

# HANSARD



## PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY

Speaker: Hon. Greg Deighan

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The Legislature sat at 10:00 a.m.

Matters of Privilege and Recognition of  
Guests

**Speaker:** The hon. Premier.

**Premier Binns:** Thank you, Mr. Speaker.

I want to take the opportunity to welcome visitors to the public gallery today. I see we have a number of the Holland College journalism students. Good to have them back paying attention to some of the debate here in the Legislature today.

If I might, I want to take just a moment to recognize the work of the Canadian Diabetes Association on Prince Edward Island and indeed across the country. There are about 8,000 Islanders afflicted with diabetes. It's a serious disease. The good news is that it can be managed to a certain degree and it can also be prevented, particularly in the case of Type II diabetes. Of course it's up to all of us to recognize how to do that. Government continues to promote healthy living, active living, strategies to help reduce the instances of diabetes. There's about one new case a day diagnosed on PEI. That's a lot and government wants to support the initiatives of the diabetes association.

I also want to recognize the potato producers of our province who are holding their annual meeting in Charlottetown today. The industry of course has weathered a lot of storms and they're making some progress. We've been happy to support them in the acreage reduction plan this year and we hope they have a very good year.

Finally, the Christmas lights ceremony is going to take place here at Province House at 6:30. It's a great opportunity for Islanders to come out and join in this celebration of

Christmas here at Province, and I extend all Islanders that invitation to join us at 6:30. Hope everyone enjoys the proceedings.

Thank you, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Leader of the Opposition.

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

I, too, would like to welcome everyone to the gallery today. I thought I saw Roger (Indistinct) there (Indistinct). We see Robert Vessey is here again today. Future member for the riding of York-Oyster Bed. I, too, would like to recognize a lot of different events taking place this weekend.

I've got some really big news, actually, that I'm sure everybody will be perhaps a little surprised to hear since we're still in November. But tomorrow night at 5:00 p.m. is the Christmas Parade. I've heard today from Mr. Ken Gills, the chairman of that parade, that he got word that Santa Claus will be here for the parade. So I'd just like to inform all Island children that Santa Claus will be in Charlottetown tomorrow. Today they're able to drop off their letters and those things.

I've also heard that this year following the parade, the shops of Confederation Court Mall will once again host a Christmas Wonderland party. Santa will be there as well, along with face painting, free hotdogs and pop. So I hope that Islanders get a chance to get out, see the parade, enjoy some good Island hospitality, and get a chance to say hello to Santa Clause tomorrow evening.

Thank you very much, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Morell-Fortune Bay.

**Ms. Crane:** I'd like to rise and welcome the people in the gallery as well and the visitors that watch on Eastlink at home. But I also want to wish warm wishes to a couple from my district who are getting married tonight, (Indistinct) and Blair MacKinnon on their happy day.

The final thing I'd like to mention is tomorrow is the annual meeting of our Wild Blueberry Association in the province. They, too, had an incredible year and I look forward to having lunch with them tomorrow.

Thank you.

**Speaker:** The hon. Member from Alberton-Miminegash.

**Mr. Dunn:** Thank you, Mr. Speaker.

I'd just like to welcome people to the gallery, especially Dena Farrell who used to be an employee in our office. It's nice to see her here.

Also want to take this opportunity to congratulate the new CAs, the chartered accountants who graduated last night, and I happened to share a little bit of social time with them. They are very excited about passing the examinations.

I'd also like to mention Ryan Pineau who is very attached to our party. He was one of the graduates last night and he felt quite proud of these accomplishments.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Charlottetown-Kings Square.

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

I want to recognize everybody in the gallery, also the members of District 12 that are watching. I also want to mention today that the Ögösig Native Friendship centre is open right now (Indistinct) 10:00 down at the waterfront. I wish I could be there but I've got some important questions I have to ask today.

So I wish them the best of luck and I'll be down at the centre right after this House closes.

Thank you, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Winsloe-West Royalty.

**Mr. Collins:** Thank you very much, Mr. Speaker.

I, too, would welcome all visitors to the gallery today, in particular Ms. Dena Farrell, a wonderful woman I've had the pleasure of working with in government members' office. Dena has her roots very deep in the beautiful community of Souris. But of course she's now living on the Collville Road which also happens to be part of the new District of West Royalty-Springvale. Dena is the new president of the Progressive Conservative Association of District 15 West Royalty-Springvale. Wonderful to see her here and I'm looking forward to working with her in the years to come.

Thank you very much, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Borden-Kinkora.

**Mr. McCardle:** Thank you, Mr. Speaker.

I'd like to welcome everyone to the gallery, especially my old friend Roger Docherty. We worked together many decades ago. He's a prominent shorthorn breeder, he has a wonderful farm on 225. I believe you still have turkeys. If you're getting a turkey this fall it's a good chance maybe it's from Roger's farm. Nice to see you Roger.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Evangeline-Miscouche.

**Mr. Arsenault:** *Merci, monsieur le président. Moi aussi j'aimerais de souhaiter la bienvenue aux visiteurs à la Chambre ici aujourd'hui.*

Thank you, Mr. Speaker. I, too, would like to welcome the visitors to the House here today.

Also, I'd like to welcome the visitors that are here today in the gallery, especially our good friend Dena. I'd also like to wish my sister a happy birthday today.

Thank you.

**Some Hon. Members:** Hear, hear!

#### Statements by Members

**Speaker:** The hon. Member from Souris-Elmira.

#### **Islander track and field champion**

**Mr. Mooney:** Thank you, Mr. Speaker.

Kurt McCormack of Souris West in my district is a young man who certainly knows how to take a great leap of faith. This past summer, 18-year-old Kurt competed in the Canadian Junior Track and Field

Championships in Sherbrooke, Quebec, winning the triple jump event with a leap of 14.62 metres. Not only is he the Canadian Junior Champion, but he also broke the provincial record with an impressive 14.2 metre jump only a few days earlier.

This past summer he coached with the provincial Run, Jump and Throw program, conducting training sessions for young athletes in a variety of communities throughout Prince Edward Island. During this time, he also continued his training with Eli MacEachern and Colin MacAdam.

Since that time, Kurt has been recruited by coach Pete Stanton of the Dickinson State University Blue Hawks of North Dakota and is presently there on a full athletic scholarship, which our whole district is quite proud of. Dickinson State University has won the American National Outdoor Championships for three years running and coach Stanton is very pleased to have recruited this talented young man into their ranks.

Needless to say, Kurt's parents, Tommy and Myrtle McCormack are very pleased and proud of their son's success.

I congratulate Kurt on his outstanding achievements and wish him well in both his athletic and academic pursuits.

Thank you very much, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

#### **Charlottetown Christmas Parade**

**Speaker:** The hon. Member from Charlottetown-Spring Park.

**Mr. MacAleer:** Mr. Speaker, as the Leader of the Opposition has already noted, Charlottetown will be hosting its annual Christmas Parade, and I'd like to elaborate

just a little further on this. It starts at the University of Prince Edward Island at 5:00 p.m. and proceeds along University Avenue to Grafton Street, then west along Grafton Street to the parking lot of the provincial government.

This year there'll be volunteers on hand to collect food items for the Upper Room and the Canada Post employees will also be present to collect letters from youth to Santa Claus.

I'm delighted to say that the parade marshal this year will be Patricia Campbell. Mrs. Campbell lives at the West Royalty location of the Andrews Lodge, a former neighbour of ours. I'm sure that she'll be delighted to see many people along the route.

I'd also like to add that there are two other events occurring at Charlottetown during this period. One is the Charlottetown annual Wintertide celebration, and the other is the Maritime Electric Victorian Winter Festival, which is on display until January 7<sup>th</sup> of 2007. Wintertide adds spirit and sparkle to the nighttime sky of historic Charlottetown and is a happy mixture of lights, community events, and programs for all ages. As part of the winter festival, on Friday, November 24<sup>th</sup>, which is tonight, Province House will host a candlelight promenade through Christmas Tree Lane, which is Great George Street - well known to all of us - where they will host an official Christmas tree lighting ceremony with plenty of seasonal entertainment. Father Christmas will also be in attendance.

I take this opportunity to extend a special thanks to the organizers and the dedicated volunteers - particularly those who volunteer - and all who have worked so hard to make these wonderful events possible.

This sense of celebration at this time of year on Prince Edward Island is another way of

celebrating this season of accommodating the winter period, but also of bringing warmth to our communities in showing what we're really known for and that is to share and care and make this place a wonderful place to live.

Thank you, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Crapaud-Hazel Grove.

### **Order of the Eastern Star**

**Ms. Bertram:** Thank you, Mr. Speaker.

It gives me great pleasure today to recognize an individual from our district and an organization. The Order of the Eastern Star is the largest fraternal organization in the world to which both men and women belong, approximately 1 million members worldwide. The stated purpose of this organization are charitable, educational, fraternal, and scientific.

This year, Marion Miller was appointed Worthy Grand Matron, Order of the Eastern Star for Nova Scotia and Prince Edward Island. She knew that over the course of her visitation of the 26 chapters that she would be visiting that probably you would be (Indistinct), like sometimes when people from organizations visit and speak to groups. So in lieu of gifts, Marion approached the membership and said: Perhaps let's do a project. The project led into the making of quilts, covers, comforters. The chapters thought perhaps they would make about 100 quilts. It ended up that they made 310 quilts, and these were presented to children of the pediatric unit of the QEH and other children across our province, and into the Nova Scotia area as well. So this is I think a great story to be told at this time of the year as well.

Not only that, the Order of the Eastern Star as well, in Nova Scotia and Prince Edward Island, raised over \$41,000 this year to go towards the Children's Wish Foundation. So I think this certainly serves the purpose of this organization. It's serving the children of PEI and Nova Scotia and I think just to bring - Marion, I think, she is doing a great thing in terms of seeing these blankets being made by the membership and giving these to children on Prince Edward Island.

So I thank her for her work, the organization's work, and in closing, we as legislators here on PEI I'm sure extend our best wishes to this organization, and to her, and in her capacity. She is persevering with the key organizational values of charity, truth, loving, and kindness.

Thank you, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

Responses to Questions Taken as Notice

Questions by Members

**Speaker:** The hon. Leader of the Opposition.

**Cost of fishery quota lawsuit**

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

I was hoping we'd get a little information back today. But today I'm going to ask my first few questions to the Minister of Agriculture, Fisheries and Aquaculture. My first question has to do with the fact that the minister is still in the process of suing the federal government over quota for the Province of Prince Edward Island. Last May he informed this House that those costs had reached \$350,000. I'm wondering if the minister can please tell this House what the price tag is now at?

**Speaker:** The hon. Minister of Agriculture, Fisheries and Aquaculture.

**Mr. Bagnall:** Mr. Speaker, I don't have the exact figure at the present time on that but I can get that figure and bring it back to the hon. member. I know that it was, the last time we checked, it was over \$300,000 but I will get the figure and bring it back.

**Speaker:** The hon. Leader of the Opposition.

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

I was kind of hoping that we'd hear that they'd finally dropped the court case and start trying to save taxpayers' money but, unfortunately, that's not the case. This government complained at length about the previous governments but their chosen prime minister, Stephen Harper, is now in power and Islanders were left with the impression that a federal Tory government would deal with this court case effectively and hopefully start to save taxpayers some money here. Given those statements, why does this government continue to believe that the court case is necessary now that Stephen Harper is prime minister?

**Speaker:** The hon. Minister of Agriculture, Fisheries and Aquaculture.

**Mr. Bagnall:** M. Speaker, I guess you can probably go back to the reason that the court case was even necessary to begin with.

It was necessary because we didn't have representation that would look after the PEI interest in the fishery here on Prince Edward Island. What happened is that we were not allowed to have any kind of quota in the crab and the shrimp and all these species in the fishing industry. What happened is we had to finally make a move on the federal government to get our equal share. What

happened is we moved forward with a court case because we were treated unfairly and unjustly, and so we moved that way. You know, we have a new federal minister there now that has been doing a lot of good things for our area, like for instance, MacLeod's Ridge up on the western part of PEI.

**Some Hon. Members:** Hear, hear!

**Mr. Bagnall:** We've been fighting over that issue for 10 years. We had one meeting with the federal minister on this issue, and guess what? It's fixed. That's all that had to be done. Some little mark of the pen, sign his signature on it, have it looked after, and our federal minister has done that. That's the type of cooperation we need and we're starting to get it for the first time in 10 years.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Leader of the Opposition.

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

It's hard to believe that we're getting responses like that from our minister of fisheries here on Prince Edward Island. He should know full well that the court case is about challenging the absolute power of the minister. It is not about quota. It is not about anything else. It is about challenging the absolute power and, unfortunately - and this is something important for Islanders to know - if in fact Prince Edward Island ever does win that court case, which I doubt will ever come to fruition, the point is Prince Edward Island will get nothing more in return from that court case. The only thing they're doing is challenging the absolute power.

But the court case was endorsed several years ago by Newfoundland MP Loyola Hearn. Mr. Hearn is now the federal

fisheries minister, so I assume that the minister has received assurances that the provincial stand on this issue is supported and that Mr. Hearn is in support of your court case?

**Speaker:** The hon. Minister of Agriculture, Fisheries and Aquaculture.

**Mr. Bagnall:** Mr. Speaker, Mr. Hearn, I can tell you, has been talked about on this issue because I spoke to him on it, but the problem is that it's in the legal hands right at the present time.

It's a topic that cannot be discussed and dealt with while it's actually in the courts. But you know, what's happening though is because of that we are starting to get some more allocations. Like the tuna, for instance. Just recently we picked up another 28 metric ton of tuna because we need it for our fishers. We were never receiving enough and, all of a sudden, now we got some more and we're working on getting quota increased again. So with the court case and these things, I think we're starting to see the benefits already and they're making some changes for us.

**Speaker:** The hon. Leader of the Opposition.

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

Here's the thing. If our provincial minister is in favour of getting rid of this absolute power and if the federal minister, like this minister likes to claim, is in favour of getting rid of this absolute power, and this court case is costing Island taxpayers hundreds and hundreds and hundreds of thousands of dollars, costing the federal government hundreds and hundreds of thousands of dollars, wouldn't the two ministers sit down and solve the issue, settle it out of court, and start saving taxpayers'



money? No, they wouldn't, because the only thing that this government is interested in is grandstanding.

But when Mr. Hearn first endorsed the Island court case back in November of 2004 he said he thought it was a great idea, this court case, because he was hoping Newfoundlanders would finally get access to PEI's rich lobster stocks. Has the minister discussed this inflammatory suggestion with his federal counterpart?

**Speaker:** The hon. Minister of Agriculture, Fisheries and Aquaculture.

**Mr. Bagnall:** Mr. Speaker, it's kind of ironic that the hon. member would get up here and talk about this court case.

Because when the herring dispute was on in Souris this hon. member stood on the wharf in Souris and supported this case 100%. He was supportive of it. But yet when he came back to Charlottetown, he did a complete flip-flop. So I don't know why he keeps bringing this up because he's changing his stand on it continuously. So, Mr. Speaker, sometimes you wonder how credible the questions are that are coming across.

**An Hon. Member:** That's right.

**Speaker:** The hon. Leader of the Opposition.

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

Just so this minister can get his facts straight, I was in full support of a court case with the federal government over the herring lines in the Souris area, but luckily - luckily - we have Lawrence MacAuley as a federal Member of Parliament who got that resolved.

**Mr. R. Brown:** No court case (Indistinct).

**Leader of the Opposition:** My question goes back to the minister, though. Mr. Minister, back in November of 2004 when Loyola Hearn mentioned how great this court case was and how he thought it would be wonderful for Newfoundlanders to have access to Prince Edward Island's rich lobster stock, I'm wondering: Have you raised those inflammatory suggestions with your federal counterpart?

