



House of Assembly
Nova Scotia

DEBATES AND PROCEEDINGS

Speaker: Honourable Charlie Parker

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Second Session

FRIDAY, NOVEMBER 19, 2010

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House of Assembly
Nova Scotia

HALIFAX, FRIDAY, NOVEMBER 19, 2010

Sixty-first General Assembly

Second Session

9:00 A.M.

SPEAKER

Hon. Charlie Parker

DEPUTY SPEAKERS

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

MR. SPEAKER: Order, please. We'll get today's proceedings underway.

The honourable member for Dartmouth East.

MR. ANDREW YOUNGER: Mr. Speaker, I rise on a point of order. Yesterday during Question Period, the Minister of Transportation and Infrastructure Renewal in response to questions suggested that he needed to be lobbied in order to have an already-approved project go ahead. Immediately following, he walked out of the Legislature and advised the media that there were legal and other issues which were delaying the project, which of course means that he misled the House during Question Period in saying that the reason it was delayed was that it required lobbying. So I would like to give the minister the opportunity to correct his statement.

MR. SPEAKER: I don't see that as a point of order. It's not considered a point of order.

We'll begin the daily routine.

PRESENTING AND READING PETITIONS

MR. SPEAKER: The honourable Minister of Transportation and Infrastructure Renewal.

HON. WILLIAM ESTABROOKS: Now to a matter of real consequence. I take pleasure in introducing a petition by 63 young people who go to Prospect Road Elementary, which was coordinated and organized by Cassidy Nash. I have affixed my signature to this petition. These young people are in support of playing the game of road hockey.

MR. SPEAKER: The petition is tabled.

PRESENTING REPORTS OF COMMITTEES**TABLING REPORTS, REGULATIONS AND OTHER PAPERS****STATEMENTS BY MINISTERS****GOVERNMENT NOTICES OF MOTION**

MR. SPEAKER: The honourable Minister of Community Services.

RESOLUTION NO. 2243

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 National Child Day is November 20th, and this year's theme - the Right to Freedom of Expression - emphasizes each child's right to get and share information; and

Whereas this theme reflects Canada's commitments under the United Nations Convention of the Rights of the Child, which ensures that all children are treated with dignity and respect; and

Whereas on this day Nova Scotians are encouraged to honour the most important members of our community, our children;

Therefore be it resolved that all members of this House recognize the importance of National Child Day and a child's right to freedom of expression here in Nova Scotia, Canada and abroad.

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.

[9:15 a.m.]

The honourable Minister of Agriculture.

RESOLUTION NO. 2244

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

Whereas Mr. Barron Blois of West Gore, Hants County, is retiring from the Dairy Farmers of Nova Scotia board after 27 years; and

Whereas Mr. Blois represented our dairy industry and producers as director and chairman of the Nova Scotia Milk Producers Association and two years as national president of the Dairy Farmers of Canada board; and

Whereas his leadership, vision and passion for supply management has contributed to the success the industry currently enjoys;

Therefore be it resolved that all members of this House send congratulations and best wishes to Mr. Barron Blois upon his impending retirement from the board of the Dairy Farmers of Nova Scotia and thank him for 27 years of service to Nova Scotia's dairy industry.

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

Bill No. 100 - Entitled an Act to Establish a Unified Labour Board. (Hon. Marilyn More)

Bill No. 101 - Entitled an Act to Amend Chapter 31 of the Acts of 1996. The Sales Tax Act. (Mr. Harold Theriault)

MR. SPEAKER: Ordered that these bills be read a second time on a future day.

NOTICES OF MOTION

MR. SPEAKER: The honourable member for Richmond.

