

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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The Legislature met at 2:00 p.m.

Point of Order

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

Mr. Myers: I rise on a point of order. During the course of debate last night on the topic of elected school boards the Government Whip made comments stating: It's us lawyers that look after you riff-raff.

Mr. Speaker, given the heightened emotions and the RCMP presence, unlike any other that the Premier showed in the school change process, I feel these comments are definitely out of line.

I would ask first if the Premier stands by the comments of his Whip and (2) that the Whip withdraws and apologizes.

Thank you.

Speaker: The hon. Member from Charlottetown-Brighton.

Mr. J. Brown: Mr. Speaker, I'll gladly withdraw the comments, and I don't deny having made them. I do recall having made them, and I would acknowledge that we did get carried away carrying on here yesterday evening, and I apologize for that.

Speakers Ruling

Speaker: Thank you, hon. member.

Hon. members, at this time I am prepared to rule on a point of order raised by the Member from Georgetown-St. Peters on 8 September, 2016, immediately following oral Question Period.

I have reviewed the reply given by the hon. Minister of Finance to an Oral Question from the Member from Georgetown-St. Peters, and I do find no basis for the point of order. The response does not attribute unavowed or false motives to the Member from Georgetown-St. Peters or the members of the official opposition.

Thank you, hon. members.

Matters of Privilege and Recognition of Guests

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

I'll begin by welcoming everyone to the gallery today, and those watching from York-Oyster Bed on television or via Internet. I recognize Dan Larter, who is in the gallery. Dan's a candidate for elected office in the Stratford council.

Some Hon. Members: Hear, hear!

Premier MacLauchlan: I recognize Donna MacLeod, who's a member of the province home and school and has a family member, Carleigh, who's one of our Pages, so welcome Donna.

I have two birthdays to mention, one of which I have the permission to mention the age, because I think if you could kind of go around and get people to guess her age you could make some money. Eileen Doyle turns 89 today.

An Hon. Member: Wow.

Mr. R. Brown: Yes, a good Liberal.

Premier MacLauchlan: And she's a longtime supporter and constituent of the Minister of Education, Early Learning and Culture.

This is also Al Douglas' birthday, a great ambassador for the province and ambassador for Burger Love.

Finally, to extend I'm sure on behalf of the Assembly, sympathy to the family of Lionel Stevenson, a well-known Island photographer who passed away on the weekend. His beautiful photographs and images of the province and its people have been featured in exhibits recently at the Confederation Centre and well beyond the province.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

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

Welcome, everybody, to the gallery. I want to give a special hello to Donna. Donna lives up in 225, and I'll say about Donna, she's always involved in the community activities that are going on around Kinkora. Actually on the weekend we were out to a pancake breakfast to support Somerset school, and who was working hard behind the counter was Donna, and who is also, of course, the mother of Carleigh.

This weekend, the Borden area's having a benefit for Ryan and Ashley Steele. In the wee hours of the morning back in the winter they were woken by their dog and the house was fully engulfed in flames, and they were able to escape, basically, with the clothes on their back and the kids and the family pets. There will be a benefit at the Borden-Carleton Legion this Saturday night at 7:00 p.m., and I encourage people from the province to support this, and also the residents of District 19.

Thank you.

Some Hon. Members: Hear, hear!

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

Mr. Mitchell: Thank you, Mr. Speaker.

It certainly is a pleasure to rise to welcome all to the public gallery today, but especially Dan Larter, who's running for the empty seat over in the Stratford area. Of course, we all know that that seat was a vacated seat by now-Senator Diane Griffin, representing Prince Edward Island in a very big way in the Senate with a great environmental lens for Prince Edward Island. Very big shoes to fill, Dan, no matter who the winner is; all the best on your quest for that seat.

Also, I'd like to acknowledge and bring some attention to an event that I attended this morning over at Holland College. Approximately 150 high school students from all across Prince Edward Island gathered there today in the lecture theatre,

brought forward and organized by students and staff from the environmental applied science technology course that goes on there to talk about climate change and their effects on Prince Edward Island, and to bring a focus and to gather views from our Island's young people about how they see the future of Prince Edward Island moving forward.

A lot of great presentations from the students of the program and presentations from the climate change lab at UPEI. I think there'll be 150 students going away with a strong idea of how climate change is affecting PEI and what steps we have to take for mitigation and adaptation into the future.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. MacDonald: Thank you, Mr. Speaker.

I'd like to welcome everyone in the gallery today. Donna MacLeod, married to my first cousin, Harley, so I guess that makes a Page a second cousin, but we don't (Indistinct) Dan Larter, of course, and Jeff Matheson.

I just wanted to – a little shout-out to Mid-Isle Matrix Bantam AAA team that are hosting the bantam atlantics this year at the APM Centre. That's the organization that came – four communities came together; Rustico, Kensington, Crapaud and North River and showed solidarity and moving, based on the numbers that were decreasing at the time and worked very well together. I wish them all their success.

Also, condolences to Mary Currie's family, who is from over in Cumberland and just passed away.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Gallant: Thank you, Mr. Speaker.

Yesterday, I guess, I just didn't get a chance to get my greetings in. I'd like to welcome

everyone back to the Legislature and all the Pages and the media and everyone to the gallery.

I'd like to give a great big shout-out to everyone back in Evangeline-Miscouche. It's an honour to be here again, to represent my district.

I'd also like to wish my daughter-in-law April Gallant, a belated happy birthday. As I said, I didn't get up yesterday. I know she had a good day, yesterday.

I'd also like to express my sincere heartfelt sympathy to my mother-in-law, Mary Morris, on the death of her husband in Michigan, Robert Morris.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Ms. Mundy: Thank you, Mr. Speaker.

It gives me great pleasure to rise today, again, and welcome all those at home in District 22 that are viewing on EastLink or online to the Legislature.

Also, welcome to Jeff Matheson. I think you're the only person I know that when they get a week off work this time of year they're not heading south, they decide to come to the Legislature and spend their week here, so welcome. Thank you for your interest in what we do here.

Last night, I brought a Motion No. 79 to the floor on Maximizing Islanders' uptake on the federal and provincial benefits. I challenged and encouraged all my colleagues to get out and spread the word and get it out on Facebook.

I just wanted to tip my hat this afternoon to the Minister of Transportation, Infrastructure and Energy and the hon. Member from Rustico-Emerald because they had the information on their Facebook last night.

Thank you for sharing that with Islanders.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Charlottetown-Brighton.

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

I, too, would like to rise to welcome Dan Larter to the Legislature here this afternoon. I actually grew up just around the corner from Dan, who was my sister's age. I can tell you that Dan would be well suited to be a councillor. His father, George, is well known around Prince Edward Island. He does tours of Prince Edward Island throughout the year with visitors and Islanders alike, and has generally kind of been there and done that. Dan has followed in his footsteps and would be well known as well and has been involved in a number of different campaigns, political and otherwise; some of which, our paths have crossed on. Dan is a great community-minded young man and happy to see that he has chosen to put his name forward.

I would note, too, his signs were knocked down here over the weekend. Dan has gotten right back at it and gotten the signs all repaired and back up. He won't let anything like that keep him down.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Thank you, Mr. Speaker.

I, too, want to welcome those to the gallery and those back watching in the riding of O'Leary-Inverness. I'm pretty sure my father, George Henderson, will be watching here, today. He's a regular watcher, and always gives me some pointers to get me through the week here in the House.

I also want to acknowledge and welcome executives from the NHL Players' Association, as well as the NHL and Kraft Hockeyville, those people, who were all in the province here, yesterday, reviewing some of the facilities, not only in O'Leary, but elsewhere.

Speaking of the NHL, I must acknowledge that it's been announced that the Boston Bruins have made the NHL playoffs, after

two long years, from my perspective. I'm looking forward to Adam McQuaid and his quest to bring another Stanley Cup back to Prince Edward Island. Wouldn't that be great if we had a Stanley Cup here on Prince Edward Island during the Kraft Hockeyville weekend?

Thank you, Mr. Speaker.

Mr. Aylward: What do you think of our (Indistinct)?

Speaker: Hon. Minister of Rural and Regional Development.

Mr. Murphy: Thank you, Mr. Speaker.

It's a pleasure to rise and welcome all the folks in the public gallery. I'd also like to say hello to all the good people of Alberton-Roseville that are home watching and a special hello to my mom and hope she gets feeling better. I'd also like to wish April Gallant a happy belated birthday. She's my communications person in the department there. I'd also like to wish my brother – my blood brother, Don a happy 60th birthday.

Thank you, Mr. Speaker.

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

Ms. Biggar: Thank you, Mr. Speaker.

It's my first opportunity to rise and welcome everyone back here to the Legislature and to our visitors in the gallery and to Dan. I congratulate Dan on his stepping forward on behalf of his community and wish him all the best.

I would also like to extend greetings to my constituents of District 23, Tyne Valley-Linkletter, and especially to my mother Pauline Dymont, who is a resident at Steward Memorial Home in Tyne Valley. I know that she will be watching us very closely and keeping tabs on myself, as she follows the proceedings very close and she's an avid supporter of the Liberal Party.

Thank you.

Mr. R. Brown: I heard she'll vote purple next time.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

I wanted to rise today and, of course, welcome everyone from District 18, Rustico-Emerald who's watching today and everyone here in the gallery.

I was out at Central Queens Elementary School today. There was a big heritage fair there. There were some fantastic projects. It's really neat to have both the science fairs and the heritage fairs happening in our elementary schools. There's everything from the history of the New Glasgow Lobster Suppers to the Underground Railroad and all in between. It was very inspiring and very informative.

I wanted to bring up that today at the Watermark Theatre in North Rustico; they're having a Rustico tourism expo. It's the Rustico roundtable that sponsors this. Really it's an operator-focused tourism expo where operators can connect with each other and I believe they want to discuss potential partnerships with operators from across the Island or just have a chance to show their wares and educate people on what's available in the Rustico area.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Statements by Members

Speaker: The hon. Member from Charlottetown-Brighton.

Food Island Partnership Food Xcel Program-Ryan Abdallah

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

I'd like to rise today to congratulate Ryan Abdallah on his grand prize win in the Food Island Partnership Food Xcel program. On February 22nd, Ryan won the \$300,000 prize for his Marouns garlic paste. He was one of seven finalists who pitched their products in a program that was created and launched by Food Island Partnership.

This tasty condiment has been in high demand at his family's Lebanese restaurant

that was established in 1979 called Cedar's Eatery. I am sure many of us are more than familiar with the delicious offerings at Cedar's and I can tell you that I am certainly familiar with them.

After Ryan noticed how many of his clientele were looking to take the garlic paste home to use in their own kitchens, he knew he had to go to work to make it available at a retail level. He started working on it a couple of years ago and decided to name it after his father, who was the founder of Cedar's Eatery restaurant.

Ryan has been a resident of the Startup Zone, which has helped to foster creativity and provides support and mentorship. He is hoping to have his product in grocery stores across Canada by May of this year.

His intent is to use the prize winnings to help with research and development of new products as well. We look forward to seeing what comes next.

Mr. Speaker, please join me in commending Ryan Abdallah for his entrepreneurial spirit and perseverance in bringing this product to market.

Thank you, Mr. Speaker.

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

International Women's Day – Daughters of the Vote

Ms. Casey: Thank you, Mr. Speaker.

I had the pleasure to be in Ottawa on International Women's Day with my colleagues from the commonwealth women's parliamentary association. We participated in an event organized by Equal Voice, an organization like CWP, who advocates to elect more women to politics.

Equal Voice invited 338 young women leaders from every federal riding to take her seat in the House of Commons to participate in a once-in-a-lifetime event called Daughters of the Vote. The 338 young women took part in sessions with federal and provincial Cabinet politicians, who told their stories of how they got involved in politics and what the experience was like to

be a politician. They also got to spend time with their MP.

The delegates participated in policy issue discussions that were supported by policy experts and teacher facilitators from across Canada. The topics included equality for girls and women; human rights; health care, including mental health issues; violence against women; environment and climate change; international development and foreign policy; democratic engagement; reconciliation; science and innovation, and minority language rights to name a few.

One of the most inspiring moments for me was to be in the middle of the march to Parliament Hill with the 338 daughters listening to their enthusiasm as they chanted: Take our seats! Take our seats! As they marched to the hill.

The Chamber of the House of Commons was filled by women for the first time ever and the delegates were addressed by all party leaders including the Prime Minister, who took questions.

Some delegates got to speak on a topic of their choice. I will always the support each of the young women gave to each other that day. It was very emotional.

We had a young woman speak about what it was like to be a 21-year-old Muslim woman of colour in an overwhelming time of stigma. We heard from a 23-year-old Inuk woman from Labrador talk about her suicide attempt and how Inuit voices need to be heard. Then there was our own Taya Nabuurs, representing Cardigan, who knocked it out of the park with her statement on electoral reform.

The Right Honourable Kim Campbell, our first and only female prime minister said this, and I quote: We get a sense of how the world works from the landscape in which we function. If that landscape doesn't include women parliamentarians, if our landscape doesn't include women leaders; women managers; women directors, then when we see women doing these jobs we feel uncomfortable. So what we need to do is change the landscape.

Mr. Speaker, the Daughters of the Vote event gave me hope that young women are ready to take their seats at the table.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Kensington-Malpeque.

Owen Killam and Reichen Sherry

Mr. MacKay: Mr. Speaker, I'm very pleased to rise today and recognize Owen Killam of Kensington for his brave efforts in saving his friend Reichen Sherry, at a birthday party in February.

Reichen slapped Owen on the arm and he noticed he was gasping for air so he got up and performed the Heimlich Manoeuvre. It didn't take long for the word to spread across the town of Owen's heroic actions.

Soon, Owen and Reichen's names were spread across the headlines as a good-news story that could have turned tragic.

Owen's actions were even recognized by the International Police Association and the Mayor of Kensington. Constable Robb Hartlen, with the Kensington Police Services, knew right away he wanted to recognize Owen for his quick thinking and life-saving action. Owen received the recognition he deserved at a school assembly at Queen Elizabeth Elementary School. There, Owen was presented with a certificate from the International Police Association for the decisive actions while saving a life and a certificate from the town of Kensington.

Owen had seen someone do it on TV, and that's how he knew how to do it. He wasn't sure it was going to work, at all, as Owen told CBC he was just glad nothing bad happened.

Owen's quick thinking prevented what could have been a horrible tragedy. Who knows what would have happened if Owen wasn't there that day. I know this incident led to Owen's grade 6 class all learning the Heimlich Manoeuvre. I'm sure others in the school and the community have taken

notice, as well, for how important it is to know these life-saving techniques.

I want Owen to know that what he did was truly amazing and courageous, and he deserves every bit of praise he has received. I'm extremely happy Reichen is okay, and I know his family is very thankful.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Responses to Questions Taken as Notice

Questions by Members

Core service delivery school teams

Speaker: The hon. Leader of the Opposition.

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

As part of yesterday's school closure announcement, government committed to creating core service delivery school teams for Island schools.

Question to the education minister: Will these core service delivery school teams be new staff hired, or redeployment of existing staff?

Some Hon. Members: Hear, hear!

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

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

I'm very pleased yesterday to touch on an initiative that will be presented. Budget will be coming with more well articulated laid out plans and these will be new investments. These are conversations that have been brought forward by the district advisory councils, and probably was the number one priority of the student voice of our district advisory councils.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

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

I think I heard there: New investment.

