustico-Emerald.

The hon. Premier.

Mr. Myers: (Indistinct) actually get the chance to speak to it?

Chair: You just spoke to it, didn't you?

Mr. Myers: (Indistinct)

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

Mr. Myers: Thank you.

This is part of my plan tonight to slowly take this power back from the Premier and put it where it belongs. He should have (a) agreed with me the first time, but the second time he seemed to double down. He took his own information in. I asked him the other night to not to take this bill back until it was actually ready for the House, which it's not.

Legislative management, which I have sat on over the years has the duty of taking care of the entire budget of what falls under the body of the Assembly, which includes several offices and it would include the pay out of this office or that's the way it certainly appears by the rest of the act.

The legislative management committee needs to have the autonomy to make decision on its own budget. By having the Premier and his Cabinet make the decisions I think it takes away from the power of the Assembly, the power of legislative management and I think it's a slap in the face to those people who sit down and hammer out budgets for this Assembly, which is probably going on now, they probably started it, if they didn't they're about to start that process. I know the Clerk's office does a great job preparing some of those things and laying out some of the pitfalls and talking about some of the things that may need to happen, the status quo budgets and all of that.

I think that's where it belongs. I have more amendments to come, but this is the one that I'm going with to take the remuneration and give it back to the people, who are actually responsible for budget and who should, because of that, be responsible for the remuneration process.

Thank you.

Chair: The hon. Premier.

Premier MacLauchlan: Chair, the provision in 2(11) effectively mirrors the section 5 of the *Audit Act*, which provides that Lieutenant Governor in Council determines the remuneration for the Auditor General. I don't think, notwithstanding some of the comments that have been made that there's any partisanship or there's any problem with the perceived independence or integrity of the Auditor General.

But very simply, the reason the Lieutenant Governor in Council determines the remuneration is because it's the Lieutenant Governor in Council with the two-thirds vote of the Assembly that makes the appointment. It's an LGIC appointment and it's an LGIC determination of remuneration. That's why it reads the way it does.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair –

Chair: Speaking to the amendment?

Mr. Trivers: Yes.

I wanted to speak in favour of the amendment. I think it's a great place to start in terms of making sure that this bill represents having a public interest disclosure and whistleblower – public interest disclosure commissioner that is arms-length from executive and from government because, of course, the Executive Branch does oversee, directly, the government.

Remuneration, of course, is one of the key things that determines the individuals that might apply for or be selected and accept a particular role. When we're talking about remuneration it could fluctuate wildly to influence an individual that might be placed in that role. That's why I think this amendment to replace the Lieutenant Governor in Council with legislative management committee is right on.

I know that the Premier has brought back some great information. I appreciate the research with respect to the jurisdiction scan. The Premier did mention, as well, that this is a living and breathing process. Although it has been built up over hundreds of years it is still living and Prince Edward Island is a jurisdiction that has the ability to really put our stamp on things, another thing that has been referred to many times.

The other thing, my mother always used to always tell me: if your friends went and jumped off a bridge, does that mean you will, too? I mean that may not be an exact analogy in this case. I think we need to make sure beyond a shadow of a doubt that we have a public interest disclosure commissioner that is definitely, without question, arms length.

This is a great amendment to start off with regarding remuneration because that really does have a big influence on the individuals that apply; the individuals that accept.

I support this amendment strongly, and I would recommend all other members to

think long and hard and consider supporting this amendment, as well.

Chair: Ready for the question?

Mr. Myers: Just on a point, Chair?

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

Mr. Myers: Thank you, Chair.

Just to add to the support that I'm trying to gain for this amendment, if you go to 3 (3) it talks about the remuneration, it actually puts the approval on the legislative management committee for the officers inside of there. It actually draws in line with the Premier's own verbiage in 3 (3) to put it all back to the exact way that he's doing it for the rest of the officers when we come to 3 (3) so I think it's important.

Chair: Thank you.

Ready for the question?

Some Hon. Members: Question.

Chair: 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.

Hon. members, shall the section carry?

An Hon. Member: No, Chair.

Chair: Sorry.

Mr. MacEwen: Are you absolutely sure about that?

Chair: You want us –

Mr. MacEwen: The yeas and nays.

Chair: – to show hands?

Mr. MacEwen: Yeah, maybe we better do a show of hands.

Chair: All right.

All those voting in favour of the amendment, please raise your hands.

Two, four, six, seven.

Amendment is defeated.

An Hon. Member: We didn't get –

Leader of the Opposition: Did anybody abstain?

Chair: Well –

Mr. Trivers: Might be abstaining?

An Hon. Member: I'm allowed to abstain.

Chair: All those voting against the amendment, raise your hands.

Mr. Myers: Last time you raised your hand you were fired, Brownie.

Mr. MacEwen: Thank you, Chair.

I just wasn't sure –

Chair: You're welcome–

Mr. MacEwen: (Indistinct) fairly close there –

Chair: – sure, no problem.

Mr. Myers: Call the question.

Mr. J. Brown: Call on the Chair to question, I'll call (Indistinct)

Chair: Are you questioning my ability to count?

Mr. MacEwen: Count?

Ms. Compton: (Indistinct)

An Hon. Member: No, I was talking about the (Indistinct)

Chair: Here.

Mr. MacEwen: Yes. I thought it was really close.

Chair: Well, I'll see how I can hear your hand.

All right, hon. members, back to the bill without amendment –

Mr. Trivers: Chair, I'm (Indistinct)

Chair: We're still under discussion, section 2.

Mr. Trivers: The Premier was (Indistinct)

Mr. J. Brown: Carry the section.

Mr. Trivers: (Indistinct) next on the list, there.

Chair: You've already spoken.

Mr. Trivers: No, to the amendment.

Chair: Okay, sorry.

The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

My question is going back to 2 (1) and it talks about: following a resolution of the Legislative Assembly supported by at least two-thirds of its members. Of course, that's a number that does come up in the jurisdictional scan, as well. It's a curious number. Not being, perhaps, as well versed as I could be in the legalese, I'm a little curious where that number comes from. Does it include the Speaker, as well, when you're doing that sort of voting?

Premier MacLauchlan: The source or the parallel for the two-thirds vote of the members of the Assembly is in the process for appointing the Auditor General and that is identical to the process that is proposed here for the public interest disclosure commissioner.

I believe the answer for the Speaker is that the Speaker would only vote if he chooses to, so in the event of a tie.

Chair: Thank you.

Hon. members, I have had some – and indication that they're having trouble hearing the speaker –

An Hon. Member: Yes, I agree.

Chair: – so I don't mind you taking your conversations outside the room.

Thank you.

Mr. Trivers: Chair, I hate to ask, but I didn't quite catch that response.

