

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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The Legislature sat at 2:00 p.m.

Matters of Privilege and Recognition of
Guests

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

Welcome to everyone here on the floor of the Legislature. In the gallery, Eddie Lund, Wilfred Richard; to those watching from home or on the Internet and, of course, a special welcome to those watching from District 9 York-Oyster Bed.

I'm sure we are all thinking of the people in our districts today, as we do every day, this being two years today since the election of May 4th, 2015. Congratulations to everyone here on our two year anniversary. Of course, we can all look back on that day and be thankful that there is less snow around than there was two years ago.

I want to congratulate the Mill River Experience and Burger Love entry, The Beefy Vixen on winning PEI's most loved burger for 2017. That's a great achievement for a new entry.

Sales of burgers during this month-long promotion totaled more than \$2.6 million; close to 185,000 burgers and more than \$63,500 donated to the United Way of Prince Edward Island. A great achievement for Mill River, for the beef, and for the farmers, and for the restaurateurs, and for charity and for the United Way.

Today, May 4th, is also International Firefighters' Day. We recognize the great efforts in every sense in which firefighters serve our province and our communities in firefighting and in so many other ways as first responders.

Congratulations to the students of St. Jean's Elementary School and Mount Stewart Consolidated who participated in Bikes for Books program sponsored by the Masonic Lodge that rewards children who read. For each book read by a student they are in a ballot to be drawn on a brand new bicycle and helmet.

The students at Mount Stewart, alone, read 840 books. That's a great achievement for them. I'm sure our province will benefit from it.

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 rise today and welcome Eddie Lund in the gallery, again. I just wanted to reiterate the Premier's sentiments on fire departments and international fire day. Very important people in our community, neighbours, friends, relatives and people that put themselves running into a burning building when everyone else is running out.

Not only the firemen, what their families go through when the alarm goes off and they're on the move to the scene of an accident or a fire. Their families, obviously, have those thoughts. I wonder, sometimes, what they actually think. Kudos to the families behind the firemen.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Murphy: Thank you, Mr. Speaker.

It's a pleasure to rise and welcome all the folks to the public gallery, as well as all of the good people at home in Alberton-Roseville, and right across the province that are watching on the TV or the computer.

I'd like to congratulate the Mill River Experience restaurant for their big win in the Burger Love. I'm sure with the name Mill River Experience being in the news so much lately that it certainly helped drive some traffic that way, but it would be especially be that the chefs and the staff at the restaurant that made this great creation that so many people enjoyed and expressed their views on. It's a great part of the province. I would like to invite everyone to get up to the

Mill River area and visit what a great part of the province it is up there.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Stratford-Kinlock.

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

It's certainly an honour for me to rise today and greet everyone that has joined us in the gallery, as well, those watching on the Internet and on Cable 10.

In particular, I would like to send out a special hello to two individuals that reside at St John House in Stratford, very good friends of mine, Shirley Cleveland and Alice Pickett. If anybody knows Alice, they'll recognize her as probably one of the best bakers in all of Prince Edward Island. The best biscuits I have ever sampled.

I'd also like to remind anyone that's travelling through the Stratford area that the Stratford and area Lions Club is once again holding their lobster sales and they do this each year, Thursday, Fridays, and Saturdays, to raise funds for both the QEH and the IWK. Top quality Island lobster, of course, and I don't know what their secret recipe is, but they probably cook some of the best lobster I've ever tasted on the Island.

Just in closing, I'd also like to pass on my condolences to the friends and family of Peter Large. Peter just passed away on Monday – fine gentleman from Stratford and, as I said, I send my condolences to his family and friends.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

I wanted to rise today and welcome all of my constituents who might be watching from District 18 Rustico-Emerald, especially Shirley Dickieson – I know she likes to tune

in. When I go to visit her, she tunes me up as well and lets me know what else we could be saying. So now, I wanted to say hello to her.

I also wanted to recognize International Fire Day and echo the Premier's comments and comments the Minister of Economic Development and Tourism made. Our firefighters are such key, important people and volunteers. I call them the ultimate volunteer because of all they do and put their lives on the line in this province.

I wanted to give a shout-out to my son's grade 2-3 class – were out doing shoreline clean up today – helping clean up our beaches. It's a really interesting beach out around North Rustico because you've got provincial and you've got national beach there and then you've got a harbour authority. He's going through all the jurisdictions today.

Finally, I wanted to wish a Happy Birthday to a former Page – Jason Bagnall – who is also Leone Bagnall's grandson. I believe he's also a Page in the senate, so he's gone on to do great things in Ottawa and I believe he'll be back for his grandmother's funeral this weekend, so I do look forward to seeing him.

Thank you, Mr. Speaker.

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Thank you, Mr. Speaker.

I, too, want to welcome those here today in the gallery, as well as those watching home in the riding of O'Leary-Inverness. I want to wish a special Happy Birthday to a very special constituent – Hazel Fitzgerald. Her husband was a long-time member of The Helping Hands Band that raised, probably in the millions of dollars for worthy causes in the area. Johnny is not with us anymore, but Hazel is celebrating her 80th birthday.

I also want to give some recognition to the PEI Provincial Heritage Fair – some of the students over there. I had the opportunity to visit some of the displays done by the Hernewood Junior High School as well as the O'Leary Elementary School from my riding, but I did want to single out two, in particular.

One was Bailey Burke. Bailey Burke actually did a historic project on the hon. Joseph Murphy and I had mentioned in the House when Bailey was here for a tour of the facility that she did a great project. In fact, my house was actually a part of the historic display.

The second one was Alexis and Brooke Kelly did a history on one-room schoolhouses, actually, in Foxley River and there was a picture of my grandmother, Hazel Hardy, who was 10-years-old at the time. I don't think I've seen a picture of her that young before, so it was quite interesting to see that.

I also want to commend the Mill River Experience for their vixen burger winning the Burger Love. I think West Prince is certainly on a roll when it comes to voting – whether that's Hockeyville O'Leary – winning the title of that, as well as the Good Deeds Cup challenge, and now we're the best voters when it comes to Burger Love. So, well done – get out and vote, everybody.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Summerside-Wilmot.

Mr. Palmer: Thank you, Mr. Speaker.

I'd like to welcome everyone here today and everybody watching at home in Summerside-Wilmot.

I, too, had an opportunity to go to the Heritage Fair and the presentations were terrific. Summerside was well represented there and there were some really good projects and I know that if I was in elementary school, I wouldn't have made it to the finals there today. There were some really, really good projects.

Thank you.

Some Hon. Members: Hear, hear!

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

Ms. Compton: Thank you, Mr. Speaker.

It's great to be back in the Legislature again today. A big shout-out to everyone in District 4 – getting prepared for the big announcement tomorrow. I was at the rec centre last night and the parking lot is scraped and I want to thank the minister of transportation for that help. I hear there are people lining up already. They want to get in the rec centre so they know what's going to happen tomorrow.

Mr. R. Brown: Red zamboni.

Ms. Compton: We're expecting something big. I suggested to David Cooper he might want to paint the room and paint it blue.–

Ms. Biggar: Things are red down there.

Ms. Compton: Also, Mr. Speaker, I'd like to recognize the firefighters from District 4, the department in Murray River and Murray Harbour, and also in Belfast. They do great work and sacrifice their time with their family and really are dedicated to helping everyone in the community and just want to recognize them today.

Thank you very much.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

I'd like to welcome everyone back again today. I see the press is back again today; great to have the press. To everyone at home, especially to Bert and Camilla Paquet who watch the proceedings daily, so I told them I'd give them a shout out someday.

On my way in today I noticed the beach project is going ahead. They're doing some new work. And I want to thank the minister of transportation; last week, the town of Souris approached me about the land lease, and when I mentioned it to the minister last week and the fast action that she did do, the work started this morning.

I want to thank the town of Souris for putting the question to me so I could put the question to the minister and the minister would get her work done. That's what it's all about, is working together.

I also want to give a big shout-out; this is International FireFighters' Day, and I want to give a shout-out to all firefighters. I've been in the Souris Volunteer Fire Department for the last 36 years, so I know what these volunteers do, I know what these volunteers go through; I know what their families go through. I'm the fourth generation as a firefighter in my family, so I'm well aware of what these firefighters do in their community, for their communities.

So a big shout-out to the firefighters, not only hear on PEI, but right across Canada.

Thank you.

Some Hon. Members: Hear, hear!

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

Ms. Mundy: Thank you, Mr. Speaker.

It does give me great pleasure to rise today as well and welcome everyone to the gallery and those viewing at home in District 22 Summerside-St. Eleanors.

I, too, would like to tip my hat to the firefighters on firefighters' day for the heroic work that they do.

As a former city councilor, fire and police was my portfolio and I got to know the ins and outs and the daily activities of the Summerside Fire Department, and was amazed to know that we have a staff of volunteer firefighters of over 60 in the city of Summerside, and we have a waitlist of 100 more.

It just goes to show you the dedication. All of these people, as well, hold fulltime jobs as well. So, a shout-out to their employers who allow them the time away at the drop of the hat when they get that call to go to a fire. As the Minister of Economic Development and Tourism said, they run towards the fire, they run towards emergency when the rest of us are running away, so my hat's off to them.

I also attended the heritage fair and, too, was blown away by the quality of the projects. What really touched me was the group from Elm Street School. They decided to pick

their grandparents' and to do their heritage report on their grandparents', and each and every one of the children said that they got to know through this project experience and through the heritage fair, they got to know their grandparents much better, and to me that's very important.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Ms. Casey: Thank you, Mr. Speaker.

It's a pleasure for me to welcome Stacie Tiffin-Wright to the Legislature today. It's her first visit inside the House, although she works for the Government Members' Office. She spends a lot of time – she's the brains behind the operation – she spends a lot of time keeping the Government House Leader in line, and she has a tough job doing that.

Mr. J. Brown: (Indistinct) that many hours in the day.

Ms. Casey: I just wanted to say Happy Anniversary to all my colleagues in the House on our second anniversary of our election.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Gallant: Thank you, Mr. Speaker.

It's certainly a pleasure to rise today and welcome, or say hello to everyone back in the Evangeline-Miscouche district.

I'd also like to thank all the firemen for what they do for us and first-responders – fire fighters, excuse me – and first responders.

I'd also like to say a happy belated birthday to Joseph Gallant who was originally from my district and now lives at Clinton View Lodge. He had his 95th birthday earlier this week, and I'd like to wish him a Happy Birthday.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Dumville: Thank you, Mr. Speaker.

I, too, would like to say hello to everybody out in West Royalty-Springvale; to all of my constituents and welcome everybody to the gallery here today.

In regards to the fire fighters, I'd like to thank all those – especially Miles Boulter. His colleagues named the fire fighters' school Boulter Station after Miles and we also have Miles Boulter Drive out there. But, he is the consummate volunteer and they do great work out there. They offer courses, not only in this province, but to agencies from other provinces and Miles puts his heart and soul into that fire school and he won the honour of his colleagues to name that school after him. I'd like to give a shout-out to him and all his great volunteers, Mr. Speaker.

Thank you.

Some Hon. Members: Hear, hear!

Statements by Members

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

Government's May 4th Anniversary

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

You may have to sit me down. I have so many great things to talk about today.

Mr. Myers: (Indistinct)

Mr. R. Brown: Two years ago, the good people of Prince Edward Island voted for another Liberal government.

Some Hon. Members: Hear, hear!

Mr. Myers: Forty per cent of them did.

Mr. R. Brown: The good people of Prince Edward Island voted for a government with

a commitment to people. They voted for a government –

Ms. Compton: Too bad we didn't get it.

Mr. R. Brown: – for a commitment to all of Prince Edward Island. The people of Prince Edward Island voted for a government with a commitment to economic growth, a balanced budget –

Mr. Myers: (Indistinct)

Mr. R. Brown: – and social justice.

Mr. LaVie: Did the Premier write that?

Mr. R. Brown: I wanted to report today that we achieved all three, beginning with economic growth.

Some Hon. Members: Hear, hear!

Mr. R. Brown: Beginning with economic growth, 2.4% economic growth today; the highest we have been in 10 years.

Mr. LaVie: (Indistinct) the Premier's second book?

Mr. R. Brown: We are higher than other provinces.

Mr. Myers: New leader.

Mr. R. Brown: We are on a good path forward.

Some Hon. Members: (Indistinct)

Mr. R. Brown: Again on a balanced budget, the people of Prince Edward Island wanted their government to balance their books and under the stewardship of our Minister of Finance, that was achieved.

Some Hon. Members: Hear, hear!

Mr. R. Brown: I must say today that was achieved without program cuts.

An Hon. Member: (Indistinct)

Mr. R. Brown: Matter of fact, it must be the first budget in the history of Prince Edward Island –

An Hon. Member: (Indistinct) raised taxes.

Mr. R. Brown: – and any province that there were program increases with a balanced budget; unseen in there.

Some Hon. Members: Hear, hear!

Mr. LaVie: (Indistinct) wrote that, Premier.

Mr. R. Brown: The budget also included no layoffs to the civil service, no pay cuts; the first again and the first time in the history of Prince Edward Island that has ever been done. But most of all, Islanders don't want future generations to bear the burdens of this budget and this budget is doing that, and the forecast is doing that with lowering our debt for future generations that will have less interest to pay.

Mr. Myers: You're not paying off any debt.

Some Hon. Members: Hear, hear!

Mr. R. Brown: Most of all – and I'm going to cut it short, most of all, it's our social justice programs that are the great people of Prince Edward Island. One thing about Prince Edward Island, the people in Prince Edward Island said: We want our government, their government, to take the concerns of the people in need.

Mr. Myers: Don't forget to say LOL (Indistinct)

Mr. R. Brown: This budget has done it; increased minimum wages, increased jobs, increased incomes; good government for good families on Prince Edward Island.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

Some Hon. Members: LOL.

Ms. Biggar: Lots of love right here.

Some Hon. Members: (Indistinct)

Ms. Biggar: Lots of Liberals.

Mr. Myers: For now.

Mr. LaVie: I would say that's the Premier's second book. He wrote it.

Mr. Myers: The hand that wrecked the cradle.

Speaker: The hon. Member from Summerside-Wilmot.

Mr. Aylward: It's coming across Canada.

Ms. Biggar: (Indistinct)

Choose Summerside

Mr. Palmer: Thank you, Mr. Speaker.

I don't know how I drew the short straw and had to go behind that, but I'll do my best.

I'm proud to rise today and let everyone know about the celebration of everything that Summerside has to offer in the way of local products and experiences for families and visitors alike. There are so many hidden gems that the people of Summerside would like to share.

This day of discovery and celebration is taking place this Saturday, May the 6th, at Credit Union Place and will be filled with many taste, services and merchandise that Summerside wants shared with the community. This wonderful initiative is being presented by Explore Summerside, the Greater Summerside Chamber of Commerce and Downtown Summerside. This is another great example of the strong-working relationships of our service groups in Summerside.

Like so many other Islanders, I have chosen Summerside to raise my family. There are so many vendors and producers that do business in our community. This is a way for us, all in Summerside, to come together to celebrate our energetic and vibrant city, at a time to applaud all that is Summerside. There will be demos, samples and plenty of opportunities to engage in family-friendly activities.

I'd like to take this opportunity to encourage everyone to come out and see what Summerside offers. I invite all of my colleagues in the House to join me on Saturday to discover and celebrate Summerside.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

Students Win Safety Video Contest

Mr. MacEwen: Thank you, Mr. Speaker.

I'm happy to rise today and congratulate a student duo from Morell Regional High School on winning the PEI safety video contest. Grade 11 students, Ben MacMillan and Jacob MacDonald produced a two-minute video called *Know Your Limits* which follows a fatigued young farmer-worker throughout his daily tasks.

The video highlights working long hours on the farm and sends a very powerful message to all young workers. Ben and Jacob's achievements have earned them \$1,000 cash prize split between the two of them, and \$1,000 for their school.

This video contest is a national initiative to promote safety and rights for young workers. Ben and Jacob's video will be submitted to the National Youth Video Contest with a chance for more cash prizes to be won. First place at the national competition will take home \$2,000 with the potential to earn another \$1,000 if they receive the most online votes for their video.

We have the chance to vote online to make Ben and Jacob's video the fan favourite. Voting opened April 29th and runs until midnight tomorrow. You can vote once per day by visiting the Canadian Centre for Occupational Health and Safety website. Let's all help Ben and Jacob earn the fan favourite award for their innovative and creative video. The winner will be announced online the week of May 8th.

I congratulate Ben and Jacob on their provincial win and we are rooting for them to take home first place on the national stage.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party.

Music Monday

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

I had the great pleasure earlier this week of attending Music Monday events in Charlottetown along with 800 Island students, their parents and teachers, the Minister of Education, Early Learning and Culture, and the MLA for Rustico-Emerald and myself joined a parade from Peakes Quay to Province House and then later on to performances at Trinity United Church.

We heard a string orchestra, several choirs, ECMA award winning singer-songwriter Tian Wigmore, and a Grammy Award winning Canadian violinist, James Ehnes.

Along with the beautiful music were some lovely words that said that would express the power and beauty of music in our lives. Music promotes collaboration, creativity and confidence. It's a potent unifying force. It engages so many of the facets of being human: concentration, listening, awareness, responsibility, excellence, discipline and knowing your social boundaries, all of these qualities and more are exercised when you're making music within a group.

I'm so proud of the music teachers and the music programs that we have here in this province. This week's events only underline the value and the significance of music both in our schools and in our lives.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Responses to Questions Taken as Notice

Speaker: The Minister of Transportation, Infrastructure and Energy.

Ms. Biggar: Thank you, Mr. Speaker.

During Question Period yesterday I was asked several questions by the Leader of the Opposition in regard to the TransCanada Highway project and there were a number of them. What I have done is encompassed the answer into one.

If I may, with your indulgence.

Speaker: Go ahead.

Ms. Biggar: I was asked questions on Phase 1 and Phase 2 of the Trans-Canada Highway project, which is an important project which will facilitate great economic growth for PEI. It is a major corridor for exports for the travelling public and for tourism.

This capital season, we are investing over \$40 million in projects across PEI. In response to these questions from yesterday, we received federal approval for Phase 1 of the Trans-Canada Highway project on July 26th, 2016. We put the tender out on July 28th, 2016. The tender closed Thursday, August 18th, 2016. We received three bids for Phase 1 and the successful bidder was Island Coastal Services at \$3,954,530 plus HST.

Mr. LaVie: Was that the lowest bid?

Ms. Biggar: With regards to – yes, that was the lowest bid, hon. member. I will certainly be tabling documents to prove that.

With regards to Phase 2A. We received federal approval on January 27th, 2017. The tender was put out on March 9th, 2017. The tender closed April 6th, 2017. There was only one bid on this tender and the successful bid was Island Coastal Services at \$4,826,023 plus HST.

Mr. Myers: Premier's cousin.

Ms. Biggar: We have also received from the federal minister, the letter of approval for Phase 2B. That was received on April 13th, 2017.

I will be, as our commitment to transparency, be tabling documents in this regard.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker –

Mr. Aylward: I'd like to see the contract for Mill River.

Premier MacLauchlan: – yesterday the Member from Rustico-Emerald asked

questions regarding the Order of Prince Edward Island.

Mr. Charles Curley called the secretary of the Order of PEI to resign from the advisory committee on April 3rd. The secretary informed Executive Council of the resignation on that same date.

Mr. Curley did not begin his new position until April 18th, 15 days later. The vacancy resulting from Mr. Curley's resignation was reflected on the Order of Prince Edward Island webpage as of April 21st. The webpage the member opposite referenced yesterday was actually –

Mr. Myers: As of yesterday afternoon we watched it disappear.

Premier MacLauchlan: – the Engage PEI page for the advisory committee and that has subsequently been updated.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Thank you, Mr. Speaker.

Yesterday, the Member from Stratford-Kinlock asked about a 2014 report entitled: Meeting the Inpatient Mental Health & Addictions Care Needs of Islanders.

That report was put out to RFP. We had two interested parties. The lowest bid was from Corpus Sanchez International Consultancy Inc. They were awarded the contract under RFP No. 3586. The cost before taxes was \$22,500.

This report was commissioned by Health PEI, not the Department of Health and Wellness, and, as such, was not included in the response to Written Questions No. 732.

The final report included seven recommendations to government. We have completed, or have work underway on five of the seven recommendations and for the remaining two recommendations, work is underway to address the gaps for services identified in the report. However, we are

taking a different approach than was recommended by those consultants.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Questions by Members

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

Mr. Myers: Thank you, Mr. Speaker.

Today does mark two years since the last general election, and because it's throwback Thursday, I want to outline how the man in the Premier's chair has failed to live up to the position. This, today, is his report card.

Premier, you promised not to take the full premier's salary. A broken promise that ruins your perfect record.

Premier: Why have gone back on your word?

Some Hon. Members: Hear, hear!

Salary of Premier

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I indicated before the election that I would take the salary of an MLA and of a regular Cabinet minister and not the further supplement for serving as Premier. The difference between those two salaries, that's to say between a Cabinet minister and that of the Premier, is contributed to the United Way of Prince Edward Island.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you.

This Premier is on a tax-dollar-fueled trip to satisfy the indulgence of the finest whims he feels are becoming of the Premier.

This Premier promised not to take the full Premier's salary. Taking it all and trading

the tax dollars for income tax receipts are not keeping his promise. You said you wouldn't take the money. You're taking it and getting tax receipts.

Question to the Premier: Why have you gone back on your word?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I'm sure there are many people who benefit from that contribution to the United Way, and the reason for choosing to do it that way was that the alternative would have been to change legislation, to permanently change the salary of the Premier of Prince Edward Island, and that was not something that I felt was my place to do for future premiers.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

So he certainly felt like he had that ability when he was making those wild promises during the election, when he told Islanders. So now what happens is taxpayers pay him the money, he gets to donate it and get the tax receipt for it. Taxpayers are paying for that goodwill to the United Way, not you. Why don't you just give them the \$20,000?

I'm going to give you an F on that one.

Mr. Premier, you promised in your own mandate letter a commitment to the highest standards of ethical conduct and decision-making in governance; a broken Liberal promise that ruins the word of this Premier.

Premier, why have you gone back on your word?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Ms. Biggar: No question there.

Premier MacLauchlan: Mr. Speaker, from the time we came to government it was very clear, and it was clear in the lead-up to that election, that we're committed to openness and transparency including, among other things, the appointment of a commissioner for ethics and integrity to work with us and with the public service and many other measures to indeed enhance openness, transparency, and ethical integrity throughout government, and we're proud to stand by that Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

Certainly having to hire someone to make sure that you guys follow rules isn't something that you should be proud of. That's for sure. You should have just come in and said: Everybody's following the rules now, because that's not the way I do business.

I'll give you an F on that one.

CBC-investigation into e-gaming

Next on the report card: The Premier went on CBC, and I remember the interview quite well. He promised a full investigation to e-gaming, and boy, was he ever brazen that night. No stone was going to be unturned; a broken Liberal promise again, a broken promise by this Premier.

Premier, why have you gone back on your word?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, this is a question that's been answered many times in this House, and the hon. member is correct, that on the ninth day that I was Premier we had a mandate to the Auditor General, one that she pursued fully, one that she pursued with the cooperation of all parts of government, and one that's been fully questioned in this House and elsewhere.

The Auditor General made 15 recommendations. We took all of that advice, have acted on it, and indeed there's legislation before the House in this sitting to further act on that report.

I'm proud to say this government – our government – has indeed taken that advice and we're moving forward for the benefit of Prince Edward Islanders and giving good government.

Thank you, Mr. Speaker

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

Islanders certainly don't feel like that this is good government; the second-least popular premier in all of Canada, only trailing Kathleen Wynne, which is embarrassing, considering how unpopular she is. You're right behind her. You're the second-least popular premier in all of Canada, and you have the same shady backroom operatives, doing the same kind of shady backroom deals. You've done nothing to stop it at all. You stood in the way. You allowed emails to be deleted. You didn't make anybody accountable for anything.

I'm going to give you an F on that one.

Accountability and consequences of Liberal government

The Premier promised accountability and consequences for any wrongdoing; a broken Liberal promise by this tired Liberal Premier.

Premier, why have you gone back on your word?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, as I said, we acted immediately on coming to government, for example, in extending conflict of interest requirements to senior public servants and senior political officials; and created the office of the Commissioner

of Ethics and Integrity. We have legislation coming forward to further act on our policy for public interest disclosure. If you go right down the list, we have acted on our word and the people of this province are benefitting from it.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

What people wanted from this Premier were consequences for the people who broke all of the rules in government; for the people who did all these shady e-gaming deals; all the people that were feeding their friends and family out of this deal. They wanted consequences.

You didn't even bring a bill to this floor that brings consequences in the future. You didn't even bother to show Islanders the decency to bring forward a bill that would deal with it properly in the future.

I'm giving you another F.

Restoring of elected school boards

This Premier promised to restore elected school boards; another broken promise by a tired, tired Liberal government.

Premier, why have you gone back on your word?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, in early November of 2015, we called a media conference, at which we indicated that there was a new approach to educational governance in this province. As I recall, it was attended by the hon. Member from Georgetown-St. Peters who indeed acknowledged that this was a step forward and applauded the initiative.

Further, in the spring of 2016, we brought forward legislation, a new *Education Act*, the first time in more than 40 years, adopted

unanimously by this House that indeed put in place the councils, the Learning Partners Advisory Council, the Principals Council, the district advisory council, that brings together on the order of 200 people who are working together with the people and the teachers and the students for educational excellence in this province.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Number of Cabinet ministers

Mr. Myers: Thank you, Mr. Speaker.

That's an F. You did your own F. But thank you for grading yourself. That's another F, another broken promise.

This Premier also promised to have a smaller Cabinet. Remember that promise? And then he just kept it getting bigger and bigger, like triple-down on breaking that promise.

Premier, why have you gone back on your word?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, we have indeed started out with a smaller Cabinet and increased it, and that's because we're doing so much great work and we're sharing the work and we said we'd work together –

Some Hon. Members: (Indistinct)

Premier MacLauchlan: We said we'd work together, and we did indeed live up to the promise of having a smaller Cabinet. We've found that with many great things to do that we're sharing the work and the work is getting done.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

So what happened is the Premier's not a very good leader, and everyone over there knows it. He's got no followers, and what he had to do was he had to expand it and put more Cabinet members in to get people under control. Everyone knows that's what you did. It's because you're not good at what you do; another F.

Premier and international travel

This Premier promised to do more with less, and yet he's racked up an obscene amount of international travel with our tax dollars; a broken promise that ruins the once good word of this Premier.

Premier, why have you gone back on your word?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, on the precise points of travel, I think you'll find travel's about two-thirds of what it has been under previous administrations, and we are getting more done with less.

And let me say, just to what extent and it was mentioned earlier, in economic growth we got 2.4% growth in the GDP in 2016, the highest in 10 years. We got a balanced budget, the first time in 10 years, and the opposition's found about 20 ways to spend a small surplus.

Mr. Myers: Swinging his arms. You know you got him good when he's swinging his arms.

Premier MacLauchlan: And Mr. Speaker, we said we were going to bring the people of Prince Edward Island prosperity, engagement, and we've done it, Mr. Speaker.

Thank you.

Some Hon. Members: Hear, hear!

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

Mr. Myers: Thank you, Mr. Speaker.

He talks about previous administrations, he travels twice as much as Robert Ghiz, so he's travelling twice as much as Robert Ghiz.

This Premier expects Islanders – you expect us to foot a bill so you can deliver mayflowers and go watch a play; another F.