Addressing mental health issues in our schools is very important. It strengthens the students' health and well-being and supports a positive learning environment.

Question to the education minister: What is the timetable to have these new core service delivery school teams up and running in Island schools?

Some Hon. Members: Hear, hear!

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

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

I would agree with the comment by the Leader of the Opposition that we do recognize and value the importance of social and emotional well-being in Island schools. One of our three pillars in the department is student achievement the second would be social, emotion well-being. The third would be public engagement.

Clearly, this is an investment, which we will elaborate on once the budget is presented. Right now, social, emotional initiatives are part of the school goals that are in all of our 56 English schools across the Province of Prince Edward Island. I look forward to more details and more information as the budget is presented.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

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

In October, 2014, the education minister was the health minister and he announced the creation of a new core service delivery school teams as part of his government's mental health and addiction strategy in 2014.

Question to the education minister: Is the new core service delivery school team, as you announced yesterday, the same new core service delivery school teams that you announced three years ago, but didn't deliver on?

Some Hon. Members: Hear, hear!

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

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

If the Leader of the Opposition wants to challenge our track record on health care investments, we'd be more than willing, and my colleague would be more than willing, to talk about the great things that we've done in hospitals across Prince Edward Island.

But moving to my responsibilities, as I indicated, this will be new investments. This will be an initiative that is new to the Province of Prince Edward Island. This is an initiative that will be new to the western and the eastern part of the province, and I look forward to bringing more information to what we feel is a top priority in education on the Province of Prince Edward Island.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

I, like many Islanders, want to find out a lot more about these new core service teams.

Question for the minister of education: Will these teams be physically be in each school or will they be more of a roving unit from school to school?

Some Hon. Members: Hear, hear!

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

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

As I shared yesterday, publicly, and there is no secret, at the press conference, that we are committed to an initiative in the western part of the province and the eastern part of the province. More details will come forward, but I was very clear yesterday that we will be looking at the role of nurses; the role of OTs; the role of mental health therapists, which will be new investments by the province, which will be located in schools. I don't have the specifics right now. We'll have to wait for the budget.

I'm very proud of this innovative initiative that takes services right into schools in this province and I believe that this would be an initiative that would be new to, probably, very few provinces in this country.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

Mental health therapists in schools

Mr. MacEwen: Thank you, Mr. Speaker.

I don't think the minister is being very clear. We have heard a lot of issues with guidance counselors that are travelling from school to school. They're spread across two, three schools and that's a concern that we hear a lot as MLAs.

I spoke with a mental health therapist the other day, and they told me that they used to get about one referral a day. Now they're getting up to a dozen referrals a day. They're extremely understaffed.

Minister: Are these mental health therapists that you announced yesterday, will they be new positions or will they be leaning on already taxed resources?

Some Hon. Members: Hear, hear!

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

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

As I indicated to questions from the Leader of the Opposition, that this initiative will be

presented publicly with details, more specifics, but this will be a new investment.

I want to remind all hon. members of the Legislative Assembly that our government has made substantial investments. Not only on the health care side in physical medicine, we made gains, but also we continued, in the fall, we made an investment of \$1.4 million in school supports to Island children.

We continue to recognize, through the department, that social, emotional and the needs of Island students is a top priority as we tie our mandate, in the department, with the goals and objectives that are on the ground working with teachers and students in this province.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

Creation of new positions for school nurses and youth workers

Mr. MacEwen: Thank you, Mr. Speaker.

We know that our resources are already taxed in the system – places like Richmond Centre and also the mental health therapist that I mentioned already. I'm still not hearing the words that these will be new positions created. When you say that these teams are going to include school nurses, youth workers – will these be new positions as well?

Some Hon. Members: Hear, hear!

Speaker: Hon. Minister of Education, Early Learning and Culture.

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

I will say, for the third time, these will be new investments. I will give details to this Assembly and to the hon. Member from Morell-Mermaid; this is an initiative that focuses on supports in Island schools. We did communicate that we're looking at an initiative in the west and the eastern part of the province. I can't give specifics right now, but I look forward to hearing what our

minister of finance shares on the floor of this assembly. I look forward to continuing to find innovative ways to support Island children in Island classrooms.

Some Hon. Members: Hear, hear!

Speaker: Hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

I've been hearing these words 'new investment', but not specific things for 10 years now. We want to know: What exactly is coming? Will this core service delivery team cut the current three year back log of psych assessment for students?

Some Hon. Members: Hear, hear!

Speaker: Hon. Minister of Education, Early Learning and Culture.

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

As I indicated, I look forward to sharing that information. It would be premature for me to jump ahead of our budget, which the hon. Member from Morell-Mermaid knows very well.

I do want to reiterate that as the minister, I'm very mindful of continuing to find ways to support children with needs. I do recognize that we do have waits for psychological assessments, but we do have children that are on that waitlist that are currently getting appropriate and timely and very effective interventions. We are in conversations to look at ways that we can address those wait times and we're doing all we can – working very closely with the Public Schools Branch to make sure we support them and their challenges as we continue to meet the needs of Island children.

Thank you.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

Another question for the minister: Minister, were you aware of the new school changes

that the school board brought forward for the first time Monday night? Were you aware of them ahead of time?

Some Hon. Members: Hear, hear!

Speaker: Hon. Minister of Education, Early Learning and Culture.

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

I've said time after time and I've been very respectful of the work of the Public Schools Branch. We, as a government, have allowed them to go out and listen to over 1,500 written submissions to attend the almost 19 public meetings and to sit in the small group presentations. I'm very respectful of the process. I am very consistent with that message and once those recommendations were presented – some were declined, some were endorsed – I was brought aware of those.

Speaker: The hon. Member –

Mr. Myers: Got it under control.

Speaker: – from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

I didn't quite hear an answer there.

Under the Public Schools Branch's own school change policy, it states in section 1.3 that where the board is considering making a school change, the board will ensure that these groups are given fair notice for any such proposed change. They're advised of the decision making process that will be followed, they receive the information they need in order to provide meaningful input, and they're given a reasonable opportunity to make submissions before the board makes a decision on a proposed change.

Minister, when these new school change policies were announced Monday night, it seems to me that that policy right there was broken. Minister: Why did your appointed board not put these new changes through a consultation process?

Some Hon. Members: Hear, hear!

Speaker: Hon. Minister of Education, Early Learning and Culture.

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

I'm a little confused by the hon. Member from Morell-Mermaid and obviously he's been paying attention. He's been at the public meetings –

Mr. Myers: You haven't. There you go.

Mr. Currie: The 60 day consultation – we all recognize that this was a very extensive, comprehensive, unprecedented level of conversation on public education. I stand by – and I've been very clear in this Assembly that I support the process.

Let's go back to 2008. We had six public meetings. An elected board recommended to close eight schools and the government of the day closed eight schools. Let's move ahead to the level of conversation –

Mr. Myers: Then you fired the board.

Mr. Currie: – the timelines and the 60 days. I think that all the key stakeholder and the interested parties had all kind of opportunities and did take advantage of that time to consult and to brief the Public Schools Branch.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

Consultation process for new policies in school review process

Mr. MacEwen: Thank you, Mr. Speaker.

The minister is right. Those parties did have a chance to – when the proposed changes were put out there, they had a chance to respond to them, but we have a whole new set of policies that were announced Monday night that people in the public have not had the chance to do exactly what those other people do. You and I both know, a perfect example is out in the Donagh area – the Stratford area. We're splitting groups into two separate junior high schools – brand new policy that came out of nowhere on

Monday night. They have not had the chance to be consulted on that policy.

Minister: Will you fix this mistake and start a consultation process for the new policies that were created Monday night?

Some Hon. Members: Hear, hear!

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

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

We've got an opposition in this house that is sending extremely mixed messages. They were –

Mr. Myers: We want you to follow the rules, that's all (Indistinct) follow the rules (Indistinct)

Some Hon. Members: (Indistinct).

Speaker: Order!

Let the minister answer the question.

Some Hon. Members: (Indistinct).

Speaker: We're starting over again.

Mr. Currie: The consultation process has come. The five steps have been implemented. There has been an unprecedented, comprehensive conversation on public education. We will not be going back.

At the end of the day, a decision was made that there will be no closures in the Province of Prince Edward Island by this government and we stand by that. We will not be going back down the road to open up any conversations. The rezoning is in the Charlottetown core area, which goes over into Stratford, which is on the east side of the Trans Canada and I am confident and have the faith in the Public Schools Branch that they have the mandate under their policy to implement the changes and work very closely with schools and families.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

I think I'm being very clear. There were brand new policies announced Monday night that the parents did not have a chance to – I'll give you an example: There are people rezoned in the Mermaid area back to Donagh. Do you know what? A lot of them are okay with that. They're okay. They've talked to their children about it. They've made that commitment and they're saying: You're going to be in Donagh and then you're going to go to the same junior high as the one you were always planning on going to.

Brand new policy came out Monday night to say: No. Now you're not going to that junior high. Those parents did not have the chance to be consulted. I'm not calling for a brand new whole 60-day process. I'm talking about real consultation with these parents. They were told: That was it. It's not just around Charlottetown, there's rezoning that's been going on in Annandale, out there. There are also infrastructure suggestions or proposals that I'm sure your government will have consultation on.

Minister: Will you commit for a consultation process of some sort for these brand new policies Monday night?

Some Hon. Members: Hear, hear!

Speaker: Hon. Minister of Education, Early Learning and Culture.

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

If we look back at last spring, there's been a real serious message sent to Islanders and we had discussions in this House and there have been stories in the media. We have some serious issues in respect to overcapacity. I really have to continue to reiterate: The whole process of the school review was to look at how we address the disproportion and distribution of students and how we can better respond to the needs which continue to come from opposition about more and more and more. I recognize that and we have to be diligent. We have to be responsible with the money we have and make sure that we find ways to balance schools as best we can.

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

Interview with Island Morning

Mr. Myers: Thank you, Mr. Speaker.

This Premier here, his broken promises, they rival the rate of Catherine Callbeck's 7.5%.

Premier: Why did you fail to honour your promise you made yesterday and go on Island Morning this morning?

Speaker: The hon. Premier.

Premier MacLauchlan: I didn't know you were paying that much attention, hon. member.

Mr. Myers: You should know.

Premier MacLauchlan: But, in any event –

Mr. Myers: It's my job; I get paid to do it.

Premier MacLauchlan: It's up to Island Morning to decide who they put on the program. Yesterday, they announced that I'd be on, and this morning I turned on the radio and I heard it was the minister of education, so maybe they were using me as a kind of a loss leader.

In any event, I heard the minister of education, and I thought he did a very good job of representing the process, the outcomes, the engagement throughout the province, and I was very proud of how he got along.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

Well, that's the very first person today who I heard that said the education minister did a good job on the radio this morning, so I've finally heard one person today that finally said that.

Mr. R. Brown: No, we're getting calls (Indistinct)

Hub school model

Mr. Myers: It took all day for someone to say that.

For five years, I've been raising in this House the issue of small schools. I've been ignored by you guys. We've talked about community models, and we've talked about the benefit of the hub model in this school.

Question to the Premier: Why is your government refusing to embrace and champion the hub model here in this province?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, one thing at a time.

Yesterday, the opposition was wondering why I didn't stop the whole thing 60 days ago. People came along, they took part, they organized as communities, they found new sense of initiative and vision and empowerment, and that may very well be something that matures into something further in the communities, but as of yesterday we addressed what was on the table for Cabinet, which was the two recommendations for closures, and unless the opposition is asking us to reverse that, that's what we did as of yesterday and we're very proud of what those communities have shown in terms of their excitement and interest and enthusiasm and collaboration for their schools.

Thank you, Mr. Speaker.

Mr. R. Brown: Right on.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

Perhaps the Premier didn't actually listen to the minister this morning on the radio, who he just gave credit for doing a great job because he threw a dagger into the hub school model and said no, this morning, he said: Absolutely not happening.

Question to the Premier again: Why are you not prepared to treat communities as equal partners in education?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, we've come through a 60-day process – 60-plus-day process in which the communities played a very active part and took part in public meetings, made submissions, took lots of initiative, and we listened to every bit of that and respected it in the decisions that we made yesterday. We've created three councils that involve a total of 200 participants in the district advisory councils, the Learning Partners Advisory Council, and the Principals Council, and that's all about community engagement.

Thank you.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

It's great for the Premier to stand in the House and remind Islanders how many levels of people he's put between the people on the ground and himself, because he doesn't want to deal with the people at all. He doesn't want to have a discussion eyeball-to-eyeball with the people in the community.

The hub school model is a great model for small communities. It brings in economic development and it concentrates it into one area and it makes it a community-centered hub for everything.

Question to the Premier: Why are you failing to see that now, right now, is the perfect time to have a two-way dialogue with communities about having a hub school?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, as I recall when we were here last fall and in the spring of last year, the hon. member complained regularly that I'm too involved in the councils, so I guess he'll have to decide which way he likes it.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

I do think you're too involved, and you're using them as a shield to hide from people. That's exactly what I said. If you'd like to rebut that, then go ahead. What I said was that you use these people to hide behind, because you're a hider like we found out yesterday. You like to hide.

A question to the Premier again; Paul MacNeill's column this morning, he said: "A stay of execution only works if both the provincial government and community are prepared to do the heavy lifting now needed. Government must show it is open to community preferences, such as implementing the school hub model."

Question to the Premier: Why did your false commitments to meaningful education conversations last less than 24 hours?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, it was very clear in the announcements that we made yesterday and the representatives from the communities of Georgetown and St. Jean were there. Others were paying close attention. People have been involved all the way through this, and everybody that I talk to believes that yesterday is a further step and a new step on an important journey for education in this province, and that's what this has been all about, and it's to work together with communities and with government and with the educators and the students and the three councils to achieve the most we possibly can to have educational excellence in this province.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Reversal of school closures

Speaker: The hon. Leader of the Third Party.

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

I think everybody in this House agrees that not only the quantity, but the quality of public submissions in the school review process was impressive. However, in today's *The Guardian* editorial, they cynically suggest that government's last-minute decision to reject the recommendations of the Public Schools Branch may have been, and I quote: "a desperate attempt to ensure political survival."

A question to the Premier: Was the decision to reverse the school closures the result of partisan politics or of a government that finally recognizes the importance of citizen engagement?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I hope the media present took note of the comment by the Leader of the Third Party about the cynicism of the editorial writers.

What we decided yesterday as Cabinet, given the recommendations of the trustees of the Public Schools Branch, was what is in the best interest of Prince Edward Island and of the communities and of the schools involved on a go-forward basis as we continue the endeavour to have the best possible school system that we can at every part of this province, and to work together to achieve the most that we can. That was not, as the question implied, some kind of a political calculation, and he can say what he likes about the editorial in *The Guardian*, but we take our public responsibility seriously. We weighed the choices, and we made a decision.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Community engagement in decision-making processes

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

Clearly, it was not partisan politics, so I'm happy to hear, therefore, that this government appreciates the value of citizen engagement. I certainly heard loud and clear from Islanders that they're not happy with the top-down engagement processes that seem to be nothing more than tokenism.