Premier MacLauchlan: The provision in 2 (1) is in effect identical to the provision for the appointment of the Auditor General. That's where this structure finds its parallel. I would say respectfully that the Auditor General serves us all well; serves the Assembly well. And has the role, as I said in the opening comments, that has to do with the public service and it's in that light that this is, kind of, following that model.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

I missed the part about whether that two-thirds includes the Speaker or not.

Premier MacLauchlan: The Speaker would not ordinarily vote. So, the two-thirds would be those here and eligible to vote.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Chair, so right now, as the Member from Georgetown-St. Peters pointed out, we're a split of 17 government members and 10 opposition members. I believe 18 out of 27 would hit that two-thirds mark. So, in this case, a majority government would not be able to simply choose the person they wanted by controlling the resolution, but I was wondering in the case, before the by-election, when we had 18 Liberal members, that includes the Speaker, which is exactly two-thirds, whether the government would actually be able to control the resolution of the Legislative Assembly by whipping the vote?

Just curious.

Chair: It's two-thirds of the people present in the Chamber at the time of the vote.

Mr. Trivers: Not including the Speaker.

Chair: No, the Speaker would only cast a vote if there was a tie, so no, not including the Speaker.

Mr. Trivers: Okay, great.

Thanks.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Premier, we have a bill that the Member from Borden-Kinkora is putting forward on the public intervener. When we were doing the research on it the Legislative Council had talked to us about how that person would be appointed.

I want to read from an email that they had given us. It says that: The public intervener – so, we were putting a draft forward, and they came back to us saying, with this advice. They said: The public intervener should be appointed by the Lieutenant Governor in Council or the minister without any involvement of a standing committee of the Assembly. Alternatively, this is the point I want to make: If you want the public intervener to be appointed by the Assembly, which is what we want for the public interest commissioner, as an officer of the Assembly, then the minister should not have a role in acting appointments and delegations would not be the department's solicitor.

What they're trying to say is that we shouldn't be mixing the executive and legislative branches. What we have in here, and what the Member from Georgetown-St. Peters has been pointing out, is that we have got the Lieutenant Governor in Council following the resolution of the Legislative Assembly. That is mixing them.

I wonder, could you comment on – this is coming straight from Legislative Council saying that – could you comment on that, I guess?

Premier MacLauchlan: I haven't had a chance to study the private member's bill, so I'm not commenting on that.

What I will say is that we have a precedent that we have worked with for some time in our province, which is the Auditor General, and that does have a joint role, I will call it, for the Lieutenant Governor in Council and the Assembly, so we can do it.

There are reasons why it is done that way, and if you look down the jurisdictional scan, whether it's a federal jurisdiction, Alberta, Manitoba, Yukon, Nunavut, Ontario, Quebec, the other provinces, they each have a role for the Lieutenant Governor in Council and many of them have a lesser role for the Assembly than is posed in this bill. That's really the way I think we can best understand the traditions and the balance and the ways that legislatures, including this one, do work.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Thank you, Premier.

Two things: You talk about the jurisdictional scan. The majority of your caucus was against whistleblower legislation which the majority of jurisdictions had back then, so yes, I get your point that you're saying that most places do what you're trying to do here; but that doesn't always fly, because as we've seen, the majority of your caucus was against it a number of years ago.

The second thing is that what Legislative Council is saying is pick one or the other; if the department appoints it, which is not what we want, we want it from the Assembly. So I'm still wondering, based on them saying that you shouldn't mix executive and legislative branch, are you comfortable with that?

Blair Barbour Manager: When looking at the responsibilities of the respective branches, as the Premier has discussed, the management of the public service would normally fall under the executive branch exclusively.

When we bring forward whistleblower legislation, one of the things that we're looking at is not only having a process, but also adding to the process in terms of the party who's administering it. So if we stuck

to the executive branch solely, as the appointing body with no role for the legislative branch, there certainly would be no assurance to the public that the Legislative Assembly was acting as a body to discuss and to prevent actions by the Executive Council that might be outside of the purpose of the legislation.

By bringing the legislative branch in, to provide that consultation, and also to provide a two-thirds requirement to have that, ensures that employees are assured that they do have protection, that there is an independence aspect to this position that wouldn't be there if the position was appointed solely by the executive branch.

Mr. MacEwen: Chair?

Premier MacLauchlan: If you don't mind, I'm going to ask Mr. Barbour if he'd speak about the role of Legislative Council in the development of this bill.

Blair Barbour Manager: Sure. So Legislative Council would have been involved, obviously, in the preparation of the bill, and Legislative Council would provide advice with respect to options one has in terms of preparing the legislation. So they will provide you with advice on mechanics on what can be done.

They don't necessarily advise you what should be done. That would be more a question of policy, and I think they would say that's not their role. Their role would be to provide you with the options and the mechanics of how to do certain things in legislation.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Thank you, Blair.

Two points: you're making my point with your first comments that you talked about, if it was just the department that civil servants wouldn't feel comfortable, so that's why we have to bring in the legislative branch; and that's what we're trying to say, is let's leave it with the legislative branch, not having Cabinet oversee this. So I feel like you're trying to make our point right there.

The second thing is when we talk about Legislative Council and I'd like to quote or to read, they say that: Yes, there are certainly examples in our legislation where the executive branch and the legislative branch are authorized to get involved in each other's business in ways that go against the principle of the separation of powers; however, LCO is trying not to perpetuate this.

They're advising not to perpetuate this. So doing this, are you perpetuating it? Why are they telling us that we shouldn't do this but yet you're feeling it is okay to do it?

Premier MacLauchlan: If you're saying it's either-or, then it's likely the executive branch. This is about the public service. This is about a regime that will go with the other terms and operations and the ways of building a strong public service.

When you get beyond the passing of this legislation, if it passes, the first work is really building the knowledge and awareness and culture around public interest disclosure, and if you're saying it's got to be one or the other, it would certainly be a different approach than is put forward in this bill.

The model that we worked with – and worked with with the knowledge of Legislative Council in developing this bill, which is the first time we've had this in Prince Edward Island, building on the policy – is that of the Auditor General. I think we can all understand why the Auditor General does reflect that collaboration, that joint work of the legislative and executive branch.

The whistleblower, brought in for the first time, is principally for the executive branch, but this is built with the engagement of, with a significant part played by, the legislative branch, and I think that's done for reasons that we understand.

The point about separation of powers, frankly, can be taken to an extreme or to a point where you're really making difficult the work of a Legislative Assembly with responsible government where the Cabinet or the executive is determined by whether it does or doesn't have the support of the Legislature. That's what our system is. We've never had a separation of powers in

our system to the extent that you would find, for example, in the United States, and I don't think there's very many of us that would recommend it.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Thank you, Premier.

