



House of Assembly  
Nova Scotia

## DEBATES AND PROCEEDINGS

**Speaker: Honourable Charlie Parker**

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### Second Session

**THURSDAY, NOVEMBER 18, 2010**

<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
<b>PRESENTING REPORTS OF COMMITTEES:</b>	
Econ. Dev. Comm. - Anl. Rept. (2009-10), Ms. P. Birdsall . . . . .	3610
<b>STATEMENTS BY MINISTERS:</b>	
Energy - Lwr. Churchill Hydroelectric Proj., The Premier (by Hon. F. Corbett) . . . . .	3611
<b>GOVERNMENT NOTICES OF MOTION:</b>	
Res. 2209, Justice - Restorative Justice Agencies: Work - Recognize, Hon. R. Landry . . . . .	3613
Vote - Affirmative . . . . .	3614
Res. 2210, Bridges Men's Intervention Prog.: Contribution - Recognize, Hon. D. Peterson-Rafuse, . . . . .	3614
Vote - Affirmative . . . . .	3615
Res. 2211, N.S. Lifeguard Serv.: Work - Acknowledge, Hon. Maureen MacDonald . . . . .	3615
Vote - Affirmative . . . . .	3616
Res. 2212, SNSMR - Bill No. 29: Prov./Mun. - Collaboration, Hon. R. Jennex . . . . .	3616
Vote - Affirmative . . . . .	3617
Res. 2213, N.S. Coun. For Family: Youth Achievement Awards - Recipients, Hon. D. Peterson-Rafuse . . . . .	3617
Vote - Affirmative . . . . .	3617
Res. 2214, N.S. Ground Search & Rescue Teams: Vols. - Thank, Hon. R. Jennex . . . . .	3618
Vote - Affirmative . . . . .	3618

NOTICES OF MOTION:

Res. 2215, Crout, Jean: Church/Commun. - Contributions,	
Hon. K. Colwell . . . . .	3619
Vote - Affirmative . . . . .	3619
Res. 2216, Energy - Power Rates: Increases - Effects,	
Mr. J. Baillie . . . . .	3619
Res. 2217, MacAulay, Gillian - Medal of Bravery,	
Hon. R. Landry . . . . .	3620
Vote - Affirmative . . . . .	3621
Res. 2218, Mavon, Paige - Lt.-Gov.'s Medal,	
Hon. M. Samson . . . . .	3621
Vote - Affirmative . . . . .	3622
Res. 2219, Galloping Cows: Inverness Economy - Contribution,	
Mr. A. MacMaster . . . . .	3622
Vote - Affirmative . . . . .	3622
Res. 2220, Dr. John Hugh Gillis HS: Bullying Init. - Applaud,	
Mr. M. Smith . . . . .	3623
Vote - Affirmative . . . . .	3623
Res. 2221, Deveau, Tyler - Sport N.S. Awards,	
Hon. W. Gaudet . . . . .	3624
Vote - Affirmative . . . . .	3624
Res. 2222, Berwick - NDP: Gov't. - Assist,	
Mr. C. Porter . . . . .	3624
Vote - Affirmative . . . . .	3625
Res. 2223, Betts, Lisa: Wallace/Pugwash - Vol. Efforts/Serv.,	
Mr. B. Skabar . . . . .	3625
Vote - Affirmative . . . . .	3626
Res. 2224, Anglican Church - N.S./P.E.I.: Role - Importance,	
Ms. D. Whalen . . . . .	3626
Vote - Affirmative . . . . .	3627
Res. 2225, MacKeigan, Rebecca: Morgan Horse Show (N.B.)	
- Success Congrats., Mr. A. MacLeod . . . . .	3627
Vote - Affirmative . . . . .	3628
Res. 2226, Union Street Café - Select N.S. Award,	
Mr. J. Morton . . . . .	3628
Vote - Affirmative . . . . .	3628
Res. 2227, MacDonald, Tara/Kelsall, Zane - Fusion Award,	
Mr. A. Younger . . . . .	3629
Vote - Affirmative . . . . .	3629

Res. 2228, Bernard, Mary Louise - Aboriginal Awards,	
Mr. K. Bain . . . . .	3629
Vote - Affirmative . . . . .	3630
Res. 2229, Kolass, Tilo & Saskia: Biodynamic Farming -	
Accreditation, Mr. H. Theriault . . . . .	3630
Vote - Affirmative . . . . .	3631
Res. 2230, MacEachern, Emma: Musical Theatre - Congrats.,	
Hon. K. Casey . . . . .	3631
Vote - Affirmative . . . . .	3632
Res. 2231, Yarmouth Wesleyan Church - Anniv. (60 <sup>th</sup> ),	
Mr. Z. Churchill . . . . .	3632
Vote - Affirmative . . . . .	3632
Res. 2232, Com. Serv. - Persons With Disabilities: Strategic Plan	
- Lack, Hon. C. d'Entremont . . . . .	3633
Res. 2233, Downing, John - Lt.-Gov.'s Medal,	
Hon. M. Samson . . . . .	3633
Vote - Affirmative . . . . .	3634
Res. 2234, MacDonell, Sara/Parents - 4-H Bursary,	
Mr. A. MacMaster . . . . .	3634
Vote - Affirmative . . . . .	3634
Res. 2235, LeBlanc, Georgette - Lt. Gov.'s Arts Award,	
Hon. W. Gaudet . . . . .	3635
Vote - Affirmative . . . . .	3636
Res. 2236, Hants Hunks: Movember - Fundraising,	
Mr. C. Porter . . . . .	3636
Vote - Affirmative . . . . .	3637
Res. 2237, TIR: Hwy. No. 101 (Weymouth-Digby) - Start,	
Mr. H. Theriault . . . . .	3637
Res. 2238, Prosper, Aaron - Golf Achievements,	
Mr. A. MacLeod . . . . .	3637
Vote - Affirmative . . . . .	3638
Res. 2239, Yarmouth Co. MHA - Chicks With Sticks Tournament,	
Mr. Z. Churchill . . . . .	3638
Vote - Affirmative . . . . .	3639
Res. 2240, Polytech Products/Staff - Strait & Area C of C Award,	
Mr. K. Bain . . . . .	3639
Vote - Affirmative . . . . .	3640

GOVERNMENT BUSINESS:

PUBLIC BILLS FOR SECOND READING:

No. 89, Personal Health Information Act,	
Hon. Maureen MacDonald	3640
Ms. D. Whalen	3643
Hon. C. d'Entremont	3652
Mr. C. Porter	3656
Mr. A. MacLeod	3660
Hon. Maureen MacDonald	3660
Vote - Affirmative	3661
No. 90, Auditor General Act,	
Hon. G. Steele	3661
Mr. L. Glavine	3663
Mr. A. MacMaster	3665
Ms. D. Whalen	3667
Adjourned debate	3669

ORAL QUESTIONS PUT BY MEMBERS:

No. 433, ERD: Rural Econ. Dev. Plan - Implement,	
Mr. L. Glavine	3669
No. 434, Energy - Lwr. Churchill Proj.: Nova Scotians - Benefit,	
Mr. J. Baillie	3671
No. 435, Agric.: Hog Industry - Funding Refusal,	
Mr. L. Glavine	3672
No. 436, TIR: Burnside Expressway - Completion,	
Mr. A. Younger	3674
No. 437, Gov't. (N.S.): Accountability - Deliver,	
Mr. J. Baillie	3676
No. 438, Health - Nursing Home Beds: Vacancies - Location,	
Ms. D. Whalen	3677
No. 439, Fin. - Deficit Spending: Economy - Effects,	
Mr. A. MacMaster	3679
No. 440, Educ. - Holy Angels HS: Study Comm. - Members,	
Hon. Manning MacDonald	3681
No. 441, Health: Out-of-Prov. MS Treatments - After-Care,	
Mr. A. MacLeod	3683
No. 442, SNSMR: Weymouth Land Registry Office	
- Move Explain, Hon. W. Gaudet	3685

ADJOURNMENT:

MOTION UNDER RULE 5(5):

Health - Insulin Pumps: NDP Gov't. - Fund,	
Ms. K. Regan	3686
Hon. C. d'Entremont	3689
Hon. Maureen MacDonald	3691

ADJOURNMENT, House rose to meet again on Fri., Nov. 19<sup>th</sup> at 9 a.m. . . . 3693

NOTICES OF MOTION UNDER RULE 32(3):

- Res. 2241, Hfx. Commun. Justice Soc./N.S. Restorative Justice Agencies:  
Dedication - Congrats., Mr. L. Preyra . . . . . 3694
- Res. 2242, Rhindress, Jason - Special Olympics Gold Medal,  
Mr. J. Baillie . . . . . 3694



House of Assembly  
*Nova Scotia*

**HALIFAX, THURSDAY, NOVEMBER 18, 2010**

**Sixty-first General Assembly**

**Second Session**

**2:00 P.M.**

**SPEAKER**

Hon. Charlie Parker

**DEPUTY SPEAKERS**

Mr. Gordon Gosse, Mr. Leo Glavine, Mr. Alfie MacLeod

MR. SPEAKER: Order, please. We'll start today's proceedings and before we go to the daily routine, I just want to announce the late debate topic under Rule 5(5):

Therefore be it resolved that the NDP Government fund insulin pumps in order to mitigate future cost pressures on our health care system.

That was submitted by the honourable member for Dartmouth East and that will be debated at the moment of interruption at 6:00 p.m.

The honourable Minister of Education on an introduction.

HON. MARILYN MORE: Mr. Speaker, I'm really pleased on behalf of the House to welcome the Grade 12 law class from Prince Andrew. I especially would like to welcome their teacher Ms. MacLeod, and I ask her to stand. Also, one of my constituents the House may be interested in meeting is Cody Veinotte - Cody, if you would stand. Cody is the son of Nancy Sheppard who many of you will recognize as the executive assistant to the Deputy Premier. So I ask Ms. MacLeod and all the students to stand. They're here to see this phase of democracy in action and we welcome them very much to the House of Assembly. (Applause)

MR. SPEAKER: The honourable member for Victoria-The Lakes on an introduction.

MR. KEITH BAIN: Mr. Speaker, I'm pleased at this time to introduce an individual in the gallery opposite, a constituent of Victoria-The Lakes, and also the councillor for District No. 5 of Victoria County and the deputy warden of Victoria County - Mr. Fraser Patterson. I was glad to see he's wearing a blue shirt today. So I would ask Fraser if he would stand to receive the warm welcome of the House. (Applause)

MR. SPEAKER: We welcome all our visitors here this afternoon and hope they enjoy the proceedings here in the House.

The honourable member for Halifax Clayton Park on an introduction.

MS. DIANA WHALEN: Mr. Speaker, while we're at our introductions, I would like to introduce two people to you who are in the Speaker's Gallery this afternoon and it is Alex Davis, who is a co-op student from Halifax West High School and he's working in my office earning a credit for high school, which I think is wonderful. He's interested in public relations at the Mount, hopefully for next year, and with him is Jill Mader who is my constituency assistant in Clayton Park. So if you would both please rise, we would like to give you the warm welcome of the House. (Applause)

MR. SPEAKER: We'll begin the daily routine.

#### **PRESENTING AND READING PETITIONS**

#### **PRESENTING REPORTS OF COMMITTEES**

MR. SPEAKER: The honourable member for Lunenburg.

MS. PAM BIRDSALL: Mr. Speaker, I would like to table the Annual Report for the Standing Committee on Economic Development. I would like to thank all the members of our committee for their participation and goodwill and all the people who presented for our committee. I would also like to thank Jana Hodgson, the legislative assistant, for her professionalism and her effective manner. (Applause)

MR. SPEAKER: The report is tabled.

#### **TABLING REPORTS, REGULATIONS AND OTHER PAPERS**

#### **STATEMENTS BY MINISTERS**

MR. SPEAKER: The honourable Deputy Premier.

HON. FRANK CORBETT: Mr. Speaker, I make this statement today on behalf of the Premier. I rise in the House to provide details of an historic energy deal announced today that will see Nova Scotia access clean, stable-priced electricity from the Lower Churchill hydroelectric project starting in the year 2017. (Applause)

[2:15 p.m.]

The Premier obviously would have liked to deliver this statement in person, but the timing of the announcements in St. John's this morning, and here in Halifax this afternoon, prevented him from doing so. In his place, it is certainly my pleasure to inform the House that this agreement will see Nova Scotia families and businesses benefiting from 35 years of clean energy, by way of subsea cable, to Cape Breton Island.

The agreement reached between Nalcor Energy of Newfoundland and Labrador and our own Emera Inc., ensures Nova Scotia gains economic benefits including thousands of jobs in the construction of this massive project. Under the terms of the deal, Emera will invest \$1.8 billion in the project in exchange for receiving 20 per cent of the electricity rate. This will account for between 8 per cent and 10 per cent of our total power needs when it starts to flow in 2017.

Emera's investment in the project focuses on the Maritime Link, which consists of a subsea cable between Cape Ray, Newfoundland and Labrador, and Cape Breton, the substations and the enhanced transmission grid leading to the New Brunswick border. The company will also make transmission investments in Newfoundland and Labrador.

Nova Scotia will have full and fair access to economic benefits in employment on the Maritime Link. Projected at 6,790 person-years of employment, the agreement also allows us to grow our green energy sector by backing up wind and other intermittent renewable energy with fixed, predictable hydroelectricity. Further details on the deal are being negotiated between Nova Scotia Power and Nalcor and will be subject to public review and approval by utility regulators in our two provinces.

Shortly the Premier will be joined by Newfoundland and Labrador's Deputy Premier and representatives of Emera and Nalcor for a news conference at approximately 3:00 p.m., in the Red Room, to explain the details more fully so all Nova Scotians will know. This is indeed an historic day for Nova Scotia and indeed for all of Atlantic Canada. Through this partnership, we are taking a major step forward as an international leader in renewable energy. (Applause) This deal supports our goal to create good jobs and grow the economy by achieving 25 per cent renewable energy by 2015, and 40 per cent by 2020.

Today's agreement creates thousands of new jobs, stabilizes energy prices for Nova Scotian families and businesses well into the future and lifts the idea of Atlantic co-operation off the page and turns it into fundamental action, building a more prosperous nation for everyone. Thank you. (Applause)



MR. SPEAKER: The honourable Leader of the Official Opposition.

HON. STEPHEN MCNEIL: Mr. Speaker, first of all I want to thank the governing caucus for the warm reception in getting up to speak. (Laughter) I want to also thank the Deputy Premier for an advanced copy of his remarks here today.

I rise on behalf of the Liberal caucus to respond to an energy agreement reached today between Emera and Nalcor Energy. Private industry has partnered to develop the God-given resources of renewable energy here in Atlantic Canada. I want to thank the people of both of those companies for taking the initiative and having a vision to make today possible.

In particular, I want to thank Rob Bennett of Nova Scotia Power. He is Nova Scotia born and raised and he wants to see our province prosper. Under his leadership at Nova Scotia Power, the company has worked toward bringing more renewable energy to Nova Scotia and ultimately less foreign coal.

Now it is our turn, as politicians and as leaders, to make sure this project becomes a reality. I have spoken for many years about a vision for energy in this province. At the heart of that matter is the need for transmission capacity between our closest neighbours, a vision which involves renewable power producers selling directly to those customers who want it. This vision includes this province and our neighbours developing clean sources of energy, whether it be tidal, hydro, solar, wind, or geothermal. This vision includes sharing our clean energy solutions with our neighbours so that we can all benefit from each other.

We also need to be honest with Nova Scotians, Mr. Speaker. Cleaner energy doesn't mean cheaper energy, but it can provide stable prices in the long run, with less risk to our environment. As government and leaders, we need to make sure that we take the steps that are required to make our province sustainable.

This NDP Government has little to do with the deal to this point (Interruptions) But they can play an important role moving forward, from ensuring that the environmental and regulatory component of this project proceeds in a timely manner and lobbying the federal government to contribute to this project, which will benefit the entire Atlantic Region. The Liberal caucus offers our support on both of these initiatives.

Today many people are celebrating; tomorrow the hard work begins. It will be a decade before we get the full understanding of the impact of this deal. What is clear today is that we have a tremendous opportunity within our grasp. I hope that in a decade we will have realized our hopes and our aspirations for this project. Thank you, Mr. Speaker.

MR. SPEAKER: The honourable Leader of the Progressive Conservative Party.

MR. JAMIE BAILLIE: Mr. Speaker, I would like to congratulate all of the parties to this deal today. I know that it is the result of a lot of hard work. Often an Opposition Party is called upon to criticize when criticism is necessary, but we are sometimes called upon to achieve a higher standard, and that is to agree with something when it goes right. (Applause)

This is a good development for Atlantic Canada and a good development for Nova Scotia. It is a great example of how our economy and our environment can both grow together, just as the Environmental Goals and Sustainable Prosperity Act - an Act that received the support of all Parties in this House - was envisioned when it was enacted. It is also a good development because it is an example of the Atlantic Provinces working together to the benefit of our entire region.

Now it is up to the government to ensure that the best possible final deal is made for Nova Scotians: firstly, to ensure that the federal government is a funding participant, to minimize the capital costs; secondly, to ensure that Nova Scotia power rates are minimized, because we are mindful of the fact that \$1.2 billion of the \$1.8 billion contribution by Emera and Nova Scotia Power will go into the rate base that all Nova Scotians pay and that government must oversee what goes into that rate base and what goes to the power company and what flows through to the parent company, to ensure that Nova Scotian ratepayers are protected; and thirdly, to ensure that Nova Scotia gets the true benefit of this new source of renewable energy and doesn't become only a pass-through province.

Having said that, we certainly support this initiative and pledge our Party to ensure that Nova Scotians are the true beneficiaries of this development. Thank you. (Applause)

#### **GOVERNMENT NOTICES OF MOTION**

MR. SPEAKER: The honourable Minister of Justice.

#### **RESOLUTION NO. 2209**

HON. ROSS LANDRY: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas November 14<sup>th</sup> to November 21<sup>st</sup> has been declared National Restorative Justice Week with the theme: Reflections, Past, Present and Future; and

Whereas for more than a decade the province's Restorative Justice Program has helped young people understand the consequences of their actions by taking responsibility, and has provided support to victims and their families; and

Whereas when we celebrate this week, it is important to acknowledge the fine work of our community-based restorative justice agencies across the province that work closely

with the police, Crown Attorneys, courts, corrections officers, youth, parents, victims, and community volunteers to deliver the Nova Scotia Restorative Justice Program;

Therefore be it resolved that all members of this House recognize the work and value of Nova Scotia's restorative justice agencies, their boards of directors, and their teams of dedicated community volunteers, and wish them continued success in the future.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable Minister of Community Services.

#### **RESOLUTION NO. 2210**

HON. DENISE PETERSON-RAFUSE: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the Bridges Men's Intervention Program has helped thousands of men and their families address issues of violence in their relationships; and

Whereas Bridges is committed to stopping abuse in Nova Scotia by building trust, respect and dreams; and

Whereas Bridges is celebrating 19 years of service with a special anniversary dinner in Truro on November 18<sup>th</sup>;

Therefore be it resolved that all members of this House recognize the valuable contribution that Bridges has made, and continues to make, to Nova Scotia.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable Minister of Health Promotion and Protection.

HON. MAUREEN MACDONALD: Mr. Speaker, I beg leave to make an introduction before reading my resolution.

MR. SPEAKER: Certainly.

MS. MAUREEN MACDONALD: I'd like to draw the attention of the House to the east gallery, the very back row, where we are joined today by a number of representatives of Nova Scotia Lifeguard Service. As I make my introduction, I'd ask each individual to stand and receive the warm welcome of the House: Paul D'Eon, director; Deanna Wilmshurst, former lifeguard and current chairperson; Alanna Robinson, board member; assistant directors Troy MacArthur, Craig Durling and Mike Maguire; lifeguards Cory Barrington and Barrett Thompson; former lifeguard Stacey Durling; and Mike Melenchuk, former assistant director and lifeguard, currently Lifesaving Society board member. Welcome and the warm welcome of members of the House. (Applause)

MR. SPEAKER: The honourable Minister of Health Promotion and Protection.