We need to go beyond simply allowing Islanders to speak on issues, and involve them directly in the policy-making process. And, I hope government's reversal on school closures indicates a change in direction, to engage more meaningfully with citizens and communities.

A question to the Premier: What models are you proposing in order to improve the decision-making processes?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, let me refer first to the claim that was made that our government is not engaging with citizens. We're doing it currently on the Water Act. We've done it on energy. We've done it around municipalities and local government –

An Hon. Member: Electoral reform.

Premier MacLauchlan: – and on numerous other matters, and on schools, let me remind everyone –

An Hon. Member: (Indistinct) engagement there.

Premier MacLauchlan: – that this concluded, or came to a culmination, on Monday night with recommendations that were dealt with by yesterday, with some complaints from across the floor that we didn't interfere politically in the course of the process after everybody in this House –

Mr. Myers: No, we were saying (Indistinct) leader –

Premier MacLauchlan: After everyone in this House voted for the *Election Act* last year, which we respected and we kept the politics out of it, and I think it's a good idea for Islanders, including people who are involved in government, to take some time to reflect on what that process was, and in particular to work together and move forward.

Some Hon. Members: Hear, hear!

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

Reversal of school closures (further)

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

Well, given government's unanimous rejection last night of the notion of elected school boards, and of the plebiscite results last fall, I have to wonder whether this government is interested in democratic change or merely bureaucratic change.

Centralization of decision-making authority is being pursued by this government and its predecessors for many decades, and the reversal on school closures suggests that this administration may have finally seen the value of public input.

A question to the Premier: If government is not open to elected school boards, is this Premier open to collaborating with all parties in this House to explore other models of engagement that will devolve decision-making power to citizens and communities?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I'll do my best to keep my response to 40 seconds unlike the preamble to the question.

We are all in this House –

Mr. Myers: Give him a Snickers bar (Indistinct)

Premier MacLauchlan: We are all in this House –

Mr. Myers: You're not yourself when you're hungry.

Premier MacLauchlan: – and let me remind the hon. member and everyone in this House that in the spring sitting of the last year we deliberated at some length on a new education act, the first one in more than 40 years in this province. We brought forward a new structure on which everyone had an opportunity to consider it, and everyone voted in favour of it. What I would say to the members of this House, and indeed people are doing it out through the province: Respect that input. Respect that engagement and let's give the process a chance to work.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Police review report

Mr. Dumville: Thank you, Mr. Speaker.

My question is to the Premier. In the last sitting of the House, the Department of Justice and Public Safety announced the completion of the long-awaited police review report that was conducted by Perivale and Taylor. The City of Charlottetown has suggested there has been some information on the report that needs to be corrected.

My question is: Has the full review been completed to the satisfaction of your department, and do you feel there might be room for more work to be done?

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

Indeed, following the production of the report we had feedback from various police partners on that initial work, and indeed who had collaborated actively through the process. We worked in consort with the consultants and police partners to understand the nature of the concerns or the questions that were being raised, and that included a closer look at concerns raised by the Charlottetown Police Services.

As a result, the consultants have prepared a final report that I expect to table in the very near future, and I thank our partners for that work. The recommendations will remain the same, and we'll be working with our police partners and others to implement this work.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Dumville: Thank you, Mr. Speaker.

The police review involved community consultation that was complemented by input from the provincial government, elected officials, police leaders, and operational personnel. It was then shared with the key stakeholders and municipal partners. The consultation was to focus on community safety needs and policing services.

Would the Premier provide the House with specific information on how the police review is being implemented?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, early in the new year I took part – as did other officials – in meetings with municipal leaders, administrators, police frontline people and police leadership, and the upshot or the further work from that is that the CAOs of the municipalities will join with officials in a working group. There will be a further operational working group, and out of that there will be subcommittees of police, government, and union representation who will work together to implement the key recommendations.

The focus of all of that work will really be on two things: Public safety and officer safety.

Some Hon. Members: Hear, hear!

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

Mr. Dumville: Thank you, Mr. Speaker.

Based on the report, would the Premier advise how he envisions the day-to-day workings of the various police departments in cooperating to ensure the safety of our Island community?

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker, and thanks to the hon. member for the question.

The working group and the subcommittees are soon to be commencing and doing that work. It's envisaged and it was outlined at the first of the year that this would be a process of about 12 to 18 months, so what government is adopting as an approach is to work with existing police services and resources to move towards Island-wide policing standards and strategies that will be harmonized, and to ensure that there's appropriate oversight and accountability, and to say again, public safety, officer safety, and community safety will be our objectives as we work together over the next 12 to 18 months.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Summerside-Wilmot.

Barbershops not allowed to serve alcohol like spas

Mr. Palmer: Mr. Speaker, my question is for the minister responsible for the Liquor Control Commission.

Some spas in Prince Edward Island are currently serving alcohol, but apparently barbershops can't. Minister: Could you explain to the House why you are unwilling to allow barbershops to serve alcohol in the same way spas do?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Finance.

Mr. Roach: Thank you, Mr. Speaker.

Certainly, I respect the role of the Liquor Control Commission, and the Liquor Control Commission is in fact the body that decides whether a license get issued or not. It's not the minister.

But, the regulations set out the legal parameters for anybody who wants to apply for a license, and I would certainly encourage any business owners who are considering this to go to the Liquor Control Commission and go to the board and talk to them about their business plan and how to properly go about applying for that, and figure out ways that they can, perhaps, fit within the vast regulations that currently exist.

Thank you, Mr. Speaker.

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

Mr. Myers: You've got him on the ropes.

Mr. Palmer: Thank you, Mr. Speaker.

I understand the problem may be with the laws, the way the law is written. Minister: Will you consider changing the law and/or the regulations in order that licenses may be issued to barbershops?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Finance.

Mr. Roach: Thank you, Mr. Speaker.

In fact, we have been looking at the – and are actively – I've asked the leader of the board to look at other provinces, and the member's question is very timely, because it's only recently that I penned a letter to the Liquor Control Commission board, and I've asked them to consider reviewing the entire act.

The act, actually, has not had a thorough review since sometime in the early 1970s, so I think it's an appropriate time and timely to review that act and see if we can streamline it and make it easier for anybody who's trying to get licenses across the province, because right now the act has a lot of addendums and add-ons, so I've asked the board to consider reviewing that act.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

An Hon. Member: About time.

Speaker: The hon. Member from Stratford-Kinlock.

Deleted government emails pertaining to school review process

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

As all of you here in the House would recall last fall in the Legislative Assembly, daily questions were asked with regards to whom deleted emails related to the failed e-gaming scheme.

Question today to the minister of education: Minister, whose emails were deleted concerning the school review process?

Some Hon. Members: Hear, hear!

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

Mr. Currie: Thank you very much. I'm unaware of any deleted emails regarding the school review process, Mr. Speaker. I'm just a little caught off guard by the question, because it's – I'm unaware of any conversations about deleted emails.

Mr. Myers: You're caught off guard a lot today (Indistinct).

Mr. Currie: Yeah, it's all good.

Speaker: The hon. Member from Stratford-Kinlock.

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

The opposition office sent a FOIPP request from our office seeking all emails between the minister and his deputy on the subject of school review. No records were found.

Minister: Who deleted all the emails between yourself and your deputy?

Some Hon. Members: Hear, hear!

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

Mr. Currie: Yeah, I don't have to email my deputy. I mean, basically, there was a decision made that we would support the

Public Schools Branch to go out and to begin the process around school review.

I did not have any correspondence or emails with my deputy. I work with her. I don't have any correspondence via email with the directors. I have conversations with the educational leaders in this province, but I would – I'm not surprised that there are no deleted emails.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Stratford-Kinlock.

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

Again to the minister of education: Minister, do you honestly expect Islanders to believe that not one single email existed between yourself and your deputy relating to your eight-month school review saga?

Some Hon. Members: Hear, hear!

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

Mr. Currie: I don't – I talk with my deputy and I sit in standing appointments with her and we review and we discuss when issues arise. I don't do a back and forth email conversation with my deputy. It's not how I work.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Stratford-Kinlock.

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

The deputy, in her response to our FOIPP request went to great pains in a response and she quoted – or I quote her as: Area searched included the minister's correspondence directory, file cabinets and all emails of the deputy and minister.

If the minister and the deputy minister did not communicate other than meeting face-to-face, why would they actually go to pains to say that they couldn't find any emails when they could have just said: There were no emails. We meet face-to-face.

Some Hon. Members: Hear, hear!

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

Mr. Currie: Mr. Speaker, I've been in this House for 10 years and this is probably the most interesting line of questions I've had as a minister.

I am not surprised that there is no record of emails. If a FOIPP request comes in my department officials have to respect that process and go through that. But, I do not correspond with my deputy through emails. I sit and we talk. We have conversations. When issues arise she may phone me, but we are in conversation on a regular basis.

I was very supportive of the school review process and I let the process – I let the people do the work and that's why there are no emails.

Some Hon. Members: Hear, hear!

Speaker: The hon. –

Mr. R. Brown: He's doing it the old fashioned way.

Speaker: – Member from Stratford-Kinlock.

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

The deputy actually stated at the school meetings that her and the minister never talked in person.

But, yet now we have the minister saying here in the House today that he doesn't communicate electronically, that he does it face-to-face and in person.

What's true here, minister? Do you actually meet and discuss issues with your deputy minister, or do you email back and forth and delete them the same as you did in the e-gaming?

Some Hon. Members: Hear, hear!

Ms. Biggar: Wow (Indistinct)

Mr. R. Brown: Where is E.T. –

Mr. Myers: (Indistinct) got himself caught (Indistinct)

Mr. R. Brown: – where's E.T. next?

Speaker: Order!

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

Mr. Currie: Bizarre statement.

I'm responding to this question? Are we still in Question Period here? Okay, thanks.

I'm just really taken aback by these lines of questions. I just think they're – I just think they're well –

Ms. Biggar: Ludicrous.

Mr. Currie: Well, it's just.

At the end of the day I have got a great working relationship with my deputy. Everything is above board. I'm not sure what the Member from Stratford-Kinlock is trying to create some sort conspiracy or brown-envelope-drop-off-at-midnight-behind-the-Shaw Building.

I'm not really sure where he's going with this, but the conversations around school review started. There was a terms of reference. It went out. The public school did the work. Decisions were made and here we are today.

I would be not surprised, at all, that there is no email correspondence between my deputy and I. I prefer a talk on the phone and sit and have conversations. It takes too much time to send emails; typing and so on. I just have conversations just the old fashioned way.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Stratford-Kinlock.

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

Again, the member across, the minister, states that he is confused about the line of questioning because he's confused whether or not he's actually had face-to-face or

direct conversations with the deputy. He says he did, but the deputy has stated, in public meetings, that she didn't have direct conversation with this minister.

So what is it –

Mr. R. Brown: (Indistinct) on the phone then.

Mr. Aylward: – deleted emails or is it your deputy is misleading us?

Again, a second FOIPP request was sent asking for emails between the deputy and one of the unelected school directors. Not one single email was found for this request either.

Minister: What happened to these emails?

Some Hon. Members: Hear, hear!

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

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

There were conversations had prior to the support for the school review. In respect to the role my deputy played as a director, I was very respectful and I'm sure the Member from Stratford-Kinlock knows the deputy. He was a student at Charlottetown Rural. She does her work with the upmost standard and integrity and is a fine person.

We – and I did not put her in the situation to have any conversations on school review. I read the media. I followed the process just like everybody else in the Legislative Assembly, and I paid very close attention. There was never any correspondence through emails or conversations with my deputy.

Thank you.

Through email.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Stratford-Kinlock, final question.

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

Both requests were signed-off by the deputy, even though they both involved her emails.

Can the minister –

Mr. Myers: No integrity in that.

Mr. Aylward: – state whether or not he agrees that this would be, alone, be a conflict of interest?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Education, Early –

Mr. Myers: There goes the integrity.

Speaker: – Learning and Culture.

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

Ms. Biggar: No.

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

Our department, like all departments, is very respectful of FOIPP –

Mr. Myers: No you're (Indistinct)

Mr. Currie: – we are mandated to follow the process on following through on requests –

Mr. Myers: No, you didn't.

Mr. Currie: – but I'm not surprised that there is no email correspondence between my deputy and I on the school review because we didn't have any –

Mr. Myers: You can't trust (Indistinct)

Mr. Currie: – and I'm very respectful of my deputy and would never put her in that situation.

As I say, the school review process unfolded, decisions were made and we're turning the process into decisions, into action, into implementation for next September.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Currie: One of the craziest lines of questions I've had in 10 years.

Statements by Ministers

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

Amendments to the Archives and Records Act

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

This week we're taking another step forward in our government's commitment to transparency and accountability.

Since forming government two years ago, we have demonstrated that we do business differently. We've extended conflict of interest and post-employment restrictions to senior officials. We have introduced new requirements for the posting of minister's disclosures. We have introduced a lobbyist act that will be debated this spring, this sitting.

Two new pieces of legislation; whistleblower legislation, and new amendments to require the disclosure of public accounts within six months of the end of the fiscal year will further strengthen accountability.

The introduction of the *Act to Amend the Archives and Records Act* is another important piece of work in this area. The act will improve records management in government. It will give the provincial archivist authority and legislation to; ensure public bodies have good records management practices that meet the stated requirements, and to monitor compliance and issue directives.

Enforcement of the act will be supported by the introduction of a fine of up to \$10,000 of intensely altering or destroying public records. Staff is being supported to meet the requirements through our Records Management Strategy, which we presented this past fall.

The strategy is supported by new investments and dedicated staff resources to

help staff establish good practices and maintain compliance; staff training; updated policy and procedures; implementation of an electronic records management system, and added capacity to secure storage of government records.

I commend the provincial archivist, IT Shared Services and the staff of many departments, who are creating consistent high standards for records management in all departments of government.

I know that all of my colleagues are joined in our commitment to operate with transparency and accountability at the core of all of our decisions.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

We all know that this, that the act is changing because of the e-gaming scandal and the unprecedented corruption that this government has brought upon Prince Edward Island and the shame that has been brought up Prince Edward Island.

All through the fall session last fall we had asked each and every day, whose emails were deleted. The Premier ran away from it. The Minister of Finance ran away from it. The minister education ran away from it. Then, we went to the public accounts committee and every time that the committee looked for extra information they were shut down. They were closed down. They weren't allowed to bring witnesses in front of the committee that we could ask extra questions to so we could find out the depth of the corruption that exists inside government and that still exists inside government today.

I'm telling you right now: This act is probably only as good as the willingness for people to actually follow it. There was already an act. You were all touting it whenever it first came and how you handled emails so they wouldn't get deleted. Yet, you didn't follow that. You didn't follow the rules. Nobody in government followed the

rules. You acted like the public purse was your own personal piggy bank that you could spend with your friends. It was completely ridiculous. It's because you brought shame to this province, is why you had to act and change this records act.

If it wasn't for the Auditor General's report and the work of the opposition on this file you wouldn't be doing this today. You would be continuing to operate the way that you always are. And, by the sound of Question Period today, you're probably operating in that manner anyways.

Speaker: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thanks, Mr. Speaker.

If there's one common thread that runs through pretty well every single Auditor General report in every single section, it's this, that the department in question – whatever that is – has inadequate systems in place that are inconsistently applied, and that there's poor record keeping and monitoring and follow up.