I appreciate your comments, but I guess to ask a simple question, then is, what's the worry? Why have Cabinet oversight over this then? What is the strong importance to have Cabinet overseeing the decision of the Legislative Assembly?

Premier MacLauchlan: Let's be clear. It's not Cabinet overseeing the decision of the Legislative Assembly. This is legislation that is meant to build a new regime within and for the public service. I think everybody in this Assembly understands that Cabinet is an integral part of the executive branch of government or of the public service. It's not a worry. It's not a worry.

There's always a balance to be struck when we bring forward – Auditor General being a good example, and the one that we're endeavoring to emulate – when you bring forward that joint role or that shared role. So it's not worry; it's simply aiming to strike a balance and then to achieve the purpose of the legislation, but certainly the purpose of the legislation would not be achieved to just go through this and strike out Lieutenant Governor in Council every time it appears.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Thank you Premier. Premier did Legislative Council give you the same warning as they gave us?

Blair Barbour Manager: I wasn't working with the department when this file was drafted, when this bill was drafted, so I'm not able to provide you with the information that Legislative Council would have advised on that point or not.

Premier MacLauchlan: But Legislative Council was involved then with the further draft that we are bringing forward here today and they had their eye on this all the way through. I certainly know when it's drawn to my attention if they said: Don't do this we –

Chair: The hon. Member from Morell-Mermaid.

Premier MacLauchlan: (Indistinct) say it again, I don't know how many times I've said, but Legislative Council would have cast their eye on the Audit Act and say: these two are the best comparable situations, therefore, we have the same regime within provision.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

It's just interesting that very specifically that they warned us against trying to perpetuate this separation of power. I am with you; I think they would have told you, somebody would remember if they had of said: We shouldn't do this. Or as you're using the example of the AG or someone would have said: that come back. Is there any documentation? Blair, do you know, is that an in person conversation? Is it a back and forth on email? That's how they sent it to us to not do that in our bill. So I'm just curious how that would come to you guys? We're getting different advice?

Blair Barbour Manager: Generally speaking when we're having a dialogue with Legislative Council and the development of legislation, it can be both verbal and written.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you.

I'm perplexed why we're getting this advice and maybe somebody along the way got that advice but it certainly didn't get up to you gentlemen.

I'll leave it there for right now.

Thank you, Chair.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

When I'm looking at this *Public Interest Disclosure and Whistleblower Protection Act*, I'm really taking into account – you know that famous quote by Yogi Berra: In theory there is no difference between theory and practice. In practice there is. It's an insightful quote, it really is.

I'm thinking to myself: How would this legislation actually work in practice? Of course, one of the most famous cases of whistleblower on Prince Edward Island happened the first time I ran for office in 2011, and that was when the three ladies came forward, whistleblowers on the PNP program. Of course, we're still asking questions about PNP today. We had, Susan Holmes, Cora Plourd and Svetlana Tenetko and they are the exactly the sort of people that this Legislation is supposed to protect. I'm running through the scenario that they lived through and I'm looking at this legislation – in this particular case we're talking the fall of 2011, (Indistinct) September, so not only was the House not sitting, but we're in a writ period.

If I look at section 2: (7) Suspension, when Assembly is not sitting.

Where the Legislature 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.

Let's say that this whistleblower protection was in place at that time and these women were coming forward, if the government of the day, in fact wanted to sort of cover up the PNP scandal the way they did – I mean I think premier Ghiz at the time called them crazy – but they could in essence, call a meeting of the Standing Committee on Legislative Management during a writ period and they could suspend that commissioner for cause or incapacity and because the legislative management committee would have a government majority on it, they could do that and it only meets in camera. They could do that and

they could, indeed, discredit those people by putting a new commissioner in place.

That's why this is so important. That's why we're going through this legislation with a fine-tooth comb. That's why every word is important. That's why we need to separate the legislative branch from the executive branch.

I wanted to get your opinion on that: Does, indeed, the legislation, the way it's written right now, wouldn't it allow, in that particular case, the government of the day to get rid of the commissioner if they thought they were going to make a ruling that was –

Leader of the Opposition: Contrary to their interests.

Mr. Trivers: Yeah, contrary to their interests in winning an election. Remember the PNP program – we're talking millions and millions of dollars at stake here.

Chair: The hon. Premier.

Premier MacLauchlan: The suspension provision has a very precise standard in it, cause or incapacity, and that's a legal standard that could be subject to challenge and I can well imagine that there would be people who would challenge it if this provision or this suspension were attempted on grounds, as you're implying, that were politically motivated. That's pretty clear on the face of it, that this does not include the political convenience of the government of the day and it does require the recommendation of the standing committee, so that is there to deal with the situation where the Assembly is not sitting – I don't think it's as the writ period. That would be a provision that you would find mirrored, in effect, in the FOIP legislation and the ability to suspend the FOIP commissioner for cause or incapacity. Depending on how we get along, in terms of getting through the bill, really the answer to your question about what the individuals would do that you're describing really starts in with section 8 – if you want to kind of have a look at that.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I think you're hitting the nail on the head here, Mr. Premier. So we've got

a Standing Committee on Legislative Management that meets in camera – which means the proceedings of the meetings can't be discussed outside the meeting – and it would have a government majority the way committees are structured today, and we've seen it many times in our standing committees where the non-government member have disagreed with the government majority and they've just simply been overruled by the majority vote.

In this particular case, with an in camera meeting, they couldn't even go talk about it to the press or others. It would come out and the legislative management committee would have decided to suspend the commissioner and that would have been the end of it, go on, and hopefully win the election if you're the government.

I wanted to know if – it just doesn't seem like this clause, in particular, is strong enough and it has a loophole in it. Did you consider any other ways that an appointment – suspension of the appointment of the commissioner for cause or incapacity might occur, other than using the Lieutenant Governor in Council via a recommendation by the Standing Committee on Legislative Management?

Premier MacLauchlan: Chair, the reason the Lieutenant Governor in Council plays the role that it does in clause 7, or 2(7), is because it's Lieutenant Governor in Council that makes the appointment and as I said, this is the same provision that is in the FOIPP legislation and it has a legal standard in it which is cause or incapacity. It's not the notion of the day. I'm sure a challenge to that decision would be something that could be reviewed under judicial processes. I can well imagine the commissioner would be open to challenge it if he or she has been suspended and the practices of meeting in camera by the legislative management committee would not override the ability of a court to judge whether that standard is met.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

There a lot of what-ifs and a lot of conjecture there and people standing up and:

Oh, maybe they would do this. This is the thing about legislation: If there is a loophole, people will find it; they will exploit it.