### **RESOLUTION NO. 2211**

HON. MAUREEN MACDONALD: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the Nova Scotia Lifeguard Service is a joint project of the Department of Health Promotion and Protection, and the Lifesaving Society, Nova Scotia Branch, providing supervision at 22 beaches across our province this summer; and

Whereas the Nova Scotia Lifeguard Service has been keeping Nova Scotians safe since 1972, conducting over 3,200 rescues and 1,300 community service projects; and

Whereas thanks to the well-trained and dedicated staff of the Nova Scotia Lifeguard Service, there has never been a drowning on a beach during supervised hours;

Therefore be it resolved that all members of this House acknowledge the Nova Scotia Lifeguard Service on their admirable and often heroic work in keeping Nova Scotians safe, and congratulate them on another successful season.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

[2:30 p.m.]

The honourable Minister of Service Nova Scotia and Municipal Relations.

### **RESOLUTION NO. 2212**

HON. RAMONA JENNEX: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas our government recently proclaimed Bill No. 29, which will allow our corporate collection services of Service Nova Scotia and Municipal Relations to collect debts on behalf of municipalities; and

Whereas currently municipalities are owed millions in small debt, collection of these debts can be a challenge, and these debts have a direct impact on municipalities and can add up to a significant amount for the individual municipal units; and

Whereas our services offer municipalities the ability to collect outstanding debts in a cost-effective and secure manner, which makes life better for families and communities across the province;

Therefore be it resolved that the members of this House recognize this is further evidence of the high level of collaboration and co-operation between the province and municipalities.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable Minister of Community Services.

### **RESOLUTION NO. 2213**

HON. DENISE PETERSON-RAFUSE: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas this year marks the 11<sup>th</sup> Annual Nova Scotia Council for the Family Youth Achievement Awards, celebrating the accomplishments of youth in care of the province; and

Whereas each award winner has been nominated by someone close to them, someone who has recognized their abilities and achievements; and

Whereas I am honoured to help recognize these young people for their educational achievements, leadership qualities, outstanding achievements in sport, art, and culture, and for their perseverance in facing life's many challenges;

Therefore be it resolved that all members of this House recognize the achievements of these youth, and join me and all Nova Scotians in expressing our pride in seeing these young people thrive in our communities.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable Minister of Emergency Management.

**RESOLUTION NO. 2214**

HON. RAMONA JENNEX: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas a number of recent serious weather events and missing persons incidents in Nova Scotia, including last week's four-day and four-night intensive search for Mr. Harris Hill of Parrsboro, have placed extraordinary demands on our ground search and rescue teams; and

Whereas the members of those teams have stepped up and stood tall throughout all those recent events and made enormous contributions to the safety and well-being of Nova Scotians; and

Whereas the 24 ground search and rescue teams and almost 1,000 individual members of those teams are volunteers who freely offer their time, expertise, and courage to all of us in moments of crisis and need;

Therefore be it resolved that all members of this House thank the volunteers of Nova Scotia's ground search and rescue teams and the families who support them for their unselfish service to our province whenever they are called upon to do so.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

**INTRODUCTION OF BILLS**

**NOTICES OF MOTION**

MR. SPEAKER: The honourable member for Preston.

**RESOLUTION NO. 2215**

HON. KEITH COLWELL: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas Jean Crout is a Porters Lake senior and a member of St. Augustine's Anglican Church in Lake Echo and for the past 10 years has been the coordinator of the spaghetti dinner and auction held each year at the church hall, raising funds for building maintenance; and

Whereas the dinner consists of a salad, spaghetti with meat sauce, garlic bread, apple crisp, and a beverage for only \$7, keeping the cost low to give families a night out; and

Whereas Jean makes all the bread and rolls for the event, plus makes a quilt to be raffled off;

Therefore be it resolved that the members of this House acknowledge Jean Crout for her hard work and giving nature, and thank her for her continued support to her church and her community.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable Leader of the Progressive Conservative Party.

**RESOLUTION NO. 2216**

MR. JAMIE BAILLIE: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas power rates in some Canadian provinces are going in the right direction - down - making those provinces more competitive and leaving more money in the pockets of their hard-working people; and



Whereas power rates in our province as of today are going in the wrong direction, on a steady climb that shows no sign of abating anytime soon in spite of new memoranda of understanding for alternative, cleaner power sources; and

Whereas this trend ensures that Nova Scotia will continue to become less competitive and will leave less money in the pockets of our hard-working people;

Therefore be it resolved that all members of this House recognize that a trend of higher power rates, higher taxes, higher debt payments could only lead to growing hardship for Nova Scotia's families.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

I hear several Noes.

The notice is tabled.

The honourable member for Guysborough-Sheet Harbour on an introduction.

MR. JIM BOUDREAU: Mr. Speaker, it gives me great pleasure today to introduce three individuals from my home community of Little Dover. I'd ask them to please stand, it's not very often we get people from Little Dover up here. Today in the east gallery we have Councillor Janet Peitzsche, her husband Junior, and their daughter Judy. I would like the House to especially give them a round of applause as a welcome here. It's very nice to see them in the gallery today. (Applause)

MR. SPEAKER: The honourable Minister of Justice.

### **RESOLUTION NO. 2217**

HON. ROSS LANDRY: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas Gillian MacAulay of Trenton, Nova Scotia was recently awarded the Medal of Bravery in Ottawa for saving two young girls from drowning at Melmerby Beach in August 2007; and

Whereas Gillian was with friends at the beach that day when she heard the cries of the young girls, and without even thinking she started out to save the girls against the rough waters and strong undertow; and

Whereas the Medal of Bravery was created in 1972 to recognize heroic actions in extreme circumstances, making it one of Canada's highest honours;

Therefore be it resolved that this House of Assembly thank Gillian MacAulay for her selfless act of bravery and quick thinking.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Richmond.

#### **RESOLUTION NO. 2218**

HON. MICHEL SAMSON: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the Lieutenant Governor's Medal is presented yearly to a Grade 11 student;  
and

Whereas the medal is presented to students who achieve high academic standards while being leaders in their school and community; and

Whereas Paige Mavon, a Grade 11 student at Richmond Academy, was presented with the Lieutenant Governor's Medal by Her Honour Mayann Francis on June 8, 2010 during a ceremony at Inverness Academy;

Therefore be it resolved that the members of this House of Assembly congratulate Paige Mavon on receiving the Lieutenant Governor's Medal, and wish her continued success in her academic and leadership pursuits.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Inverness.

### **RESOLUTION NO. 2219**

MR. ALLAN MACMASTER: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the Galloping Cows Fine Foods Brandy Cranberry Marmalade product was featured in gift bags given out at the Toronto International Film Festival; and

Whereas owners Joanne and Ronnie Schmidt have established a successful business in Port Hood by using their entrepreneurial spirit and their knowledge of farming; and

Whereas the Schmidt family has remained dedicated to Inverness County, promoting local foods with an array of products;

Therefore be it resolved that all members of this House of Assembly acknowledge the contribution that Galloping Cows provides to the local economy of Inverness and congratulate them for showcasing Nova Scotia product on the international stage.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Antigonish.

**RESOLUTION NO. 2220**

MR. MAURICE SMITH: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas bullying is a serious and widespread problem that has led students and teachers to work together to find innovative ways to prevent and combat bullying in and outside of schools; and

Whereas November 14<sup>th</sup> to November 20<sup>th</sup> is Bullying Awareness Week, the theme of which is Stand Up to Bullying; and

Whereas students and teachers at Dr. John Hugh Gillis Regional School in Antigonish are teaming up with the RCMP and Crime Stoppers to include the Crime Stoppers phone number on every student ID card, so that bullying can be reported anonymously;

Therefore be it resolved that members of this House of Assembly applaud the initiative of the students and staff at Dr. John Hugh Gillis Regional School and the efforts of the RCMP in dealing with bullying.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Digby-Annapolis.

MR. HAROLD THERIAULT: Mr. Speaker, if I may, I'd like to do an introduction in the House.

MR. SPEAKER: Certainly.

MR. THERIAULT: In our west gallery we have three friends of mine and of the Liberal Party: Marie Cox, who has worked for many, many years for our Party; her sister Phyllis; and their nephew, Adrian, who is now an RCMP officer stationed in Newfoundland and Labrador.

I would like the House to give them a wonderful, warm welcome. (Applause)

MR. SPEAKER: The honourable member for Clare.

**RESOLUTION NO. 2221**

HON. WAYNE GAUDET: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas Sport Nova Scotia presented 2010 RICOH Provincial Sports Awards on June 5, 2010, at the World Trade and Convention Centre, in front of 500 members of the sports community; and

Whereas the awards ceremony recognizes 200 nominated athletes, coaches, officials, sponsors and volunteers from across the province; and

Whereas the provincial organization for karate named Tyler Deveau of Clare as their 2010 Male Athlete of the Year;

Therefore be it resolved that members of this House of Assembly congratulate Tyler Deveau on this prestigious award, and wish him continued success in future endeavours.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Hants West.

**RESOLUTION NO. 2222**

MR. CHUCK PORTER: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas after 71 years in operation, the Larsen meat-packing plant will close in April, throwing 280 Nova Scotians out of work; and

Whereas the loss of the plant will have a devastating effect on the Town of Berwick by decreasing the town's total tax revenue by 18 per cent; and

Whereas the plant's closure will have a negative economic effect on many small businesses in the area, likely resulting in further job loss and uncertainty for many Nova Scotia families;

Therefore be it resolved that all members of this House of Assembly urge the NDP Government to act decisively and quickly to help the Town of Berwick and its people weather the closure of the Larsen meat-packing plant and begin building a prosperous future.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

[2:45 p.m.]

The honourable member for Cumberland North.

MR. BRIAN SKABAR: Mr. Speaker, I beg leave to make an introduction.

MR. SPEAKER: Yes.

MR. SKABAR: In the east gallery is a constituent of mine from Cumberland North, Paul Brenciaglia. Paul has roots in Pugwash since he has been about 15 years old. He is nephew to Cyrus Eaton, the industrialist, philanthropist and "son" of Pugwash. Paul's family still remain on the commission of the Pugwash Park Commission, which includes the Thinkers' Lodge. Paul, welcome. (Applause)

MR. SPEAKER: The honourable member for Cumberland North.

### **RESOLUTION NO. 2223**

MR. BRIAN SKABAR: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas Lisa Betts has dedicated 20 years as a volunteer firefighter to the Wallace Volunteer Fire Department and is currently the training officer, publicity officer, sits on the bylaws committee, is the pancake supper chair, is a former fire captain, secretary, bar steward, and has been a fire instructor for 18 years at the Firefighters School in Waverley, Nova Scotia; and

Whereas for three years, Lisa Betts was also chair of the Gulf Shore Preservation Association, a group of 277 members dedicated to the mission of conserving the beauty of the North Shore area between Pugwash and Wallace; and

Whereas for the last 10 years, Lisa Betts has also been a dedicated executive of the St. Matthew's Presbyterian Church in Wallace, Nova Scotia;

Therefore be it resolved that this House recognizes Lisa Betts, a citizen of Wallace, Nova Scotia, for her volunteer efforts and outstanding service to the Wallace and Pugwash communities with particular thanks for her 20 years of continuous dedication as a volunteer firefighter.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Halifax Clayton Park.

#### **RESOLUTION NO. 2224**

MS. DIANA WHALEN: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas this year, 2010, the Anglican Church in Nova Scotia and Prince Edward Island is celebrating three hundred years of continuous worship; and

Whereas a special anniversary service was held at Exhibition Park on June 6, 2010 to celebrate this significant historic milestone with more than 3,000 Anglicans from across Nova Scotia and Prince Edward Island in attendance; and

Whereas the Right Reverend Sue Moxley, Bishop of the Diocese of Nova Scotia and Prince Edward Island, conducted the service at this historic celebration for the faithful;

Therefore be it resolved that the members of this House acknowledge the strong history of the Anglican Church in the Diocese and recognize the important role they play to this day in communities across Nova Scotia and Prince Edward Island.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Cape Breton West.

#### **RESOLUTION NO. 2225**

MR. ALFIE MACLEOD: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas 14-year-old Rebecca MacKeigan of Albert Bridge attended the New Brunswick Morgan Horse Show in Sussex this summer; and

Whereas Rebecca competed in the English, Western junior exhibitors and open riding classes; and

Whereas Rebecca and her horse, Robby Bel Justa Dandy, claimed many top prizes at the two-day show and were named Champion Junior Exhibitor Showmanship Medal and the CMHA Showmanship;

Therefore be it resolved that all members of this House of Assembly congratulate and extend their best wishes to Rebecca MacKeigan and her horse for their success at the New Brunswick Morgan Horse Show and send them best wishes on their future endeavours

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.



Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Kings North.

### **RESOLUTION NO. 2226**

MR. JIM MORTON: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas Select Nova Scotia is the Nova Scotia Department of Agriculture's campaign to connect producers and consumers with delicious local food; and

Whereas Select Nova Scotia's Local Hero Award is given to a member of the Restaurant Association of Nova Scotia that demonstrates exceptional support for local agriculture; and

Whereas Union Street Café of Berwick is the winner of the Local Hero Award for 2010, recognizing the multiple ways that Union Street Café uses local food and shares information about local producers;

Therefore be it resolved that the members of the Nova Scotia House of Assembly congratulate the Union Street Café of Berwick on being the recipient of the Select Nova Scotia's Local Hero Award and wish Union Street Café's owners and staff continued success as a hub for fine local food and culture.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Dartmouth East.

**RESOLUTION NO. 2227**

MR. ANDREW YOUNGER: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the inaugural GO Awards were presented by Fusion Halifax on November 6, 2010; and

Whereas the GO Awards recognize and celebrate inspiring young professionals in the Halifax area for their impact on the growth and progress of our municipality in categories including arts and culture, innovation, urban design, volunteerism and sustainability; and

Whereas Tara MacDonald and Zane Kelsall of Dartmouth won the Fusion Halifax GO Award for Innovation, demonstrating exceptional entrepreneurship in the founding of Two If By Sea Café on Ochterloney Street and their conceptual launch of the 'I Love Dartmouth' campaign;

Therefore be it resolved that members of the House of Assembly join me in congratulating Tara and Zane on this achievement and wish them every future success with their business and in their future endeavours.

Mr. Speaker I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Victoria-The Lakes.

**RESOLUTION NO. 2228**

MR. KEITH BAIN: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas according to Mi'kmaq folklore, during the 1600s the Indian maiden was the first person to have boiled maple sap and created maple syrup which was considered a source of energy and nutrition; and

Whereas Mary Louise Bernard from Middle River was elected Chief of Wagmatcook First Nations for 18 years and is an innovative businesswoman who recognized the importance of her aboriginal history; and

Whereas Mary Louise Bernard was an award winner and one of nine participants from across Canada selected to compete in Dreamcatcher Charitable Foundation's The Big Idea 2, which took place in Hamilton, Ontario on October 21, 2010 and was also nominated as woman entrepreneur by the Atlantic Aboriginal Entrepreneur Awards for her business endeavours;

Therefore be it resolved that all members of this House congratulate Mary Louise Bernard and wish her the best in her business endeavours.

Mr. Speaker I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Digby-Annapolis.

#### **RESOLUTION NO. 2229**

MR. HAROLD THERIAULT: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas Bear River Farms has become the first biodynamic farm co-operative in the province after acquiring cows to complete the process; and

Whereas Tilo and Saskia Kolass purchased their 247-acre property in Waldeck, Annapolis County 11 years ago and operated the farm actively for the past three and one-half years starting out as an organic farm; and

Whereas biodynamic farming combines everything on the farm such as soil, plant, animals and farmers to work as one and does not use synthetic fertilizers or pesticides;

Therefore be it resolved that the members of the House congratulate Tilo and Saskia Kolass for this wonderful accreditation and wish them great success with their farm and future endeavours.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Colchester North.

### **RESOLUTION NO. 2230**

HON. KAREN CASEY: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the Spotlight Musical Theatre Summer School presented its signature production “Seussical”, at the Marigold Centre in Truro for three shows in July; and

Whereas program staff worked tirelessly with young talent from the region in partnership with numerous strong, dedicated community supporters of the Cantabile Society of Truro; and

Whereas Emma MacEachern of Truro debuted as the lead female actor and performer in collaboration with 38 other cast members to delight young and old alike in bringing the Seussical musical to life;

Therefore be it resolved all members of the House of Assembly join me in recognizing Emma MacEachern, the cast, program staff and community supporters for bringing the joy of theatre and song to the next generation of great Nova Scotian talent.

Mr. Speaker I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Yarmouth.

### **RESOLUTION NO. 2231**

MR. ZACH CHURCHILL: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the Yarmouth Wesleyan Church seeks to instill in its members an emphasis on a life of faith, self discipline and perfect love; and

Whereas the Yarmouth Wesleyan Church, through its community service and outreach, is a vibrant and vital part of Yarmouth's faith community;

Whereas from November 12<sup>th</sup> to 14<sup>th</sup>, the Yarmouth Wesleyan Church commemorated its 60<sup>th</sup> Anniversary with celebration, food, music, services, well wishes and the attendance of several former senior pastors;

Therefore be it resolved that the members of the House Assembly congratulate the Yarmouth Wesleyan Church on its recent celebration and recognize its 60 years of service and contributions to the Yarmouth community.

Mr. Speaker I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Argyle.

**RESOLUTION NO. 2232**

HON. CHRISTOPHER D'ENTREMONT: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas in yesterday's report, the Auditor General found that the Department of Community Services does not have a comprehensive strategic plan for services for persons with disabilities; and

Whereas the Auditor General also found that the policies and procedures for the assessment, classification and placement of clients are outdated; and

Whereas the Auditor General also found the Department of Community Services' policies for follow-up and resolution of incidents and complaints are inadequate;

Therefore be it resolved that all members of this House of Assembly recognize that this NDP Government is failing people with disabilities in this province by providing no plan and outdated, inadequate policies for the care of this vulnerable population.

MR. SPEAKER: The notice is tabled.

The honourable member for Richmond.

**RESOLUTION NO. 2233**

HON. MICHEL SAMSON: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the Lieutenant Governor's Medal is presented yearly to a Grade 11 student; and

Whereas the medal is presented to students who achieve high academic standards while being leaders in their school and community; and

Whereas John Downing, a Grade 11 student at Richmond Academy, was presented with the Lieutenant Governor's Medal by Her Honour Mayann Francis on June 8, 2010 during a ceremony at Inverness Academy;

Therefore be it resolved that the members of the House of Assembly congratulate John Downing on receiving the Lieutenant Governor's Medal, and wish him continued success in his academic and leadership pursuits.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Inverness.

#### **RESOLUTION NO. 2234**

MR. ALLAN MACMASTER: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas Sara MacDonell of Judique developed a keen interest in agriculture from an early age; and

Whereas Sara has recently been awarded the Jack Pemberton Youth Development Bursary in partnership with 4-H Canada; and

Whereas Ms. MacDonell received this prestigious bursary for her dedication to school, community, and agricultural land;

Therefore be it resolved that all members of this House of Assembly congratulate Sara and her proud parents, Angus and Joanie MacDonell, on her achievements and wish her success as she continues to further her education in the field of agriculture.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Clare.

**RESOLUTION NO. 2235**

HON. WAYNE GAUDET: M. le Président, à une date ultérieure, je demanderai l'adoption de la résolution suivante:

Attendu que le cinquième gala de remise des prix pour la création en Nouvelle-Écosse a eu lieu le 29 octobre 2010 au Pier 21 à Halifax; et

Attendu que Georgette LeBlanc, originaire de Clare, a remporté le Prix du chef-d'oeuvre de la lieutenant-gouverneure de la Nouvelle-Écosse, d'une valeur de 25,000 \$, pour ses oeuvres *Alma* (2007) et *Amédé* (2010); et

Attendu que, en célébration de son patrimoine acadien, Mme. LeBlanc a choisi d'écrire ses livres en français parlé dans la région de la baie Sainte-Marie, c'est-à-dire un français traditionnel qui date des XVII<sup>e</sup> et XVIII<sup>e</sup> siècles et qui est encore parlé dans la région de Clare aujourd'hui;

Par conséquent, il est résolu que les membres de cette Assemblée félicitent Georgette LeBlanc pour avoir reçu ce prix prestigieux et lui souhaitent un succès continu dans tous ses projets futurs.

Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the 5<sup>th</sup> Creative Nova Scotia Awards Gala was held on October 29, 2010 at Pier 21 in Halifax; and

Whereas Clare author Georgette LeBlanc won the \$25,000 Lieutenant Governor of Nova Scotia Masterwork Arts Award for her books *Alma* (2007) and *Amédé* (2010); and

Whereas in celebration of her Acadian heritage, Ms. LeBlanc chose to write in the French spoken in Baie Sainte Marie, a traditional French which dates back to the 17<sup>th</sup> and 18<sup>th</sup> Centuries and which is still spoken today throughout Clare;

Therefore be it resolved that members of this House of Assembly congratulate Georgette LeBlanc for receiving this prestigious award and wish her continued success in future endeavours.

Mr. Speaker, I request waiver of notice and passage without debate.



MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

[3:00 p.m.]

The honourable member for Hants West.

### **RESOLUTION NO. 2236**

MR. CHUCK PORTER: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas prostate cancer is a slow growing cancer that can metastasize from the prostate to other parts of the body, particularly the bones and the lymph nodes; and

Whereas Ian Campbell, Glen Earley, Dave Margolian, Eric Comeau, Kevin Pearle, Craig MacDonald, Reagan O'Hara, Adam Bunin, Mike Landry, Rob Davies, Darren Ward and Steve Miller are the 12 men who make up the team "Hants Hunks" from the West Hants Middle School and have agreed to grow their facial hair for the month of November as part of Movember; and

Whereas the funds raised through Movember's Canadian campaign go directly to Prostate Cancer Canada and enables vital research that will lead to better screening tests and treatment options and to run support services for men who survive prostate cancer;

Therefore be it resolved that all members of this House of Assembly applaud the Hants Hunks for their dedication and commitment to prostate cancer research and wish them all the best with their mustache growing challenge.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Digby-Annapolis.

#### **RESOLUTION NO. 2237**

MR. HAROLD THERIAULT: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the Department of Transportation and Infrastructure Renewal is working on a five year infrastructure plan for our roads and bridges for this province; and

Whereas some roads have not been built yet and one is the Highway No.101 from Weymouth to Digby that people in that area have been waiting 36 years for; and

Whereas most people who live on the number one highway have completely lost hope of ever getting the 101-Series Highway traffic off their doorsteps;

Therefore be it resolved that this government have some passion for these people and renew their hope that this road will be included, not to be fully built, but just started in this up and coming five-year infrastructure plan.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

I hear several Noes.

The notice is tabled.

The honourable member for Cape Breton West.

#### **RESOLUTION NO. 2238**

MR. ALFIE MACLEOD: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the Lakes Golf Club is one of the newest golf courses in Nova Scotia having opened on May 7, 2010; and

Whereas this Graham Cooke-designed course is considered to be one of the top five best new courses in Canada; and

Whereas 14- year- old Aaron Prosper of Eskasoni spends many hours of his time at this new club practicing and perfecting the game he loves so much;

Therefore be it resolved that all members of this House of Assembly congratulate and extend their best wishes to Aaron Prosper for accomplishing the rare feat of recording the first hole-in-one on the 17<sup>th</sup> hole at the Lakes Golf Club in Ben Eoin.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Yarmouth.

#### **RESOLUTION NO. 2239**

MR. ZACH CHURCHILL: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas from November 12<sup>th</sup> -14<sup>th</sup>, Yarmouth was the site of the 3<sup>rd</sup> Annual Chicks with Sticks Female Hockey Tournament, hosting 27 female hockey teams from across Nova Scotia; and

Whereas sports and the thriving female athletic programs are vital components in the lives of many Yarmouth families; and

Whereas the Yarmouth County Minor Hockey Association and many volunteers gave invaluable time and energy in organizing this tournament;

Therefore be it resolved that the members of the House of Assembly congratulate the Yarmouth County Minor Hockey Association and all the volunteers and teams who competed in the 3<sup>rd</sup> Annual Chicks with Sticks Female Hockey Tournament on a successful weekend of hockey in Yarmouth.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Victoria-The Lakes.

#### **RESOLUTION NO. 2240**

MR. KEITH BAIN: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas Polytech Products Limited in Baddeck has been designing and manufacturing tilt-and-turn windows and doors since 1988; and

Whereas Polytech was recognized for its longstanding history of creating high-quality products with the Export Achievement Award at the 2010 Strait Area Chamber of Commerce Small Business Week Dinner and Awards Gala on October 20<sup>th</sup>; and

Whereas Polytech Products has also qualified for the Nova Scotia Exporter of the Year Award, to be presented in Halifax in the Spring of 2011;

Therefore be it resolved that all members of this House of Assembly congratulate Polytech Products Limited and its staff in achieving this award and wish them every future success.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable Government House Leader.

HON. FRANK CORBETT: Mr. Speaker, with the compliance of the other two House Leaders and the energy announcement that the Premier will be making shortly, there's unanimous concurrence that we will delay Question Period and go into Bills for Second Reading.

MR. SPEAKER: Is it agreed?

It is agreed.

### **GOVERNMENT BUSINESS**

MR. SPEAKER: The honourable Government House Leader.

HON. FRANK CORBETT: Mr. Speaker, could you please call the order of business, Public Bills for Second Reading.

### **PUBLIC BILLS FOR SECOND READING**

MR. SPEAKER: The honourable Government House Leader.

HON. FRANK CORBETT: Mr. Speaker, would you please call Bill No. 89.

#### **Bill No. 89 - Personal Health Information Act.**

MR. SPEAKER: The honourable Minister of Health.

HON. MAUREEN MACDONALD: Mr. Speaker, I am very pleased to rise to move second reading of the Personal Health Information Act. Every day in Nova Scotia personal health information is collected. It is used and it is disclosed by individuals and organizations who need it to provide care or for research and for planning and for management of the health care system. Patients expect that when they receive health care, their privacy will be protected. At the same time, health care professionals must be able to access information in ways that can improve care. We are working to balance these two important objectives and we're doing it to provide better health care for Nova Scotia families.

Many of you will know that this bill was introduced in the Fall of 2009, as Bill No. 64. However, after first reading, the bill did not proceed any further through this Legislature. In fact, it died on the order paper on the prorogation of that legislative session. Since that time we have had opportunity to talk with more groups and organizations who have brought

forward and made suggestions to us for clarifications and corrections, which we have made to this bill, as well as some amendments based upon the feedback we received.

For example, I think in the former bill the Chief Medical Examiner was one of the entities described as a custodian in that bill, and that position has been removed from this bill because really that person is not a provider or a person in our health care system but is an office that resides in the Department of Justice. So indeed, it was not appropriate to have that particular entity defined as a custodian in the former bill. I believe there have also been some clarifications made in the bill over the former bill, to deal with client-solicitor privilege.

Mr. Speaker, Nova Scotia is now one of two provinces and three territories that do not have comprehensive health information legislation. In this province, personal health information is governed by a mix of federal and provincial legislation, health profession codes, and organizational policies and procedures. Most of the provisions in the Personal Health Information Act are for requirements already included in existing legislation, including the Freedom of Information and Protection of Privacy Act, the Personal Information Protection and Electronic Documents Act, and the Hospitals Act.

This bill, the Personal Health Information Act, brings all these protections and rules under one piece of legislation and under one level of oversight and enforcement. The proposed legislation sets out the rules for how personal health information can be collected, used, disclosed, retained and destroyed. It reflects long-standing existing practice and it closes some of the gaps created by that mix of legislation and policy that I've described.

The bill eliminates legislative barriers to the flow of information between those who provide care to a patient, client or resident - what is known as the person's circle of care. It requires that individuals be notified if there is a breach of the privacy of their personal health information where harm may result from the breach.

I'd like to turn now to how this legislation supports the protection of patient privacy in the electronic health record. As we make progress on the electronic health record, we need to be sure we're protecting the personal health information of Nova Scotians and their families by having clear, consistent, and up-to-date rules. Custodians are required to be able to audit their electronic records and the individuals will be entitled to a copy of that audit report at no fee. The bill requires role-based access to personal health information, which means that you only have access to information you need to do your job. This will support appropriate user access in electronic health records, while protecting the patient's privacy.

When this legislation is passed, government will have fulfilled one of the recommendations in the February 2010 Report of the Auditor General, which was that a single piece of legislation was needed to protect personal health information and that this legislation was to adequately address issues in electronic health records.

I'd like to turn briefly to the question of disclosing patient information with their express consent. Right now, in Nova Scotia, government policy says that hospitals cannot disclose patient information to the fundraising foundations without the patient's express consent - actually, I think that might not be entirely true, I think that right now, in Nova Scotia, government policy is that there will be no disclosure of patient information to fundraising foundations, full stop. That has been a policy of the Department of Health since 1993, the former minister says - it has been a policy since the early 90s.

[3:15 p.m.]

Now, some of the fundraising foundations would like to have an implied knowledgeable consent clause added to this bill, giving the district health authorities permission to discuss patient's personal health information, their names and their addresses, without the patients expressed consent. What this bill does is this bill, in fact, has a clause for expressed consent in it. It does not have a clause for implied consent, as requested by the fundraising foundations. Implied knowledgeable consent does, indeed, exist in four provinces, in Ontario, Manitoba, Quebec, and Saskatchewan - although I am told that Saskatchewan, in fact, has yet to implement their legislation, which was passed in the Spring. The legislation is passed; it hasn't been implemented. The Privacy Commissioner in the Province of Saskatchewan has raised some concerns about the legislation and, for that reason, they have not moved forward with the mechanisms to implement it.

In these provinces health care workers screen the patient record to remove the names of the most vulnerable patients such as children, and the names of patients who become more ill, who now need long-term care, or who are deceased. This ensures that these people will not be contacted, protecting the patients and their families. However, Mr. Speaker, health care workers in Nova Scotia, as I've said in this regard, are already heavily pressed to do all that they must do.

We have to ask ourselves whether this screening is the most appropriate use of our health care workers' time. Mr. Speaker, by their own reports, the fundraising foundations have had great success without implied knowledgeable consent, and they have provided no evidence that being required to gain patients' express consent has harmed their fundraising efforts.

Fundraising foundations are separate legal entities from the hospitals they serve and they are not bound by the same legal or policy requirements to protect the information they collect. Fundraising foundations have done great work in this province, raising money for many worthwhile projects. As well, Nova Scotians are known for our generosity - a 2007 survey of giving in Canada shows that this province has the fourth highest rate of donation to charity in Canada - we also have the fourth highest rate of volunteerism.

Mr. Speaker, we certainly value the contributions of fundraising foundations to health care, but at the same time we must be sensitive to the wishes of patients and families, particularly when someone is sick - this is why this bill requires express consent for disclosure of personal health information for fundraising purposes.

In the course of the public discussion, with respect to this provision in the bill, I can say without exception that I have had quite a bit of correspondence on this from members of the public from one end of the province to the other. The position of individuals in the province, that correspondence I've received, has been about 10 to 1 in support of express consent versus the providing of names and addresses to health charity foundations without the express consent of patients.

Additionally, there have been some interesting ethical discussions with respect to implied consent, expressed consent, and I'm sure that when this matter comes to the Law Amendments Committee we will have an opportunity to hear from a variety of people, perhaps from those vantage points.

Mr. Speaker, I'd like to tell members of the House that the department consulted with Nova Scotians and health system stakeholders in this process of developing this bill more broadly, and their feedback was used and considered in this legislation. Even after the consultation was complete, we continued to make presentations to health care stakeholders.

I believe we are on the right track with this legislation. A good, broad airing of the issues for a policy like this are invaluable for the government and for the department, and I certainly welcome that.

I want to thank you, and thank members of the House for your interest in this legislation and I look forward to hearing what my colleagues on the Opposition benches have to say about this bill as it proceeds through the legislative process. Thank you, Mr. Speaker.

MR. SPEAKER: The honourable member for Halifax Clayton Park.

MS. DIANA WHALEN: Mr. Speaker, it's my pleasure to rise today and talk a little bit around the second reading of Bill No. 89, An Act Respecting the Collection, Use, Disclosure and Retention of Personal Health Information. As the minister mentioned, this is a trend across Canada now. We are one of the last jurisdictions, in fact, to go forward and come up with a comprehensive Act that will control and manage the conditions under which personal health information is being maintained, exactly prescribes who and how it can be accessed, and really is designed to protect people and their private information.

We appreciate that prior to this there was quite a large number of different guidelines and rules under which information was being maintained. I think it was something like 40 different Acts and policies that really maintained the system. Certainly, the Act was called



for, it was necessary that we get onto it and it is a large and substantive bill. Members of the Legislature will have heard me and other members of the Liberal caucus say that we haven't seen much of substance coming through the House up to this point in time, in this Fall sitting of the Legislature, but I will say that this bill is substantive, it's complicated, it's something that I know has been a difficult job for the Department of Health. They've worked hard over many years and I know that this was worked on. Somebody actually in the Liberal caucus said it had been discussed and worked on in the 1990s when we were, in fact, in government. It's something that has been recognized as a need and although it was introduced once before, I'm glad to see that it was not a large delay, that it has come back again and we have a bill before us.

As I said, quite frankly, there is a lot to go through and to understand in this bill because it's really quite complicated. I have certainly made an effort to look through it and get some of the points that I think I'd like to just raise today for the minister to perhaps consider. Perhaps staff will have answers to a few of the questions that I might have along the way in terms of how this will be managed.

One thing that is important for Nova Scotians to know is that this is actually not going to be a single health record that one custodian is in charge of but, at least at the current state of affairs, there are thousands of custodians. Every dentist's office, every doctor's office, every hospital and every other medical type of organization that you went to - probably it would include physiotherapists, it would include a lot of the other medical people that we do seek out - all of them would have personal information about ourselves, our overall health records and backgrounds, and they are, each and every one, going to be required to maintain these records.

I know it's of great interest, as well, to all of the professional associations, to the groups that have to provide advice, for example, to the doctors about how they can maintain these records, to the dentists, and to every other medical practitioner that we've got in the province, so it is very important. I'm sure pharmacies as well, they have our health records and our prescription records.

Certainly this is seen as a step toward being better prepared, as well, for the advent of a proper electronic health record, which we're all waiting anxiously for. From the time I've been elected there has been a lot of talk and a lot of money spent. It has not just been talk, there have been projects underway and dollars being expended and it seems to be a very lengthy and difficult process.

That's not intended to be a criticism of our government because it has been a problem in every province in the country, people are finding it is difficult and expensive to set up the systems we need to get to that ideal, which we're all headed toward, which would be a central record of all of our health information. That information needs to be available to us individually, it will help us greatly when we move from place to place or from one doctor to another. It's important that individuals have access to their information. While we want

to protect information, we also want to make sure that individuals are going to have access to the information that relates to them.

That leads me to one of the areas I wanted to look at, which was fees for accessing information and under what conditions we can and cannot access information ourselves. My concern is around the clauses that relate to fees. There is Clause 75(c), which indicates that a person may request their personal health record by paying a required fee, and Clause 110(1)(o) enables government to prescribe fees for access to personal health information. Clause 82(1) states that a custodian makes a record available, or part of it, to an individual and the custodian may charge the individual a fee for that purpose, if the custodian first gives the individual an estimate of the fee.

It sounds an awful lot like our FOIPOP legislation, Freedom of Information and the Protection of Privacy, and the costs associated. All of us in government know that there can sometimes be a hefty fee when you make a request for FOIPOP information through government departments. I'm just a little concerned about who has the power to set these fees and how we keep them reasonable for Nova Scotians as they make their own requests, because I can see a lot of instances where you would want to see your record.

Again, it's much more personal than it is when we might make a request to the Department of Transportation and Infrastructure Renewal to find out what has been spent on the roads or a request to see what correspondence has gone on in the Department of Education, for example. This is a request for your own information and people feel very strongly about having access to information that relates solely to their own condition and to information that is of vital importance to them.

The challenge here is really, I guess, for the government's ability to prescribe the fee and to make sure that it is not out of reach for individuals and, if there is a fee, that there be some way to waive it if a person doesn't have the means to meet that cost. If there's a \$100 fee, or it might even be a \$25 fee, that is out of the reach of somebody who might be on social assistance or on Canada Disability Pension or a senior.

I would like to make sure there is some recognition or at least a statement from the minister or the department, I guess, to say that that would be of paramount concern and that you would be watching to protect people's access to their own information. Often when we set a fee the idea is that it is cost recovery, but being an accountant myself, Mr. Speaker, I know that there's an awful lot you can decide. There's a lot of discretion in determining what activities you are going to ascribe to that work. So are we going to ascribe all of the staff cost and then divvy that up as part of the cost of providing it, or is it the direct cost of that one application? That's really what I'm inquiring about.

I know that the government will have a lot of latitude around setting those fees and still making an argument that it is cost recovery. I'd just like to make the case that while

freedom of information is always important, it is vitally important that an individual have access to their own information and that it is a protected right.

We would like to know what price the government is contemplating. We understand regulations will have to go along with this Act, as is virtually always the case. There is a lot more work to be done in writing the regulations that are going to lay out the sort of details around which this will operate. Surely in the contemplation of those regulations there is already a fee being considered for the access of your own personal records. I would like to know what the government's price is that they are considering right now.

Again, our concern is that these fees are written behind closed doors, as are all regulations. They don't come back to the Legislature and they can be changed at the stroke of a pen, we know that from other cases. Orders in Council and other means can just completely change what is the current state of affairs, in terms of fees and costs. I would really want to know where we're at and how we can ensure that access is always available to the individuals. Again, I go back to the idea that there will be an opportunity for individuals to have the fee waived, if necessary.

There's also a clause, Clause 83, that states "a fee must not be charged to an individual accessing the individual's own personal health information . . . from the Minister or the Minister of Health Promotion and Protection." which indicates that somebody could make that request not to their doctor's office or to the hospital but perhaps directly to the minister. That opens a flood of questions in terms of when people would do that and, if there's no fee allowed to be charged from the minister's office, might that cause a flood of requests to the minister's office that would be an unintended consequence of that waiving of the fee, if it comes from the Minister of Health.

[3:30 p.m.]

I'm wondering, not only because it might be a nightmare for the minister if in fact her office became flooded with those kinds of requests, but also the fact that if people are applying to the minister's office for the information, that's an increased level of insecurity on the information because it means it's travelling between more hands - if the minister's making those requests and it ever became a routine matter then that means, routinely, information would be passing hands and back to the minister.

So I raise it not only because it seems like an unusual difference in the fee structure, but also because part of the bill and the essence of the bill is to protect information and to have a great deal of control over who has access to the information and how many people actually touch that file and that case; therefore that does create, to me, a level of insecurity in terms of the handling of the information. So that would be one thing that I would like to make the minister aware of. We'd like to know how those kinds of requests would be facilitated if they were coming to the Department of Health and how many individuals might actually have to view them if the answer were coming from the minister's office.

I had a question as well concerning whether or not the minister can veto a decision for granting access. I can imagine that some of the requests will come to the minister if someone is denied access to their files and to their information. In the bill it does say that the minister has, I think, some veto power over that, and I'd like to understand better the granting process and whether or not the minister can in fact veto that if the other custodians choose not to release information.

In the bill, there are a number of cases or situations indicated which would be cause to not release information - you know, reasonable reasons - because clearly my first question was why would you ever not release information to an individual asking. But they do have some instances which, again, is not unlike FOIPOP where it says "if it impacts anybody else" - if there's information that you're getting about yourself but it might have some related information to somebody else, that would be considered proprietary and they would want to remove that. I think the word is "redact." Is that right? We get redacted documents that are full of blanked-out sections. It means there could be a reason for them to hold off and do that. Those are questions I have around the fees and the waiving of the fees and what fees might be changed and to whom - so that's one section.

There's a provision in the bill which I think is really important, it's at the end of the bill, Clause 109 (a) and (b) and those two clauses relate to a review of the Act. I think it's a fairly general thing to put into legislation, that it will be reviewed because it's not a good idea to leave bills on the books of Nova Scotia endlessly - after even five or ten years, they can become out of date or need to be revised. It's actually been recognized in the bill and they've put in that there will be a review of it in three years time.