You see that time and time again, and the e-gaming situation was no different. The only difference there was that it spread across seven departments rather than one.

It certainly is time for something to be done about that, and while I look forward to debate on this issue – and if I understand correctly, we may actually be debating it later this afternoon – I'd like to point out that this is a substantial and complex piece of legislation that my office only received this morning.

For us to be able to ask substantive questions on such a document, I request that we delay debate until at least tomorrow so that we can have enough time to fully analyze this.

Thank you, Mr. Speaker.

Speaker: The hon. Minister of Agriculture and Fisheries.

Burger Love

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

It's a pleasure for me to rise in the House this afternoon to recognize Burger Love 2017.

This year, the campaign's seventh, there are 84 burgers from Souris to Mill River. Since the first year, which saw 14 restaurants participate, Burger Love has become an Island sensation.

This is a testament to the quality of our Island food product, the hard work of our Island cattle producers, and the reputation of Prince Edward Island as Canada's Food Island.

In its first six years, total sales of burgers during the campaign have totaled over \$6.1 million. What makes Burger Love so special is that every burger is made with 100% Island beef – you can't get anything more delicious than Island beef. This has a tremendous impact on our cattle industry, local butcher shops and the province's economy as a whole.

This year introduces the Give Back Burger, where 36 of the participating restaurants will proudly donate \$1 for each PEI Burger Love burger they sell in April to the United Way of PEI. All donations to the United Way stay on Prince Edward Island, and every dollar raised through the Give Back Burger will fund future programs that increase access to local and affordable food for Islanders.

Every year, we hear amazing stories from Islanders about what Burger Love means to them. For small restaurants, a Burger Love contender can help revitalize the business. For waiters or waitresses, Burger Love can represent a huge monetary boost thanks to extra tips. For a senior, Burger Love can be a chance to spend quality time with loved ones. Burger Love is about much more than just burgers.

It's about the pride we have as a province, and how we as Islanders work together to turn something that starts out small into a very big deal.

I encourage all Islanders to take time over the next month to get out, buy local, and support our local beef industry.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

It's great news, Burger Love, how it did grow over the last seven years. It goes right from – as the minister said, it goes right from the people that are growing the beef to the people doing the dishes at the restaurant, and there's a lot in between, so it is great for the economy.

I have three new restaurants in my district that started Burger Love this year, and I just happened to be out eating at one of them restaurants with my daughter on her birthday, and there were two kids who came in and, of course, I had to go over and talk to the kids. I knew they ordered the Burger Love, and asked them how they love Burger Love.

They enjoyed it, and it wasn't their first one, and they're definitely going to do the three in their area. They can't travel across PEI, so – but even the kids are involved in it, and it's amazing how it did grow and what it does for the economy on PEI, and how people look forward to it now. When Burger Love is over they're looking forward to it for next year, and how much more can it grow? It keeps growing every year.

It was a good initiative at the time when it started, and it's grown, so it's a great initiative, and let's keep the support up for Burger Love.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party.

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

I, too, would of course like to recognize how important this event has become over the seven years of its life, and not just Island farmers but also to the small Island butchers and to so many restaurants from tip-to-tip across this province.

You look at the brochure that they have, and gone are the days of when a burger was just a burger. You know, the question of do you

want cheese on that? These things are unbelievably elaborate, not to mention big. You need some kind of mouth on you to get to eat some of those.

I think perhaps the most important – for me, anyway – one of the most important things about it is the locality of it, the fact that we're dealing with local beef and local producers, local butchers, and serving it in local restaurants. That keeps all of that money circulating in our local economy, and also promotes mixed farming here on PEI, which is a really important part of maintaining a sustainable agricultural system, so it's how things should work and it's great.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Team Seafood

Mr. Gallant: Thank you, Mr. Speaker. Bear with me; I have a little raspy throat today.

I'm very pleased to give an update on plans to expand Team Seafood.

Through Team Seafood, students gain summer employment at seafood processing plants. In addition to competitive wages and overtime opportunities, students earn bursaries of up to \$1,000 towards their education. Last year, more than 100 students were hired to work at nine seafood processing plants.

Just this past month, I was at Royal Star Foods to participate in a funding announcement with the Minister of Rural and Regional Development, the Member from Tignish-Palmer Road, and representatives from Egmont with the federal government. We announced that the industry and government are expanding funding, so the Team Seafood initiative can support up to 250 students this year.

Team Seafood is a win-win for students and for the seafood processing plants. The seafood processing sector is a major contributor to our economy. The sector

earns more than \$260 million in exploit revenues each year.

The processing sector employs more than 2,500 people. Seafood plants play a critical role in supporting employment and economic activity in rural communities.

However, the seafood processing sector also faces labour market challenges, and through Team Seafood it encourages students to get involved in this work by providing them good paying summer jobs.

It helps increase economic prosperity in rural communities and it helps expand our growing reputation around the world as Canada's Food Island.

Interested Grade 11 and 12 students, and post-secondary students, are encouraged to visit TeamSeafood.ca to apply. In addition, interested processing plants are encouraged to make contact with Skills PEI.

Funding for this initiative is provided by workforce and advanced learning, agriculture and fisheries, and the federal government, and participation from the seafood processing facilities.

I ask that everyone encourage students to apply for this great summer work opportunity.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

Yes, it's great to get an update on the Team Seafood initiative. I was up to see Royal Star Foods last year to see Francis, and touring around. It was during shift change.

Not only a program like this is – it's good for the students, but do you know what? The plants are quite flexible, too, the way they set it up for after-school shifts and to get people in, so it's good news. The plants are able to get more workers and the students are able to get a little something out of it too, so thank you for the update.

Thanks, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

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

The economy of PEI hasn't really shifted that much in many decades and we still rely on farming, fishing and tourism for much of our economy here.

For generations those sectors have offered good honest, perhaps, not so glamorous work, but good honest work. It kept Islanders going for a very long time. The nature of these jobs has certainly changed in those sectors, but it's important that we – I believe that it's important that we continue those traditions of employment here on Prince Edward Island.

This is a great program. I want to congratulate Dennis King for what he does to promote this across the Island. I appreciate, not only, that it fills an important employment gap in what is a seasonal industry, but also, in doing that, the program also encourages Island youth to continue their studies. It offers them a grant to post-secondary institutions.

It's a really great program. It's been recognized for its innovation. This is a great announcement.

Thank you, minister.

Some Hon. Members: Hear, hear!

Speaker: Hon. members before we continue I'd just like to take a few moments of your time to recognize one of our own employees. He's right over there in the corner, Sean McQuaid.

Sean was the recipient of the Community Theatre Award presented by ACT (a community theatre) at this year's PEI Community Theatre Festival held in Charlottetown in March. That's a prestigious award great accomplishment, Sean.

Let's give Sean a big hand.

Some Hon. Members: Hear, hear!

Mr. Aylward: Best actor in this House.

Presenting and Receiving Petitions

Tabling of Documents

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

Mr. Mitchell: Mr. Speaker, by leave of the House, I beg leave to table an amended response to written question number 928 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.

Reports by Committees

Introduction of Government Bills

Government Motions

Orders of the Day (Government)

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Minister of Education, Early Learning and Culture, that the 6th order of the day be now read.

Speaker: Shall it carry?

Carried.

Clerk: Order No. 6, *An Act to Amend the Archives and Records Act*, Bill No. 61, ordered for a second reading.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Minister of Education, Early Learning and Culture, that the said bill be now read a second time.

Speaker: Shall it carry? Carried.

Speaker: The hon. Leader of the Third Party.

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

As I just mentioned in my response to the minister's statement earlier, we received this complex and substantial bill nearly two,

three hours ago. I feel that, in order, for myself and the official opposition, to be able to ask substantive questions on this – it was tabled yesterday, but we only received it this morning in our office. I respectfully request that we delay debate until tomorrow on this bill.

Thank you, Mr. Speaker.

Speaker: Hon. members, in this particular circumstance it is open for debate in principle.

Clerk: (Indistinct)

Speaker: I will – I'm opening the floor to anybody who would like to speak to this if you would like to continue with it.

Mr. Aylward: I have enough requests to take it right to 5:00 p.m. and then we can come back tomorrow (Indistinct)

Speaker: Shall it carry?

Carried.

Clerk: *An Act to Amend the Archives and Records Act*, Bill No. 61, read a second time.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Minister of Education, Early Learning and Culture, 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, would you come and Chair this bill?

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

Mr. Aylward: Chair?

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you, Chair.

If we could ask for an overview first and then we'll determine about line by line and clause by clause?

Chair: Absolutely.

Mr. Aylward: Inch by inch.

Chair: Hon. Minister of Education, Early Learning and Culture would you care to give an explanation?

Mr. Currie: Yeah, I'll give an overview.

Jill, the Provincial Archivist is on her way, so she'll be joining us.

This, obviously, is one element of the records information management three-year strategy, which is in response to the Auditor General's work.

The *Archives and Records Act* has been revised and will be introduced this sitting. Drafting a records retention and disposition schedules is ongoing.

Right now, we are bringing forward the legislative authority to enforce compliance and accountability. With the investments that we will be making the staff, the resources, the money, will allow government departments – and it was clearly stated in the Auditor General's report.

Governments have not placed this as a priority over the years and this is certainly an opportunity, with the legislation, to give the provincial archivist the authority and the mandate to do their work according to the legislation.

Prior to tabling this legislation, they didn't have the authority or any legislative power to enforce their responsibilities. As a result, the Auditor General was very clear that the records management needed to be implemented. Modernized, I guess, I use the term. That's sort of an overview.

There are a lot of moving pieces to this strategy. One, obviously, is the legislation to allow for the enforcement and the

compliance and the accountability. Also, the legislation gives the mandate for the minister responsible for records information management and the provincial archivist the ability to table a report of government departments and how they're doing with their records management.

Chair: Hon. members, before we get into discussion of the bill, if you could just come through the Chair if you want to ask a question. I'd be glad to add you to the speaking order.

Right now, I have the hon. Leader of the Opposition and the hon. Member from Rustico-Emerald on the order.

We'll start with the hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Chair.

Minister, I'm curious in section 1, I'm just reading it in section 1, sub-para 1, sub-sub-para (a.1) why you didn't include IRAC in there because they are a tribunal. They do hold a quasi-judicial court proceeding and in some cases they do – legislation just put before them, or has to go before them to make a decision.

I'm wondering why we didn't add IRAC in there?

Mr. Currie: I'll hold that question. When the provincial archivist comes, she'll be able to clarify that for you. She's on her way and will be along shortly.

Chair: Hon. members, would you like me to read section by section.

Mr. MacKay: No. Line by line is okay.

Chair: Line by line? Okay, thank you.

Mr. Trivers: (Indistinct) Chair, I have a question (Indistinct).

Chair: Is it with section 1? I'm going to read the section first and then we'll entertain questions.

Mr. J. Brown: Chair, I have a question if before we start the preamble part.

Chair: The hon. Member from Charlottetown-Brighton.

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

Minister: I sit on the public accounts committee and we've been through this extensively. There were a number of questions asked in relation to – or on the subject matter relating to – these amendments and it's something that strikes me that, overall, it's part of running a professional office that appropriate records be kept and stored appropriately for appropriate lengths of time.

All that said, through the given announcements that have been made on this, one thing that has kind of troubled me is looking at a new; big spend on, essentially, retention of records. I don't have an issue with retaining records. What I do have an issue with is the competing use of resources. I wanted to just make sure and see, minister, if you have any thoughts or comments as to how we're judicially spending the money and whether this is the Cadillac or the Chevette version of this – effectively what we might be looking to do to ensure that our money's put to the best use possible.

Thanks.

Mr. Currie: That's a great question from the member from Charlottetown-Brighton and whether you refer to the line of questions we see today on resources for supports for children, it's all money of the taxpayer and we have to make sure that we're (Indistinct) – and we do have an obligation and we will have to report back to this sitting in respect to the recommendations by the Auditor General.

I agree with your statement that we need to be finding ways to be effective – how we can continue to meet the obligations and responsibilities and give the provincial archivist the responsibility and also the mandate and the capacity to do their work because it is very important work.

We're going to be very, very contentious of how we can meet that mandate under the new act and the role of the provincial archivist in accomplishing what she needs to do.

With that, Jill MacMicken-Wilson has arrived. I'll ask Jill if she'd like to come on the floor. I don't think she expected that this would be tabled so quickly, but we've got it under control here now if you want to catch your breath. It's all good. Whenever you're ready you're welcome to join us.

Chair: Permission to bring a stranger on the floor?

Some Hon. Members: Agreed.

Chair: Thank you.

Welcome.

Jill MacMicken-Wilson Provincial Archivist: Thank you.

Chair: I'd like you to state your name and position for the record.

Jill MacMicken-Wilson Provincial Archivist: Sure. My name is Jill MacMicken-Wilson. I'm the Provincial Archivist.

Mr. Currie: To finish up the question by the member from Charlottetown-Brighton – it was a good question and we will be very mindful of that moving forward – trying to find the balance between innovative, creative ways to get the work done through good use of resources because we know that there's competing demands for all kind of services. I appreciate the question.

Chair: Thank you.

We have a follow-up question from the hon. Member from Rustico-Emerald before we get into the actual reading of the bill to the hon. Member from Charlottetown-Brighton's question.

The hon. Member from Rustico-Emerald?

Mr. Trivers: As the member from the Charlottetown-Brighton stated, it's important that we provide a great solution, but we also have to balance that with the amount of resources available, and the spend. I know at standing committee, we had IT support services in and they've already talked about the solution they want to implement – even though we haven't

even passed the act yet. That kind of worries me because we need to make sure the requirements are set before you choose a solution.

They mentioned they've already essentially chosen the Alfresco solution. There's no link to the (Indistinct) no valid GroupWise email system. That's going to (Indistinct) they're planning to build that later for additional cost.

I just wanted to raise that as a concern right now. I'm going to raise it again in budget estimates. I think that before we choose any systems to support this we should make sure that the requirements are very well defined and we've considered modernizing our approach, so I wanted to follow up to that.

Chair: Thank you. hon. members, we're going to start with Section 1, and then I'll start at speaking order, and I have the Leader of the Opposition at the top of that.

1. (1) Subsection 1(1) of the Archives and Records Act R.S.P.E.I. 1988, Cap. A-19.1, is amended

(a) by the addition of the following after clause (a):

(a.1) "court" means

(i) the Supreme Court,

(ii) the Court of Appeal, or

(iii) the provincial court;

Mr. Trivers: Chair, I have a question.

Chair: Can we read the section, and then we'll ask the question?

Mr. Trivers: Whatever you prefer. I mean, mine deals with the section as a whole, so it's not –

Chair: Yeah, well let's read the section first so we can keep it organized. Thanks.

(a.2) "court administration record" means a record relating to matters of court administration for which the Attorney General or Government is responsible by law;

(a.3) "court record" means a record filed with or received by a court or created or maintained in relation to a court proceeding, but does not include a court administration record or a judicial administration record;

(b) by the addition of the following after clause (c):

(c.1) "judicial administration record" means a record relating to a judge of any court, including

(i) the scheduling of judges and trials,

(ii) the content of judicial training programs,

(iii) statistics of judicial activity prepared by or for a judge, and

(iv) any record of a judicial council;

(c) by the addition of the following after clause (f):

(f.1) "public record" means a record created, received or maintained by a public body in the course of its activities, and includes a court administration record –

Mr. Trivers: Chair?