Did you consider, for example, the fact that the Legislative Assembly can reconvene at any time for an emergency sitting. Did you consider including that as an option in there, perhaps, say use: may, on the recommendation of the Standing Committee on Legislative Management, suspend the appointment of the Commissioner for cause or incapacity or call an emergency sitting or reconvening of the Legislative Assembly to consider the matter because that would be, maybe, a better way to look at it. Then you would get everybody back together – all the elected representatives – go back to the two-thirds majority again and then that would solve the problem, potentially, even if it was in the middle of an election.

Premier MacLauchlan: Madam Chair, the phrase where the Legislative Assembly is not sitting triggers section 7, but the Assembly could sit and be called under various circumstances or by various mechanisms and that is provided for in 2(5). If there's an emergency sitting, then that would look after the situation you're describing and, again, you'd be back to the two-thirds resolution.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

So it sounds like you are open to amending the legislation then to – instead of going to this meeting of the Standing Committee on Legislative Management recommendation of Lieutenant Governor, to actually say: if the Assembly's not sitting, then, perhaps, the Lieutenant Governor in Council, or perhaps just the Standing Committee on Legislative Management could call for a sitting of the Legislature.

Premier MacLauchlan: There are lots of ways to call a sitting of the Legislature.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I think that that's my point. I think what would be a better way to do this to ensure that there was no bias, prejudice, no temptation on behalf of anyone involved – and the whistleblower's got their fair day – call the

Assembly back to sit. This is a major thing. Can you imagine if a commissioner is going to be suspended for cause or incapacity? I think that's a really good reason to go through the time and trouble to call the Assembly back together. That's a big deal. I'm going to contemplate putting an amendment together for that.

Thank, Madam Chair.

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

Mr. Myers: Thank you, Chair.

There's a couple of things that I want to go back on and while I'm sitting here and I'm listening to some of the debate on this bill, it brings several things to mind. First of all, the Premier's jurisdictional scan, when I have time to reflect on it, I find it actually insulting because time and time again when we've talked about things like the child advocate it didn't matter, the jurisdictional scan didn't matter then; the ombudsman, the jurisdictional scan doesn't matter then. The Premier uses jurisdictional scan when he thinks it would benefit him and him only and I don't think it's fair to use jurisdictional scan unless you're willing to accept that the Leader of the Opposition has been right all these years about a child advocate and if you're willing to accept the Leader of the Third Party is right on an ombudsperson here in the province, because if you're going to take your stand on jurisdictional scans here tonight, you have to be willing to stand on jurisdictional scans right across the board.

Do you believe that other provinces are doing it right when they are all doing it and we're not? Should we automatically assume that they are doing it right?

Premier MacLauchlan: Chair, in presenting this jurisdictional scan, I didn't mean and I certainly would not have meant to take away from the sovereignty of this Legislature to pass what it thinks is best for Prince Edward Island, and there are indeed times when we consider what our province needs now or what might be a priority, or what is the best thing to do for our people. That part is clear.

This jurisdictional scan is here to inform the Legislature and the question was raised, questions were raised, on this point last

week and it's in that spirit that it's brought forward so that when we decide to do something to do something, and indeed there's a history of how we've come to have legislation or proposed legislation for public interest disclosure and this is a government bill, so we bring this information about the scan so that we can learn from it; not that we're slavishly following what everyone else does.

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

Mr. Myers: Thank you, Chair.

I think that proves my point then, and I will ignore the jurisdictional scan because I believe what we have been talking about here the last two times we were debating this bill, I believe that we were right; not in the stubborn way that you seem to be stuck on, but more in the way of right by Islanders so we're going to continue down the road of making amendments.

But, I wanted to ask you a question first. The Member from Morell-Mermaid had some really good points on the email that we had received from Legislative Council, and I want to ask you a question from the other side of the coin the member was asking about: Can you tell us why you would think that we would have been given the advice to keep them separate?

Premier MacLauchlan: I haven't seen the email and I haven't even looked at the bill on the intervener, so I think it's just as well to try to focus on what we've got in front of us here tonight.

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

Mr. Myers: Yeah, I do, actually on that because it wasn't – it didn't clarify anything at all. It would be quite similar in nature and I think that because of that, I, like the Member from Morell-Mermaid, are surprised you didn't get the same advice, but I'm wondering if you could answer my question as to why you would think that we would get that advice, based on your knowledge of your own bill, why we wouldn't get – why we would get that type of advice on ours.

Premier MacLauchlan: I think the best answer I can give to that – I haven't seen the email, but I can say is we are in proposing this joint role for the Lieutenant Governor in Council and this Assembly, and the appointment, and then in the work of the public interest disclosure commissioner, we are indeed – it's a joint endeavour.

So, if someone is saying: We'd rather you stick to the separation of powers, then, frankly, I think that is advice that we often find better ways to do things together or jointly and I've referred before, and no doubt will again, to the Auditor General so that's where we are. There's a role for Executive Council. There's a role for this Legislature and this is ultimately about a role for public servants.

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

Mr. Myers: We're going to provide everyone in the House with a copy of that email –

Premier MacLauchlan: (Indistinct)

Mr. Myers: – and we'll come back to that discussion so I want to make an amendment to section 2(5) and I have copies for everyone.

I want to remove section 2(5) and I want to replace it with:

Following a resolution of the Assembly supported by at least two-thirds of its members, suspend or revoke the appointment of the Commissioner for incapacity before the expiry of the term's commission.

It actually doesn't have –

Premier MacLauchlan: (Indistinct)

Mr. Myers: Yes, it does. That's what I want.

So, it basically says that directly –

Instead of having Lieutenant Governor in Council doing it, once it's passed by –

An Hon. Member: (Indistinct)

Mr. Myers: Yeah, you have to give it to Emily first.

Chair: Give it to Emily.

Mr. Myers: So while that's passing out, I'm just going to say:

It removes Cabinet from the process. So, if two-thirds majority of the Assembly vote yes, it's done. It doesn't go back to Cabinet to make that call.

Do you want to table that?

Chair: We're just going to take a two-minute recess. The Clerk is just going to ask a few questions.

[recess]

Chair: Call the House back.

Thank you.

The amendment is in order, and I will now open the floor for debate on the amendment.

The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

I wanted to speak in support of this amendment, for much the same reasons as I spoke in favour of the previous amendment.

That is, I think it's absolutely critical that there is no doubt whatsoever in the minds of the public that any public interest disclosure commissioner that's involved with public interest disclosure and whistleblower protection is not under the influence of the Executive Branch of government; because, indeed, the whistleblowers themselves may be blowing the whistle on government and perhaps, will be, and it may involve the Executive Branch.

