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LEGISLATIVE ASSEMBLY
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**TRANSCRIPT OF
STATEMENTS BY MEMBERS
AND THE
ORAL QUESTION PERIOD
FOR**

Friday 17 November 2006

ORAL QUESTION PERIOD 17 NOVEMBER 2006 PRELIMINARY PROCEEDINGS

STATEMENTS BY MEMBERS

Speaker: The hon. Member from Souris-Elmira.

PEI 2006 ISLAND MUSIC AWARDS

Mr. Mooney: Thank you, Mr. Speaker.

I extend congratulations to everyone who took home Prince Edward Island music awards recently at the 6th annual PEI Music Awards show. The gala was held on Friday, November 10th, on the main stage of Confederation Centre of the Arts.

Islanders are not strangers in the east coast Canadian or international music scenes but it is always gratifying to see our own artists, songwriters, technicians, and producers receive recognition for the work they do at home where it all begins.

Mr. Speaker, awards were given for male and female vocalists, songwriter, group, album of the year and in categories: groups, solos, blues, jazz, folk, new artist, instrumental, spiritual, rock, alternative rock, country, bluegrass, and edge. Two new awards were presented for the first time this year recognizing the rise in popularity of urban music and the valuable contribution of the recording studios.

Mr. Speaker, the recipient of the 2006 Lifetime Achievement Award was Haywire - the most commercial successful rock and roll band ever to emerge from Prince Edward Island. My congratulations to the members of Haywire: Mr. David Rashad, Paul MacAusland, Ronnie Switzer, Marvin Birt, and Shawn Kilbride.

I also extend congratulations to Catherine MacLellan, multiple winner of Female Vocalist of the Year, Songwriter of the Year, Album of the Year and Folk Recording of the Year.

Congratulations also to Mr. Eddie Quinn, Male Vocalist of the Year; to Celtic Ladies, which a lot of that group originates from up in my district for Group of the Year, and many other winners too numerous to mention at this time.

The success of the 2006 Prince Edward Island Music Awards proves once again that great musical talent is alive and well here on Prince Edward Island and I wish them all the very best in the years to come.

Thank you, Mr. Speaker.

Hear, hear!

Speaker: The hon. Member from Glen Stewart-Bellevue Cove.

REMEMBRANCE DAY

Dr. McKenna: Mr. Speaker, another Remembrance day has come and gone and Canadians have paused to remember those who answered the call and took up arms to defend the principles of peace and democracy. Remembrance Day is a special opportunity to publicly honour the more than two million Canadians who have fought in major wars. During the past 100 years, our military forces have been involved in five wars and numerous peacekeeping missions and it is only right that we take the time to honour so many who have given so much. Remembrance Day services

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remind us of the great price paid by our parents, grandparents, and great grandparents for the freedom we often take for granted today.

Thanks to the efforts of Dr. Ralph Kennedy, son of veteran Earl Kennedy, and veterans Lloyd Martin, Eugene MacDonald, Joe Dunning, and Jack Farquharson, the town of Stratford has a wonderful new cenotaph, which is a great tribute to our veterans. Councillor Sandy McMillan acted as the liaison for the town with this committee. In addition, 14 beautiful, life-sized banners of our community veterans taken during the war years were placed on display and they're still on display in our town hall.

I'm really pleased to hear that approximately 1500 citizens of Stratford gathered for the dedication of this new memorial and I congratulate the organizers of this event. Unfortunately, I was unable to attend due to a death in my family.

Mr. Speaker, it is my sincere hope that everyone took two minutes at the 11th hour of the 11th day of this, the 11th month, to give thanks and say a prayer 'Lest We Forget.'

Thank you, Mr. Speaker.

Hear, hear!

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

SUPPORT FOR ISLAND TROOPS

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

I, too, also want to congratulate the legion,

especially branch one for the excellent job they did in terms of the cenotaph out front here. They do an excellent job.