**Mr. R. Brown:** Good point. Good question.

**Speaker:** The hon. Minister of Agriculture, Fisheries and Aquaculture.

**Mr. Bagnall:** Mr. Speaker, there was so much noise coming from over on that side of the House I couldn't hear the question. Could you ask him to repeat it for me?

**Speaker:** The hon. Leader of the Opposition.

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

All I have to do is tell him that it was the same question as before the one that he didn't answer. Back in May of 2004, when Loyola Hearn thought that it was a great idea at that time for Prince Edward Island to be suing the federal government and wasting taxpayers' dollars, he said that he thought it was a good idea because perhaps it would give access to our rich lobster stock to Newfoundlanders. I'm wondering: Has the minister raised those inflammatory comments with his federal counterpart?

**Speaker:** The hon. Minister of Agriculture, Fisheries and Aquaculture.

**Mr. Bagnall:** Mr. Speaker, I've had more opportunity to speak with the federal minister of fisheries right now than we had with the other minister in 10 years.

He would not allow us to even get to meetings. He would put it off for 18 months before he would meet with you. We have accessibility to the new minister. The federal minister is working at the fishing - right now, he is working to change a lot of these issues, and what he's doing right now, he's bringing in a new fisheries act for Canada. The problem we're going to have is the opposition will be fighting against it because they don't want to see it happen. They don't want to see progression and they don't want to see the industry move forward. They never have. DFO has always been very non-supportive of our fishery here. For the first time we're starting to see support from DFO and we're starting to see support from our federal minister and, yes, we bring up every topic when we meet.

**Speaker:** The hon. Leader of the Opposition.

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

Unfortunately, we're not getting any answers from this minister of fisheries, but that's not a surprise. Like the hon. Member from North River-Rice Point would say, I hope he gets up to speed on his file.

**Mr. R. Brown:** Yes. (Indistinct). Get some sanity.

### Seniors' assets for nursing care

**Leader of the Opposition:** Mr. Speaker, I hope he gets back and brings back the information that we've been looking for, but I'm going to move on now to the minister of health.

Last week in announcing long delayed reforms to long-term care, the minister said the cost would be somewhere between \$8 million and \$10 million (Indistinct). I applaud the government for that

announcement. It's something that we've been pushing for on this side of the House going back to the Member from Crapaud-Hazel Grove. I'm wondering: Should Islanders infer from those statements that this government has taken between \$80 million and \$100 million in assets from seniors over the last 10 years?

**Mr. R. Brown:** Shame on you!

**Speaker:** The hon. Minister of Health, Social Services and Seniors.

**Mr. Bagnall:** Mr. Speaker, (Indistinct) our department before he started there. I'd like to respond to it.

**Speaker:** All right.

The hon. Minister of Agriculture, Fisheries and Aquaculture.

**Mr. Bagnall:** Okay, Mr. Speaker. I just wanted to reiterate that the federal minister right now is working on a new fisheries act which will deal with those issues. As long as he wants to talk about it, there will be a new fisheries act coming forward and it's being worked on at the present time.

**Speaker:** The hon. Minister of Health, Social Services and Seniors.

**Mr. Gillan:** Mr. Speaker, no, that is not the case.

Approximately about \$50 million is expended on these patients per fiscal year and the amount of income coming in certainly in no way would even come close to meeting the cost. So although we have seen over the years that other provinces and now ourselves, we are going to separate, it was never an intention to have the seniors be able to pay most of, or half. It's a very small portion of the income that was generated and, basically, the taxpayer over the last

eight or 10 years has shouldered the responsibility or the major responsibility of the bill.

**Speaker:** The hon. Leader of the Opposition.

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

My question was, if it's supposed to cost Island taxpayers \$8 million to \$10 million a year for this new program, which I think is a great program, I'm wondering: Does that mean over the last 10 years it has cost Island seniors between \$80 million and \$100 million in their own assets?

**Speaker:** The hon. Minister of Health, Social Services and Seniors.

**Mr. Gillan:** Mr. Speaker, I suppose if you do the math in that respect as to how much the seniors have had to put out in, and the population of Prince Edward Island, that would come to approximately the figure, but I have just indicated, in no way were they intended to pay all of their costs, and in fact the majority of the bill has been shouldered by the taxpayers.

**Speaker:** The hon. Leader of the Opposition.

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

This move has been too long in coming, as we all know, and I'm wondering: Will there be any retroactivity for seniors who have had their assets taken away over the last number of years?

**Ms. Bertram:** Good question.

**Speaker:** The hon. Minister of Health, Social Services and Seniors.

**Mr. Gillan:** Mr. Speaker, it's always difficult when you're coming in with a new program to decide on when exactly is going to be the implementation date because it involves a lot of factors.

Obviously, there has to be the strategy, the plan, the policy has to be changed around. There are those that are going to be very close to a cutoff date. We have indicated that it is going to be January 1<sup>st</sup>, 2007. Somebody who has made payment in December of 2006, are they going to get any money back? Unfortunately, we're not able to say: Yes, you can. So there's not going to be any retroactivity for those who have paid in the past, and right up until January 1<sup>st</sup>, 2007. It's not intentionally trying to impose hardships, but a date has to be set for these programs and that will be the implementation date with no retroactivity.

**Speaker:** The hon. Leader of the Opposition.

**Leader of the Opposition:** Mr. Speaker, another question for the same minister. According to the Auditor General there was a report prepared looking at this issue. I'm wondering: Will the minister please table that report in the House?

**An Hon. Member:** Good question.

**Speaker:** The hon. Minister of Health, Social Services and Seniors.

**Mr. Gillan:** Mr. Speaker, I will take a look at that and if it is possible, I will do so.

**Speaker:** The hon. Leader of the Opposition.

**New legislation re seniors**

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

You would hope that a report prepared for the Government of Prince Edward Island would be able to be tabled in the Legislative Assembly of the Province of Prince Edward Island.

I'm wondering. A new question for the minister: When can this House expect to see the legislation that will finally change the way that seniors are charged for long-term care?

**Mr. R. Brown:** Great question.

**Speaker:** The hon. Minister of Health, Social Services and Seniors.

**Mr. Gillan:** Mr. Speaker, some of the legislation that we are taking a look at will come and reflect and mirror what has happened in Nova Scotia.

We have been looking at that legislation, we have been looking at their policies and their programs. There was a lot of work over quite a period of time in Nova Scotia. In fact, I'm told that five to six staff were set aside to do that programming and policy implementation. We don't have the luxury of the number of staff, although we have indicated that by January 1<sup>st</sup>, 2007, we will have our strategy, a new policy and a new program obviously in place. But there is going to be a period of time when we have to be able to get it all written up to get to the legislation aspect. I'm simply indicating that it is a lot of work. We don't have that many staff. We're going to get it done as soon as we can.

**Speaker:** The hon. Leader of the Opposition.

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

A lot of the assets that are taken away from seniors and a lot of the income that is taken

away from seniors takes place through regulations. I'm wondering: Has the minister changed those regulations already since they made the announcement last week?

**Mr. R. Brown:** That's a good question.

**Speaker:** The hon. Minister of Health, Social Services and Seniors.

**Mr. Gillan:** Mr. Speaker, I disagree with the tone that the hon. leader is impugning that the money is taken from the seniors.

Obviously, what it is, of course, is that the senior, if they have the ability to pay a portion of their upkeep, is asked to do so. All of the other provinces started off with that program so it is not intended as a type of harsh treatment or a penalty for having dollars. I think that most of the seniors and their families throughout the province realized it. Obviously, at the same time in saying that, when someone works so hard all their lives that they like to leave some of the work behind in the form of remuneration dollars to their family members - and those are the types of concern that we have had and we are listening to that. But it was not intended as a government stiff penalty in no way and I think most of the families do recognize that. However, having said that, it is now time to move forth, and with the separation of paying for the medical treatment, the nursing care, it's now going to be severed from the accommodations. As I have indicated, we are working as fast as we possibly can and as diligently and we hope that we will have that all taken care of in the near future.

**Speaker:** The hon. Leader of the Opposition.

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

Just a quick, almost hypothetical question to the minister. There are regulations in place right now which take away seniors' assets to help pay for their medical costs when they go into long-term care. I'm just wondering. If a senior is putting money aside or has been putting money aside for perhaps their grandchild's education through an RESP, I'm wondering: Would your government take that money away right now from those seniors?

**Speaker:** The hon. Minister of Health, Social Services and Seniors.

**Mr. Gillan:** No, Mr. Speaker.

The regulations that the hon. leader is referring to are very well established. The senior is able to take their personal assets, the house that they have, the area, the land, immediately under the home, etc. There is no way, obviously, that they're going to reach out into their children's assets and be able to do that. Those type of regulations are not going to be going into the new legislation at all.

**Speaker:** The hon. Leader of the Opposition.

### **Seniors' emergency home repair program**

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

I'm going to ask the minister a couple of different questions now. In the 2005 Budget, this government announced the seniors' home repair program would be delayed. I'm wondering: Has that money been reinstated yet?

**Speaker:** The hon. Minister of Health, Social Services and Seniors.

**Mr. Gillan:** No it hasn't, Mr. Speaker, and we do get a number of phone calls and

reminders that it was a very good program.

I will remind the Islanders, of course, who are listening, as well as the Assembly members here, the reason is is that the Department of Health and the Department of Social Services and Seniors, like all other government departments, had to trim our budgets. We had to live a little bit closer to the quick and it was expected of our departments that we would be able to trim some of the programs. That particular program that he is speaking of has been delayed. It was a popular program because it was doing good work, and it would certainly be hoped in the future that the government would be able to reinstate a portion at least of that program.

**Speaker:** The hon. Leader of the Opposition.

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

That's a very important program. You just have to look back to the last election when the Conservative Party under this Premier went out, pictures with seniors, promised to double the funding for senior home repair program. More meaningless promises. I'm just wondering: Why would you make those meaningless promises to seniors who were depending on the programs and then come back and cut them shortly after?

**Speaker:** The hon. Minister of Health, Social Services and Seniors.

**Mr. Gillan:** Mr. Speaker, all of the programs that a government, and this government, of course, would like to be able to do, they are a long lists, well enumerated.

The minister of the treasury obviously has meetings with community groups prior to. They put an ask in front of the minister. The rest of the ministers as well, we are met by

community people, organizations, NGOs, and they remind us that their cause is a worthy one and that they would need to be supported in the budget. But we can't accommodate everybody. Even though some of the programs for the seniors and, in particular, the one, the repair program, met with good success and it's a very worthwhile program, we're not able to do everything. But I think what we have been able to do is to demonstrate fiscal accountability. I am very happy to be part of the government that has been able to take care and to pay its bills and to still keep the social programs alive.

**Speaker:** The hon. Leader of the Opposition.

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

I urge the minister not to make false promises to the seniors here on Prince Edward Island and that's essentially what this government has done. I recently heard from seniors' representatives from the Kinkora seniors' club who are very dismayed by this minister and this government over the cuts to the seniors' home repair program. But it's interesting that over the last number of years, your government really has no vision when it comes to this. Really, you're just all talk and no action, and it's really quite unfortunate. You just have to look at press releases from 2003, press releases from 2004, where, unfortunately, your government can't even change its own messaging in the press releases. They're exactly the same quotes from one minister to the next minister.

**Mr. R. Brown:** They said the same thing.

**Leader of the Opposition:** The exact same thing. But then you come out and you go ahead and you cut the seniors' home repair program. I'm wondering: Do you think it's a

good idea to cut that and will funding be reinstated?

**Speaker:** The hon. Minister of Health, Social Services and Seniors.

**Mr. Gillan:** Mr. Speaker, I would laugh at the comments or chuckle if they were not so serious.

I think we do have a vision. We do have a policy. We do have a strategy for and with seniors. A big part of the program is that this has been a partnership. We have been talking for some time of the need for a secretariat. We finally do have a secretariat. That is province-wide -

**Some Hon. Members:** (Indistinct).

**Speaker:** All right, hon. members.

**Mr. Gillan:** Thank you, Mr. Speaker.

That is province-wide at the insistence of the seniors that we are able to work further. It is all about enlightenment. So we have been listening, we have been planning, we know where we are going. The seniors know where they are coming with us, and I'm sure that the secretariat that is formed now and is beginning its work - and they do have a mandate established, they have decided among themselves what that mandate is going to be - that we will see a proliferation of programs coming out in partnership with the government.

**Some Hon. Members:** Shame, shame!

**Speaker:** The hon. Member from Winsloe-West Royalty.

**Media coverage of Legends of Golf**

**Mr. Collins:** Thank you, Mr. Speaker.

I have a few questions for the Minister of

Tourism, and they concern the visit to Prince Edward Island in early summer this year of two icons of the sport of golf, Tom Watson and Jack Nicklaus. I think it was dubbed The Legends of Golf, if memory serves me correct. At the time, there was a lot of talk about the media reach that this event was going to give to Prince Edward Island. Does the minister at this stage of the year have a little more of a handle on just how effective was that media reach?

**Speaker:** The hon. Minister of Tourism.

**Mr. P. Brown:** Thank you very much, Mr. Speaker.

I'm very delighted to inform the House as well as all Islanders of the tremendous benefit of that particular event. People know the names Jack Nicklaus and Tom Watson are synonymous with great golf, and Prince Edward Island has become known as a great golf destination, voted number one in Canada over the last few years. But this particular event was a made-for-TV event and the Global television network broadcast it across the country. As well, the R.D.S. network, the TSN affiliate on the French language broadcasting band, broadcast it nationally. Now the national audiences exceeded 200,000. The Sky network in Europe broadcast this and the audience there was in the hundreds of thousands. As well, the New England Sports Network broadcast this and an additional hundreds of thousands of people saw the benefit of this. From the media point of view, there were more than 210 stories written about this event, publications all over the world. The audience reach is in excess of 88 million people that had access to this. So it was an unprecedented success and many people were able to learn of it.

**Speaker:** The hon. Member from Winsloe-West Royalty.

**Mr. Collins:** Thank you, Mr. Speaker.

That does sound very impressive in terms of the numbers that the minister mentions, but could you give us some idea of what the real on-the-ground effect might be of this Legends of Golf and the kind of reach that it had out there?

**Speaker:** The hon. Minister of Tourism.

**Mr. P. Brown:** Certainly, Mr. Speaker, we did customer satisfaction surveys at the event for people that participated, and 84% of the people, the 6,700 people who came to view the event over the two days, said that their main reason for coming to Prince Edward Island that time of year was this legends event.

The other examples of the potential impact on tourism are great. When the broadcast was on the Global network our call centre received many calls just after that broadcast. One small anecdotal part of it is a person from Connecticut who summers on Prince Edward Island called our department just to let us know that once the broadcast took place on the New England Sports Network, he had a dozen friends call him because they knew that he visited PEI to play golf. A dozen friends call him and said: How do we go there? We saw the broadcast on t.v. and we want to make plans to come next summer. So the event reached many and the benefits will come to Prince Edward Island for years to come.

**Speaker:** Final supplementary, the Member from Winsloe-West Royalty.

**Mr. Collins:** Thank you, Mr. Speaker, and it will be a short supplementary.

Given all that, Mr. Minister, are we going to do it again?

**Speaker:** The hon. Minister of Tourism.

**Mr. P. Brown:** Thank you very much, Mr. Speaker.

I'm delighted that when we entered into the agreement with the international marketing group, the IMG Canada, we entered into a three-year agreement with them and we will be producing the Legends of Golf event in 2007 and 2008, and beyond.

**An Hon. Member:** Wonderful!

**Speaker:** The hon. Member from Evangeline-Miscouche.

### **Child care benefit payments**

**Mr. Arsenault:** Thank you, Mr. Speaker.

I have a question for the minister of finance. In the spring the government announced that they would pass through the full benefit of the federal universal child care benefit payment. Could the treasurer update the House on how this will be achieved?