That's why I think it's so important. It's just the resolution of the Legislative Assembly supported by two-thirds of its members, that, all that's required to suspend or revoke the appointment of the commissioner for cause or incapacity before the expiry of the commissioner's term of office.

I think, and fully support, the removal of the Lieutenant Governor in Council.

Thank you, Chair.

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

Mr. J. Brown: Yeah, Chair, I'm just kind of confused with the amendment here. I'm not sure that it makes sense.

It just starts: "...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."

There's not even a sentence.

Mr. Trivers: Good point, hon. member.

Chair: The hon. Member from Georgetown-St. Peters do you have a clarification for the hon. Minister of Education, Early Learning and Culture?

Mr. Myers: Yeah. What we're trying to do is remove Lieutenant Governor in Council from it, so it's a just misplaced word –

Unidentified Voice: (Indistinct)

Mr. Myers: – no, it's down in this part here.

It's basically: Following a resolution of the Legislative Assembly supported by two-thirds members. There is just a verb that has to go in before here; suspend or revoke the appointment.

Premier MacLauchlan: It's okay for verbs.

Mr. Myers: The Legislative Assembly –

Premier MacLauchlan: We're okay for verbs.

Chair: Yeah.

Mr. Myers: Yeah. I'll fix it here in sec.

Chair: Minister of Education, Early Learning and Culture, do you have anything that –

Mr. J. Brown: Well, I guess I'd just say, Madam Chair, that the amendment's out of order.

Mr. Myers: It was actually ruled in order.

An Hon. Member: (Indistinct)

Mr. MacEwen: Question, Chair.

Mr. Myers: I'm going to – it's just add in "the Legislative Assembly" then, in front of "following."

Chair: Is that an amendment to the amendment.

Mr. Myers: I'll amend when I amend it. We add "the Legislative Assembly" in front of "following."

Chair: Okay.

Mr. Myers: It would be: The Legislative Assembly following resolution by two-third – no, that doesn't even fit –

Chair: No, it doesn't –

Leader of the Opposition: The Legislative Assembly may.

Mr. Myers: Yeah, so: The Legislative Assembly may, following a resolution supported by at least two-thirds of its members. Strike "of the Legislative Assembly" and add "the Legislative Assembly may" in front of it all.

Ms. Biggar: Could you write that down?

Chair: Yeah, let's –

Mr. Myers: No.

Ms. Biggar: No?

Chair: Let's get it clear so we know what we're voting on.

Mr. Myers: It's: The Legislative Assembly may, following a resolution supported by at least two-thirds of its members. The rest of it is the same.

Ms. Biggar: You have to have that in writing –

Mr. Myers: No, I don't. There's not a rule that actually says that. I don't have to have it in writing. I do it out of courtesy of the

House. I'm not offering that courtesy right now.

Mr. R. Brown: You're going to be uncourteous.

Mr. Myers: Thanks for catching that though, Jordan.

Mr. J. Brown: You wouldn't want it to be on the record forever (Indistinct)

Mr. Myers: Thanks.

An Hon. Member: Or that you caught it.

Chair: Hon. members, if you could give us just a minute, the clerk is going to write out the motion – the amendment to the amendment.

Thank you.

Mr. Trivers: (Indistinct) acceptable?

Chair: I think tradition has the –

Mr. Trivers: (Indistinct)

Chair: Order! Order!

Hon. members, what's being passed out now is the amendment to the amendment and that is what we're discussing: the amendment to the amendment.

Is there any discussion on the amendment to the amendment?

Are you ready for the question?

Sorry, I was asking question.

All right, hon. members –

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

Mr. J. Brown: I think we still have a typo there, Madam Chair. On the second to last line it says "cause of incapacity" as opposed to "cause or incapacity."

Ms. Biggar: Oh yes, good point.

Chair: We'll bring you back to order.

We are going to now talk about the amendment to the amendment. A small word like "or," we will allow that to be changed, and so now we are discussing the amendment to the amendment, and here is what's happening.

We're adding the following words to the start of

(5) "The Legislative Assembly may," and we're deleting the words "of the Legislative Assembly."

This is how it reads, the amendment:

"The Legislative Assembly may, following a resolution 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."

Anybody want to talk to the amendment on the amendment or are you ready for the question?

Clarification: We're going to allow the small grammatical inaccuracy or that we're correcting that grammatical, the spelling mistake, and so what we're voting on is the amendment to the amendment with the "or" added in there.

All right?

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Chair: Are you speaking to the amendment to the amendment?

Mr. MacEwen: Yes, yeah.

So what this is doing, as you guys know, is replacing Legislative Assembly in for Lieutenant Governor in Council.

I guess my question is if we're replacing this in one place in the bill, is that in conflict with the rest of the bill? Should we be trying to amend the entire bill for like a find and replace?

Chair: Premier.

Premier MacLauchlan: I think in response to the point from the hon. Member from Morell-Mermaid, you might make the opposite case. We've now defeated I think three such attempts, so perhaps we should take it that the issue has been decided.

We are going to vote on this, but I think we should be clear that we could support the amendment to the amendment to make it grammatical, but then there will be a further vote on the amendment.

Chair: Are you ready for the question on the amendment to the amendment?

Mr. MacEwen: Yes.

Ms. Biggar: Question. Show of hands.

Chair: All those voting in favour of the amendment to the amendment, raise your hand.

Some Hon. Members: Hear, hear!
(Indistinct)

Chair: It's the grammatical, right?

Thank you.

So that grammatical is carried.

Now we're going to go back to the motion, the section as amended.

Ready for the question?

Ms. Biggar: Show of hands.

Chair: All those voting in favour of the section as amended?

All those voting on the amendment, signify by saying 'aye'.

Some Hon. Members: Aye!

Chair: I'm sorry, you're not clear?

Mr. Myers: Is it the amendment that is amended?

Chair: Yes.

Mr. Myers: Okay, just checking.
(Indistinct)

Mr. J. Brown: It's your amendment.

Chair: Hon. Members, we are voting on section 2, subsection (5), on the amendment as amended.

Clear?

All those voting on the amendment as amended, raise your hands. Yes? Yea?

Contrary minded? Nay?

Great, thank you. Hence defeated.

Mr. LaVie: (Indistinct) over there?

Ms. Biggar: (Indistinct)

Some Hon. Members: (Indistinct)

Mr. Trivers: Am I on the list? Chair, am I on the list?

Chair: Yes.

Thank you, hon. Members for bearing with us on that.

An Hon. Member: Thank you, Chair.

Chair: Yeah. Shall the section carry?

Some Hon. Members: Carried.