RESOLUTION NO. 2245

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

Whereas in April 1978, provincial, federal and local officials gathered for the sod-turning ceremony for the new Strait Richmond Hospital; and

Whereas the founding board included Chair Joe Shannon, Roderick Chisholm, James Marchand, Arthur Langley, Jr., Victor Comeau, and Father J.J. MacDonald; and

Whereas the current board includes Chair Shirley McNamara, Al England, Brenda White, Robert Goyette, Frank Sutherland, June Oliver, Irene MacIssac, Clair Rankin, Josette Marchand, Patricia Burns, Eva Landry, and Barry MacNeil;

Therefore be it resolved that the members of the House of Assembly congratulate the Strait Richmond Hospital, which will celebrate its 30th Anniversary this year during their 7th Annual Lights for Life ceremony on November 25th, and wish them continued 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 Leader of the Progressive Conservative Party.

RESOLUTION NO. 2246

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

Whereas the Auditor General released his November 2010 report recently; and

Whereas on Page 119 of that report he states as follows, “The deficit of \$329.6 million (restated) for the year ended March 31, 2010 is the first deficit of this decade.”; and

Whereas the current government created this deficit upon coming into office;

Therefore be it resolved that the NDP Government come clean with Nova Scotians about when budget deficits really began again in 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?

I hear several Noes.

The notice is tabled.

The honourable Minister of Health.

RESOLUTION NO. 2247

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

Whereas Eric Smith is a former school teacher in Nova Scotia who lost his job in the late 1980s because he was HIV positive, and who has since become a prominent and dedicated activist for persons living with HIV and AIDS; and

Whereas the Nova Scotia Rainbow Action Project (NSRAP) has been working since 1995 to advocate and protect the rights of Nova Scotia's lesbian, gay, bisexual, transgender and queer persons, the Rainbow Community, to legal and social equality; and

Whereas Eric Smith was the recipient of the 2010 Community Hero Award at NSRAP's 7th Annual Gala on October 23, 2010, at which NSRAP celebrated its 15th Anniversary;

Therefore be it resolved that the members of the Nova Scotia House of Assembly congratulate Eric Smith for being named NSRAP's 2010 Community Hero, express their profound appreciation to both Eric Smith and NSRAP for their ongoing contributions to the rights of persons living with AIDS and indeed all Nova Scotians.

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. 2248

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

Whereas Cape Breton has a long and rich boxing history with many legendary and renowned pugilists; and

Whereas Paul MacDougall has authored a new book entitled *Distinction Earned, Cape Breton's Boxing Legends 1946-1970*; and

Whereas this new book chronicles the accomplishments of significant Cape Breton fighters like Blair Richardson, Tyrone Gardiner, George "Rockabye" Ross and Francis "Rocky" MacDougall; trainers like Johnny Nemis and Rudy Pliche, and this book tells the story from 1965 to 1967 of five National and Empire Championships which were held by Cape Breton boxers;

Therefore be it resolved that all members of this House of Assembly congratulate and thank Mr. Paul MacDougall for writing and recording this important piece of sports history that highlights some of the golden years of boxing in Cape Breton.

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 Truro-Bible Hill.

RESOLUTION NO. 2249

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

Whereas Mr. Bob Piers has volunteered countless hours to many local programs by coaching various youth sports teams, which has contributed to the development of youth by his positive influence and promotion of the life skills that sports can teach; and

Whereas Mr. Piers has been retired for 12 years but continues to make significant contributions to local sports by coaching girls volleyball and securing 10 provincial championships; and

Whereas Mr. Bob Piers has received the United Way Outstanding Leader Award to acknowledge his leadership skills in the Truro community;

Therefore be it resolved that the Nova Scotia Legislature congratulate Bob Piers on his Outstanding Leader Award and thank him for the many years of volunteering, for his leadership, and for instilling a sense of accomplishment and self worth in the youth of our 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. 2250

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 volunteer fire departments in rural Nova Scotia are the lifeblood of their communities, who often risk their lives to protect the lives of others; and

Whereas on Saturday, November 20th, the Wedgeport and District Volunteer Fire Department will be holding their annual banquet at their fire hall in Wedgeport; and

Whereas Andrea Doucette will be honoured for five years of service, Jason Foster will be honoured for 15 years of service, and Brian Thibodeau, Brian MacIsaac, Dwayne LeBlanc, Raymond Tabb, and Scott Crosby will be honoured for 20 years of service;

Therefore be it resolved that all members of this House of Assembly join me in congratulating Andrea, Jason, Brian, Brian, Dwayne, Raymond, and Scott for being honoured for their years of service and thank them for their dedication and devotion to protecting the lives of the people of Wedgeport and surrounding 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 member for Cole Harbour-Eastern Passage.