**Speaker:** The hon. Provincial Treasurer.

**Mr. Murphy:** Thank you, Mr. Speaker, and I want to thank the member for the question.

We did make a commitment in the spring that we would pass on the full benefit of the universal child care benefit and, of course, this is the benefit that flows \$100 a month into families for every child under six years of age. The question did come up in the Legislature in the spring: Was that going to be taxable from a personal income tax point of view? We had made the commitment at that time that, no, it would not be a taxable benefit. So in order to achieve that, we have to institute a young child tax credit which gives a full benefit of that flowing through to the parents. We do that because of the arrangement we have with Canada Revenue Agency on our tax collection agreement and, effectively, that's the method we have to use

to make sure that 100% of that money flows through to the parents and to the children who qualify.

**Speaker:** The hon. Member from Evangeline-Miscouche.

**Mr. Arsenault:** Thank you, Mr. Speaker.

Just a quick supplementary question: Can the Provincial Treasurer inform the House as to when the young child tax credit will be available?

**Speaker:** The hon. Provincial Treasurer.

**Mr. Murphy:** Yes, Mr. Speaker.

The young child tax credit will become effective July 1, 2006, or when the universal child care benefit begins to flow from the federal government to families. In order to necessitate that we'll have to bring forward some changes to the provincial *Income Tax Act* this fall sitting of the Legislature which will allow those provincial tax forms to be changed in time for when people in the spring go to file their taxes for the 2006 taxation year. So I'll bring forward those changes in the fall sitting of the Legislature.

**Speaker:** The hon. Member from Charlottetown-Kings Square.

### **Gaming and problem gambling report**

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

My question goes to the Provincial Treasurer. Mr. Treasurer, when you were putting slot machines or slots in the racino out at the racetrack last February or March or April, did the minister of health show you the gambling study that was done at that time?

**Speaker:** The hon. Provincial Treasurer.



**Mr. Murphy:** Mr. Speaker, I'm aware of the information on gaming, a broad spectrum of information and the various analyses that have been done. I don't know what particular study the hon. member is referring to, but certainly during the course of deliberations on this and proceeding with the gaming machines we had access to all kinds of studies and information.

**Speaker:** The hon. Member from Charlottetown-Kings Square.

**Mr. R. Brown:** A question to the minister. The study was done and released to the Cabinet, I assume - I hope it was, anyway - in February 2006, well before the decision was made in putting slots in, and it's called Gaming and Problem Gambling in Prince Edward Island. That was done by the Department of Health. Did he table this and did he bring it forward to Cabinet?

**Speaker:** The hon. Provincial Treasurer.

**Mr. Murphy:** Yes, Mr. Speaker, we discussed that study.

I don't believe it was that early at that time but we certainly have discussed the study. I believe that's the study that has been released within the last month. We've had a discussion of that when the study was complete in Cabinet. I don't believe it was that early. In fact, I think it was much later than that.

**Speaker:** The hon. Member from Charlottetown-Kings Square.

**Mr. R. Brown:** (Indistinct) minister of health, social services.

One of the key recommendations of that study that the minister gave to Cabinet was that an assessment be done before any new gambling devices were introduced or any new gambling mechanisms were introduced

to Prince Edward Island. Minister, when you tabled that document and when the slots came to Cabinet to put into the racino, did you express your concern that a study should be done on this before we go ahead with this?

**Speaker:** The hon. Minister of Health, Social Services and Seniors.

**Mr. Gillan:** Mr. Speaker, although it was a recommendation of the report, the implementation of all of those recommendations is going to take some period of time. No, it was not discussed at that time as to whether something such as following up immediately on one of their recommendations was absolutely necessary.

**Speaker:** The hon. Member from Charlottetown-Kings Square.

**Mr. R. Brown:** The other question to the minister of health. So the minister of health had a report, Mr. Speaker, done professionally, done about the problem gambling in Prince Edward Island, sat on it, brought it to Cabinet while these slots were going in out at the casino, and not saying a word about it, not bringing it up. Why did you sit on that report? Why didn't you take this recommendation seriously, or is this report just going to gather dust like all the rest?

**Speaker:** The hon. Minister of Health, Social Services and Seniors.

**Mr. Gillan:** Mr. Speaker, that is not the case at all.

We did have a committee prior to the opening of the entertainment centre before the racino opened at all. It was the opinion of that committee and the Department of Health that indeed a study should take place prior to the opening so that we would have a benchmark to compare with what was done

in 1999 and now in 2005 before the racino opened. It was not an attempt to try to capture the early experiences or what was going on with the racino in its infant stages. It was prior to that. When we did get the release of the report early in 2006 it was also thought within the department that it would be wise to see what is going to happen over the next couple of months as to whether there's going to be a drastic change. We did monitor it for a number of months. There did not seem to be a drastic change. It was never the intention to sit on the report. We did not sit on the report. We did indicate that it would be released and we have done so.

**Speaker:** The hon. Member from Charlottetown-Kings Square.

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

Another question to the same minister. You did sit on the report. You kept it secret. It was done in February. You could have tabled it in this House before the slots went in. You decided to sit on the report, allow the slots to go in, and table this report outside the Legislature before the long weekend thinking it would be hidden. Well, it's not hidden.

One of the main recommendations was 3.2: Before introducing new forms of gambling on Prince Edward Island, it is recommended that a potential impact of the new forms of gambling on the overall health and well-being of the population is assessed.

Did you do that? You had this report in your hand. You discussed it in Cabinet about slots going in at the new racino and the tables going in. Did you do the assessment before that recommendation went forward?

**Speaker:** The hon. Minister of Health, Social Services and Seniors.

**Mr. Gillan:** Mr. Speaker, I've already indicated that we were not ready at that time to act on the recommendations, and it is pure speculation when the hon. member accuses of the fact that we were sitting on the report.

It was not so. He may have his reasons as to why the report was not released immediately. I have indicated, I have made it public, that it was done intentionally prior to the opening of the racino. It was not a snapshot of the racino this month or this particular week. We did wait a number of months just to see whether or not there were going to be changes. It would have not changed, obviously, the report, it had already been documented, it had already been printed, and we were definitely going to release it on its own merit. But we did wait for a number of months to see whether there were any changes at the entertainment centre, and there weren't significant changes.

**Speaker:** The hon. Member from Charlottetown-Kings Square.

**Mr. R. Brown:** Mr. Speaker, this discussion was brought up in March of last year, March and April.

This minister sat in this House knowing full well that he had a report in his hand. In avoiding any debate on the topic and avoiding discussion in this House, he chose to hide this report during the last sitting of the House when discussions were taking place over this facility. That's a shame. I want to know why he waited so long to release this report. Now he's talking about: We wanted to see how things would happen. No, you have a report. Why didn't you release it in February or March when it was done?

**Speaker:** The hon. Minister of Health, Social Services and Seniors.

**Mr. Gillan:** Mr. Speaker, I've already replied to those particular questions.

But let me just give you a few statistics as to what the report did indicate, remembering exactly as the reason when we did and why we did. It found that this report of 2006, that 79.1% of the sample representative adults in Prince Edward Island were considered not to be problem gamblers. That had not changed since 1999. There is the significance.

Approximately 80% of Prince Edward Islanders are not problem gamblers. One point two per cent, however, were found to be at low risk, .7% were moderate risk, and .9% are problem gamblers.

A lot of time, a lot of effort and a lot of expense went into putting individuals who were hired at the entertainment centre to find out, to monitor on a day by day and a monthly basis, exactly what individuals and how many of those individuals were at a risk stage. After a number of months it was found that, indeed, there were no different, statistically different, replies coming out of the entertainment centre than there had been previously. That is the reason why we didn't release it immediately. We wanted to know exactly what is the difference and there was not a significant difference.

**Speaker:** The hon. Member from Charlottetown-Kings Square.

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

On one of the pages: Relative risk ratio for problem gambling. The highest one in the report is video lottery terminals. Close to 40% of people that play this game can get hooked on it. This report basically says it's the crack cocaine of gambling. Minister -

**An Hon. Member:** Does it say that?

**Mr. R. Brown:** Yeah, pretty well.

**Speaker:** All right, hon. members.

**Mr. R. Brown:** Minister, you held this report while changes were made. That's a shame, Mr. Minister, because you're here to protect the health and wellness of people. This is National Drug and Addiction Week, Mr. Speaker, and he held this report while we had a debate in the House. He didn't want this report tabled for a good discussion in this House and that's a shame. What are you doing about the other recommendation that says VLTs should be reduced on Prince Edward Island?

**Speaker:** The hon. Minister of Health, Social Services and Seniors.

**Mr. Gillan:** Mr. Speaker, once again, he can look at one particular aspect, one line of a report, and indicate that a particular form of gambling is more injurious or could be related to problem gamblers.

I understand that and I accept that. These are gambling devices and we have to be very diligent. It is my job as a representative of the Department of Health to monitor just exactly those who are having problem gambings. Let me indicate again, we can only learn and attribute as to the success, i.e., are we treating these people, do we have the program set up, as to the final statistics as who avails themselves. Let me remind you that in 2005 the gambling addiction services in Mt. Herbert received 102 inquiries and requests for service. Of those 102, 56 individuals participated in individual counselling for gambling - people with gambling problems - and nine people completed the group program.

It is the intention and it is the responsibility of my department to identify those who may be at risk to come up with the programs. That's exactly what we were doing. We had commissioned a study in 2006 prior to the opening of the racino. We did wait a few

months to find out: Are there problems there that we had to pay attention to right away? Our monitoring program indicated no.

**Speaker:** Final question.

The hon. Member from Charlottetown-Kings Square.

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

Your job is to protect the health of the people in Prince Edward Island. One of the other recommendations in the report is that we enforce Atlantic Lotto to do some counter-advertising here. All their advertising is geared towards buying tickets, gambling. Governments are hooked on gambling and hooked on the money that it brings into their coffers. We force tobacco companies to advertise negatively or not to advertise at all. We put ads on about the problem about drinking and that. But when it comes to a government-run operation we tend to go away from it.

I do not like Atlantic Lotto's advertising policy. Will you support our resolution in this Legislature asking for Atlantic Lotto to spend at least 10% of their advertising budget explaining the problems with gambling and the potential addictiveness of this problem? Will you support our resolution in these terms?

**Speaker:** The hon. Provincial Treasurer.

**Mr. Murphy:** I'll answer the question, Mr. Speaker, as the minister responsible for the lottery corporation.

With regards to the resolution, we'll certainly debate that. I can inform you they spend well in excess of 10% now, hon. member, but if you'd like to debate the resolution, that's fine. You know, we do agree, and the lottery corporation would also agree, they have a responsibility to make

sure that people game responsibly. Nobody likes to see people who do not game responsibly. So there is a bevy of methods that they use to make sure people are playing responsibly. I'd certainly be happy to expound on those in a later Question Period or when we get into the debate on the resolution.

**Speaker:** End of Question Period.

#### Statements by Ministers

**Speaker:** The Minister of Community and Cultural Affairs.

**Mr. MacFadyen:** Thank you, Mr. Speaker.

Every year Islanders throughout our province donate their time and their talents. They help out in local hospitals, schools and in their communities. They operate breakfast programs, visit seniors, care for friends, maintain clean communities, coach sports, mentor budding musicians and actors and assist their neighbours in any number of ways.

Since the year 2002, we have been demonstrating our appreciation for these works of kindness with the Volunteer Recognition Awards. Our government established the Volunteer Recognition Awards as a follow-up to the International Year of the Volunteer. The awards recognize seven volunteers each year who give unselfishly to their neighbours, community and province.

I want to take this opportunity to invite and encourage Islanders to submit nominations for the 2006 Volunteer Recognition Awards program. It is important that we take the time and make the effort to recognize those who have made life in our province richer and better through donations of both time and dedication.

The deadline for nominations is December 8, 2006, and nominations can be submitted by an individual, or by an organization. Forms are available at Access PEI sites or by calling 368-4572. Nominations can also be submitted online at [www.gov.pe.ca/go/volunteer](http://www.gov.pe.ca/go/volunteer).

I truly hope Islanders will consider nominating a worthy volunteer for this special recognition and award.

Thank you.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Charlottetown-Kings Square.

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

I, too, want to encourage people to submit names for the Volunteer Recognition Awards. I want to say a thank you to all volunteers on Prince Edward Island. They do a great job and they should be commended.

In the minister's statement, there was talk about the breakfast program and the volunteers in that program. They do an excellent job in that program, that breakfast program across Prince Edward Island. That's why we in the Liberal caucus are supporting a universal breakfast program across Prince Edward Island for elementary schools. Because we believe - we're not asking, we're saying that the volunteers continue to do the job, but we will provide the necessary food and the apparatus that are needed in these breakfast programs, because a good start to a good day goes a long way. That's our motto. When we take over the government that's one of the first things that will be done.

Thank you very much, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Minister of Health, Social Services and Seniors.

**Mr. Gillan:** Thank you, Mr. Speaker.

Today I wish to announce that we are tabling the first Annual Report which focuses on information compiled by the Prince Edward Island Vital Statistics Program. The report provides valuable information for health researchers and planners.

Vital Statistics data was available for researches in the past. However, this is the first comprehensive report published by the program. The report will be used to help determine the health status of Islanders and ultimately the services that will be provided for our Island population.

The information presented in the report is based upon the legislated requirement for registration of vital events which occur in the province for residents and non-residents. The *Vital Statistics Act* requires that all births, deaths, stillbirths and marriages be registered with Vital Statistics. The *Marriage Act* and *Change of Name Act* are also administered by Vital Statistics.

The Vital Statistics program also provides information and statistics to help professionals and planners when carrying out public health surveillance, health education and promotion, research into disease and cause of death, and health planning.

To maintain confidentiality, identifying information for individuals is not disclosed in the report. At no point does the information in the report reveal an identify of any Islander, living or deceased.

I would also, Mr. Speaker, before I take my

seat, wish to acknowledge in the House today the presence of Thelma Johnston who is the director of the Vital Statistics program, and I believe that she has some staff with her as well. Thank you very kindly for your excellent work on this.

**Some Hon. Members:** Hear, hear!

Presenting and Receiving Petitions

Tabling of Documents

**Speaker:** The hon. Minister of Health, Social Services and Seniors.

**Mr. Gillan:** Thank you, Mr. Speaker.

By Command of Her Honour the Lieutenant-Governor, I beg leave to table the 2005 Vital Statistics Annual Report for the period ending December 31<sup>st</sup>, 2005 and I move, seconded by the Honourable House Leader, that the said document be now received and do lie on the Table.

**Speaker:** Shall it carry?

**Some Hon. Members:** Carried.

**Speaker:** The hon. Leader of the Opposition.

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

By Command of Her Honour the Lieutenant-Governor, I beg leave to table a press release from August 14<sup>th</sup>, 2003 and one from July 9<sup>th</sup>, 2004 from two different ministers saying the exact same thing, seconded by the Honourable Member from Charlottetown-Kings Square.

**Speaker:** Shall it carry?

**Some Hon. Members:** Carried.

**Speaker:** The hon. Member from Charlottetown-Kings Square.

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

By Command of Her Honour the Lieutenant-Governor, I beg leave to table the Gambling and Problem Gambling in Prince Edward Island report done for the Government of Prince Edward Island, seconded by the Honourable Leader of the Opposition. Seeing they don't want to table it in the Legislature, I'll table it for them. I know they've held it out too long.

**Speaker:** Shall it carry?

**Some Hon. Members:** Carried.

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

Reports by Committees

Introduction of Government Bills

Government Motions

Orders of the Day (Government)

**Speaker:** The hon. Provincial Treasurer.

**Mr. Murphy:** Mr. Speaker, I move, seconded by the hon. Government House Leader, that the 7<sup>th</sup> Order of the Day be now read.