I also want to talk about a group of 17 Islanders or 16 from the PEI Regiment No. 1 of the 721 Communications Squadron, among 300 reservists joining regular troops in the 1600 soldier task force in Afghanistan. According to this, 17 Islanders are going to head for Afghanistan and I think all of us should recognize the importance that these people are well trained and that they're not put in the front lines but I know they will be. Although I know they're well trained and I see 721 is in my district and I see the work that goes on there, I know these troops are well trained they're going to look after themselves pretty good. I hope that none of them are killed in action. It disappoints me every time it's on the media that one of our Canadians are being loaded onto the aircraft coming being repatriated to Canada. Although I have a problem with Canada being in that war and especially in the front lines, I do support our troops. I do support them and I do support that we give them all the tools and (indistinct) that they need in order to protect themselves over there. And I hope and I pray that some day this war will end and there will be peace over there. I pray that it ends as quickly as possible and that democracy is restored over there and that our troops can come home and be integrated back into the community. So my heart goes out to them. I wish them all the best of luck and I wish a safe return for those troops from Prince Edward Island and all troops from Canada.

Thank you very much.

Hear, hear!

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Speaker: Questions by Members starting with the Leader of the Opposition.

APPEAL RE HUMAN RIGHTS ACT DECISION

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

And again, I apologize for the sound of my voice today. I'll try and be as clear and concise as possible in asking the questions today.

Earlier this year, the Premier decided to send the issue of his political discrimination abuses to the Supreme Court of Canada. He said at the time that this was an issue of national importance and other provinces would be interested in participating in this court case. Mr. Speaker, how many other provinces signed on with the Premier to support his discrimination abuses in the highest court in the country?

Speaker: The hon. Premier.

Premier Binns: Mr. Speaker, we've long held the view that the provincial legislature should have some authority when it comes to setting limits regarding settlements. That was the reason that we asked the court to consider this matter. They chose not to do so. That doesn't change that fundamental belief because this could happen in any number of circumstances where government is called upon to make expenditures in relation to public needs of some type or issues. It could be anything from storm damage to - I don't know what - some health issue and so this was a principle. We agree that the court did not receive it. Other provinces did not become involved in this, as

the hon. member knows, and in regard to this matter, we're hoping that there might soon be a settlement. That matter is currently being dealt with by lawyers for the respective sides.

Speaker: The hon. Leader of the Opposition.

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

And again, I'll give the Premier credit for being persistent. Here we have a court case that went to the Supreme Court of Prince Edward Island, ruled against this Premier over his discrimination abuses, went to the Appeals Division of the Supreme Court of Prince Edward Island, again ruled against this Premier for his discriminatory abuses, then went to the highest court in our country, the one that's there to protect our Charter of Rights and Freedoms, protect basic human rights. And again, they decided they wouldn't even listen to this Premier's court case. But at the time, the Premier said other provinces would want to get on board for this court case. It was of national importance. Can the Premier please list what other provinces joined him in his legal battles with the Supreme Court?

Speaker: The hon. Premier.

Premier Binns: I've already answered that question, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

Unfortunately, this Premier is able to list none and it's shameful that in the last sitting of the

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House, the Premier and the Attorney General would stand up in this House and try to defend their actions, their discriminatory actions saying other provinces would sign on. It was of national importance; that's why they were doing it. The Supreme Court would not even listen to the case and no other provinces would sign on. When will this Premier start to realize the discriminatory measures are not acceptable in the Province of Prince Edward Island, Mr. Speaker?

Now that the Supreme Court has ruled, I'm wondering: would the Premier please tell the House how he plans to address the ongoing complaints of discrimination against his government?

Speaker: The hon. Premier.

Premier Binns: Well, Mr. Speaker, I've indicated the answer to the latter part of that question as well and remind the hon. member that no government in the history of the province has done as much as our government has to eliminate patronage which is unwarranted. And I would remind him that it was this government that brought in recall legislation so that for the first time ever, seasonal employees do not have to go on bended knee to their MLA to see if they get their jobs back. His party condoned this practice. They made them re-apply every year. Go and see the MLA, see if you can get your job back. Well, Mr. Speaker, we said that's not good enough and we changed the system so that those people are automatically recalled if they have had a good record.

What we don't know is where the Leader of the Opposition stands on this issue. I mean he says one thing behind closed doors when

nobody is listening and he says something else when he's out in public and we get that feedback all the time.

As well, we classified hundreds of jobs in the public service, people who were hired by various governments over the years. I remind this House that the reason for that was that we felt it was not fair to use those public servants as some kind of tool at election time. You keep voting for us and we'll give you your job. That's not the way we do business. That's why we classified those jobs and our record is second to none in this province when it comes to eliminating patronage.

Hear, hear!