Chair: Sure, it's quite lengthy, so the Member from Rustico-Emerald has a question.

Mr. Trivers: Thank you, Chair.

As is noted in the explanatory notes, you're adding definitions for: Court, court administration record, court record, judicial administration record, public record, and record of the Legislative Assembly; and you're also changing the definition of: record, and records retention and disposition schedule.

So, my question really is: How come you're taking the current definition of records and breaking out into all these different pieces?

Jill MacMicken-Wilson Provincial

Archivist: The existing definition of a record doesn't exactly actually tell you what a record is. It doesn't tell you that a record is information. All the existing definition tells you is what kind of format a record could be in, and that has raised concerns whenever we're trying to educate people about what a

record is, it's very easy to tell them it could be in any format. But, they want to know: What is a record?

So, that's why we've changed that specific definition.

The other definitions that we've added are there to clarify what is covered under the legislation and what isn't, and that wasn't there in the previous legislation.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: What you've done now with the different definitions and the breaking up, essentially defining what records are and all the different details, and then you've changed the definition of records to the singular record, right?

Jill MacMicken-Wilson Provincial Archivist: (Indistinct).

Mr. Trivers: In most of the ensuing legislation, you refer to the term "public record."

Jill MacMicken-Wilson Provincial Archivist: Yeah.

Mr. Trivers: I wanted to find out how the different definitions of the public record, judicial administration record, court record, court administration record, relate to your definition of record.

Jill MacMicken-Wilson Provincial Archivist: The definition of record is kind of a universal definition of what a record is. You could take it out of this legislation and you could apply it to another piece of legislation, and it would still define what a record is.

We defined specifically what a public record is in this legislation because the legislation speaks specifically to records created by government, as opposed to records that we might receive through the archives from the public, which are records, but they're not public records or government records. So, that's what a public record is; it's the government records.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

I think this is an important thing to clarify, just to make sure we understand the legislation.

So, a public record, a judicial administration record, a court record, and a court administration record, are all different types of records.

Jill MacMicken-Wilson Provincial Archivist: Exactly. Yeah.

Mr. Trivers: Okay. That is important to understand, I think, to properly interpret the legislation. I'm glad to clarify that.

Chair, I do have other questions if you want me to continue.

Chair: Sure, the hon. Member from Rustico-Emerald.

Mr. Trivers: In (a.3), you define court record. However, in (f.1) when you define a public record, you specifically state it includes a court administration record – that's defined in (a.2) – but it does not include a court record as defined in (a.3) –

Jill MacMicken-Wilson Provincial Archivist: Yes.

Mr. Trivers: Is there a reason why court records are not included as a public record?

Jill MacMicken-Wilson Provincial Archivist: Yes, court records and records of the Legislative Assembly are not covered under the legislation because they represent the legislative and the judicial branches of government, whereas this piece of legislation is specifically for those records created by the executive branch, so it is the intention of the legislation to keep the three bodies of government separate, which is why we specifically state that we do not – this act does not apply to court records or Legislative Assembly records.

With court records, the legislation is specifically saying that records that are created by, like a judge during court proceedings or the records that are created to administer the court proceedings, are not

covered under the legislation because they are part of the judicial branch.

In the court system, though, you might have administrative records that have to do with HR and payroll and finance, and they are included under the legislation because they are governed more by the department than by the court itself.

Does that clarify?

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Yeah, that does clarify. Thank you.

I wanted to know, then, for the types of records that are not defined as a public record, does this legislation govern the retention and disposition schedule for those records?

Jill MacMicken-Wilson Provincial

Archivist: For the courts and the Legislature, no. There is a provision that we'll get to later in the legislation that allows for the Public Archives and Records Office to negotiate agreements with the courts or the Legislature, whereby we can help them organize and look after their records, and we can help them preserve the historic records from both bodies.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I just wanted to clarify, maybe paraphrase what you're saying, is it's sort of – you have a service that you're offering as optional to, for example, the courts to look after their records, but they may choose to look after the retention and disposition of their records on their own, should they so choose?

Jill MacMicken-Wilson Provincial

Archivist: They can choose to do that. It has not been the case in the past. We have worked closely with them, and I assume we will continue to work closely with them to look after their records.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Are not those records – the court records, for example, and judicial

administration records – under the responsibility of the minister?

Jill MacMicken-Wilson Provincial

Archivist: No, they're not.

They would not come under his responsibility because they're not obligated under the legislation to follow our legislation. They can choose to, or they can enter into an agreement with us, whereby we would help them look after their records, but the way that that process worked would be governed by the agreement.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: What legislation does lay out the retention and disposition schedules they should be using in the courts? If it's not under the minister here, then who is responsible for making sure they retain and dispose of the records in an appropriate manner, because I was under the impression that's what they would – you know, someone's got to govern them. If it's not the minister, then who?

Jill MacMicken-Wilson Provincial

Archivist: They have used us and the Public Records Committee to recreate retention schedules –

Mr. Trivers: I realize that.

Jill MacMicken-Wilson Provincial

Archivist: – and then they apply them. They have done so in the past. I don't know why they would not continue to do so.

Mr. Trivers: Chair?

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: My point is we're giving them the option to do what they want. They could choose not to retain their records if they want to. They could choose to dispose of them on a different schedule, whatever they want.

I think there should be rules around the retention and disposal of court records, as well. If they're not covered by this legislation, what governs the retention and

disposal of court records? I'm assuming it must be governed somewhere else.

Jill MacMicken-Wilson Provincial

Archivist: That situation is not changing by these legislation changes.

Mr. Trivers: Okay.

Jill MacMicken-Wilson Provincial

Archivist: Okay. They were never – the courts and the Legislative Assembly were not included under the legislation specifically because we can't – the Executive Branch can't dictate to the judicial branch or to the legislative branch what they can do. Our legislation can't apply to them.

Mr. Trivers: Who governs –

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Who governs the judicial branch, then? Just for our information, even though it's not changing in this legislation. I think the people of Prince Edward Island would like a clarification on that, for sure.

Jill MacMicken-Wilson Provincial

Archivist: I'm assuming that we will create an agreement and that agreement will govern how the courts deal with their records. That is the intention.

Mr. Trivers: Chair?

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: If the courts decide they're going to set their own retention and disposition schedule.

Jill MacMicken-Wilson Provincial

Archivist: Yeah.

Mr. Trivers: They're going to do that at their whim. How do we, as Prince Edward Islanders, hold them accountable to that?

I'm not saying that, of course, I believe in our courts and I think they're going to do things appropriately, but I just want to know, who do they answer to? If they decided to make a change and how does that process work to date?

Jill MacMicken-Wilson Provincial

Archivist: In my time in this role we have always worked with them to create retention schedules and we have guided their records people and that process was in place long before I came into the role. I don't envision it changing, but the bottom line is –

Mr. Trivers: Who governs it?

Jill MacMicken-Wilson Provincial

Archivist: – is our legislation can't govern what they do.

Mr. Trivers: All right, go ahead and move on, Chair.

Chair: We have, the hon. Member from Charlottetown-Brighton, has an intervention to that –

Mr. Trivers: Okay, that would be great.

Chair: – statement that was made.

Mr. Trivers: (Indistinct)

Mr. J. Brown: (Indistinct) a bit of an authority on this, however, in this province we have a *Judicature Act*.

The first question would be what courts are you talking about? There are different courts within this province.

We have a *Judicature Act* that basically sets out a number of different legislative provisions that allow our courts to operate. Beyond that there are regulations, which allow them to set their procedures in place including rules of the court. As we have probably all heard there are independent bodies that regulate the conduct of judicial officers in this country. Then, there is some level of oversight that governments would have of courts in relation to the administration of the courts, particularly.

I would suspect, depending on what record you're talking about, like if you file a document there would be specific legislation or scheme that would deal with that and how it's to be – legislative scheme, how it's to be set out, filed, maintained, and all the rest of it that would pertain to each different court through the court process.

The answer may be different depending on how you ask the question, or what you ask the question about. But you go back to the three different branches of government that are enshrined in our constitution; judicial, executive and legislative, which would be us here, and the answer to your question would probably be different depending on what you were asking in relation to each of those three different branches.

My understanding is this legislation applies only to the Executive Branch of government.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you.

Chair, I'll go back to questions I asked the minister there until you got here, but I think I'm getting the drift of this. I'm wondering why, under court, you didn't include IRAC?

Jill MacMicken-Wilson Provincial Archivist: My understanding is that IRAC is actually affiliated with the Executive Branch, as opposed –

Leader of the Opposition: They're a side of the department of education.

Jill MacMicken-Wilson Provincial Archivist: Yeah. Our records management staff in the department of education would assist IRAC if IRAC did not appoint their own records people –

Leader of the Opposition: I understand.

Jill MacMicken-Wilson Provincial Archivist: – so it falls under the department as opposed to it being a court.

Leader of the Opposition: So where IRAC is a quasi-judicial system, it doesn't really apply the same regard as the Provincial Court as the Supreme Court?

Jill MacMicken-Wilson Provincial Archivist: That's right.

Leader of the Opposition: That's right, okay.

Jill MacMicken-Wilson Provincial Archivist: And the Court of Appeal.

Leader of the Opposition: Yeah, I understand that.

Thank you.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

My question is surrounding section 1 part 1, subsection 1, sorry, which is (g) which is the definition of a record.

Jill MacMicken-Wilson Provincial Archivist: Yeah.

Dr. Bevan-Baker: I'm wondering whether that included – if I read it out: “(g) “record” means a record of information in any form, including electronic form, but does not include a mechanism or system for generating, sending, receiving, storing or otherwise processing information;”

It strikes me that that might include BlackBerry messaging. Does this cover BlackBerry messaging?

Jill MacMicken-Wilson Provincial Archivist: From our point of view a record is a record regardless of what format it's in. It's the content of a document that makes it a record. It doesn't matter whether it's a BlackBerry Ping, a BlackBerry message, an email, a Dictabelt. That's totally irrelevant. What makes it a record is the actual content of the document itself.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

Am I right to think that that does include BBMs, then, that clause? If the –

Jill MacMicken-Wilson Provincial Archivist: If –

Dr. Bevan-Baker: – the content were –

Jill MacMicken-Wilson Provincial Archivist: – the

Mr. Roach: (Indistinct)

Jill MacMicken-Wilson Provincial Archivist: Yeah.

Dr. Bevan-Baker: So –

Mr. Roach: BlackBerry owns the messaging.

Jill MacMicken-Wilson Provincial Archivist: Yeah.

Dr. Bevan-Baker: Why are BlackBerry messaging – why are BlackBerry messages not covered by this legislation?

Jill MacMicken-Wilson Provincial Archivist:

The mechanism, the fact that it is in BlackBerry Messenger that is not a record itself. If there were a message in a BlackBerry – if there was actually a record in the message, then that would make it a record, not the fact that it's a BlackBerry Messenger, does that make sense?

Chair: Before I go to you, the Minister of Finance has an intervention to your –

Dr. Bevan-Baker: Sure.

Chair: – statement.

Mr. Roach: Just on BlackBerry and messaging. Anything that's on a BlackBerry is not the ownership. It's my understanding that BlackBerry owns that, they store the message that's in the BlackBerry.

Jill MacMicken-Wilson Provincial Archivist:

Yeah.

Mr. Roach: If you try to go to get information on the BlackBerry you have to file a warrant under the Criminal Code of Canada. They don't necessarily have to even authorize that warrant. It's their property. They own it. It's tough to get records –

Chair: Thank you.

Mr. Roach: – from BlackBerry. The government of PEI, under my understanding, and you can correct me, but the government of PEI does not own BlackBerry records. We lease the phone from BlackBerry. BlackBerry owns all the messaging that's in there and it's in their computers for a certain length of time. It's not in our computers.

Chair: Thank you. Hon. members, there should only be one person speaking at a time.

Mr. Roach: Thank you, Chair.

Chair: Can you give us some help here? Thanks.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

Everybody in this House, of course, has a BlackBerry. I don't use the BBM function, just personally, but I suspect that many do. Given the sort of transient nature of that, that suggests to me a problem. Now, whether there is any legislation that could overcome that, I don't know.

Communication between members and inside departments, if it's done through BBM, am I right in thinking then, that there is no way that we can ever – that that record cannot be kept, and cannot be used?

Jill MacMicken-Wilson Provincial Archivist:

Sure.

Mr. Currie: I like to talk.

Dr. Bevan-Baker: You just talk. Of course, the minister just talks. I found that out this morning.

Mr. Currie: I like to talk.

Chair: Jill MacMicken-Wilson Provincial Archivist.

Jill MacMicken-Wilson Provincial Archivist:

I guess my response to that would be if communications are being made that are transitory in nature, which means that, a transitory record by our definition is a record that has a limited usefulness. So that if you sent a message to someone asking them to meet to talk over something, that message is only as good as the amount of time it takes for you to actually have that meeting.

Then, if you have that meeting, presumably, you would create records based on what happened.

A BBM message saying: Can you meet at 10:00 a.m.? That record is only as good until

you meet. After that it's irrelevant. We do have a retention schedule that is just for that kind of thing – for a transitory record – so that it is under the legislation. The retention schedule is approved and you can delete those transitory records once their usefulness is gone, sort of thing.

For BBM messaging, it might be appropriate to use them in that kind of a fashion, just for transitory messaging. If you're actually creating a record, it should be created through an email. If you have your BlackBerry, you should be able to do that just as easily as you can send a text message or a BBM message. If you create the record through email, then there is an option to capture it, whereas we can't capture BBM messages. That's a technological problem with BlackBerry –

An Hon. Member: Yes.

Jill MacMicken-Wilson Provincial Archivist: – that we can't capture them.

Dr. Bevan-Baker: Yes.

Chair: Hon. Leader of the Third Party.

Dr. Bevan-Baker: Let's imagine that I am sending a BBM, which the content would dictate that it was a record. How can we retain those records?

Jill MacMicken-Wilson Provincial Archivist: We can't. With this technology right now, we can't do that. That's why I would urge people not to use them except for transitory records which you only need for a very short period of time.

Chair: Hon. Leader of the Third Party.

Dr. Bevan-Baker: Is there any way that we can tell or that we can monitor whether records – whether we're sending real records on BBM when they should be sent by email, where we can keep a printed record?

Jill MacMicken-Wilson Provincial Archivist: That would be up to the individuals involved in the communication. It would be their responsibility to determine whether what they're sending is actually a record and should they therefore send it in a more secure or more easily preserved fashion. That comes down to the

responsibility to the individuals involved in making the communication.

Dr. Bevan-Baker: Thank you, Chair.

Chair: Thank you.

The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you, Chair.

With the amendment around the BBMs, I'm wondering: Was there a legal opinion sought to get to go in and look at this amendment or put the amendment in place? If so, who provided the legal opinion?

Jill MacMicken-Wilson Provincial Archivist: We worked with our departmental solicitor and Legislative Council to create the amendments to the legislation

Mr. Aylward: So it was all done in house?

Jill MacMicken-Wilson Provincial Archivist: Yes.

Mr. Aylward: Okay.

Chair: The hon. Member from Stratford-Kinlock?