Concrete action to vulnerable Islanders

The Premier promised concrete action to protect the most vulnerable; yet, real facts on the ground here tell a much different tale. This Premier broke his promise. He broke a promise to vulnerable Islanders.

Premier, why have you gone back on your word?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I'm happy to tell this House – I don't know how the member opposite doesn't realize it – but I'm happy to tell this House and the people what we've done for vulnerable Islanders: More than \$2 million since being elected in increases in the food allowance; we've increased the comfort allowance for the second time; we've changed the income tax so that there are benefits for low-income Islanders, 12,000 of whom have seen their taxes reduced, 3,000 of whom are paying no taxes. You can see it in the housing programs, you can see it in the housing programs, you can see it in disability support. We are responding because first, we have practiced good stewardship in the fiscal management of this province –

Mr. Myers: You should turn your Order of PEI back in. (Indistinct) not deserve it.

Premier MacLauchlan: And Mr. Speaker, we are responding to where the need is greatest, because that's where we can make the greatest difference.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Souris-Elmira.

Treasury Board rules re: applying to Premier

Mr. LaVie: Thank you, Mr. Speaker.

This Premier promised to be different. The Premier auctioned himself and his office off to raise money for a property which he holds a debt and a security on –

An Hon. Member: Oh, does he really?

Mr. LaVie: – against the conflict of interest laws.

A question to the Premier: Why do the rules not apply to you?

An Hon. Member: Hear, hear!

Mr. Myers: Good question. Good question.

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I believe that matter was well discussed in this House in the sitting of last spring and I don't think the opposition got very far with it then and I don't think they will now. This was an initiative to support a community endeavor and, indeed, there are others that are on the record.

Some Hon. Members: (Indistinct)

Premier MacLauchlan: There are others that are on the record and, of course, if the opposition even wants to mock a donation to the United Way, I think all Islanders –

Some Hon. Members: (Indistinct)

Premier MacLauchlan: and certainly I believe it's my part to support –

Speaker: Okay hon. –

Excuse me, Premier.
Hon. members, once again when somebody – you know it's against the rules. It's right in the rule book: Do not interrupt a member while they're answering a question. It's as simple as that. Okay?

Go ahead hon. Premier.

Premier MacLauchlan: Mr. Speaker, I believe, and I hope all members would agree with it, that we have an obligation. We are leaders in our community. We have the means and we should be supporting community organizations.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

Premier, you promised to be different – the last election. Vote for me, I'll be different. What's different? The Premier took a first-class train trip in the UK against the rules of the Treasury Board – against the rules.

Premier: Why do the rules not apply to you?

Some Hon. Members: Hear, hear!

Mr. Myers: Good question.

Speaker: The hon. Premier.

Mr. Myers: Don't Paula Biggars me.

Premier MacLauchlan: Mr. Speaker, I recently took what turned out to be a 27 hour flight in regular class –

Mr. Myers: It's because you never stop flying that because you're never home.

Premier MacLauchlan: – to get to China. My practice is to –

Mr. Myers: \$20,000 for the plane tickets.

Premier MacLauchlan: – to be frugal. My practice is to be frugal in everything that we're doing through our office and in government and I'm prepared to stand by that and to show that we got results to show to the people of Prince Edward Island for the investments and the expenses that we are undertaking.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Myers: \$20,000 for the plane ticket is frugal when you're rich.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

This is a Premier that promised to be different. Premier, come to the east end of the Island, I'll show you the people that can't afford a 27 hour plane trip – can't afford to put food on the table.

The Premier is staying at a four and five-star hotel while travelling the world, which is against the rules of the Treasury Board.

Premier, why do the rules not apply to you?

Mr. Myers: Good question.

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I tabled in this House – I guess I'll have to table it again because it obviously didn't sink in – the comparison of the travel expenses of my time as Premier with previous administrations and there's a substantial difference of big saving and a more frugal approach and one that is bearing results for the people of this province. And since it hasn't obviously sunk in on the other side, I'll table that again.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

Here's a Premier that's not getting it. Here's a Premier that promised to be different. What's different?

Mr. Myers: Nothing.

Mr. LaVie: Mr. Speaker, the Premier refused to hold fixed election dates of our province against the spirit of the *Elections Act*.

Fixed election dates and Election Act

Question to the Premier: Why do the rules not apply to you?

Mr. Myers: Good question.

Speaker: The hon. Premier.

Premier MacLauchlan: I think the people of Prince Edward Island recognize two years ago today, May 4th, there was time for an election. We had four party leaders, none of whom had a seat in the house – that was well explained and, indeed, it is done precisely under the provisions of the *Elections Act*.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Souris-Elmira.

Premier and honouring vote of plebiscite

Mr. LaVie: Thank you, Mr. Speaker.

The people of Prince Edward Island know that the Premier promised to be different. He's not different – just look at the polls. The polls will show – you're not different. To the Premier – refused to honour the vote of a plebiscite which himself set up – set the plebiscite up, doing the opposite of what Islanders voted for.

Question to the Premier: Why do the rules not apply to you?

Some Hon. Members: Hear, hear!

Mr. Myers: Good question.

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, the plebiscite was non-binding. I know the Member for Souris-Elmira voted the same way I did when the motion came to the floor. I think it was well explained here in this House and elsewhere that there is a desire for the people of Prince Edward Island to give this Legislature a strong mandate when it comes time to making such a fundamental change in our electoral system. I don't believe it was my view – or I don't believe it could have been the view of the Member from Souris-Elmira, that one in five voters was a sufficient number to warrant a change to that extent.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Souris-Elmira.

Refusal of disclosure to Conflict of Interest Commissioner and timeline

Mr. LaVie: Thank you, Mr. Speaker.

Well this is the Premier that promised to be different. There's nothing different, Mr. Speaker. The Premier refused for weeks to submit his disclosure of the holdings in the vast – personal inheritances with the Conflict of Interest Commissioner when he ascended to the Premier's chair.

Question to the Premier: Why do the rules not apply to you?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, the conflict of interest legislation and the associated rules are clear and there's an amount of time during which people comply with those requirements and there are good reasons behind those timelines. I, indeed, did make that submission to the Conflict of Interest Commissioner in its fullness and on time and I'm happy to have done so.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

On the Member from Georgetown-St. Peter's report card, he's giving you an F. I'll give you the benefit of the doubt – 28% down in the polls – I'll give you a D on your report card.

Mr. Myers: You got a D. Your mom would be proud.

Mr. LaVie: This is the Premier that promised to be different.

An Hon. Member: D minus.

Snow clearing at Liberal dinner

Mr. LaVie: The Premier had government ploughs.

An Hon. Member: Reverse (Indistinct) that is (Indistinct)

Mr. LaVie: The Premier had government ploughs plough out the parking lot at the Liberal dinner this winter.

An Hon. Member: Go away.

Mr. Myers: In his own district?

Mr. LaVie: Personal plough –

Mr. Myers: Oh, in his own district.

Mr. LaVie: – in his own district to clean out the parking lot against the conflict of interest laws.

Mr. Myers: Even had (Indistinct) out there.

Mr. LaVie: Premier: Why do the rules not apply to you?

Some Hon. Members: Hear, hear!

Mr. Myers: Good question.

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I guess it must be because we're so popular that we need more room for people to come to these dinners. In fact, as I recall, it was sold out – as was the dinner last night.

But let me say, I keep hearing about rules, rules, rules across the way. I think one of the rules of this House, is if you're asking a question, you have to have an honest premise behind it. There have been a number of things said here today that, in effect; do not stand up to the facts.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Some Hon. Members: (Indistinct)

Speaker: Question from the –
Order, order!

Speaker: The hon. Leader of the Third Party.

Soil vitality and support of Island crops

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

I welcomed the Minister of Agriculture and Fisheries' statement yesterday in the House about the importance of soil health and, specifically, of organic matter as a measure of soil vitality.

As we work to diversify the agricultural sector here on Prince Edward Island, a question to the Minister of Agriculture and Fisheries: What new crops is his department considering supporting as suitable additions to those we currently grow?

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Thank you, Mr. Speaker.

I was glad to see the Leader of the Opposition walking today with an agriculture-type tie. I'm sure that's all local produce. That's terrific. Good to see that. It's good to have some agricultural questions here as well.

Mr. LaVie: You couldn't answer the last one.

Mr. McIsaac: There are a lot of things happening in agriculture which we're really pleased with. We have a new green company here that's trying out new oil seed grains and they actually have contracts now for, I think, 5,000 acres; brand new company to the province after growing a few acres last year, which is absolutely terrific.

We're looking at some more blueberries as well, and any crops that come along that we can support. We have programs there that we will work with them on those crops that they put forward.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Crops affected by decline in pollinators

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

According to the United Nations' food and agriculture organization, bees pollinate 71 of the 100 crops that supply 90% of our food. A new study released earlier this week sheds light once more on the potential harm to pollinators, such as bees, by a group of pesticides; many of them used widely here on Prince Edward Island called neonicotinoids.

Minister: Which of these new crops; apples, blueberries, pulses and the various other ones that we now grow here on Prince Edward Island; which of these new crops could be affected by declines in pollinators?

Speaker: The hon. Minister of Agriculture and Fisheries.

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

That's a very good and timely question, one that's really important to us and we have been discussing this in the department. We have been working and monitoring the studies that are being done with PMRA through Health Canada; very concerning as to what may be affecting the queen bees.

But, as the studies go on, we will be continuing to monitor that; checking the science on it. We have a real concern that we do need pollinators, that's for sure. We have other pests that we need to clean up as well. We cannot do it all organically, but we are monitoring the whole situation. But, as far as pollination goes, I would say pretty well every one of them.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Use of neonicotinoids in the province

Dr. Bevan-Baker: Indeed, almost every one of them does require pollinator for ongoing health.

Neonicotinoids use in Europe was suspended on most crops in 2013 and the European Union is reportedly set to impose a wider ban later this year. In Ontario, it is phasing out the blanket use of neonics on corn and soy bean crops.

A question to the minister: Is Prince Edward Island moving proactively to review and/or ban the use of neonicotinoids to reduce the risks for new emerging crops that his department may be supporting?

Speaker: The hon. Minister of Agriculture and Fisheries.

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

We have, actually, staff in our department that are covering that very topic and it's very concerning on both sides of the ticket there with regards to that issue. Imidacloprid, which is a neonicotinoid, is to be phased out by 2020. We're watching that very carefully. But again, we're monitoring everything PMRA does. It is a federal body so we're doing our part from the provincial scene to follow what they're doing, watching the science on it; still at the same time, very concerned as to how that may affect our province here.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Timely responses to unnatural, unexpected or unexplained deaths

Mr. Perry: Thank you, Mr. Speaker.

My question today is for the Minister of Justice and Public Safety. In May of 2016, an amendment to the *Coroners Act* was approved by this Legislature. This amendment enabled the chief coroner to appoint field investigators to ensure stable coverage and timely response to unnatural, unexpected or unexplained deaths on PEI.

Can you update the House on this progress?

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

The Member from Tignish-Palmer Road is correct. The amendments that he mentions were adopted and received Royal Assent, but have yet to be proclaimed under the provisions of that law. The amendments would allow for field investigators to be appointed and they might include advanced care paramedics or registered nurses to work with the coroner on death investigations.

In order to proceed with that arrangement, there needs to be consultations with medical professionals involved, as well as their employers, before moving forward to appoint field investigators and there also is some training involved and that would be done in partnership with Nova Scotia's chief medical examiner and we're committed to moving forward with these improvements so that the coroner service can be offered on a timely basis.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Perry: Thank you, Mr. Speaker.

Premier, in my area we haven't seen any changes yet and it's been a year since this has happened. Response times for the investigation of a death can be sometimes longer than four hours. I think this is really a heart wrenching burden on the families who have to stand there and see their loved one laying on the side of the road or in a car or at home for very many hours before their bodies are able to be transported. Something needs to change.

What can be done?

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

I agree with the hon. member, this traumatic experience for the families involved and that any delay can be stressful, and I share the concerns of the family and of the member in raising this question.

In these situations of an unexpected or an unnatural or a sudden death, first there has to be a report to a police officer or to the coroner and that can happen in a variety of ways through police, through the hospital, through paramedics.

Then once that takes place and the notification occurs to the coroner, there may be questions. They may have an investigation. There may, indeed, be issues around transportation that add up to a delay and indeed, stressful situations for the family.

We're committed and we're working to improve this whole process, including the possibility of the appointment of field investigators, working with other agencies, looking into improvements in transportation services, and also, in modernizing or having a more advanced approach to the reporting and data management.

That work is underway and I commit the Member from Tignish-Palmer Road and to the House that we take this issue very seriously and we intend to see some progress.

Some Hon. Members: Hear, hear!

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

Cancer strategy for PEI

Mr. Dumville: Thank you, Mr. Speaker.

My question is to the Minister of Health and Wellness. Minister, a year ago you released the cancer strategy for PEI. Can you please provide the House with an update on the work that has been carried out so far?

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Thank you, Mr. Speaker.

Indeed, we did release a cancer strategy in the last year, and in that particular case

we're really focusing on the prevalent cancers of lung, breast, colorectal and prostate cancer. We have done great work in that area. In fact, we have enhanced the cancer coordination within this province.

We also have a cancer research and surveillance program that's going to focus on the breast cancer trends on Prince Edward Island. We've also got action groups that are also coming up with solutions around breast cancer and lung cancer, and we have many ongoing campaigns.

You might have seen some of them on TV around breast, cervical and colorectal cancer screenings. We're also working on reducing the wait times from suspicions of cancer to the actual diagnosis. Plus, we've added 54 drugs to the formulary for cancer treatment.

Some Hon. Members: Hear, hear!

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

Mr. Dumville: Thank you, Mr. Speaker.

As part of this year's budget, new funding has been committed for \$443,000. Could the minister – in support of this cancer strategy – could the minister explain how this money is going to be spent?

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Thanks, Mr. Speaker.

Yes. I am very proud to say that in a budget increase of about 5.8% to the Health PEI budget, we have allocated \$443,000, specifically, to focus on implementing some of the cancer strategy. Some of the things that we're going to be doing will be increasing the cancer screening and promotion awareness campaign. The rationale behind that is that early detection has the best outcomes. We have to make sure we're getting those things.

We're also providing a lot more coordination within the department around patient navigation and making sure people get to those treatments and a lung cancer feasibility study will also be implemented

and we will also be providing some supports to palliative care, Mr. Speaker.

Thank you.

Some Hon. Members: Hear, hear!

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

Mr. Dumville: Minister: Will these programs be up and running this year for Islanders to access? If not, when?

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, obviously, now that our Budget has been tabled on the floor of the Legislature and we have gone through our estimates. We acknowledge that we will be spending that money this fiscal year. Those resources will be going directly into the items I had mentioned earlier in improving cancer outcomes in this province, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Stratford-Kinlock.

Funding a dementia strategy

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

Recently, the Ontario government announced the implementation of dementia strategy.

Question to the minister of health: Why have you broken your promise to Islanders by failing to fund a dementia strategy here in this province?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, actually when it comes to issues of dementia, Alzheimer's, some of those particular situations, that's all included in what we're doing in our long-term care section.

Recently, we just hired a senior policy analyst, Michael Corman. He is working on developing some of the strategies that could be put in place.

We have to make sure that we are spending our money wisely and that we are getting the maximum value. We see that the Alzheimer's and dementia situations do seem to be on the rise and we are projecting that that will be a greater issue as we move forward. We just need to make sure we're getting our expenditures right, and I look forward to Michael's work.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Stratford-Kinlock.

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

Once again, another promise made and another promise broken.

On November 26th, 2015, in this Legislature, the former minister of health stated in an update: The framework for the dementia strategy is complete and the Department of Health and Wellness has received it.

Again to the minister of health: Where is this promised dementia strategy for our province?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, we have done lots of work regarding long-term care and dementia and Alzheimer's and to try to deal with the challenges that those individuals and families that happen to be dealing with.

We're certainly working with our community care facilities. We're certainly working with the staff within long-term care and we will be implementing some of these types of initiatives in the very near future, Mr. Speaker.

Speaker: The hon. Member from Stratford-Kinlock.

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

Work began on the strategy back in 2009; 2009 – seven long years ago. Again to the minister of health: Why are you stalling on releasing this strategy, minister?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, since I have become minister about year and a half ago, we have been working on really having a good look at how our long-term care strategies and how those types of initiatives are going to be unfolded. We want to make sure we're getting it right.

We're getting requests. I hear it all the time from the other side of the House: We want more long-term care beds here. We want more dementia beds there.

We have to make sure that we're getting this right and that we're putting together to meet the needs of long-term care residents, and those that are afflicted with dementia and Alzheimer's –

Mr. Trivers: It's been seven years.

Mr. Henderson: – and we'll be working on that right now, which our senior policy analyst is reviewing at the moment, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you, Mr. Speaker.

The Alzheimer's Society of Prince Edward Island and several other organizations have worked tirelessly on this initiative over the last 10 years.

Again to the minister of health: Why are failing to address the needs of Islanders with these diseases, minister?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, certainly seniors are very important contributors to this Island and I think they are due the respect that we're making sure that we're putting the right plans in place and making the right expenditures that we can get the maximum input back.

Some of the issues that we're looking at in our department are the issues around the seniors' assessment screening tool. We're the only province in Canada that actually uses that. I want to take a look at what are the other possible provinces doing when it comes to screening tools to identify individuals with dementia, Alzheimer's. We have to make sure that we understand what the possible impacts are of changing our screening tools. We have to make sure we are making the right investments at the right time for the right individual, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Stratford-Kinlock.

PEI only province without funded dementia strategy

Mr. Aylward: Thank you, Mr. Speaker.

While this minister is out looking at other provinces, I suggest he stand in a mirror and look at himself because this minister, this province, is currently the only province in this great nation of Canada that does not a dementia strategy. We are the only province without.

Mr. Trivers: Shame.

Mr. Aylward: Again, minister, the fully funded Ontario model will help ensure people living with dementia, their care partners and their families have access to the resources and services they need to live, as well, and for as long as possible.

Why are Islanders with dementia being denied these services, minister?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, I will say that when I do look in the mirror, I see that since becoming Minister of Health and Wellness, my hair has become a little whiter and greyer, but these are very serious issues. I think it's easy to make accusations that we're not implementing a certain strategy.

We do have a strategy. We do work with individuals with dementia. Our staff are well trained in understanding the challenges that families are faced with when it comes to dementia and Alzheimer's. We also have situations where we have dementia units. I know the Summerset Manor has a dementia unit where individuals that are having real struggles in the dementia components of things.

I'm well aware of the challenges. My own mother is suffering from dementia and Alzheimer's and she's in long-term care. I'm so proud of the work that the staff does in our long-term care facilities to meet the needs of any patient suffering from Alzheimer's or dementia, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Stratford-Kinlock.

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

This minister stands here in response to my last question and says: You know, this is a very serious issue; one that we need to take seriously, but in the same breath he's making jokes about how hard he's working and his hair changing colour –

Some Hon. Members: Oh! No!

Mr. Aylward: – if you're going to take this seriously, then take it seriously, okay?

Ms. Biggar: (Indistinct)

Mr. Aylward: This is an extremely serious issue –

Ms. Biggar: He just told you (Indistinct)

Mr. Aylward: Again minister, last Thursday you flippantly suggested in this House that Islanders are getting health services that are as good as anywhere else in this country. We know that is not true.

Again, to the minister: When will we see a dementia strategy in this province?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, the hon. Member from Stratford-Kinlock obviously doesn't have much confidence in the staff that we have at Health PEI and the people that are delivering health care in this province.

We have increased long-term beds by 145 more long-term care beds in this province. Many of those beds would have been utilized by individuals that are suffering from dementia and Alzheimer's.

When people are provided the opportunity for the care that they require at our facilities, we focus on those that are most urgent. Dementia and Alzheimer's patients can become very urgent and a challenge for the health care system. That's why we have to be able to provide the beds and make sure that the staff is trained to deal with these types of situations.

I have every confidence that the staff at Health PEI and the Department of Health and Wellness are doing their very best, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Stratford-Kinlock.

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

I certainly do appreciate the hard work of health care professionals here on Prince Edward Island. I feel terrible for them that they're not being supported by this government. This government that I am giving a grade of F.

Minister, your government's record is one of promising Islanders one thing and delivering on nothing.

Again to the minister of health: Will you be truthful here today. Have you scrapped your government's plan for a dementia strategy in this province? Yes or no?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, that's what I'm trying to say to the hon. member on the other side. We are working on a strategy. We have an individual, Michael Corman –

Mr. Aylward: Since 2009.

Mr. Henderson: – that is a senior policy analyst. He has recently commenced his position. He's doing great work. The first issue is he has to get out and make sure he understands the facilities that are possible out there. How seniors' care is delivered in this province. The issues around investments in homecare.

We'll be doing that. We have that in our Budget, which is one of the largest increases in the health care budget that this province has ever seen, an increase of 5.8%. We will meet the challenges for many – myriad of issues of health care and that includes dementia and for seniors, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid, final question.

Tabling of Mill River Contract further

Mr. MacEwen: Thank you, Mr. Speaker.

My question is for the Minister of Economic Development and Tourism –

Ms. Casey: Recycled.

Mr. MacEwen: Do you know what? It's not that recycled. It's an answer that we really are looking forward to.

Mr. Aylward: All Islanders are, actually.

Mr. MacEwen: After years of asking and requesting and FOIPPING the Bell Aliant deal and being denied over and over again the minister finally tabled that deal.

I remember back when opposition, the public, everybody was asking for the list of PNP names –

Mr. J. Brown: (Indistinct) be tabled anyway you just go right to it anyway, so what difference?

Mr. Myers: Can't follow the rules.

Mr. MacEwen: Sorry, Mr. Speaker, do I have the floor?

Speaker: Okay, hon. Member from Morell-Mermaid, carry on.

Mr. MacEwen: Thank you, Member from Charlottetown-Brighton, for allowing me to have the floor.

Minister, after years and years of asking for the PNP list: No, we can't give it. Guess what this government did. They finally tabled the list.

We've asked nearly every day for the Mill River contract. A wise person – in fact, a former minister of economic development – once told me: It is only those who have done nothing wrong that can live without fear of the whole truth being shared.

My question for the minister is: Minister, will you table the full Mill River deal?

Some Hon. Members: Hear, hear!

Mr. Myers: Good question.

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

Mr. MacDonald: Thank you, Mr. Speaker.

It's been great today to read in the paper about Burger Love and the Mill River –

Some Hon. Members: Hear, hear!

Mr. MacDonald: It's great to see the support of West Prince. The public really acknowledges what we've done with a very strategic asset in West Prince –

An Hon. Member: That's your sweetheart burger.

Mr. MacDonald: We're encouraging business investment development and sales in key areas. We're looking at all our assets right across Prince Edward Island, and we'll continue to do that.

I think everybody's seen the economic report through Stats Can. It was in the paper. The media's reported on it, and today the chamber endorses us, so –

An Hon. Member: All great deals.

Mr. MacDonald: We're going in the right direction, and in due time, through legal, we'll do what we have to do –

Some Hon. Members: (Indistinct)

Speaker: Okay.

An Hon. Member: He can't follow the rules.

Speaker: All right, thank you, hon. minister. Fine. That's good.

Mr. MacDonald: Thank you.

Some Hon. Members: Hear, hear!

Statements by Ministers

Speaker: The hon. Premier.

Global Development Plan

Premier MacLauchlan: *Merci monsieur le président.*

Thank you, Mr. Speaker.

May I, with your indulgence Mr. Speaker, first recognize guests in the gallery?

Monsieur Guy Labonté, président de la Société Saint-Thomas-d'Aquin; Aubrey Cormier, directeur général de la Société Saint-Thomas-d'Aquin; Jacinthe Lemire, qui est présidente du Comité consultatif de la communauté acadienne et francophone; madame Béatrice Caillié, qui représente la région de Summerside-Miscouche du Comité consultatif, accompagnée de sa mère; et

monsieur Quentin Altamura qui passe un stage d'un an avec le programme de coopération d'intégration francophone.

Mr. Guy Labonté, President of the Société Saint-Thomas-d'Aquin; Aubrey Cormier, Executive Director of the Société Saint-Thomas-d'Aquin; Jacinthe Lemire, who is President of the Acadian and Francophone Community Advisory Committee; Ms. Béatrice Caillié, who represents the Summerside-Miscouche area on the advisory committee, accompanied by her mother; and Mr. Quentin Altamura who is doing a one-year internship with the Coopérative d'intégration francophone.

C'est avec plaisir, monsieur le président, que je prends la parole aujourd'hui à titre de ministre responsable des Affaires acadiennes et francophones, pour souligner les efforts de la communauté acadienne et francophone de l'Île pour assurer sa prospérité. Ces efforts ont, entre autres, permis l'élaboration du Plan de développement global.

Today it is my pleasure to address the House as Minister Responsible for Acadian and Francophone Affairs, Mr. Speaker, to highlight recent efforts made by the Acadian and Francophone community to ensure its prosperity. Mr. Speaker, those efforts have led to the creation of a global development plan.

Le plan de développement global adopté par la communauté acadienne et francophone s'échelonne sur dix ans. Ce projet mené conjointement par la Société Saint-Thomas-d'Aquin et la Commission scolaire de langue française représente une première au pays. Son but ultime est d'assurer que les membres de la communauté acadienne et francophone puissent vivre en français.

The Global Development Plan that the Acadian and Francophone community has adopted covers a ten-year period. This joint project led by the Société Saint-Thomas-d'Aquin and the French Language School Board is a first in Canada. Its ultimate goal is to ensure that the members of the Acadian and Francophone community can live and develop in French.

We believe building strong communities is important for the province to thrive and

prosper. The Global Development Plan is a great initiative that can only lead to a stronger and more dynamic Acadian and Francophone community and Francophone presence here on the Island. We look forward to collaborating with the Acadian and Francophone community to continue to achieve their goals.

Nous croyons qu'il est important de bâtir des communautés dynamiques pour que la province réussisse et prospère. Le Plan de développement global est une initiative excitante qui ne peut que mener à une communauté acadienne et francophone plus forte et dynamique, ici à l'Île. C'est avec plaisir que nous collaborerons avec la communauté acadienne et francophone pour l'aider à atteindre ses buts.

Merci monsieur le président.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: *Merci monsieur le président.*

Thank you, Mr. Speaker.

Bienvenue to the guests in the gallery.

I believe this is a good thing. It's a very good announcement and the thing is, there have been some controversy and some struggles in this area. I know we had Jean-Paul Arsenault who did resign as the complaints officer, so it's good to see we're getting back on track here.

I know there are people that are working very hard to make things happen and develop things like these economic development plans, plans de *développement économique communautaires*, and so I will continue to follow this *and bonne chance* and thank you for your contributions to develop the economy of PEI.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party.

Dr. Bevan-Baker: *Merci monsieur le président.*

Thank you, Mr. Speaker.

Bienvenue Guy et Aubrey et les autres.

Welcome Guy, Aubrey and the others.

Simplement, toutes nos félicitations.

Quite simply, congratulations.

Merci monsieur le président.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

New Funding to Improve Seniors Housing

Ms. Mundy: Thank you, Mr. Speaker.

I am happy to rise today to advise that Islanders living in seniors housing will benefit from \$750,000 in government capital budget funding that will renovate the homes of 300 seniors in 13 Island communities.

The capital budget investment will fund improvements to 272 seniors housing units in 27 buildings across the province; repairs such as new roofs, generators, siding, windows, and repairs to sidewalks, driveways and parking lots. The projects will be carried out over the next several months.

The first round of tenders for these projects will be advertised in local news papers May 13th and posted on the government website at www.gov.pe.ca/tenders.