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: That's shameful, Mr. Speaker, these members clapping. This Premier's comments with regards to him eliminating patronage in this province when we all know this Premier callously fired more than 800 Islanders. He discriminated against those Islanders because they exercised their democratic rights in opposition to him. He has used every lever of government to look after his own and has used the Island legal system to delay and avoid his personal responsibility for the pain and hurt he caused across this province. Every member on that side of the House has endorsed this Premier's discriminatory abuses. They even just clapped for them even as every level of the legal system has condemned this Premier's actions, the Supreme Court of Prince Edward Island, the Appeals Division, and the Supreme Court of Canada that would not even listen to this Premier's court case.

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My question to the Premier: What will the Premier do now to settle this lingering stain on our democratic system?

Speaker: The hon. Premier.

Premier Binns: Well, Mr. Speaker, it's interesting you know. The Leader of the Opposition has said on many occasions he feels patronage will not go away. I have a quote back in March 14 of 2003 in which he said when speaking to CBC: Patronage has been here from the beginning of time and I don't know if it will ever go away. Obviously, no indication that he was prepared to make it go away. Another one, April 1, 2003, to *The Guardian* - He said he would love to eliminate patronage but he doesn't believe it will ever happen. He didn't believe he would probably do it himself if given the opportunity. Certainly, nothing he has said, in my view, has convinced Islanders that he is prepared to take that step. Mr. Speaker, our actions prove that this government is not only prepared to take those steps but has taken those steps in the actions I've just mentioned by classifying public servants, by bringing in recall legislation, and people no longer have to come on bended knee to an MLA in this government asking if they can have their jobs back.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Mr. Speaker, back in 1997, why were there over 800 human rights complaints filed against this Premier?

Speaker: The hon. Premier.

Premier Binns: Mr. Speaker, as the hon. member knows, those workers were asked to

re-apply every year. They were asked to go back and see their member. They set the system up so they would have to file their applications again, go back in and see if they could get their job back. Well, we had thousands of applications in that year and they were reviewed, people who could do the job satisfactorily. Many who had done the job before were given the opportunity to do the job again.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Again, Mr. Speaker, it's upsetting that this Premier even after so many court decisions that ruled against this discriminatory practice still continues to defend those actions and it's a stain on the province of Prince Edward Island for this Premier to act in such a way.

COST OF MCQUAID COMMISSION REPORT

Mr. Speaker, on this side of the House, we have many questions also about the Conservative electoral map. We know why you wanted this map. You wanted to gerrymander the lines so that no sitting Tory MLA would face another in seeking a political nomination. Prior to the third Tory map, there were two others, one of which was designed by a commission after many consultations with Islanders. Will the Premier please tell the House how much money he wasted on the McQuaid Commission?

Speaker: The hon. Premier.

Premier Binns: Well, we didn't waste any money. We followed the legislation that was put in place and that was to have a review of

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the boundaries after three elections. As the hon. member knows, what the legislation failed to do was to deal with what happened to the report, other than that the report came back to this House for debate so it left the matter of deciding what would happen to the House. Our government has been very clear. We have supported a 15% variance between ridings, recognizing the fact that there are special needs in certain parts of the province. For example, a member from western Prince could drive up to two hours a day just to come to Charlottetown to do their job and, certainly, that sort of thing should be taken into account when determining the number of electors per riding and it's just one of the factors that has to be considered. And that's why all ridings would not necessarily be exactly the same size. We've been consistent about that. We've also been consistent about the fact that we think there should be fairness between urban and rural here that, yes, urban ridings should have adequate representation in this legislature, as should rural ridings. And Mr. Speaker, what the hon. members wanted to do is take two seats out of West Prince, take a seat out of eastern PEI and that has, in my view, not been fair. His own part is against it when that stood up and said that it's not fair to people of the province to have the distribution that he would suggest.

So Mr. Speaker, the electoral boundaries' map was drawn by a former electoral officer of this province, Mr. Wigginton. I think he did an excellent job under the circumstances and came up with a fair map.

The hon. Leader of the Opposition suggests that there would not have to be any Conservative sitting members running against each other. Well, that's not necessarily the

case. For example, the riding I'm in, the new riding that I intend to run in of Belfast-Murray River. Half of it was in the riding of the member from Belfast-Pownal Bay and so half of it was in - half the new riding comes from my old riding. So we have to make a decision. Is the hon. Leader from Belfast-Pownal Bay going to run that riding or myself? It's not as easy as that, Mr. Speaker.

Leader of the Opposition: Oh, come on! Come on!