The second part of that says they then have one full year to come back. So the review will take place with consultation and then a full year will pass before it comes back to the Legislature, I think in the form of a report. It does actually say it would allow they submit a report on the review to the Assembly - and that's a full year afterwards. So if there were going to be any changes at all to the Act, I think we would be looking at certainly more than five years before that would ever occur, because we're more than four years in before it comes back to the Legislature in the form of a report.

My concern there is just that this is such a comprehensive bill and it touches on so many doctors and medical offices that I think the figure that was given to me from the Department of Health staff, who helped to draw up this bill, was 5,000. So when we're thinking of that many people, there could be a lot of feedback as this gets introduced - and a lot of suggestions perhaps. I know that people have been involved in consultation as it has been drafted, but I think there is probably room that we may hear from many people as it's actually being implemented and starts to roll out - people will realize there are things that needed to change.

My concern there is we could be a long way off before we make any of those changes. One thing I would question again is what will happen to the bill if it's shown to

have some real shortcomings in the beginning, in the first couple of years in the implementation stages - is there going to be enough flexibility in the minister's office and here at the Legislature to review it and to make the changes in a more timely fashion if something were to be revealed?

Although I've mentioned that people have been working on this bill for a long time to bring it to this stage of second debate at the Legislature, it is important to note that because other provinces have this sort of legislation - Ontario really seems to be quite the model that we have used very closely in terms of drafting it. Now, that should give us some assurance that the implementation stage will go smoothly because we have another province that had a couple of years ahead of us to actually get going on this and see how it has worked with their professional associations and all of the professionals who are involved with it. Ontario as our model has worked, I think probably well, in giving us an established process to look at and a piece of legislation that seems to work quite well here - we hope.

Now, the one difference in our bill and the Ontario Act, or at least the most major difference that we've been alerted to, is the difference around implied consent and express consent. There has been some discussion in the media and in the public about that. Mr. Speaker, I think it's a difficult subject to really discuss in the sense that I think that what strikes me most strongly about it is there's a misconception in the public, and I think the media, as well, misconstrued it - if I can go so far as to say - because our foundations are very much a part of our communities, part of the fabric of our communities.

Every member of the Legislature here has foundations in their communities that are operating their hospitals, operating special medical clinics. In just preparing to look at this and as Health Critic as well, I had the opportunity to tour the Cobequid Community Health Centre in Sackville, which is a wonderful centre. I had been there a couple of times with my family for different procedures, but this is the first time to actually see the whole centre, to meet its foundation staff, and to talk about the work that they've done to actually see in that one centre, which is just a window on the whole system in Nova Scotia, what kind of work they do and how utterly essential it is to the operating of our medical system. We depend really heavily on our foundations.

Here in HRM, they extended the emergency room only a couple of years ago with \$21 million spent to extend our emergency room at the QE II, and a fair proportion of that came from community fundraising. When you stop and say, well, where is the community fundraising? Those are our foundations. They're the arm that's doing it. We don't create a separate group every time there's a new hospital project, or they want to fund an MRI, or we need a new PET scan, they go to the foundations and say, please help us. We can't afford it but with your one-quarter or one-third contribution we'll be able to do that.

So I just think it's really important that while we're looking at this, and making a decision about accessing information, that we make sure not to characterize our foundations as anything other than a tremendously positive part of our communities and a group that

worked to make access to medical care and the comfort of patients and their families improved. All of us have had people in our own constituencies asking, why can't I get this particular test? It's available in another province. PET scans, for example, that we weren't able to do for so long - and some of them we still can't do - but we do have a PET scan machine now here in the province. The reason is because we have foundations.

I just think it's really important that if they came to the government and said, if you give us the same powers that other provinces have given to their foundations to have access to information, which is only the name and address of patients, former patients - you obviously wouldn't approach anybody who is a patient at the moment, and also with provisions that you wouldn't approach them for a certain length of time after they've been a patient, and that you would not phone them. You would only write them a letter. It's not a very intrusive request, I don't believe.

Now, if the public believes that's going to mean the foundations have their health records, their information around sensitive health information, that's obviously incorrect. I think the foundations have tried to say that no more would they ask for it, but they also don't want it. They have not asked for it. They only want names and addresses. We know from other provinces that it does improve their ability to raise funds, which are reinvested right back into our health system, making our health care system better, taking pressure off the government themselves, who have a big responsibility with health being our number one expenditure in this province, as it is across Canada, and growing at an unsustainable rate.

Really, health foundations are our partners at the community level and they're able to do some of the things that, as I said, can make the experience of being in hospital or being a family member helping your loved one in hospital a lot better. I just feel that it's really important that we acknowledge their work. I know the minister did touch on it in her comments, and I appreciate that. I think we all owe them a great debt of thanks because they are volunteers. They have small staff in some cases, but they're volunteers who are working to help us as legislators, to help the government improve the health system and provide what we need.

The difference here is whether or not you approach people while they're in the hospital, when they're being admitted or at some point during their interaction with the hospital, to say, can the foundation contact you later? The feeling is that the people who are at the admissions desk and the people who are providing care while you're in a hospital really need to focus on that. They are professionals who want to get you in and make your experience in that hospital as smooth as possible, whether you're in for the day or for a consultation or for surgery, whatever it might be. They really don't feel that it's their place to deviate and ask questions around fundraising, and I can understand why that would be.

I think one of the most important things to mention as we look at it is that in the Province of Ontario, where this has been in place for a number of years, there have not been complaints about the way it's operating. People in Ontario have not found any cause for

concern around that implied consent, which means that if you've been a patient you would be contacted.

The final point I would make on it is that I've already made the point that there would be no access to personal information, actual health information. There is access to name and address. The foundations say that it would, in fact, improve their ability to talk to the public because right now, like any other fundraising organization, they have lists of people. They basically go through the phone book and send letters out or buy a list of people and they could that way, inadvertently - and it does happen - approach people who have just been in hospital or who have had a negative experience. Maybe they've lost a loved one or they've had a bad diagnosis or what have you, or it could be something that they're very sensitive about, it might be a mental health issue or something of that nature.

What this implied consent would do would be to allow the custodian of the information to withhold those names so there would be fewer intrusive or hurtful approaches. In fact, it could be eliminated. There could be no approaches that were insensitive like that. In that regard, it would actually mean it would be a better system than we have currently, which is capturing people because we all receive letters from our local foundations. We just do. That's the nature of fundraising. Right now, they're doing it a little bit blindfolded because they don't know who has been to the hospital and who hasn't or what that experience might have been like, so there are some positives to giving more attention to what the foundations have suggested.

I do realize that the public have, I think, gotten a skewed opinion of it or maybe it's just not all accurate and that may be what's causing the difficulties. I realize some ethicists have also been talking about it, people at the university who are looking at it with a different legal eye, maybe, and it is important that we listen to them as well. I believe that we are a little province with not a lot of money and we have wonderful people in our communities who are working hard. It is a good idea if we try to be collaborative and try to work together because we have a common aim with the foundations, and that's better health care in Nova Scotia. I don't care if it's a small community hospital with just a few beds or it's a big IWK, they're doing the same thing and we need to recognize that we can work together.

I have a personal opinion on that, that I think we could just try to work with them and listen to them. I would hope that at the Law Amendments Committee they will come and perhaps other people will come and support the work that they're doing. It's very easy - anybody here in the Legislature knows it's very easy for the media to take a story and run off with one aspect or one view of it and it may not be balanced and you may not hear the other view for a few days and people get an established opinion before they really have heard all of the facts.

That's sometimes where government needs to take a leadership role and help explain it in terms of a position they might take, rather than following public opinion, but maybe helping to lead and inform because that's part of our job as well.

[3:45 p.m.]

On the review, I think I actually got on to this aspect of the implied and express consent because I was talking about a review of the bill, which I think does allow for some sober second thought, which we do need. It's built into the bill that there's an opportunity, perhaps if not now then over a period of time, for the government and the public to look at this again and consider it in the future. So I like the idea that it leaves a door open, and also for any difficulties that are in the bill, that may come to light as those many custodians get involved in actually having this huge responsibility of maintaining and looking after the security of data.

Mr. Speaker, there are a couple of other things I'd just like to ask about. Clause 73 states, "Before deciding to refuse to grant an individual access to a record of personal health information . . . a custodian may consult with a health professional who has been involved in the individual's care or another appropriate health professional." We're not sure who the other appropriate health professional might be if it isn't someone who is directly involved in your care. So that's another concern that we would have, just to ask about what that is, why it would be in there. It says they may do so, but we're just not sure what the connotation is or who would be consulted and also if they would be able to overturn that.

This happens where you've refused to give somebody access to information, so it's sort of another level of asking other health professionals when the information has been refused. I'm wondering, can those other health professionals overturn that, can they say yes? If not, I guess we're back to the minister's office and the flood of information that may come back there or request for information, which could come back there. But the question is just around who these other health professionals are that might be included and with that, that covers a lot of what we have identified. I know we'll have a chance to go to the Law Amendments Committee, and further to that, a chance to speak on third reading of this bill, so I'm quite happy with that.

On the timelines, that's actually one last point, because I know the minister and her staff, perhaps, will be listening to this at an early point. The timelines for releasing information, I believe it said you have 30 days after a record is received - we make a request and then 30 days later you have to have access or at least an answer on that. That's similar in Ontario, but in Ontario they have two streams, they actually have a stream that says when you're in the hospital, if you ask for information you'll get it quickly - I think it's within 72 hours. We didn't see anything in our bill here in Nova Scotia that would indicate there might be a special circumstance. If you're currently under treatment and you're actually in a hospital, you'd want that information faster than 30 days because it would come back after it's going to be of use in your care.

I'm presuming that people would need that information in making care decisions, so that as well would be an issue that I'd like to ask whether we should consider putting something in our bill that would also relate to that situation. With that, Mr. Speaker, I look



forward to the other speakers and to this bill moving forward to the Committee on Law Amendments. Thank you.

MR. SPEAKER: Just before we go on to the next speaker, just a couple of issues. A reminder, in general, to members when they're speaking on a bill at second reading, that it's to be on the principle of the bill and not on the particular clauses or details - a general reminder in that regard. Secondly, I want to ask the Minister of Health, when she was up on her initial remarks, had she moved second reading of the bill? I just didn't hear her.

The honourable Minister of Health.

HON. MAUREEN MACDONALD: Mr. Speaker, I believe I did but in case I hadn't moved second reading of the Personal Health Information Act, I'd like to ensure that it is done for the record. That bill has been moved for second reading.

MR. SPEAKER: The honourable member for Argyle.

HON. CHRISTOPHER D'ENTREMONT: Mr. Speaker, it is my pleasure to stand today and speak for a few moments on Bill No. 89. I know at some point I'll probably have to adjourn my debate but hopefully I'll take my time and see where I get and well, you know, we can have Question Period tomorrow. I know the Minister of Finance is anxiously awaiting Question Period, but having this discussion is also a very important one.

First of all I want to thank the minister and her staff for the presentation that we did receive on this bill before it was brought into the House of Assembly, to give a full understanding of the ins and outs of this bill, basically, of what it does or does not do. I want to say that the goal of PHIA, I think, is a laudable one and one that is needed for health records, specifically in Nova Scotia, and that is, of course, modern, flexible and consistent rules for the collection, use, disclosure, retention, disposition and destruction of personal health information in the health sector.

I think it would be amazing in this day and age of electronic record, of electronic information, the transfer of files between one agency and another, that we were being governed by 40 pieces of legislation, policies, rules and regulations, and the like. It is good to know that, once and for all, this information will be brought, basically, all under one Act and try to be taken care of by that method.

Mr. Speaker, this is also a companion piece - companion is not really the right word - but in order for us to have a true electronic patient record, we need to have an Act to help govern who gets the information, who gets to share it, who gets to enter it, who gets to see it and on and on. I know the member for Hants West wants to speak on this issue at a later time, hopefully just after this or at a later date, and talk to the issue of - if everybody can see everything.

Let's not forget, Mr. Speaker, we're going to have nurses see this, we're going to have doctors see this, we're going to have ward clerks see this, the people just go on and on. What we're hoping too, is that through that process, certain people will get to see different things, I think is the way we do understand it. But we do have to have a better understanding of if there is a breach of privacy, how that breach of privacy is taken care of.

I want to speak a little bit to e-record and why e-record is important to us. The best explanation that I did get when I had the opportunity to be Health Minister, the issue of e-record, if you may, was to compare it to the airline industry. Would we, in a modern day, if we want to get to Vancouver, would we be booking our flight directly to Vancouver or would we be booking our flight first to Montreal, then to Saskatoon and then maybe to Vancouver? Mr. Speaker, would we also have to rebook it every time we land? So in Montreal I would get off the plane with my bag and walk over to the ticketing agent and I would book my flight to get me to the next step, and then get off in Saskatoon, grab my bags, grab my stuff, go back to the ticket agent and book my flight to Vancouver.

That's exactly what is happening in the health system today. I go see my doctor, the doctor has her files; I then go to a hospital, but the hospital doesn't have the files that my doctor has so they either retest me for stuff, ask me questions all over again. There's a huge duplication of information.

I did have the opportunity yesterday to spend some time in our health system, and I apologize for not being here for what I heard was a wonderful Opposition Day. I did get to see our health system in action, of course at the ER and at the Rapid Assessment Unit, so I did get an opportunity to sit in there and watch the nurses do their work over a number of hours, when, of course, I wanted to leave but I didn't get that chance until later on in the day. To see the reams of paper that those poor people have to fill in. I know by the time I was discharged from the Rapid Assessment Unit I had a stack of paper, I am sure was two inches thick.

Who gets to have that information? Who gets to use that information? Who is allowed to see it and understand it and all that? It's not just one or two papers, it's not just Chris d'Entremont, who happens to be a really nice guy, it's Chris d'Entremont who has this medical condition, who has had this test, who is exhibiting these kinds of symptoms and it goes on and on. It wasn't just one hunk of paper, it was reams and reams. Not only that, Mr. Speaker, it was actually two clipboards worth. There was a clipboard for medical information, a clipboard - it's really hard to believe the information that is held by our health system today. That is why we have to have ways to protect the dissemination of this information as it flows along. I want to say that we really need to have this piece of legislation, even though, like I said, there are a number of questions we would have on who gets to see it.

The member for Halifax Clayton Park brought up a very important question and that question revolved around the foundations. The issue is implied consent versus express consent. We know that since the early 1990s this has been locked up for the foundations. Even though most people would believe that the foundations - because the foundations are sort of a unit or an office within a hospital - already have your information, as a matter of fact, when you talk to foundation members, the foundation members would say it happens a lot that people call in and say, I don't want to be on your list, get me off your list. You know I was in there and X, Y, or Z happened to me or my family. How dare you ask me for money?

We know that since 1993 they've had no access to that list. They do no differently than the Heart and Stroke Foundation, the volunteer fire department. They send a general flyer out asking for donations and help. We know the QE II for years has done their home lottery with great success. While I do have a chance - I know it's not exactly to the bill, but I want to congratulate a lady in Cape Sable Island in the Minister of Fisheries and Aquaculture's riding. A lady by the name of Marlene Smith just won the QE II lottery. I believe it's about a \$1 million value - a beautiful home here in Halifax that she might get to use for a few weeks while she's trying to sell it, if anyone is interested. I'll just put my plug in there, that Marlene is looking to sell her beautiful home that she won here in Halifax. But that's the kind of fundraising that needs to happen in order to support the hospital system in Nova Scotia.

To the foundation issue, they're looking for better ways to meet their obligation of 25 per cent of all health projects. That's a large number when we look at the price and the cost of health care in our province. If it's 25 per cent of a \$100,000 item - a dialysis machine or what have you - it doesn't sound like a whole lot. That's one. I mean, the QE II today probably has 60 or more dialysis machines, some of them in various states of repair that need replacement. That can amount to millions of dollars if you start adding it all up.

The best example of cost escalation facing foundations today - we can look at the Truro hospital. The Truro hospital, which was supposed to have been a \$100 million hospital - which sounds like a lot for my bankbook, but really is a reasonable price for a hospital - would require a \$25 million contribution from the foundation in Truro. But what we now know is that cost has escalated over the last number of years to somewhere close to a \$180 million hospital. We're asking the foundation to come up with 25 per cent of a \$180 million item. Can the community of Truro and the surrounding areas come up with that kind of money? I would say they cannot.

We do need to give the foundations tools with which to come up with their obligations, but we're asking the same person for money in two ways. We're asking to fund the health system through their tax dollars and then we're going back for a donation to cover our health system. I would say that through this discussion, whether it be with the QE II Foundation and those foundations that did come to visit caucus a number of weeks ago or whether to read the comments on The ChronicleHerald under this item, I think people look

at this as a bit of a tax grab. They're looking at it as a possibility of taking money from them twice. We do need to find a better way in which to do it, maybe a better way to explain this issue of express versus implied consent.

[4:00 p.m.]

The final comment that I have on that is that the minister and the member for Halifax Clayton Park mentioned the issue that other provinces have similar legislation, some have implied, some have expressed. In Ontario, I believe they've had implied consent for a number of years now. I believe they've never had a complaint to the privacy commissioner so it can't be all that bad if people have not complained about it as much.

I do thank the foundations. The foundations do provide a phenomenal amount of support to our hospital system when we need it. I know the Minister of Finance doesn't have to go very far to understand the health infrastructure deficit that we do have in this province and the concerns that we have in trying to address some of them. That deficit is in a lot of places, it's windows and doors and equipment and roofs and buildings themselves.

Finally, I think this is a very good step forward. I believe we need to get moving with the issue of e-records in a true way. We need to be able to find ways to help the practitioners understand the health status of all of our members of the population. My doctor and my specialists and my physiotherapist and my - let's go on about all the health practitioners who touch our lives should have the same information or at least a semblance of that same information available in a good manner.

The goal of this bill is a very good one, one that I think is very supportable. One that I think has a few questions still left to be answered but one that I know that through the process of this House will be very important. I know the member for Hants West will be wanting to speak for a few moments on this one. We'll move on to committee and if there are any adjustments to that, we will listen to it closely. If the government does see fit to change its idea on expressed versus implied consent then it's one that they will have to take in due course during the discussion of this.

I know the member for Halifax Clayton Park did speak a few moments as well on the issue of review and I think that's a very good piece to have in this one as well. So often things come through this House, not only without proclamation but without review. So you can be sitting with Acts that are years and years old that really have no bearing on the way things are done today. I think by having that review and making sure that it's a review every four years, not just in the next four years but every four-year period after that. I think that's a good piece to have in any piece of legislation that comes before this House. With that - I can see that I didn't get interrupted on that one - I thank you very much for your indulgence in being able to speak on Bill No. 89.

MR. SPEAKER: The honourable member for Hants West.

MR. CHUCK PORTER: Mr. Speaker, it's great to have an opportunity today to speak to this bill. It's quite an important bill, in my opinion. It's good to see it on the floor of this House for some debate and I look forward to it getting talked out and moving across to Law Amendments. I know that we may have a number of presenters, there is a lot of interest in this one. We're hearing a lot about it media-wise. It's certainly on the streets, foundation members in a variety of areas are talking about it. I know certainly in my area we have a first-class foundation of people who are out there, volunteers who are working hard to raise funds for the obvious, to replace equipment, buy new equipment, buy new up-to-date and modernize things that they never had before.

Now recently, I think it was on the 21<sup>st</sup> of October, perhaps, somewhere around there anyway, we have an annual October fundraiser with our foundation in Windsor, for the Hants Community Hospital. I believe this year they raised somewhere to the tune of \$50,000. They're usually around \$25,000. Now for whatever reason this year - I'm pretty sure that's the figure I heard - that's double what we've done in the past and given that times are a little tougher, that's pretty darn good. It's surprising how that happens in these kinds of times but it goes to show, more importantly, what the foundations actually mean and that people favour them, support them, because they know full well where those dollars are going. They're going back into a health care system that's already overburdened. We all know that and we've talked about that more than enough in this House, that half the provincial budget nearly eaten up and a variety of health care aspects. It's important that we continue to raise funds through foundations as the basis for getting some of the most necessary equipment that we need and the people should have to support them in their local areas.