RESOLUTION NO. 2251

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

Whereas Gail Stevens, a primary teacher at Astral Drive Elementary School, is a two-time cancer survivor and an avid volunteer within her community; and

Whereas the Canadian Cancer Society - Nova Scotia Division has awarded Ms. Stevens the National Medal of Courage in recognition of her significant fight against cancer and for her volunteer acts as facilitator for The Whispers Program (ovarian cancer education information sessions), a member of the Ovarian Cancer Group, and a member of the Bone Marrow Support Group at the QE II Hospital; and

Whereas Gail Stevens, a dedicated and inspiring volunteer for the past 14 years, has participated in the following Canadian Cancer Society events: Relay for Life, Terry Fox Run at Astral Drive Elementary, residential canvassing program, Curl for Cancer, Winners Walk of Hope, and daffodil and luminary sales;

Therefore be it resolved that this Nova Scotia House of Assembly congratulate Gail Stevens on receiving the National Medal of Courage from the Canadian Cancer Society and wish her continued good health and 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 member for Colchester North.

RESOLUTION NO. 2252

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

Whereas Nova Scotia's civil servants are committed to working to provide the best quality of service to families, to businesses, and to communities across the province; and

Whereas each year the Nova Scotia Public Service Commission says thank you to the long-serving members through the Long Service Awards program; and

Whereas Cheryl Kienzle from Valley, Colchester North, was recognized for 30 years of service with the Department of Agriculture;

Therefore be it resolved that all members of the House of Assembly congratulate Cheryl Kienzle for her service to the Government of Nova Scotia for the past three decades.

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 Lunenburg West.

RESOLUTION NO. 2253

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

Whereas Mr. Earle Langille of Bridgewater has been a member of the Freemasons for 65 years, a member of Acadia Lodge #39 in Bridgewater since the 1960s, and the recipient of his 65-year bar earlier this year in recognition of his lifelong dedication to the group; and

Whereas in Mr. Langille's own words, "the Mason Lodge takes in good men and makes them better"; and

Whereas in the case of Mr. Langille this is certainly the case, as he has steadfastly served his community and his church in addition to being a lifelong educator, a portion of which time he served as my well-respected and well-loved high school principal;

Therefore be it resolved that members of this House of Assembly congratulate Mr. Earle Langille for receiving this honour, which recognizes his dedication to the Freemasons fraternity and the community at large, and wish him health and happiness in the years that lie ahead.

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.

[9:30 a.m.]

The honourable member for Hants West

RESOLUTION NO. 2254

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

Whereas reading is important to the development of children as they learn and grow, as is motivating kids to get up and get off the couch and go outside; and

Whereas Peggy Kochanoff, a Falmouth artist, has written and illustrated a book entitled *You Can Be a Nature Detective* featuring a series of mini mysteries and questions that engage young readers and leads them on an adventure to find the answers; and

Whereas inspiring our children to discover the wonders of nature not only teaches them about the great outdoors, it also encourages them that being active can be fun;

Therefore be it resolved that all members of this House of Assembly applaud Peggy Kochanoff for this innovative approach to encouraging children to have fun and stay active and wish her all the best with her future publications.

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 Guysborough-Sheet Harbour.

RESOLUTION NO. 2255

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

Whereas St. Joseph's Parish in Port Felix held a ceremony celebrating Sister Alma MacLellan's 50th Anniversary with the Congregation of Notre Dame; and

Whereas Sister Alma MacLellan has served the people in Guysborough County for the past 27 years - 10 years in Larrys River and 17 years with St. Joseph's Parish in Port Felix; and

Whereas in recognition of her contributions, Bishop Brian Dunn and Father Andrew Gillies held a mass on November 7, 2010 to celebrate her 50th Anniversary of service to the Catholic community;

Therefore be it resolved that the members of this House of Assembly congratulate and express their appreciation to Sister Alma MacLellan for 50 years of dedication and service to others.