Premier Binns: I do intend to run but his suggestion is ludicrous.

Speaker: The hon. Leader of the Opposition.

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

And this Premier's answers are ludicrous and it's quite unfortunate that we would have a premier, a first minister in our nation, stand up and give answers like this in the House and not respect the Charter of Rights and Freedoms, not understand that legislators are here to respect the hallmark of independence.

And I just want to quote from Justice McQuaid: It remains to be seen as to whether the Legislative Assembly will respect this hallmark of independence or choose to depart from the practice in other jurisdictions.

This Premier chose to go in another direction. We all know that he does not respect the Charter of Rights and Freedoms. My question to him was: How much did the McQuaid Commission cost?

Speaker: The hon. Premier.

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Premier Binns: Mr. Speaker, I'm quite confident if he wants to look back in the Hansard probably from last spring or the summer session, he would find the answer to that but I will bring it back to the House once again. I stand by the comments I made earlier that this House had a duty to debate. It was the position of the government that a variance of up to 15% was reasonable. That was supported by the Carruthers report, which had looked at the whole issue of elections and boundaries and so on. It's been supported in other provinces up to 25% variance. The federal government supports up to a 25% variance. McQuaid in his report chose a different direction, suggested that we should try to solve tomorrow's problems today. We should go to a tighter variance that would reflect future shifts in population. Well, Mr. Speaker, it was a good report but, fundamentally, we did not agree with that conclusion. We felt that a 15% variance of today's numbers was reasonable and, in fact, if you recall, we have now indicated that through legislation that future reports will be binding. But the House will need to give the commission some direction in the terms of reference, I guess, as to what the overall parameters would be. So we've accepted the principle. We've learned from the process and I think at the end of the day, we have a system that's meaningful for Prince Edward Island.

Speaker: The hon. Leader of the Opposition.

COST OF ELECTORAL BOUNDARIES MAPS

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

And it's amazing how this Premier can stand

up and answer those questions with a straight face because his arguments make absolutely no sense whatsoever to someone of your intellect could come to understand because this Premier knows full well that he went and he asked for a second map to be drawn with a 15% variance by the chief electoral officer in this province and guess what? He came back. He drew up a second map with a 15% variance and then this Premier chooses to throw out that map as well. Why? Because this is a Premier and this is a party that's more concerned with themselves than they are with what's right for Islanders.

My question for the Premier: How much did the second map cost that he threw out?

Speaker: The hon. Premier.

Premier Binns: Well, Mr. Speaker, just again in terms of the principles here, it has been and is and continues to be our belief that a wider variance is a reasonable one. We did not see substantial change between the McQuaid map and the second map that was drawn. We did not feel it reflected communities of interest to the degree that was possible. And in the interests of trying to recognize those communities across PEI and trying to protect rural Prince Edward Island, while he seems to favour taking seats away from rural Prince Edward Island, we came to the conclusion that we should ask the former chief electoral officer to look at the matter one more time. And frankly, we felt that his proposal was the best that we had seen. We had a lot of public input in the matter and we made a decision that that was the way to go.

Speaker: The hon. Leader of the Opposition.

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

Again, a premier who makes absolutely no sense. He talks about protecting rural Prince Edward Island when we all know now there's only two ridings in this province that are over a 15% variance and one of them happens to be a rural riding and the other one happens to be half rural. So the Premier when he tries to make these arguments just proves that he knows absolutely nothing of what he's talking about.

I'm wondering. We all know roughly how much the Tory party spent on the third map. According to reports, it was about \$10,000. Could the Premier please tell this House exactly how much the Tory party paid for the third map?

Speaker: The hon. Premier.

Premier Binns: Well, Mr. Speaker, he's really stretching here, reaching to try to create fabrication of, you know, some plot or something was going on. The reality was that the former chief electoral officer who did the map had participated in the workforce program and received a package as a result of his work. We found out, of course, because of that he was not entitled to receive money from public funds and so there had to be another way to pay for that. And the hon. Leader of the Opposition understands that but he wants to twist it around and make it look like some kind of a sinister plot. The Government House Leader said: I'll find a way to pay for it and it will be paid for. And this had nothing to do - this was well after the map was drawn, after everything was completed so to try to tie these two together is absolutely foolish.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: I'm sorry, Mr. Speaker, maybe I'm not seeing something here but I understand that the Tory party paid for the third map. That's plain and simple and I believe that that's something that has been established here. I know at the beginning they tried to say that their office was going to pay for it. Then they said the Tory party. Then they said the members' riding from Alberton. Well, that's the Tory party so they paid for the map. And this province has a law on the books in the form of a map that was paid for now by the Tory party of Prince Edward Island. I'm pretty positive we can never find another piece of legislation in this country that is paid for by a political party. That just goes to show the arrogance of this government. Since that law is a public law, there's no question in my mind that Islanders have every right to know who paid for the map and who directed the consultants in the drawing of the map. How much was paid for the map? Which members of this government, including staff, were involved in drawing the new map? Let's begin before the Tory party got involved. Was there any attempt at any level of government to get Islanders to pay for this Tory commissioned map?