We encourage contractors to watch for these tenders and submit a competitive bid. We have a broad range of qualified contractors in PEI and this is a great opportunity for contractors of any size to compete for a variety of projects across the province.

Government is committed to providing safe, quality, and affordable housing to those who need it most, and we continue to make investments to help meet the needs of Islanders, now and into the future.

There is also an additional \$6.6 million in government's balanced 2017-2018 operating budget, to help my department continue to support families and Islanders who are in need.

The Government of Prince Edward Island is the Island's largest landlord, owning 1,117 seniors housing units in 32 communities across Prince Edward Island.

Rent for tenants is based on 25% of their earnings, leaving them with more income to meet other needs.

I am also very pleased about more housing announcements in the coming weeks related to federal funding to ensure that seniors and families have access to affordable, appropriate housing.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Stratford-Kinlock.

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

This is a great announcement, a timely announcement and a long overdue announcement.

As a matter of fact, just this morning I met with a senior that resides in a provincial seniors' facility. He actually had to vacate his previous apartment on Hunt Avenue – and the Member from Charlottetown-Victoria Park is shaking his head because he knows all about it. This gentleman had reached out to you and he hasn't heard back from you in 13 days.

In any event, his apartment on Hunt Avenue in that complex was so severely infiltrated with mould, and I have pictures that I'd be happy to table here today. I had planned on speaking to the minister one-on-one with this, but, as I said: It's ironic that you're making this great announcement today that there is going to be some attention put towards these complexes.

This gentleman was experiencing severe headaches. He was experiencing severe issues with his nasal cavity. It got to the

point where he had to go to his doctor and his doctor had to advocate to the department to have him moved out of that mould-infested unit into another apartment.

I have to say, I was in his apartment this morning and it's a lovely apartment. He's an impeccable housekeeper, so the mould had nothing to do with this gentleman and his housekeeping. It had everything to do with water infiltration and just the lack of care and attention to this building.

But what's more troubling, is this gentleman is low-income. He has had seven surgeries, I think, in the last three years. He is very fortunate, at this point, that he can actually walk because of the surgeries he has had on his legs, and his shoulder and various other parts of his body. What's most troubling for me is that when he reached out to the department and asked for assistance to move he was told, no.

This gentleman didn't have the money to pay for the move himself. He took it upon himself to borrow money from friends. He did what he could do. He was then informed, after several other conversations with several individuals in the department that they would pay half. He went back and said: I didn't pay money out of my pocket to move because I didn't have that money. What I had to pay for was to have my bedspread dry cleaned, my drapes dry cleaned, some of my clothes dry cleaned because they were infiltrated with mould as well, mould spores, and I didn't want to take that into my new apartment.

He has a total of \$428 in receipts. The department, as of this time, has refused to pay for any of these receipts. Some of these receipts are for connecting the electricity hook-up for his new apartment and various other things.

What I would like, along with this announcement, is for an assurance from this minister, from this government, that this gentleman will be reimbursed for full for the \$428, or at the very least, that this individual would receive one month's free rent. If I could have that guarantee from the minister and this government here today in this House, I know that we would have one very happy senior.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Women's Wellness Program Community Services

Mr. Henderson: Thank you, Mr. Speaker.

About a year ago, our government committed to creating a Women's Wellness Program. We recognize that Island women need and deserve additional health care services.

Over the past year, a great amount of work has been carried out by my department in conjunction with Health PEI and two working groups, the Women's Health Advisory Committee and the Women's Health Executive Working Group.

In addition, many partners and stakeholder groups were consulted through the planning process on this new program.

The Women's Wellness Program provides person-centred care for Island women in need of specialized reproductive and sexual health services. In January, we were happy to announce that the direct clinical care to Island women was commencing at the Prince County Hospital.

Today, I'm pleased to say, that the population-based services for women, at the community level has now been rolled out. This past Monday, May 1st, Health PEI began offering several community-based services in Charlottetown and Summerside including: post-partum mental health support, pregnancy loss support, prenatal care for women without a primary care provider and sexual health services for all genders.

In the balanced Budget that this government recently tabled for 2017-2018, we are investing an additional \$1 million for the roll out of the Women's Wellness Program across this province.

Some Hon. Members: Hear, hear!

Mr. Henderson: As we further expand services across the province we will

continue to work closely with our health care providers to ensure Islanders can receive the same care regardless of provider or location.

More community-based services will be introduced over the coming months including: menopause care, and infertility supports. Plans are also underway to expand services to our other communities across the province. Islanders are able to access these services without referral by calling the program's toll-free number, which can be found on our website.

The collaboration that made this program possible shows, once again, that Islanders are capable of, when we work together, to do great things.

We are proud to see this program become a reality for Island women.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Ms. Compton: Thank you, Mr. Speaker.

To the minister, it's great to have an announcement. I hope that the announcement lives up to the reality. Women-centred care is definitely needed across this province when you look at post-partum depression and person-centred care, those should go hand in hand for women's health. When you look at pregnancy loss and sexual health services, those should go hand in hand with person-centred care.

You say there is a toll-free number; I hope there will be a person at the other end of that line when they call. I look forward to hearing good things and we'll wait and see.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party.

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

This is, indeed, a great announcement. I was, of course, very glad to see the Women's Wellness Centre established. I'm even more happy to see that the services offered there are being expanded, and that there are plans, down the road, to further expand this to fertility services.

It was something that was clearly necessary here on Prince Edward Island. I feel that we offer women on Prince Edward Island the services that they have always needed and required and should have received here many years ago.

I welcome this. I look forward to further expansion. It's just a good news announcement.

Thank you, minister.

Some Hon. Members: Hear, hear!

Presenting and Receiving Petitions

Tabling of Documents

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

Ms. Casey: Mr. Speaker, by leave of the House, I beg leave to table the Research from other Canadian jurisdictions on rules pertaining to Written Questions and answers and I move, seconded by the Honourable Leader of the Third Party, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Minister of Transportation, Infrastructure and Energy.

Ms. Biggar: Mr. Speaker, by leave of the House, I beg leave to table from the Department of Transportation, Infrastructure and Energy, the TransCanada Highway Extension Project tracking sheet regarding dates; the letter from the federal minister of infrastructure from July 26th, 2016 with Phase 1 approval; the letter from the federal minister of infrastructure on January 27th, 2017 with Phase 2A approval; the letter from the federal minister of transportation received on April 13th, 2017 for approval of Phase 2B; the government tender ad for Phase 1 dated July 28th, 2016; the project

tender bidder report for Phase 1; the tender form and agreement for Phase 1, August 30th, 2016; the government tender ad for Phase 2A, March 9th, 2017; the project tender bidder report, Phase 2A; and the tender form and agreement form for Phase 2A, April 17th, 2017 and I move, seconded by the Honourable Minister of Finance, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

Ms. Biggar: Transparency.

Speaker: The hon. Premier.

Mr. R. Brown: LOL.

Mr. Myers: You should have Tweeted it. LOL.

Ms. Biggar: Lots of Liberals here.

Premier MacLauchlan: Mr. Speaker, by leave of the House, I beg leave to table the annual operating expenses for the Office of the Premier for the years 2005-2006 to 2015-2016 and I move, seconded by the Honourable Minister of Agriculture and Fisheries, that the said document be now received and do lie on the Table.

These documents will show that for the year 2015-2016, the travel and training for the Office of the Premier is 35% of the average of the previous years.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: Shall it carry? Carried.

An Hon. Member: That's an A.

An Hon. Member: C.

Speaker: The hon. Member from Stratford-Kinlock.

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

Mr. Speaker, by leave of the House, I beg leave to table some information regarding the Alzheimer's Society – a press release that went out with regards to the government

of Ontario and the launch of their provincial dementia strategy. I table this in hopes that this government will read it and maybe finally do something here and I move, seconded by the Honourable Member from Kensington-Malpeque, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Member from Stratford-Kinlock.

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

Mr. Speaker, by leave of the House, I beg leave to table the quotes from the previous minister of health with regards to the provincial dementia strategy, or lack thereof here on Prince Edward Island, and I move, seconded by the Honourable Member from Kensington-Malpeque, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you very much, Mr. Speaker. I promise this is the last one.

Mr. Speaker, by leave of the House, I beg leave to table photos of the mould infiltration at the seniors' housing complex on Hunt Avenue here in Charlottetown and I move, seconded by the Honourable Member from Kensington-Malpeque, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

Matters of Privilege and Recognition of
Guests (II)

The hon. Premier.

Premier MacLauchlan: Mr. Speaker, with your permission I would like to recognize two guests – in addition to those recognized earlier: Margaret MacKay who's a great supporter of the political process in the province and Brad MacConnell, who's the Deputy Police Chief for the City of Charlottetown.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: Hon. members, by Command of His Honour the Lieutenant Governor, I beg leave to table a 2016 annual report of the Chief Electoral Officer – including the final report on the District 21 by-election of October 17th, 2016 and the final report on the Plebiscite on Democratic Renewal of October 29th to November 7th, 2016 and I move the said document be now received and do lie on the Table.

Shall it carry? Carried.

Mr. R. Brown: A++. I never, ever saw one then.

Mr. Myers: No, you didn't.

Ms. Compton: He's new. Give him a pass.

Reports by Committees

Introduction of Government Bills

Orders Other Than Government

Speaker: The hon. Leader of the Opposition.

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

Mr. Speaker, I move, seconded by the hon. Member from Kensington-Malpeque, that the 20th order of the day, Bill No. 104 be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 20, *An Act to Amend the Highway Traffic Act (No. 4)*, Bill No. 104, ordered for second reading.

Speaker: The hon. Leader of the Opposition.

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

Speaker: Shall it carry? Carried.

Clerk: *An Act to Amend the Highway Traffic Act (No. 4)*, Bill No. 104, read a second time.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Mr. Speaker, I move, seconded by the Honourable Member from Kensington-Malpeque, that this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

Speaker: Shall it carry? Carried.

I will ask the hon. Member from West Royalty-Springvale to come and chair this bill.

Chair (Dumville): The House is now in a Committee of the Whole House to take into consideration a bill to be intitled *An Act to Amend the Highway Traffic Act (No. 4)*. Is it the pleasure of the committee that the bill be now read clause by clause?

Ms. Biggar: I'd like to ask some questions.

Chair: Okay. Just before we do that, could we bring a stranger on the floor?

Some Hon. Members: Yes.

Mr. LaVie: No stranger.

Some Hon. Members: Granted.

Leader of the Opposition: I'd like to ask Deputy Chief Brad MacConnell to come to the floor.

Ms. Biggar: A distinguished stranger at that.

Chair: Very distinguished.

I would ask if you would repeat your name for Hansard before you begin.

Deputy Chief Brad MacConnell: Certainly.

Brad MacConnell. I'm the Deputy Chief of Police for the Charlottetown Police Services and originally from Georgetown.

Chair: Thank you and welcome to the PEI Legislature.

Mr. R. Brown: We won't hold that against you.

Chair: Now, would you care to give a brief explanation of the bill, hon. member?

Leader of the Opposition: This bill is being brought forward as a request of many police departments across the Island and after consultation with members of all police departments: Kensington Police Department, Charlottetown City Police, Summerside Police Department, Highway Safety, also members of the RCMP.

We are asking that section 213(4.1) be added to the *Highway Traffic Act* which states:

“The operator of the motorcycle and any passenger on the motorcycle shall remove the crash helmet and any face covering he or she is wearing immediately on coming to a safe stop when signalling or requested to stop by a peace officer.”

With that I would like to – Chair – read into the Hansard, three letters.

The first one's from the Prince Edward Island Association of Chiefs of Police, which represents all enforcement agencies within the province.

April the 13th, 2017

Honourable Jamie Fox,

I wanted to send you this letter to advise that the PEI Association of Chiefs of Police support your private members bill in regards to (4.1) HTA The operator of a motorcycle and any passenger on the motorcycle shall remove his or her crash helmet immediately on coming to a safe stop when signaled or requested to stop by a peace officer.

Please be advised that the PEI Association of Chiefs of Police is comprised of: RCMP L Division, Charlottetown Police Services, Summerside Police Services, Kensington Police Service and the Atlantic Police Academy.

Sincerely,

Lewie Sutherland
Chief of Police, Kensington.

The second letter:

April the 28th, 2017

Honourable Jamie Fox
Leader of the Official Opposition.

Dear Sir,

I am writing to advise that the Prince Edward Island "L" Division RCMP are fully supportive of your proposed addition to members bill regarding (4.1) of the *Highway Traffic Act*. Specifically, I support the following addition to the Act:

For purposes of identification during a legal traffic stop, the operator of a motorcycle and any passenger on the motorcycle shall remove his or her helmet and his or her face covering/face mask, if applicable, when requested to do so by a peace officer.

This addition to the *Highway Traffic Act* will enhance office safety and assist us in performing our duties as Peace Officers.

Sincerely,

Joanne Crampton, C/Supt. M.O.M.
Commanding Officer RCMP "L" Division.

The third and final letter:

24th of April, 2017

The Honourable Jamie Fox
Leader of the Official Opposition
PO Box 338
Charlottetown PE
C1A 7K7

Dear Mr. Fox,

Re: Private Members Bill – 104 – *An Act to Amend the Highway Traffic Act*.

This letter is being forwarded as a follow-up to a previous discussion regarding your introducing a Private Members Bill in this sitting of the legislature.

It is our understanding that the proposed amendment to the *Highway Traffic Act* seeks

inclusion of requirements that operators and passengers of motorcycles be required to remove their crash helmet and any face covering immediately upon coming to a stop at the direction or signaling of a peace officer. Further, that failure to do so would result in a penalty provision with an established minimum fine of \$200.00.

As you are fully aware, police personnel are exposed to a variety of situations on a daily basis. The conducting of traffic stops is by far one of the most frequent and most serious safety risks for officer(s) involved. The ability to identify an individual encountered by officers is extremely important, not only for the safety of the individual officer, but also to further any proceedings within the judicial process.

Providing such requirements within the *Highway Traffic Act* would assist in the overall safety of officers when carrying out their duties, and as such, the Charlottetown Police Services is fully supportive of this amendment going forward.

If you have any questions or require anything additional from us, please do not hesitate to contact this office.

Yours truly,

A. Paul Smith, O.O.M.
Chief of Police

Chair: Hon. member, would you provide copies to the members of those three letters?

Thank you.

The Chair will recognize members in the following order: Charlottetown-Victoria Park, Souris-Elmira, Minister of Transportation, Infrastructure and Energy, and the Minister of Finance.

Next will be Rustico-Emerald.

An Hon. Member: Leader of the Third Party.

Chair: Okay.

We'll go to the Member from Charlottetown-Victoria Park.

Mr. R. Brown: Thank you, Chair.

I just want to thank Brad for your work on this file and the work you and the Charlottetown Police Department do. I just want to say that I think the Charlottetown Police Department does an excellent job. I live in downtown Charlottetown, and I see the presence of the department all the time, so my comments are simply to the deputy chief and to the Charlottetown police force for a tremendous job they're doing and keep it up.

Thank you very much.

Deputy Chief Brad MacConnell: Thank you.

Chair: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Chair.

Is this in any other provinces across Canada?

Leader of the Opposition: Not that I have found. It's being looked at in other jurisdictions, but it hasn't been implemented yet.

Chair: Go ahead.

Mr. LaVie: Thank you, Chair.

Why just motorcycles?

Leader of the Opposition: Pardon me?

Mr. LaVie: Why just motorcycles?

Leader of the Opposition: Because after consultation with the police departments and my previous experience, that's what it was intended to deal with.

Mr. LaVie: Okay.

Thank you, Chair.

Leader of the Opposition: With that, maybe, Chair, I would allow – maybe Deputy Chief MacConnell would like to comment on that.

Chair: Go ahead, deputy.

Deputy Chief Brad MacConnell: Thank you.

You brought up a good point though, why motorcycles. But simply talking about motorcycles and why it's important.

This proposed amendment just makes sense from the police perspective, as the hon. member talks and mentioned, that although traffic stops are a routine process for police, they continue to be highly unpredictable and expose the officers to risk.

No matter, even if you are a policeman, when you're stopped by the police there's a level of anxiety that comes along with it, and setting clear expectations for the public of what's expected – like removal of helmet and face coverings – this alleviates some of that anxiety, and lets them know up front.

From the police perspective, at a traffic stop is a risk assessment. It's a process that the officers are trained to do from the very beginning; from the moment they put on those red and blue lights, they're assessing risk. This imposed amendment would allow officers to better assess risk by seeing the face of the people on the motorcycle, seeing their demeanour, reading their body language, see if they are the registered owner of the vehicle by visually recognizing if they are the same person on their onboard computer. The fact that they're not the RO may put up a red flag.

It's important from our perspective to make sure that whatever environment we are officers in, we make it as safe as possible.

Chair: Thank you. The Chair recognizes the Minister of Transportation, Infrastructure and Energy.

Ms. Biggar: Thank you.

Just a couple of questions, and I certainly want to thank you for your consultation on this, and certainly it is a good idea.

I know it was presented earlier to the chief of police, my department being under department of transportation, we are quite engaged working with officers on the job and support anything that will increase safety to our officers.

Now, during our review, I'll say, of the proposal, and actually at that time, as is referenced here, the reference was to section 213(4) of the *Highway Traffic Act*.

Now, what we've been having discussions on and would differ on, I guess, is that this should fall under part 9 of the *Highway Traffic Act*, section 253, which is the enforcement section.

Have you come to any conclusion that this should maybe fit in that section, and have you done investigation and had discussions on, I guess, the difference on where it really should fall?

Chair: Go ahead.

Leader of the Opposition: Chair, thank you minister.

I did meet with Legislative Counsel. I have had that discussion actually with the director of highway safety, and we discussed position in that section in relevance to 253.

If it's in 253, it changes the whole intent of the bill. That was also agreed on, too, by Legal Counsel – Legislative Counsel – I met with them, and we run the risk that if we were to put it in 253 that, in my opinion and his opinion, that it changes the intent of what is being put forth here.

So if we were to move a motion to put it in 253, I would ask – that it changes the intent or the premise of the bill and its intention for the officers' safety.

Ms. Biggar: Chair?

Chair: Go ahead.

Ms. Biggar: In what regard were you advised that it changes the intent?

Leader of the Opposition: One thing it could – in section 253, it could promote a further – escalate of officer safety in that, if they're required to do it, then they're required to do it. If they're not required to do it, but are required at officer's request, then a confrontation could erupt from that.

With that, I'll allow Brad to comment on that.

Ms. Biggar: I just – I have a follow-up question, though, for that. I'm thinking of visitors to our province that may not know it automatically has to be done, so they may not do it. You need to have some flexibility, I think, to alleviate a situation that might escalate unnecessarily by having the flexibility for that officer –

Leader of the Opposition: Two examples in this province that you could use against that argument would be number one, would be the use of radar detectors. In some provinces, you're allowed to use a radar detector, but in this province, you're not allowed to.

Ms. Biggar: I think this is a different situation, though, for –

Leader of the Opposition: Well, no, in it's a piece of equipment. Also, in this province here, there's the tinting of windows is not permitted in this province, but it is in some other provinces, so there's officer discretion built in on them cases where an officer might stop somebody with a radar detector or tinted windows, and they might allow them to continue down the road but say put the radar detector away.

But I'll let the deputy chief –

Ms. Biggar: Yeah, I just would like some clarification, because we're not talking about equipment here. We're talking about approaching a person on the side of the road and our officers dealing with that person.

Deputy Chief Brad MacConnell: Just so I'm clear on the question, it's a difference of being it – making it mandatory by being stopped, or upon the request of the police when he approaches. Is that?

Ms. Biggar: Yeah.

Deputy Chief Brad MacConnell: Again, I guess I'd have to refer to the – I'll make a couple of points.

I'll refer to the assessment process, because the time that the officer's in his vehicle and he's called in his plate, it certainly would be beneficial if the persons on the motorcycles had unveiled their faces so they could make some assessment of risk. Certainly, that would be the ideal situation.

And back to the point, I'd have to commend our officers (Indistinct). We certainly recognize the effect our population influx has, and there is a recognition of that, and finding a balance in enforcing it as it applies to all those things, and there's many more, too, that could fall into that.

At the end of the day, I think if it was made mandatory through an awareness campaign and some education, I think for me, officer safety would trump the other.

Ms. Biggar: Mr. Chair, just a final comment.

I'm certainly not saying they should not remove their visors. It's just that they may not realize that that's the law if they're visiting the province. That's really what I'm saying here.

Deputy Chief Brad MacConnell: Yes, and –

Ms. Biggar: Yes, and how we deal with that properly, right?

Deputy Chief Brad MacConnell: Yes.

Ms. Biggar: Yes.

Deputy Chief Brad MacConnell: Our one way streets in Charlottetown have caused many tourists to go down the wrong way and yet, if you look at our violation tickets for those, that's an offence.

There's a certain recognition of our tourists. We certainly don't want to unfairly charge them for something they're not aware of. I'll go back to – we all recognize the quality of our officers on our Island to find that balance. I think if it was mandatory, I don't think that the other would be much of an issue I think. Like I say, for us it's about officer safety.

Ms. Biggar: Thank you.

Chair: The hon. Minister of Finance.

Mr. Roach: Thank you, Chair.

Leader of the Opposition, I appreciate you bringing this to the floor. I think it – for me, you're always concerned when you go to

stop someone, when there's a legal stop, that you want be able to see who it is you're dealing with and identify the individuals.

A couple of things I think it's important that I'd just like to mention: if that helmet comes off and you can see exactly who's driving the motorcycle and who the passengers are, you can identify the operator of the motorcycle.

We all know the types of motorcycle helmets that people wear today, you don't have a clue who's in behind it, so you need to be able to identify that individual to match it up with the driver's license that they produce. You need to be able to do that comparison between the photo on the driver's license and the individual who's in front of you.

If you're not able to do that, you could easily have somebody using false documents and evading police if there's an arrest, evasion or if there's outstanding warrants – and certainly, most of all, officer safety, without question.

One thing I do note, and it's in each letter that was sent to you by the PEI Association of Chiefs of Police, by the commanding officer of the RCMP, and by the chief of police in Charlottetown, where they don't, in their support of this, they each say that when somebody's encountered and they have a crash helmet on or anything that's face covering, that immediately coming to a stop at the direction or signaling of a police officer, they must remove that.

I'm not so sure that the way this is worded, that it actually kind of complies with what all the chiefs have said.

Leader of the Opposition: I had the –

Mr. Roach: There's a slight discretion there, which I think is very important; and they also say that it has to be a legal stop. In other words, you can't pull them over just because they got their face mask on –

Leader of the Opposition: That's right.

Mr. Roach: – that creates a whole pile of other problems, but that the officer has to have the opportunity to say: Look, now that I've pulled you over, I am requesting that

you remove your helmet or your face mask so that we can clearly identify who it is we're talking to. Now the chiefs all have that in their letters, but it's not in here.

Leader of the Opposition: All the chiefs were provided this exact same wording. We did talk about signaling, and that wording actually was put in place by Legislative Counsel. They were thinking, when I was talking with them, signaling would be – as the deputy chief said was the activation of lights and siren or directed to a police officer, signal to a police officer can be a wave of the hand or (Indistinct)

Mr. Roach: We could certainly pull them over. There's no question whether it's a sign or a wave of the hand, but it's getting that face thing off. I note that that's in each one of the – but it's not here. So the chiefs of police would like to see the officers tell them. We need you to – we'd tell our own police officers: we need you to signal first to take that off.

Leader of the Opposition: I'll defer this to the deputy chief and he can –

Deputy Chief Brad MacConnell: Yeah, I certainly can't speak for all the chiefs, but I (Indistinct) the ones in my office that I've talked to that signaling, for us signaling is the activation of the emergency lights and that you're being stopped, as opposed to verbal communication. Maybe it could be better clarified, but from our perspective that's what that would indicate.

Mr. Roach: Deputy, I certainly agree with you on that part about the original stop, that you don't need to have to verbally do it; but it's once you get them stopped and you approach them, the chiefs have all suggested that the officer should be signaling the individual then to take the face mask off or to take the helmet off. That's the only point I'm trying to make is that was clear in all three letters that came from the chiefs –

Ms. Biggar: But it's not in here.

Mr. Roach: – but it's not in here.

Is there any reason why we can't have that in there?

Leader of the Opposition: What are you suggesting, minister?

Ms. Biggar: (Indistinct)

Mr. Roach: What I'm suggesting is – and it's said – I'll just read one of them, and I'm sure we can just amend this easily, because I like it.

Leader of the Opposition: Okay.

Mr. Roach: I'm not trying to say it should go away at all. I like it.

I'll just read one here.

It says:

“For purposes of identification during a legal traffic stop, the operator of a motorcycle and any passenger on the motorcycle shall remove his or her helmet and his or her face covering/face mask, if applicable, when requested to do so by a peace officer.”

You have legal stop. That's done. They're pulled over and then the police officer says: I'd like, please – I would like you to remove your helmet. If they refuse to do so, that's all I'm looking for is just to add that little piece in there, and only because it was recommended by all the chiefs and I think you could fit that in there pretty easily.

Leader of the Opposition: I think with discussion with Legislative Counsel, that changes the intent of the bill.

Mr. Roach: But what is the intent of the bill then? I thought the intent of the bill was, in my view: You pull somebody over; you don't know who is behind the mask. Officer safety, driver identification, license comparison, false documents being used, arrest evasion or outstanding warrants because you don't know who you're dealing with.

I think the intent is there that we need to make sure our officers have the support to know who they are dealing with, but we also have to make sure that their backs are covered legally, that we're giving them the authority to say: You have to take that facemask off so I know who you are. This

piece of legislation here allows me to tell you to do that.

I think we need to give our guys the tools to do their job.

Leader of the Opposition: With that, would you see possibly being in a conflict then or a change (Indistinct) with section 253, or no?

Mr. Roach: I haven't seen 253. This is all I have seen.

Ms. Biggar: That's what we were suggesting.

Mr. Roach: Yeah, but I think that we need to give our police officers – because for me, this doesn't give anybody the authority to take the helmet off. It just says: If you don't take the helmet off I can fine you \$200 or \$500. But, the helmet still doesn't – there's nothing here that says: You've got to take the helmet off.

Leader of the Opposition: What happens if that –

Mr. Roach: So what happens is in this one, what I'm suggesting, the way I read this, you pulled me over and I've got a facemask on or a helmet on and you say to me: Take the mask off. I say: Well, no. Then you write me a ticket for \$200 to \$500, but you still don't get to see my face. We have to give the officer the power, the authority – whatever section it goes into – to be able to say: You have to take that facemask off and I have the section here that stands behind me and gives me another piece of thing in my toolbox that gives me the authority to get you to do that.

Because I want to know who I'm dealing with; I think if we could do that with a little amendment, wherever it goes, I really support this. I do, but let's do it to give our guys what they need out there to do it correctly. I hope I'm not complicating it, but I just – I think it's good. I like it. I like the intent of what you're bringing here.

Chair: We have seven other people that would like to comment. Could we just kind of go around (Indistinct) comments first (Indistinct)

Mr. Roach: Sure, thanks. I appreciate it. Thank you, Chair. I appreciate it.

Chair: No, I appreciate that.

The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

I, too, want to thank Brad and the Charlottetown police for the great job they do and all of the police officers in this province.

You can see by the great due diligence that has been done by the Leader of the Opposition, there is strong support for this change across the province. Indeed, I want to thank the Leader of the Opposition for being a leader in Canada to get this legislation put in place. As you mentioned, it's not in place anywhere else in Canada. This is an example where PEI can lead the way.