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.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

MR. SPEAKER: The honourable Government House Leader.

HON. FRANK CORBETT: Mr. Speaker, would 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. 90.

Bill No. 90 - Auditor General Act.

MR. SPEAKER: I believe the honourable member for Halifax Clayton Park was last speaking.

The honourable member for Halifax Clayton Park.

MS. DIANA WHALEN: Mr. Speaker, yesterday I was speaking on this Bill No. 90 which is An Act Respecting the Office of the Auditor General. I had been particularly interested in speaking because I am Chairman of the Public Accounts Committee and a former Finance Critic, and as well I know there are other members of the House who have chaired that committee as well and understand the very important relationship - which is what I was primarily interested in pointing out - the important relationship between the Public Accounts Committee which is a committee of oversight and accountability here in the House where members of all Parties sit together to hear from different departments and agencies, and very much take our lead from the Auditor General and the subjects that the Auditor General has investigated and written on in his reports.

One thing I thought that was very good in this bill is that, in fact, there is a recognition in the bill in a couple of places where it refers to that relationship and the role of the Auditor General and that committee. I think it is good to formalize that because certainly across Westminster-type Parliaments, there's always a Public Accounts Committee and there's a growing need for greater accountability and for strengthening the relationship.

Again, I would like to say that the Auditor General plays such an important role for the people of Nova Scotia and for us as legislators because that is the window. Through his office we have a window on performance, outcomes, and value for money that we would not otherwise have and I think even for members of the government it's a very positive relationship because it allows for greater accountability and control. So we support that greatly.

I think it is good to have a modern and updated Act but at the same time, before I take my seat, Mr. Speaker, I think it's important to recognize that when the Auditor General made his report in June 2010, he said very clearly that he had to withdraw his staff from the Department of Economic and Rural Development and from NSBI, which were the two

agencies that he wanted to audit at that time, because after some to-ing and fro-ing and after a number of weeks had passed, it was clear that the information he required to do any kind of an audit on their activities and on the large amounts of money that are spent to provide incentives and to provide help to business to stay or to grow in our province, or to come and locate in our province, those kind of records were not made available to the auditor and the government had said that they needed greater control through an updated Act in order to do that.

Now, one thing I'm pleased about is that there has not been a delay on the part of government to address that, if they sincerely believe that was something they needed, but I will say that from an Opposition point of view, there didn't seem to be any shortcoming in the previous Act that was governing the Auditor General because we have never before seen a circumstance where the auditor, or audit staff, had to abandon an audit because they could not get the information they'd requested. I think that because the auditor and his staff are so well respected, we should realize that they would adhere to any confidentiality and that it was covered off in other Acts. So my concern was that was used just as a shield, really, to prevent information being released.

Now, with this new Act, I would assume that will never happen again and I guess the Minister of Finance can give us that assurance, that the new Act will give complete access to information, which obviously the Auditor General of Nova Scotia needs in order to do his work, in order to be fully functional and provide that benefit to Nova Scotians.

It was an embarrassment last year for our province to have the auditor actually say, I'm not able to complete this audit, and to deny an opinion, which really doesn't sound bad, in English, but to deny an opinion is really the highest sanction that the Auditor General can make, to express his displeasure, or her displeasure if it were a woman.

So I think that's important to note that we don't accept the premise that a new Act was required for that audit to have been done, but that being said, I think the minister knows we support this bill, we believe that it is a strong bill, we will address any future issues and we would hope never to hear again that has been the case.

So with that, Mr. Speaker, I'm looking forward to this coming to the Law Amendments Committee, to see if we have any representation and to see it move through the Legislature. Thank you very much.