Speaker: The hon. Premier.

Premier Binns: Well, Mr. Speaker, as we indicated earlier, the map would have been paid for, the work done by the former chief electoral officer would have been done in a different fashion. But really, this is a red herring the hon. member is bringing up. The map was all completed before there was any decision as to how it would be paid for and so it had no impact on the outcome of the map.

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The map was done. The map was finished. It was drawn before any arrangements were made as to its payment. So he's fishing in the pond here trying to catch a big fish when the reality is it is going nowhere. The matter was settled long before the suggested event took place.

Speaker: The hon. Leader of the Opposition.

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

As you well know, the fact of the matter is we have a new law on the book here in the Province of Prince Edward Island. That law was paid for by the Tory party of Prince Edward Island. I'd be challenged to know if this has happened anywhere else but I've got a new question for the Premier.

We all know that former chief electoral officer, Merrill Wigginton, was hired to do the map. I'm wondering who first consulted with Mr. Wigginton.

Speaker: The hon. Premier.

Premier Binns: Well, government would have asked Mr. Wigginton to prepare this map and I'd have to check as to who maybe made the first approach but I will take responsibility for that given that I'm head of the government.

Speaker: The hon. Leader of the Opposition.

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

I believe our budget is somewhere around \$1-1.3 billion here in the province. We,

obviously, have a lot of lawyers working for the Province of Prince Edward Island. A lot are out on contract at a lot of large firms here around Prince Edward Island. Did nobody even think at the time that hiring Mr. Wigginton would be inappropriate since he just did take a public servant retirement package?

Speaker: The hon. Premier.

Premier Binns: Mr. Speaker, Mr. Wigginton had been involved in the preparation of maps in the past and drawing boundaries and determining polls within electoral districts. He spent years doing this and he's always done it in a fair-minded way. No one has ever questioned his results and it's my view that this was the best person on Prince Edward Island to draw this map. That's why he was chosen because of his expertise, his knowledge, his fairness, and his understanding and there was no one else, no lawyer in government, nobody in the private sector in my view that had as good an understanding as he did. That's why he was chosen.

Speaker: The hon. Leader of the Opposition.

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

It's quite incredible that this Premier can stand up and insult a Supreme Court Justice in the province the way he just did, said he doesn't know how to draw a map, how he can insult the current chief electoral officer in the province and say he doesn't know how to draw maps. Why doesn't the Premier just admit he wanted to gerrymander the (indistinct) so that none of his own MLAs

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would have to run against each other for nominations. That's the simple fact of the matter but there's also more issues to be explored here.

And I'm wondering: Were public resources used in drawing this new map? Did Mr. Wigginton and his Tory masters sit down together and use government resources and were government computers used in the drawing of the map?

Speaker: The hon. Premier.

Premier Binns: Mr. Speaker, to the best of my knowledge, this map was drawn independently by Mr. Wigginton. I say that certainly absolutely independently in terms of the input and decision as to where the lines would go. If a computer was used in government service. I don't know that for sure. I'll find that out but if that were the case, then certainly it would only reflect on keeping the costs down, nothing to do with any kind of interference in preparing the electoral map. And I take offence the fact that the Leader of the Opposition would suggest any disrespect towards the earlier commissions. There's no disrespect towards those commissions. They prepared recommendations based on their beliefs of what an electoral map should look like for the future but it was our contention the map should not be drawn for down the road. It should reflect today's reality. It should reflect a bigger, more than a 10% variance and the report did not reflect that and that's why a decision was made to move to another map.

Speaker: The hon. Member from St. Eleanors-Summerside.

MAMMOGRAM TESTING AND REPORTS

Ms. MacDonald: Mr. Speaker, my question is for the minister of health and social services.