My questions were along the same lines as the Minister of Finance, actually. I was wondering if the intent was that they remove the helmet or face covering on request, or if would just; once you're stopped the first thing you do is remove. I think that was answered and the intent really was once you're stopped you remove your –

Leader of the Opposition: That's right.

Mr. Trivers: – helmet and your covering.

If this bill was reviewed by the police officers in this province and they do agree with that intent, then I would like to support this bill.

However, if the Minister of Finance, who just left, unfortunately, wanted to –

Ms. Biggar: You're not supposed to say that.

Mr. Trivers: Sorry, I withdraw that, minister of transportation. LOL.

Anyhow, if the Minister of Finance wanted to propose an amendment I would be interested to hear what his amendment would be.

Mr. LaVie: Sit beside him.

Mr. Trivers: I –

Mr. LaVie: He's sitting beside you.

Mr. Trivers: I might be persuaded to support his amendment to this bill.

Some Hon. Members: Hear, hear!

Chair: While you two are working on that, I'd just like to get the opinion of the other people.

Chair recognizes the hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

A couple of questions here. Thank you, Brad for being here and for your great work. Thank you, Leader of the Opposition for bringing this forward.

First question is: Was there a particular incident, given that this is a novel piece of legislation in Canada, was there a particular incident that sparked this?

Leader of the Opposition: Not in particular that I can put my hands on. I know in going back to my own experience, like sometimes police officers, they'd get a call or a report of somebody travelling that we were looking for that you're unable to identify because of face coverings or a helmet.

I think it goes to the deputy chief's comments. I know in my past history, you're going down the road, something happens, an incident, a law is broken, or you see a vehicle that matches a description that the police are watching for and you pull the vehicle over. While there is a, as the deputy chief said: There is that anxiety of, if you stopped the motorcycle, and you don't know who you are dealing with until you actually get up there to try to get him to take his helmet off. You're now right in front of who could be a dangerous individual.

The police need the tools, that when you stop the individual and legally signalled, or by description or for breaking something; for an infraction, that they, on their onboard computers, we would have the photograph of the guy's driver's licence or a picture of who we are looking for. There is that 30 feet

or 25 feet where you got the chance to identify who you're looking at.

Do you want to comment on that, Brad?

Deputy Chief Brad MacConnell: Again, I'm not aware of a single incident that kind of prompted this, but certainly from – we support this; anything that promotes officer safety.

It truly is a risk assessment. The soonest opportunity that we can assess risk and whether that is visually assessing a person's demeanour or having visual recognition of an offender that you know to be violent or someone that may be known to police in other areas, is a good thing. It promotes the safety, not of just that officer, but of the person on the bike.

Because in the officer's toolkit they will use various techniques to handle confrontation or any other means that they want to control that traffic stop the best they can and without any confrontation. That goes back to them being able to identify any threats or risks that are associated with it.

Chair: Another one?

Dr. Bevan-Baker: Please, Chair.

I'm concerned about – admittedly something that is not likely to happen, but let's imagine you pull somebody off who has a religious covering, a niqab for example, underneath her helmet.

Have you looked at the Charter of Rights and human right violations?

Deputy Chief Brad MacConnell: Yeah, it's certainly something that we have considered also and legislation like this would have an educational component to it. Finding the balance, we enjoy a great bit of diversity on our Island. We enjoy that. We embrace it. Police respect that. Certainly, we would be very active participants in trying to find the balance between being respectful to the different cultures and enforcing the law.

Dr. Bevan-Baker: Thank you, Chair.

Chair: The hon. Member from Charlottetown-Brighton.

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

Just to be clear: we are actually dealing with the sections now? I know we talked about the preamble and had a brief overview, but we're asking questions specifically on the legislation?

Mr. Aylward: We're pretty flexible.

Mr. LaVie: Just ask, they'll answer.

Mr. J. Brown: Good enough.

I have a few, kind of questions, I do follow along with the question that the Minister of Finance started out with. I do wonder, basically, the way this is drafted it ends up being a strict liability offence, which all you have to do would be prove that the person failed to take their helmet off when they were pulled over.

To me, there probably is a charter issue with that. I don't know, but I'd ask the question as to whether you'd had anybody provide a charter opinion on this or not?

Leader of the Opposition: I did ask Legislative Counsel and they had no concerns.

Mr. J. Brown: Sorry?

Leader of the Opposition: I did ask Legislative Counsel and they had no concerns.

Mr. J. Brown: Do you have that opinion that you can table here today?

Leader of the Opposition: No, I don't. It was verbal – myself, the chief of staff met with the Legislative Counsel and we discussed that and there was no – we never actually asked for something written to that.

Mr. J. Brown: Can you undertake to come back with an opinion on that, hon. member?

Leader of the Opposition: Well, I guess we could, but –

Mr. J. Brown: Either yes or no, it's not a –

Mr. Myers: Promise to bring it back if it fails, too?

Mr. MacEwen: Then they'd never have to. Just say yes.

Leader of the Opposition: Yes.

Mr. J. Brown: Yes, okay.

The next question, and I don't know, but it strikes me that the amendment itself, and this goes back to the hon. minister of transportation's point earlier, it may not be an order the way it's drafted and put forward.

In saying that, I read out section 253 1 (d) of the *Highway Traffic Act*, which currently reads, "A peace officer, in the lawful execution of his or her duties and responsibilities,

"(d) may require an accompanying driver in a motor vehicle driven by a newly licensed driver, on request, to identify himself or herself and produce for inspection his or her driver's license, and the accompanying driver of whom the request is made shall give the peace officer his or her correct name, address and driver's license for inspection."

I guess what I'm driving at there is there is already a provision in there that allows for those requests to be made. We're basically taking a different provision that would be inconsistent with that and we're adding that in there, as well.

I'm not sure how we have two that are – one says 'may' and one is a strict liability offence.

Leader of the Opposition: I think that there is – if you look at the *Highway Traffic Act* in general there are a lot of occurrences through the whole thing that are strict liability. Yet, the officer uses discretion on the acts that he enforces or passes out a fine or whatever action he may take forward.

Mr. J. Brown: That goes back to my first question, hon. member.

So, the second part of that is why do we need – like I appreciate what you're saying in terms of officer safety and the rest of it, but in terms of the driver being pulled over and immediately being required to take the helmet off, how does the passenger

necessarily get linked back into that, as well?

Leader of the Opposition: You don't know who the passenger is, also. You're going back to officer safety.

Mr. J. Brown: Right.

Leader of the Opposition: The safety aspect of the officer being identified who he is dealing with on that motorbike.

Mr. J. Brown: What I'm having trouble with is what's the difference between coming up to a car – if you want to use your own examples; you said tinted windows and radar detectors. So the first thing I'd point out is that this is safety equipment, those are different things. Nevertheless, if you're in the back of a car that's got tinted windows and the officer can't see in, we don't require everybody to get out of the car and identify themselves when they get pulled over. We leave it to the officer's discretion and they ask and if people don't identify themselves –

Mr. J. Brown: – the first thing I'd point out is this is safety equipment, those are different things.

But nevertheless, if you're in the back of a car that's got tinted windows and the officer can't see in, we don't require everybody to get out of the car and identify themselves when they get pulled over. We leave it to the officers' discretion, and they ask, and if people don't identify themselves, then there's provisions in that deal with that.

So why now are we requiring a passenger to take their helmet off?

Leader of the Opposition: First of all, it is illegal to have tinted windows in the Province of Prince Edward Island.

Mr. J. Brown: Sorry, say that again.

Leader of the Opposition: It's illegal to have tinted windows –

Mr. J. Brown: Not in the back.

Leader of the Opposition: Yes it is.

Mr. J. Brown: Okay, I can tell you, I have them in the back of my vehicle. I'm not sure

whether Officer MacConnell wants to go out and take a look at them or not, but they came off the factory line like that. It's been inspected every year since I've owned it.

Mr. Myers: Uh oh.

Some Hon. Members: (Indistinct)

An Hon. Member: (Indistinct) comment.

Mr. MacEwen: Take that outside the rail.

Deputy Chief Brad MacConnell: It's different kinds of tints, the level of tint.

But I think the premise of the whole thing is being able to, again, to see in. So you have to have a common sense approach to this.

It's quite often, in almost every traffic stop, if there's multiple people in the vehicle officers will request them to put down their windows so they can see inside, right?

You kind of relate that to what we're talking about here today, it's just about seeing who is there, and the intrusion goes no further than just having visual recognition of the person so they can identify them in the event of multiple scenarios, whether it'd be someone that may be wanted on an outstanding warrant, or someone that's missing from a group home, or someone that's –

Mr. LaVie: For once, I give him credit.

Deputy Chief Brad MacConnell: – someone that poses a real officer safety risk. To me it really just – why the police are strongly in support of this is, is that it reduces risk to the officers and with very little intrusion on the person that we're stopping.

Some Hon. Members: (Indistinct)

Leader of the Opposition: I think I'd have to ask – and it's after talking with the deputy chief and the chiefs verbally, after talking to Legislative Counsel, the wording that is outlined here, you support?

Deputy Chief Brad MacConnell: Yeah, the mandatory, or the removal of the helmet upon the stopping from the policing perspectives is the ideal situation.

Chair: The Member from Charlottetown-Brighton has the floor.

Mr. J. Brown: (Indistinct) back to my line of questioning about the tinted back windows. If you pull over a vehicle that somebody's in the back and you want to find out who they are now, is it your feeling that you would ask them to roll down the window and look in the back?

Deputy Chief Brad MacConnell: Is it my feeling? That is a common practice.

I must say before, mostly we enjoy our great population and most people are very compliant with the police, and in fact, most motorcycle owners, when stopped, will remove their helmets to show that courtesy so the police can see it.

But it's dealing with the people that gives us the power to make it more of a compliance thing so people know what's expected of them.

Mr. J. Brown: I guess I'd make the final point that I don't see any difference between those two situations, where you're pulling over a car and you have to ask somebody to roll down the windows, even when you come up to the driver's window, it's still often an issue, particularly, if it's dark; you've got to get them to roll the window down and proceed from there.

But particularly, if we're talking about passengers which are included in this section, you definitely do.

I don't see how we get that extra step for strict liability offence for not doing that, particularly, if we're talking about the passenger.

Chair: Do you want to comment?

Deputy Chief Brad MacConnell: Well, certainly there's inherent risk with motorcycles. Like, when you have someone in a confined vehicle, the way we're trained is, certainly, you try to determine how many people are in the vehicle, but it takes more effort to get out of the vehicle, open a door. There's more effort, more awareness than jumping off the back of a motor vehicle and approaching an officer.

They're a lot more (Indistinct). They're more accessible to the officers.

Again, from the policing perspective, there's more risk, and reducing that risk is why we support this.

Chair: Hon. member, I've got four more –

Mr. J. Brown: You go right ahead Chair. I'm done of my question.

Chair: Thank you very much.

The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Chair.

I see where you're coming from. It's all about the safety, and safety is a big issue when it comes to our police officers here on Prince Edward Island.

So this is not just helmets; this is anything facial, anything on the face. It's just not helmets?

Leader of the Opposition: That's right.

Mr. LaVie: Okay; sunglasses? Not sunglasses? Why not sunglasses?

Leader of the Opposition: I suppose you could argue sunglasses would be included, but the intent is the helmet and if they have a scarf covering or some kind of facemask.

Mr. LaVie: There's a certain part of the face, or just from the nose down, or the bridge of the nose down?

Leader of the Opposition: Anything that covers the face.

Mr. LaVie: Anything that covers the face. So, a scarf that just covers from the nose down is all right.

Leader of the Opposition: No. But then, hon. member, it would go there and go to our officer discretion, right?

Mr. LaVie: Well, I'll tell you why I'm asking the question, is because I have a constituent with bad visual disfiguring, and he wears from here down, everywhere he goes, he don't take that off.

So this would be – he has a doctor's note, will this be included?

Deputy Chief Brad MacConnell: It would be. Yes, it would be.

Mr. LaVie: What would the fine be for if they don't remove it.

Leader of the Opposition: The minimum fine, according to the Legislative Counsel, would be \$200 to a maximum of \$500.

Chair: Thank you, hon. member. The hon. Premier.

Premier MacLauchlan: Thanks, Mr. Chair.

First, I want to acknowledge the work of the Leader of the Opposition and Deputy Chief MacConnell and other police officers in bringing this forward. It ties in with work that's being done, as both the Leader of the Opposition and Deputy Chief MacConnell well know, that was launched in early January, and work that indeed has been saluted across the country in terms of the collaboration involved to address the concerns shared about the growing presence and organization of outlaw motorcycle gangs in Prince Edward Island, and in the region.

The measure that's proposed would, in my view, would add to the initiatives proposed there under the *Liquor Control Act*, the sale or possession of body armour, or the fortification of buildings.

It was indicated that those measures would be studied – studied with a view to implement it – the indication was given that there'd be some time taken to study, review how this is approached in other jurisdictions where there've been some concerns raised in some cases about constitutional issues. We know well that in particular, the more organized motorcycle users are adept at that, and they've been raising it in the kind of public debate already.

I think with that in mind, or with that knowledge, that we as a Legislature, should consider how to proceed with this measure. To be clear, I support the measure that would require a driver or a passenger to remove their helmet.

The question's been raised by a couple of members here, and I think it's one that warrants some further thought or consideration of whether it may be possible to address the concern has to do with this being a strict liability offence, or an offence of which you're automatically guilty by virtue of the fact, as opposed to the intention to not remove your helmet or face covering.

I believe we should be further mindful of that concern, given that this hasn't been the requirement in Prince Edward Island until this coming – this legislation would be amended and it's still not a requirement that's kind of well known, or perhaps, even a requirement at all in some other jurisdictions.

If I might make the comparison – as the question was raised, or the example was given, of radar enforcement. That enforcement would be for an infraction of a well-posted speed zone. So, the person who's going 80 kilometres an hour in a 60 would know that he or she is breaking the law.

So, you have a concern – and I think it's a concern that can be addressed here, but now that it's been raised – you have a concern about awareness or knowledge of the law and then you have a more, I would say fundamental concern, about the interaction between a peace officer and a motorcycle driver or passenger where the passenger or driver might not know or might not have the opportunity, to comply with the request – if, in fact, there's no request required.

That's the issue that was raised by a couple of other members and, indeed, Leader of the Opposition and I have discussed this – whether it would take away from the purpose of this amendment to include a provision, likely not more complicated than including the words 'when requested to do so' together with the requirement 'shall remove the crash helmet'.

So, if it were to read that: The operator of a motorcycle and any passenger on the motorcycle shall, when requested to do so, remove the helmet or face covering – it would – as you move into a situation where you're writing up someone for this violation, you would at least be satisfied as the peace

officer doing so, that the person had notice that they would not be complying.

I'm putting this as a question in terms of the ability that we have – or the appetite, I might say, that the Leader of the Opposition might have as the mover of this bill to consider incorporating such language.

Leader of the Opposition: So, with that, Premier, I think it would only be fair that I read the following comment.

This is an email that just came through me from Janet Christian of Legislative Council in response to the minister of finance's comments:

If the removal of helmet and face covering is required – which is underlined – automatically as it is in the bill, not on request, the officer does not need explicit authority to require its removal. If the driver or passenger does not do so automatically, the officer has the authority to enforce the act.

Premier MacLauchlan: Yes.

Mr. Roach: Okay. I have a question when I have the chance (Indistinct).

Leader of the Opposition: I just thought it was fair that I received that.

Premier MacLauchlan: And, Chair –

Chair: Go ahead.

Premier MacLauchlan: I understand that. That is to more or less say that it's simpler, in terms of our work here in the House or, for that matter, for the work of the peace officer, if we have strict liability offenses. When you think about what I would call the heightened sensitivity around questions of legality, constitutionality, and so on, then the fact that we've talked about it here and said: Oh, well. Let's go ahead – will be taken into consideration if somebody does challenge it.

Really what is being raised by the comment of Legislative Council, which I appreciate, is the question of whether this bill would be stronger – I'll say – if it had, along with the offence provision, which is section 213 – if it had a power to peace officers in 253 that

would include the power to request the operator or passenger to remove the helmet or face covering.

I think that's exactly the point where we are – is as a Legislature, do we go strict liability or do we put in 'on request' in the offence provision and accompany it with a power to the peace officer to make the request?

Leader of the Opposition: I can understand your point, but then again, of course, that would change the intent of the bill and the powers that the police officer has in that section. I would have to ask the Deputy Chief would he see any possible escalation of events or conflict that could arise if it wasn't automatically required to do so at the time the motorcycle is pulled over. Could there be an escalation of conflict where he has to get the individual, then, to take off his helmet. Would that put the officer in another situation? Yes, it would.

Deputy Chief Brad MacConnell: Yeah, there's certainly that possibility. I heard a couple things from the Premier that I'd like to comment on too.

For us, all of this will be good if we find a compromise here, the police will support it. Certainly the confrontation – people that are having – we don't want to make the law the centre of the controversy, as opposed to set the expectation. So, to the hon. minister's point – I guess that's the point. We want to set the expectation and not have the centre of (Indistinct) of that traffic stop be confrontation because of a law that – pick up on what the Premier said – it becomes an onus on all of us then and, certainly, the police who are supporting this, to educate people on the expectation. If this becomes law, the Chiefs of Police will embrace that and help educate people.

I just go back – if we're hearing and you're asking me the ideal situation, the ideal situation from the police is to have it removed upon that signalling of the traffic stop and have the power, again, to, if they don't remove it, to advise them that they're in breach of a travel law.

Chair: Premier, you have a comment?

Premier MacLauchlan: I appreciate what the Leader of the Opposition and what you, Brad, have said. Here's our situation: we

have signalled – that’s to say our province has signalled and I believe this is something on which there’s a substantial consensus – that we want Prince Edward Island to be a place where it’s not – where we’re going to be keeping an eye on, in particular, the 1%. Part of the success in that endeavor, an important part, will be to have the cooperation – or I might even say, the active support – of recreational motorcycle users and people who seem themselves as motorcyclists, whether they’re visitors or permanent residents, and there’ll be a lot of – in fact, I think there’s likely to be quite a bit more than the usual activity in the coming summer.

I see the advantage in taking this step now so that this is really a conversation about, or an exploration here in committee, as to how we might address this in a way that achieves what concerns we might have here about effective criminal law and balance, and the effective policing including, of course, officer safety.

Which is to say, we could take this proposed amendment and bundle it with other things that have been proposed and say: Let’s review all of this by the fall and/or the spring. Now that it’s come forward, in the whole climate we’re dealing with things, I’d suggest it’s better to implement something.

Then the question becomes – and I guess it’s really a question for the Leader of the Opposition – whether you would be prepared to take the time to consider including the ‘when requested’ or ‘requested to do so’ in the offence provision, paired with the powers – police powers, peace officer powers – as a way of putting us on a – I’ll say a firmer footing, and then – and I’m thinking in particular, here – of the whole motorcycle community.

In asking this – I’m not looking to stall this or trip it up or anything, it’s really a question of whether this would put all of us, including what takes place out on the roads this summer, on the most constructive basis as we look at some of these larger issues.

I guess the further point I would make, and I know the issue was raised and you mentioned it, Leader of the Opposition, that it was suggested, well, that would change the intent of the bill to make an amendment

which wouldn’t be that hard to draft to 253, giving the peace officer the power to ask. It seems to me if this Legislature, having considered this, decided to proceed with both 213 and 253, that would be the intent of the bill and that would be the intent of the Legislature and that would be the law.

It’s really a question of whether we think – whether you think – it’s better to stick with a strict liability offence or to look at that pair of amendments.

Leader of the Opposition: I can understand your, I guess, your explanation there, Premier. In a perfect world, I guess it would be that if you could have one matter or one issue dealt with in different aspects of the law from different avenues, (Indistinct) as you understand, right?

I can understand about the direct liability, and there’s all kinds of examples in the *Highway Traffic Act* and other acts of direct liability. I would have to ask that if a motorcycle – if this bill is allowed to pass, then it’s a requirement on the driver and the passenger, which directly goes to improve the safety of the officer. Yes, there is the education phase in it, but then there also is police officers, it doesn’t matter what act they’re dealing with, they do have discretionary powers or the ability of common sense to deal with matters in different ways.

I would have to ask that – or think that, the intent, as the deputy chief said, officer safety needs to be first, I think. And if we can give the tools to the officers to make sure that their lives are safer; and it’s also the lives of the public, that would be safer too, I believe.

I just think that I stand by the bill. I stand by the intent as to what the officers have asked when I’ve talked to them in consultation. This is a tool, this is what the officers are asking for us to bring forward to be passed by this House to give them this power, and I see the Minister of Finance is agreeing.

I would ask that we – for officer safety, for officer safety of the public, also, that we – this is the Legislative Counsel and I took this to Legislative Counsel, they came back with this wording based on information I provided to them. The wording I put in there was changed to this wording by the

Legislative Counsel, so I would ask that we accept the wording of the Legislative Counsel and what the chiefs and the deputy chiefs and the RCMP have asked on this.

Chair: Go ahead, Premier. I'd like to give everybody else a chance to comment while we're doing the general part, but go ahead, Premier.

Premier MacLauchlan: This will be my final comment, and simply to maybe put it in the form of a question to Deputy Chief MacConnell.

I think, really, what we've got here is a choice, which if we go with the bill as presented, will require a greater effort of public education and a greater element of officer discretion, than if the law were to include the 'when requested to do so', and in that case would allow the police to get through to the more precise thing that we're all concerned about, which is not to antagonize the motorcycle community, but to promote public safety and officer safety by knowing who's behind the mask and some of the people that are over around.

That's sort of a final comment, and if Deputy Chief MacConnell has a comment, fine. If not, I'm happy to pass my turn.

Thank you.

Chair: Okay, I'd go to the hon. Member from Tignish-Palmer Road.

Mr. Perry: Thank you, Chair.

I just have one question: How does this apply to check stops? When you were saying they pull over to the road, and when they're safely stopped, but in a check stop you don't really stop, you kind of just idle there. So how would this apply in that case?

Leader of the Opposition: At the time they are in front of the officer.

Mr. Perry: So they would have to pull up – the officers always, you know, they'll pull two or three through and maybe let them pass through or whatever, but they may come upon, let's say, a vehicle or a motorcycle.

At that time, are you supposed to –

Leader of the Opposition: At that time, if they're in front of the officer.

Mr. Perry: – shut it off?

Leader of the Opposition: Which they're required to do.

Mr. Perry: Okay, take your helmet off at that time?

Leader of the Opposition: Yeah.

Mr. Perry: But with cars, they just kind of flow through to where they check the license plate and maybe your registration – or not registration, but your inspection.

Leader of the Opposition: Deputy?

Deputy Chief Brad MacConnell: Well again, there's a lot going on in the flow-through. The way a traffic act is, is anything like a traffic stop it's structured. Officers are positioned at certain areas to go to see certain vantage points of the vehicles; one to check the registration, one to check the inspection, one to oversee oversight for the other officers. There's a lot going on that the person in the vehicle might not –

But it's all assessment of risk, and although it certainly makes it more fluid and more efficient to build – to come to a quick aisle, in that short span a lot has been assessed.

Although the removal of the helmet would still apply, again, it goes back to officer safety and finding a balance.

I just want to revisit the Premier's question there, because yeah, I truly believe we all want to treat people fairly no matter what and officers want a certain level of understanding in how to apply this law and how to deliver it and deliver it to the public services and do it in a way that is not going to negatively affect or undermine public confidence in them.

It's been a very helpful discussion here, but I'd still, I think – again, back to the Member from Tignish-Palmer Road, I think people will appreciate that. Often, our traffic stops, people appreciate the police, for the most part, making sure that impaired drivers are not on the road, (Indistinct) inconveniences,

the two seconds it takes to take off the helmet. I'd be surprised if there was very much negativity associated to that.

Mr. Perry: That's what I'm saying. Of course, we would appreciate it. I do. I understand the reason why. But during a check stop and you have got that flow going through, at what point do they take their helmet off? I know you're saying officers do different in, they're assessing it all the way through.

Do they take their helmet off all the way through because then that would put them – jeopardize their safety. That part of it.

Deputy Chief Brad MacConnell: Yeah.

Mr. Perry: And the other one is, if they don't take it off they could be charged.

Deputy Chief Brad MacConnell: I think it's the application of the law there. Certainly, the way, then it becomes the education and communicating the expectations. The way the traffic – typically you're sitting in your car and you're in a line of traffic, you typically don't put down your window until you arrive with the officer standing there with his hand up. That would kind of be the same expectation for the removal of the helmet.

Mr. Perry: Okay and I'm fine with that. As long as there is an education piece out there and the public is aware of it.

Thank you.

Chair: For everybody's information this is order: Minister of Transportation, Infrastructure and Energy, Georgetown-St. Peters and Charlottetown-Brighton, and the hon. Minister of Finance. And then as a motorcyclist, I want to stick myself in there.

The hon. Minister of Transportation, Infrastructure and Energy.

Ms. Biggar: Thank you.

I think everybody wants to find a way that we can – to fit this in. Obviously, I'm getting advice here from my professionals at highway division.

Also, in additional to 253, section 290.1 states, "No person shall obstruct or attempt to obstruct any peace officer, inspector or other person engaged in the lawful execution of his or her powers and duties under this Act..."

I think that's another part that is already there to cover the officer's job that they are doing, obviously. But if somehow this could be tied together with 253, I think it would fit together and be able to move it along, is what I'm saying.

Just for your clarification also, because there was some discussion. Tinted windows are allowed on the back window and all other windows behind the driver. Tint is not allowed on the windshield or the side window beside the driver.

Leader of the Opposition: That's right.

Ms. Biggar: Just in case there was some –

Mr. Roach: Starting to scrape her off.

Ms. Biggar: I guess what we're trying to do is fit this in so that we can make it go. I would support whether or not we can make some sort of an amendment here to make it happen is what we're trying to do. I think we all agree with it, but to make it more in synergy with 253, is there some way we could do that? That's my only comment.

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

Mr. Myers: Thank you, Chair.

I just have a very quick question.

I want to thank the both of you for the work you've done on this.

The question, actually, was one that somebody said to me during the debate here for clarification.

If you're on the back of a motorcycle, I understand the whole premise of, if you've broken a law or that you were suspected to have had done something and you're being pulled over, but the person on the back of the motorcycle really hasn't done anything other than they're a passenger.

Do they have any constitutional protection as being a passenger who didn't commit any illegal activity?

Mr. J. Brown: That's a good question, hon. member.

Mr. Myers: Thank you.

I said somebody emailed it to me, so I can't even take credit for it.

Mr. J. Brown: They're a smart person, too.

Mr. Myers: That's my question. I'm just wondering is there any, and I don't know how the law works normal, so I don't know how it works if you're a passenger of a car or anything –

Mr. LaVie: You know how the law works.

Mr. Myers: Not any more. Not anymore, not the new laws.

Chair: Hon. member, is the question to the deputy?

Mr. Myers: Yeah, to either, just kind of a clarification.

How does it work now and how would you see it working if you're a passenger of a motorcycle?

Deputy Chief Brad MacConnell: You're looking at it from a human rights perspective, as opposed to as it applies to the *Highway Traffic Act* or the Criminal Code.

Normally, when we're assessing risk in a vehicle, you're asking the question: How it differs? Typically, it's very easy within a vehicle, even if the windows are tinted, most people comply you can look through the front window, windshield. The driver's obligated to put down his window and look through to the back. There are several ways to see that.

What the human rights implications are to if they're not. I don't know if I'm prepared or educated enough on that subject right now to answer that.

Mr. Myers: Okay.