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

MR. JAMIE BAILLIE: Thank you Mr. Speaker. I am pleased to speak on this bill, and before I begin I do want to thank the previous speaker for her comments. I think she has made a valuable contribution to the debate on this particular bill and I want to congratulate her on a thorough analysis.

The fact of the matter is that Nova Scotians have a great deal of respect for the Office of the Auditor General, and appropriately so, and it is appropriate at this time that the government bring forward a bill to extend the authority of the Auditor General as we reach into an era of greater accountability and greater scrutiny, a greater demand on the part of Nova Scotians for value for money, for performance-based audits and so on, and the bill does allow for that. I particularly want to point out that the bill makes clear that the Auditor General is an officer of this House, and that he is an independent officer of this House, hired - although through the Executive Council - by a majority vote of the House of Assembly.

Certainly in our Party, we hold the Auditor General and his opinions in high regard. I am hopeful that the members on the government side have the same high opinion of the professionalism and the thoroughness of the Auditor General, because he does play a very important role in our system. He is one of the key drivers of accountability, both in government and the agencies of government, and that's very important.

One of the reasons that it is so important that the Auditor General's reach be as thorough as it is, is that, of course, when he reaches his conclusions, when the Auditor General forms an opinion, it is on the basis of fact, it is on the basis of auditable evidence. It is on the basis of acceptable auditing standards. I know that there are members on the government side who are very keen to make decisions on the basis of facts and there are no greater facts than those that can be audited, those that have audit evidence to support them, and the Auditor General is the office where those kinds of auditable facts are determined.

So I just want to point out, to the benefit of the House and to all Nova Scotians, that every year the Auditor General provides a review of the budgets that are presented and approved by this House of Assembly, and then every year the Auditor General audits the Public Accounts and presents an audit opinion to this House, and through this House to all Nova Scotians, on the state of the books and whether they are in surplus or whether they are in deficit and so on.

In fact, the Auditor General, in his most recent report, was able to identify five key financial indicators. In his mind, according to his report, number one is whether the province is running a deficit or is in surplus. The fact of the matter is that the Auditor General's own records show, the Auditor General's own signature, which he affixes to his opinions, shows that he was able to sign off in the last decade on eight consecutive balanced budgets. More than that, Mr. Speaker, he signed his name to the audit opinion of the Public Accounts eight times in a row, showing that the Province of Nova Scotia was, in fact, in a surplus position.

That is on the basis of fact, that is on the basis of audit opinion. The Auditor General gathered all of the audit evidence he needed to gather to come to that conclusion, and he reached that conclusion eight times in a row - and that is a matter of public record.

However, Mr. Speaker, it appears that that was not good enough for the government, that the word of the Auditor General and his signature on all of those balanced sets of

accounts was not good enough for the government because it didn't fit into the narrative that they wanted to construct for Nova Scotians in the conclusion of the last election. So upon coming into office, this group that had shown such confidence in the Auditor General while in Opposition no longer wanted to take the word of the Auditor General, no longer wanted to accept his opinion that he had affixed his signature to, so they had to go outside and find an external auditor and find another consultant to see if they could get a different opinion - and they hired Deloitte for that purpose, as we all know.

Now I don't want to get into ancient history here, Mr. Speaker, although it isn't that long ago, but even Deloitte, when they reported to the Public Accounts Committee, created a bit of a hiccup for the government in this narrative they were trying to create for Nova Scotians because, according to the Hansard records of the Public Accounts Committee, when the member for Cape Breton North asked the fancy consultants from Deloitte, "In your dealings with the government have you ever found that things were out of sync with GAAP and/or the way the reporting should have been with the books when you took a look?" The answer from Deloitte was, "No, we had no issue with GAAP or accounting policies as [sic] all."

That certainly was an "oops" for the new government that was trying to create the opposite impression for Nova Scotians.

The member for Cape Breton North went on to ask, Mr. Speaker, "part of the inference of the government as we were going forward was that the books of Nova Scotia were being cooked by the previous government - is it your understanding that the books were cooked in Nova Scotia when you received the data?" The answer from Deloitte, a very well-respected accounting firm, is a clear "No." No, they were not. So the narrative that the government was . . .