**Speaker:** Shall it carry?

**Some Hon. Members:** Carried.

**Clerk:** Order No. 7, *Archaeology Act*, Bill No. 8, ordered for Second Reading.

**Speaker:** The hon. Provincial Treasurer.

**Mr. Murphy:** Mr. Speaker, I move,

seconded by the Honourable Government House Leader, that the said Bill be now read a Second Time.

**Speaker:** Shall it carry?

**Some Hon. Members:** Carried.

**Clerk:** *Archaeology Act*, Bill No. 8, read a Second Time.

**Speaker:** The hon. Provincial Treasurer.

**Mr. Murphy:** Mr. Speaker, I move, seconded by the Honourable Government House Leader, 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?

**Some Hon. Members:** Carried.

**Speaker:** The hon. Member from Charlottetown-Spring Park, Chairperson of the Committee of the Whole House.

**Mr. MacFadyen:** Permission to take on my director.

**Chair (MacAleer):** The House is now in a Committee of the Whole House to take into consideration a Bill to be intituled *Archaeology Act*.

Is it the pleasure of the Committee that the Bill be now read clause by clause?

**Some Hon. Members:** Yes.

**Mr. MacFadyen:** I would like to give a little bit of overview in regards to why the legislation and what I feel is important in it.

This act replaces legislation that is over 30 years old. The old act had substantial problems including the lack of definitions

and real power in the legislation to protect important resources. The act is requested by the Archaeological Sites Advisory Board which has provided input to the new legislation. Input was also obtained from other provinces in comparison and the archaeological survey of Canada as well as the Aboriginal community through the Mi'kmaq Confederacy. The purpose of the legislation is to protect our scarce and disappearing archaeological heritage by manning archaeological investigations, protecting our sites and ensuring artifacts are retained for the people of Prince Edward Island.

The new act covers two areas not under the old act, that be fossils and human remains. Fossils have been added because they are so scarce in the province and every single example is essential to the understanding of our past history. Human remains have been added to ensure that the bodies of our ancestors are given proper respect. The act is not retroactive and will be enforced only from the time that it's proclaimed.

It will deal with archaeological resources which are not currently in the hands of the individuals. Archaeological resources are defined in the act as being more than 150 years old and useful for the interpretation of human history here on Prince Edward Island. The act tries to take a common sense approach to the area. It balances public and private interest and provides a mechanism or mechanisms for appeal by land owners who may feel they had been affected by the act. The act provides a similar structure to the *Historic Places Protection Act* with two levels of identification, archaeological sites and protected archaeological sites. Archaeological sites are places where archaeological resources are located. It is important to know where these are, but they are not as significant as protected sites. The identification of a place as an archaeological site has very little impact on the property

owner. Protected sites are places where there is a very high level of importance.

Current protected sites include the 1740 remains of the Roma settlement in Three Rivers, the site of an early Acadian house near the Green in Tignish, and the remains of the clipper ship *Marco Polo* off Cavendish. We need to better identify and preserve our archaeological heritage in this province.

Our Aboriginal and Acadian communities have indicated concern with the loss of materials. We need to be able to inform landowners and developers where concerns may lie so that we can work with them to protect our resources. We also need to work with Islanders who are interested in our past.

This legislation is not against something, it is for something. It is legislation for the protection of our collective heritage. We owe this much at least to those who came before us.

I now would like to go through the bill clause by clause, hon. member.

**Chair:** 1. Subsection 1 in this Act

(a) “archaeological investigation” means an investigation made by a person for the purpose of discovering, retrieving, exposing or recovering archaeological objects or samples in the province and includes a survey or examination on or in land that may result in the interference with, or the removal of

(i) the soil at an archaeological site, or

(ii) an archaeological object or archaeological sample on or in land;

(b) “archaeological object” means an object showing evidence of manufacture, alteration or use by humans that

(i) found on or in land, and

(ii) is of value for the information that it may provide on past human activity;

(c) “archaeological permit” means an archaeological permit issued by the Minister under subsection 7(2);

(d) “archaeological sample” means a sample of a substance associated with an archaeological object, and includes fauna, pollen, soil and carbon samples;

(e) “archaeological site” means any site in the province at which archaeological objects or archaeological samples may be found in or on land, and includes

(i) shipwreck sites within provincial waters, and

(ii) the physical and structural remains associated with past site use;

(f) “Commission” means the Island Regulatory and Appeals Commission established under the *Island Regulatory and Appeals Commission Act* R.S.P.E.I. 1988, Cap. I-11;

(g) “Department” means the Department of Community and Cultural Affairs;

(h) “Director” means such employee of the Department as may be so designated by the Minister;

(i) “human remains” means the remains of a person, including

(i) human remains that are situated or discovered outside a recognized cemetery or burial ground in respect of which there is some manner of identifying the persons buried therein, and

(ii) human remains that present as chemical



signatures from ceremonial burial methods that resulted in the human remains being dissolved or destroyed by natural chemical action;

(j) “Minister” means the Minister of Community and Cultural Affairs;

(k) “palaeontological object” means a fossil of a vertebrate animal or a macroscopic fossil of an invertebrate animal or a plant that lived in the geological past, but does not include

(i) a fossil fuel and fossiliferous rock intended for industrial use, or

(ii) any form, in addition to those mentioned in subclause (I), of a preserved remains or trace of a multicellular organism that may be prescribed in the regulations;

(l) “permit holder” means a person who holds a permit under subsection 7(2) or 8(2);

(m) “protected archaeological site” means an archaeological site that is designated by the Minister

(i) as a protected archaeological site under subsection 4(1), or

(ii) as a temporarily protected archaeological site under subsection 4(4);

(n) “provincial museum” means the Prince Edward Island Museum and Heritage Foundation established under subsection 3(1) of the *Museum Act* R.S.P.E.I. 1988, Cap. M-14;

(o) “Register” means the Register of Archaeological Sites established under section 3;

(p) “work” includes, but is not limited to, construction, excavation, disturbance, development or other activity on or in an

archaeological site that has, or has the potential to have, an impact on that site;

(q) “work permit” means a work permit issued under subsection 8(2).

(2) This Act applies

(a) in respect of archaeological or palaeontological objects, samples and sites, to such objects, samples and sites that are, or appear to be, at least 150 years old; and

(b) to human remains that, in the opinion of the chief coroner appointed under subsection 3(1) of the *Coroners Act* R.S.P.E.I. 1988, Cap. C-25.1, are not subject to the *Coroners Act*.

(3) Where there is a conflict between a provision of this Act or the regulations and provision of any other enactment, including any permit or other authorization issued under another enactment, the provision of this Act or the regulations prevails to the extent of the conflict.

Shall it carry?

**Some Hon. Members:** No.

**Ms. Bertram:** Section 1(e)(ii), “the physical and structural remains associated with past site use.” Can you give further detail to what you consider physical and structural remains?

**Mr. MacFadyen:** I’ll ask the director to answer the question.

**Harry Holman Director:** That would include earth works which are not in themselves objects such as Acadian dikes, military earth works, ditches. One of the most useful areas of archaeological investigations has proven to be privies, for example, and that would fall into that category. So they were structural remains

but they, in themselves, are not archaeological objects.

**Ms. Bertram:** My second question is in regards to (n) on the second page. Why would you not have just used the Prince Edward Island Museum and Heritage Foundation instead of using the terminology “provincial museum”? Because we don’t have a provincial museum.

**Harry Holman Director:** There are several museums in this province, but only one of them is designated as the provincial museum. Under the advice of the legislative draftsmen, that is the consistent usage that appears in other legislation.

**Ms. Bertram:** In respect to section 2, under the application, what are the implementation of the “150 years old”? It states, “samples and sites that are, or appear to be, at least 150 years old.”

**Harry Holman Director:** It’s necessary that essentially a line be drawn in the sand at some point. Various jurisdictions use various dates. It has been found in most cases that 100 years is too short a period. In Prince Edward Island providing 150 years - given the nature of building development, investigation and activity - 150 years was deemed to be a date that would work in terms of not infringing inordinately on ordinary activity but still at the same time protecting these resources.

Now that is a moving target, obviously. It takes us at the present time back to the period of Confederation. As time goes forward, that 150 year date would move forward. The option or the alternative would be to pick a specific year and that was found to be unworkable because if we only amend this legislation once every 30 years, we’re losing some potential for capturing archaeological information.

**Ms. Bertram:** Just to continue, though, with that, if we look at Nova Scotia, New Brunswick, the Maritime provinces, what do they use as their age?

**Harry Holman Director:** I don’t have the specific data in front of me. In some cases we did canvass legislation all across the country. In the western provinces, for example, the cut off date is the beginning of European settlement in specific locations. Obviously, that would be ineffective in Prince Edward Island because it would not capture the early Acadian and Scot settlers, information which we did wish to capture.

I’m afraid I can’t answer the question with the specific year for each province.

**Ms. Bertram:** Just my final one in this section here. Within the act, 150 years old, within the provincial artfactory, the artifacts that are housed in the artfactory, does this implicate those that under that age?

**Harry Holman Director:** No, because the vast majority of material which is currently housed in the artifact storage area are not archaeological objects. There’s only a relatively few archaeological objects in that collection. From my knowledge of what information is in the collection, the bulk of that archaeological material dates from anywhere from 300 years ago to 5,000 years ago.

**An Hon. Member:** Mr. Chair.

**Chair:** Just a second, we have several before you.

The hon. Member from Belfast-Pownal Bay.

**Mr. MacDonald:** I want just to go over that 150 years. I think my house is 150 years old. I know the roof was put out in about 1880. It must have been there for some time before that. How does an ordinary person

understand 150 years? What does it look like as to compare to a rock that's 20 years old? Well, I guess there's no such a thing as a rock 20 years old. How does one know when you get into an archaeology - that you shouldn't be there?

**Harry Holman Director:** If I understand the question correctly, obviously, this legislation does not apply to houses. Houses are not archaeological sites. This is information which is in or on the ground, usually associated with archaeological investigations.

**Mr. MacDonald:** Take, for example, the cemetery in Belfast which is the Acadian cemetery. Nobody would be allowed to dig there without a permit. Is that right?

**Harry Holman Director:** That's correct, but not because of this legislation. That cemetery at the present time is protected under the *Heritage Places Protection Act*. I understand it may also be protected under the *Ancient Burial Grounds Act*. So, you're correct that no digging is allowed there. The other part of this legislation as regards cemeteries, you will note that the human remains section does not include human remains which are currently in an identified cemetery of which there's some method of knowing who is buried there.

**Mr. MacDonald:** Right.

**Harry Holman Director:** The human remains section deals primarily with a situation we frequently find on Prince Edward Island, with bones eroding from a bank or human remains being found in a field.

**Mr. MacDonald:** Right.

**Harry Holman Director:** It's to prevent desecration of those remains that we've included human remains in this legislation.

**Mr. MacDonald:** I see. What is the reason for IRAC being in this Bill (indistinct)?

**Harry Holman Director:** As with all legislation which has an implication for landowners, it's felt that it is desirable to give a means of appeal from decisions that are made to ensure that the decisions are made in a proper manner. That's what the reference to IRAC is. As we go through the legislation it will indicate the role that IRAC plays with regard to this.

**Mr. MacDonald:** Okay. The last 1(3) seems to be a bit to me a little hard to come up with. I'll just read the last two sentences: "...or other authorization issued under another enactment, the provision of this Act or the regulations prevails..." Why has "to the extent of the conflict" been added there? That limits it already in my view.

**Harry Holman Director:** The purpose of including that particular part of this clause is to suggest that even though there may be conflict between two enactments - and I'll try and give you a concrete example. If a municipality has issued a demolition permit, for example -

**Mr. MacDonald:** Yes.

**Harry Holman Director:** - it is found through the course of this legislation that this is a protected archaeological site. This section says that the demolition shall not prevail against the legislation. But the demolition permit may also deal with other matters that are not affected by this legislation. If it is for a large area, there only may be a portion of that which is a protected archeological site. Obviously, the archeological legislation would not prevail against a part of that demolition permit which dealt with a building or structure outside that immediate area.

It's only to the extent of the conflict that that

prevails. It doesn't make void the whole of the demolition permit, only the part of the demolition permit which would have an impact on the archeological site.

**Mr. MacDonald:** The minister indicated that there were three sites in the province. There was the -

**Mr. MacFadyen:** Roma.

**Mr. MacDonald:** Pardon?

**Mr. MacFadyen:** Roma Settlement.

**Mr. MacDonald:** The Roma Settlement.

**Mr. MacFadyen:** The *Marco Polo* off Cavendish, and the Green in Tignish.

**Mr. MacDonald:** The what in Tignish?

**Mr. MacFadyen:** The Green.

**Mr. MacDonald:** What's that mean?

**Harry Holman Director:** Actually, it's the Sylvain Poirier historic site which was the cellar site of the first Acadian priest in western Prince Edward Island. I think it's an indication of how ineffective the present legislation is that in 30 years we've only been able to protect three archeological sites in the whole province.

**Mr. MacDonald:** In your opinion, are there other sites that should be protected?

**Harry Holman Director:** Yes, I believe there are other sites which should be protected.

**Mr. MacDonald:** What would they be?

**Harry Holman Director:** One of the difficulties we have is that we have not done adequate archeological surveys for us to be able to accurately identify all of the sites.

We know of several native sites which are very important. We're reluctant to provide too many details with regards to location of those. In the past we have learned there has been looting from sites once people become aware. Under the present legislation we're unable to prevent that.

If I could just give you an example. In the South Lake area, the archeological survey established a native burial ground which contained what they call copper kettle burials, which are a very rare form of burial used by the Aboriginal community. We subsequently learned that some individual in the community took a bulldozer to that site. When they learned it was a copper kettle burial, they erroneously felt that it might be a treasure location. They have utterly destroyed all the information with regard to that native community.

So we are somewhat reluctant to publish too many details of where potential archeological sites may be.

**Mr. MacDonald:** I see. The last question is: In your opinion, then, are we late in doing all this?

**Harry Holman Director:** Yes, in my opinion we are. Our archeological legislation at the present time lags far behind virtually every other province in the country.

**Mr. MacDonald:** I see.

**Chair:** The hon. Member from Glen Stewart-Bellevue Cove.

**Dr. McKenna:** I have two questions. I just want to follow up from the hon. Member from Belfast-Pownal Bay.

With this new legislation do you think you'll be able to protect some potential sites out there you don't want to talk about right

now? Is that part of it, to toughen it up a bit so you can have more protection?

**Harry Holman Director:** This will give us tools to put a better protection regime in place. Yes.

**Dr. McKenna:** Okay. My actual question was on 1(e)(I) where you talk about “shipwreck sites within provincial waters.” How do we define provincial waters? Are you talking about the *Marco Polo*? I always thought that might have been federal waters. So I’m just curious where your dividing line is between federal and provincial waters.

**Harry Holman Director:** It is in fact the *Marco Polo* site which has led us to include that particular phrase. There is some dispute as to whether or not we even have the ability to protect the *Marco Polo* site. It’s been protected with a superabundance of caution. If it’s protected by the federal government and by the provincial government, maybe we have a hope of saving it.

The term “within provincial waters” is one which is used in other legislation. It more properly defines those areas over which the province has control. There are a number of bays, inlets and ponds which clearly are within provincial jurisdiction and these, too, may have shipwreck sites within them.

**Dr. McKenna:** If we’re going out towards the south shore someplace, how far out can we go? If there’s some type of a shipwreck out there that we haven’t found yet (Indistinct).

**Harry Holman Director:** This is an area of some contention. If you speak to the federal government, they will tell you that it comes right up to the high water mark.

**Dr. McKenna:** That’s what I understand, yes.

**Harry Holman Director:** There has been difficulty in the past with water leases, for example. It is an area which is by no means clear.