Island women have been concerned about the reading of the mammogram reports. Can the minister update Islanders on this issue?

Mr. Gillan: Thank you, Mr. Speaker.

And I think that not only the members of the legislature here are quite familiar with the fact that there is a backlog of mammograms to be read due, principally, to a shortage of radiologists and we have approximately 700 of those mammograms that we want to get done as quickly as possible. We have been able to secure the services of three Ontario radiologists. One of them is presently in the province reading some of these mammograms. Two others are due the first week of December and within a month, therefore, we should be able to have the backlog of the mammograms cleared up. But just let me add as well to the hon. member's question is the fact that there is an appointment wait time which stretches now up to nine months and with the backlog erased, we will be able to lessen that appointment wait time considerably. I can't say this morning exactly because I'll have to wait and see how things develop. And at present report time of seven weeks, we will be able to now with the backlog being erased very soon bring that down to approximately one week.

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

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EASTERN PEI WIND FARM

Mr. Collins: Thank you, Mr. Speaker.

My question is for the Minister of Environment, Energy and Forestry. When it comes to the advancement of renewable energy in this province, we all know that wind is certainly a big ally but when it comes to the actual erection of these impressive V-90 wind turbines, wind I think can be a bit of a foe. And I know we've had a rather brisk fall here for the winds. I'd like to know the situation east of Souris with the new 30-megawatt, wind generating farm. Can the minister give us an update on whether construction is on or behind schedule here?

Speaker: The hon. Minister of Environment, Energy and Forestry.

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

The member is exactly right. We want the wind to blow in North Cape but we don't want it to blow in East Point. Unfortunately, we've had some delays. I think at one stretch we lost seven out of nine days in construction because when you're trying to lift a 90-ton unit up 250 feet, you want to make sure that there's no wind blowing. To date, I think we've got six of the ten turbines are in place and we're working on the seventh one right now. Our target always to have the farm complete and generating power by the end of December and we're still on that schedule although it's getting tighter every day.

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

HUMAN RIGHTS COMMISSION HEARING

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

My question goes to the Premier. Mr. Premier, back in 1992, you appeared before a Human Rights Commission in a case and you were under oath at the time and at that time, you said to the commission that if the person is doing a good job, they should keep that job. We shouldn't throw them out at any given time. You said that under oath at a Human Rights Commission. A couple of years later, you laid off 850 people or over 1,000 people. Are you saying that all of those people did not qualify or they weren't doing a good job?

Speaker: The hon. Premier.

Premier Binns: Well, Mr. Speaker, I explained that earlier that the former government had a system whereby they kept these people dependent. They kept them coming back each year applying, re-applying for the jobs, so it was their view that those people didn't own the jobs either. If they weren't supporting their party, then they would replace them with somebody else. Mr. Speaker, we changed that system. We made a wholesale change. Nobody comes before our members any more asking for their job back.

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

Mr. R. Brown: The Premier is right. They did make a wholesale change in 1996. I want to get back to your human rights testimony in 1992 where you said if a person is doing a good job, that person should keep that job. So why only a couple of years later when you

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took over this government and the premiership of Prince Edward Island that when those people re-applied for their jobs the next year that you didn't hire them?

Speaker: The hon. Premier.

Premier Binns: Well, Mr. Speaker, as I've indicated, we did change the system so that people do have the right to keep those jobs, not re-apply as they did under the system that the former government had in place.

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

Mr. R. Brown: Mr. Speaker, in your 1992 testimony before the Human Rights Commission and you didn't believe what you were saying at that time, is that correct?

Speaker: The hon. Premier.

Premier Binns: Mr. Speaker, I just indicated what we've done in fact is exactly what I've suggested that we had put a system in place so that people don't have to re-apply for their jobs every year, that they're not used as political pawns before elections and they have the right to keep their jobs if they do a good job. We had changed that. We had put the system in place. No government had the courage to do it before; in fact, quite the opposite. They manipulated people's lives so to take advantage of them politically.

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

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

Talk about manipulation. Then why did you

not re-hire these people. If you believed in what you said before the Human Rights Commission, then why did you not re-hire these people when they re-applied. I know you changed the system. You said you changed the system but in 1996 when you took over the leadership of this government and this province and all those people re-applied for their jobs, why weren't they given their jobs back if you believe in what you said in 1992 before the Human Rights Commission?

Speaker: The hon. Premier.