Mr. Aylward: Thank you, Chair.

I'd like to follow-up on something the Leader of the Third Party was talking about. And that, of course, is the BBMs and the pings and various other forms of communication.

It's a well know fact that during the egaming scheme, there was BBMs and pings went back and forth, particularly from the minister of finance of the day. Those will become public record at some point, I'm sure.

If government is doing government business on these electronic devices, and we want to ensure that everything is open and transparent, have we looked at a mechanism that, if we're using government BlackBerrys, that things like BBMs and pings and things like that could be deactivated? So that the only method of communication you have with these electronic devices are email – if you're so

inclined to email somebody, minister, or receive an email from them – or telephone calls. Otherwise we don't know what's happening out there.

Jill MacMicken-Wilson Provincial

Archivist: I can't speak to the technology side of it because that's not my area. I'm not sure if it is possible to turn those functions off or not. I don't know.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: As the individual that has the oversight to ensure that records management is top-shelf, do you think maybe it's something that we should be looking at to find out if we can shut off those notifications or those applications?

Jill MacMicken-Wilson Provincial

Archivist: It's certainly something that we could look at. I think that we're probably about where everybody else is in the country with this regard.

We've done surveys of other provincial and territorial jurisdictions to find out how they're dealing with these issues and it's varied across the country, the policies that governments are approving to deal with BBMs.

My suggestion is that if they remain, that they are used only for transitory records. I think that our views on that are probably in keeping with the way that other jurisdictions are going, that they're limiting use of BBMs and text messages for transitory records.

Mr. Aylward: Okay.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thanks, Chair.

I understand what you're saying as far as following other jurisdictions and looking at what's happening out there. Again, we always talk about how small PEI is and we could be the leader in many things. Why not let's look at being the leader in openness and transparency to ensure that we have the confidence of the people who put us here and actually communicate with our supplier

of these electronic devices to find out if we can shut those applications off.

Mr. Currie: We'll certainly need to follow up with that. Obviously, right now as Jill indicated, there are some more complex technology realities to do that with BBMs, but we'll certainly take that under consideration and look at it.

I think the point was made and it was a good point by the Leader of the Third Party and it's an interesting point. It's something that depends on – it may vary from elected official to elected official how they communicate. Some use BBMs, some don't. We'll take a serious look at it and see what that would require.

Mr. Aylward: Thank you, Chair.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thanks.

Minister, I'm interested in a few points. When did you actually start this process in reviewing this act?

Mr. Currie: One of the things that – Jill can speak specifically to the timelines. The Auditor General report came out. The Auditor General, like she does every year, presents – in first day of the opening of the House – made recommendations. For that perspective, Jill, can you give some timelines –

Jill MacMicken-Wilson Provincial Archivist: Sure.

Mr. Currie: – on that just for when –

Jill MacMicken-Wilson Provincial Archivist: We had actually started reviewing our legislation before the Auditor General's investigation and report. We've been watching several other jurisdictions that have gone through the process of changing their legislation. We've been watching what they've been doing because we knew that they were about to table a bill or a have a bill proclaimed and we wanted to make sure that our practices were in keeping with the rest of the provinces.

When the Auditor General's report came out and there were recommendations that were

specifically to do with records management, it was the opportunity to go into our legislation to make those adjustments that would help us meet her recommendations and also would allow us to fix some things that we wanted to fix anyway. We've been working on the legislation now since late October.

Leader of the Opposition: So I have to ask the question.

Jill MacMicken-Wilson Provincial Archivist: Yes.

Leader of the Opposition: Chair?

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Did you have any previous knowledge or any inside on what the AG's report was going to be possibly saying that caused you to do this previous?

Jill MacMicken-Wilson Provincial Archivist: No. We started the thing when she put the recommendations out, but we've been looking at our legislation for the last couple of years.

Mr. Currie: I can jump in and make a point to that.

Jill MacMicken-Wilson Provincial Archivist: Sure.

Mr. Currie: Good question. In the time that I've been working with Jill, she's been very honest about some of her concerns in respect to capacity – the lack of resources over the years doing governments, and most importantly, the inability for her as a provincial archivist to raise the bar on complaints by government departments because she didn't have the legislative authority to accomplish that.

Hence, they were constantly working towards in ways they can improve what their mandate was and what their responsibly is.

I think it's safe to say that there was always – I always picked up a sense of concern. Not only there was restricted capacity to do the work, but there was really no ability for the provincial archivist, in Jill's role, to raise the bar on compliance and enforcement to make

sure that departments were doing what they needed to do to keep their records appropriately managed.

Chair: The hon. Leader of the Opposition?

Leader of the Opposition: What other, if any other provinces, did you look at, minister, to compare what we have to what they have? Did we do any comparison to the other provinces in Canada?

Jill MacMicken-Wilson Provincial Archivist: Nova Scotia, Saskatchewan, and BC have all brought in new legislation within the last year, year and a half. Ontario has made some changes in their legislation, as well.

The provincial and territorial archivists were a very tight knit group and we keep in communication with each other almost on a weekly basis. I was aware of the processes they were going through in those other jurisdictions and we've been following it closely. We knew that we wanted to open our legislation at some point and address such things, as the fact that the definition of a record wasn't as sufficient as we thought it should be. We did consult with those other jurisdictions.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: A minute ago the Member from Stratford-Kinlock, I think, asked a question, in regards to outside law firms and you said it was all done in-house counsel. There was no work on this act done by outside law firms?

Jill MacMicken-Wilson Provincial Archivist: No. I was dealing with the provincial and territorial archivists. The legislation itself was done internally by – the changes that we'd made were done internally by, in conjunction with our departmental solicitor and the Legislative Counsel Office.

Leader of the Opposition: So no money was spent outside of that – of government by other law firms on this?

Jill MacMicken-Wilson Provincial Archivist: No.

Leader of the Opposition: Okay.

Chair: The hon. Leader of the –

Mr. Currie: It all goes –

Chair: – Opposition –

Mr. Currie: – to frontline services.

Chair: The hon. Leader of the Opposition

Mr. Currie: It's where we spend our money.

Leader of the Opposition: Okay. I'm curious, was there anything, when you reviewed the other acts in other provinces or other jurisdictions – I think you said a second ago you talk on a weekly basis or something like that.

When you put forth your recommendations of what you wanted to see in the act, was there anything omitted by government or did government say: No, we're not going to touch that. Or was there anything that alleviated?

Jill MacMicken-Wilson Provincial

Archivist: No. The changes that we wanted in the legislation are in the legislation. There was nothing discussed outside of what is there.

Leader of the Opposition: Thank you for now.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

I wanted to make a couple of points then I have a question. A lot of what we've been talking about here have to do, I think, with some of the clauses that are later on in this legislation: The duties of a head of a public body, "... (i) protected and maintained so that the records are accessible –

Chair: Can we wait until we get to that section?

Mr. Trivers: I want to make a point, Chair, actually.

Chair: Okay, sorry.

Mr. Trivers: Yes.

"...legible, understandable, usable and transferable throughout the life cycle of the records, from creation to final disposition..."

Then, the powers of the committee to actually have some teeth to make public bodies comply, but I wanted to ask a question.

If – maybe I will wait for my question for that, but I wanted to make – instead of continuing to ask questions that deal with whether or not Snapchat or Facebook messages or BBMs or private email servers or any of that information is actually covered under the definition of record.

Really, we need to be asking: Is it the duty of the head of a public body to make sure if they're communicating in those fashions that those are actually stored if they're relevant information. I think that's where we're going.

My question on section 1 (g) is, I just wondered why you wanted to specifically wanted to put in that last part of the sentence, "...but does not include a mechanism or system for generating, sending, receiving, storing or otherwise processing information;"

Jill MacMicken-Wilson Provincial

Archivist: Because if you send an email, the email, the content of the email makes it a record. It's irrelevant, whether it's in GroupWise or Outlook or Gmail or Yahoo! Those types of things are the mechanisms that create the email, but they're not records. We wanted to make sure it was clear that those kinds of computer mechanisms are not the record. The record is the content of the message, not the program that generates the message.

That's what that's trying to explain.

Mr. Trivers: Just for the record, I'm not sure that it's as 100% clear as it, perhaps, needs to be. But this was gone through Legislative Counsel, and so I'll defer to them on that one, but –

Chair: Thank you.

Mr. Trivers: – that's it, Chair.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

I'm glad that the Member from Stratford-Kinlock asked the questions he did because my next question related to locking out the BBM service on our BlackBerrys. If a mechanism or an avenue exists for people to conduct business, which either does not generate a record, or if it does, that that record is irretrievable, then that strikes me as a massive loophole that those who will want to go there will go.

The Member from Stratford-Kinlock asked the question: Is there a way that we can lockout the BBM messaging? I heard you say that you were going to take that to IT. I'd suggest that we don't pass this legislation until we get an answer to that question.

Thank you.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Minister, or maybe the archivist there, I'm wondering do you know of any contracts or agreements between other government bodies in North America and we'll say, BlackBerry or Yahoo! or wherever where – like I know if I want to look at a record in say, BlackBerry, then I have to go before a judge and get a warrant and get that information to see if they'll release the information. We have seen those cases in the court.

I'm wondering are there agreements did we find between other provinces or state department and we'll say, BlackBerry, where that information, we're going to use the BlackBerry server, but you must follow, or we'll give you our business if you follow our archive rules? Is there anything like in place that you know of?

Jill MacMicken-Wilson Provincial Archivist: I don't know one way or another, whether there are agreements in place like that.

Leader of the Opposition: Thank you.

Chair: Members, we've read or discussed 1 down to 1(g) shall those sections carry?

Carried.

Thank you.

An Hon. Member: Right to (g) yes.

Chair: (e) by the addition of the following after clause (g):

(g.1) "record of the Legislative Assembly" means a record created, received or maintained by the Legislative Assembly, or an office established by or within the jurisdiction of the Legislative Assembly, including those offices described in subsection (2), in the course of its activities;

(f) by the repeal of clause (h) and the substitution of the following:

(h) "records retention and disposition schedule" means a records retention and disposition schedule prepared in accordance with subsection 16(1).

(2) Section 1 of the Act is amended by the addition of the following after subsection (2):

(3) For greater certainty, the following are not public records:

(a) a court record or judicial administration record;

(b) a record of the Legislative Assembly;
(c) a personal, political, party or constituency record of a member of the Legislative Assembly or the Executive Council;

(d) a record placed in the care and control of the Provincial Archivist by or for a person, agency or organization other than a public body.

The hon. Leader of the Opposition.

Leader of the Opposition: Minister, can you explain or give an example of what a record may be that may be placed in the care and control?

Jill MacMicken-Wilson Provincial Archivist: Sorry, from section (d)?

Leader of the Opposition: (g)(d), or pardon me, (d), yeah.

Jill MacMicken-Wilson Provincial Archivist: 3(d) –

Leader of the Opposition: “...a record placed in the care and control...” What would be an example of that?

Jill MacMicken-Wilson Provincial Archivist: The public archives, not only accepts into its holdings government records, or public records, but we also accept records from private individuals and organizations and community groups or other municipalities from across the province. We accept them into the archives, as opposed to the records management part of government, where we help deal with government records.

Say if there was a store in Bedeque that was closing out and they wanted their records safeguarded somewhere. They could donate them to the public archives and then they would be available for public research. That’s what clause is referring to.

The legislation doesn’t apply to those records in that – like private individuals and organizations are not required to do retention schedules and things like that. They can freely decide to donate their records to the public archives so that they’re preserved for future generations.

Leader of the Opposition: I take it if you’re – with that, if they’re donated, there is no fee attached?

Jill MacMicken-Wilson Provincial Archivist: Oh no, and actually if there is a donation, a tax receipt can be offered because there usually is quite a bit of value to some of the historic records that we do receive. Not everything, but some, yeah.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: What do we have for security around that? What’s – how are them records managed or secured or so that –

Jill MacMicken-Wilson Provincial Archivist: Actually, the majority of those records are in this building. We do have two other off-site storage areas, as well, that are secure where we hold them. The records that are kept off-site, in some cases they may be

duplicate copies or what we refer to as security copies so that all copies of a particular type of record are not in one place.

But they are – the majority of them are here in this building, and they’re under the security of the building.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Departments of the government that have to store records, do they have to have their own policy in place regarding the security of the records, or do you provide the security framework or what they should have to require?

And what I’m wondering about is we heard in the past of records that were kept at the old Hillsborough Hospital that were stumbled upon and everything else, so I’m wondering how that comes into play.

Jill MacMicken-Wilson Provincial Archivist: It varies from department to department. We advise departments on how they might best be able to keep their records. We do provide – the Provincial Records Centre – we provide free storage for government semi-active records, and that is a very secure site. We’re opening a second site in Slemon Park in, probably, June or July, so we do provide storage for people – for departments in that way.

Some departments have to follow industry standards regarding their storage and security of their records, and that would probably be something different than what we would tell them, but they need to follow industry standards.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: You just told me that you’re going to open up a second storage site in – up in Summerside, right?

Jill MacMicken-Wilson Provincial Archivist: Yeah.

Leader of the Opposition: Why would you – I’m just throwing this out here, but we have the Central Development Corporation have – own buildings in Bedeque and Borden which are secure storage that were used under HST and CRA rules –

Jill MacMicken-Wilson Provincial Archivist: Yeah.

Leader of the Opposition: Why would we not use an existing infrastructure like that instead of putting it in Summerside? Because I take it, there are no government buildings up there in the base.

Jill MacMicken-Wilson Provincial Archivist: My understanding is that Slemon Park is now owned by the government, is it not?

Leader of the Opposition: Are there buildings, though?

Jill MacMicken-Wilson Provincial Archivist: I assume so.

Leader of the Opposition: I don't know.

Jill MacMicken-Wilson Provincial Archivist: Yeah.

Chair: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Chair.

Just a question: Has the Premier donated any records?

Jill MacMicken-Wilson Provincial Archivist: The current Premier?

Mr. MacKay: Yes.

Jill MacMicken-Wilson Provincial Archivist: Not at this point in time.

Mr. MacKay: Okay, what about our previous premier?

Jill MacMicken-Wilson Provincial Archivist: May I ask a clarification on the question first?

Do you mean records as premier, or records as an MLA, or records as a private citizen?

Mr. MacKay: Um –

Jill MacMicken-Wilson Provincial Archivist: Because we would handle them all differently.

Mr. MacKay: Okay, the premier and MLA.

Jill MacMicken-Wilson Provincial Archivist: Okay, the premier's records are covered under the legislation because the Premier's Office is a government department. The premier, by the very name, is the first minister, so we would treat those records the way that we would any minister's records.

The records of a premier as the MLA are not governed by the *Archives and Records Act*, so none of the records that any of you create as an MLA are covered under the legislation. That's up to you, what you do with them.

Then, you might also have private records, like your own personal records, which again are not covered by our legislation. In the past, we have received donations of records from former premiers that were Premier's Office records, MLA's records, and private records as well.

Mr. MacKay: Chair?

Chair: The hon. Member from Kensington-Malpeque.

Mr. MacKay: As a private citizen, did he donate anything that resulted in a tax receipt?

Jill MacMicken-Wilson Provincial Archivist: The current Premier?

Mr. MacKay: The current and past premier.

Jill MacMicken-Wilson Provincial Archivist: No.