**Dr. McKenna:** So it won’t be any clearer in this act, then?

**Harry Holman Director:** I’m afraid this act cannot remedy an outstanding constitutional issue between the province.

**Dr. McKenna:** Thank you.

**Chair:** The hon. Member from Evangeline-Miscouche.

**Mr. Arsenault:** Thank you, Mr. Chair.

Unfortunately the few questions that I had, most of them have been answered by the director. But the other question I had was whether there was any cooperation with the federal government as far as exploring any sites here on Prince Edward Island?

**Harry Holman Director:** I think it’s fair to say that we’ve gotten better cooperation on archaeology from the federal government than any other province in Canada. We are the only province for which the federal government provides services under as a registrar. Only the territories of Prince Edward Island are handled by the Archaeological Survey of Canada. The archaeological survey has an Atlantic Provinces archaeologist and I think it’s safe to say they spend more time on Prince Edward Island than in any jurisdiction that they deal with. We have a very high level of cooperation.

Another example is the national parks. Because they are dealing with federal land they are not required to obtain an archaeologist from the province. But as a routine matter, they always obtain a permit and inform us of the results of the work that

they have done. So I would say there is an extremely high level of cooperation.

**Mr. Arsenault:** Thank you.

**Chair:** The hon. Member from Borden-Kinkora.

**Mr. McCardle:** Mine was the same as Dave's.

**Ms. Bertram:** I have another question.

**Chair:** Okay.

**Ms. Bertram:** Am I under the understanding that *Archaeological Sites Protection Act*, the old, is going to be - it's gone and this is going to replace that?

**Harry Holman Director:** That's correct.

**Ms. Bertram:** Okay. If that is the case then, why is it now that - are we creating a new position now, Mr. Minister? There is a director now, where in the old act there was no director? Is this a new position?

**Mr. MacFadyen:** No, it isn't.

**Ms. Bertram:** Okay, then so there is someone within your department that is going to be taking over? Okay, sorry. Okay, great.

My other - it's further on in the act but it's still applies to this section according to the old act. That is that, according to the old act there was an advisory board and the advisory board in the old act was comprised from a rep from the PEI Museum and Heritage Foundation, a provincial archivist and a rep from the university. Yet there is no mention - there it a mention at the end because we're in the definitions here in this section. I like the old act where it said: a minister shall appoint. We go further on, which we will get to, it says: the minister

may establish an advisory panel. I guess I will not be able to support this act. I'd like to see that inflate and not a 'may,' it should be a 'shall.'

**Harry Holman Director:** If I may explain the rationale for the change. An advisory board is put in place to provide advice and recommendations to the minister. We had great difficulty with the former act because there were so few people in Prince Edward Island that, actually, were in a position to be able to provide expert advice and recommendations to the minister. There were procedural difficulties with the old act in terms that the old act called for the advisory board actually to be making decisions rather than having the minister make decisions. In some cases under the old act, even hauling the advisory board together proved to be impossible.

The membership of the old Archaeological Advisory Board, the way it was set out in the legislation, for example, did not truly reflect the concerns of the whole province. The Acadian community, the Aboriginal communities, felt that the kind of representation on that act was inadequate.

The new legislation and the inclusion of the possibility of creating an advisory board was a recommendation of the Aboriginal community. There are areas where we feel that the minister may wish to bring an advisory body together to deal with policy issues. The advisory board under the old act dealt more with actual administration of the act and we feel that that was a bit of an impediment to the smooth workings of the legislation.

**Ms. Bertram:** I hear what you're saying, but at the same, in other acts that we have that we have spoken to in this Legislature and which we haven't, an advisory board I think is a very important component. I think in this section is a very important

component dealing with archaeology. Personally, I cannot support a 'may' in this legislation.

**Mr. R. Brown:** Neither can I.

**Ms. Bertram:** It has to be a 'shall.' If there were problems as you stated with the board and those experts - because I feel there are experts that we have on PEI. The definition in the old act was stated who is to comprise this board. If there was problems with that membership of that board, then I think, Mr. Minister, this legislation should come back at a later date. Because I cannot support that we don't have a board in place. It's only a 'shall' establish - in the old it's 'shall', here it is 'may' establish an advisory panel. That doesn't sit well with me in this respect and that's my sentiment, and I cannot support this section or any of the bill if that is not in place.

**Mr. R. Brown:** What's the problem with 'shall'?

**Mr. MacFadyen:** We don't have any expertise per se.

**Mr. R. Brown:** (Indistinct).

**Mr. MacFadyen:** He's the director. He has the authority within the legislation. But as far as having people who are qualified with the expertise that's required, I don't believe that we would have a number of people in the province that would have the type or calibre of information or knowledge that would be required to sit on a panel. That's not to say that they couldn't obtain that knowledge. But the director, based on the conversations that I've had with him in the time that I've been minister, I rely a lot on his opinion in regards to the interpretation of this act.

**Ms. Bertram:** But I'm not taking away from that, Mr. Minister. But the fact is that

before there was a rep from the PEI Museum and Heritage Foundation and I think that is an important component to have on a board.. They're representing the museum and heritage foundation. A provincial archivist, we have that on PEI. Representative of the university, I don't know who served in capacity for that in the past. There are many Islanders who I feel are able to sit on such a board. This is for discussion purposes and I don't see why it cannot be in place where it is a 'shall' and not a 'may'. That's my feelings on this.

**Chair:** Is that the only point that you want to make?

**Ms. Bertram:** In this section, because it's under the definitions and under this definition the board is not discussed as it was in the old act.

**Mr. MacFadyen:** I guess, just to respond briefly, an archivist would not have knowledge in regards to an archeologist. I believe that to have the knowledge and experience that is required to have the knowledge base in regards to archeological sites, the public archivist that works in the archivists office would not necessarily have the expertise to determine the knowledge that's required to make determinations for archeological sites or artifacts or whatever.

**Ms. Bertram:** But, Mr. Minister, what I said previous to this, if you felt that it was difficult - if that was the position that you felt difficult with in the old definition, well, change it. But in the old definition it states: before issuing a permit, the minister shall consult the advisory board. That was in the old act.

Now I'm not saying your department is not doing - I just think it's important to have communication with an external body, and an advisory board is very important in this respect. I certainly will not be in agreement

with not having it as a must.

**Mr. MacFadyen:** The difficulty with it is that in the past, I'm told, we couldn't get the committee together to make a decision in regards to a permit and therefore no action could be taken. So nothing was being done. The reason why the legislation is brought forward is because it's 30 years old and we felt, in order to address the concerns dealing with archaeological information with our past, that there was a need to bring the legislation up to what is required in order to make decisions today.

**Ms. Bertram:** But, Mr. Minister, every other department has acts that come forward to this Legislature and have advisory panels or boards and they respond to the minister on certain things. I cannot see why you cannot be part of this. If you need to refocus a definition of who is comprised on this board to make it better in terms of representation - first of all, the (Indistinct) from the PEI Museum and Heritage Foundation. Cannot see where that's anything going on there because we're talking about the museum and heritage foundation in this respect as a provincial museum. I just can't see how this can't work.

**Mr. MacFadyen:** (Indistinct) the provincial museum is only the place where the artifact would be housed. It doesn't say that a person who's employed with the Provincial Museum and Heritage Foundation has the knowledge or the experience to make decisions in determining what is an artifact or what isn't. The difficulty with it is there are no qualified people to sit on an advisory committee.

**Ms. Bertram:** So you're stating today that there are no qualified people here on Prince Edward Island that could sit on this committee to represent this act. That I don't think is true.

**Mr. MacFadyen:** I'll let the director respond.

**Harry Holman Director:** We do have individuals with expertise in archaeology in this province. However, because we do not have provincial government staff dealing with archaeology, if we are to engage in archaeological work we are forced to contract out. If we had people sitting on an archaeological advisory board making recommendation to a minister, who are also making recommendation which may lead to contracts or employment, there is a very real potential of conflict of interest. As a matter of fact, we had this under the previous act.

So there are at least two qualified archaeologists on Prince Edward Island. In the past three years we have issued contracts of employment on a project basis to both of those individuals. For us to say that we're going to place them on an advisory board I think is a dangerous precedent where you have individuals advising the government, which may lead to employment of those same individuals.

**Ms. Bertram:** But there must be retired people that perhaps aren't going to be looking for the contracts if these sites are found here on Prince Edward Island. If you are the director, you could be part of this board.

We could go through the legislative committees and we choose boards, for example the Human Rights Commission, etc. We could advertize for this. We could bring it to a legislative committee and people could present their case to be part of this panel and then chosen based on their credentials.

I totally believe that there should be a board that should be appointed in this respect because this is an archaeology act. It's an important issue and I think there should be a



great level of communication between the director and minister and with a board.

**Chair:** I'm not going to leave your issue. Can I just defer it for a moment? Can we go to the hon. Member from Belfast-Pownal Bay.

**Mr. MacDonald:** I just have one question because I did ask a bunch of questions, but I have two questions. I tend to disagree with the director, and I know that's dangerous to do.

**Chair:** Dangerous for me.

**Mr. MacDonald:** It's not necessary to have somebody with the archaeology experience. Why don't you just have people who have common sense and (Indistinct) understand what your doing. I can understand why you can't have people with a conflict, but you can have people with common sense. That's all the boards we have on Prince Edward Island can be, people with common sense.

But my other question -

**Mr. MacFadyen:** Can I clarify that one? What would be the sense of having someone who doesn't have the expertise to make decisions? They may have common sense to deal with issues, but it may not helpful in regards to terming what archaeological sites are - archaeological artifact would be. You'll never be there too.

**Mr. MacDonald:** In my experience - and I've been on boards - usually the director or somebody is there to advise the board. You work it out between you. But I'm not going to get arguing on that.

What I really want to know is if I was a swimmer and I was off the coast and I came along the *Marco Polo* land, how would I know - it's an archaeological site, how would I know? What tells me that? Without

knowing.

**Harry Holman Director:** Under the present legislation for the three sites that we have, and under the proposed legislation, there will be a registration on title of the property for evert archaeological site.

**Mr. MacDonald:** There will be a what?

**Harry Holman Director:** A registration on the property.

**Mr. MacDonald:** Right on the property.

**Harry Holman Director:** In the same way that if you do a title search and you find there may be easement on your property or a prior existing mortgage on your property, the purpose of registering is it gives public notice that this particular property, this particular site, is protected under the legislation.

We all ready have that under the *Heritage Protection Act* - and your example of the Belfast cemetery is an excellent one. Notice is put in the *Royal Gazette*. A person searching the title for that property will discover that this is a designated and protected site under the legislation.

**Mr. MacDonald:** No, I was just thinking, like, you gave the example of the man with the bulldozer. I don't think you'd go to the Roma site and do that, but is there a danger that the person can't find something to tell him that he's on an archaeology site and not to do anything. Are there signs up and things like that?

**Harry Holman Director:** We certainly have limited control under this legislation for people who want to trespass and break the law, and it is an offence. But in terms of requirements in this legislation for signage, no. Notification is given in the standard legal format and that is what has been

adopted by this legislature in all sorts of other pieces of legislation with regards to giving notice. Lands protection act, for example, is another example. There are many pieces of legislation which have notice provisions and the notice provisions in this legislation are very similar if not identical to what (Indistinct).

**Mr. MacDonald:** I would have thought there would of been signs up and an area fenced off or -

**Harry Holman Director:** In the past that has proven to be a magnet or lightning rod for people who wish to loot sites.

**Mr. MacDonald:** Okay.

**Chair:** The hon. Member from Cascumpec-Grand River.

**Mr. P. Brown:** (Indistinct) in the past, let's say, five years, how many permits have been issued? The ability or the need for the minister to be able to put in place a panel is important. Much like on certain environment projects that may have an environmental significant. The minister has the ability to say this requires a panel. Whereas if the minister would have to have a panel and ask a panel on every particular request - well, it might be a request that's already been reviewed.

If you look at Greenwich, for example, when the development of the national park was there, there were certain concerns around the potential that there might have been artifacts there, and that was reviewed. So therefore we can move on now. But if you have 'shall' then it becomes encumbrment upon the minister on every request that we have to re-engage a panel over and over again. I think it is important for the public that where they feel a panel is of use, that the minister has that ability to engage an expert panel. It is very important -

because of the nature of these things, not unlike environmental panels - to have a static in place panel may not meet the needs of the particular question being asked.

The minister has to - every panel will be discussing an issue specific to that request. An oil spill - if we use the case of environmental, there are different expertises required, and so therefore I think it is important that we - this doesn't exempt the minister from engaging a panel, and that's I think the point being made here. Its almost like the minister won't bother if indeed it's forced upon him.

But we're all here for the protection of the artifacts. At the same time, we don't want unnecessarily engaging panels where it's been predetermined that there's really nothing exists here. Every time you dig there is some potential for finding artifacts, just by the nature of it. But we want to be able to designate sites where we think there's real activity.

I want to commend the minister for bringing this forward. Because I think this has been an issue for a long time and the minister has wanted to protect the archaeological integrity of the province, and we have to update this bill. It's 30 years old, as he said, and it's time that we update it. The Legislature exists to improve legislation on an ongoing basis.

So I know this is a project that is more than two years old at the present time and we must move on. If we have to be back here at some later date, surely it's not going to be 30 more years till we bring this particular act to the floor of this Assembly. I commend the minister in doing that.

**Chair:** The hon. Member from Morell-Fortune Bay. You now have the floor

**Ms. Crane:** (Indistinct).

**Harry Holman Director:** Federal and provincial? In excess of 30 years.

**Ms. Crane:** (Indistinct).

**Harry Holman Director:** Our department has been working on this particular act for about seven years.

**Ms. Crane:** For seven years. In your capacity based on your experience and skills and your ability of leading this division, are you comfortable with the process using (Indistinct) act in place and are you comfortable that this is the best wording of this particular act?

**Harry Holman Director:** We're comfortable with the process by which this act came about. It was originated by recommendations from those people who are interested in archaeology in the province. Beginning seven years ago, we have consulted with the Aboriginal community. We have had impact and input from the Acadian community. We have sat down and reviewed this legislation with the Archeological Survey of Canada which runs archaeological projects right across the country. We've looked at and consulted with archaeologists in other jurisdictions and we are comfortable with the content.

The wording is something which we have worked on very closely. As I say, this is, I believe, the 38<sup>th</sup> draft of this particular document. We have worked with the legislative draftsman to ensure that the wording, actually, is the best possible wording for this legislation.

So given the confidence of people involved in legislative drafting who are employees of this House, I am comfortable with it.

**Ms. Crane:** Thank you, then. I think that the act is certainly -

**Chair:** The hon. Member from Winsloe-West Royalty.

**Mr. Collins:** Just a short clarification here.

**Chair:** No, I didn't want to cut you off.

**Ms. Crane:** No, you didn't cut me off, that's fine.

Thank you.

**Mr. Collins:** Just a short clarification here. We have yet to approve section 1 that's been read, yet we're discussing -

**Ms. Bertram:** (Indistinct).

**Mr. Collins:** I see. I just want a clarification here because we haven't approved section 1 yet, have we?

**Chair:** No we haven't.

**Mr. Collins:** All right, thank you.

**Ms. Bertram:** I have a question again.

**Chair:** Yes, proceed.

**Ms. Bertram:** I'm asking these questions because in the old act this was under this section because it was under definitions.

Again, I still think it's very important to have an advisory board. The minister of environment has come here for the *Environmental Protections Act*. There is a board with that act that gathers. There is no reason - if this was brought forward by interested parties related to this, then why would there be interested people serving on a board to make - and the old act stated: the minister shall establish the advisory board to advise and make recommendations with respect to all matters to which the act refers.

So they're advising and they're

recommending. Okay? These are people that can come forward. In the old act it also states: that members of the advisory board shall receive such expense allowances as the minister may determine.

So maybe they weren't getting anything for actually - you say how difficult it was to gather these people together. Perhaps you weren't giving them the allowance necessary, Mr. Minister.