Premier Binns: Well, Mr. Speaker, what I've indicated already seems to be the case. We've changed the system. The hon. member will recall that as in probably the time the government changed before, many people who held their jobs for years were not re-offered their employment. Those people continued to apply every year and their files were just shoved off to the side. We felt we had a duty to look at all the applicants that came forward, not just those that were in the system most recently and many of those people had experience. They had driven the snowplow or they had been part of the operating system of government and we felt those applications deserved consideration as well. But Mr. Speaker, we have moved on from that. We have changed the system today. Nobody comes back today asking for their job back. We try to put as many jobs as we can through the Public Service Commission and we've changed the operations.

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

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CASUAL EMPLOYEE HIRING PRACTICES

Mr. R. Brown: Mr. Speaker, another question to the Premier then.

Do we have the casual employment center open on Prince Edward Island or how do you hire your casual employees right now?

Speaker: The hon. Premier.

Premier Binns: Mr. Speaker, perhaps ask the minister responsible for the Public Service Commission to answer that but I can, as the hon. member knows, basically, there's been a no new faces policy in government the last few years and so there'd be very few casual positions actually filled in recent times because we have downsized government's overall operations to meet our operating budget requirements and so on but the minister responsible can provide more detail.

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

NUMBER OF DISCRIMINATION CASES

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

Okay. Now in 1986 there was one complaint, human rights complaint, and that complaint went before a commission and the commission found that there was not discrimination. How many discrimination cases were filed in your administration in 1996?

Speaker: The hon. Premier.

Premier Binns: Mr. Speaker, I don't have

those numbers off the top of my head. Obviously, people became aware that they perhaps had an option. There might be an opportunity to collect some revenues as a result of that awareness so this situation evolved over time.

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

PAYOUTS RE LEGISLATION CHANGES

Mr. R. Brown: Mr. Speaker, can the Premier tell me how much was paid out under your changes in 1996 legislation or 1998 legislation where you limited people's recourse to a remedy here? How much was paid out under that illegal act that you passed in this House?

Speaker: The hon. Premier.

Premier Binns: Mr. Speaker, again he would find the answer to that in Hansards past but I can look it up again.

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

CHANGES TO LEGISLATION

Mr. R. Brown: Mr. Speaker, he criticized the previous administration. Okay, I'm going to challenge you on something, Mr. Premier. In 1996 there was a human rights complaint, okay. The courts found that the description of political discrimination in the act was illegal or didn't hold any water. There was a reference to the Supreme Court and the Supreme Court said this reference doesn't matter or the definition of political discrimination is unclear so you have to fix it

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up. That time in 1989, the premier of the day changed the legislation to clarify the definition of political discrimination and he made it retroactive so that individual could go back to court. Will the Premier be bringing in legislation here like that Premier did and make it retroactive so these people, the 850 that you forced to take a payout now can have their cases re-tried?

Speaker: The hon. Premier.

Premier Binns: Mr. Speaker, he's raised a lot of questions there of a legal nature. I think that legislation may even have been sunsetted but I'd have to review the matter.

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

Mr. R. Brown: Mr. Speaker, it's a simple question. This administration brought in legislation that limited people's rights. He's been found guilty on three Supreme Court decisions. Now I'm going to ask - he criticizes the previous administration on their mechanisms that they used. Will you do what the previous administration did and change that legislation back to what it was before it was found illegal and make it retroactive so those complaints can be properly heard now or are you going to continue? You got your payout. You got them to sign the little deals just before Christmas so they could get some money in order to buy some Christmas presents. Will you do the right thing, Mr. Premier, through you Mr. Speaker? Will you do the right thing and bring in legislation as the 1989 administration did in order for that individual to go back and have his case re-tried?

Speaker: The hon. Premier.

Premier Binns: Mr. Speaker, it's already that the matter has been settled. We have brought in legislation that is progressive and that has eliminated people coming back asking the MLA for their jobs. It's progressive. It removes patronage hirings within the casual service of government and I can't be responsible for everything that's happened in the past. I can tell you that a lot of his assertions are just not correct however. In one case, it was determined the matter was not properly before the courts. His assumptions or his assertions are basically incorrect.

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

CURRENT HUMAN RIGHTS' CASES

Mr. R. Brown: Okay then, Mr. Premier. Can you tell this House how you're going to resolve the current 11 cases? How are you going to resolve it? Are you going to continue to fight them or are you going to make them go back to the Human Rights Commission or are you going to settle? Are you going to set up an independent tribunal to settle this or are you going to allow the Human Rights Commission to set the remedy here? What are you going to do?