Mr. MacKay: Nothing to donate, okay. Thank you.

Chair: Thank you.

Shall that section carry? Carried.

Thank you.

2. Section 2 of the Act is repealed.

Shall it carry? Carried.

3. Section 3 of the Act is repealed and the following substituted:

3. The purposes of this Act are

(a) to vest public records in the Government;

(b) to provide for the comprehensive and accurate description and classification of public records;

(c) to authorize the retention and disposition of public records;

(d) to provide for the functions, powers and duties of the Public Archives and Records Office, the Provincial Archivist and the Public Records Committee; and

(e) to provide for the duties of the head of a public body with respect to the management and preservation of public records.

Shall the section carry? Carried.

4. (1) Subsection 5(1) of the Act is amended by the deletion of the word “department” and the substitution of the word “Department”.

(2) Clause 5(2)(c) of the Act is amended by the deletion of the words “records of public bodies” and the substitution of the words “public records”.

Shall those sections carry? Carried.

5. Subsection 6(1) of the Act is amended by the addition of the following after clause (k):

(k.1) enter into an agreement with a person, agency or organization other than a public body, including the Legislative Assembly or a court, with respect to the management and disposition of the records of the person, agency or organization, as the case may be, including the transfer of the records to the care and control of the Provincial Archivist –

We have a question from the Leader of the Opposition.

Leader of the Opposition: Thank you, Chair.

When you say enter into an agreement, can you explain that? Is that a contract, or what is it?

Jill MacMicken-Wilson Provincial Archivist: The way that the existing

legislation reads, it allows me to enter into an agreement with a donor.

If a donor is a private individual, or a municipality wants to donate records to me, we just sign an agreement that they are donating the records to us; they are becoming the property of the Crown and that’s kind of the end of it.

What we’ve done with this passage is we’ve amended it specifically to say that it includes that Legislative Assembly and the courts, which we could have entered into agreements with anyway by the way the legislation used to read, but we wanted it to be very clear that we could do that because we have informal relationships with both the courts and the Legislative Assembly and thought it was best for all parties if we actually came up with a more formal arrangement, and that’s what those agreements will allow us to do.

I believe that under those agreements we would discuss things like terms of donation to the archives. It might also look at the courts or the Legislature wanting to put retention schedules forward to the Public Records Committee for their approval so that there is an outside body looking at their retention schedules.

Those are the kinds of things that I see would be entered into that agreement, as well as us agreeing to give them help when they need it, which we do anyway.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair. In fact, here on – at Section 2 – 2, Madam Chair, I’d like to propose an amendment to further strengthen the public transparency around these changes.

Chair: Where are you at, hon. member?

Mr. Trivers: I’m at Section 2(2).

Chair: The ones we already passed?

Mr. Trivers: Sorry, Section 6.2(2).

Chair: We’re not there yet.

Mr. Trivers: Where are you, at 6.1(2)?

Chair: No, we're at – I just finished reading and we're discussing Section 5, number five –

Mr. Trivers: Oh sorry, I thought you were at Section 6. Pardon me.

Chair: Number five. Sorry.

Shall Section 5 carry? Carried. Thank you.

Mr. Trivers: All right.

Chair: The act, number six –

Mr. Trivers: I have an amendment for this section, Chair.

Chair: Thank you. I'll read it first.

Mr. Trivers: Okay.

Chair: 6. The Act is amended by the addition of the following after section 6:

6.1 (1) The Provincial Archivist may, with the approval of the Committee, issue a directive to the head of a public body in relation to the management of public records in the custody or under the control of the public body.

(2) The Provincial Archivist may request information from the head of a public body in relation to the management of the public records in the custody or under the control of the public body.

Leader of the Opposition: Question, Chair.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Minister, 6.1 – the approval of the committee. Who is this committee?

Jill MacMicken-Wilson Provincial

Archivist: It's the Public Records Committee.

Leader of the Opposition: Is that appointed committee, or is that –

Jill MacMicken-Wilson Provincial

Archivist: It's actually part of the legislation, the Public Records Committee; the makeup of it is dictated through the legislation.

So, it is: The Clerk of Executive Council, the Deputy Minister of Finance or a designate, the Deputy Auditor General or a designate, and up to two persons from the public who would have knowledge or understanding of the history of the province or records management.

Leader of the Opposition: Who are the two people that are appointed?

Jill MacMicken-Wilson Provincial

Archivist: We only have one person at this point in time. It's Simon Lloyd, who is the university archivist at UPEL.

Leader of the Opposition: Thank you.

Chair: Shall Section 6.1 carry? Carried. Thank you.

6.2 (1) The Provincial Archivist shall make an annual report in writing to the Minister, at the time required by the Minister, respecting

(a) the work of the Public Archives and Records Office;

(b) the degree or rate of compliance within public bodies with

(i) records retention and disposition schedules,

(ii) directives issued under subsection 6.1(1), and

(iii) requests for information under subsection 6.1(2); and

(c) such other matters related to the objects and functions of the Public Archives and Records Office as the Provincial Archivist considers appropriate.

(2) The Minister shall lay each annual report before the Legislative Assembly as soon as possible.

Did you have a question under this section, Member from Rustico-Emerald?

Mr. Trivers: Yes, I have a question, and an amendment I'd like to move.

Chair: Okay.

Mr. Trivers: My question is the phrase ‘as soon as possible’. I was wondering if you could expand on what that means exactly, and whether it might possibly need to be more specific.

Does that mean they can lay an annual report two years after the year in question, or –

Mr. Currie: Well, obviously, we’re just bringing in the – this is new. This is a new practice through the legislation, as you’re aware.

The mandate is that we will be presenting an update for all members of the Assembly on (Indistinct) our departments are doing, but I’ll speak (Indistinct) – I’ll get Jill to respond, particularly, to the specifics of the question.

Jill MacMicken-Wilson Provincial Archivist: Our plan moving forward with regards to conducting an annual report is that we would – as most government’s departments are, we base our activities on the fiscal year.

What we would do moving forward if the legislation passes is that we would base our activities on the next year of work. Next spring, so spring of 2018 when this fiscal year is over, the records staff would do an assessment of their activities. We would write a report on that, and it could then be tabled in the fall session of the House.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

My concern is the phrase ‘as soon as possible’. It potentially means you could get years behind in tabling your annual reports, and just in terms of tightening up the legislation I was wondering if it was considered to make that a little more specific, like saying it will be tabled, for example, in the fall session.

Jill MacMicken-Wilson Provincial Archivist: When we consulted with Legislative Counsel and the solicitors that was the wording that we had come up with as far as when it would be tabled.

Mr. Trivers: Okay.

Jill MacMicken-Wilson Provincial Archivist: I’m not sure tightening it up would make that much of a difference where this is the plan that we – how we plan to proceed.

Mr. Trivers: Okay. Chair, I –

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I would like to propose an amendment to Section 2(2). Really, what I’d like to do is further strengthen the public transparency around these changes.

I would like to add an additional clause, Section 6.2(3) that states the following: That the minister also require that quarterly disclosures of all record destruction orders approved by the committee be posted online to increase public transparency.

I just feel that adding this amendment would strengthen the public transparency intent of the bill by understanding when record destruction is taking place and what records were being destroyed.

Jill MacMicken-Wilson Provincial Archivist: We don’t (Indistinct) not how we –

Mr. Trivers: And I believe the Clerk is distributing a copy right now to the members.

Mr. Currie: Okay, I’m going to let the – I’ll get Jill to speak to the discussion around quarterly and disclosure, and your comments in respect to her work and – can you speak to that?

Jill MacMicken-Wilson Provincial Archivist: Sure. We would not be able to disclose quarterly destructions because we don’t do destruction on a quarterly basis.

The way the retention schedules are written is that usually the final disposition of a body of records, when it comes up it usually comes up at the end of a calendar year, so December. Or, it comes up at the end of the fiscal year, so the end of March.

We only really do destruction at those two times of the year, and by the way the process works, when something comes up for destruction the – specifically the records that are at the records centre – we send out destruction notices to departments. They review them to see if there are any outstanding legal holds or any FOIPP requests based on those records before we actually destroy them.

Although those destruction orders go out in like January, February, and then again in April into May, the actual destruction of those records may not take place for a number of months because there might be some reason, like a legal reason why they can't be destroyed right away.

But, we don't destroy on a quarterly basis. It's those two times of the year, basically.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

What we're trying to achieve here is just to make the public aware when there's intent to destroy records, and not necessarily the exact date when they're going to be destroyed and that they've been destroyed, but that the intent is there to destroy them. That way, if the public wants to question that then they can.

I realize you go through internal processes to make sure they're not under FOIPP review, these sorts of things, but we just feel in the interest of transparency, why not let the public view it?

The second part, really my question is: Now, you were talking about what you do in the public archives office, right? But, for example, at standing committee we went through a lengthy – I guess – learning of how IT Support Services deletes email accounts, and in fact, with the email accounts that were deleted that where the Auditor General's probe into e-gaming wasn't able to get any records, there was a formal request that was made to have those email accounts deleted, right?

Jill MacMicken-Wilson Provincial Archivist: (Indistinct).

Mr. Trivers: And then ITSS put them into the deletion cycle there, and that's an example of where we would want those deletion requests to be visible to the public in case there was any reason that someone wanted to question that deletion request.

Jill MacMicken-Wilson Provincial Archivist: We changed the processes surrounding email accounts back in July, so now that if there are records that are within an account that is up to be deleted or – if it's up to be deleted, the records staff in the department would have to sign off on the form indicating that yes, those records that are in that account are up for destruction anyway and can be destroyed.

If those records are not up for destruction, then they won't be destroyed. So, like that – we've already addressed that with the changes we made to the process back in July.

Mr. Trivers: Chair?

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: The message I'm getting is you don't like the timeline on this for quarterly disclosures because that's not sort of the way the process works right now?

Jill MacMicken-Wilson Provincial Archivist: (Indistinct)

Mr. Trivers: How would you propose that any record destruction is made more transparency to the public before it happens?

Jill MacMicken-Wilson Provincial Archivist: Well, the retention schedules should indicate when records come up for destruction. If we don't follow the retention schedules and destroy when we're supposed to, then we're not compliant with the legislation.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Right now, those retention and disposition (Indistinct) when records are being disposed of, are those made public?

Jill MacMicken-Wilson Provincial Archivist: I'm sorry –

Mr. Trivers: The retention schedules and the disposal schedules.

Jill MacMicken-Wilson Provincial Archivist: They're not – they're owned individually by the departments, and it would be up to the department whether they wanted to make them public or not, their retention schedules.

Mr. Trivers: Chair?

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I just think that this is at the root of a lot of the lack of transparency, I would say, and potential distrust right now that the public has, is that they know the records are there. In some cases there have been valid retention and disposition schedule. In some cases there haven't. The public bodies have sometimes been good at putting them in place. But they said: We didn't have enough people so we just didn't do it.

What we're really looking for – and I thought the legislation would bring this – is transparency, so that the public knows without a doubt, these are the records that are being stored. I think you'd probably – that's actually outlined pretty well in here, although we have some more questions when we get into the later sections of this legislation.

But also, really, what the retention and disposition schedules are? I think that's what this amendment is really try to get at is, we want to make it visible to the public that for the department of health, or the department of education, or whatever department it happens to be, the Department of Finance, these are, how long the records are retained. These are the types of records that are retained. This is when they're disposed of.

We thought it was reasonable to even say: These are the sets of records we're getting rid off at this time. We thought a quarterly report was good.

Can you comment on how we can increase public transparency in this whole process of record retention and disposal?

Jill MacMicken-Wilson Provincial Archivist: I just answered that.

Mr. Currie: She just answered that question. Do you want to repeat the question –

Mr. Trivers: Can you repeat that – I guess I'm not understanding what the response is, exactly.

Jill MacMicken-Wilson Provincial Archivist: The retention schedules already dictate when records need to be destroyed. If we don't follow the retention schedule we're not being compliant with the legislation, so we have to follow those retention schedules. But the process of – when we create retention schedules the date of final disposition is either the end of December or the end of March. To report quarterly on that wouldn't make sense because we don't destroy quarterly.

Mr. Trivers: Chair?

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I understand that reporting quarterly doesn't make sense, but right now, as a member of the public, if I wanted to go and find out what the retention schedule and the disposal schedule is, say for the department of health –

Jill MacMicken-Wilson Provincial Archivist: Then you could ask – the departments own their retention schedules. They're not owned by the Public Archives and Records Office, so you could ask them to see their retention schedules.

Mr. Trivers: What I'm saying is, I think that the *Archives and Records Act* whether those – even if those retention disposition schedules are owned by the department, I think we should have something in the act that says: We're going publish those. You make them up. You own them, but we're going to publish them so the public knows what's going on with our archives and records and understands how long records are retained and when they're disposed of. That's what we're really suggesting here.

Chair: The hon. Minister of Finance has an intervention.

Mr. Roach: (Indistinct) just a point. We're talking about do we get a look at this? If I read 6.2(1) (b) (i) that: When the provincial archivist makes the annual report in writing, in that report, which is public, they're going to talk about the records retention and disposal schedules.

Mr. Trivers: The degree and rate of compliance (Indistinct)

Mr. Roach: No, but they're talking about the records retention and disposal schedules. For me that tells me that they're telling me when those records are going to be disposed of, and here's the schedule. Am I right or wrong?

Jill MacMicken-Wilson Provincial Archivist: Yeah.

Chair: You're right.

Mr. Roach: That's what you're talking about.

Mr. R. Brown: He could understand. (Indistinct)

Chair: The hon. Leader of the Opposition.

Mr. Trivers: I'm not satisfied, honestly, at this point.

Chair: We've got others who want to intervene.

Mr. Roach: I'm satisfied.

Mr. Trivers: (Indistinct)

Chair: We have the hon. Leader of the Opposition and the hon. Member from Stratford-Kinlock, who are talking to the amendment.

The hon. Leader of the Opposition.

Leader of the Opposition: Minister –

Chair: We'll come back to you.

Leader of the Opposition: – in this amendment and with that, what is the actual retention period associated with documents? If we look at CRA, I can't dispose of records for seven years to do with my old

businesses. What are the retention on these documents and stuff?

Jill MacMicken-Wilson Provincial Archivist: The retentions vary from department to department and vary based on what the record is. You can't assign one retention schedule that will cover all records.

You're very right that records that have to do with CRA, a lot of our finance records, we tend to keep the current year, the current fiscal year plus seven years to meet those federal government requirements.

Say, for example, you're in the department of environment or the department of TIE and you've created a retention schedule around your work with the Confederation Bridge. The records you create around the construction of that bridge or the maintenance of the bridge need to be kept for as long as that bridge exists. Those particular records could be around for 100 years.

Leader of the Opposition: Right.

Jill MacMicken-Wilson Provincial Archivist: Health records, ones for, say for the QEH lab, those records are dictated by industry standards that they have to follow.

When we create a retention schedule we look at several things. One, we look at the operational use of the people who are actually creating and maintaining the records. We also look at legislation because some of our legislation tells us how long we need to keep them. We look at things like, federal government requirements, or if we're in agreements with certain other bodies. That helps dictate how long we keep the records.

Industry standards, is another thing we look at. We also, usually do a jurisdictional scan across the country to see what other people are doing, especially when we're doing things like court records. When we're helping the courts deal with their records we tend to look at courts across the country.