**Mr. MacFadyen:** I'd like to clarify a statement that I did make. There are people that are probably qualified to make determination in regards to this piece of legislation. But those people may end up putting themselves in conflict in dealing with issues. But I believe that as minister, or anybody that was minister responsible for this piece of legislation, that it was a need to consult other individuals other than the director to the determination of what we were going to do with a specific matter.

We would contact people for their input. It may not be an advisory committee, by saying that an advisory committee shall be established, but you would seek other opinions in regards to a direction or decision that you were going to make to get their opinion as well to be considered.

**Ms. Bertram:** Mr. Minister, how many requests were made this past year to your department?

**Mr. R. Brown:** Good question.

**Ms. Bertram:** How many requests?

**Mr. MacFadyen:** None.

**Ms. Bertram:** Okay. If that's the case, you're saying how difficult it is for this board to get together. If there was no requests, then how difficult was it for the board to get together?

**Mr. MacFadyen:** So what's the sense in having a board?

**Ms. Bertram:** Well then, why get rid of it?

**Mr. MacFadyen:** Why have it? Why have it if it's not serving a function?

**Ms. Bertram:** Why is it not serving a function?

**Mr. MacFadyen:** Because we don't have a need for them to meet, and the people that can contribute to it may end up being in conflict and have to exempt themselves from the division.

**Ms. Bertram:** But, Mr. Minister, the director stated earlier that it was hard to get these individuals together. So if there was no requests last year, how difficult is it to get them together if there's no requests?

**Mr. MacFadyen:** We're talking about a piece of legislation that wasn't updated for 30 years. When there was a need to get them together there was difficulty in assembling them together to make a decision.

**Ms. Bertram:** I certainly feel that by this change from the old act to the new act you're just trying to make decisions without consulting the people. Because these are representatives that are very important that should be consulted with.

I'm not against this act, this new act. There are sections of it that are really good. I can, and I think my hon. member next to me, will not be supporting this change without the consultation with a board. Because it's only a 'may.' We want a 'shall,' Mr. Minister, and we will not be supporting this act because this is a key part to it.

**Mr. MacFadyen:** You have a right to your opinion. If you believe that we are trying to do something that is against the betterment

in regards to the archaeological act in this province, then that's your opinion. The whole purpose of taking this legislation to the floor of this House is to bring the legislation up to what is required in order to deal with archaeological sites and findings in this province, to protect the history of our past. The difficulty that we have is getting people to sit on an advisory committee that may in turn end up being in conflict. That's not to say that we would not seek other people's opinion in regards to a direction or a decision that would need to be taken.

**Ms. Bertram:** So you mean to say that the minister of environment and his *Environmental Protections Act*, that all the people that serve on his board are experts, and that - like, I have a hard time understanding why this can't take place. You're saying how there is going to be a conflict. I'm sure there's lots of other people that aren't going to be applying for tenders or contracts within this act.

**Mr. MacFadyen:** I'm told that in other provinces there is no province that has an advisory board in regards to this legislation.

**Ms. Bertram:** So does that make it right that we don't?

**Mr. MacFadyen:** Does it make it wrong?

**Ms. Bertram:** I don't know, but we're a small enough province where we should be close enough to the people and consultation should be important in this respect.

**Mr. MacFadyen:** We're not saying that we would not consult with other individuals. We're saying that we have the expertise of the director of present who has been working on this piece of legislation for the past seven years, who has worked for the provincial and federal government for over 30 years, that has a real concern in regards to having a piece of legislation that was

outdated, and bringing forward legislation that had input from interested parties in the province that said this was the way that they wanted the legislation to go, because these are the people that are dealing with the archaeological history of this province.

**Ms. Bertram:** Okay, we're getting nowhere with this part. I will not be supporting that. But under the definitions in this act, which is under this section, there is no definition of compensation. So in fact, if you're a landowner and you have something and there is an archaeological site found on your property or discovered, there is no compensation definition under this section of the act that the landowner, building owner or whoever will be compensated by. Because it clearly states later on in the act, when we go further on - because we're in a definition stage right here - that basically the landowner will have to pay, is responsible.

**Mr. MacFadyen:** Compensation is addressed, but under Section 15(1) it says: "Compensation is not payable by the Province to any person for any reductions in the value of that person's interest in land or for any loss or damage that results from" (a) or (b) and it goes on.

**Ms. Bertram:** I guess later on we will - I would be disagreeing with that as well, because compensation should be addressed under this section we're discussing right now. Because there should be a pot, there should be an area of money that could be used. If there is a request, if there is an excavation that needs to take place, there should be compensation within this act for that landowner or whoever where that is found on their property, Mr. Minister.

**Mr. MacFadyen:** I don't disagree with you. I'd also want to add that whether you agree or not, it would be better if you did agree, but you have the right not to agree. That doesn't mean that the legislation will not

pass.

**Ms. Bertram:** No, I'm just expressing a very important view.

**Chair:** The hon. Member from Winsloe-West Royalty.

**Mr. Collins:** I'll keep it short (Indistinct) Mr. Chairman.

First of all I want to agree with the Minister of Tourism here that the whole issue of appointing an advisory panel could be done on an ad hoc basis. It is stated here, may establish. Certainly it doesn't have to be people that necessarily with PhDs in archeology that have to serve on it. I mean, something could be discovered in some part of this Island that might have an impact on the local economy. It might interfere with some of the local economy. The minister could then have the flexibility to strike an advisory panel as to how best to go about approaching the successful excavation, if you will, of this area without it impinging too much on the local community.

This is what this section, I think, really allows the minister to do. It isn't that we're going to have in place 365 days a year one particular panel that's going to be overseeing everything that happens on the archeological front on PEI.

Secondly, Mr. Chairman, I think we've belaboured this point of nauseam, even though it's under definitions. The hon. Member from Crapaud-Hazel Grove wanted to talk about compensation issues here. The compensation issue appears a little bit further on in the reading of this bill which, Mr. Chairman, I wish we'd get on with.

**Chair:** Can we proceed to agree on those parts of this bill that we agree on, and then we can register your - no, you can register your objections and -

**Ms. Bertram:** I'm objecting.

**Chair:** Okay.

**Mr. MacFadyen:** As I said, you're one person.

**Chair:** You have a right to register your objections and I just wanted to make sure they're recorded.

Under the definition.

Shall it carry?

**Some Hon. Members:** Carried.

**Chair:** 2(1) The Minister is responsible for the administration and enforcement of this Act.

(2) The Minister may establish policies or programs respecting

- (a) the protection and preservation;
- (b) the coordination of orderly development;
- (c) the study and interpretation; and
- (d) the promotion of appreciation,

of archaeological, and palaeontological, objects and sites in the province.

(3) The Minister may, on behalf of the Government, enter into any agreement respecting the coordination, preservation, study, interpretation and promotion of archaeology or palaeontology in the province, with

- (a) the Government of Canada or the government of another province; or
- (b) any person, agency or organization.

(4) The Minister may develop programs to

support and encourage the conservation of archaeological sites and archaeological or palaeontological objects, including

(a) providing grants or loans to owners of such sites or objects;

(b) providing technical or advisory assistance;

(c) providing educational and information services;

(d) providing incentives by means of property or sales tax exemptions; and

(e) entering into agreements with an owner, municipality, or other body respecting the matters referred to in clauses (a) to (d).

(5) The Minister may establish an advisory panel to advise the Minister with respect to matters pertaining to this Act.

Shall it carry?

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

**Chair:** Okay, you're registering an objection.

**Ms. Bertram:** Again, this is a section where it may - do you have anything in place, Mr. Minister, where these grants or loans, do you have a program in place - if this act does go through, that it's going to fall into place?

**Mr. MacFadyen:** Not to my knowledge, but if you have difficulty with the may and if we change that to shall, all we would be doing is changing the wording, but it would still give the discretion -

**Ms. Bertram:** No, I'm not saying to change the word. I'm just saying have you developed - because this is part of this -

**Mr. MacFadyen:** No there isn't, hon. member.

**Ms. Bertram:** I would like to amend.

**Chair:** Yes.

**Ms. Bertram:** Make an amendment.

**Chair:** Yes.

**Ms. Bertram:** I would like to make an amendment to section 2(5).

**Chair:** Okay.

**Mr. MacFadyen:** I disagree with her now.

**Ms. Bertram:** Where it states that the minister may establish an advisory panel to advise the minister with respect pertaining to this act. I would amend section 2(5): that the minister shall establish an advisory panel to advise the minister with respect to matters pertaining to this Act.

**Chair:** I'm clear on that. Do we have a seconder? You'll second it.

Moved and seconded that the section 2(5) be amendment to read as follows:

The minister shall establish an advisory panel to advise the minister with respect to matters pertaining to this Act.

Is that clear what we're doing here?

All those in favour, say 'yea.'

**Ms. Bertram:** Yea!

**Chair:** All those opposed, say 'nay.'

**Some Hon. Members:** Nay!

**Chair:** Nays carried.

Move on.

Shall it carry?

**Some Hon. Members:** Carried.

**Chair:** (3) The Minister shall establish a Register of Archaeological Sites which shall include

(a) a copy of the order designating each protected archaeological site; and

(b) a description of any site

(i) that is not a protected archaeological site, and

(ii) that the Minister believes to be an archaeological site.

Shall it carry?

**Some Hon. Members:** Carried.

**Chair:** 4(1) The Minister may, by order, designate any archaeological site as a protected archaeological site if the archaeological site meets the criteria for designation prescribed by the regulations.

(2) Before making an order under subsection (1), the Minister shall

(a) give a notice of the Minister's intention to make the order;

(b) provide information to the prescribed persons on how to make an objection to the intended order; and

(c) consider any objections that may have been made,

in accordance with the regulations.

(3) Where the Minister makes an order under subsection (1), the Minister shall

cause

(a) a copy of the order to be entered in the Register by the Director;

(b) a notation of the order on the prescribed form to be registered in the appropriate land registry office; and

(c) the order to be published in the Gazette.

(4) Where

(a) an archaeological site is not a protected archaeological site and

(b) in the Minister's opinion there is an imminent threat to that archaeological site,

the Minister may, by order, designate the archaeological site as a temporarily protected archaeological site for a specified period not exceeding 120 days.

Shall it carry?

**Some Hon. Members:** Carried.

**Chair:** 5(1) Where the Minister believes that any person is engaged in any activity that the Minister considers is likely to result in damage or destruction to any archaeological site, the Minister may issue a stop order to that person, for a period not exceeding 120 days, requiring the person to cease the activity or any part of the activity that is specified in the stop order in order that the Minister may

(a) cause the salvage of the archaeological objects that may be in danger;

(b) cause an archaeological investigation to be made;

(c) cause a record to be made or the excavation of the archaeological site;



(d) temporarily designate the site under subsection 4(4); or

(e) take the necessary steps to make an order for the designation of the archaeological site as a protected archaeological site under this section.

(2) The Minister may direct the Director to undertake such actions as are necessary for a purpose referred to in clauses (1)(a) to (d).

(3) Where the Minister believes that any person is engaged in any activity that the Minister considers is likely to result in damage to, or destruction of, any archaeological site, the Minister may order the person to provide the Minister with an archaeological impact statement within the time period set out in the order and in the manner set out in the regulations.

(4) The Minister may make only one order under each of subsection (1) and subsection 4(4) in respect of an archaeological site.

(5) The Minister may, at any time, cancel

(a) an order designating a temporarily protected archaeological site made under subsection 4(4); or

(b) a temporary stop order made under subsection (5)(1).

(6) Where the Minister makes an order under subsection (1) or subsection 4(4), the Minister shall cause the order

(a) to be served on the owner and occupant of the site; and

(b) to be published in the Gazette.

(7) For the avoidance of doubt, where the Director acts at the direction of the Minister for a purpose referred to in clauses (1)(a) to (d), the Director

(a) does not need an archaeological permit; and

(b) is authorized to enter on the archaeological site that is the subject of the stop order, at a reasonable hour and after providing prior reasonable notice to the occupant or owner.

Shall it carry?

**Some Hon. Members:** Carried.

**Chair:** 6(1) The owner of a protected archaeological site may appeal an order made under subsection 4(1) by filing a notice of appeal with the Commission in accordance with the regulations, not later than 30 days from the date of the order.

(2) An appeal under subsection (1) shall be made only on a ground permitted by the regulations.

(3) The Commission shall conduct an appeal hearing in accordance with the regulations and may

(a) dismiss the appeal; or

(b) allow the appeal and cancel the order designating the archaeological site as a protected archaeological site.

(4) The Commission shall

(a) give written reasons for its decision under subsection (3); and

(b) provide copies of its decision to the parties.

(5) Where the Commission cancels the order under clause (3)(b), the Minister shall direct the Director to

(a) remove the order from the Register; and

(b) file a notice in the prescribed form in the appropriate land registry office releasing the archaeological site from the order.

Shall it carry?

**Some Hon. Members:** Carried.

The hon. Member from Belfast-Pownal Bay.

**Mr. MacDonald:** Quick question for the minister. You say we don't have experts. How can IRAC become the expert here?

**Harry Holman Director:** The issue for the Island Regulatory and Appeals Commission would be whether or not the proper procedures have been followed under administrative law.

**Mr. MacDonald:** Under the act?

**Harry Holman Director:** Under the act.

**Mr. MacFadyen:** It spells out a process within legislation. They appeal the process that we erred in our decision, then they have the right to go to IRAC.

**Mr. MacDonald:** Your process is defined pretty straightforwardly here, isn't it? Where would you make a mistake?

**Mr. MacFadyen:** If there was an interpretation done incorrectly based on what the act says, it gives an avenue for an individual who feels that we made a wrong decision to appeal that decision.

**Mr. MacDonald:** If you're going to establish an archaeological site that may or may not be one, whose advice are you taking?

**Mr. MacFadyen:** Normally, the director.

**Mr. MacDonald:** Yes.

**Mr. MacFadyen:** Or we may call in an archaeologist that would go out and take a look at the site to determine if it is of significant value.

**Mr. MacDonald:** Yes.

**Mr. MacFadyen:** Then, that would be getting an expert to deal with it.

**Chair:** Can we just pause for a second? There seems to be some urgency here.

**An Hon. Member:** (Indistinct) from the minister's desk (Indistinct).

**Chair:** Oh, I'm sorry, I thought you were trying - okay, sorry.

**Mr. MacDonald:** I think he's got my answers. I'm satisfied.

**Chair:** You're satisfied?

The hon. Member from Crapaud-Hazel Grove.

**Ms. Bertram:** Just in regards to this commission. As it's stated in this new act, the Island Regulatory and Appeals Commission, if it's hearing an appeal, how do they have the expertise? Like the member said. We don't have a board on the first step of the process. You're saying we don't have the expertise to put people on that. Then how can the commission have the expertise to deal with the appeals process?

**Mr. MacFadyen:** They're not dealing with an archaeological issue. They're dealing with the process in regards to dealing with the specific issue.

**Ms. Bertram:** But they're stating that the commission allow the appeal and cancel the order designating archeological sites as a protected archeological site. If they are hearing that, where do they find their

information for that? Does the individual come forth?

**Mr. MacFadyen:** It's based on the process of the appeal whether the legislation is being followed to letter of the law or not. That's the issue that's being appealed to IRAC. Whether the stop order continues or not is based on the opinion of the director or the individual who made the decision. The process is what's being questioned.

**Chair:** Shall it carry?

**Some Hon. Members:** Carried.

**Chair:** 7. (1) A person who wishes to conduct an archaeological investigation in the province shall apply to the Minister for an archaeological permit by submitting to the Minister

(a) a completed application in the prescribed form;

(b) such information respecting the application and the proposed archaeological investigation at the site as the regulations or the Minister may require; and

(c) the prescribed fees.