I don't have a lot of problem with this bill. I think it's a good bill, as I said. There are some issues that we have heard. I have heard personally from constituents with regard to the consent piece. There have been a lot of things gone on in the past. We have heard AG reports delivered in this place that reflect security, Mr. Speaker, and we've heard it again this week around the IT aspect. So whenever you're talking electronic, that does of course mean IT and that means risk, and we keep hearing about the risk.

Now, I did hear this morning, I was listening to the Auditor General, Mr. Lapointe, talk to Don Connolly on CBC and so on and being interviewed. It was interesting. One of the questions he was asked was, has he ever done the Department of Health? Of course, because of his staffing levels, he will say we don't have the staff to go in there and really delve into that, but putting something like this forward may be of great value in the very near future, to have that audited. Perhaps someone in his department, he or the minister, somebody will decide that's a good idea. We also know the huge expenditure annually that it should be audited. Nova Scotians will certainly want to know what is going on within that department. They will, more importantly, want to know what is going on with the security aspect of all of this e-file, electronic access. We know there have been issues.

I've had stories told to me by family members who have had injured parties come to the hospital in Halifax, as an example, and before they ever saw a doctor, specialist, or anything, a family member who works in the system was giving them all of the information, telling them the whole story before the doctor ever spoke to them. Now, this person works in Capital District Health, works in the hospital, and unfortunately has access. I'll say "unfortunately" because in my opinion they shouldn't have too much access. So it does show us that there's an issue with monitoring, with access, with security of these records. That is probably of the greatest concern when it comes to patient confidentiality in this bill, and it has been.

That is a huge issue and I'm sure if it has happened once, it has happened multiple times. I'm sure that's not something that's once in a lifetime. We know that ethics is a big part of health care. I worked in the industry, I know many in this House have worked in the industry, they understand it. It's like any profession, Mr. Speaker. Ethics are a big part of what you do, especially in health care when you are talking about the confidentiality of people's rights, their medical issues, whether they be psychological - whatever, it doesn't matter what they are. It doesn't matter if I was in there for a broken foot, it really is irrelevant. That should not be anybody else's business. Unfortunately, we do know that that is not secure and I do hope that that will be looked at, that will be enforced in the power of this bill. There's a lot of strength in that. As I said, it's one of the biggest issues and ethics has to be part of that. There has to be another model to secure how people carry on their ethical nature, I suppose. We put a lot of trust in people. They sign oaths and waivers, et cetera, and their own consent to not do certain things and not disclose all of these individuals' information, and so they should.

Another part of this, as I said - back to the foundations, they're doing absolutely great work. Now, a few years back, I know in my former business, there was a pilot at least - and I don't know if it's still going on or not - whereby patients, believe it or not, were being asked about organ donation. How is this different consent-wise, implied, express, all the legal jargon that goes along with that - you almost have got to be a Philadelphia lawyer to figure it all out when you really think about it. The average person is not thinking about such things, I don't think, when they're being asked some of these questions. You're sometimes getting them at one of the lowest points in their lives. They're going through traumatic events and whatever it might be.

I'm not sure if the reaction of most to that pilot was fairly positive, but I think that there were a lot of denials in that as well. It would be interesting to go back and look at those numbers to see exactly how that did result, to see whether more people turned it down or they said, yes, we would consent. There would be a lot of data to take from that based on how they were asked, time they were asked, what the situation was traumatic wise, medically whatever it might be, age of family members. There's a whole variety of information you could get out of that. But it is important that we continue and allow foundations to do their work, there's no question about that. I'm not sure that people understand the great benefit

to an electronic system, I heard my colleague from Argyle speak a few minutes ago about the paper.

Now one of the things about the paper trail is that generally no one could read it anyway, unless you're another medical professional, like a doctor. Because what you saw written on that paper was often Latin. Most wouldn't be able to unless you were obviously trained, and a doctor and nurse to some degree would understand that. So it would be very difficult to decipher in a lot of cases but the electronic version obviously is very clearly put and other than their abbreviations and such would be easy enough to figure out and detail would be put there. But that paper trail is absolutely phenomenal, the two inch file that he talked about in a visit. Here we are in an electronic world and it seems to have created much more paper than it's ever reduced. Whether we're doing e-mails or whatever, it's printing them off and filing them anyway.

So there are a lot of things, mostly about that consent piece and about the collection, all good stuff, but it has to be appropriately done. I'm more concerned about how it will be monitored. I know you talk about a review in a few years - a lot happens in a few years, as we know around here. A great deal can happen. A lot of changes happen. People change, IT people change, security access gets - I don't want to say fumbled - but missed sometimes.

We saw in the recent report from the Auditor General how there were staff leaving departments in government who had access to the system. That can just as easily happen and I'm sure it is happening in our health care system as well. It can't help but happen when you're talking about the numbers of people that we have and perhaps it's a resource issue by way of how exit interviews are done.

I'm not even sure, once upon a time, as I said yesterday in a meeting, that you just asked for their telephone back, sign here and you're all done. Today, as we know, it is much more complex than that. There are a number of things that we have access to, from passwords to God knows what, and that's fine, that's the world we're in. But we have to remember again, I want to just go back to the benefits to the people, there are benefits. The expediting of patients' treatments.

You can take an X-ray this morning in Halifax and your doctor can look at it tonight in Windsor or this afternoon and call you and say, yes, you're fine, or no, you need to go for treatment. That's just one very small example. We have to keep in mind, whether we like it or not, the wonderful world of technology is where we are and have been for a number of years. It was only a matter of time before it hit the Department of Health and the floor of this House for a discussion like we're having today.

So we have to really give a lot of thought to this and I do hope that through the Law Amendments Committee that there are a number of presenters that will come and that will speak to both sides of it. I'm certain we'll have folks from the foundations. Will we allow

this to go farther than QEII? Will this be accessible outside? What about foundations perhaps in Yarmouth or in Cape Breton or wherever? How will they be affected? Will it be the same?

One of our technical problems, as I was talking about a few minutes ago, we have computers that don't speak to the other computers. Systems that are not compliant with others. Within departments, within government as a whole, we saw examples again in the Auditor General's Report how this is the case. It shouldn't be that hard, in all honesty. I know that's much easier said than actually put in place and maybe understood by many.

Again, in a previous world, it was very technical, and I know my colleague from Sackville-Cobequid knows just exactly how we were on the leading edge - not the bleeding edge, but the leading edge of technology all the time and that's changing annually. That's changing daily, weekly, yearly and we were always updating to try to stay ahead of that. Very, very difficult to do but when you're looking at a 1,000 employees, there weren't too many issues if I look back and we were able to stay upon that with a small team of IT people. Now, realizing there are a few more than a 1,000 employees working in government, that's reasonable to think that, you know, you're going to need a good staff to maintain, to set a system up and to manage it.

[4:15 p.m.]

All of these things are of great concern to the people that are calling me about the confidentiality of records. It's one thing to be asked, do you want to make a donation, when you're being checked into the hospital. That's only one piece of this. It's another to have the consent or, excuse me, to have your information being shared. I think that's really the biggest piece of this and I just want to get that on the record and stress that there are people who are coming in the door, and calling, who have concerns about the sharing of information. I don't think it's that they don't want to do it, it's they want to feel that there is a comfort level and a security that all of their records aren't going to be shared, that employers down the road are not going to find out that, oh, I went to the hospital because I had this happen to me or that happen to me and so on. It's important that we do that now and well into the future.

It is vital that our confidentiality in this one area, probably more so than any other, be kept, just that. Again, back to the ethics, we have to ensure that piece is instilled in all of our staff who have access. We have to make sure that our technical people are setting up - and I hope that this is part of this - the different levels. Why does a ward clerk need access to page three, four and five of my chart, as an example? Perhaps they do need access. Obviously they need access to page one to chart me in and see my health card number and so on if that's relevant.

I don't remember, in all the years that I spent in health care, that I've heard as much about the confidentiality piece of records. Maybe it's because when everybody went to the



doctor, their file always existed on the wall in that big file along with everybody else's and nobody ever saw it but the doctor anyway, and yourself on occasion if you asked to see it.

We talked about, or heard about, fees being charged if you wanted to copy your file. Well that's not new. If you went into a doctor's office and you asked for a copy of your chart, generally speaking there was going to be a fee for that. Certainly that fee needs to be reasonable, and if it's not affordable for some reason by someone, I'd like to think that was being considered as well. Perhaps it will be and perhaps it won't be, but there will be times when I'm sure that will happen also.

Again, there is a lot of benefit, I believe, in the e-file system, especially if we could clean up some of the paper and get that off of the tables and the walls and the files and the charts and see great savings there, but there is a consistent application that has to take place and we have to make sure that is the biggest piece of this and that disclosure of people's rights is of utmost importance.

There is probably a lot more time I could take and speak on this bill, and perhaps when it comes back across - there may be some potential changes, maybe there won't be, but I'm expecting likely there will - there will be another opportunity to speak on this bill. Given the time this afternoon, I'm pleased to take just those few minutes and offer a few comments and I'll thank you, Mr. Speaker, for that opportunity and the members' indulgence.

MR. SPEAKER: The honourable member for Cape Breton West.

MR. ALFIE MACLEOD: Mr. Speaker, I am not going to be on my feet long. I've heard from all sides and I've been listening intently and it's very important what we're talking about here today. We're talking about making sure there's confidentiality, that things happen in a way that people can feel secure. At the end of the day, it is my hope that this bill that we're talking about is going to improve the quality of health care for the patient, that the patient, at the end of the day, is the one that's going to benefit from it.

I believe that's what the minister's intent is and that's what the department's intent is. I think sometimes we lose focus, as members in this House, of what we're supposed to be doing and I just hope that what we are doing here today is making sure that we're ensuring a health care system that provides quality health care that is making a difference for a patient that, indeed, when they need to access their records, it will help the physicians and the nurses to make the right decisions in a timely manner so that individuals in Nova Scotia will be able to have the quality of life and the quality of care that they so richly deserve. Thank you, Mr. Speaker.

MR. SPEAKER: If I recognize the minister it will be to close the debate.

The honourable Minister of Health.

HON. MAUREEN MACDONALD: Mr. Speaker, I want to say I don't think there is anything that I could add to the eloquence of the last speaker on this bill. That is, indeed, what the purpose of this bill is all about. This bill is about improving the quality of health care for patients and this is my responsibility to ensure we have those mechanisms in place to attempt to do that.

I've listened to the debate and I thank my colleagues for the points they've raised and I would now move second reading of Bill No. 89.

MR. SPEAKER: The motion is for second reading of Bill No. 89. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

Ordered that this bill be referred to the Committee on Law Amendments.

The honourable Government House Leader.

HON. FRANK CORBETT: Mr. Speaker, would you please call Bill No. 90.

**Bill No. 90 - Auditor General Act.**

MR. SPEAKER: The honourable Minister of Finance.

HON. GRAHAM STEELE: Mr. Speaker, I am pleased today to rise on second reading of a complete revision of the Auditor General Act. I move second reading of Bill No. 90.

This legislation will make the Office of the Auditor General better and stronger. It reflects our government's commitment to openness and accountability and it will be quite possibly the best Auditor General legislation in the country. (Applause)

The process of developing this legislation started shortly after we were sworn in. There were a number of issues that had to be worked out, not all of them easy or clear cut. A working group from the civil service and the office of the Auditor General set to work and the fruits of that collaboration are the bill that is before the House today.

Mr. Speaker, given that this is a new Act and not just an amendment of the old Act, there are many improvements, both major and minor over the old Act. Of course, as you have just reminded the House, second reading is debate in principle of the bill so I will not at this point go over each and every clause and describe the contribution that it makes to improving the function of the Office of the Auditor General.

But I will talk about some of the principles that have animated this bill. The major improvements that members will see in the legislation governing the Auditor General are in the areas of access to records, independence of the office and the mandate of the office. I will now say a few words under each of those three headings.

On access to records, the proposed legislation facilitates the Auditor General's work by clarifying his authority to have access to important documents. The legislation says that the Auditor General can see whatever he wants to see. There are no restrictions, absolutely none. It is important to emphasize that the question with this bill is not about what the Auditor General receives, only whether or not it can be disclosed to the public.

In the event there is disagreement as to what constitutes a privileged or confidential document, there is a process laid out in the legislation that will help us to come to a shared resolution. We fully expect we will be able to talk through these issues and come to an agreement in any particular case. Where that is not possible, the matter will be referred to the Supreme Court of Nova Scotia. This improved access to information does not waive documents otherwise privileged or immune from disclosure. The content of confidential documents always remains protected.

Confidential advice to Cabinet and solicitor-client privilege, to name only two examples, have been recognized in law as fundamental to the proper functioning of government and the legal system. It is critical that government be able to receive full and frank advice, both from civil servants and from lawyers and have the opportunity to engage in critical debate in order to make strong, well-informed decisions.

Mr. Speaker, the member opposite says that is a departure from my previous position and I can say that that member is absolutely wrong. The member is absolutely wrong and I do appreciate the opportunity to remind the House of what the position of myself and this Party was. We always accepted that documents were subject to solicitor-client privilege and public interest immunity, and that member will not find one single example where we did not take that position.

The problem that we have pointed out with the previous government is they were casting the umbrella too wide and they were claiming protection for documents that ought not to have been covered by that umbrella.

The second key point in the legislation has to do with the independence of the office. This bill clarifies and extends the institutional independence of the Office of the Auditor General. There are, for example, provisions dealing with his hiring, dismissal and pay. There is a new provision dealing with the way the budget of the Office of the Auditor General is approved - it will now go to a committee of the House for examination and recommendation to the government. There are also new provisions concerning the way the Auditor General's staff is hired, and paid, and the extent to which government policy and procurement rules

apply to his office. All of these provisions are designed to ensure the Auditor General's independence.

Mr. Speaker, finally I would like to say a few words about what the bill says about the mandate of the Office of the Auditor General. The previous legislation was in some respects unclear regarding the scope and mandate of the Auditor General. This bill should put an end to questions about where the Auditor General is permitted to go. There is, for example, a new definition of "auditable entity", which is quite a bit broader than the old definition of agency of government.

It puts to rest any question, for example, about whether the Auditor General can audit a trust, the House of Assembly, or organizations that are contracted to deliver government services - for example, the Auditor General may now follow public money into the hands of funding recipients who are not themselves part of government. This is a new provision. The bill also lays out, in Clauses 18 to 24, all of the elements of the Auditor General's mandate.

I am pleased to inform the House that all of these amendments were developed in consultation with the Auditor General's Office, and it is our understanding that he is satisfied with this bill. And, finally, I would point out to the House that this legislation will come into force as soon as it is approved by the House and receives Royal Assent.

In summary, Mr. Speaker, we are pleased to be introducing a complete revision to the Auditor General Act that reinforces the independence, the powers, the authority of the Office of the Auditor General, which will help all Nova Scotians hold their government to account. Thank you.

MR. SPEAKER: The honourable member for Kings West.

MR. LEO GLAVINE: Mr. Speaker, I'm certainly pleased today to rise on Bill No. 90, the Auditor General Act. It does change some of the clauses around the Auditor General's ability to work in this province. We all know that this bill comes out of a scenario that developed shortly after the NDP took government that in fact inhibited the Auditor General from doing his work, work he said that he had never been prevented from doing in the past - he had access to NSBI documents in the past. So let's be clear as to why we have this new piece of legislation come forward.

I know that in the context of developing this bill the Auditor General is, indeed, pleased with the outcome, but that's a context which the Auditor General in this province said that he had never encountered before. So anything that increases transparency and accountability is indeed a good thing and the beneficiary of the improvement in the bill will, of course, be the people of Nova Scotia. As we do business on their behalf, if they know more and can get greater follow-up on investments from NSBI and from IEF, that is indeed a positive development.

[4:30 p.m.]

This document at this stage is indeed fully supported by the Auditor General. So now we'll be able to look back at the documents from NSBI and IEF that the NDP denied to the Auditor General in the Spring. According to the commentary that he made when the bill was introduced, and specifically in the scrum, he said this inquiry would now be at the top of his list. The area that I think is of concern - it didn't get a lot of expanding by the Minister of Finance and, again, probably for good reason - is the public interest immunity. How broadly will that be used, that trump card that the minister and Cabinet still have to be able to use from time to time? So it could be used as an out for Cabinet to refuse to release documents.

To go back again to June 2010 when the Auditor General was denied, these were basically documents around financial and program controls, compliance with legislation, and regulations and policies related to loans, payroll rebates, and other financial assistance to businesses. In fact, management in NSBI and IEF informed the Office of the Auditor General that staff at the Executive Council Office instructed them to withhold Cabinet submissions and Cabinet-related information.

The Auditor General stated clearly in his report that "The Auditor General Act requires that all documents, whether confidential or not, be provided to the Auditor General and does not contain any exemption for Cabinet submissions or solicitor-client communications." And further: "All files requested by audit staff at both NSBI and IEF were withheld until they could be reviewed and documents reviewed or sections redacted."

The Office of the Auditor General had no way to know what of the removed and redacted sections and documents were actually covered by privilege or not. This was the time that the Auditor General has had to issue a denial of opinion in Nova Scotia, and indeed Canada, and this is the most serious sanction that an auditor can give. This was a very unfortunate development in our province, and in fact it is what created deep suspicion around how Cabinet was relating to the Auditor General and to the work that he's carrying out on behalf of the people of the province.

It is important to note that in 2004 there was an audit done on NSBI and at that time the Auditor General had full and complete access to documents submitted to Cabinet, as well as communications between NSBI and its lawyer. Ultimately, the authority and responsibility for the decision to withhold information from the Auditor General, and of course the public at large, rests with Cabinet. So we know that there was a substantial change. The Auditor General was not happy about what took place, nor were the people of Nova Scotia, and I think the message we received was pretty loud and clear that it was not business as had been experienced by the Auditor General and it was now time to change.

The bill defines privileged records as "records that are subject to solicitor-client privilege, litigation privilege, settlement privilege or public interest immunity." So the public interest immunity seems like a broad and vague term. What does it mean? Hopefully along

the process of this bill moving to the Law Amendments Committee and input, hopefully from the minister, it won't be as vague, perhaps, at the end of the day as it currently is.

Does this allow the NDP to again slam the door on transparency in the name of an ill-defined public interest immunity? The NDP had no problem suppressing information to the Office of the Auditor General last June, even though the Auditor General was clear that the existing Act - and that's what is important to note here - allowed it and there was no breach of privilege involved. What is to stop them again from the exact same process that we had experienced last year?

Mr. Speaker, there are still some questions around this Act. While it does garner the support of the Auditor General, and that's critically important, I think there are a few questions that our Party hopes to see answered over the course of this bill moving through the process of the House. Thank you.

MR. SPEAKER: The honourable Deputy Premier on an introduction.

HON. FRANK CORBETT: Mr. Speaker, in making this introduction - these folks are in your gallery because of a great deal of pride with the deal that was signed today. I speak probably more emphatically as a grandson of Newfoundland and Labrador grandparents, so it certainly gives me great pleasure to introduce the Honourable Kathy Dunderdale, Deputy Premier of Newfoundland and Labrador, who is spectacular in her support of Nova Scotia in moving this program forward. Would you please welcome Minister Dunderdale. (Applause)

MR. SPEAKER: We certainly welcome the Deputy Premier here and it is certainly great to have other parliamentarians visit our Legislature.

The honourable Deputy Premier.

HON. FRANK CORBETT: Mr. Speaker, Mr. Chris Huskilson from Emera was to be here, but due to a previous engagement he couldn't be. I'm not sure who else is up there - another friend of Nova Scotia, Mr. Gilbert Bennett, who is vice-president of Nalcor. (Applause)

MR. SPEAKER: The honourable member for Inverness.

MR. ALLAN MACMASTER: Mr. Speaker, thank you for the opportunity to speak on Bill No. 90, the Auditor General Act. We believe in the principle and spirit of this bill and we congratulate the Minister of Finance for bringing this bill forward.

One of the main needs, perhaps the primary need, in a successful democracy is for people to be able to trust their political leaders and to believe their elected representatives are practising good and appropriate stewardship of the resources that the taxpayers are

entrusting them with for use in the governance of our province. The only way for this trust to be maintained is for transparency to be paramount in government operations right across the board, whether it is activities in bodies that are internal or external to government. We must also recognize that a good number of the dollars in government expenditure are actually spent by agencies external to government, whether it is district health authorities or school boards, money given to universities, all these organizations are responsible for the expenditure of many dollars in our budgets.