Some Hon. Members: (Indistinct)

Mr. Myers: No, we still have questions.

Chair: You still have questions?

Mr. Trivers: I have a question, yeah. I asked (Indistinct) before (Indistinct) –

Chair: Sorry.

Some Hon. Members: (Indistinct)

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Well thank you, Chair.

So I've had time to consider an amendment to section 2, subsection (7), and I have copies here to be distributed.

Some Hon. Members: (Indistinct)

Mr. Trivers: Can you start with the government side?

Mr. R. Brown: Is that Bill 25?

Mr. Trivers: Bill 25, yes.

If you'd like, I can read the – or perhaps you'd care to read it, Chair. I don't know.

Chair: Does everybody have a copy?

Hon. Member from Rustico-Emerald, could you state your amendment?

Mr. Trivers: Yes. Thank you, Chair.

This is an amendment to Bill No. 25, the *Public Interest Disclosure and Whistleblower Protection Act*.

Leader of the Opposition: Chair? Sorry, we don't have copies of the –

Chair: Sorry.

Mr. Trivers: Oh, apologies.

Leader of the Opposition: We wanted to give that side an opportunity to review it and (Indistinct) –

Mr. Myers: Look at the commas and stuff, Jordan. Just have a quick breeze through it, would you?

Mr. R. Brown: Maybe while we're waiting the hon. Member from Rustico-Emerald can sing us a song? "I'll Be Home for Christmas".

Some Hon. Members: (Indistinct)

An Hon. Member: I won't be home for Christmas.

Mr. MacKay: He's working on a song: "All I Want for Christmas is a Straight Answer".

Chair: Order. The hon. Member from Rustico-Emerald has the floor.

Mr. Trivers: Thank you, Chair.

I just wanted to give a briefing to start off with. This amendment deletes subsection 2 (7) of Bill No. 25 and replaces it with a new subsection 2 (7) that requires the Legislative

Assembly to reconvene sitting to consider a resolution to suspend the appointment of the commissioner for cause or incapacity as per subsection (5), suspension or revocation during sitting, if the Standing Committee on Legislative Management recommends it.

Just to read the clause.

Bill No. 25 is amended by the deletion of subsection 2 (7) and the substitution of the following:

Suspension, Assembly not sitting.

(7) where the Legislative Assembly is not sitting, on the recommendation of the Standing Committee on Legislative Management, the Legislative Assembly shall commence sitting to consider a resolution put forward by the Standing Committee on Legislative Management to suspend the appointment of the commissioner or cause or incapacity, as per subsection (5).

Chair: Hon. members, I'll open discussion on the amendment.

The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Hon. Member from Rustico-Emerald, is this in reference to what you were talking about before about the situation where we might be in an election time? The example you were giving about, you know, for the last example and the controversy that was going on around PNP, and then someone could have – if, hopefully it would never happen, but if Cabinet wanted to not bring this to light they could get rid of the commissioner and all that kind of – is this what you're referring to?

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Yes, thank you, Chair, and thank you, Member from Morell-Mermaid.

That's exactly what I'm hoping this amendment would overcome. It's any time really when the House is not sitting whether the writ has been dropped or not. For whatever reason the commissioner – there

may be a reason to suspend the commissioner for cause or incapacity.

The whole idea here is the Standing Committee on Legislative Management can make a decision one way or another. They meet in camera, which I think is fine. But if they think the commissioner should be suspended, then it means the House would have to sit and follow the rules of subsection (5): suspension or revocation during sitting.

That way any discussions related to the suspension of the appointment of the commissioner for cause or incapacity would be a matter of public record. All MLAs would have input into it. There is no way the commissioner would be suspended with, sort of, under the radar, without full public awareness.

That should, I believe, cover-off the case, which we saw in 2011 during the election when there was no commissioner, but the whistleblowers were crucified.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Member from Rustico-Emerald.

Another question, perhaps, for – to the Premier for clarification. In this section, the Member from Rustico-Emerald is talking about legislative management committee, right? Yeah. The committee on legislative management.

Why does this 2 (7) have legislative management committee and not two-thirds of the Legislative Assembly. What's the reasoning there?

Mr. Trivers: I can (Indistinct) that, Chair.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

In fact, my amendment. I considered putting that in the amendment to (Indistinct) to put in there that two-thirds of the Assembly. But I realized if I just referred to subsection (5) that verbiage is already in subsection (5): Suspension or revocation during sitting.

Mr. MacEwen: Oh, okay. Yeah, I understand, yeah.

Chair: Thank you –

Mr. MacEwen: (Indistinct)

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

Mr. J. Brown: Thank you, Chair.

So, and I don't know whether this was the Member from Rustico-Emerald's intention or not, but I would just like to point out that we kind of have a gap in our logic. The way this section's now constructed in that we went from a section that indicated that, "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."

That's a pretty tight piece that the Standing Committee on Legislative Management would recommend to the LGIC.

Now, we're having the – so, the first thing is, we need an issue: incapacity or cause. The second thing is that we need to have the legislative management committee recommend to have the Assembly sit, which they may or may not do for a whole variety of reasons outside of the cause or incapacity of the commissioner, which, to me, takes away the whole purpose of subsection (7).

Subsection (7) is to deal with cause or incapacity of the commissioner. You could get into umpteen different reasons why the legislative management committee might or might not want the Assembly to be called back to sit if it's not sitting currently.

Mr. Dumville: That's a good point.

Mr. J. Brown: So, anyway, I don't – I can say that that would be an issue for me. I'm not sure that the section works for that reason, but, you know, I think –

Chair: Thank you.

The hon. Member from Rustico-Emerald is going to respond to that, and then we'll – if

there isn't any further questions, we'll call for a vote on the amendment.

I have hon. Member from Georgetown-St. Peters. The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

I mean, this is exactly why I think we need to call sitting of the Legislative Assembly because, in the case where you're going to suspend the commissioner, that's an extremely serious case. You talked a lot of generalities, member, about umpteen reasons. I'd be interested to hear any of these umpteen reasons why the Legislative Assembly wouldn't sit in a time when the commissioner, who is responsible for public interest disclosure and whistleblower protection is going to be suspended, I would love to hear a reason why the Legislative Assembly wouldn't sit.

Thank you, Chair.

Chair: Anybody have a response to it?

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

Mr. J. Brown: I guess, I'm not pretending to get into all the reasons why –

An Hon. Member: Oh!

Mr. J. Brown: – the Assembly might or might not sit. Everybody could be away. You know, there could be a death. Who knows what the host of reasons –

Mr. Trivers: I don't know –

Mr. J. Brown: – might or might not –

Mr. Trivers: – apparently you do know.

Mr. J. Brown: – be.