Deputy Chief Brad MacConnell: They haven't done anything. But, you're really just, for the officer's safety component of it, it's about assessing risk. It's not even really about even asking them for identification, it's assessing risk and getting visual recognition of who they are, whether it be for a varied number of things that we've already talked – like outstanding warrants and things like that.

Mr. Myers: That's fair.

Thank you.

Chair: The hon. Member from Charlottetown-Brighton.

Mr. J. Brown: Thank you very much.

The first question I have, just in generally, in relation to police procedures, and again, I think I know the answer to this, but do the patrol cars still have the PA system on them? So you can sit in the car and talk over a microphone to somebody outside of the car?

Deputy Chief Brad MacConnell: Yes, they do.

Mr. J. Brown: I guess, back to officer safety and the request, I guess, I'm going to say, or the potential to amend this, I'm not sure how it would be any different if the officer were to sit in the car and say to the people on the motorcycle, who are presumably, say a dozen feet in front of them: Could you please take off your helmet pursuant to section whatever of our *Highway Traffic Act*.

I'm wondering if you have any thought as to what the issue would be there.

Deputy Chief Brad MacConnell: Certainly, there wouldn't be any issue there. Being voiced over the PA system to issue commands to the driver I feel might be intimidating to most people. Typically, that kind of interaction from the police is during a high-risk traffic stop where police don't want to get close enough because there is real risk there.

It's certainly a possibility. I don't know if it's the best way; I personally don't think so. I personally don't think that's the way we

should be approaching it. It's just, to me, it's intimidating. It's –

Mr. J. Brown: If I could – few more –

Deputy Chief Brad MacConnell: – the anxiety of the –

Mr. J. Brown: – questions –

Deputy Chief Brad MacConnell: – traffic stop for the person being stopped, the levels are already increased and now you're being communicated over a PA system –

Leader of the Opposition: You're yelling at them.

Deputy Chief Brad MacConnell: – is a – I find, certainly, would increase that intimidation factor.

Chair: Go ahead.

Mr. J. Brown: I would point out that, from my perspective, and I might as well say, I'll be honest and frank in saying; I'm not prepared to support it as it sits right now. I think it's a violation of the Charter of Rights, particularly of the passenger on the motorbike, but on the driver, as well.

I think there is a reasonable way to go about doing that if you want to do it and I think we have pointed that out already. To me, it's a lot less intimidating to be asked to take your helmet off over a PA then to get a fine because you didn't automatically do it.

Deputy Chief Brad MacConnell: I think you're selling the police short on that aspect –

Mr. J. Brown: It's not –

Deputy Chief Brad MacConnell: I think there is a commonsense approach to this and officers have a great deal of discretion and it's ingrained in them through their training and mentoring to use commonsense approach when giving fines. They all know that times are tight and money comes out of people's bank accounts to fund schools and things like that. They don't give them out without consideration for all of those things.

I don't think it's as black and white as that. I think that, again, it goes back to why we

support this – is the increased officer safety component to it and that's –

Mr. J. Brown: I think I should be absolutely clear to say that: Look, I support officer safety fully and to me, again, I think we pointed out the reasonableness in that. I think there's a balance that we need to maintain. I certainly have respect for officers and recognize that the better part of the time they are there and utilize whatever discretion they have diligently.

However, again, we create a strict liability offence and I talk about intimidation; I really do not think that's a great spot to start from. As an officer of the court myself and a legislator here that's got to weigh those things, it's something that I do not think to be right.

That all aside, I do have a couple other questions or points. One is that if we're changing it here I wonder about trail situations involving snowmobiles or for ATVs, or whatever the case might be, and whether the same issue exists there and again, how this legislation interacts with that if we're going to be into implementing these kinds of changes and having them result in different confusion.

I point out, too, as a second point and then I'll be done, that the whole – back to the check stop conversation – the whole piece about check stops is that they are set up in a regulatory scheme which is: You have a license. It's not a right. It's something that you're permitted to have and this is something that's reasonable and all of that. I'm not so sure that when you are putting this piece in here and having people required to take their helmets off when they're running into that situation and stop what they're doing in their day to go through that check stop, that that works either. Again, I just point that out. I think it's a good point from the hon. Member from Tignish-Palmer Road.

But, my view of things – my position on this, as I said, I'm not prepared to support it as it is. I think, hon. member, it is good legislation overall. I think the intent is honourable. I think it is something that we should be looking to do to protect police with that small amendment, and I would be fully prepared to support that.

I think you need to take it back and look at all the other ways that it impacts the other legislation that we talked about here today, and that it connects back in, even with the offence provisions in the *Highway Traffic Act* itself. If that was done, I'd be more than prepared to support it. I do like it. I like the intent. I just think it oversteps a little.

Thank you.

Chair: Thank you, hon. member.

I have the minister of finance and also have the Member from Kensington-Malpeque on the order here. As a biker of many years; I'd like to have my input sometime on this bill.

Mr. Roach: I'll try to be (Indistinct)

Chair: So Minister of Finance, the floor is yours.

Mr. Roach: Thank you, Chair.

Section 213 of the act describes the operation of a motor vehicle, how it's supposed to be operated and stuff like that. A motorcycle, under the definition or motor vehicle, a motorcycle is included in that.

Section 253, what is said in section 253: A peace officer, in the lawful execution of his or her duties and responsibilities,

(a) may require the driver of a motor vehicle to stop;

(b) may direct traffic –

That's where it says – that's where it gives the powers to the peace officer to do those things. I would see that what you're trying to do there if it were, say, for example:

253 (e) may require the driver of the motorcycle – and that's where it would fit perfectly.

If it was there, everything else would fall into place perfectly, I believe, because you've got to separate where the powers to the peace officer are to – I'm saying that because I want to give this to our police officers so that they've got the authority to go out and do this correctly and do it right, and have the law behind them. If we don't

have the powers of the peace officer in there and you pulled me over and I say: No, I'm not taking off the helmet. What's the peace officer going to do then? He needs the power, and the power to the police officer under the act comes under section 253.

Leader of the Opposition: With that, right. It goes back to a direct liability.

Mr. Roach: Pardon me?

Leader of the Opposition: Indirect liability he had. Given this bill the way it sits, the officers are asking for and it gives them that authority right there on the spot. I think the key thing here, minister, is Legislative Counsel looked at this. They came up with this wording. This is what they recommended. This fits what the chiefs of police and the police officers in the Province of Prince Edward Island are asking for.

Mr. Roach: I agree with what you want to do here; however, I want to make sure that the officers have the powers because under the motor vehicle act, this is where it says – and motorcycle falls under the same thing as a motor vehicle and that's where it says that the police officer –

An Hon. Member: Call the hour.

Mr. Roach: – may require the driver of the motor vehicle to stop.

An Hon. Member: Extend the hour.

Chair: The hour has been called.

Leader of the Opposition: Can we extend the hour, Premier?

Chair: Do we have permission to extend the hour?

An Hon. Member: Just ask the question.

Mr. Trivers: Yes.

An Hon. Member: Yes.

Mr. Roach: I think we're onto something good here.

An Hon. Member: Really good. It's actually really good.

Chair: Question?

Mr. Roach: Under the act, under 253; 253 is where it gives the officer the authority to say: I want your driver's license. I want to see your registration. I want you to take that mask off. I want you to take that helmet off. That's where it is.

Chair: Minister, the hour has been called.

Do we have permission to extend the hour?

Some Hon. Members: Yes

An Hon. Member: Carry the bill.

Mr. Trivers: Let's have our vote.

Chair: The hon. Premier.

Premier MacLauchlan: I think we can deal with this quickly, but I think you need to take this away and consider many people who made comments suggesting a possible amendment to 213 and 253, and bring it back. We don't need to spend a whole lot of time on the floor when it comes back, but I think given the discussion today that's just – take some time and we'll bring it on and we're happy to get this done, but –

Ms. Biggar: Go back and (Indistinct) and fix it up, take it back (Indistinct) two minutes next week.

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

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intitled *An Act to Amend the Highway Traffic Act (No.4)*, I beg leave to report that the committee has made some progress and begs leave to sit again. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

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

The Legislature recessed until 7:00 p.m.

Speaker: You may be seated.

Matters of Privilege and Recognition of
Guests (III)

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

Happy to recognize Roisin Mullen and her mother Heather who are, as we know, Roisin's been here before – great interest in public affairs and, in particular, the good work she's doing to discourage bullying.

Ms. Biggar: Good job.

Premier MacLauchlan: Nick McGregor's here, Jeff Matheson's back on a number of occasions and it's great to see people so interested in what we're doing.

Thank you, Mr. Speaker.

Orders of the Day Government

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Premier, that the 11th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 11, *An Act to Amend the Custody Jurisdiction and Enforcement Act*, Bill No. 62, ordered for second reading.

Speaker: The hon. Minister of Agriculture and Fisheries.

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

Speaker: Shall it carry? Carried.

Clerk: *An Act to Amend the Custody Jurisdiction and Enforcement Act*, Bill No. 62, read a second time.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Premier, that

this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

Speaker: Shall it carry? Carried.

I'll ask the hon. Member from Summerside-Wilmot – would you come and chair this bill, please?

Chair (Palmer): 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 Custody Jurisdiction and Enforcement Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

Ms. Biggar: Sure.

Chair: Would you like to bring a stranger on the floor?

Premier MacLauchlan: Yes. I would.

Thank you, Chair.

Mr. Aylward: Chair? Before we get in and going through clause by clause, I'm wondering if we could just get an overview of this bill.

Chair: Sure.

An Hon. Member: Stranger.

Chair: Stranger onto the floor?

Mr. Aylward: We already said 'granted', so –

Ms. Biggar: What's that?

Mr. Aylward: (Indistinct) listen (Indistinct)

Chair: Can you introduce yourself for the record, please?

Michael Zimmerman Acting Manager: My name is Michael Zimmerman. I'm the Acting Manager for the Family Law section for the Department of Justice and Public Safety.

Chair: You say you'd like an overview?

Mr. Aylward: Yes please, Chair.

Premier MacLauchlan: Chair, this bill amendment to the *Custody Jurisdiction Enforcement Act* is the first of a three-part legislative package that will put in place in Prince Edward Island an effective alternative dispute resolution capability to deal with legal disputes in family case. In particular, issues where there are problems in the case of a separation of families and interests of children to be paid particular attention and it's with the aim of making the court process or the legal process more accessible and affordable to Islanders. In particular, to providing a greater level of service and a great mix or disciplines who will be able to work together to look out for the interests of children and, in this case, to put in place a publically-funded parenting coordinator. This will be the first such office that is in house or publically-funded in Canada and to our knowledge, it may even be a first in the world.

Thank you.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: So what all research has been done compared to other jurisdictions across the country by province?

Premier MacLauchlan: I'll ask Michael Zimmerman. I'm prepared to distribute two one-page documents that address the questions – expand upon the information that's been provided regarding work on the comparative service as well as the staffing levels and costs of the child advocate. So, these are two one-page documents that we can distribute, Chair. We've made copies. There are multiple copies that can just go around.

Chair: Well distribute them now.

Do you have another question, Leader of the Opposition?

Leader of the Opposition: (Indistinct)

Premier MacLauchlan: I might, sort of – if members would like to get a glance at this we can do so, but Michael Zimmerman has led our work on this and is quite prepared to answer that through a comparative context.

Michael Zimmerman Acting Manager: Certainly.

Leader of the Opposition: I guess the first question would be: What's done in the Province of British Columbia?

Michael Zimmerman Acting Manager: When we were first setting up this office, we conducted cross-jurisdictional scans of all of the provinces and territories. There are three provinces that allow for parenting coordinators to practice, those are: Ontario, Alberta, and British Columbia. Ontario and Alberta don't regulate parenting coordinators and they don't have any legislation which outlines the standards of practice of the profession. So, British Columbia was elected as the exemplar model in which to base the Prince Edward Island parenting coordination program on, as British Columbia has legislation which explicitly states the standards that are expected of practicing parenting coordinators and what they're allowed to make determinations on.

However, when we were talking with our colleagues in British Columbia, they did state that the parenting coordinators who work in British Columbia are only available to higher income earners and those of lower and middle income means are not able to actually access parenting coordinators, so we took Ontario's legislative basis, but we also added a mechanism where we would have an in-house parenting coordinator that could service lower and middle income Islanders.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Do you have a copy of the policy or procedure guidelines for the Province of British Columbia?

Michael Zimmerman Acting Manager: I don't have that on with me. I can provide that to you later. We did obtain all of their policies and procedures and also they have a society that regulates parenting coordinators, so we use that as the basis to develop our own internal constitution and bylaws on Prince Edward Island to incorporate a regulating body that's going to regulate parenting coordinators on Prince Edward Island.

Leader of the Opposition: Chair?

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: What's done in the Province of Alberta?

Michael Zimmerman Acting Manager: Excuse me?

Leader of the Opposition: What do they have in place in the Province of Alberta? You referenced three places: Ontario, Alberta, and British Columbia. So what's done in Alberta?

Michael Zimmerman Acting Manager: In Alberta and Ontario, there are no regulations. Basically, any public person could call themselves a parenting coordinator, and it's all done based on contract law. So, two parents would have to agree to enter into the service and sign a contract, and if something goes wrong it would fall under contract.

We didn't believe that that was the best route to go on Prince Edward Island, because there's no regulation and there are no mechanisms to protect the public from people who are making very serious decisions about family arrangements to have to answer to a regulating body that has to follow the legislation that exists in that jurisdiction, being British Columbia.

Leader of the Opposition: Chair?

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: You referenced in that a contract. Do you have a copy of the contract that you compared with?

Michael Zimmerman Acting Manager: The contracts would all be done by private practitioners, so basically the same if you were signing a contract with a lawyer anywhere on Prince Edward Island, they would develop their own internal form. So there's basically no standardization in forms, policies, procedures, legislation, in Alberta or Ontario with respect to parenting coordination.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Who in the province did we contract to review the

contracts that are looked at in the province of Ontario?

Michael Zimmerman Acting Manager: We did hire parenting coordinators from Ontario to come and assist us in delivering training, and they did provide us with their internal forms and their own practice standards, so the person we contracted with, whose come here twice now and she'll be coming for a third time in June – her name is Doctor Barbara Fidler and she's one of the most renowned parenting coordinators in Canada.

Leader of the Opposition: Chair?

Chair: Can I go to him and then come back?

Leader of the Opposition: You can come back.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you, Chair.

I guess I just have a quick question here. The minister of transportation across the floor seems to be laughing at the questions that are being asked right now.

This is an extremely serious issue. The Premier has brought bills on the floor. We have been talking about a child advocate and protecting children on Prince Edward Island now for several years.

I guess my question to the minister of transportation: If this is a joke to you, then maybe you should walk out those doors.

Some Hon. Members: Oh.

Ms. Biggar: Mr. Chair, could you call back the Speaker, please (Indistinct) point of –

Mr. Myers: Call him back.

Ms. Biggar: I think he's –

Mr. Myers: Let's call him back. Get the Speaker back.

Chair: Call back the Speaker?

Is there a point of order of why did you want me to bring the Speaker back?

Ms. Biggar: Mr. Chair, the opposition leader made an accusation that I was not taking this seriously.

Leader of the Opposition: Pardon me?

Mr. Roach: (Indistinct) the member from Stratford.

Ms. Biggar: The Member from Stratford-Kinlock. Excuse me, hon. member of the opposition.

I would wish for him to retract that, because I certainly do take this seriously.

Mr. Myers: Let's call the Speaker back.

Ms. Biggar: It's not up to him, in my opinion –

Mr. Myers: Call the Speaker back.

Ms. Biggar: – to chastise me as another Member of the Legislature.

Mr. Roach: And ask you to leave the House.

Ms. Biggar: And ask me to leave the House. He has no authority to do that.

Mr. Myers: Let's get the Speaker back.

Some Hon. Members: (Indistinct)

Chair: Member, on advice, I'd ask you to retract your statements as unparliamentary language.

Mr. Myers: What was unparliamentary? Which part was unparliamentary?

Mr. Aylward: Chair, what I observed and what I have witnessed, and several other members on this side of the floor have witnessed. I'm sorry. I'm appalled at the actions of the member across the floor, so I refuse on principle to retract anything that I said, because – for me – this is an extremely serious issue that has been debated for far too long here in the Legislature of Prince Edward Island, and for a member of this Legislative Assembly, when there's questions being asked to the Premier while

he's on the floor with regards to children, then I'm sorry.

Ms. Biggar: (Indistinct)

Mr. Aylward: What I'm saying I'm sorry for: I'm sorry that a member would not respect this debate and would laugh at any question with regards to protecting children.

Thank you, Chair.

Some Hon. Members: (Indistinct)

Mr. LaVie: Bring back the Speaker.

Chair: In an attempt to resolve this, hon. Minister of Transportation, Infrastructure and Energy, I would like to clarify: Were you laughing at the line of questioning that was going on?

Ms. Biggar: No.

Chair: I didn't see what was happening, but I just wanted to get clarification.

Ms. Biggar: Hon. Chair, as I mentioned, I take this very seriously. I can look across the floor and shake my head at anybody, I think, as a Member of this Legislature – any time I want.

But for the other member to ask me and direct me to leave this Legislature, he does not have that authority, in my opinion.

Thank you.

Mr. LaVie: You asked for the Speaker to come back, didn't you?

Mr. Myers: Well, you're going to have to replace her, I think. Anybody else on the bench?

Mr. Myers: (Indistinct) they're getting free money (Indistinct). Some are shuffling. She (Indistinct) you guys in a lot of trouble, and (Indistinct) joking (Indistinct)

Mr. Myers: You've been here for a long time and never get yourself in trouble once. There was the school thing.

An Hon. Member: Well, there was a few things.

Some Hon. Members: (Indistinct)

Chair: In an effort to keep this moving forward, we've had – everybody has said their piece, and I just want to continue on and keep going through this. I've understood what everybody's said, and my ruling will be that we'll continue on with this bill.

Ms. Biggar: Thank you, Mr. Chair.

Leader of the Opposition: Question.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you.

I heard that the province of Ontario contracted to a doctor – Barbara somebody; I'm not questioning her at all – and that they use a contract model, or a contract between – I take it would be between law firms would actually set that up, would it be?

Michael Zimmerman Acting Manager: It wouldn't be a law firm necessarily, but I was just trying to say that, like a private practitioner would draft their own contract and then give it to the parties, and the parties would sign that contract.

The contract would vary based on every single person who would be practicing parenting coordination in Ontario or Alberta.

Leader of the Opposition: What would these – I'm trying to understand why these contracts would be excluded, or why that model wouldn't be looked at, or what was actually in those contracts that made it not appeasable to this province?

Premier MacLauchlan: This is not to exclude the contracts that you're speaking about, hon. Leader of the Opposition. It is to put in legislation through the amendment of the *Custody Jurisdiction and Enforcement Act*, the ability for there to be such contracts between parents in Prince Edward Island, so that that will be in the better interests of the children and the parenting coordinator would be the person who would do that from within government.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Is there – what would the actual contract look like. What

would it all – is there a base that would be the same and then the conditions, or what would that contract that they use look like?

Michael Zimmerman Acting Manager: The form of the contract in the proposed amendments to the *Custody Jurisdiction and Enforcement Act* would be in the form that's approved by the Minister of Justice and Public Safety.

What we would be expecting to use as our standard form of contract is the model that's used in British Columbia and Ontario, because what they've included in their contracts are fairly similar.

But the main difference, I think, that we should differentiate is in Ontario, the court has no power to order a parenting coordinator to act in a custody and access proceeding, where in British Columbia the court can, so it's slightly different, the model, because we'll have to have a different form for the fact that one, the court can order people even if they don't agree to enter into the service. So that's why we were using British Columbia as, again, the exemplar program, but the contract is – it would have to be approved by the Minister of Justice and Public Safety (Indistinct) that.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: You mentioned in there the judicial part of it. Would there be any change to the powers of the Provincial Court Judges, or would the Provincial Court Judges still hear this, or would we have a new court and a new judge?

Premier MacLauchlan: It's not a new court. The family court, which would be the Supreme Court of Prince Edward Island, could have the ability to order the parents to enter into the relationship with the family coordinator.

The family coordinator's role would be to work with the parents on a continuing basis to improve the communications and the parents' understanding of the complexities of the relationships such as in matters of access; and this would be in the interest of improving the family situation in a family separation so that the child's interest would be better looked after.

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

Mr. Myers: Thank you, Chair.

I guess my concern here is probably much broader than the actual act itself. This act appears to me, in the handout information that I received, it appears to me it's your attempt to circumvent having a child advocate in the province.

For the life of me, and I like the Member from Stratford-Kinlock, cannot wrap my head around what your reluctance is, other than not having control over a child advocate, why you wouldn't see fit to give this province what – not just this province, but the children in this province – what every other child in Canada has access to but children in Prince Edward Island.

Can you explain to us what your reluctance is to give us and give the children of Prince Edward Island what they deserve?

Premier MacLauchlan: Yes. Very simply, it's to provide the children of Prince Edward Island with a better service.

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

Mr. Myers: This is not a better service. This is something that you invented. This is your invention. This isn't a child advocate. Every province – and Prince Edward Island – and you have it. Regardless of the annual budget, every child in Canada, save Prince Edward Island, has protection not only from their parents, not only from a bad guardian, from a bad government; from anything, because a child advocate, what they do – and I know you aren't willing to accept this – what a child advocate does, it puts the child first and it makes the child the most important person in the process.

For us, we think that's very important and for a long time we have been pushing for that. It's not just us. There are several groups out in the public who adamantly support what has been pushed by the Member from Stratford-Kinlock for a number of years, to bring a child advocate to this province. How can this be a better system than somebody who is independent

from you and independent from government, and independent of interference of politicians, of bureaucrats, of decision makers?

How can this be better than somebody whose only job is to make sure that the best interest of a child is looked out for?

Premier MacLauchlan: I'm going to ask Mr. Zimmerman to explain the skill set and the work of the parenting coordinator.

Michael Zimmerman Acting Manager: Specifically what the role of a parenting coordinator would be is, as we have seen with other child advocate offices there is a big focus with ADR, which is the main role of a parenting coordinator. What the parenting coordinator would do is they have extensive experience either as a psychologist, a skilled social worker or a lawyer and there is a slew of other types of trainings they have to take such as child development training, family systems training, interviewing children.

What that parenting coordinator would do is if there are two high-conflict parents and, let's say, the court orders the parenting coordinator to get involved in a dispute, the parenting coordinator would first help those parents by building consensus. What I mean by that is helping the parents develop communication strategies and helping the parents work together to resolve issues for the best interest of their child. If the parents are not able to come to an agreement that's collaborative and is with respect to the best interest of the child, then the parenting coordinator has unique powers that don't exist in other positions and so far as they can arbitrate between the parents and actually make an order very similar to what a judge could do.

This is a unique position given the fact that it's multi-disciplinary. The person has extensive experience dealing with families in high-conflict situations, and they also have teeth in so far that they can make decisions that are in accordance with the best interest, principle, of that child or children.

As I said, those have the same enforceability as if they had come straight from the court or a judge.

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

Mr. Myers: I think we need a child advocate. I don't think we need a court. We don't need lawyers. We don't need judges when we can put a person who is independent of all those people whose job is always going to be to put the child first.

I don't say that lightly. I have been involved with – don't shake your head at me, Paula. Don't shake your head at me.

Ms. Biggar: I don't agree with you.

Mr. Myers: Don't shake your head at me.

Ms. Biggar: I don't agree with you.

Mr. Myers: No, don't shake your head at me. You're shaking your head at me.

Ms. Biggar: (Indistinct)

Mr. Myers: Don't shake your head at me.

Chair: Order!

Mr. Myers: I'm as serious about this as anyone. No, I have dedicated a lot of my life –

Chair: Hold it. Let's, everybody, just calm down here a little bit.

Mr. Myers: Tell her to quit shaking her head at me.

Chair: Okay.

Mr. Myers: I'm very serious about this.

Chair: Okay.

Mr. Myers: This is something that we fought for. It's not because somebody handed me questions –

Mr. J. Brown: You're challenging the Chair.

Mr. Myers: – to come to Question Period.

I'm not challenging the Chair, Jordan.

Mr. J. Brown: (Indistinct)

Chair: Let's all –

Mr. Myers: I'm not challenging the Chair at all.

Mr. J. Brown: What are you doing?

Mr. Myers: I'm challenging you right now.

Chair: (Indistinct) let's make sure that we all do our work in here and everybody just calm down, and everyone be respectful of what we're trying to get finished here.

Mr. Myers: Thank you, Chair.

You know I have the greatest amount of respect for you.

Chair: Okay.

Mr. Myers: Absolutely, you know I do. I'm not even kidding you about that.

Chair: Yes.

Mr. Myers: I have the utmost respect for you, and what bothers me is that I see children that all the time – I don't have the authority to do anything more than wonder if they have – if things are safe.

I spend a lot of time in children's sports and those types of things, and I think that children are a wonderful part of our society that we need to do everything that we can do for each and every child of this province. I believe that whole heartedly, I really do. I feel that we're doing a disservice by inventing something for this province so that we can be unique, so that we can say that we're different, so that we can say we have something that no one else has. Give us what everybody else has. We're a pioneer in nothing else. Why would we be a pioneer on this?

Why does the Premier think that we need to be a pioneer? This bill, I'm serious – you snuck this in on a Thursday night when you thought no one was watching. I'm telling you right now, a child advocate is what Prince Edward Island needs. I don't know why you don't see it, why you think you're the smartest person in the room, why you think that you can invent something that's

better than what every other province in Canada has.

Can you explain to me what makes you think you can invent something that's better than what every province in Canada already has to protect children?

Premier MacLauchlan: Our goal here is to provide a service directly to children and families, to bring forward a parenting coordinator as part of a team, to put an emphasis on alternative (Indistinct) as a timely response, as a multidisciplinary response and a sustained and effective response to the situation of children in what would otherwise be high-conflict family situations.

Indeed, we are not the only province in Canada to put in place alternative dispute resolutions in family law situations. This is not out of the norm and as Mr. Zimmerman has explained, the parenting coordinator function is in place in three other provinces and we have indeed compared those provinces and (Indistinct) best from those situations to put in place an effective service in Prince Edward Island.

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

Mr. Myers: Thank you, Chair.

I'll just ask one more for the time being. Newfoundland has an advocate for children and youth. Nova Scotia, child and youth mandated office of the ombudsman; New Brunswick Office of the Child and Youth Advocate; Ontario Provincial Advocate for Child and Youth; Manitoba Office of the Children's Advocate; Nova Scotia children's advocate office; Alberta Office of the Child and Youth Advocate – I don't understand how you don't see that the children of Prince Edward Island deserve what everyone else deserves.

The people that you're talking about and the system, the legislation that you're trying to pass tonight, it's going to be people that are controlled ultimately by you, whether you want to admit it or not. They're going to be controlled by you. I don't understand why you're so scared to give up control when it becomes what's the best interest for children.

Now, you know what? Sometimes you're going to take your lumps and that's okay, if what you're doing as a government isn't what's in the best interest of children. You have to be able to take that. You're a leader. You're supposed to be a leader. When you have leadership aspirations, sometimes you have to let independent bodies direct you where you go. You should never be scared of a child advocate. You should never be scared to say: I was the Premier who put children first by putting them first. Not by inventing something through a whole bunch of legislation that's going to create some sort of a system that you think is going to somehow protect children when a child advocate is independent and can only protect children.

I want to know what makes you so much smarter than every other province that you can't give us what every other province has for our children.

Premier MacLauchlan: We had –

Mr. Myers: I'll take a break.