We recognize the Auditor General is the people's watchdog and that the Auditor General needs to access all relevant information in a quest to ensure that Nova Scotians are receiving good value for their tax dollars. The Auditor General needs to ensure for Nova Scotians that those who are entrusted with the direction and management of those funds are conducting themselves appropriately. If that is not happening, the Auditor General must be able to get to the root of the problem and let Nova Scotians know if there's any wrongdoing or inappropriate activity and who is responsible for it.

Mr. Speaker, greater accountability may also lead to greater performance. When entities of government are being watched, they must hold themselves to a high standard. Any time somebody is being watched, they must be more accountable. If people have access to that information, then it's easier to evaluate the information. If there's anything that we need to do right now in this day and age that we're living in, it's we need to be careful about how we're using the resources of government. We see with our budgets, we've been entering some deficit budgets. Our economy is not one that is based on resources like Saskatchewan or Alberta. We don't have any bright lights in our immediate future and we need to be careful about how government is spending its money because there is nothing on the horizon that is going to significantly improve our tax revenues other than increased taxes.

There is one other question that we should ask about this bill and that is, does it go far enough? We believe that people have the right to know and the duty to ask if government money directed to external organizations is being spent wisely. We want to make sure the Auditor General has this ability. Further, we don't know at this point, from analysis of the bill, if the Auditor General will be able to directly follow the money in these organizations - not only to follow the government dollars, but the Auditor General must be able to understand how those government dollars fit in the context of the overall spending of the organization.

We had some university students here, I believe it was yesterday, who were protesting the high cost of tuition. Well, a good portion of universities, the funding for their operations comes from government, \$450 million in our annual budget as of last year. For an Auditor General to do a proper evaluation to see if government - whose interest is to be able to educate young people to ensure that those students are getting good value for their money - government must be able to look to see that all the funds expended by the universities are done so responsibly and with the interests of the students in mind. That's just

one example. There are many examples that we could speak on, but suffice it to say that is a good example.

We do see that - not to get into too much on the specifics of this bill - there is protection for solicitor-client privileged information. That's a good thing because if organizations are doing business with government, they need to know that anything that's proprietary is protected, that's very important. There is also protection for the Auditor General to do their job so that they cannot be called into any kind of legal dispute - or be taken to task in a court of law - for any activity that the Auditor General does in its interest of protecting and ensuring transparency for the tax dollars that are being spent by government.

We welcome the spirit of this bill and we do look forward to further discussion and comment as it proceeds through the House. Thank you, Mr. Speaker.

MR. SPEAKER: The honourable member for Halifax Clayton Park.

MS. DIANA WHALEN: Mr. Speaker, I hadn't anticipated having time to speak on this today but I would like to say a few words on second reading about the Auditor Generals Act, again, a bill that is I think a substantive bill in front of us and something that is a major rewrite of what we had before. I think what's important is that the Auditor General himself has been involved in consultations in drafting the legislation because it does very much impact his office and the work that he does. I believe that the bill will enshrine a lot of the very special relationships that the Auditor General has with the Public Accounts Committee. This is an unusual clause, I believe. It's certainly something new added here in Nova Scotia that we have formally recognized within the bill that there is a relationship between this Assembly's Public Accounts Committee and the very important work of the Auditor General.

As the Speaker knows, when the Auditor General does any of his reports it's through the Public Accounts Committee that he has an opportunity to present it to members of the Legislature; in fact, to the public as well because those meetings are public and the information is made available to everybody as we question the Auditor General. In the bill it does say that the Auditor General will attend meetings of the Public Accounts Committee and will report to the Public Accounts Committee with reports and annual business plans for his office. I believe it also says the estimates for his office will be reported to that committee as a way of reporting to the House of Assembly. I think it's important that we recognize that's an advancement for our province to include that.

Really, Mr. Speaker, the reason I wanted to rise is because I am chairman of that committee and I feel that the work of the Public Accounts Committee is so extremely important for the oversight and control of monies that are spent here in the province - looking for performance and outcomes that show that the work of the province, in all of the



departments and agencies, is actually creating a better province and is being well-spent, as far as it can be, that we are getting the best results possible.

[4:45 p.m.]

The Auditor General is very much part of that work, because the Auditor General's work helps to guide the Public Accounts Committee in terms of the work we've done. I know there are a number of members on the government side who have sat as chairmen of that committee and they very much appreciate the close relationship. In fact, it's a relationship that I believe needs to be nurtured and strengthened in this province so that we can actually strengthen our Public Accounts Committee to do even more in terms of value for money and the sort of investigations, in a sense, that we can do, because there's an avenue or an opportunity for the Public Accounts Committee, working with the Auditor General, to actually make our own separate recommendations that can even further the work of the Auditor General.

In some other jurisdictions that's happening on a regular basis. In conjunction with hearings with the Auditor General, a Public Accounts Committee, which is made up of equal - it used to be equal members of all three Parties, but no longer because it reflects the composition of the House so I have to remind myself it's five members of the governing Party and two members from each of the two Opposition Parties, at the moment. If there is common ground there to see that we ask departments or agencies to give more information to the Public Accounts Committee, that can be done. I would like to see us move further in that direction in the years to come.

I think this bill before us, which I believe is Bill No. 90, is a good step in that direction because it provides a legislative framework for a closer relationship with the Auditor General and members of the Assembly, through the Public Accounts Committee. I wanted to mention that and to certainly lend my support to a bill that the Auditor General himself has said has been crafted very much with his input and he is happy with the content of it.

I will also just reiterate, as my colleague, the member for Kings West did, that in fact I don't believe we should have seen the situation that arose in the Spring Auditor General's Report where there was a denial of opinion on an audit with NSBI and the Office of Economic Development because there was no precedent for denying information that the auditor needed to conduct an audit, and the fact that the auditor had to say that because he had access to none of the files on the loans and guarantees that had been given to companies, he was unable to conduct any sort of an audit and they had to leave in frustration from that assignment. That was after a fair amount of to-ing and fro-ing and trying to negotiate and be diplomatic and having staff assigned to that audit who, in fact, wasted their time.

Mr. Speaker, I have been asked if I would adjourn debate. I believe we may be ready to proceed to some other business of the House so I would like to adjourn debate on Bill No. 90. Thank you.

MR. SPEAKER: The motion is to adjourn debate on Bill No. 90. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

## **ORDERS OF THE DAY**

### **ORAL QUESTIONS PUT BY MEMBERS**

MR. SPEAKER: Oral Question Period will begin at 4:49 p.m. and end at 5:49 p.m.

The honourable member for Kings West.

### **ERD: RURAL ECON. DEV. PLAN - IMPLEMENT**

MR. LEO GLAVINE: Mr. Speaker, yesterday Berwick received the news that over 300 people would lose their jobs and it is really just the beginning of the challenge before the community and those employees. Nova Scotia is already suffering from an unemployment rate of nearly 10 per cent and this news is going to have a particularly devastating effect on the community of Berwick. Over 300 jobs - not to mention the economic spinoffs of this industry in Berwick and the surrounding communities - will simply disappear. This is another example of the failed policies, the NDP chasing businesses out of the province.

My question to the Minister of Economic and Rural Development is, how many other industries will have to leave, how many other communities will have to suffer devastation before this NDP government implements a rural economic development plan? Two questions to the Minister of Economic and Rural Development.

HON. PERCY PARIS: Mr. Speaker, as I said yesterday, it's a hard blow for any community in Nova Scotia to lose jobs. But I've also pointed out that this government, since June 2009, has maintained or created in the Province of Nova Scotia well in excess of 1,700 jobs.

I've visited Berwick many times and one of the things that always impressed me about Berwick - and I spoke to the mayor yesterday - is Berwick was and is one of those communities in the Province of Nova Scotia that the people have worked hard and continue to work hard. This is a huge blow. I'm confident that together with all Parties working together, all levels of government, we will help Berwick get through this crisis. Thank you.

MR. GLAVINE: Mr. Speaker, Larsen Packers had to close where they would locate their consolidated operations. We found out yesterday that a good part of the operation will move to Moncton. However, because of the poor economic policies of government, the choice to live and work in Nova Scotia puts you at a disadvantage. The NDP hiked the HST, power rates are going up, the gas tax is one of the highest in the region, our corporate taxes are the highest in Atlantic Canada, and obviously the minister didn't read Statistics Canada's October report, because we lost 8,600 full- and part-time jobs. Is it any wonder that businesses are leaving the province?

In Berwick, we are now witnessing how getting it wrong can have real repercussions. Larsen Packers represents 18 per cent of the tax base and also, of course, taxes collected for a sewer treatment plant, 50 per cent of the electric utility sales. This will devastate Berwick. My question to the minister is, where is the minister's plan of action?

MR. PARIS: Mr. Speaker, despite what the member may think or say, I believe and certainly this side of the House believes that Nova Scotia remains a good place for companies to locate. We will continue to work with companies and organizations throughout the world because we are in a global, competitive market, and we will maintain that effort to get and maintain good jobs here in the Province of Nova Scotia.

I might add, with respect to Maple Leaf, I want to make sure we get the facts right. They are not moving because of the conditions that exist in Nova Scotia. In fact, those conditions that attracted them to Nova Scotia many, many years ago still exist, if not even better. They are leaving because of the global market, because of the type of work they're in. We have a hog industry in Nova Scotia that's non-existent now. It wasn't competitive for them and there was nothing, nothing that this government - I would say that any government - could have done to make Maple Leaf stay in the Province of Nova Scotia.

The residents of Berwick know that, I know that, and I'm sure the member opposite knows that as well.

MR. GLAVINE: Mr. Speaker, Larsen Packers represented more than 300 jobs. These were good-paying jobs for the people of Berwick and surrounding communities. These are families that have been working there for a generation. How are they supposed to pick up and move? The minister's response to the people of Berwick yesterday did upset them. I quote, "I don't have a magic wand in my back pocket . . . for the people in Berwick . . ." The people in Berwick, and indeed Nova Scotia, deserve better than a dismissive remark from this minister. They deserve better. They deserve to be listened to and they deserve action.

We all deserve better from this minister. My question is, what is the minister doing right now to lessen the impact from this devastating economic blow?

MR. PARIS: Mr. Speaker, this government is doing a lot. We have Labour and Workforce Development actively working with and meeting with the employer, with the employees. I spoke to the mayor. We are in the process, and in co-operation with the Mayor of Berwick, we are organizing a meeting not only with residents but also with the mayor and appropriate people who he sees as important. Certainly on this end there will be Economic and Rural Development, NSBI. NSBI has been there since day one. NSBI has been working there from day one. There was nothing dismissive about what I said yesterday and it's unfortunate that a member in the House would get up and make false statements like that.

MR. SPEAKER: The honourable Leader of the Progressive Conservative Party.

**ENERGY - LWR. CHURCHILL PROJ.: NOVA SCOTIANS  
- BENEFIT**

MR. JAMIE BAILLIE: Mr. Speaker, my question is to the Premier but I would like to just begin by again welcoming the announcement of the Lower Churchill agreement today and congratulate all the parties to that agreement. It is a good day for our province. (Applause)

Sometimes, in Opposition it is appropriate to support something that goes right but while we all applaud this agreement, we also need to ensure that Nova Scotians are the beneficiaries of this new source of energy. So my question to the Premier is, what will he do to ensure Nova Scotians get the maximum benefit from this new source of power and ensure that Nova Scotia doesn't become just a pass-through province?

THE PREMIER: Thank you, it's a great question and I hope you'll think this is a great answer. In fact, the way that the contractual arrangement will work is that Nova Scotia will get a guaranteed base load of 170- megawatts that will come in directly; it will be load shaped. In other words, we will be able to demand it when we need it most which means, of course, that we get the maximum benefit from it. Of the other 330- megawatts that come into the transmission system, we are able to take from that as we choose, based of course on the market price.

If it is decided that that is not to be used here in Nova Scotia and passes through, then Nova Scotians will receive a toll on the transmission that will then be used to underwrite the rest of the system and thereby further strengthen the overall transmission system and, of course, the rates in the province.

MR. BAILLIE: Mr. Speaker, I thank the Premier for that answer. In exchange for that 170-megawatts that the Premier is referring to, Nova Scotia Power or Emera will pay approximately \$1.2 billion in upfront costs. That is the amount that will go into the rate base that calculates Nova Scotia's electricity prices. So my question to the Premier is, what effect will this deal have on Nova Scotia Power rates and what role will his government play in ensuring that Nova Scotians are protected?

THE PREMIER: Actually that's quite correct, that is the amount of capital that will be invested which, of course, the Utility and Review Board will consider as it considers this project. Because it's capital, it will be depreciated over the length of time of the project which will essentially provide for 8 per cent to 10 per cent of our total load at a stable price for 35 years. For generations people will have access to power at the same rate.

MR. BAILLIE: Mr. Speaker, my final question. The true economic benefits of this agreement will only ever be realized if it's part of a comprehensive economic development strategy - a strategy that we have not yet seen from this government. So my final question to the Premier is, where is the government's economic development strategy for Nova Scotia? Is it a secret plan or does it not exist at all?

THE PREMIER: Well, there are actually two answers to this so I guess you can take your pick. The first answer is that the overall economic development strategy which has been developed in concert with the advice that we have received from the business community here - through the Premier's Council - is due to be released very shortly so you'll have access to that.

The second part of the answer is that, in addition to the agreement for the purchase of power, we also entered into an agreement with the Government of Newfoundland and Labrador, government to government, for the distribution of benefits on those projects. That means, for example, how we get access to all of the work that takes place on the sites - construction, maintenance, engineering, et cetera - and also how Nova Scotians and Newfoundlanders will have access to that part of the project that is wholly owned by Emera on our side. The overall economic strategy that you've asked about takes place both with respect to this particular mega-project itself and with the benefit of having lower power in the region over those years to come. Thank you.

[5:00 p.m.]

MR. SPEAKER: The honourable member for Kings West.

### **AGRIC.: HOG INDUSTRY - FUNDING REFUSAL**

MR. LEO GLAVINE: Mr. Speaker, amidst the good news of today, there was devastating news in one of my communities yesterday with Larsen Packers closing in April 2011. It will have a crippling effect on the Berwick and local area economy. Yesterday in a conversation, Maple Leaf spokesman Rick Young confirmed that some of Larsen Packers' employees will be moved to the Moncton facility.

For years we saw no action from the previous Progressive Conservative Government and that trend continued with the NDP. Yesterday's announcement was directly linked to the decline of the hog industry. When in Opposition, the Minister of Agriculture spoke often about support for the hog industry. It's now very different. They needed a pittance of

investment. My question to the Minister of Agriculture is, why did your government ignore the hog industry and refuse to provide it with the apportioned and necessary funding it required?

HON. JOHN MACDONELL: Mr. Speaker, I thank the member for the question; I think the industry and the history of the industry are well-known to him. The truth of the matter is that we don't have a hog industry to ignore. The industry itself, what's left of it, is trying to reshape itself. There are a number of ingenious initiatives by individuals who are maintaining their operations. They've gone to adding to the value chain, getting more out of the value chain to sustain those operations. We try to develop programs that will be helpful, as much as that's possible but I would say the industry - the way it looked under the previous administration - is not coming back. If it does, it will be reshaped, but that won't happen any time soon, I can guarantee it.

MR. GLAVINE: Mr. Speaker, Larsen Packers has been a cornerstone of local food and the economy of Nova Scotia for nearly three-quarters of a century. In a few short months that will be all gone. A significant piece of local food infrastructure will disappear. Local residents, like my friend John Clarke who was profiled in The ChronicleHerald today, want hope and possibility. My question to the minister is, what process is your government investigating to replace this important piece of agriculture processing in Nova Scotia?

MR. MACDONELL: Mr. Speaker, I would say that I don't think there is an initiative on the part of my department to replace this infrastructure. My conversation with Mr. Scott McCain indicated that he was hopeful there might be a way to retool or reuse that in some capacity, but that's certainly not guaranteed. I would have to say that in my department we actually are more connected to the primary product - the production of hogs or crops or whatever - but we certainly value the processing side because that creates jobs, probably more than the primary sector, actually. We would be open-minded to any initiative from the private sector that we could be helpful with.

MR. GLAVINE: Mr. Speaker, agriculture in Nova Scotia has been on the wane for a decade and shows no sign of stopping - the policies of the NDP. The Liberal caucus has put forward a strategy to ensure that more local food is consumed by Nova Scotians, yet we see no tangible policy from this government. They have no plan for local food, they have no plan for the crushing blow Berwick and the agricultural community received yesterday. While the work of Select Nova Scotia is to be noted, my final question to the minister is, when will your government put forward a public policy to increase local food consumption and improve gate receipts for our farmers?

MR. MACDONELL: The policy to increase local consumption is an ongoing one. It's not going to start up at some future date. It has been going for some time. The member would be naive to think, even as that program continues, that that will necessarily mean higher returns to producers. Those in supply management certainly might see that, but they have control of the marketplace under a quota system. So for those who do not, we work to

try to help them be innovative, to try to get more dollars out of the value chain, and we will continue to do that.

MR. SPEAKER: The honourable member for Dartmouth-East.

### **TIR: BURNSIDE EXPRESSWAY - COMPLETION**

MR. ANDREW YOUNGER: Mr. Speaker, the NDP promised during the election to keep all Tory commitments once elected. The former member for Cumberland South used to table this article all the time, which I will table from The ChronicleHerald, which is the Premier saying that he'll keep all commitments.

Yesterday we learned about yet another broken promise when we heard that the Burnside Expressway would not be completed by 2011 as promised. This is despite the fact that, in fact, the commitment still exists on the government's own Web site, which I will also table.

About other broken promises, such as the Antigonish and Springhill jails, the Premier has suggested that there was no firm commitment by the Tories, but on the Burnside Expressway there was a firm commitment and a federal-provincial funding agreement announced in April 2009 to this \$35 million project. Would the Minister of Transportation and Infrastructure Renewal tell me why he is breaking yet another NDP campaign promise by not completing the Burnside Expressway by 2011?

HON. WILLIAM ESTABROOKS: Mr. Speaker, thank you to the member opposite. Let's go back and have a look at the facts when it comes to priorities, when it comes to roads. It happened again today. I've been going through the session, and I thank members opposite and members of this side of the House for bringing forth the projects which they are interested in promoting.

It comes down to a matter of balance. It comes down to a matter of dollars. I'm looking at where I can assist the people of Nova Scotia, whether they live in Colchester North or whether they live in Timberlea-Prospect. A productive session happened today when we were looking at what some of the priorities of members of this House were. The member from Colchester North took the opportunity today to sit with the minister. We're going to balance those priorities, we're going to make the correct decisions, and the correct decision is to make sure that locally, we are going to listen to MLAs in this House.

MR. YOUNGER: Well, Mr. Speaker, the minister may not wish to believe it, but the fact is that the Premier committed during the election that he would honour all commitments. I will now table a letter from the Atlantic Gateway Council dated this morning, confirming that there was a federal-provincial funding agreement in place and a commitment to complete the project by 2011. I will also table a background document from Transport Canada, also dated April 2009, outlining the project as one of the funded projects

for Nova Scotia with a federal contribution of \$17.5 million. With the project not moving ahead in 2011, the federal government staff confirmed this morning that Nova Scotia may lose this funding and actually have to compete against other provinces for this money.

My question for the Minister of Transportation and Infrastructure Renewal is, has he advised the Minister of Finance that this broken commitment may very likely cost Nova Scotia taxpayers \$17.5 million?

MR. ESTABROOKS: Thank you, Mr. Speaker, and thank you to the member opposite for the question. You know, I continue to have a very open relationship with the federal government, particularly when it comes to access to federal dollars. Then again, I point out to the member opposite, municipal councillors, on a regular basis - my good friend, the member for Victoria-The Lakes, had a recent occasion where a councillor came from Cape Breton and was here on another reason. We had an opportunity to sit down and look at what that municipal councillor, the district councillor, I believe, for District 13, Mae Rowe, brought forward as her concerns. It seems to me somewhat ironic that in the middle of all the conversations I had with members of this House I never once have heard from that member, he never once sat with me to talk about the priorities of the Burnside Expressway.