(2) The Minister may, on an application made in accordance with subsection (1),

(a) issue an archaeological permit to the applicant to carry out an archaeological investigation at the protected archaeological site or other site as specified in the permit; and

(b) place such limitations and conditions on the archaeological permit as the Minister considers necessary.

(3) The Minister may

(a) refuse to issue an archaeological permit

under subsection (2) on any of the grounds set out in the regulations; or

(b) at any time amend, suspend or cancel an archaeological permit issued under subsection (2), by serving notice of the amendment, suspension or cancellation on the permit holder.

(4) A permit holder shall

(a) upon completion of the archaeological investigation authorized by the permit, restore the archaeological site to the condition that existed before the beginning of the archaeological investigation, where it is reasonably possible to do so; and

(b) deliver possession to the Minister of all archaeological objects recovered as the result of the archaeological investigation carried on under the archaeological permit.

(5) Subject to subsection (6), an archaeological permit does not entitle the permit holder to enter onto any site that is the subject of the archaeological permit unless the permit holder has the permission of the owner or a person in occupation or possession of the protected archaeological site.

(6) Where any site that is the subject of an archaeological permit is owned by the Government, the archaeological permit is deemed to include permission for the permit holder to enter onto such site for the purpose only of carrying out the activities authorized by the archaeological permit.

(7) Where the owner or occupant of the protected archaeological site or other site that is subject to an archaeological permit denies the permit holder entry to such site, the Minister may, in writing, authorize the permit holder to enter on the protected archaeological site or other site, at a reasonable hour and after providing prior

reasonable notice to the occupant or owner, for the purpose of making an archaeological investigation respecting the presence of

- (a) archaeological objects or samples; or
- (b) human remains.

(8) Where entry has been authorized in writing by the Minister under subsection(7), the owner or occupant of the protected archaeological site shall not refuse entry to the person so authorized.

Shall it carry?

**Some Hon. Members:** No.

**Chair:** Okay.

**Ms. Bertram:** Because we're dealing with the holder and the landowner, if there's an archaeological dig that's necessary on the site, who pays for that?

**Mr. MacFadyen:** Who pays for the dig?

**Ms. Bertram:** Okay. There's a landowner, let's say in Souris. Let's say there's a discovery in Souris. There's a landowner that's maybe making changes to their property. They're digging and they find human remains. Or whatever. Bones of something. Who knows? Artifacts. Who knows?

They come to you. Let's walk through this, okay? Private landowner out in Souris or wherever, PEI. They're digging, making changes to their property. They find whatever. Tell me the next step. You tell me how it works.

**Mr. MacFadyen:** You want to know who pays for that?

**Ms. Bertram:** From there that person goes to - what happens? If they're digging they

go to your department.

**Mr. MacFadyen:** Well, they wouldn't be digging without a permit.

**Harry Holman Director:** No, not if it's an accidental (Indistinct).

**Mr. MacFadyen:** An accidental, okay.

**Ms. Bertram:** They have a building permit, hopefully from the other department. So they're digging. Okay? What's the next step, Mr. Minister?

**Mr. MacFadyen:** If they come across something they would have to notify - I'll ask the director to answer it.

**Harry Holman Director:** What is proposed, and the actual practice in the past if there's an accidental discovery - I think that's the type of situation you're referring to - under the new legislation they would be required to notify the minister if there is material which is or is believed to be either human remains or archaeological resources.

Certainly, in the past the department has paid for investigations of that nature. For example, two years ago in West Prince someone discovered some human remains in a field. We, the department, contracted with an archaeologist to go up and do an excavation, and subsequently re-bury the remains. In other cases we have carried out more detailed investigations. The question of payment for that is not specifically addressed in the legislation because in the past it has been something that's been covered by the department.

In larger development projects it is very common, as in the case of environmental legislation, that the proponent has a responsibility to undertake some work. You'll notice elsewhere there are archaeological impact statements which are

required for certain types of activities.

The legislation gives the minister an opportunity to put a stop work order or a temporary designation to enable the department to undertake an assessment of what is necessary to be done. In some cases, excavation of the site would follow. In other cases, it would not.

I'll give you another example. When the golf course at Crowbush was being developed there were a number of sites there. Although they are not designated sites, they had potential. They were possibly identified as early Acadian housing sites. We worked very closely with the developer of that golf course to ensure that the orderly development of that project went forward but did not interfere with the sites.

Under one of the greens, in fact, there is a three-foot layer of sand and beneath that there is an early cellar pit. At some time in the future it may be possible for us to go back and have a specific investigation of that site, if funds are available and if it's deemed to be a priority.

**Ms. Bertram:** I would hope that everyone would appreciate archaeological findings. What is the incentive for the landowner if you're not there and they find it, if they know they're going to have to pay the expense of excavating. What's the incentive for the landowner to even continue to go to you?

**Harry Holman Director:** I'm not sure in our society we need an incentive to obey the law. We have all sorts of legislation where there is no incentive for people to obey the law.

**Ms. Bertram:** Yes, but we know, though, that archaeological excavations cost a lot of money. Let's say that this landowner is a business owner, let's say it's a tourist

operation, an amusement park, who knows? And this site is going to be closed down for two, three months because of this dig. Don't you see something wrong if there is no compensation for that landowner or business owner when they come across these findings?

**Harry Holman Director:** I see nothing specifically wrong, because the legislation does enable the minister to enter - an earlier clause of the legislation does allow the minister to enter into arrangements. I'll give you another example. In the site in Tignish we engineered the security of that site essentially by a land swap. The provincial government at the time had some surplus property and we were able to acquire title to that property without costing additional resources to the province.

There are many mechanism that we can explore, other than direct compensation, and quick frankly, direct compensation is extremely difficult to compute.

**Chair:** The hon. Member from Winsloe-West Royalty had a question.

I don't want to cut you off.

**Mr. Collins:** The director may indeed have answered this question, but I just want it for clarification purposes and on the record here. The metal detector hobbyist, will that person be required to get a permit?

**Harry Holman Director:** No, a metal detector hobbyist is not, in our normal reading of the legislation, conducting an archaeological investigation. If a metal detector hobbyist finds human remains or other significant archaeological resources, they have an obligation to report that find. This is not a piece of legislation which is designed to ban metal detecting.

**Mr. Collins:** Thank you, sir.

**Harry Holman Director:** I want to make that clear because when the minister first mentioned the possibility of this legislation coming forward that was an issue. That is not the purpose of this legislation. This is legislation to protect - and indeed metal detectors are a tool which are used by archaeologists, and in the past, in many provinces, people working with metal detectors have been of inestimable assistance to archaeological investigations within provinces. Certainly some of the letters to the editor, and I know our minister received correspondence, which indicated that the people engaged in this hobby are anxious to work with the government.

**Mr. Collins:** Wonderful, thank you.

**Chair:** Section 7.

Shall it carry?

**Some Hon. Members:** Carried.

**Chair:** We're now going to take the bill off the floor. I think there is some other business. We shall return.

**Mr. MacFadyen:** Mr. Chairman, I move the Speaker take the Chair, and that the Chairman report the progress and beg leave to sit again.

**Chair:** Shall it carry?

**Some Hon. Members:** Carried.

**Chair:** Mr. Speaker, as Chairman of a Committee of the Whole House, having had under consideration a Bill to be intituled *Archaeology Act*, I beg leave to report that the Committee has made some progress and begs leave to sit again. I move the report of the Committee be adopted.

**Speaker:** Shall it carry?

**Some Hon. Members:** Carried.

**Speaker:** The hon. Minister of Agriculture, Fisheries and Aquaculture.

**Mr. Bagnall:** Mr. Speaker, we'd like to revert to Government Motions.

**Some Hon. Members:** Agreed.

**Speaker:** Agreed?

#### Government Motions

**Speaker:** The hon. Government House Leader.

**Mr. Bagnall:** Mr. Speaker, we'd like to call Motion No. 6.

**Speaker:** Shall it carry?

**Some Hon. Members:** Carried.

**Clerk Assistant:** Motion No. 6.

The hon. Minister of Community and Cultural Affairs, seconded by the hon. Member from West Point-Bloomfield, moves the following motion:

**WHEREAS** Evelyn Cudmore founded the first Red Cross swimming program in Canada, which was launched in Prince Edward Island in 1946;

**AND WHEREAS** since its commencement, the Red Cross swimming and water safety programs have benefitted thousands of Islanders and Canadians;

**AND WHEREAS** through their water safety, boating safety and Junior Outdoor Camper components, the Red Cross swimming program incorporates swimming skills, physical activity, and appreciation for the natural environment;

**AND WHEREAS** although Red Cross swimming and water safety programs are available for all ages;

**AND WHEREAS** Red Cross water safety and swimming levels promote success and individual achievement, foster leadership skills, and encourage lifelong fitness;

**AND WHEREAS** over the years, the Red Cross water safety programs have developed strong community-based partnerships with local school boards, governments, as well as with volunteers who are essential to running the program;

**AND WHEREAS** this year of 2006 marks the 60<sup>th</sup> anniversary of the Red Cross water safety program in Prince Edward Island and Canada;

**AND WHEREAS** today, more than one million Canadian children are enrolled in the program annually;

**THEREFORE BE IT RESOLVED** that this Assembly and all Islanders join in celebration of the 60<sup>th</sup> anniversary of the Canadian Red Cross water safety program, and commend the organization, its staff and volunteers for their valuable work;

**THEREFORE BE IT FURTHER RESOLVED** that, as a Island province we continue supporting the Red Cross organization through active participation in its programs.

**Speaker:** To open debate on this motion, the mover, the hon. Minister of Community and Cultural Affairs.

**Some Hon. Members:** Hear, hear!

**Mr. MacFadyen:** Thank you, Mr. Speaker.

First of all I'd like to welcome to the gallery Judy Bayliss who is with the Canadian Red

Cross here in Charlottetown. I know Ms. Bayliss from past dealings with the Council of the Arts - she was involved with that organization as well - but I certainly appreciate her taking the time and the effort to come here so that we can pay proper recognition to the Canadian Red Cross for the service that they provide here to the people of Prince Edward Island in many facets.

I'm most honoured to have this opportunity to congratulate the Prince Edward Island Chapter of the Canadian Red Cross for 60 outstanding years of service to the Island community through their water safety program. In addition they have also served Islanders in many other capacity and I thank them on behalf of government for their commitment to our communities.

Each year the PEI division of the Canadian Red Cross Society trains thousands of youth in leadership, water and boat safety, environmental awareness and out-tripping programs.

Each summer children from Tignish to Souris activity participate in day camp programs where they learn how to swim, paddle a canoe or row a boat. They also learn environmental awareness, water and boating safety, leadership skills, and they have fun in a healthy outdoor environment.

The impact of this training on our youth is immeasurable. Youth learn the importance of injury prevention, staying safe and making healthy lifestyle choices. These messages provide many young people with the qualities to become future leaders in our community.

The late Dr. Evelyn Cudmore was a perfect example of this. As a founding director of the Prince Edward Island Water Safety Program and founding member of the Provincial Lifesaving Society, Dr. Cudmore

made great contributions to the quality of life here in Prince Edward Island. Her efforts were recognized when she was honoured as a Member of the Order of Canada, with an honorary degree from the University of Prince Edward Island, a Canadian Centennial Medal and the Queen Elizabeth II Silver Jubilee Medal.

The Canadian Red Cross has been focused on preventing water related instances and drowning through the Learn to Swim Program since Dr. Cudmore first developed the program in Prince Edward Island in 1946.

Since that time, more than 300,000 Islanders have not only learned to swim, but they've also learned how to prevent incidents in on and around water. These programs which began here but have been administered throughout the country have proven to be very successful as the national drowning rate has reduced significantly over the past 60 years.

We know the Red Cross Society takes great pride in the high standards of training they are able to provide. As a government, we're also proud of the fact that we have been able to continue to provide support to this wonderful institution and to be a partner in training our young people to value the many leadership opportunities gained throughout participating in the water safety program.

As the mover of this resolution, I sincerely hope that all members of this Assembly and all Islanders in particular join me in congratulating the Canadian Red Cross on the 60<sup>th</sup> anniversary of the water safety program. I commend the organization, its staff and volunteers their valuable work.

As Minister of Community and Cultural Affairs and as minister responsible for the administration of funding to the Prince Edward Island Chapter of the Canadian Red

Cross, I continue to support the Red Cross Organization and its programs and the services that they provide to Islanders.

I know that the Red Cross has done many wonderful jobs of work to better the life and the quality of living for many Islanders, not only here in Prince Edward Island but all across the world, and I commend them for their effort. I have pins here that came from the Red Cross that I would ask the Page to circulate to Members of the Legislative Assembly.

I thank you for the time for bringing forward this motion.

**Some Hon. Members:** Hear, hear!

**Speaker:** The seconder of this motion, the hon. Member from West Point-Bloomfield.

**Ms. Rodgeron:** Thank you, Mr. Speaker.

It also gives me great pleasure to stand in the House today and second this resolution. When I think of Red Cross, today I know we're focusing on water safety. I guess my history with Red Cross - I'll just give you a little background - started when I was probably in elementary school and my first experience with Red Cross, when we had Red Cross days and we had got our Red Cross pin. But that all zeroed in around health, where they really talked about nutrition and the whole idea of what we could do to stay healthy. We use to have fundraisers in the school and we could hardly wait to get to Red Cross days where we had grab bags and you'd have this little brown bag with a string on it. You'd be surprised what you got back then, because as children, we didn't get a toy or treat every day.

My first connection with Red Cross was through the school system. Then when I got to high school we had a Red Cross council



which again was very active and we helped volunteer as blood donor clinics. Then there was a home nursing program put on in the high school at that time. I know Jean Dewar, Dr. George Stewart's wife, she taught me the home nursing program and I still have my certificate today. Taught us how to make a hospital bed, taught us a lot of things around home nursing.

I really wasn't connected to water safety at that time. The closest I got to see that was when they took us to the beach. My grandmother in particular would only let me go in to about my ankles because she was afraid we'd drown. So I never really was able to participate in a water safety program as a young child. But when my children were born and my oldest daughter got ready to go to school in 1972, I thought I would go and help out with the program. They were just starting to get organized in West Prince. So in 1972 I became the chair lady for the community of Unionvale. My task was to register all the children in the district, make arrangements to get them to the beach, coordinate the busing program. We provided lunch for the instructors. I remember one of the meetings shortly after that was at the Government House Leader's home in Brooklyn. I remember having a meeting there too.

So to say that, since 1972, I have watched the benefits of this program. In 1976 I became the regional chairperson for our district for the water safety program and for some reason I'm still there today. So from 1972 to 2006 I've seen a lot of children come through the programs and the benefits of this program. During those years - we talk today about environmental issues - even through the Red Cross Water Safety Program children were made very aware of their environment and conservation. That was my first connection again to being aware what we had to do, like as far as conservation. It was called the (Indistinct)

program. When we got to the water safety program, and over the course of the years that program included physically challenged children, mentally challenged children and even adults could take the program.

It was during that time I could say my holidays at that time was I would take the two weeks of the program and I would spend it at the beach with the children. So some of the instructors would take time to take some of us mothers out in the water and try and teach us a few skills. I've seen women in the water with curlers in their hair, women sitting on the beach that were just terrified when their kids went in the water. But all over the course of the years, I saw again a lot of people that learned so many skills that would carry them through the rest of their life.

When I think of the boating program, and I think again of Evelyn Cudmore, she was a small woman with a lot of power. When she came to a meeting she did get too charged up about water safety and excited. I guess even the boating program was all around because we had so many fishermen in the province, so many people that couldn't swim. So when that was incorporated into the program, and as I came to find out over the years - because everybody didn't have the program we had here on Prince Edward Island. It was always a challenge to save all the parts of this program that we valued so much.