An Hon. Member: Raging snowstorm.

Mr. J. Brown: No, that's the whole point of legislation is that it's supposed to contemplate the possibilities and here –

Mr. Trivers: You can't even give me one.

Mr. J. Brown: – you have a huge gap in the logic. Like, you know, normally legislation would go if (a) then (b), if (b) then (c). We're going if (a) then (b) and then jumping all the way if (c) then (d). They're not even linked to each other.

Mr. R. Brown: No logic at all, Dr. Spock.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

I'd like to help the member with his logic, here –

Ms. Biggar: Please do.

Mr. Trivers: Really, if you want to take it (a) (b) and (c).

So, (a) there's reason that somebody feels to suspend the appointment of the commissioner for cause or incapacity;

(b), the Standing Committee on Legislative Management meets, in camera, and decides to;

(c) recommend that the Legislative Assembly commence sitting to consider a resolution to suspend them for cause or incapacity: (a), (b), (c), pretty straight forward.

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

Mr. Myers: Thank you, Chair.

Question to the Member from Rustico-Emerald. I like your amendment. I think it goes a long way to solving some of the issues that – with the bill that the Premier put forward. It's unfortunate that he doesn't see that, but I'm glad that you do.

Just a question: In the case where the House is dissolved, I know the Premier didn't think about it in his bill, had you put any thought into adding that amendment: how you would deal with this clause whenever the House is dissolved because it all falls back to the Standing Committee on Legislative Management, no matter in your amendment or in the Premier's, unfit version is what I'll call it now. It's the unfit version of the bill.

Had you put any thought into fixing how it would be dealt with while the House is dissolved in all these cases?

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I thought it was question to the Premier.

Mr. Myers: No, it was to you.

Mr. Myers: I consider you the expert right now.

Mr. Trivers: When I was contemplating this amendment, I was really taking into account the practical application of the legislation.

Mr. Myers: Yes.

Mr. Trivers: And, I mean, as you say, dealing with the unfit version of the bill. I was looking at a way to cover all cases when the Assembly was not sitting, whether it be in a writ period or not, to make sure that any decision to suspend the appointment of the commissioner for cause or incapacity would have complete public visibility, discussion and debate by all elected members across Prince Edward Island, so that it wouldn't be possible to have an in camera meeting of the legislative management committee. And then, a recommendation to the Lieutenant Governor in Council that bypass the public completely and was done behind closed doors, and I thought of a way to try and take out the Standing Committee on Legislative Management as well.

I was unable to come up with a method to do that that would be, in my estimation, fair and use the existing channels the way I think they're designed. So, if the member did have a suggestion where we could do it in an even more direct way, I'd be open to discussing and entertaining it, for sure.

Chair: Hon. member, could you talk to the Chair instead of turning around?

Mr. Trivers: Yes, sorry, Chair.

Chair: Thanks.

Are we ready for the question on the amendment?

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

Mr. Myers: Thank you, Chair.

I'm not 100% sure because in the unfit version it doesn't deal with it at all, but I think you did a good job dealing with number 7. The problem is it's not necessarily with your clause, suspension would be one of them and acting might be one of them. There are places throughout section 2 here that may all need to be amended because it doesn't deal with when the House is dissolved because when the House is dissolved, I'm not sure that the Standing Committee on Legislative Management exists because I'm not sure that technically anybody is elected –

Premier MacLauchlan: (Indistinct)

Chair: Hon. member, you're right.

You all know once the House – the writ has been dropped, and the House dissolves, nobody is a member of the House, right.

An Hon. Member: (Indistinct)

Mr. Myers: Yeah, so this act – the point is – and the amendment doesn't deal with that, but nor does the unfit version of the act. In any capacity, it doesn't deal with it.

There are times when it would be very important and I think the Member from Rustico-Emerald, you had talked extensively about this earlier in the debate night when you had said that things that happened during the 2011 election as a case, and if government were to whisk in and try to remove somebody during that time or whatever, and I think that's why maybe it doesn't belong in the clause that you have amended here. I'm looking for your thoughts on that.

If it's not in that clause, do you think there's probably a need to include, once we get this cleaned up and get it back to the floor maybe in the spring, in a cleaned up version should we have a clause that deals with when the House has been dissolved and how it would all be dealt with once the House is dissolved because a lot of this is quite reliant on the elected members at this point?

I did think it's something that we could clean up in this clause (Indistinct) think maybe it requires a clause of its own.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair, both for your input on pointing out the fact that the Standing Committee on Legislative Management, if the House was dissolved for an election, would not even exist and thank you, member, for pointing out this apparent gap in the act that we're considering in general.

I would tend to agree with you. The clause subsection 7 deals with a case when the Assembly is not sitting, but it doesn't appear that there's any clauses in the act that deal with the case when the House is dissolved during the writ period, and of course that's the exact situation we were in in 2011 and those were the exact sort of whistleblowers we would like to protect with this legislation, so you make an extremely good point.

Mr. Myers: Thank you.

Mr. Trivers: I would love to hear the sponsor of the bills, the hon. Premier's reaction to that.

Chair: The hon. Premier.

Premier MacLauchlan: Thank you, Chair.

I think that last exchange pretty well solved the problem. The concern started out to be what if somebody tried to suspend the commissioner during a writ period, and through all of that question and answer they resolved that it would be impossible to do that. It would be impossible to do that since there would not be a role – or there would not be members available to play the role that is stipulated here by the Legislature or by the committee.

Let's suppose that you have a commissioner, who is incapacitated, this legislation can continue to operate. If you start reading, as I suggested we might if we ever get past section 2, in section 8 there is a whole provision for disclosure and that can continue, and as has been demonstrated through that last exchange of logic, there's

nothing the Lieutenant Governor in Council can do to suspend the commissioner so the world will go on and people can make disclosures, so that demonstrates that there's not a gap whatsoever.

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

Mr. Myers: Thank you, Chair.

I think that this is more I hear from the Premier and the mover of this amendment, it is a glaring gap because we wouldn't want, especially during the writ period where the House was dissolved, to not offer that protection to people because as the member from Rustico had stated, that's what started all of this.

Spencer Campbell was rolling around emails that he had no business even having. Did Spencer have anything to do with writing this bill, I wonder?

Premier MacLauchlan: (Indistinct)

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Did the hon. Premier want to answer (Indistinct)?

Mr. Myers: No, you answer it.

Premier MacLauchlan: (Indistinct)

Mr. Trivers: I have no idea.

Mr. Myers: (Indistinct)

Mr. MacEwen: You sound like a government minister.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

I guess I'll attempt to speculate on the hon. Member from Georgetown-St. Peters – I would imagine that Spencer Campbell probably didn't have a lot of input into the bill, but really only the sponsor of the bill and the legislative council would know that for certain.