MR. YOUNGER: Well, Mr. Speaker, I'm glad he would bring that up because the fact is that the Premier committed that all projects that were committed by the previous government would be lived up to. This was announced, it was in writing, it was announced by the federal and provincial government and the NDP member for Dartmouth North also committed that it would be done. During the election the Premier committed that they would be done, so I'm just wondering why he would require a member from another riding to come forward and remind him that there's already a commitment in place.

Mr. Speaker, I don't know how he's going to make up this \$17.5 million, maybe the Minister of Finance would like to add another point on the HST to make this one up, too. I would think most Nova Scotians - and I would hope the Minister of Finance, would be included in this group - would be troubled by the loss of federal infrastructure. The federal government and the Atlantic Gateway have confirmed that the lost dollars will not go to Nova Scotia projects automatically, we will have to compete with other Atlantic Provinces for money we already have. (Interruptions)

MR. SPEAKER: Question.

MR. YOUNGER: Mr. Speaker - and it's a bit rich, given the length of the answers we get from the other side - will the Minister of Transportation and Infrastructure Renewal tell me how much more Atlantic Gateway Funding for Nova Scotia is in danger of being lost to Nova Scotia as a result of his department delaying or cancelling projects?



MR. ESTABROOKS: Thank you to the member opposite for the long-winded question. Now you're going to get a long-winded answer, I suppose. The concern that comes back to the fact when it comes to federal money and the working relationship that we have or I have with the Infrastructure Department in Ottawa is a good one. It is based upon the fact that I can pick up the phone and call the members and talk to particular Cabinet Ministers and that continues.

What I'd like to point out to the member opposite, you know I am aware of the fact that there have been people in this Legislature, one in particular who I hear from quite regularly, who reminds me day after day, session after session, about a concern he has about a particular section of highway. That member is doing his job. That member is in your caucus, he is sitting over there and he is the member for Digby-Annapolis. I ask that young member to follow his example. (Applause)

MR. SPEAKER: The honourable Leader of the Progressive Conservative Party.

### **GOV'T. (N.S.): ACCOUNTABILITY - DELIVER**

MR. JAMIE BAILLIE: Mr. Speaker, my question is to the Deputy Premier and Minister responsible for the Treasury Board. Yesterday the Auditor General released his report. It contained information gathered in the Spring and summer of 2010. It found problems in the Department of Community Services. It says the Treasury Board did not cooperate with the auditors. It says one-third of last year's recommendations weren't followed up on. These failures show neither accountability to the taxpayer nor to those individuals.

A member of this House once said, "I don't know how many Auditor General Reports it's going to take, but obviously it's not working. Something is missing - somebody somewhere is not taking responsibility for addressing the deficiencies that . . ." the Auditor General's Office has found.

Mr. Speaker, while I agree wholeheartedly with that sentiment, I can't take credit for it. That outrage belongs to the Minister of Finance of the government today. That is quoted on March 26, 2008.

Mr. Speaker, it is time for the minister and the government to listen to their own advice. My question is, when will you remedy these troubling developments and finally start delivering the accountable government that you promised to the people of Nova Scotia?

HON. FRANK CORBETT: Well, Mr. Speaker, we started back in June 2009. These issues, and as we do with selective quotes, when you read deeper into the auditor's report you find that these are systemic and it goes back to 2007, 2006. I assure you by the next time he reports back it will be fixed. Thank you.

[5:15 p.m.]

MR. BAILLIE: Mr. Speaker, I hope the minister has his audit pencil out because we'll be watching for that next year. Also contained in the Auditor General's Report were updated financial indicators for our province. The report shows that four of the five major indicators are now headed in the wrong direction. They are the deficit, the debt-to-GDP ratio, debt per capita, and debt-servicing costs as a percentage of revenue. They have all been headed in the wrong direction. This poses a major risk to the future of our province and our collective ability to fund vital services. Yet the government seems unconcerned.

Mr. Speaker, my question through you to the minister is, who's right about the risk that our province now faces under his government - the Auditor General or the minister?

MR. CORBETT: Mr. Speaker, at best he's misrepresenting. When he's talking about direction, that debt ship was a very large ship to turn around. It was a ship that we had to throw the old crew off of and it is now being captained by a new Premier. We're turning it around and it's going in the right direction. I tell that Leader to stay tuned.

MR. BAILLIE: All I know is the Auditor General says we're now going in the wrong direction. The minister says he believes we're going in the right direction. We'll see who Nova Scotians believe as we go forward. At every opportunity, including right now, the government has tried to blame others for its own financial incompetence. Their policy of higher deficits and higher taxes rests squarely on their shoulders. Unfortunately, they continue to attempt to blame others for their own bad behaviour.

On Page 119 of his report, the Auditor General says, "The deficit of \$329.6 million (restated) for the year ended March 31, 2010 is the first deficit of this decade." My question to the minister is, who is right about when the deficit really started - the Auditor General or you?

MR. CORBETT: Mr. Speaker, I hearken back to a job I had back probably in the early 1970s as a debt collector. What you find out from people who are in debt, it takes awhile to really find out where the debt began. This is where this began, of systematically, kind of playing silly games with the purse. They're a little angry and they have every right to be angry because they were kicked from first to worst. They can be angry all they want because Nova Scotians know we're taking them in the right direction. (Applause)

MR. SPEAKER: The honourable member for Halifax Clayton Park.

#### **HEALTH - NURSING HOME BEDS: VACANCIES - LOCATION**

MS. DIANA WHALEN: Mr. Speaker, my question is for the Minister of Health. Earlier this month, departmental officials admitted that there were at least 100 empty nursing home beds in the province. Last week, there were 384 patients in hospital waiting for a

nursing home bed or waiting to be processed for transfer to a nursing home. This clearly shows that the situation is urgent to place those people who are in hospital, waiting desperately to get into the nursing homes, into those facilities.

Given this urgency of the situation, the fact that nearly two weeks have gone by since the media reported on the issue, I would like to ask the minister, can she please confirm or inform this House whether the vacant beds are concentrated in any one particular geographic area or equally dispersed throughout the province?

HON. MAUREEN MACDONALD: Mr. Speaker, I'd like to thank the member for the question. I'm concerned about people waiting for nursing home beds, like most people in this Chamber. The department has done a review of why we have vacant beds, it's quite complicated.

Sometimes it may be the case that a person in a nursing home goes into hospital and it's anticipated that they will be released from that hospital back to the nursing home bed and that bed remains vacant for a period of time while they're in hospital. Sometimes, unfortunately, that person may never come back out of hospital, if they don't recover. On a day-to-day basis the vacancy rate changes, and on a day-to-day basis where those beds are vacant may be higher in one DHA over another.

It's a moving target. We're doing a very good review of that in the Department of Health. We want to work with the DHAs as we devolve continuing care into their jurisdiction so they will have a greater capacity to find efficiencies.

MS. WHALEN: Mr. Speaker, the minister has pointed out that it is a complex problem, there are a lot of different reasons, but the departmental officials are indicating that everyone has a responsibility to play in the problem that has developed. It's the DHAs, the homes themselves and, yes, even the Department of Health. I would submit that when you have 384 patients still waiting in hospitals, which has been a chronic problem for a long time - people staying in hospital who really don't belong there, who don't need hospital care, they need nursing home care - when you have 384 of them and 100 vacant beds at the same time, the Party responsible really is the Party that places them in the homes, and that would be the Department of Health.

Given that the Department of Health officials indicate there's a standard within their department to fill vacant beds within five days, I would like to ask the minister, could she please indicate how much longer, on average, it is taking to fill a vacant nursing home bed now?

MS. MAUREEN MACDONALD: Mr. Speaker, we attempt to fill vacant beds as quickly as we possibly can. It is important to free up the acute care beds for people who are sick and need to be in acute care.

Mr. Speaker, one of the other difficulties we have with respect to the vacant beds, of course, is that we do not move people long distances for nursing home care. We do have a policy to keep people within 100 kilometres of their homes and their families and even that, quite often, is a burden to some families with respect to being able to have access and visitation and what have you.

So as I said, we've done a review. We're looking at a number of policy options. I want members to understand that the devolution of continuing care to the DHAs is still in process and this is something that will be much more effectively addressed when DHAs are able to do better coordination from a local level.

MS. WHALEN: Mr. Speaker, again reading from the media report on this problem, one of the issues raised was the fact that nursing homes are paid regardless of whether there is a person in that bed or not, and that may have taken away one of the incentives to keep the flow of people into beds that become vacant. I think that there is a tremendous cost associated with having empty beds at any time and if we're paying for them regardless, if we're paying for the capacity of the home regardless of whether it's at full capacity, that does bring into question how we're managing the whole process.

Mr. Speaker, right now we're looking at weeks more before anything is going to be done and I am very interested to ask the minister again, could she table for us, in the House, the exact information showing which nursing homes have vacancies and if she would do that by the end of business on Friday?

MS. MAUREEN MACDONALD: Mr. Speaker, I'm not sure exactly what information we have available to table, but I will look into that for the honourable member. I want to say to the member that the question of not being able to fill nursing home beds as effectively and efficiently as possible is one that we have identified. It's one that we are working with the DHAs as we devolve continuing care to their responsibility to address that part of the funding, looking at the funding of nursing homes and paying for beds that aren't necessarily already occupied is a policy of the former government. It's one that concerns me, as I do not want us to be spending health care dollars for services that aren't being provided. Certainly, as we look forward to the coming devolution of care into the DHAs, this is a policy matter that's high on my agenda.

MR. SPEAKER: The honourable member for Inverness.

#### **FIN. - DEFICIT SPENDING: ECONOMY - EFFECTS**

MR. ALLAN MACMASTER: Mr. Speaker, my question is for the Minister of Finance. Yesterday, Scotia Economics released the provincial GDP forecast for 2011 and sadly, Nova Scotia's GDP growth will be at the bottom of the pack. CFIB's business barometer recently indicated taxation was a top concern among small-business owners.

Statistics Canada reported we have a 9.6 per cent unemployment rate and mounting job losses.

The only category this NDP Government seems to be able to lead in is the category, in Canada, of being the highest taxers of people. What further economic proof does this government need to understand that deficit spending, and the corresponding high taxes that are required to finance that, are hurting our economy?

HON. GRAHAM STEELE: Mr. Speaker, I do very much look forward to receiving questions. I don't get very many so I really appreciate the ones that I do get. I'm still looking forward though to ones that are based on accurate facts.

The whole country is just coming out of the worst recession since the 1930s. It's not very difficult to find a statistic here or there where we're not leading the country. Why don't they ever cite the stuff like, we're leading the country in retail sales? Why don't they ever say, we're leading the country in new vehicle sales? Why don't they ever say, we were in second place last year in economic growth in the entire country? The dukes of doom over there don't like to realize that the province that led the country in economic growth last year was Canada's other NDP Government in Manitoba.

MR. MACMASTER: Mr. Speaker, if we have to talk about facts, one of the challenges this province has, that this minister has not recognized, is that we don't have a cyclical economy here. We have a very defensive economy and we are going to lag in growth with the rest of the country.

If the minister wants to look at facts, I thought maybe I should draw his attention to Page 119 of the Auditor General's Report. We just had a bill in this House that's going to create a new Act for the Auditor General so obviously the members opposite have great faith in the Auditor General and they trust the Auditor General. I wonder if they would trust him when the Auditor General says that the deficit of \$329 million for the year ended March 31, 2010, is the first deficit of this decade.

To my question, when Nova Scotia lags behind other provinces and countries in GDP growth so does our standard of living. We cannot expect families to have greater take-home pay when our province produces less growth than any other. To the minister, in what sectors of the economy, over the next 10 years, do you see our productivity growth coming from?

MR. STEELE: Mr. Speaker, the way those rascals over there talk, you would have no idea that they had been the government for 10 of the last 11 years, for 25 of the last 32 years. Over the last 20 years, Nova Scotia has had the lowest average GDP growth in the country, and they were the government for 13 of those years, that crowd over there was in government for another six, and we've been the government for one of those 20 years.

[5:30 p.m.]

We know that crowd and that crowd left us in a deep hole, but we have the best plan, the best Premier and the best team in the country.

MR. MACMASTER: Mr. Speaker, this minister's response is very indicative of the vision of this government - there is none. I had asked what, in his opinion, is his vision over the next 10 years, where does he see economic growth coming from? There was no response. All there was was patting on the back and complaining. So having the highest taxes in the country and the lowest prospects for growth, how does his government expect enterprise and capital to see Nova Scotia as a desirable place to do business?

MR. STEELE: Mr. Speaker, today is a great day in Nova Scotia's history. We have done nothing less than change the economics of energy in all of Atlantic Canada. This is going to change the fundamentals of the economies of Atlantic Canada, especially in Newfoundland and Labrador and in Nova Scotia. The least that could happen, on this great day in our economic history, is that the princes of pessimism over there could crack a smile and recognize that it wasn't them who did it, it was us. (Applause)

MR. SPEAKER: The honourable member for Cape Breton South.

#### **EDUC. - HOLY ANGELS HS: STUDY COMM. - MEMBERS**

HON. MANNING MACDONALD: Mr. Speaker, well the Minister of Finance got two of them to stand up over there anyway. (Laughter)

Last Friday, the Minister of Education went to Cape Breton and met with local school board representatives and they met again without a solution for Holy Angels High. The only thing announced was a committee for further study. I'm not sure why a committee for further study was needed but, however, can the Minister of Education inform this House and all those concerned, the names of those on the committee and have they met yet?

HON. MARILYN MORE: Mr. Speaker, the committee was put together because there was obviously much more detail required in various options. I had challenged about a year ago, about a year plus, all the boards to be looking at innovative solutions to some of the challenges that we are all facing at different levels of government and thinking outside the box. I have full confidence that the team that has been put together will be doing that.

From the department's perspective, the deputy minister, Rosalind Penfound, will be representing the department and also Frank Dunn. Ambrose White, who is the Acting Superintendent for the School Board, will be leading a team of other directors, including directors from the school board staff. I don't have their names and I'm not sure that he has identified them. So we have full confidence that they will prepare a report for the Cape

Breton-Victoria Regional School Board that can be used in their next stage of decision-making. Thank you.

MR. MANNING MACDONALD: Mr. Speaker, I guess the committee is going to do the work that should be done by the minister and should have been done by now, in regard to this problem.

Mr. Speaker, on November 9<sup>th</sup>, when asked by the Leader of the Official Opposition if his government would buy the school, the Premier responded, and I quote, “Well, the answer to that is no, we’re not going to buy it . . .” The Minister of Education has repeatedly said all options are on the table. Also on November 9<sup>th</sup> the minister said she met with students and, “I certainly pledged my commitment and that of the department and the government to working with the school board to pursue every possible option to keep that school going into the future.”

Mr. Speaker, my question to the minister is, will the minister tell us whether she is in favour of purchasing Holy Angels school?

MS. MORE: My message, the department’s message, the government’s message has been the same all along, that we support keeping the school open and we want to look at options that allow the board and the province to do that within their means.

MR. MANNING MACDONALD: Mr. Speaker, remind the minister that the Premier in this House, in response to a question by the Leader of the Opposition said, no, they weren’t going to buy Holy Angels High School, yet the minister will not give a definitive answer as to whether or not he is right or she is going to pursue that.

The committee is nothing but a way of getting the minister away from the controversy surrounding Holy Angels High School. As I said in Sydney last Friday, it’s convenient to appoint a committee here of some representatives, unnamed, from her department and for her to stand in this House and say she doesn’t have the names. They’re from her department - and Mr. White of the school board. I’d still like to get those names of those people and find out whether or not they’ve even met yet.

Establishing a committee was a way for the minister to get this out of the spotlight until the House rises some time before Christmas. My final supplementary to the minister is, has the minister told the committee that buying the current Holy Angels High School is not an option?

MS. MORE: Mr. Speaker, I don’t think it’s in the best interests of anyone to narrow options. As I said, there are many (Interruptions) If I may be permitted to finish. That’s one reason we set up this committee of staff of the department and the school board, to get the answers. We don’t even know, quite frankly, what the congregation is selling. Are they selling the school, the complex? We need to get that information.

The committee will be meeting next Tuesday, I believe. The acting superintendent and senior staff are going to be in Halifax, I believe, for other meetings, and so they've made time to get together and we're also going to pursue a schedule of meetings to make sure that the information is as thorough and fast-tracked as possible so that the board has all the information they need to make a decision.

MR. SPEAKER: The honourable member for Cape Breton West.

**HEALTH: OUT-OF-PROV. MS TREATMENTS  
- AFTER-CARE**

MR. ALFIE MACLEOD: Mr. Speaker, earlier in this session, dozens of MS sufferers visited Province House to tell their stories. We heard from them, how many of them had paid thousands of dollars to travel to places such as Poland, Mexico, the United States to have the CCSBI, or what we know as liberation therapy. We heard how they felt they were forced to take their health care into their own hands. My question through you is to the Minister of Health is, will the Minister of Health pledge today that Nova Scotians who receive the liberation therapy outside our borders will not be discriminated by Nova Scotia's health care system once they return?

HON. MAUREEN MACDONALD: Mr. Speaker, it's a question that really doesn't even have to be asked on the floor of this Legislature. The physicians and the other health care providers in this province are very professional, they're very ethical. Anyone who requires health care, who comes back from these medical tourism kinds of ventures and is in need of health care in this province will definitely get it.

MR. MACLEOD: Mr. Speaker, I believe that the minister speaks with conviction when she makes this answer. However, earlier this week there was a story in the media from the MS Society of Canada and in it they said they have heard reports of some Canadian patients - not necessarily here in Nova Scotia - who have needed after-care and couldn't get proper follow-up treatment. I will table a copy of that media report.

Mr. Speaker, through you to the Health Minister - and I believe she's sincere when she said that people don't have to worry - my question to her is, have you had communications with Doctors Nova Scotia and others who are the ones who are the first-line health care providers?

MS. MAUREEN MACDONALD: Mr. Speaker, this is a very emotional issue for many of us. It has been very difficult to watch people who are so desperate for an effective treatment go outside of our country to get a treatment that's not approved and not tested yet. We know that people are coming back and they are having complications. There are reports and I'm following these reports very carefully, not only in the media but through talking to our medical specialists here in the province.



Mr. Speaker, I can assure members of this Legislature and the public that our specialists community, our MS practitioners and our other practitioners are there to provide services to anybody in this situation who develops complications as a result of any of the procedures that they may have outside of this province. That is not in question.

MR. MACLEOD: Mr. Speaker, earlier this week the Alberta Health Minister said patients who need the treatment following out-of-province Liberation Therapy will get the help they need in Alberta. On November 2<sup>nd</sup> when the individuals with MS were here and attended the bill briefing in the House, there was a group of them who met with the minister. One was Yvonne Andersen who has stated in a letter to Dr. Virender Bhan, who is a leading MS doctor here in Nova Scotia, “. . . I will only say that Maureen MacDonald told a group of us in a private meeting a few weeks ago that patients will not be denied follow up care if needed as a result of complications with blood thinners or stents.”

Mr. Speaker, that was good news for those people. I will table that letter here and I also ask the Pages to deliver a copy of Yvonne’s letter to the minister and the Premier as requested by Ms. Andersen. My final question to the minister is, will the Minister of Health confirm her commitment that was made to these people, these Nova Scotians who have had, or Nova Scotians who are considering traveling for the therapy, that they will get the help they need when they return to Nova Scotia? As the minister said, this is a very heart-wrenching issue and with people with MS, time and hope are the two things that will make their lives better.

MS. MAUREEN MACDONALD: Mr. Speaker, I have asked in my department what is it that we need to be doing for people who are coming back from having this procedure if they develop complications. The advice I’ve been given, and I encourage all members here to pass along to those members of our constituencies who are contacting us, is that you need to continue to be followed up by your MS specialist in this province and if you do develop complications and you’re having any difficulties, you need to get to an emergency room. You need to use our EHS, you need to take advantage of the programs we have if you feel - you will not be turned away.

[5:45 p.m.]

Mr. Speaker, I would like to use this opportunity though to remind members of this House that Dr. Zamboni himself who pioneered this treatment is encouraging MS patients all across the world not to engage in medical tourism. It makes it extraordinarily difficult for the specialists in your home community and the physicians in your home community to know what occurred during your procedure and to do medical follow-up. We really need to be cautious in how we use this treatment. This is why we have research projects underway now to provide us with the information that will help us understand the risks associated with this treatment and the effectiveness of this treatment. Thank you.