Leader of the Opposition: Chair, with that –

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: – what would be the least amount of time that you hold records for?

Jill MacMicken-Wilson Provincial Archivist: The transitory records that I mentioned earlier. We have a retention schedule specifically for transitory records that says, you have to keep them for as long as you possibly need them.

If I sent you a message and it says: Can we meet to discuss whatever issue tomorrow at 10:00, at 11:00 tomorrow I could conceivably delete that record because we've had the meeting. I probably created other records at that meeting. The fact that we were just setting a time up to meet is irrelevant now because the meeting happened. That would be the shortest.

The longest could be 100 years or more.

Leader of the Opposition: Thank you.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you, Chair.

With regards to the amendment and the overall retention and deletion of records, back on February 1st, at a Public Accounts Committee, the minister appeared, as well as Ms. MacMicken and there was a motion put forward, a request, for copies of the deletion orders for specific email accounts. To date, we have not received any information back on that. Again, I want to remind you, it was back on February 1st.

My question would be: What is the delay in providing that information to the Public Accounts Committee?

Chair: That doesn't have anything to do – that question has nothing to do with this amendment.

Mr. Aylward: It has everything to do with deletion, retainment, retention.

So –

Chair: Do you have another question?

Mr. Aylward: Yeah, I have a question.

Why haven't the Public Accounts Committee received that information, yet?

Jill MacMicken-Wilson Provincial Archivist: We've been gathering the information on the destruction orders for the departments because they are – some of them are housed within the departments and some of them we have at the public – at the Provincial Records Centre. We are gathering that information.

Mr. Aylward: Chair?

Chair: Do you have a question on the amendment?

Mr. Aylward: I certainly do, Chair.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you for the response.

You're gathering the information. We're talking about two specific email accounts here that were ordered to be destroyed. Again, I would ask, what is the delay in providing the information to the Public Accounts Committee?

Jill MacMicken-Wilson Provincial Archivist: I'm sorry. I was referring to – we were also asked for the destruction orders from certain departments. I thought that's what you were referring to. Those are the ones that we were looking for.

The destruction orders for the email accounts, I don't have any knowledge of because they would not have come through us.

Mr. Aylward: Chair.

Chair: The hon. Member from Stratford-Kinlock, we're talking about the amendment.

Mr. Aylward: Yeah.

Chair: If we're not talking about the amendment, I'm not going to allow the question.

Mr. Aylward: Yeah, no, we certainly are –

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: – I concur with you.

I guess my question would be to the minister. Minister, we're talking about two specific forms here. It's pretty straightforward: Why has the Public Accounts Committee not received the information that was requested by a motion from the Public Accounts Committee over two months ago?

Chair: You don't have to answer that.

Mr. Currie: No, I'll follow – that – let's, I mean, I don't have an answer to that question. Right now we're talking about a part of the legislation that's on the floor that the Member from Rustico-Emerald is looking for to amend and I'm focusing on that at this point in time.

Chair: Hon. Member from Rustico-Emerald.

Mr. Currie: You can save that question for Question Period if you would like.

Mr. Aylward: I'll ask it again here this afternoon as soon as we finish with this amendment and if I don't get it there, I will continue to ask about your deleted emails every day like we did last fall.

Chair: Hon. Member from Rustico-Emerald, do you have anything else to offer to this?

Mr. Trivers: Yes.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

I just wanted to make sure you understand the intent of this amendment. I think, perhaps, listening to your feedback, requiring quarterly disclosures doesn't make sense on destruction orders.

What we're trying to do is make sure that when record destruction occurs, the public is aware of it and is able to determine information about the records that are being deleted in the name of transparency. What

I'm looking for is, first of all: Do you understand what we're asking for and the intent of the amendment? If you do, how would you recommend we achieve that?

Chair: Hon. Minister of Health and Wellness.

Mr. Currie: I just want to comment, obviously it's been clear. The provincial archivist who provides oversight on the retention and the work – currently that work is being done in January and April and, as the minister, I'm extremely comfortable and have to rely on staff that is appropriate and showing already a level of transparency and openness as opposed to the (Indistinct). Twice a year, with the volume of work that they have to do – I'm quite comfortable with that.

Mr. Aylward: Yeah, but –

Mr. Currie: If we want to bring the amendment to the floor for a vote, then we'll do that.

Chair: Member from Rustico-Emerald do you have a last –

Mr. Trivers: I have some more comments I want to make.

Chair: Okay.

Mr. Trivers: What we're looking to do is try and strengthen this legislation so that we have visibility into what's going on with our records and retention of our records and disposal of our records. We think the public has a right to know what's going on and we want to make that visible to them. You could use the term open data. That's a bit of a buzz word.

I think, specifically, when records are going to be deleted, we want to be able to have visibility into that. For example, when there are requests that are put in from departments to have email accounts deleted, we want the public to know that email accounts are to be deleted and, potentially even, whose email accounts are deleted. Just as a matter of openness and transparency. I don't see any privacy issues on that. Given the intent of this amendment, I'm really looking for recommendations on how you think we can strengthen this legislation to achieve that. And if you don't think that the legislation

needs to be strengthened, we'll have to agree to differ on that and maybe we'll come back with another different amendment.

Mr. Currie: Do you want to comment on that?

Jill MacMicken-Wilson Provincial

Archivist: I think that the annual report would provide the information regarding how we're adhering to the retention schedules, which I think is really what's at the heart of the matter is: Are their retention schedules being followed? Is the final disposition being respected? And that would come out in the annual report that we would be tabling.

Mr. Trivers: Chair?

Chair: Hon. Member from Rustico-Emerald, do you have a question?

Mr. Trivers: I have a question, yes.

Do you think there's a problem with making the retention and disposition schedules themselves public, as opposed to a report on whether they're being followed?

Jill MacMicken-Wilson Provincial

Archivist: I think that that would be something that we would discuss with the Public Records Committee and we would also discuss it with the departments to see what their feeling was on it.

Mr. Trivers: Chair?

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: What we're writing – what we're debating here right now is the *An Act to Amend the Archives and Records Act* that governs archives and records and I think that retention and disposition schedules are part of that.

I would suggest that once a retention and disposition schedule has been submitted to the public archives office, that it should be made public. You keep saying that: We'll have to go talk to other people about that. I think that needs to be in this legislation as actually a mandate.

I want to find out if –

Mr. Currie: I feel that's addressed in the annual report. I think that's a level of openness and transparency. With the January and April retention schedules, which is twice a year, which is sort of supported with the annual report that is – has a level of accountability that is presented to all hon. member of the Assembly. I'm confident and I'm pleased with that level of transparency.

Mr. Trivers: Okay, I'm ready for the question.

Chair: The question has been called.

We have an amendment in front us, and I think everybody has a copy of it.

Mr. R. Brown: Yes, we do.

Ms. Biggar: Yeah.

Chair: All of those in favour of the amendment signify by saying 'aye.'

Some Hon. Members: Aye.

Chair: Contrary minded?

Some Hon. Members: Nay.

Chair: Amendment is defeated.

An Hon. Member: Overruled.

Mr. R. Brown: Unanimous.

Mr. Myers: Come on, Kool-Aid.

Chair: Shall it carry?

Carried.

7. Section 7 of the Act is repealed.

Dr. Bevan-Baker: Chair?

Chair: Oh, sorry.

Dr. Bevan-Baker: I didn't have any comments on the amendment, but I did have comments on that section.

Can I –

Chair: No, go for it.

Dr. Bevan-Baker: – go back?

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

Chair: We're back on section –

Dr. Bevan-Baker: Section 6.2.

This is a new requirement, this section. It strikes me that that places a significant level of oversight on public accounts. I just want to make sure – or the Public Archivist. I just want to make sure that the resources are going to be properly there to – in order for you to enforce these requirements.

Chair: Minister?

Mr. Currie: (Indistinct)

Jill MacMicken-Wilson Provincial Archivist: Sure.

I think that with the three-year strategy that we developed part of that strategy looks at addressing staffing issues and making sure that we do have more resources to do our work. I think that that is part of the process going forward, is that there would be additional staff to help do the work of government – of records management across government.

Dr. Bevan-Baker: Okay, so –

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

Mr. Currie: The message that we continue to talk about, and I shared it numerous times on the floor in the fall, is that one of the main challenges was around capacity and capacity to do the work. They other element, the pillar to that was there was no ability to enforce compliance because of the lack of legislation, between the compliance and having the legislative oversight and also having the capacity.

Capacity is the issue. Having resources to do the work in every government department, and as the Member from Charlottetown-Brighton alluded to, we do recognize that these are resources. This is important work, but it's that competing demand for every dollar that we have to continue to – but

certainly, we are responding with a strategy and our mandate is to execute and to raise the level of accountability and transparency and that's going to take an investment.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Within the department, do you have a sense of how many positions you are going to require, in order to, carry out this expanded role?

Mr. Currie: Right now, we're – there's the – the budget will be presented. There have been conversations about what it could potentially look like, but we're also – I know that Jill and her staff are working currently, right now, they're training government departments. They're sort of bringing their skills and expectations on what they expect in respect to the legislation coming forward.

We do have requests for additional resources. That will be finalized and presented through the budget, which will, hopefully, be coming soon, so we'll have a better idea.

Dr. Bevan-Baker: Thank you, Chair.

Chair: Thank you.
Mr. Trivers: Chair?

An Hon. Member: Carry. Carry the section.

Chair: On that section, 6.2?

Mr. Trivers: (Indistinct)

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I'd like to move that we adjourn debate on this section until we can – as the Leader of the Third Party said, have further, have time to look at it –

An Hon. Member: No.

Ms. Biggar: No.

Mr. Trivers: – in more detail. I would like to bring forward a different amendment given the feedback we have had from the Provincial Archivist today.

Ms. Biggar: No.

Mr. Trivers: You can speak to it if you want over there.

Chair: The hon. Member from Rustico-Emerald, we have already carried that section.

Mr. Trivers: No, we haven't (Indistinct)

Chair: We have. We did and then I opened it up again so –

Mr. Trivers: It's opened up, again. I'm saying, let's adjourn it and bring it next time.

Mr. Roach: No.

Ms. Biggar: No, we're saying no.

Chair: The section was already carried, hon. member.

An Hon. Member: (Indistinct)

Mr. Trivers: How can you have him ask question on it after it has already been carried then?

Chair: Well –

Mr. Trivers: Chair, (Indistinct)

Mr. Myers: (Indistinct) call the Speaker back. It can be challenged because you can call the Speaker to have a ruling on it.

Chair: Sure.

Mr. Myers: Just so you know. No, I'm not talking (Indistinct)

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I would like to move that we –

An Hon. Member: (Indistinct)

Mr. Trivers: – adjourn debate on this section so we can further consider it because, I think, given –

An Hon. Member: Why?

Mr. Trivers: – the information from the provincial archivist that we received, I

would like to come forward with a different amendment.

Clerk Assistant and Clerk of Committees: The bill is still on the floor, and we can revisit a section as we go. That's quite possible.

Chair: Okay, great.

Clerk Assistant and Clerk of Committees: It has carried.

Chair: Great, thank you.

The intelligence I have received, is the section has been carried, but the bill is still on the floor. We'll come back to that section if you have –

Mr. Trivers: Okay, thank you.

Chair: Thank you.

Mr. R. Brown: (Indistinct) There is cooperation. That's a good Chair, if you ask (Indistinct) –

An Hon. Member: (Indistinct)

Mr. R. Brown: (Indistinct) she makes this Legislature better.

Mr. Aylward: I'm just referring, as she does, to the intelligence.

Chair: 7. Section 7 of the Act is repealed. Shall it carry? Carried.

8. (1) Subsection 8(1) of the Act is repealed and the following substituted:

8. (1) Subject to subsection (3) but notwithstanding any other Act, including the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01, and the *Health Information Act* S.P.E.I. 2014, Cap. 41, the Provincial Archivist shall have access to any public record for the purposes of this Act.

(2) Subsection 8(2) of the Act is amended

(a) by the deletion of the words “the records” and the substitution of the words “a public record”; and

(b) by the deletion of the words “those records” and the substitution of the words “that record”.

Shall the section carry? Carried.

(3) Subsection 8(3) of the Act is repealed and the following substituted:

(3) Where a public record contains information the disclosure of which is restricted by or pursuant to an enactment, the Provincial Archivist shall have access to the record only with the consent of the head of the public body with custody or control of the record.

Mr. Trivers: Question.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

I was wondering if you can describe the purpose of this clause and why you'd want to restrict that.

Jill MacMicken-Wilson Provincial Archivist: Okay, I guess this clause really goes with Section 8(1) that has already carried.

I'll give you an example of where I might need to look at a restricted record in order to help a department determine the retention schedule.

The Department of Vital Statistics records, until their legislation was changed back I think in 2008, their legislation read that the records had to remain with the Department of Vital Statistics forever. They could never be transferred to another body. When they wanted to change that legislation, they needed me to look at their records to assess what I thought the retention should be, but those records are restricted. So, in order for me to actually look at them, I had to have permission of the head of the department of – the Director of Vital Statistics to allow me to actually look at those records, sort of thing, so that I could help them determine what their retention needed to be.

If there are records restricted in different areas of government, they have to give me permission to look at them so that I can help

them with their work. I can't just walk into their office and demand to look at their records, or look at them without their permission, and I think it's a good restriction.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Can any record be restricted by, or pursuant to, an enactment? Is that something that has to be done ahead of time?

Frankly, I just want to make sure that it's not something that public bodies could use to sort of protect records that they don't want to be visible.

Jill MacMicken-Wilson Provincial Archivist: Normally, well, in the case of vital statistics, it's their legislation that that information is personal, private information of citizens and not everybody should have access to it.

My understanding is when restrictions are put in place by an enactment; it's to protect the privacy of the members of the public.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: But, in theory it could be put in place for other reasons. It doesn't have to be to protect the privacy of the –

Jill MacMicken-Wilson Provincial Archivist: I'm not aware of any case where it isn't for the protection of the public's privacy.

Mr. Trivers: Okay.

Chair: Shall the section carry?

Sorry, I had the hon. Member from Charlottetown-Victoria Park on my list.

Mr. R. Brown: I just got one more question.

We, as legislatures, and as we talk to our constituents a lot, and a lot of personal and private information comes over the desk of an elected official, and I have people in my office with their medical records or with

their prescription records and things like that.

I want to be assured that those records are not a part of the public records files and that our records in the Legislature is all protected.

Jill MacMicken-Wilson Provincial

Archivist: Yes, your constituency records and the records you create as a Member of the Legislative Assembly are not subject to the dictates of this legislation.

Mr. R. Brown: Thank you.

Chair: Shall the section carry? Carried.

9. Section 9 of the Act is repealed –

An Hon. Member: Call the hour.

Chair: The hour has been called.

Mr. Currie: (Indistinct) 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 under consideration a bill to be intituled *An Act to Amend the Archives and Records Act*; I beg leave to report that the committee has made some progress and begs leave to sit again. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Member from Charlottetown-Brighton, that this House adjourn until tomorrow, April 6th, at 2:00 p.m.

Speaker: Shall it carry? Carried.

Enjoy your evening.

The Legislature adjourned until tomorrow, Thursday, at 2:00 p.m.