Given the fact that law firms right now seem to be chosen at the discretion of departments to work on various legislation and there's no lobbyist act in place –

An Hon. Member: Yet.

Mr. Trivers: It's quite possible that – is Spencer Campbell still at Stewart McKelvey?

Chair: All right, hon. member –

Mr. Trivers: Stewart McKelvey might have –

Chair: Let's –

Mr. Myers: I have a question.

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

Mr. Myers: Question to the Premier: Is Spencer Campbell legal counsel for this department?

I'm quite serious.

Premier MacLauchlan: (Indistinct) I'll answer that.

Chair: The hon. Premier.

Premier MacLauchlan: Chair, we have a very strong team in legislative counsel team. In justice and public safety the person who would have done the principle work on this is Bobbi Jo Flynn and she's a highly professional, experienced counsel and Blair Barbour has become the policy – director of policy?

Blair Barbour Manager: Manager.

Premier MacLauchlan: Manager of policy, and is part of that team now, but this was done in-house by the team I'm very proud of in justice and public safety.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

This is a question for the Premier, sponsor of the bill: When we're talking about suspension of the appointment of the

commissioner for cause or incapacity, when we talk about incapacity one of the things we could talk about is if the commissioner passed away; can no longer perform the duties because they are dead, Madam Chair.

In the case of the writ being dropped, the House dissolved, the commissioner passes away, we've got whistleblowers coming forward on very serious issues like we saw in 2011 with this exact scenario, right now the way this act is written, who is going to protect those whistleblowers and what mechanisms are in place to make sure there is a commissioner in place to action the act as written?

Premier MacLauchlan: I don't think there'd be any need, by the way, to invoke section 7, section 2(7), if the commissioner were dead. I think a suspension would be decided by other means.

The person making a disclosure has the option to go to the commissioner or to the deputy head or the head of his or her operating unit and that is in place so the legislation doesn't stop and if you talk about this being occurring during a writ period, I think the logic that takes over there is the democratic logic and I'd be very surprised if anyone would endeavour to do more than wait until the outcome of the election in terms of the commissioner.

Chair: Are we ready for the question on the amendment?

Some Hon. Members: Question.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I just wanted to point out that in the case of these whistleblowers in 2011, you mentioned that they could go to the deputies and the departments – these are the very people that they were blowing the whistle on and if the commissioner's not there and they can't very well, as a whistleblower, go to the person they're blowing the whistle on – this is going to impact the outcome, potentially, of an election. They can't wait until after the election because then the very people that they're blowing the whistle on may already be reelected. It just seems to me there's a huge gap. Chair, you can vote on the

amendment if you'd like, but I'd like to continue discussing this after.

Chair: Ready for the question on the amendment?

Some Hon. Members: Question.

Chair: All those voting in favour of the amendment, raise your hands.

All those voting against the amendment, raise your hands.

The amendment is defeated.

Hon. Member, we'll go back to discussing the bill. We're on section –

Shall the section carry?

The hon. Member from Georgetown-St. Peters.

Mr. Myers: Thank you, Chair.

So I want to go back to a question that came up during now the debate on this amendment. Premier, is Spencer Campbell outside legal counsel for this department?

Premier MacLauchlan: No.

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

Mr. Myers: Thank you, Chair.

So, is Spencer Campbell legal counsel for government at all?

Premier MacLauchlan: There are quite a few people who do outside work for government and from time to time, I don't have all the details, but from time to time I believe that would include Spencer Campbell.

Mr. Myers: Chair?

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

Mr. Myers: You do know that Spencer Campbell is the reason you had to bring this bill on the floor – that Spencer Campbell that was floating emails around and it was Spencer Campbell that was in the news story

saying that it was a tactic by the Tories to try to embarrass the government in a writ period. Do you recall that?

Mr. MacEwen: Have we ever got a ruling on that?

Mr. Myers: We never got a ruling on it.

Premier MacLauchlan: Chair, the reason the bill is here is that we made a commitment in 2015, well after the period that the hon. member's referring to, to bring in whistleblower protection for public servants, which we acted on in a policy and that we're now acting on by bringing forward a bill to put it in the form of legislation.

The reason that this bill is on the floor is because the protection of public servants to disclose wrongdoing is a step in the interest of good public administration to serve the people of this province – that's why it's here and I'm sure that people can see that's the spirit in which it is here. It is not, and I'll be very clear about this, Chair, this is not being dealt with pathologically. We believe in our public service. We're proud of our public servants and we want them to feel confident that they, and the Executive Council, and the members of this House, and the people of this province should want to have a government that is against wrongdoing – against serious wrongdoing – and that is why we are proposing this bill; that's why we have this combination of public interest disclosure with a very precise regime and notwithstanding the attempt to find gaps, it turns out there wasn't a gap and why there is protection against reprisals.

This is something that has been done in other jurisdictions and this is something that is now being proposed to be done in Prince Edward Island and Chair, I want to be very clear that putting in place this legislation, if this bill is adopted, is not the end of this. This is the beginning of and the furtherance of good work that is done by public servants – honest work that is done by public servants – and work that we do collectively, I believe, to promote good public administration.

That means that when or if this bill passes, we will, as a government including the Lieutenant Governor in Council, I'm proud

to say, undertake a process of education and, I'm going to call it, culture building that will encourage public servants to identify wrongdoing if they believe that they see serious wrongdoing, to bring this forward, to make a disclosure as is provided for under the later provisions of this bill, and to be supported in that, to be protected in that, to have the ability to make a disclosure, to follow a process, to be confident that everyone that they're dealing with wants there to be no wrongdoing and, Madame Chair, that, I believe, is what we should all be endeavoring to achieve through the consideration and the adoption of this bill. I hope that's what we will do. I know that there's a desire to keep going back and finding the pathology, but this is not about pathology, this is about positive, constructive, confident, and effective public service. I hope that that's what we will do when we adopt this bill.

Thank you.

Mr. Myers: Call the hour.

Chair: The hour has been called.

Premier MacLauchlan: I move the title.

You pointed to it.

Chair: I did? Oh, sorry. I did point to that.

Premier MacLauchlan: Madame Chair, I move that the Speaker take the chair, and that the Chair report progress and beg leave to sit again.

Chair: Shall it carry? Carried.

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

Speaker: Shall it carry? Carried.

The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: I move, seconded by the hon. Member from Tignish-Palmer Road, that this House adjourn until tomorrow, December the 15th, at 10:00 a.m.

Speaker: Shall it carry? Carried.

The Legislature adjourned until tomorrow, December 15th, at 10:00 a.m.