MR. SPEAKER: The honourable member for Clare.

**SNSMR: WEYMOUTH LAND REGISTRY OFFICE - MOVE EXPLAIN**

HON. WAYNE GAUDET: Mr. Speaker, last week I raised the issue in the House that Service Nova Scotia and Municipal Relations called a public tender on November 3<sup>rd</sup> for office space in the Town of Digby in order to relocate the Weymouth Land Registration Office. When asked why, the minister told us that it was “. . . to make sure that we centralize our services and meet the needs of Nova Scotians.” and to provide good services for the people of Nova Scotia.

In Digby County, this is not the case. The Land Registration Office is already located in the middle of the county, which makes it centralized for all our residents in the county. My first question to the minister is, why is the minister determined to penalize the people of Clare who are living on the far end of our municipality and force them to drive over 90 kilometres in order to access services of the newly proposed Land Registration Office located in the Town of Digby?

HON. RAMONA JENNEX: Mr. Speaker, I thank the member for the question. There are other issues around our relocation and we are centralizing our services, but one of the issues that wasn't brought up by the honourable member, one of our locations is not appropriate for the staff. We need to relocate an Access Nova Scotia centre. They're working in a situation that we are finding extremely problematic. When we are centralizing services, we're looking at making sure the people at Access Nova Scotia and their facility are going to be moved. We're also going to consolidate all those services.

It's very important to us, as government, that our employees have a safe environment to work in. I think the honourable member knows that one of the locations we're discussing has definite problems and we need to address those problems. Thank you.

MR. GAUDET: Mr. Speaker, I still don't know what the problem is. The Land Registration Office in Weymouth was open in 1999. The current facility is very suitable and I'm not aware of any safety issues with the present office. Last week when questioned in Question Period, when the minister was asked, she told us, "We are looking at a tender because we're also looking at the safety of the people who work within our facilities. There are issues in that area that we need to look at to make sure that our employees are safe."

My final question is, can the minister inform the House what are the safety issues that needs to be addressed in relation to the Weymouth. . .

MR. SPEAKER: Order. The time allotted for the Oral Question Period has expired.

The honourable Government House Leader.

HON. FRANK CORBETT: Mr. Speaker, that concludes the government's business for the day. I move that the House do now rise to meet tomorrow at the hour of 9:00 a.m. to 12:00 noon. The order of business will be Private and Local Bills for Second Reading. We'll be calling Bill No. 91 and if time permits Bill Nos. 90, 93, 94, 95, 97, 98 and 99.

MR. SPEAKER: The motion is to adjourn until tomorrow until 9:00 a.m..

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

We have now reached the moment of interruption. The Adjournment motion was presented earlier by the honourable member for Dartmouth East:

"Therefore be it resolved that the NDP Government fund insulin pumps in order to mitigate future cost pressures on our health care system."

## **ADJOURNMENT**

### **MOTION UNDER RULE 5(5)**

MR. SPEAKER: The honourable member for Bedford-Birch Cove.

### **HEALTH - INSULIN PUMPS: NDP GOV'T. - FUND**

MS. KELLY REGAN: Mr. Speaker, I am pleased to rise in my place on behalf of the Liberal caucus to address this evening's late debate topic on the funding of insulin pumps for people with diabetes.

MR. SPEAKER: Order, please. There's too much noise in the Chamber and it's hard to hear the honourable member.

The honourable member for Bedford-Birch Cove has the floor.

MS. REGAN: Mr. Speaker, I think I'll just start all over again there because it was very difficult to hear.

I am pleased to rise in my place on behalf of the Liberal caucus to address this evening's late debate topic on the funding of insulin pumps for people with diabetes. I know that when the government speaks to the issue they will argue that this is a cost, but we need

to be clear from the outset that this, in fact, is an investment. It is an investment which will ensure we can somehow begin to address the spiralling, out-of-control health care costs in the future.

While other provinces have moved on this issue and provided funding for insulin pumps, Nova Scotia once again lags behind. Statistics here in Nova Scotia speak to the need and they speak very loudly. Over 72,000 Nova Scotians have been diagnosed with diabetes. The prevalence rate of this disease has increased in excess of 20 per cent in the last five years. That increase was in Nova Scotia. Type 1 diabetes rates are rising 3 per cent to 5 per cent every year across our country, and sadly, the greatest rise is occurring in children ages five to nine.

I think some of the members may remember last Spring when I re-introduced the bill on children with life-threatening illnesses and supports for them, where we had young Aliyah MacDonald from Middle Sackville who was here. Aliyah is a perfect example. I believe she is only six years old now and she wears an insulin pump. For young children like Aliyah, a diagnosis of type 1 diabetes requires constant monitoring and interruptions to lifestyle. It often results in disruptions in their learning when they are in school. It impacts their ability to participate in physical activities, something that is very important when dealing with their illness. In fact, sometimes what we're finding is that people who are dealing with them think that they're not supposed to have exercise. In fact, they need that too.

Living with type 1 diabetes requires approximately 1,460 needles a year and 2,190 pokes to the finger a year to test for sugars. This, Mr. Speaker, is the personal burden of type 1 diabetes, but that is not the only burden that diabetics face. This year alone, diabetes will cost our national health care system \$12.2 billion, representing 3.5 per cent of the public health care spending. Data will confirm that people with diabetes visit physicians more often, are hospitalized more often, and require more medical procedures than the rest of the population. Type 1 diabetes is the leading cause of kidney failure which, of course, results in the need for dialysis. It causes adult blindness, stroke, heart disease, nerve damage, and amputation, all of which come with significant price tags to treat.

Now pumps do away with the cost of needles. They deliver insulin at a steady rate and that can cut down on kidney disease and amputations, so one can see very quickly the value of investing in an insulin pump.

The government has the opportunity to start with baby steps if it so wishes, because many private insurers fund insulin pumps; the public system could pay for pumps for those who do not have access to private insurance coverage. We know there are a lot of people like that in our province. Oftentimes, those families without insurance coverage are those most directly impacted by Type 1 diabetes.

The government could also follow the examples of other jurisdictions and start a program that provides coverage for only those under 18 years old. I had referenced earlier little Aliyah MacDonald. Earlier this year I had the opportunity to present an award to her at her school, it was from the Diabetes Association and they named her a hero for her courage in dealing with this and also in being an ambassador for this organization. If you ask little Aliyah, can I see your pump? - she'll show you immediately; she has no problem with that.

Mr. Speaker, some guests have arrived. We started a little earlier than we expected today. I would like to introduce two folks who are intimately involved in this: Marilyn Holm, who is the Atlantic Regional Manager of the Juvenile Diabetes Research Foundation - Marilyn, if you would like to stand up and receive the warm best wishes of the House; also Stephen Beamish, no? Jay Cassivi, who is a volunteer with the Juvenile Diabetes Research Fund, and Jay has a daughter with Type 1 diabetes - if you would please stand up, Jay. Thank you for coming.

The pump has the potential to offer both a short-term and long-term cost benefit to the province, and they don't just improve the lifestyle of diabetics. I was speaking about this issue earlier today with my colleague the member for Halifax Clayton Park. She mentioned that she had been at a dinner where the musician, George Canyon, mentioned that he uses an insulin pump. He discovered he had diabetes at the age of 14 and he said that pump changed his life.

Insulin pumps help patients in the province avoid much more costly health care in the future - government has a choice, they can pay now or pay much more later. It only makes sense to invest in equipment that will not only save the system money, but potentially avoid hospitalizations with diabetic-related complications later on.

Now my colleague, the member for Halifax Clayton Park, introduced a bill to fund insulin pumps a year ago; she re-introduced it last Spring. The bill is there, it is ready and it is waiting. The government doesn't have to do a whole lot of research because we've already done it for them and, if they so choose, that bill is available for them to move on. This is an investment like the one which will strengthen Nova Scotia's overburdened health care system and save the taxpayer in the long run. I urge the government to look at this bill that my colleague introduced, to look at the savings, to think about what our future is going to be here in Nova Scotia.

We keep talking about the silver tsunami, we keep talking about the health care costs in the future. I firmly believe that this is an appropriate place for an investment, particularly among those under the age of 18 - because the sooner they get their Type 1 diabetes under control, the better off these children will be. Those pumps really do make a difference for those children. So for the children like Aliyah and for the children like - I had parents just contact me the other day, and they're completely overwhelmed by this new diagnosis for their little girl, and they don't know where to turn. We can help those parents; we can help

those children; and we can help the future taxpayers of this province - the current and future taxpayers of this province - by funding insulin pumps and, quite frankly, doing the right thing. Thank you, Mr. Speaker.

[6:00 p.m.]

MR. SPEAKER: The honourable member for Argyle.

HON. CHRISTOPHER D'ENTREMONT: Mr. Speaker, it's my pleasure to stand this evening and speak to this resolution, the issue of funding insulin pumps in order to mitigate future cost pressures on our health care system.

First of all, I do also want to welcome the folks from the Junior Diabetes Research Foundation for being here. I want to thank them for the phenomenal job that they did on Ride for the Cure. Every year they have a fundraiser where a number of people get on the spin bikes and pedal their hearts out for - what was it this year? Seven minutes, I think. It wasn't very long. Those teams raise money for junior diabetes, and not only to help out here and there, it's to find a cure. To find - here's the reason, here's the treatment, here's the cure for so many children who are diagnosed with Type 1 diabetes.

I do want to say, and being in the House with all these people here, I would say that it was great to be a participant in that, that we did have a team in our second year in a row. I think our number was 35 kilometres we were able to travel on those spin bikes in support of junior diabetes, and I can say I think the total number of funds raised was somewhere in the \$70,000 range. (Interruption) Over \$100,000 - and I want to thank them for their input to the House. I know I'm not supposed to do that, and I do see the Clerk rolling his eyes a little bit but, you know, sometimes you have to roll your eyes; you have to sort of roll with the numbers as they're presented to you. But \$100,000 was raised for junior diabetes and, like I said, not just to provide aids or insulin or anything like that, but to really find a cure for diabetes. I think that is a cause worth celebrating and thanking the folks for their hard work in doing that.

Now, to go to the issue of insulin pumps. This is one that I've had to deal with over the last number of years during my time as Minister of Health, and one that, two years later, I'm frustrated to see no program available. The way I would look at it is this - as a government, number one, I don't see the reason to have an Act. We don't need an Act. It's under the purview of the Department of Health to come up with any program that it may see fit to help the health and well-being of Nova Scotians. That is why, after many meetings with the Canadian Diabetes Association, parents, families, IWK, and all that, that I felt at the time that it was very important to look at children and look at the possibility of insulin pumps for children.

The way I look at it is that a number of individuals who are of a more grown-up age are able to manage their insulin levels and their disease much better than our young ones.

Most times it takes a whole team of individuals to take care of a child who has diabetes, whether they're pricking the fingers ten times a day, whether they're providing insulin three, four, five times a day in order to try to keep those children regular. I think it was at last year's Junior Diabetes Research Foundation Ride for the Cure that we heard from an individual, what did an insulin pump - she had an insulin pump and she was very proud to show it to you - what did it mean to her? Well, it meant that she actually got to go to a sleepover, which is something she hadn't done, and I think she was ten years old.

Can you imagine a 10-year-old little girl who was able to go to a sleepover for the first time? You know, things that we take for granted. What is normal? This year, the little girl that spoke - Neville MacKay was the emcee and he asked her, what do you have to eat? She said, pretty much anything.

Of course, you know that it's a very specialized diet that an individual with diabetes would have to follow. With an insulin pump, you can sometimes cheat just a little because the insulin that's available to you is almost immediate in tuning it up, you know, increasing your amount or decreasing your amount, depending on what you're eating or not eating, and it is an interesting calculation, I guess, as you go along.

Mr. Speaker, as I said, during my time there I worked very hard with the department to design a program for children, one that I know is on the cusp of being rolled out. There was a ministerial change, then there was a government change, and I have no clue as to the status of my idea and my program. All I can say to the minister, and I know she'll get to speak in a few moments, is to look at a phase-in, start with a few children, start with the idea of an IWK program and start rolling that out to the people who, of course, need their help.

I know it is always a monetary issue, I mean an insulin pump can range from \$5,000 to \$6,000, \$7,000. So we're not putting a pager on a kid, we're putting a very sophisticated piece of medical equipment - one that needs to be maintained and watched. So you really have to have something of quality on there and that's why they are so expensive. But if this minister would say, you know, listen, we're going to start a pilot program, we're going to phase it in, we found a few, you know, I don't know what it is - \$60,000, \$100,000 - and we're going to start looking at a program to see where the benefits are going to be for children, then I think that would be a very laudable goal because like anything, you do have to phase in a program.

You can't imagine, just all of sudden open the floodgates and say everybody who has diabetes is going to get an insulin pump because, Mr. Speaker, that won't work either. Many individuals have different requirements when it comes to insulin. Those insulins are delivered in different ways - whether that's by pill, whether that's by injection, or whether that's of course by an insulin pump.

Mr. Speaker, we would support the minister in any development that she would be able to come up with within her department to help people requiring insulin. How much

more time do I have? I have a whole three minutes, my goodness. I think I've used up all my good stuff. I know we probably don't have to go for our full length of time because we do support the idea of insulin and insulin pumps and ultimately support the Juvenile Diabetes Research Foundation in their goal of eradicating diabetes for everyone - most specifically for our children so that they can have their regular lives of being active, healthy, and being able to be just like all their friends.

Mr. Speaker, I thank the Official Opposition for bringing this debate forward and we look forward to many more discussions and comments from the minister.

MR. SPEAKER: The honourable member for Glace Bay on an introduction.

MR. GEOFF MACLELLAN: Mr. Speaker, I would like to introduce to the House Mr. Stephen Beamish who is a volunteer with the Juvenile Diabetes Research Foundation and has taken the lead on insulin pump coverage here in Nova Scotia. Welcome, Stephen. (Applause)

MR. SPEAKER: The honourable Minister of Health.

HON. MAUREEN MACDONALD: Mr. Speaker, I would like to welcome our guests in the gallery, as well, and thank you for being here this evening for what I think is a very important topic and an issue to discuss. Maybe this discussion will prove to be useful to all of us who have an interest in this.

Mr. Speaker, we all know that insulin pumps are medical devices, as the former speaker just indicated in his discussion, and they're becoming increasingly popular, I think particularly for children with type 1 diabetes, but I know a fair number of adults who have them as well who find them quite useful.

Nova Scotia is currently one of six provinces that doesn't provide any coverage for insulin pumps. I believe that we along with Quebec, Alberta, New Brunswick, Prince Edward Island and Manitoba are not providing insulin pumps at this time, which means that they are being provided in Ontario, B.C., Saskatchewan, and Newfoundland and Labrador.

To be frank, I don't know if the coverage in those other provinces go beyond children, or children of a certain age, or whatever, but I can tell members that this is a matter that officials in the Department of Health have been looking at. They've been doing a scan of what is occurring across the country and in other provinces. We're trying to learn from other provinces that have these programs, what the experience has been.

I understand that there is good clinical evidence that insulin pumps are very useful and cost effective for a particular group of children with type I diabetes, but not necessarily everyone. That information is just being generated and being assessed. I would be most keen on seeing people in my department have an opportunity to examine and analyze and to talk



with families, clinicians and people who have a stake in whatever policy the Department of Health and the Province of Nova Scotia ultimately has in place to assist people.

For people who are keenly interested in this issue, we are in the process of gathering up all of that information, doing the analysis, and some options will be presented to myself as minister to look at in terms of what the policy in Nova Scotia should look like. It is true that we will also look at the financial aspects of the costs of implementing a program. I'm given to understand that insulin pumps range in price from \$6,200 to \$7,000 and that they have a lifespan of about five years. In addition to that, there are supplies required that run between \$300 and \$350 a month.

So, for a patient over four years, the cost could be between \$13,000 and \$18,800. In Nova Scotia we have approximately 600 children diagnosed with type I diabetes, so if we were to adopt a universal program for children, the four-year cost of that program would be \$8 million, or \$2 million a year.

It's not an inconsequential amount of money to have to identify and add to the base of the department's budget. I remind members here that Lucentis was a \$4 million annual expenditure and the position I took on that was that we recognized the value of Lucentis, we wanted to provide it, and we would work to find a way to afford it. I think this will, no doubt, be the approach I will take to many new expenditures, to look at, first of all, what is the clinical information that tells me the effectiveness of this particular form of treatment.

[6:15 p.m.]

If it's effective, if it's going to improve people's quality of life and their wellness, that's my first priority as Minister of Health. My second is to figure out then how I can sustainably add the cost of that particular therapy or treatment or service into my department's budget.

We take these matters very seriously and we work very hard. I've known very many people who have had children with type 1 diabetes and have in my own family children who have type 1 diabetes. I am full of admiration for those families and the parents who provide extraordinary - not just medical and health care, but all of the things that they do to ensure that their kids have normal lives, that they get to play sports or they get to go to camp, that they have a positive experience in schools. I know that can be a challenge. Having a child who's insulin-dependent in the school system with all of the things that occur in schools like parties and all of the outings and activities and all of those things - it's just unbelievable, the challenges that proposes. I know, Mr. [Deputy] Speaker, as a former teacher and administrator, you've probably come across this on many occasions.

When I was newly elected, I had this wonderful woman come and do a field placement from her training program in my constituency office. She was a single mom. She had a little boy who was just leaving daycare into his first year of school, and the anxiety

that mother had about transitioning her child from a child care centre - who were very familiar with this child, who had grown very accustomed to his needs and his routines and the medication - into a school system that was very foreign to her. I remember very well the stress and the long period of transition to transition this child.

It's my understanding that insulin pumps, although they're not without some adjustment and some getting used to and all of that kind of stuff, can make a significant difference. I'm very aware and I'm very sensitive to those considerations and they will definitely formulate a part of how I look at the information my department brings forward to me when they give me the options that might be available to us on a go-forward basis.

I know that in the absence of a program in the public system right now, there is a registered charity called the Emily Fund that helps families of children who can benefit. I encourage anybody out there in cyberspace who is interested to contact my department and we could probably help you make some contact with this. In the meantime, I'm looking forward to, hopefully in the not-too-distant future, being able to assess what it is that we can realistically do within our fiscal framework on this very important matter. Thank you, Mr. Speaker.

MR. SPEAKER: I wish to thank all the speakers who participated in today's debate - obviously one very deeply felt by the members who did participate.

That concludes the business of the House for today.

[The House rose at 6:19 p.m.]

**NOTICES OF MOTION UNDER RULE 32(3)****RESOLUTION NO. 2241**

By: Mr. Leonard Preyra (Halifax Citadel-Sable Island)

I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas November 14<sup>th</sup> to November 21<sup>st</sup> has been declared National Restorative Justice Week with the theme Reflections, Past, Present and Future; and

Whereas when we celebrate this week, we acknowledge the fine work of our community-based restorative justice agencies across the province who work closely with the police, Crown Attorneys, courts, corrections officers, youth, parents, victims, and community volunteers who provide restorative justice and youth crime prevention programming and services in our communities; and

Whereas this week the Community Justice Society in Halifax is hosting a one-day conference entitled Restorative Justice: Our Evolving Challenges and Opportunities, which brings together a diverse group of participants for a day of learning and engagement around restorative justice principles and practices;

Therefore be it resolved that this House of Assembly recognize the dedication of the Halifax Community Justice Society, Nova Scotia's restorative justice agencies and their volunteers, organizers, and partners for developing community-based solutions to youth crime prevention, building positive relationships among community members, and helping to create safer and caring communities across Nova Scotia.

**RESOLUTION NO. 2242**

By: Mr. Jamie Baillie (Leader of the Progressive Conservative Party)

I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas Jason Rhindress of Springhill captured a bronze medal at the relay competition at the Special Olympics in London, Ontario; and

Whereas Jason was the only Cumberland County representative at this year's games; and

Whereas Jason was a key part of a successful Nova Scotia team that captured 38 medals combined, including a dozen gold;

Therefore be it resolved that all members of this House of Assembly congratulate Jason Rhindress on his win and wish him well in his future endeavours.