MR. SPEAKER: Would the member table a copy of that?

MR. BAILLIE: I would be delighted to table that, Mr. Speaker. I have it right here and I will provide it to the House, as requested. Thank you for that reminder.

So now we have the word of the Auditor General, a person of great integrity, an office that Nova Scotians have come to rely on, eight times in a row reporting on the balanced state of the books of the province in the past decade, Mr. Speaker, eight times reporting on the state of the Public Accounts in the past decade. When that didn't fit with the government's agenda, they hired Deloitte but, oops, Deloitte came back and again confirmed that the books of the province were balanced at the time of the last election. That is a fact. Those are the facts - that is auditable evidence that the government's narrative was, in fact, wrong.

Now, Mr. Speaker, we come to the present day. We have the report this week of the Auditor General, the report dated November 2010. On Page 119 of that report the Auditor General says, "The annual operating results have been presented for nine years. The deficit

of \$329.6 million (restated) for the year ended March 31, 2010 is the first deficit of this decade.” Those, again, are the words of the Auditor General who the government, through this bill, is determined to give more power to, and appropriately so, because of the respect that all members of this House have, or should have, in his office and all Nova Scotians have in his office and the work that he does.

[9:45 a.m.]

I will go on because if those printed words are not enough for the members opposite, Mr. Speaker, the Auditor General is kind enough on Page 122 of his report - for those who are more visually inclined to - he provided a very nice and handy chart outlining the last nine years of operating surpluses. I will table the Auditor General’s Report one more time, but just let me quote from it because for us the Auditor General’s Report is no prop, it’s a very important document.

MR. SPEAKER: You can read from it, it had already been tabled, but you cannot use it to hold up and use as a prop.

MR. BAILLIE: The print is very small and my eyes are not good enough, Mr. Speaker: The annual surplus 2001-02, \$113.2 million surplus; the annual surplus 2002-03, \$27.8 million surplus; the annual results, 2003-04, \$38.1 million surplus; the annual results, 2004-05, \$170.2 million surplus; the annual results for \$2005-06, \$238.8 million surplus; the annual results for \$2006-07, \$182.4 million surplus; the annual results for 2007-08, \$418.9 million surplus; the annual results for 2008-09, \$26 million surplus.

Then we had an election. The annual results for 2009-10, the first year that the members opposite were responsible for, \$329.6 million deficit; all audited, all confirmed by the Auditor General of Nova Scotia.

Now we have his original eight reports on budgets and on Public Accounts, then we had the word of Deloitte, a world-leading accounting firm, hired by this very government. Now we have the Auditor General, again, making the same point. It may not fit with the government’s agenda, but facts are facts, and facts are particularly facts when they are audited facts.

Now my point today, in speaking to this bill, is not to say that Nova Scotia does not face significant financial challenges. Of course it does, as many provinces do, but certainly Nova Scotia has some financial challenges that it faces in the future. To be fair to the report that was prepared by Deloitte, it was a forward-looking report, it was a report designed to project into the future where the province may find itself.

Of course, the government was determined to put very tight blinders on their consultants, to look at very specific scenarios - what if the revenue of the province stays flat for years? What if expenses grew by 6 per cent to 7 per cent compounded year after year?

What if the offshore collapses, and so on? This is where that interesting number that the government likes to throw around, of \$1.4 billion, comes from. If the sky falls, we may face a deficit of that amount. It's an interesting number. It's certainly not what was occurring in the past decade as the Auditor General has reported, or in the year that the government took over. It is a look into the future under very narrow parameters.

This is a very interesting point because now we have a government that had a choice. It had inherited a decade of balanced budgets and operating surpluses, but it had a choice because it had a report from Deloitte that says that we may fall into deficit in the future. This is why it's important that Nova Scotians participate in elections with their eyes open and with all Parties truthfully presenting their vision of the future.