Premier MacLauchlan: – a *Child Protection Act* review that reported earlier this year that looked at the whole question of the mix of services, our capacity to deal with, in particular, children in high-risk situations or children in need of protection. That was an extensive process. The work that has gone into the development of these three pieces of legislation has been done with one concern uppermost in our mind and that is to provide effective service to have in place the right mix of talents. To have in place a process that is accessible and that is timely and that, above all, looks out for the interests of children.

Chair: The hon. Member from Morell-Mermaid.

Matters of Privilege and Recognition of
Guests (III)

Mr. MacEwen: Thank you, Chair.

Chair, with your indulgence I would just like to recognize Roisin and Heather Mullen who are in the gallery tonight. Two very good close friends of mine. I couldn't let the chance pass. It's an important issue tonight,

but I want to talk about Roisin, who won first place in the Junior Colour Poster contest for the Royal Canadian Legion was just announced, across, in all – entire Canada. I want to give her a –

Some Hon. Members: Hear, hear!

Mr. MacEwen: Roisin and Heather do wonderful things for Mount Stewart Consolidated and the Premier knows that and I thank the Premier for recognizing them.

Chair –

Chair: Can I interrupt you just for a minute? I'd like everybody, now that we're on to this why doesn't everybody remember that she is in the room? Let's make sure that we act the way that we should act.

The hon. Member from Morell-Mermaid.

Mr. MacEwen: Premier, you said that this is about a better system, better for the child. You handed out handouts. The first two handouts I have are what the costs are of a child advocate office across Canada – the costs of it.

What the heck does it matter what the costs of the offices are? Why are these the first two handouts that we get?

Premier MacLauchlan: We were asked –

Mr. MacEwen: It seems to me that we're trying to prove a point that we're going to be cheaper than everybody else for a child advocate.

Premier MacLauchlan: This question was raised by the Leader of the Third Party who asked if that information could be made available as we take up consideration of these matters. That's why those were distributed.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Premier, I want to tell a story. I'll be honest. The member from Stratford has put such time and effort into this and I'm proud of

him and admire him for it, as much of the opposition caucus – long before I got here.

I'll be honest, over two years I have been learning and learning more and more about this and about what the best options were. I have talked to ministers, I talked to members and they say: Member, trust me. This is the best idea. It keeps coming back to the independence.

I want to share a story, if I can, Chair.

Last week, we were in Legislature late. We sat until 9:00 p.m. I left here about 9:30 p.m. and I went down to the boat. I turned the heat on in the boat. I probably got to business in Morell, I'd say about 10:30 p.m. There was a gentleman in there cleaning, I don't want to say what business, but he was in there cleaning and I was getting cash out of one of the banks in Morell.

He said my name and he said: Why won't they commit to the child advocate? What is it? I know we have good people in the system. I know that the civil service is good. I know that all of the people they'll put in place, the lawyer, all these people are really going to look – they're going to look for them, but they're still not independent and that's the whole thing.

He had heard the number \$500,000 for an office. He said: Who cares if they see one case here. Who cares if they see one case every 10 years? Why won't the government listen? He said to me, he said: I just don't get it.

He's a youth worker. He said: Why won't they commit?

What do I say to him, Premier?

Premier MacLauchlan: The main answer is that the parenting coordinator, the children's lawyer, we'll be speaking about the children's lawyer tonight, the bridge model, these are all mechanisms. These are all people with talent and multi-disciplinary talent to provide direct service to children and families who are in a high-risk situation or are in a separation.

That's what we've set out to do. That's what these measures will achieve. The reason these are being brought forward is that they

will provide a better direct service for children that we have a duty to look out for and protect.

In the case of the parenting coordinator; to work with the parents and the families to improve the relations and to reduce the conflict and to assist the family to do things on a more consensual basis. That's why this parenting coordinator is proposed here, and in a way that will work together with the children's lawyer, other people involved in the Family Law centre, and other people involved elsewhere in government and in services in the community.

That's the whole concept here; it's to work together in the best interest of the child.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair. Thank you, Premier.

Do you feel that that is – can we not have all that and have independence? That was the point that this person made to me. As a number of people have. I just thought that was, the fact of him to approach me, at that time of night, out of the blue, can we not have that and have independence from government?

Premier MacLauchlan: In the case of the parenting coordinator, it's important that that, in this case, it's important, in terms of what we've seen comparing with other jurisdictions where parenting coordination is an option, that this be provided, not to control the situation, but so that people can actually access it and afford it and have it on a timely and a regular basis. That's the point of the parenting coordinator.

The parenting coordinator enters into a relationship with the parents and ultimately with the child to improve the relationship in that family. That person works together with others who, in the case of the public service are public servants, but also works together with professionals and with community organizations who are all part of that same collaborative effort.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: I'm good, Chair.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

My questions have to do with application to help children outside of the court system.

One of the things that we have heard a lot about and what I have been following very closely, is how we're going to help grandparents that act as primary caregivers, as well as other family members, aunts, uncles, whoever it might be, brothers, sisters that act as primary caregivers.

What often happens as has been told to me by my constituents and others on the Island here are: Child Protection Services goes in and they assess a situation. They realize the child can't stay there. They want to give the parents a chance to work things out and meet the requirements, but they don't want to take the child under the care of the province because that is a major step.

In fact, the province becomes the guardian of the child. They say: Who can we get to look after the child, sort of just temporarily, kind of do us a favour. They go to the grandparents. Then, the grandparents are looking after the child. Basically, the child ends up staying with the grandparents for long periods of time.

There are no courts involved. This is Child Protection Services trying to do what is best for the child, trying to keep the family together, trying to give the parents a second chance. I understand that.

How is a parent coordinator going to help this situation?

Maybe I'm missing it, but it seems like they have to be appointed by a written agreement and an order of the court to have a parenting coordination contract, et cetera, so maybe you can shed some light on that.

Michael Zimmerman Acting Manager: Certainly, so we would talk about that when we get to the amendments to the custody – or sorry, to the *Judicature Act*.

The powers of the children's lawyer are that they can initiate a court application to bring parents before the court.

In the example you're giving me, let's say the grandparent could call the children's lawyer, could explain the case and then the children's lawyer could conduct an investigation and collect information to determine if they do think that a parenting coordinator would help this family.

That children's lawyer could file an application and the parties would have to go to court and then the judge could issue an order appointing a parenting coordinator to that family.

Mr. Trivers: Okay.

Chair: The hon. Member from Rustico-Emerald.

Premier MacLauchlan: The parent coordinator could include the role of the grandparents.

Michael Zimmerman Acting Manager: Yeah. Absolutely.

Premier MacLauchlan: (Indistinct)

I've just asked Mr. Zimmerman if he would expand on the capacity of the parenting coordinator and of the relationship that's established here to take account of the role of the grandparents.

Chair: Okay.

Michael Zimmerman Acting Manager: Yes, the parenting coordinator absolutely would also work with the person who has custody or even the extended family members who don't have custody. If there's a collaborative effort and there's some sort of resolution that has to happen, and those family members are going to be beneficial to that process, then by all means the parenting coordinator would work with all those members of the family, as would the children's lawyer.

They sort of work in a team, which we could expand upon a bit later, but a function of the children's lawyer as well would be to do case conferencing, case management, and have mediation sessions and alternative

dispute resolution processes with grandparents, parents to guardians to find a resolution that works best for that individual family dynamic. And if they can't reach a collaborative resolution, that's when the children's lawyer could file a court application, let's say, and get permanent custody for one of the grandparents if that's what was in that child's best interest.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I noticed that you didn't have to redefine parties as part of the act. The current definition does appear to cover, not just blood relatives, but anyone who's looking after the child. So that's good to hear. I guess when it comes to grandparents and these primary caregivers of children that are not their own – in a non-guardian relationships – they're just looking after the children because nobody else can or they've been asked to.

Have you gone and consulted with those groups? It sounds like you have a good handle on what's required there, but did you actually consult with them and go to the grandparents' group who have been in the standing committee a couple of times and we've seen them in the House and heard what they have to say because I gave you one scenario, but I'm sure they can give you 1,000 scenarios, right?

Michael Zimmerman Acting Manager: It's at the Family Law Centre where we do work. We deal with thousands of different family dynamics every year. We have been very cognizant of the fact that on Prince Edward Island there has been increasing amounts of grandparents parenting their child's children. We have started expanding our family justice continuum to allow for grandparents to come into access some of our services – one of those being the Child Support Guidelines Office.

We've recently developed a pilot where we're allowing grandparents to access these services, so we are very cognizant and we do talk with grandparents a lot who do call us for information purposes and also to get referrals to appropriate resources that can help them. On a daily basis, we would be talking with grandparents about the

struggles that the face with respect to raising their children's children.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Perhaps I missed this, but you talked about parenting coordinators as having a certain set of qualifications, skills, and experience including psychologists, for example and people with – they might be lawyers.

Will these be government employees, primarily, or would these be contractors brought in from the outside by government, or will they reside in a new department, or will you look for them on a one-off basis? I'm just kind of curious where the parenting coordinators will come from.

Premier MacLauchlan: There will be a parenting coordinator recruited as part of the team in the Family Law Centre who will work together with other professionals there and there will be parenting coordinator professionals in the private sector, as well, who have those qualifications. I'll ask Mr. Zimmerman to speak to that aspect of professional qualification.

Michael Zimmerman Acting Manager: So we looked at the provinces that have parenting coordination – again, only one of them has regulated parenting coordinators, that being British Columbia so we modeled our qualifications after them. The private sector and the public sector developed a steering committee in 2015 to formulate a regulating body so an application has been made for the Prince Edward Island Parenting Coordination Society to be incorporated.

They will regulate parenting coordinators and make sure that the parenting coordinators meet the following entry-to-practice requirements: 1) that the parenting coordinator be a member of a professional organization such as: the Law Society, the Social Work Board, or the Psychologists' Registration Board. They also must have a law degree, a master's degree in social work, or ten years of extensive social work experience if it's not a master's degree.

They must also have five years of family law related experience, five years of mental health counseling psychology, or five years

of mediation experience. In addition to those professional background requirements, they have to take the following professional development before they're allowed to practice. The first being three days of parenting coordinating training – that was one we were talking earlier about – the experienced parenting coordinator from Ontario being contracted with – she delivered that three days of training. They must have five days of mediation training; two days of arbitration training; two days of family dynamics of separation, of divorce, and the impacts of high-conflict dynamics on children; two days of children and family law; two days of civil procedure; two days in training of child development, interviewing, and conflict impacts and management and parent planning; and finally they must maintain \$2 million in professional liability insurance.

Mr. Trivers: Okay.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: It sounds like the complete plan is in place for this. Have you written the regulations already?

Michael Zimmerman Acting Manager: We've drafted them. They haven't been submitted, of course, for approval yet due to the still pending amendments to the *Custody Jurisdiction and Enforcement Act* being approved.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Essentially, everything is almost in place to turn this on. The regulations are written – well the draft of them. What process do you see yourself going through to get feedback on the regulations or maybe you feel you've already gotten that feedback. I don't know.

Michael Zimmerman Acting Manager: The Parenting Coordination Society – the steering committee – has membership from very experienced social workers, psychologists, private law lawyers, mediators. They are the ones that took the qualifications in British Columbia and they collaborated together to figure out what appropriate entry-to-practice requirements

would be for parenting coordination. That steering committee is basically the one that took these regulations from British Columbia and modified them slightly to fit the Prince Edward Island context, but they are very experienced members on that steering committee and they were the ones, basically, took the lead on formulating what the basis of those regulations are going to be.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: So obviously been working with a large group of very qualified individuals over the last number of years – you mentioned dates like 2014 – so a few years now this has been in the works. When you talk to these people about this approach versus – maybe in conjunction with – a child advocate, what sort of opinions are you getting?

Are they saying this is great? Do they think we need a child advocate as well or are they all saying: You guys have the right approach. This is the way we want to go. We're the experts on PEI and we're onboard 100%.

Michael Zimmerman Acting Manager: I've never explicitly asked any of the membership what their preference was between the two, but I do know that many of the members, especially the lawyers who deal with high-conflict clients, have said over and over again, as has the court that the parenting coordinator is going to fill a much needed gap to help Island families and reduce the strain on court resources.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I notice in the handout you gave with the jurisdictional scan across Canada there is a – I mean it's got jurisdiction, annual budget, and staff. Now in this case, I was going to ask you the number of staff that you'd have to hire, but it sounds like the people will be engaged from the private sector as well on an as-needed basis. I have a couple questions here. Maybe I'm wrong on that. Maybe you want to comment.

I was going to ask what number of FTEs do you think you'll need to hire and I was going to ask what do you think the budget's going to have to be for this and then the third question – I think you can comment all in one – is whether you think there's actually enough qualified people on the Island to provide the quantity of service that would be needed when you kick this off.

Premier MacLauchlan: I can answer the first question and that is there would be a hiring that would take place by mid-year 2017 of a parenting coordinator within government. The budget for that – the allocation for that would be less than \$100,000. The children's lawyer is the – hiring has been underway for that and the resources are in the Budget – in the Estimates for 2017-2018, and I can give you a more precise number on that, but it's in the range of \$140,000 all-in. That's not the single person; it's some of the related costs. Otherwise, this gets done through an effective collaboration with human resources and capabilities that are already in place, and I'll ask Mr. Zimmerman to expand on just how that team will work together.

The people in the private sector, and we can – Mr. Zimmerman will tell us the number that are currently on the scene, would be people who would be paid privately by families who have means the to do so.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Again, maybe you did mention this, but so this is going to be a means-tested program?

Premier MacLauchlan: It is, but it's not. It's at a high level. It's one where we're not looking to treat this as limited access in the first part, but it will be, as we've said, the first time in Canada, and the comparison has been made with maybe British Columbia, where in fact government provides the service.

I'm going to ask Mr. Zimmerman to expand on how the parenting coordinator and we might as well tie in the children's lawyer. We'll work together with other professional people and the team in the family law centre.

Michael Zimmerman Acting Manager: So the children's lawyer position and the parenting coordinator have a very intertwined relationship with what we call the Family Court Counsellors' Office. The clinicians in the Family Court Counsellors' Office are master's level social worker who have extensive experience dealing with children and youth in high-risk situations.

So basically, those positions, and also our publicly-funded mediator, all work together as a team.

So if we did, let's say, have a serious allegation levied against a parent, that they were harming their child, let's say, and it wasn't something that fell under the ambit of child protection, so maybe it's something more that's – it's emotional harm that's harder to read.

The children's lawyer, what they would do, is they have powers to obtain information from anyone, so it's not just the government that they can obtain information from. They can obtain it from third parties, from non-government organizations as well as government.

They would start gathering that information and then provide it to the clinicians, those social workers, and what they do is they all act as a team.

So we have the legal piece who can provide legal representation to that child if they need to go into the courtroom; we have the ADR piece, which the publicly-funded mediator would get involved and also assist that family if need be; we have the clinical piece, where we have the Family Court Counsellors' Office, who have experience interviewing children and making recommendations on what's in the best interest of the child to protect their health and well-being.

That sort of holistic model of having multidisciplinary people working together to ensure that we're protecting the best interests of the child is how the parenting coordinator's going to fit in. But the difference with the parenting coordinator is that they're going to get assigned to work with that family for a period of two-to-four years, and the whole purpose of working

with that family one-on-one or two-on-one for that period of time is to really help and get – know the dynamic and the family and to help that family move away from the court system, the family law centre, and any government service, so that they can collaborate with one another and make sure that they're looking after their child's best interests.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: How many parenting coordinators do you think you're going to need at any given time? Did you estimate it, just to start off based on – and do we have enough qualified people. That was part of my question there. Sorry I forgot; I just threw that in there at the end, sorry.

Michael Zimmerman Acting Manager: We did – internally, right now, myself included, we have five people who have taken all of the necessary training except for two that will be happening in June and September. In the private sector, there's been about 24-26 private sector people who have been attending the trainings we've been providing.

I'm anecdotally saying this, but to state that I've seen three to four private practitioners who have gone through all of the training so far that have expressed interest in incorporating private parenting coordination into their professional practice.

Mr. Trivers: Sorry, how many do you think you'll need?

Chair: The hon. Member from Rustico-Emerald.

Michael Zimmerman Acting Manager: If you look at BC, then we would probably need about three parenting coordinators on Prince Edward Island if we're doing it on a per capita ratio, so we would be meeting that amount.

Premier MacLauchlan: And that's to say three FTEs if you take the professionals who do other things as well as the parenting coordinator who would be hired as part of the team at the Family Law Centre.

Mr. Trivers: Okay, thank you.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Chair.

I want to go back quite a ways here. Back, a long time ago, you mentioned about groups and consulting.

Who did you consult with on the Island in regards to what they thought was best for PEI?

Michael Zimmerman Acting Manager: I consulted with respect to these programs being launched; specifically Legal Aid, the bar, the judiciary, Child Protection, Victim Services, many other stakeholder groups, both internal and external to government that deal with children and youth. But again, when I was conducting these consultations, I was never explicitly asking anyone what they preferred over one model over another.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Did you talk to any clergy or any churches or any foster parents that receive children – can you take this child – did you talk to any of them?

Michael Zimmerman Acting Manager: I did, as I said, consult Child Protection staff, as well as the director of Child Protection, but I haven't specifically met with an individual foster parent to explain these programs to them, no.

Leader of the Opposition: I'll be honest with you, I find that disturbing.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: I don't understand why you wouldn't. I don't understand why you wouldn't talk to people that could receive a child in an hour of need or when something's taking place.

I'll be honest with you there, Chair, I'm actually a little bit offended going to what the Member from Georgetown-St. Peters – I can't actually believe that the Leader of the Third Party was worried about funds on this.

Can you explain to me, Chair, or Premier, this child lawyer, what would actually be the

chain of command that would be put in place on that?

Premier MacLauchlan: The children's lawyer will be an employee located with the Family Law Centre, and Mr. Zimmerman is the acting manager there.

Leader of the Opposition: So that person, that lawyer, would report to you, and who do you report to?

Michael Zimmerman Acting Manager: The director of Legal and Court Services.

Leader of the Opposition: And who does the director of court and legal services report to?

Michael Zimmerman Acting Manager: The deputy minister of Justice and Public Safety.

Leader of the Opposition: And who does the deputy –

Chair: The hon. Leader of the Opposition, (Indistinct) Chair.

Leader of the Opposition: And who does the deputy minister of justice report to, Chair?

Premier MacLauchlan: The deputy minister of justice reports to me as the minister, and this is the classic model of providing a public service as we do in all other parts of the work of government that comes before this House, whether it's in infrastructure, or whether it's in environment, or whether it's in public safety, or in this case, through the services that are very much a part of we are able to do through the courts and the supports for people who are working through legal issues and they're working through family problems, and that's exactly the system.

Now that is – but those people, in effect, report to the deputy minister of justice. The minister of justice doesn't, or the minister of public safety, doesn't order people in the department around. The deputy is the administrative head, in effect the chief operating officer, of the department.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: In theory, I would agree with you, Premier, but at the end of the day the Premier can direct how government the bureaucrats act, at the end of the day.

Premier MacLauchlan: I'd like to comment on that, Mr. Chair.

In fact, that would not be the case, and it would not be appropriate. These people are dealing with people's rights. They're dealing with family situations that are very sensitive in terms of all kinds of information that would be known to the people in the Family Law Centre, and in particular the professionals there; and it would indeed not be the case that the minister of justice would be –

Ms. Biggar: Can't hear, hon. Chair.

Thank you.

Chair: Can I get everyone to quiet down a little bit.

Leader of the Opposition: Speak up?

Leader of the Opposition: Thank you, Chair.

Chair: Thank you.

Premier MacLauchlan: I'm finishing this point here, that it would not be the case, and it would not be the case in the model of public administration that we live by in this province. I hope the opposition believes it, is that the minister has a role here in the Legislature, which is why we are bringing this legislation in, that's the minister's role. It is not the minister's role to interfere with or to direct or to even to know about the affairs of families that are getting the services of our professional public service.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Mr. Zimmerman, back a little while ago you talked about the qualification of the parent coordinator, I take it, and/or the child lawyer.

Where did you come up with those qualifications? What did you base that – could you go over that list again, and could

you explain where you came up with that list, or how you came to that conclusion?

Michael Zimmerman Acting Manager: Certainly.

If you do look at the parenting coordination society of British Columbia, they have outlined what their entry to practice expectations are for parenting coordinators in British Columbia. We got all of their standards of practice, as I said, their bylaws and their constitution. We used that as our reference point.

That society that I spoke of earlier, which has membership from experienced psychologists, social workers, lawyers and so forth. Took those regulations and just basically edited them slightly due to our economy of scale.

When we were looking at British Columbia, we did note that 98% of the parenting coordinators in British Columbia are in Vancouver only. That gave us a red flag that some of their standards were slightly high. We took them, some parts of it, and just edited them more for our economy.

Again, the substantive parts of what you'll see as the entry to practice expectations are modeled after British Columbia.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Can you explain. You made a statement a minute ago that you adapted to our economy. So, you adapted them to what we could pay? Explain that?

Premier MacLauchlan: I believe what Mr. Zimmerman said, he used the phrase: economy of scale. But, really it was to scale the British Columbia model to the situation of Prince Edward Island. Since we talk about the advantage of scale, we don't have the problem here that you do in British Columbia where people congregate in the Lower Mainland, or for that matter in metropolitan Vancouver.

A second part, what we did find, and that's been explained the case of British Columbia, was that there is still a problem of access, in terms of families being able to afford the services of a parenting coordinators in the

model that is in place in British Columbia, which is why we're coming forward with a parenting coordinator who would work within government.

On this question of independence. I just want to repeat what I said before: It is not the job of the minister to go down to Mr. Zimmerman's office, or even, for that matter, the deputy minister's office and say: I want you to do this or that today. They have professional obligations. They have fiduciary obligations to the people with. They are very talented, as I'm sure you can see right here on the floor tonight and I respect that.

Frankly, I think we should all admire it, in terms, of what we are able to do for the people of this province. Let me say, there will be, in addition to, that parenting coordinator, another, roughly, 20 people in the private sector that families can turn to if that's the way they would like to go.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Back a little bit ago, Mr. Zimmerman – thanks, Chair.

You said, I think you met with the barristers' society and somebody else.

Michael Zimmerman Acting Manager: Judiciary, child protection, Legal Aid, Victim Services.

Leader of the Opposition: You made a comment. I thought I heard you say that you never asked their opinion. I'm curious why not.

Michael Zimmerman Acting Manager: I may have misunderstood your question. I had thought you asked me if I explicitly asked them if they preferred the child advocate model versus these programs. I did ask their opinion and input on what they thought of these specific programs, but I was not contrasting and comparing them to a different type of program.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Why wouldn't you have asked their opinion on the merits of a child advocate? It must have been in

your frame of mind. I'm curious as to why you wouldn't ask that question.

Premier MacLauchlan: The work that was being done here was to look across the country for a model that would work, in the case of Prince Edward Island. Then, to adapt the British Columbia model to Prince Edward Island.

It was in response to the question about consulting with regard to the regulations that Mr. Zimmerman explained the extensive consultation that has taken place here with various groups of people that would probably total on the range of a couple of hundred or more, would it?

Leader of the Opposition: Okay –

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: – that's fair.

Back a little while ago you mentioned about, you made a comment about families that, I took it, as you said about families that couldn't pay.

What about a family that can't pay or they are going through a separation or a divorce or whatever and they can't pay to put an agreement in place or a – what about these people? What are we going to do about them?

Premier MacLauchlan: That's precisely why the parenting coordinator, in the case of Prince Edward Island, will be a public servant. This will be a public service that will be provided to families. Indeed, it'll be a service that's not currently available. Not only will that professional service be available, but the legal capacity as would be implemented by these amendments, would bring forward, for the first time on Prince Edward Island, the legal framework to enter into a parenting coordination contracts and to bring in, along with the parenting coordinator, the various services or the various professional and multi-disciplinary capabilities that will be in the best interest of the child and the family including the children's lawyer.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Where would we set the bar at for a family?

What's the cut-off going to be before they're basically told: You can afford to pay. Is it \$30,000? Is it \$40,000? How is that family's budget going to be looked at, or their availability to pay?

Michael Zimmerman Acting Manager: It's not solely based on financial eligibility. We have developed a series of criteria, but the most important being how high conflict the family is and what is the risk to the child?

If we did need to do – figure out what the financial element of that was, the court could inquire, which is what is done in British Columbia, on what the financial status is of that particular family.

As I said, if we did encounter a family that had significant debts and liabilities, and their gross income together was \$80,000 that wouldn't necessarily screen them out. Because, again, the most important factors would be the level of conflict and the risk to the child.

Leader of the Opposition: Okay.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: If you look at the parenting coordinator definition, to me it seems awful vague. To me it seems awful open or –

Chair: Is there a question in there, hon. Leader of the Opposition?

Leader of the Opposition: Yeah, I have a question: Why? Why does it look so vague? Why isn't it – to me it looks to be awful – where did you come up with that definition, I guess, would be the question.

Premier MacLauchlan: The role of the parenting coordinator is not vague if you read section 15 and, in particular, section 15.3 and 16.4. You will see there that it is very specific about both the functions and the powers of the parenting coordinator. It seems to me, you can, in looking at the different precise points that are made there see that this is something that doesn't

currently exist to work with parents and ultimately with children in this province.

For example: “creating guidelines respecting communication between the parties.”

I might ask Mr. Zimmerman to give an example of the precision or the, I might say, the context in which the parenting coordinator would help that family.

Michael Zimmerman Acting Manager: One of the main functions of the parenting coordinator, we don't like to focus on just the making decisions. It's a lot about consensus building, coaching and education.

If we did have two parents who, every time they have access or exchange the child, they get into a verbal war. What the parenting coordinator could do is order both of the parents to only communicate to the parenting coordinator. They would be the ones that act as the intermediary and send the messages to the other parent.

As they do that, they would tell parent A: What you're saying to parent B is instigating conflict by the way you're using that language. Then, they would try and coach and they would provide information. They could make referrals to mental health agencies or other appropriate agencies inside or outside of government that the parenting coordinator thinks would help that parent better look after the best interests of their child.

The main function of the parenting coordinator is to coach and educate and help the parents get to a place where eventually, they can collaborate and work together at a level that they don't get into such a conflict that it impacts their child's health.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you very much, Chair.

Just an opening statement first, I guess: First and foremost, I'd like to thank Mr. Zimmerman, because I have had the opportunity to discuss other issues with you in the past, and I found your professionalism and your research and how methodical you were on the issues that we were discussing to be utmost professional, and I thank you

for that, and it's something that I think we need to discuss further here, and it's with regards to maintenance payments.

If you recall, it had to do, essentially, with a deadbeat dad who was coming into money in a will and I had a constituent that was responsible for looking after the will, and he wanted to make sure that before this gentleman, the deadbeat dad, received the money that was coming to him from the will, that the monies first were paid out to his biological child that he had neglected and had not made any payments too.

The information that you provided back to me was very valuable and, again, I thank you for that.

The hon. opposition leader asked a question a little while ago with regards to why didn't you, when you were doing your research, ask the individuals, the departments that you were working with or conducting the research on (Indistinct) research versus a child advocate, and I would have to think it was because of the scope that you were given by the Premier, similar to what happened in the audit of the e-gaming file that the Auditor General was only given a limited scope, so therefore she did the work that she was directed. Therefore, you had have been given the opportunity to go out and ask these departments, these individuals, what they thought about a child advocate versus a parenting coordinator and so on and so forth, you may have come back with a different position on it.

Chair, my first question, and again it's to Mr. Zimmerman: You read off the qualifications that the parenting coordinator would have to have back a little while ago. I'm wondering, would you be able to provide that document to the House? I'd like to be able to see it for myself and go through it, because it was very specific and very – what's the word I'm looking for – very –

Premier MacLauchlan: Clear.