Speaker: The hon. Premier.

Premier Binns: Mr. Speaker, legal counsel for the eleven as well as legal counsel representing the provincial government have been trying to find a settlement in this matter. It is my understanding that that has not been resolved through no fault of the government's representation here. We have been anxious to

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settle the matter. I would point out, Mr. Speaker, that in two of those 11 cases, those people are still working for government. One of the eleven technically never worked for the government but in any event, the government is trying to have this matter resolved as expeditiously as possible

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

Mr. R. Brown: Mr. Speaker, this government continues to abuse these people. The Premier has indicated to this House today that he's negotiating. Well, it's quite obvious that you're at an impasse that you can't settle this. That's the assumption I'm taking with what the Premier is doing. He's going to try to delay this and have the legal people go back and forth and spend a lot of money on this issue. So you can't resolve this issue. Why don't you allow the Human Rights Commission to set up a tribunal or to say: Human Rights Commission, set the remedies? Set if you can't agree. Why do you continue to torture these people? Haven't they had enough torture already?

Speaker: The hon. Premier.

Premier Binns: Mr. Speaker, the matter is being dealt with by legal counsel at the present time. Government's lawyers have been attempting to get a claim from the legal counsel representing the eleven. To the best of my knowledge, unless something has happened very recently, we still don't have an actual claim from them so it's not our fault that the matter has dragged out.

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

Mr. R. Brown: So you've indicated to this House those 11 people have not - no, they're waiting for their rights to be heard before a Human Rights Commission. That's what their problem is. These guys are trying to work behind closed doors and offer them settlements behind closed doors and try to put it under the rug and make believe nothing happened here. You don't want it to go to a Human Rights Commission, do you Mr. Premier?

Speaker: The hon. Premier.

Premier Binns: Mr. Speaker, that matter is always up to the individuals. I mean the Human Rights Commission is there for the public to access if they feel they have a need to go there. That's their determination, not ours.

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

Mr. R. Brown: Then would the Premier agree then, will he allow the Human Rights Commission then to set the remedies for these 11 people if you can't agree? Look, I know what's going on right now. Your lawyers are sending letters back and forth and saying: Here, we'll offer you \$10,000 or we'll offer you \$5,000 and I know what kind of negotiations is going on. You have your lawyers in delay mode. Delay this issue. Delay it until after the next election or we're not going to pay this. We're going to pay them a measly sum. We're not going to let anybody else determine what these 11 people should receive. So are you agreeable to sending it to the Human Rights Commission to set the remedy?

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Speaker: The hon. Premier.

Premier Binns: Mr. Speaker, as I've indicated, the government is attempting to have this matter settled by the legal counsel for both sides coming to some sort of agreement but the government cannot settle this until a claim would come forward from the lawyer representing the eleven. To the best of my knowledge, as I said earlier, we have not received that claim. That is not government's fault. I don't know why it hasn't come forward. I don't know why they haven't put the numbers to paper but it's certainly taking a long time.

Speaker: Final question. The hon. Member from Charlottetown-Kings Square.

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

There hasn't been a claim he states, hasn't been a claim. You know why there hasn't been a claim, Mr. Speaker? Because you changed the legislation in 1998 so no one could file claims. Remember that, Mr. Premier? Remember you came into this floor and you made legislation. You changed the Human Rights Act of Prince Edward Island that said people cannot make a claim against us if they are under these circumstances and those 11 were under those circumstances. That's why they had to take you to the Supreme Court of Prince Edward Island. That's why they had to take you to the Appeals Division and that's why you tried to take it to the Supreme Court of Canada. It was your legislation that didn't allow them to make a claim.

So what I'm asking is the Supreme Courts of the province, both Trial and Appeals Division,

and the Supreme Court of Canada has rejected that legislation that you have denied these people access to the courts. What I'm saying today is: will you allow them a fast track remedy system through the Human Rights Commission?

Speaker: The hon. Premier.

Premier Binns: Well, Mr. Speaker, again his assertions are generally wrong but we have embarked on a course of action. We have accepted the fact that these people can make a claim. We have tried to settle that claim. It's reasonable but we do not have a claim to the best of my knowledge at this point.

Speaker: End of Question Period.