So with the boating program, once the children go to, say - well, they changed the levels and names somewhat over the years - I'll say level 9 or the red level, then they could enter the boating program which was pretty exciting for the children. Then as they got older they could participate in what they called the out-tripping program, which taught them survival skills. They would take them off to a remote area where they really had to try and get through a day or two with

very limited resources. That was a highlight for the youth.

So when I look at the amount of children that's gone through this program - and I was going through some statistics last evening. Because I believe it was in the early 1970s or 1980s that there was a whole survey done - no, I guess it was the early 1990s - a whole survey done on what we should do and how we could keep this program going. When I look at the enrollments, and I just have a few of them here. In 1977 - I'll talk about the Alberton day camp first - there was 323 children registered. When we talk about declining enrollments in our schools and all the different things that children are involved in today, it's a challenge now to have probably 60 children registered. But in 1977 we had 323; 1978, 366; 1975 we had 395; 1983, 96. So that's just an example of what was happening in water safety from the early 1970s.

Then when I went on to the O'Leary day camp we got 320 children, 312, 280 and even in 1987 it came back up again into the 300s. But since that, we're lucky if we have around 90 to 100 children enrolled each year. But then they have opportunities to take the courses at the Rodd which also impacted. But we just don't have the children out there. I'm still pleased to see that this program is still carrying on. When I look at Tignish, in 1977 they had 477 children registered out of each program, 462 in 1978, 467. Again, in 1986 for some reason there was a big bump, 420. I know their day camp runs about the same now with about 100 children. This is right across the province.

Each year we would come together as chairladies across the province and talk about what went well, what we should do better. It certainly brought us together tip to tip. When I think of the volunteers that made this possible. When it started out they used

to transport children in the backs of trucks. Needless to say, one young lad got his leg broke which caused a little bit of concern, and there was a strong lobby, the government of the day, to put the busing program in place. I'm thankful to say that the government still provides the busing for these children to get to the Red Cross Water Safety Program.

It's a very affordable program for children and if there are children that can't afford this program, they can apply to KidSport and their children can go. So if you can have your child paid to go and you can get them picked up at your door and taken to the beach, it's certainly one of the best programs that I can say that any parent could ever enroll their child in. The volunteers, even today, they will make lunches for the instructors. Because if you're teaching swimming lessons, you don't get an hour lunch hour. You're lucky if you get time to grab your sandwich and take it with as they are unloading another load of children.

We have volunteers that make hot suppers for them. We have bus monitors. Then again we have to have all of our chairladies that gather the money and donate it. We had to supply accommodations for them. We've got community halls or schools that they can stay in. Then we also had to coordinate what they call a rainy day program. Even on rainy days this program goes on. You probably use the local schools where they teach them a lot of techniques, and so again this program is one that's one, I would say, of the best programs that I've ever had my children enrolled in.

When I think back of the communities and how this got started. During the course of that time we agreed to raise money. We've had yard sales, penny parades, we bought our own boats, we purchased one of the school mobiles to store our equipment in,

we bought life jackets the year they had the Boy Scout Jamboree here in the province. We then had ladies that would repair those and wash them after the swimming courses were over. We had volunteers that would transport our boats.

So it was a whole community effort to keep this program going. But this would not have been possible without people like Evelyn Cudmore. I remember Eleanor Brown used to come to our meeting and it saddened me. I remember when poor Evelyn passed away, that bad accident out on Highway 2, it was a tremendous loss to Red Cross. Having the opportunity to attend the 60<sup>th</sup> anniversary this year again and see that this program is still valued, and when I see children that go off to university and how again if they have on their resume where they participated in this program, I think it puts them way out ahead when it comes to getting jobs.

One thing the Red Cross did for me was back in 1995 someone from the Red Cross submitted to the federal government my name to receive what they call a Canadian Volunteer Award. This was pretty special, because this was around the time that all the hospital closures were going on and my name was spread all over the newspaper. It was sometimes good and sometimes it wasn't. During that time I was accepted as the volunteer on Prince Edward Island to go to Ottawa and the minister of health at that time was David Dingwell. He presented me with the Canada Volunteer Award for Prince Edward Island, but it wasn't without the recognition of the Red Cross because that's where that volunteer award started. It was basically related to volunteers that volunteered a lot of time in trying to improve the health care of the people in their province or across the country.

It was at that meeting that I got to go to the national office in Ottawa. I've met people from all around the world. I met the Princess

of Jordan there, she was the same age as myself, had volunteered the same amount of years, and when she got back to Jordan she sent me the nicest gift you could ever imagine. She sent me a book which just walked me through her country. She also sent me cosmetics that were made from materials from the Dead Sea. I don't know if I used it well enough, but I tell you, if I had looked as nice as that lady looked - but during that time I got an opportunity to meet volunteers all around the world that were part of the Red Cross program.

When I think of what Red Cross stands for, and in my small world I thought first that Red Cross was home nursing programs, that it was water safety, that it was first aid. When I see the work that the Red Cross has done around the world I can't - even though this is about water safety, this whole program wouldn't have happened if it hadn't have been for the Red Cross organization overall.

When I see right today where the Red Cross is working around the world and I would - it was strange. When I got home last evening and I was looking through this, it talks here, I just want to read this little quote: Freed Red Cross worker says kidnapping won't stop him from working in Gaza. A Canadian Red Cross worker freed eight hours after he was kidnapped in Gaza said his abductors were poor, unemployed people driven to the act of desperation by miserable conditions in the Palestinian area. I can't pronounce his name. He said on Wednesday: The incident would not deter him from returning to Gaza because I have work there to do. This is my job and it is quite needed and it doesn't happen often.

He's a dual Canadian and an Italian citizen, was kidnapped along with his colleague who was only 36 years old. They were driving through the Gaza Strip in a Red Cross car around 4:00 p.m. on Tuesday. They were

released around midnight. In a telephone interview with Broadcast News this gentleman said that there were four masked men that had blocked their way and took them away.

As I started working with the Red Cross and saw people with that kind of commitment, the only people that are recognized where they can go into war zones and help the needy, and it all started out here in this province by a premier of this province. I studied a little more on the Red Cross. This premier's name was Francis Longworth Haszard. This man was born on the family homestead at Bellevue, Lot 49, Prince Edward Island on November 20, 1849. The Haszard family had moved back to Prince Edward Island following the American Revolution as United Empire Loyalists, leaving their home in Rhode Island for a grant of land in this province.

Young Francis Haszard received his early education at the local school and then went on to the Prince of Wales College in Charlottetown. He then studied law with his uncle, John Longworth, and he was called to the bar of Prince Edward Island in 1872. Following the death of Premier Arthur Peters in early 1908, Haszard became the tenth premier of the province. I do have to say it was a Liberal majority at that time. Anyway, he was the gentleman that kind of led the way in the Red Cross being formed here in Prince Edward Island.

I have this book, I have a couple of them, Volunteers in Action, and this is the history from 1907 to 1979. If anybody ever gets the chance to read it, it'll really put a true picture on what Red Cross has done in this province in the way of health.

When they started with the Red Cross health nurse, as we can all remember, but one that really struck home to me - I don't know if anybody can remember the bad fire in West

Prince back in the 1960s. Again, it was Evelyn Cudmore who took charge in that situation. She coordinated all the support for all the volunteers to ensure their safety. She got volunteers energized. They came from all over the province to help with that major disaster in West Prince.

I know today on this topic I could talk a long while, but I know there are other speakers that would like to speak. I just want to thank the mover for putting this on the floor of the House today. So, again, we can be reminded of what Red Cross does in this province and around the world today.

Thank you, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Crapaud-Hazel Grove.

**Ms. Bertram:** Thank you, Mr. Speaker.

I won't speak too long, but I would be happy to support this resolution. It is a great resolution. Celebrating the 60<sup>th</sup> anniversary of Red Cross water safety is very worthy.

I feel I have a connection with Dr. Evelyn Cudmore. A family member who was in nursing, taking it back to about 28 years ago, lived with Dr. Cudmore. I have pictures at home where I was a young child with Dr. Cudmore. She was a really nice person. Over the years she was always interested, always remembered where you were in life, always asked.

The hon. member just talked about the early beginnings of the water safety program. Dr. Evelyn Cudmore was a wonderful role model here in Prince Edward Island. Launching this program was a very important thing for young people in PEI.

I can remember back when I was probably

ten years of age boarding a school bus for those two weeks in the summer, whether you went to Rustico, you went to Simmons, Kirkwood. It was a good time. It was always the beginning before the school year. You got to see your friends. There was always a varied age group on that school bus.

You spent those two weeks in the pool. You started at the shallow end. You eventually got to the deep end. By the end of the two weeks you got your report card back to see what check marks you had, and if you passed successfully and received your badge for whether it was your red, or yellow, or bronze cross, or whatever. It was always something very special to see if all that hard work had paid off over those two weeks.

Not only that, but the boating program too. Going to Pondsides Park. We used to go there. There was always talk about things that were in the water, but I think it was always just stories. We used to have to do our boat tipping and it was always fine. They always tried to scare the younger participants when they got to the part where they had to do the boat tipping. It was always a good time.

When you got older you went to the out-tripping. I can remember we had great times. Never thinking that was going to be the district I was going to be representing. We launched the canoes at the Bonshaw Bridge, then we spent the next couple of days in the West River area. In that time frame, we did a lot of team building. I did lose my first retainer. We were having trail mix. My arm got a little (Indistinct) over from the canoe. I'll never forget that.

We had great times. Red Cross water safety program has been a great benefit for children here on PEI. It's given great skills. It's a safety component. I feel very fortunate to have participated. I know friends that have participated and feel the same.

This resolution is very deserving. I fully support it. It's wonderful to recognize this as their 60<sup>th</sup> anniversary.

Thank you, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Alberton-Miminegash.

**Mr. Dunn:** Thank you, Mr. Speaker.

I think this is a very valuable resolution. It recognizes the wonderful work the Red Cross has done over the last 60 years in the area of water safety.

I feel that every member in this House has been touched by the water safety program one way or the other. I've asked the two Pages here if they've been involved in the Red Cross. They both had experience with Red Cross water safety.

When you celebrate a 60<sup>th</sup> anniversary you always tend to reminisce. When I was in water safety program, it was long before buses. I'm not trying to give my age away or anything, but there was no buses running then.

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

**Mr. Dunn:** No, the Red Cross started before I was born. But we walked. We had swim lessons down at the river in Morell next to the bridge. We were very pleased. The instructors came from Georgetown. The Murphy boys, Mark and Herb and their sister, Joan, Joan Publicover, who taught in all of our Kings County, they came to Morell for the two weeks. Every kid in Morell walked down the bridge. We were beginners, junior, intermediate and senior. You had your time.

As the hon. Member from Crapaud-Hazel

Grove said, you went from the shallow end of the river to the biggest thing for us was to get to the bridge. We could jump off the bridge. You'd really conquered it.

Later on there was always a competition: Who was the first one in the water in the school every year? Who was the first kid to get in the water and swim? Next day you came and you could brag: I was swimming last night.

I remember one year I was the first one in my school to go swimming. I swam on my birthday, which is the 11<sup>th</sup> of May. I was in quite early that year. It was quite cool. I remember I was the first. That was sort of a competition in the community of Morell.

Swimming lessons were taught everywhere. My wife took some lessons. She learned in O'Keefe's Lake out back of Peakes. Some people took them at the seashore. Water safety was taught everywhere.

The main focus I remember talking to Dr. Cudmore was that she wanted to teach kids where they're going to be. Pools weren't big at that time. Nobody had pools out in the country. So you were taught to swim where you're going to swim. If you swam in the river, that's where you were taught.

It was always a great experience. I really enjoyed it.

The hon. Member from West Point-Bloomfield mentioned about when the buses came on board. There was a kid had fallen off the back of a truck. They were starting to move people to different areas at that time to swimming lessons. The story is told to me - and I'll give credit to the person involved - I think it was the hon. Robert Campbell who pushed that through the government of the day and got buses started for the water safety program. I'll give hon. Robert the full credit for making sure that happened.

The buses made the whole program huge. We went in Morell maybe 50 or 60 kids in Morell, huge numbers, because people had access to the program. The buses were a very strong part of the whole program.

I just wanted to mention a few names. The Member from West Point-Bloomfield said she remembers being in my house. I was a unit coordinator for a while in West Prince for Red Cross. I also mentioned Florence Graham from Alberton. Florence was (Indistinct) in Alberton. She was there for 100,000 years as a water safety coordinator. There was another lady in Tignish, Vivian (Indistinct), who passed away very young in life, but she was very dynamic and she was the one that generated all the interest in the Tignish area and had huge numbers there.

One thing I had to do a lot of times was go around with the chairladies and try and find new locations. Because sometimes, I know in Alberton, we'd switch to the river and we went to the ocean and we went across the country. We moved around a lot trying to find an ideal location for swimming lessons. That was part of my role in dealing with the water safety program.

But those three ladies, and the Member from West Point-Bloomfield, were very avid promoters of water safety and very strong organizers so that these numbers of kids could participate.

One thing that I wanted to address was the water safety program. It did wonderful things for us kids as we were kids, but I thought the biggest impact the water safety program had was on the instructors. They were usually just high school students that became instructors and junior leaders, and some of them stayed in the program five, six, seven, eight years. I always remember when I'd be telling kids: Be an instructor, because once you have that on your resume you're guaranteed a job anywhere. It just

opened a whole lot of doors because of the quality of training they received and the quality of skill that they developed and how to handle and work with people.

So I always appreciated Red Cross with the wonderful training they provided their instructors. Right now, when I look at this here motion and look back, the new approaches they have, the new skills they teach now compared to when I was there, the new programs and, as the Member from Crapaud-Hazel Grove said, new facilities, they're swimming in big pools now with deep ends and shallow ends and all those. So it's grown a lot.

So I want to commend the Red Cross for the staff and the volunteers, for the wonderful work they did in training people to swim, but also training in leadership areas. I thought they did a wonderful job in providing young people with the skills to provide some leadership in their community.

So I want to commend the Red Cross for their dedication, for all the volunteers involved in the program. It's a program very close to my heart. My kids went through the program. My grandchildren are now in the program, and I hope the program continues for another 60 years. I wish the best of luck to the Red Cross Water Safety Program. Continued success.

Thank you, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Belfast-Pownal Bay.

**Mr. MacDonald:** Thank you very much, Mr. Speaker.

I feel compelled to get up. Nine of my children went through the water safety program. They went to Wood Islands and to

O'Keefe's Lake and so on. But I really also want to say that 61 years ago I went to the clinic at Prince Street where we had no medical insurance then, and my doctor, Joe MacMillan, sent me to a clinic there where a Dr. (Indistinct) from Halifax was brought over. (Indistinct) Arsenault was the nurse. That was my first experience, of course, before I ended up in the sanatorium. But it was the Red Cross who brought the doctor from Halifax.

I believe they had a children's program. All children who had disabilities or whatever went to the Red Cross. It was a tremendous thing and I certainly was very disappointed when the blood scandal broke and interfered with the Red Cross, but I think it has come through very strong. Many people have a high regard for the Red Cross and I've always had a high regard. Their water safety program was a tremendous asset to Islanders. A lot of Islanders didn't swim, I don't know, for some reason. We live on an island, we all should be great swimmers and we should have boats and everything. That's not here yet. Maybe more people want to get up.

So I just want to thank the Red Cross and wish them the very best in their future.

**Some Hon. Members:** Hear, hear!

**An Hon. Member:** Call the hour.

**Speaker:** The hour has been called.

The hon. Government House Leader.

**Mr. Dunn:** Mr. Speaker, I move, seconded by the hon. Member from St. Eleanors-Summerside, that this House adjourn and stand adjourned until Tuesday at 2:00 p.m.

**Speaker:** Shall it carry?

**Some Hon. Members:** Carried.

The Legislature adjourned until tomorrow,  
Tuesday, at 2:00 p.m.