Mr. Aylward: Not only clear, but the qualifications are quite high. As you were reading off the qualifications, the thing that came to my mind is we're having such a difficult time here on Prince Edward Island presently, recruiting psychologists and psychiatrists, not only for general practice,

but especially for specialized in providing psychological and psychiatry services to children here on PEI, that the qualifications that you've attached to the parent coordinator, I don't think we'd ever be able to find that person, when we can't even get somebody that's qualified in psychology with expertise in children or psychiatry with expertise in providing services to children, so –

I don't think you're setting the benchmark too high at all, but I don't think it's attainable, because right now, within mental health issues here on PEI and we can't even provide the services that we should be providing.

That was my first question: Can you provide that to us so we can have that?

Premier MacLauchlan: I wonder if I might ask Mr. Zimmerman on the point of the availability of people with the qualifications that we're talking about to speak about the number who are in the field on Prince Edward Island at the moment.

Michael Zimmerman Acting Manager: We have, as I said, delivered most of the training already, and there have been three or four private practitioners who have been present for every single training that's been delivered.

There have been 20-25 private practitioners who have been present for some, or all, of the training, so I'm not exactly sure what they meet outside of that context. They might already have mediation training, for example, so they didn't need to attend.

I do know, internally in government, that we'll have about five people that will meet the interdisciplinary practice requirements, and specifically with respect to psychologists.

I do know, in the jurisdictions that have parenting coordination, in Ontario and Alberta about 90% of them are social workers that practice parenting coordination, and in British Columbia it's mostly lawyers. It's not actually done by many psychologists anywhere in Canada, but based on the education of a psychologist they would fit the requirements to practice. It's just not that

common for them to do so anywhere in Canada.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you, Chair.

I'm just waiting for the verbal answer, that yes, we can receive that document that I've requested.

Premier MacLauchlan: Yes, of course.

Mr. Aylward: This evening, Chair?

Premier MacLauchlan: We can provide that.

Mr. Aylward: I'm sorry?

Premier MacLauchlan: We can provide that. We're going to see if we can make a copy of it and –

Mr. Aylward: Yeah, but –

Chair: We'll get copies and we'll circulate it.

Mr. Aylward: This evening.

Chair: Yes.

Mr. Aylward: Right, okay.

Thank you, Chair.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you, Chair.

I think we're going down a very misguided path here. We've had a lot of debate, a lot of discussion, both here in the Legislative Assembly and publically, as well here in Prince Edward Island, with regards to the need for a child advocate. There's often comments thrown back and forth that a child advocate – this group doesn't really understand what a child advocate is, and this person might not understand what a child advocate is – but what a child advocate essentially would do would be arms-length from the government, an independent office from the government, so that they could actually make recommendations with

regards to the various silos within the government departments to ensure that things are set up to support the children.

Point in case; right now, the director of child protection services, if there's a child removed from a home – particularly from a foster family – and this individual, the director, decides that she no longer – or they; we'll use that term – that they no longer feel that the foster family should be certified or licensed to carry on as a foster family, that they, this person, this director, does not have to give any justification for her reasoning to the point if it goes to court.

This has happened not that long ago – where it's gone before a judge here on Prince Edward Island and the judge turned to the director and said: Well, what's your reasons for this? The director stood and looked at the judge and said: Well, judge, if you review the act I do not have provide a reason to the foster family. Nor do I have to provide a reason to you, your honour; to which the judge was quite taken aback.

Called a recess, went in, reviewed the act and came back out into the courtroom after reviewing the act with astonishment that this director did not have to tell the judge the reason for her decision.

I think we need to actually drill into those issues, as well, to see if there's –

I understand, especially when a child is involved, there are severe confidentiality issues and so on and so forth, but we're talking about the judicial system here on Prince Edward Island as well.

I guess I'm asking: Is there an opportunity to go back and to do a thorough review of the *Child Protection Act*?

Premier MacLauchlan: Mr. Chair, there was a review of the *Child Protection Act*, which was done extensively with many consultations and then recommendations for work to be done and amendments.

Mr. Chair, I think that the main point, picking up directly on the concern raised by the Member from Stratford-Kinlock, is that these measures, this one plus the two related ones will put in place on Prince Edward Island what we have not had before, do not

have now, and that is a thorough system for alternative dispute resolution.

That is really where the first answer has to lie is the capacity to work directly with families on a timely basis to improve their relationships or to address issues with the kind of support and ongoing knowledge of the family, and in particular, of the interests of the child.

Let me give this example of how alternative dispute resolution and, in particular, the parenting coordinator can be an great improvement in what currently exists on Prince Edward Island. You can get a lot of conflict around access issues in families that build up. That will build up notably around holidays Christmas Eve is likely the biggest day of the year, or lead up to the Christmas holidays. Instead of the parties having to go to court and have to go through the kind of legalistic and jurisdictional dialogue that you described, we understand.

What we're bringing forward here is not to try to fix every aspect of that system, of course, to be alert to where we can, but by putting in place this more regular, more connected and more multi-disciplinary approach through alternative dispute resolution that would make a systemic improvement for families and children in this province.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you, Chair. Thank you for that Premier.

Ms. Mundy: Can I just interject, just for (Indistinct) regarding the role of the director.

During the *Child Protection Act* review there was discussion around the role of the director. Actually, part of our – some of the legislative amendments that we will be looking at is, will be completing a jurisdictional scan to learn from other provinces around the role of the director. We are going to be looking at that.

We have got a five-year plan that we are laying out so we will be looking at the role of the director moving forward with the *Child Protection Act* review.

Chair: Thank you, Minister of Family and Human Services.

The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you for that, minister. Thank you, Chair.

The *Child Protection Act* review, and I know I have a copy of it upstairs in my desk. I attended the CHANCES facility back in the fall when that was made public. I'm not disputing that there isn't some good things in it. I'm not disputing that, at all.

My concern is that we're talking about children here, children, especially, quite often in vulnerable circumstances.

I wonder if it would surprise the Premier, or the minister, for that matter if I was to inform you here tonight that probably about four weeks after that press conference and release of the *Child Protection Act* review took place that one of the most senior, and in my view, one of the most highly respected individuals here on Prince Edward Island that has been advocating for children and for parenting here on PEI, came to me, asked for a meeting, went through the document. At the end of the meeting this individual said, and I quote: You're on the right track. Prince Edward Island needs a child advocate. Don't stop demanding it.

What would your thoughts on that be because that took place?

Premier MacLauchlan: I understand there are people in this House that say the same thing. We have heard the Member from Stratford-Kinlock say it.

What we are bringing forward is a series of improvement, systemic improvements and capacity improvements that will serve the interests of children. It'll serve the interests of children. It will serve the interest of families. It will serve the interests of children beyond those that are, let me say, within a system where currently they are being dealt with by government. That is one of the key points to be made.

It isn't to say there is something wrong with having a child advocate, but that this move to have a parenting coordinator and a children's lawyer and the multi-disciplinary

teams that will work with will enable our province to respond in a frontline way, in an active way, and to get service across the range of families and children that we can help. That is what is being brought forward here tonight.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you, Chair.

I'm not disagreeing that, on paper, and what you have presented here sounds good. A parenting coordinator, I'm still not 100% sold on lining up as many lawyers as you seem to be wanting to line up, and no offence to any lawyers that may be in the room.

I think when we are talking about our children and the safety and security and the protection of our most vulnerable that half-measures are not enough. That, I think, in addition to what you're proposing here would only be acceptable if it fell under and within the auspices of an independent office, arms-length office of the Legislative Assembly called a child advocate's office.

I have said it before, and I will say it again: I'm not going to stop until you agree to this, or until in 18-months time when we have the next provincial election and we form another government here on PEI and then we will finally have a child advocate.

Thank you, Chair.

Premier MacLauchlan: We have heard most of this, but I will reply on one point, which is this that is somehow to make work for lawyers. Let's be very clear that this is putting in place a systemic approach to alternative dispute resolution to help families and children in this province.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

I would like to start off by thanking Michael and, of course, your visit to our office this morning to give us a briefing on this bill and the other suite of bills that are coming forward tonight. It was very useful. The concision and the clarity of your answers, very much appreciated.

I want to clarify something myself, though, because the Leader of the Opposition suggested that somehow I was concerned about how much the office of the child advocate might cost, and I think he felt offended by that.

I want to clarify that the handouts that the Premier brought tonight were in response to a tabled written question that I had presented just yesterday in the House. Of course, we're not used to getting back responses to tabled questions as quickly as that. I have to say that I found it a little bit odd that they were presented prior to us debating these bills. I imagined that we would be here to analyze Bill No. 62, No. 63, No. 65, and No. 70 tonight. We haven't even started that, yet. This has spawned a larger discussion on the relative merits of a child advocate office versus the suite of services that are being suggested by these bills.

I wanted to start off by saying that the reason I asked, I tabled my question yesterday was that I wanted – because one of the justifications of government for not going forward with a child advocate office was the potential cost.

When I look at the suite of services that will be provided through these bills, whether it's a child lawyer or parenting coordinators, or the bridge program or all of the other services, and then I would look at what a typical scope of services offered in the child advocate's office is.

You're comparing here the cost of a child advocate office inside which all of these services would be provided. My point of view is that it's not an either/or. We don't need to have the preference of the Premier and government or an office of the child advocate, but we could and should have both. That these services, whether they're provided within – my preference would be all to be provided within an office of a child advocate – I can live with them. The important thing is that we have frontline, direct services that are available to protect children on Prince Edward Island, that's what we want.

Some Hon. Members: Hear, hear!

Dr. Bevan-Baker: But a critical element, I believe, in providing those services so that they are most meaningful and most effective, is that they are done so from an independent, arms-length, third-party office. That's – that is also the critical –

Some Hon. Members: Hear, hear!

Dr. Bevan-Baker: So, for me it's not an either/or option here.

My first question is: The costs that you have tabled today associated with other child advocate offices – again, include all of these frontline services, and therefore, if we're going to provide these frontline services through another means, the cost of the independent oversight portion of a child advocate office on Prince Edward Island – we're not comparing apples to apples here. It would be considerable reduced. Do you have any idea what the cost of a child advocate office here, whose primary and sole function would be to oversee government?

Premier MacLauchlan: If I can go back to the first part of the hon. member's comment – this started with questions raised in Question Period in which the Leader of the Third Party indicated that he would like to have, prior to taking up these bills, a jurisdictional review of whatever – I believe the language cost benefit, but it was cost anyway – had been put together by government. I tabled the documents. Maybe it was –

Dr. Bevan-Baker: (Indistinct)

Premier MacLauchlan: – and it was my understanding – perhaps I took it up incorrectly – that the question that you tabled yesterday was to seek further detail in relation to those tabled documents and that was why these two pieces were prepared and distributed this evening responding to the point that you made in a Question Period of – I believe it was last week.

So in any event, we didn't come here this evening to make the case against a child advocate; it was directly to respond to the question as posed.

The approach that underpins what we are bringing forward, which is first the

parenting coordinator, second the changes to the *Family Law Act* to enable alternative dispute resolution, and third to have, through legislation, the powers of the children's lawyer is what – and I think it's inherent in government. It's inherent in what we do in what we do in being in this Assembly, first things first – or you deal with the priorities where you think you can address the greatest need or where you can make the greatest difference.

Mr. Chair, that's precisely the perspective and the commitment that prompts government – and government based on some very professional, and I'm prepared to say, independent work by our public service, to develop these proposals based on study of what's taking place in other jurisdictions, knowledge from the day-to-day work of the team in the Family Law Centre and elsewhere, and some extensive work together with the broader professional community and the community interest in effect of service to families in the province.

That's the background of this and the point about first things first is precisely why we're here tonight to ask this Legislature to put in place – for the families and children of this province – alternative dispute resolution with appropriate professional support service and, in some cases, with the children's lawyer and the parenting coordinator, doing it through the direct capacity of government that enables people to have access in a timely and on affordable terms.

The role of a children or a child/youth advocate – called different things – is one step removed from that. It is to consider complaints to investigate, to review, make recommendations, et cetera. It's not because government's afraid of that. We had a review of the *Child Protection Act*. We've had various other reviews that have been undertaken. It's to say that we are here tonight with these three pieces of legislation and with the budgetary commitments that back them up and the professional team that's envisaged to provide a better service – a service that will make a difference now to Prince Edward Island families and children.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

Firstly, I don't want to diminish the importance of all of these new initiatives – the child lawyer and the parenting coordinators and all of the other facets here. I think they're all excellent initiatives, I really do. But, again, the one essential piece that's missing for me is this third-party independent oversight.

I don't see the office of the child advocate in its oversight role, in its independent role as an adversary of government at all. I look at it as sort of similar to what the Auditor General performs and I think we would look at her work as something which doesn't hinder government, but it's a real help to government. It points out where problems exist. The office of the Auditor General suggests changes that may be made, policy changes, or functional changes in government. Government listens to that and through that, governance is improved.

I see you mentioned a few minutes ago about one of the roles of a child advocate office, typically, is oversight of policy and review of policy and I agree with that. I think that's exactly one of the things that should be done. There are lots, of course, of civil servants who work to protect children, work with children here on Prince Edward Island and I think all of them are committed, caring people. But the policies with which they have to work are sometimes confusing, resources are limited, and the demands of the public for oversight of what goes on, I think, are increasing. I think that's why this demand for a child advocate office is unrelenting.

It's my belief that independent oversight is, perhaps, the most critical element that inspires public confidence in government. I think when the public can look at government and know that there is an independent office that is overseeing the work of government, ensuring transparency; I think that is what inspires public confidence in the civil service and in government. Would you agree with that?

Premier MacLauchlan: I think, if I'm not mistaken, the Minister of Agriculture and Fisheries may be going to save me from answering that question.

Chair: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Chair, I move that the Speaker take the chair and report progress on the bill.

Chair: Shall it carry? Carried.

Do you want to just recess until the Speaker returns?

[Recess]

Chair: Mr. Speaker, as Chair of a Committee of the Whole House having under consideration a bill to be intituled *An Act to Amend the Custody Jurisdiction and Enforcement 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. Premier, that the 15th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 15, *An Act to Amend the Maintenance Enforcement Act*, Bill No. 70, ordered for second reading.

Speaker: The hon. Minister of Agriculture and Fisheries.

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

Speaker: Shall it carry? Carried.

Clerk: *An Act to Amend the Maintenance Enforcement Act*, Bill No. 70, read a second time.

Speaker: the hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Premier, that this House do now resolve itself into a

Committee of the Whole House to take into consideration the said bill.

Speaker: Shall it carry? Carried.

Chair (J. Brown): 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 Maintenance Enforcement Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

Premier MacLauchlan: Permission to invite a stranger to the floor, Chair?

An Hon. Member: Granted.

Chair: Mr. Zimmerman, if you could indicate your name and position for the record, it would be appreciated.

Michael Zimmerman Acting Manager: My name is Michael Zimmerman. I am the acting manager for the family law section for the Department of Justice and Public Safety.

Chair: Would you like an overview, members?

An Hon. Member: Yeah, that's good.

Premier MacLauchlan: Thank you, Chair.

These amendments are part of government's initiatives to better support and protect children whose parents have separated, and divorced in particular, to ensure that the maintenance is provided on the terms that the parents are supposed to be providing it.

The Maintenance Enforcement Program administers and enforces child and spousal support obligations under the terms of a court order or a separation agreement, and these amendments will improve or enhance the director's liability – the director of maintenance enforcement – ability to enforce support orders against payors who have the capacity, but are unwilling to pay that support.

That will provide greater clarity to parents and to their advisors regarding what must be included in a support order for it to be enforceable by the Maintenance Enforcement Program.

Mr. Aylward: (Indistinct)

Leader of the Opposition: So is this – Chair?

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Question: Can you give us a description or a briefing on how this compares to other jurisdictions across the country?

Premier MacLauchlan: (Indistinct)

Michael Zimmerman Acting Manager: Certainly.

In early 2016 we started conducting cross-jurisdictional scans and consultations with all of the directors of maintenance enforcement across Canada, so all the provinces and territories. That also included looking at all of the respective pieces of legislation.

So what some of the amendments you're seeing here today are following trends in other provinces and territories, specifically the streamline processes and write the act in plain language so it's easier for the general public to understand. Also that the procedures that flow from the legislation are clear and increase efficiencies in the office, which thereby increases our ability to collect child and spousal support payments.

Leader of the Opposition: If you want to go to somebody else for a second (Indistinct)

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thanks, Chair.

I know this was one of the issues that the Auditor General brought forward, and it is a very serious issue, and I know there's a lot of families out there that are suffering because of issues around this. I guess I'm just curious, because Michael and I had had a previous conversation, which I alluded to earlier. Are there any provisions in this bill or the updates to this bill with regards to the discussions that we had when a bill is being probated?

Michael Zimmerman Acting Manager:

When we were looking at all of the respective pieces of legislation; that specifically isn't referenced in any piece of legislation that falls more under policies and procedures. So what we did start doing in 2016 is a new conceptual model for the program which included writing a policies and procedures manual for that office that is formulated with respect to researching other jurisdictions. So the standards that you'll find in other jurisdictions are the standards that are contained in that policies and procedures manual.

That's not something that necessarily goes in legislation; it's more of a policy of the internal office. But yes, that is part of policies and procedures manuals in other offices which we've looked at and will potentially be incorporated into our mandate.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thanks, Chair.

I'm assuming then that would fall, as you said, within the policy manual, but would it be able to be written into the rights that any will that was going through the process, first could they identify that any benefactors from that will, it would be first and foremost – well, not first and foremost, but part of that process could be to see if there's any maintenance issues pertaining to a benefactor from the will.

Michael Zimmerman Acting Manager: As I said, that's not contained in any other piece of legislation in Canada, but I don't mind taking that under advisement and researching for you to see if it is possible to write it in legislation, but at this exact moment I'm not sure.

Mr. Aylward: Okay.

Michael Zimmerman Acting Manager: So I will research that.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thanks, Chair.

Wouldn't it be great to be a leader in this and be the first province to have that kind of legislation in place that the rest of the provinces could look at PEI and go: Wow, those guys are ahead of their time –

Ms. Biggar: (Indistinct)

Mr. Aylward: – and they're looking after themselves.

Thanks, Chair.

Chair: Stratford-Kinlock?

Mr. Aylward: No, I'm good.

Chair: Okay.

The hon. Leader of the Opposition.

Leader of the Opposition: Opposition has one question: How would this deal with the money that's outstanding in maintenance enforcement?

Premier MacLauchlan: This will give the director more explicit powers to call in – deadbeat parents, I'll call them, parents who aren't paying their obligations. I'm going to ask Mr. Zimmerman to say specifically how it would be faster.

Michael Zimmerman Acting Manager: Specifically, what we've done with this piece of legislation is initiated a process that's called a resolution hearing. Previously what was done – let's say if someone is four months behind in their child or spousal support payments, then the director of maintenance enforcement would file a court application. They would have to get a sheriff to serve the payor in that specific instance, and then the payor would come to our office and then often would agree to pay the support.

So what we've done with the resolution hearing is given additional administrative powers to the director and their enforcement officers to bring delinquent payors into the office and if they don't appear to our office they can be imprisoned for a period between three to six months and fined \$3,000.

Why we want them to come into the office is that we then are able to examine them on their financial status. That includes any real

personal property, any wages that they have, and we are able to administrative orders at that time, such as; ordering –

Premier MacLauchlan: (Indistinct)

Michael Zimmerman Acting Manager: It's to increase out-of-court processes and save the government some resources and to allow for additional powers for the director to collect and enforce child support payments.

Mr. Myers: Carry the bill.

Leader of the Opposition: Carry the bill.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

I just have a few, I think, fairly simple questions that shouldn't require lengthy answers. The first is to do a section 2.2 sub (f): "the Director determines that..." anyway, the essence of this is that it provides the director with pretty broad discretion.

Will there be any oversight over how this discretion is used? For example, will there be a method for a client to complain or to seek redress?

Premier MacLauchlan: They can go to court, I suppose, on judicial review, would it be?

Michael Zimmerman Acting Manager: (Indistinct)

Premier MacLauchlan: Right. They can use the oversight powers in the administrative law remedies that they can go to court if they're satisfied.

Dr. Bevan-Baker: Okay.

Premier MacLauchlan: I don't mean to – but I'll give a very quick synopsis of –

Dr. Bevan-Baker: Yeah.

Premier MacLauchlan: – the business of maintenance enforcement. That number of the backlog from the Auditor General, I think, shocked us all. About half of those situations there are no dependent children

anymore. They've gotten old enough that it's passed the point where the children would benefit from it.

Just for example; in the past 12 months or in the fiscal year, the Maintenance Enforcement Program did, in fact, help parents, or help children access \$8 million in maintenance. It's not as if they're kind of, they're sitting there letting some backlog build up.

A lot of the situations that are difficult to solve involve people who have moved out of the province; people who are themselves, perhaps, on social assistance. There are various circumstances, but there still are some that need to be kind of made to do the thing, and that's what this power is for.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

My other questions are to do with section 11. We talked about this, this morning, Michael. I brought up the point that it appears that this section give quasi-judicial powers to the director.

The one in particular, section 11(5), this is the one about the fine, the \$2,000 fine.

Do other jurisdictions levy fines for non-compliance with delinquent payors?

Michael Zimmerman Acting Manager: Yes, they do.

Dr. Bevan-Baker: They do?

Michael Zimmerman Acting Manager: Yeah.

Dr. Bevan-Baker: Do you have any sense of what sort of success rate they have?

We all know what the situation is here where having somebody who is unprepared to pay something that they are mandated to pay already, so what sort of success rate do other jurisdictions have with collecting those fines?

Michael Zimmerman Acting Manager: It's a two-pronged issue because we would never collect fees or that type of payment

from a payor over dispersing a child support payment.

Typically, what is used in other jurisdictions, is that is used more as a stick, to try to get the payor to come into the office and actually discuss maybe making an arrangement for paying the child support. But typically when we're instituting proceedings to fine someone this amount it would be for those highly evasive payors that have the ability to pay, but are purposefully being evasive and avoiding their support obligations.

Premier MacLauchlan: This fine is not for failure to pay, it's for something close to fraud.

Michael Zimmerman Acting Manager: Yeah.

Dr. Bevan-Baker: Right.

Again, my closing comment, and I'm going to sound like a broken record here, but it's the oversight, the lack of oversight that concerns me and the fact that we're giving a – we have very little independent oversight on the director of this department, and granting sweeping powers to government bureaucracy.

Again, I'm in favour of the bill. I'm going to vote in favour of this bill, but I think we have to – when you give such sweeping powers to government then there needs to be some independent oversight to monitor that.

Premier MacLauchlan: A few words in this case: It would be the administrative law remedies that they can pursue through the courts. I appreciate the point.

Just let me sort of say, very quickly: The other side of it is, and what this bill is about is to encourage those with the function to do what they can, put as much pressure as they can on these reluctant parents.

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

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

If we're going to take one piece of legislation that is truly a piece of legislation that is protection of the child this one is.

I have dealt with this issue for 20 years. Children deserve to be looked after and when a parent, one parent doesn't want to live up to their responsibilities, we should put everything we can into law that makes them live up to their responsibilities. If there is one piece of legislation that truly should – protects children it's this piece of legislation.

Thank you.

Chair: Shall the bill carry? Carried.

Premier MacLauchlan: I move the title.

Chair: *An Act to Amend the Maintenance Enforcement Act.*

Shall it carry? Carried.

Premier MacLauchlan: I move the enacting clause.

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

Shall it carry? Carried.

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

Chair: Shall it carry? Carried.

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

Speaker: Shall it carry? Carried.

The hon. Minister of Agriculture and Fisheries.

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

Speaker: Shall it carry? Carried.

Clerk: Order No. 13, *An Act to Amend the Judicature Act*, Bill No. 65, ordered for second reading.

Speaker: The hon. Minister of Agriculture and Fisheries.

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

Speaker: Shall it carry? Carried.

Clerk: *An Act to Amend the Judicature Act*, Bill No. 65, read a second time.

Speaker: The hon. Minister of Agriculture and Fisheries.

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

Speaker: Shall it carry? Carried.

I'll ask the hon. Member from West Royalty-Springvale to come and Chair this bill.

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

Leader of the Opposition: Yes.

Premier MacLauchlan: May I have permission to invite a stranger to the floor, Mr. Chair?

Chair: Permission?

Some Hon. Members: Granted.

Chair: Granted.

Would you give your name for Hansard, please?

Michael Zimmerman Acting Manager: My name is Michael Zimmerman. I am the Acting Manager for the Family Law Section for the Department of Justice and Public Safety.

Chair: Thank you.

Premier, would you like to give an overview of the bill?

Premier MacLauchlan: Thanks, Mr. Chair.

I can be brief. Amendments to the *Judicature Act* are necessary to give legislature authority for the court to appoint a children's lawyer in custody and access proceedings, or for the children's lawyer to initiate or intervene in custody and access proceedings. Amendments will also outline the scope of the children's lawyers' powers, required qualifications and duties.

Chair: Is it the will of the – that the bill be read clause by clause?

Leader of the Opposition: Yes.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you.

We just – a minute ago, we – government did pull Bill No. 62 off of the floor. If I am reading this correctly, Bill No. 65 would give the authority to appoint the children's lawyer for the purposes of Bill No. 62. Am I right in that?

Premier MacLauchlan: The children's lawyer does have functions in relation to the parenting coordinator, but they're not contingent on each other.

That's to say the children's lawyer could, with these amendments, go to work. If there's not a parenting coordinator, the children's lawyer shall have lots to do.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you.

So the children's lawyer would then be taking the place of the child advocate, right?

Premier MacLauchlan: The children's lawyer will be here to represent, to give service, to facilitate the proper representation of children in family law matters where the child would otherwise not be represented.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: So I am right that in place of having the child advocate, we're having the child – this here gives the authority for the minister to appoint a children's lawyer in place of a child advocate.

Premier MacLauchlan: I can reply to that (Indistinct) –

Chair: I'm going to give way to the –

An Hon. Member: Oh no, he can answer this question.

Mr. Aylward: Call the hour.

Chair: Go ahead (Indistinct)

Mr. Aylward: Call the hour.

Some Hon. Members: Extend the hour.

Mr. R. Brown: We're talking about children here. You want to talk about children?

Ms. Biggar: This is (Indistinct) –

Mr. R. Brown: You want to? Let's talk about children (Indistinct).

Mr. Aylward: Yeah, let's –

Mr. R. Brown: Yeah, let's bring on the –

An Hon. Member: – child advocate –

Some Hon. Members: Hear, hear!

Mr. Aylward: Let's do the right thing and bring on a child advocate.

Mr. R. Brown: This is a child lawyer –

Chair: Hold it. Is it unanimous consent to extend the hour?

Some Hon. Members: Yes.

Chair: Okay, the hour has been extended.

You have the floor, Leader of the Opposition.

Mr. Myers: You guys realize we've been here for two hours, right?

An Hon. Member: (Indistinct)

Leader of the Opposition: The question being is there's the child advocate model, and PEI is going to have the children's lawyer model. Am I correct in saying that the children's lawyer will be taking the place of the child advocate in the province?

Premier MacLauchlan: The children's lawyer directly represents children. It would not be normal for – in any of the jurisdictions – for the child advocate to step into a proceeding and be there as the legal representative of a child.

The children's lawyer does have a capacity to make inquiries and to advocate for a child client. It's not a case of either/or, it's a question of a children's lawyer being there to provide representation that's currently not available, or not available on the effective terms that it would be with a children's lawyer.

Chair: The Chair recognizes the hon. Member from Charlottetown-Lewis Point.

Ms. Casey: Great. Thank you, Mr. Chair.

I have a question for Mr. Zimmerman: Mr. Zimmerman, all the discussion in the House tonight was for the best interest of the child, and there's been terms passed around like parenting coordinator, child advocate, child's lawyer.

Could you speak to the House about a child's advocate versus a child lawyer, and can you talk about children in government care and children not, you know, children that aren't in government care or acting as a legal representative, or who a lawyer or an advocate can act for?

Can you compare the two?

Michael Zimmerman Acting Manager: Certainly.

Ms. Casey: Thank you.

Michael Zimmerman Acting Manager: In any of the child advocate offices in Canada, the advocate can only investigate a child that

has some sort of service or relationship to a government service, where a children's lawyer – as is in our proposed amendment:

33.1(8) – can obtain and investigate any entity that has information about a child, so that could be a nongovernmental organization; that could be a parent; that could be a caregiver; it could be the government.

And you will see in the proposed:

33.1(8), the children's lawyer does not need consent. So any request that the children's lawyer does when conducting an investigation on anyone or anything, they must give the children's lawyer that information.

Again, the advocates don't represent children, as I said, outside of the government system. So when we're talking about high-conflict family situations, the advocate would not get involved in that particular instance because the child's not receiving a government service.

The children's lawyer also provides legal representation to that child, and at any of the child advocate offices across Canada, they don't directly represent the child legally. When you are representing someone legally, you then have a legal obligation under solicitor-client relationship and they must follow the best interest principles.

There are quite a few distinctions, but I would say that the powers to conduct an investigation that are proposed here today are broader for a children's lawyer than would be for a child advocate.

An Hon. Member: Wow.

Ms. Casey: Thank you.

An Hon. Member: That's a great question.

An Hon. Member: Thank you.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you.

In regards to the hon. Member from Charlottetown-Lewis Point's question there, did you meet with any child advocates

across the country or did anybody in the department of justice talk to or interview any child advocates to get their opinions?

Michael Zimmerman Acting Manager: I spoke with child advocate offices just to ask what their conceptual models were for each of their offices, and also just to inquire what the scope of their particular authorities were. But again, I wasn't asking in distinction between this or that, I was more gathering information to see what functions were performed by the advocates' offices.

Leader of the Opposition: Who gave you your scope of questioning, or who directed you what questions to ask, what questions not to ask; or what to look at, and what not to look at?

Michael Zimmerman Acting Manager: I was specifically just trying to gather as much information myself.

When I was exploring hiring a children's lawyer, I wanted to know what all of the functions were for when someone provides representation of any sort to a child or youth, so that's why I conducted research at the advocate offices.

But again, it was not to make a distinction between one service or another; it was just to gather as much information as possible to develop a conceptual model for –

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

I have to contend something that Michael just said there, because child lawyers are not the same in every province: In Ontario, for example, it's embedded within the office of the Attorney General; in Alberta, the child lawyer is a part of – it's inside the office of the child advocate.

So to say that a child lawyer has greater scope or greater authority than a child advocate is absolutely not true, because in Alberta, the position of the child lawyer is within the office of the child advocate.

Can you just clarify what you said there, Mike?

Premier MacLauchlan: The comments were really being made with respect to section 33.1(8), which is the authority, notably, to conduct an investigation and prepare a report and the powers that are laid out there in (a) through (i), and I might ask Mr. Zimmerman to comment on how that compares with the powers that any children's lawyer otherwise in Canada might have.

Michael Zimmerman Acting Manager: All the enabling pieces of legislation for advocate offices across Canada explicitly state: that when conducting an investigation, the advocate office only has a right to access information that's in the care of a government or a government agency.

What I was referencing here is that the children's lawyer in this piece of legislation – which is unique in Canada – has the ability to get information from any source beyond that of government, and including government.

Premier MacLauchlan: For example, if you look at (8)(e) where it lays out a number of example of the kind of information that the children's lawyer could obtain through an investigation.

Dr. Bevan-Baker: Thank you, Chair.

The point I was making again, as I said earlier, is it's not an either/or situation. We can have a children's lawyer and an office of the child advocate, and we can have all of these services that you quite rightly point out, Michael, which are attributable, specifically, to the role of a child lawyer, but we could have that in an independent office of the child advocate.

I know we keep coming back to these two opposing thoughts, but I want to make it clear that I'm not suggesting we have one or the other. I'm saying that we need both; that we need a child lawyer but we also need the independent office of a child advocate. And a child advocate, of course, doesn't always – and in fact rarely would provide legal services. They would provide the oversight for those legal services.

Can you explain why you chose the model that you have where there is no independent oversight for the child's lawyer? Or maybe,

can I ask that a different way? Who does the children's lawyer report to?

Mr. R. Brown: The children.

Ms. Biggar: (Indistinct)

Mr. R. Brown: The child.

Dr. Bevan-Baker: That's not a (Indistinct)

Chair: The hon. Leader of the Third Party has the floor.

An Hon. Member: Thank you.

Premier MacLauchlan: The children's lawyer has a professional obligation, a fiduciary obligation, to the child, the client. So in a sense, that's the report. In an administrative sense, in an organizational sense, the children's lawyer will work within the family law centre and Michael is the acting manager, and we've otherwise talked about how that fits within the department of justice.

But let's be clear, that the number one relationship here, and the one that we're addressing tonight, is that this lawyer will serve children.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

I'd like to ask specifically a question about section 33, subsection (1)12, and this section gives the children's lawyer wide-ranging powers to compel disclosure of private information. I want to know whether you had any consultations with privacy commission or child protection services, medical services and all those agencies that work in a very highly confidential environment.

Did they express any concerns about this legislation, and will this act be paramount to theirs or the ones that their roles fall in?

Michael Zimmerman Acting Manager: I've consulted all of those parties. These are similar powers as well that are contained in the Child Protection Act, so they're not particularly new to our jurisdiction; but I did contact the privacy commissioner and also

with the new health information act that's coming into force.

I've also done consultations on, if that is going to intersect with this as well; and as I said, I've had quite a few meetings with the director of child protection to talk about how our two functions are going to intersect because we want this to be a collaborative effort between our two offices because we're both looking out for the same thing which is protecting children.

Dr. Bevan-Baker: One final follow-up to that?

Will this legislation be paramount to those other acts that control those other offices I was talking about?

Michael Zimmerman Acting Manager: Child protection specifically?

Dr. Bevan-Baker: Yes.

Michael Zimmerman Acting Manager: Yeah, so we have talked about child protection, that we think it's in the best interest of our child client to share information. So we wouldn't say one is paramount over the other. We want the offices to collaborate with one another, to share all the information possible, because the more information we have about the child, the better we can protect their interests.

Premier MacLauchlan: This is about obtaining information, not about keeping it from being shared. Then of course, it's subject to professional obligations to treat it with confidentiality.

Dr. Bevan-Baker: Thank you, Chair.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Chair.

Mr. Zimmerman, back a minute ago, I asked you the question about did you meet with any child advocates and you said that you talked to their offices, right? So with that, how much of an in-depth talk did you have with these people? Was it a 15-minute conversation or was it two hours and –

Michael Zimmerman Acting Manager: I basically verified what my understanding of the functions of their office was based on my research, and then once I received that verification that was the extent of the conversation.

Leader of the Opposition: I'll give you credit. You seem to have a great knowledge in this, so don't take offense to some of my questions here.

But I'm wondering: Why wouldn't you ask if they liked their model or if they didn't like their model or if they thought there were any suggestions to improve it or things that they're doing that could be improved by doing this? Did you ask any of that type of questions?

Michael Zimmerman Acting Manager: I didn't particularly ask them if they thought they were doing something right because that's kind of self-serving, but I did ask them specifically about the functions that they provided in their offices and I used that as a basis to see what, if we did have gaps on Prince Edward Island, and if there were ways to beat those gaps by providing frontline services.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: So when you were first instructed to bring back this research, how was that laid out to you? Is there a document that says this is what we want to look at? Is there anything – how were you given that direction?

Michael Zimmerman Acting Manager: A lot of the research stems from the inquest into the death of Nash Campbell –

Leader of the Opposition: A tragedy.

Michael Zimmerman Acting Manager: – so specifically we were looking at the inquest recommendations and how we could best meet what the intent of those recommendations were. From those discussions I was tasked with researching a way for us to provide legal representation to children to ensure that their best interests are protected inside and outside of the courtroom.

Leader of the Opposition: Is there any documents that break down this tasking that you were given? Do you have a scope of research, or is there any documents that give you direction or what?

Michael Zimmerman Acting Manager: The direction I received was verbal.

Leader of the Opposition: It was verbal. Who gave you the verbal direction?

Michael Zimmerman Acting Manager: My previous manager, who is on leave presently right now.

Leader of the Opposition: So did you make any notes on what she told you to do?

Michael Zimmerman Acting Manager: Yes. I was specifically tasked with doing cross-jurisdictional scans of the various ways that representation, both legal and non-legal, is provided to children across Canada.

Leader of the Opposition: Okay. It's my understanding that under the United Nations and international, UNICEF is tasked with taking care of the rights of children in the international world. Did we do any research or look at any foreign countries or any other countries that the United Nations maybe deals with in this to provide a model of how maybe other countries do it?

Michael Zimmerman Acting Manager: Absolutely. I am the representative for the central authority under the Hague Convention, which is all of those international pieces of legislation and treaties that speak to the best interests of the child. I have done a lot of research and I do sit on FPT working groups and also international ones that speak about how the voice of the child can be heard in various systems and administrative proceedings. I have been privy to those discussions before and it did play a part in my research.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you very much, Chair.

Mr. Zimmerman, there was a lot of detail that you provided with regards to the – not necessarily the job description, but the qualifications with regards to a parenting

coordinator. Would you have the same kind of documents that you could provide to us with regards to the child lawyer position?

Premier MacLauchlan: We can provide the job description that was outlined in the recruitment for the children's lawyer.

Mr. Aylward: Okay, thank you.

Would that be available this evening?

Premier MacLauchlan: We'll certainly be very happy to bring it back, but I don't know just what I could do to put my hands on it right now; but it's a public document.

Chair: Okay. (Indistinct) Georgetown after you so –

Mr. Aylward: Okay.

Chair: – keep going if you want.

Mr. Aylward: Okay. Thanks, Chair.

First and foremost, don't get me wrong. I'm not averse to having a position of child lawyer in place, nor am I averse to having a parenting coordinator. I think they're both very useful tools, positions that we could have to do what ultimately we need to do, and that is to protect the children here on PEI.

As I said before and I'll say again, I'm not going to stop demanding that Prince Edward Island has an office of a child advocate that is independent from the Legislative Assembly and that has clear oversight; but one thing I've heard over and over again is that – and I've heard this from people in the legal profession as well – so we're going to have a child lawyer. Are we looking at – and I know we have family court as well, but are we going to look at some point down the road where we have a judge that specifically specializes in these types of cases?

Premier MacLauchlan: We have in the Supreme Court of Prince Edward Island, a maximum of five judges and by times it's fewer than that. In effect, they are able, because of the frequency of dealing with these matters, to be familiar with, or specialized in, family law matters, and at the same time, to both manage cases and swap off the cases as they arise. So in effect, a big

part of the caseload of our Supreme Court trial division is currently family law.

Do you know what the per cent is?

Michael Zimmerman Acting Manager: Seventy.

Premier MacLauchlan: 70% of the cases before the PEI Supreme Court are family law cases.

Mr. Aylward: Chair?

Chair: Go ahead.

Mr. Aylward: Thanks, Chair.

70% is a very significant number, obviously. So, the judges that sit on the bench – are you saying that they do receive specialized training, or is it just from their experience from having to rule over this high number of cases that they're getting their expertise. I'm wondering if there's specialized training that we should be looking at as well for the judiciary.

Premier MacLauchlan: There are training programs and professional development programs for judges through national bodies like the National Judicial Institute where the PEI judges – in fact, I think when we were here with estimates, there was a number of – for the provincial court judges – provision for them to take training. Federal judges it's through other funds. There's that as well. Because of the scale of the court they, in effect, shadow each other. When there's a new judge appointed, as there was last week, they work together in developing or building up that shared professional capacity.

Mr. Aylward: Chair?

Chair: I'd like to give way to the Member from Georgetown-St. Peters.

Mr. Aylward: Oh, yeah, sure. You can come back to me.

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

Mr. Myers: Thank you, Chair.

Just on the – kind of in the vein that I've already talked about tonight because I think

I've made it pretty clear that I am in support of a child advocate. I don't really personally have anything against a child lawyer. I see how this could be useful. I see how you could use it.

Michael, I've listened to you quite a bit tonight talk about the system. You seem to have a very good grasp on it and what needs to be done, so I want to commend you for the knowledge that you seem to bring to the role. I would see somebody like yourself be a really good candidate for a child advocate. You'd be like an ideal candidate for a child advocate in my opinion because you get it. You understand all facets of it. You were able to explain it all night long here to the members. It's been going on two and a half hours now talking about this stuff and I think you've done a great job.

The child lawyer, I see as a great tool for a child advocate to be able to use so that's why I'm not against it. I see where you could use it and I see it as kind of a tool in the arsenal of a child advocate. When the time comes, I will support it. I just wanted to thank you for your work here tonight and maybe if we can ever get government to agree to bring forward a child advocate – it might be a good job for you.

Chair: The hon. Minister of Finance.

Mr. Roach: Thank you, Chair.

When I look over at what the child lawyer is able to do when I look at section 8 and section 33(1), (7), and (8) I have, Chair, over my time had a tremendous amount of observation of, because of the calls that we used to get, of going to homes where children were being used as pawns in domestic disputes and breakups and everything else.

If, for nothing else, I will support this – including each section – but I really like subsection 8. This is all about stepping in and looking after the child and taking the parents out of the equation. In my view, this is a great piece of legislation because all I think of is children – they don't have to worry about money. They don't have to worry about dollars and cents. They don't have to worry about being used as pawns. You have an independent person in there, a trained lawyer, who is looking after nothing

but the interest of the child. Regardless of what else is gone on in here tonight, I think this is a great piece of legislation and I am going to support it.

Thank you, Chair.

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

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

If we do one thing tonight, we've already done a big piece of legislation that is out for children and that's the *Maintenance Enforcement Act* – a great piece and I thank each and every member of this house tonight for supporting that. I've been around a long time and I'm tired of seeing parents fight, as the Minister of Finance said: put the child in the middle and use the child as a pawn. If we can pass this legislation tonight, I think this session will be known as the session that supports children. People are going to remember this session that says: Our legislative people in this House of Assembly came together this year and they put children first.

We all know the problems – the cases that have gone in the past – they have been quite public and I think a child who's put in the middle of a domestic dispute – this is going to come in and help that child. Never before has a child been represented here. This will intervene, and if we do one thing in this Legislature – we've already done one great piece of legislation tonight in enforcing people to pay their fair dues to children. If we pass this legislation tonight, this will be a big step for us as legislators. We all know we came to this House – we've all gone door-to-door. We've seen many situations – many situations at door-to-door. We've all have gone door-to-door and we've seen things. We've seen things that we weren't happy with. If the one thing we can do tonight is pass this legislation and the situations that we have seen going door-to-door, that we will have a recourse to help the children in that situation, I believe we have done a great thing tonight.

Thank you, Mr. Chair.

Some Hon. Members: Hear, hear!

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Chair.

Mr. Zimmerman: How does EPOs fall under this?

Michael Zimmerman Acting Manager: Victim Services works in the Family Law Centre where this position is actually going to exist. We've done lots of consultations with Victim services workers who are one of the primary people who execute emergency protection orders. One of the functions of the children's lawyer will be, if need be, to apply for emergency protection orders or, if applicable, a victim assistance order on behalf of their youth or child client.

Is that what you were asking me?

Leader of the Opposition: Yeah. Okay.

So, how do you see – under the EPO system there are specially-trained court officers – or justice of the peace, I guess it is. How do you see them being brought up to speed or being brought into this system?

Michael Zimmerman Acting Manager: I've done consultations with all of the court staff about what the scope of this position will be and how it will interplay with their respective offices and powers. So, the justice of the peace and, as I said, Victim Services have been consulted about how this could impact them and also asked for their input.

Leader of the Opposition: Chair?

Chair: Go ahead.

Leader of the Opposition: What did they come back with their input? What did they –

Michael Zimmerman Acting Manager: That they can't wait for the children's lawyer to be hired.

Leader of the Opposition: Okay.

I was curious – in section (2) here – 33(1) subsection (2): No person shall be appointed by a children's lawyer – continues, continues, continues – and is eligible to become or is a member of the Law Society of Prince Edward Island.

So did you have consultations with the Law Society?

Michael Zimmerman Acting Manager: Absolutely.

Leader of the Opposition: What did they say? What were their opinions (Indistinct) –

Michael Zimmerman Acting Manager: Of what, specifically?

Leader of the Opposition: Of the children lawyer aspect.

Michael Zimmerman Acting Manager: I was asking – are you asking about the bar or the Law Society.

Leader of the Opposition: You're talking about the Law Society of PEI, so –

Michael Zimmerman Acting Manager: This specific section would be in line with what we classify as senior lawyers within the public services so that's why – you're asking specifically about the five years requirement – that's what they public service classifies as a senior lawyer so we were in line with the expectation that the children's lawyer is a senior lawyer.

Leader of the Opposition: Okay.

Premier MacLauchlan: I might add to that, and we will bring back the actual job description and the recruitment. It was stipulated that, in addition to being a senior member of the bar, and indeed, the response is very positive, that the – it was also highly desirable for this to attract someone with experience in (Indistinct) dispute resolution.

Leader of the Opposition: With that, and we're going to use the Supreme Court, did we have private discussions with the members of the bar or the judges of the Supreme Court to see what, maybe, their experiences within the court system and how this would work?

Michael Zimmerman Acting Manager: Absolutely. I have consulted both the previous Chief Justice and the current acting Chief Justice, and the acting Chief Justice has actually called the Family Law Centre quite a few times saying that they have cases that they want to give the children's lawyer

and they're just waiting for them to actually come on board.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you, Chair.

We keep talking about child lawyer and we're referring to it in a singular tense. Now, we're hearing that 70% of the cases that go before the court, the Supreme Court are related to this. Are we going to be looking at more than one children's lawyer?

Premier MacLauchlan: We'll, of course, move forward with the appointment of a children's lawyer and, I want to go back to a number that I used earlier, I suggested we had 140,000 it's more on the order of 120,000 that we have in mind for the office related out-of-pocket or related costs.

It may well be as this develops and as the children's lawyer performs these functions, always in collaboration with others, for example, Victim Services, which will have a close relationship. Others in the Family Law Centre. With experience, it may well be that there will be a budget brought forward to this Legislature for a second children's lawyer that is not currently envisaged.

Chair: Another question?

Mr. Aylward: Yes, thanks, Chair.

Currently, then, when this goes through and the successful candidate is hired. Will this person be, essentially, a full FTE and not part-time focusing on this, and doing other law on the side?

Premier MacLauchlan: Fulltime.

Mr. Aylward: Thank you.

Chair: Hon. members, shall the bill carry? Carried.

Mr. Aylward: (Indistinct)

An Hon. Member: No question.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you.

We still have two or three pages to go through here.

How would this, can you explain to me how this office would be – how this office would be set-up for the lawyer? Would it be like a hearing room, Premier? Would it be a courtroom? How do you envision that – this whole –

Premier MacLauchlan: She or he will have an office that's part of the Family Law Centre. People come there now to do their business with people, who are experts in dispute resolution, or experts in the maintenance enforcement people are there, and another part of that office – I might ask Michael to explain more fully, but no, there won't be a courtroom for the children's lawyer.

Michael Zimmerman Acting Manager: It depends, specifically, what they're doing. If they were, say, interviewing a child, it might be more appropriate to bring that child into their office. If they were doing a collaborative session with some of the clinicians in the family court counsellor's office and maybe the mediator, we do have boardrooms in the Family Law Centre that we could take the child and the parents and whomever should be involved in that particular instance there.

If it was a court matter, though, then the children's lawyer would be, actually, in the courtroom or a settlement conference room if it was settlement conference or an actual hearing if it was an actual hearing.

Premier MacLauchlan: But not conducting the hearing –

Michael Zimmerman Acting Manager: Right.

Premier MacLauchlan: – appearing in court.

Michael Zimmerman Acting Manager: Yes.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: I'm trying to figure out how you can say \$140,000 is going to cover this.

Premier MacLauchlan: It will fit in with an existing operation that's run very prudently by the acting manager of the Family Law Centre. The rent is already paid and the courts are already there. Indeed, by paying a salary and being clear about the related costs, it's our expectation that the children's lawyer will get better results with all of our existing resources.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: The main office for the children's lawyer, will it be separate from government buildings, or will it be – because what I'm wondering there – okay, prime example would be: the provincial Firearms Office.

The provincial Firearms Office is completely separate from the government buildings because we don't want people walking into government building passing in guns, right?

Should there not – if we go down this road, should not that office be totally separate somewhere else so that government staff, who are doing ordinary other government – could be finance or could be department of agriculture, I don't care who it is. Then, they would be – I'm thinking about the privacy, the confidentiality of it.

Premier MacLauchlan: There is a precise answer and it's a good question and it's all consistent with this being a frontline service. I'll ask Michael to explain just what the layout is.

Michael Zimmerman Acting Manager: The children's lawyer's office is in the same building at the Family Law Centre, but it's not actually in the same location. So, it is separate from all of the other offices. The Family Law Centre is located behind the courthouse, and the children's lawyer office is in that building, but it's not with all of the other services. It is separate and apart. There are no windows or doors or any way you would be able to see who is in that office with the children's lawyer at any time.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: With that, how are we going to protect – how is this children's lawyer going to protect the

documents or statements that he comes in touch with? I think there is – they're confidential –

Mr. Roach: He or she.

Leader of the Opposition: – they need to be protected, for he or she or whatever. Are we going to set-up a complete new computer system? Would that be required? How do we protect those documents?

Michael Zimmerman Acting Manager: All of the provincial government has policies for when we are to collect and protect confidential information. We deal with that every day at the Family Law Centre because we have child support orders, income tax returns and medical information and so forth. It would no different with the children's lawyer. The expectation would be that they would keep their door locked when they're in the office and also have a locked file cabinet and be the only with access to the key.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: In section 33.1 subsection 5, we reference, "Costs recovered by a Children's Lawyer shall be paid into the Consolidated Revenue Fund."

How do you see this Consolidated Revenue Fund working? Or what is that?

Michael Zimmerman Acting Manager: Basically, what that would be is, let's say we had a really high conflict family and it was taking a lot of government's resources for the children's lawyer to get an order. The children's lawyer could request from the judge that costs are awarded to the children's lawyer because of all of the steps that the children's lawyer had to take in the given proceeding.

Then, the children's lawyer would give that money that's recovered by that party that was given by the judge to finance. Then, finance would put it in a revenue fund for the government.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Will there be any money available for – if a child, removed in a conflict and that child has to

be housed, or put into a protected environment or situation, is there going to be any money available from government to give those resources to the child to protect the child?

Premier MacLauchlan: That would be then, a matter for family and human services, and for the director of child protection, which may involve location with a family. That would be in the domain of family and human services.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Was there any thought that the Department of Family and Human Services could actually need more funds to – with this?

Premier MacLauchlan: They, currently, as we noted, their estimates are forthcoming, a budget, just in excess of \$106 million. That would come as I presume the cases that would come through the work of the children's lawyer would be a pretty high priority.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: In section 6: "A Children's Lawyer shall not be required to give security for costs in any proceeding."

What do you mean by that?

Premier MacLauchlan: If, when parties come in civil litigation, one side may ask the other to put some money on the table to ensure that if they lose and costs are awarded that the funds are there available, but this makes it clear. With the children's lawyer, notably being a public servant and being there to protect the children, security for costs would not become an obstacle to the effective representation of the child.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thanks, Chair.

Going back to the handouts that were passed out in Bill No. 62, I noticed in there, there was no reference or anything to the province of Quebec.

Can you tell us what's gone on in the province of Quebec?

Michael Zimmerman Acting Manager: With respect to a children's lawyer?

Leader of the Opposition: Yeah.

Michael Zimmerman Acting Manager: They don't have a children's lawyer, but there, I wouldn't necessarily use them as a comparator group just because they're a civil law jurisdiction and we're common law, so it would fall under sort of different court structure.

Leader of the Opposition: I'm not familiar with that. Can you explain that?

Michael Zimmerman Acting Manager: Any commonwealth countries around the world follow the English common law, and then the Napoleonic European countries follow French civil law.

Leader of the Opposition: I understand.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: In subsection (8), the Authority of the Children's Lawyer – how did you come up with all of these sub-clauses?

Michael Zimmerman Acting Manager: We looked at various pieces of legislation across Canada when an entity has the ability to conduct an investigation, notably advocate offices and various child protection offices.

What was used as the basis of this section was powers of advocate offices across Canada to conduct an investigation and compel information, and also directors of child protection across Canada, their ability to obtain information and conduct an investigation.

Leader of the Opposition: Chair?

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Given these, (a) to (i), how did they compare to offices that had a child advocate?

If you were to compare the authority of a child advocate compared to the authority of a children's lawyer, how did that stack up?

Michael Zimmerman Acting Manager:

The ability for the children's lawyer that we're proposing here is more than a child advocate, because the child advocate can only obtain this information with respect to a child that is in the care of a government department or agency, where in this instance we can compel information to be disclosed to the children's lawyer by any entity, person, or thing.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: When your – require information including personal information and personal health information – how would you – what would – how would that children's lawyer get authority to obtain that information? Would that be through a search warrant process, or how would they go into a bank or find out how much funds that they have?

What would give them the legal authority to go into a bank?

Premier MacLauchlan: (Indistinct).

If the children's lawyer asks for information and doesn't get it, they can proceed under subsection (10) to seek a court order to obtain that information, and then subsection (12), as has already been discussed, makes it clear that that request has priority over what might otherwise be claims of privacy.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Is this going to require a completely different set of forms or have we looked at how that policy comes into effect? Like, what are they going to (Indistinct)

Michael Zimmerman Acting Manager: It would be the exact same process that's used when the director of child protection and or maintenance enforcement, the director is obtaining information, so we would have precedence for all of those core applications and forms already.

Leader of the Opposition: Do you copies of them?

Michael Zimmerman Acting Manager: We could, of course, yeah. It'd be public record.

Some Hon. Members: Carry the bill.

Chair: Carry the bill?

Leader of the Opposition?

Mr. R. Brown: Come on, it's good legislation. If we can leave here tonight with our heads up high –

An Hon. Member: Carry the bill.

An Hon. Member: Chair –

Ms. Biggar: He said –

Chair: Okay, the Leader of the Opposition has said that he will carry the bill.

Some Hon. Members: Hear, hear!

Premier MacLauchlan: I move the title.

Chair: *An Act to Amend the Judicature Act.*

Premier MacLauchlan: I move the enacting clause.

Chair: Shall the title carry? Carried.

Premier MacLauchlan: I move the enacting clause.

Chair: Shall it carry? Oh.

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

Shall it carry? Carried.

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

Chair: Shall it carry? Carried.

Some Hon. Members: Hear, hear!

Chair: Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intituled *An*

Act to Amend the Judicature Act, I beg leave to report that the committee has gone through the said bill and has agreed to same without amendment. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: I move, seconded by the hon. Member from Tignish-Palmer Road, that this House adjourn until tomorrow, May 5th, at 10:00 a.m.

Speaker: Shall it carry? Carried.

The Legislature adjourned until tomorrow, Friday, at 10:00 a.m.