The new government could have dealt with that projection of the future by reviewing its expenses, by expenditure management, by bringing the expense side of the budget into line with the affordability of Nova Scotians. That is certainly what the history of the previous government was as it balanced all of the budgets without resorting to tax increases, as it balanced those budgets at the old rate of the HST. That is what the old government did, but the new government made a different choice. (Interruptions)

MR. SPEAKER: Order, please. The honourable Leader of the Progressive Conservative Party has the floor.

MR. BAILLIE: My point, Mr. Speaker, is they had a choice to make, and unlike previous governments that strove for balance within the expenditure envelope available to them, they made a very different choice. It wasn't what they said they would do in the election. It wasn't what Nova Scotians were led to believe would happen, in fact, it was the opposite. Instead of doing the hard work of making sure that expenses fit within the revenues available to them, they chose to raise taxes. They chose to break that promise. They chose to reach deeper into the pockets of Nova Scotians by increasing the provincial portion of the HST by 25 per cent - from 8 per cent to 10 per cent.

That is the route they chose when we reached that junction in the road after that decade of balanced budgets: to go one way, toward higher taxes - the easy route - or the other way, toward expenditure management - the harder route. They chose the easy route and all Nova Scotians are a little bit poorer because of it.

I'll just wrap up by saying, through you, Mr. Speaker, to the government, that is why this bill is so important. This is why we need to extend the reach and the power of the Auditor General to avoid the kind of shell games that that group opposite has been playing with the numbers, that that group opposite has been playing with Nova Scotians. There is one office, one independent officer of the House, that can make sure that Nova Scotians have the facts, have auditable facts in the future to make wise choices with, and that is the office of the Auditor General. That is why we support this bill. Thank you very much.

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

The honourable Minister of Finance.

HON. GRAHAM STEELE: Mr. Speaker, I do appreciate the comments of members opposite. There are a few observations that I do want to share with the House before I close debate on Bill No. 90.

The Finance Critic for the Official Opposition raised two points which I'd like to briefly address. First, he indicated - not in these words, but the gist of it was that this bill is a response to what the Auditor General said in his June 2010 report. I do want to correct that because that is not the case.

As I said during my remarks opening debate on second reading, the process of developing this legislation started shortly after we were sworn in - that is, in the summer of 2009. There were a number of issues that had to be worked out because it was a complete revision of the Act, not just a set of amendments. Not all of the issues were easy or clear cut, and because we were aiming to have the best legislation in the country, we didn't have guidance from elsewhere on some of these issues because we were looking to set a new national standard for this kind of legislation. Therefore, a working group from the Civil Service and the Office of the Auditor General set to work and that work started in the late summer, early Fall of 2009.

I think all members of the House recall and recognize that during our first year in office there were numerous competing priorities on the finance side, including developing and passing two budgets in the space of seven months, commissioning two expert reports on the state of the province's finances, rewriting the Provincial Finance Act, and conducting the most extensive financial consultations in the province's history. We considered the discussions over a new Auditor General Act to be moving along at a reasonable pace given the fact that it was a complete rewrite, given the complexity of some of the issues, and given the other priorities that we had in our first year.

We were therefore a little surprised when the Auditor General issued a report in June which, among other things, said that two audits had not been completed because he did not have access to certain privileged documents. We believed then and we believe now that it would have been improper for us to release privileged documents without the necessary statutory framework in place. It is one of the oddities of Nova Scotia Business Inc. that because of the procedure put in place by the previous government all approvals go through the Executive Council. Therefore, every single Nova Scotia Business Inc. file is a Cabinet document. What had happened was that until the legislation was changed the practice that had developed under the previous government was continued.

If anybody were to suggest to this House that something new or different happened under our government they would be mistaken. In fact, those people who were at the Auditor

General's press conference will recall that the Auditor General said this was an issue that had gone on for years - certainly as long as he'd been in office; in fact, as long as anybody could remember. Let the record reflect (Interruptions)

MR. SPEAKER: The honourable Minister of Finance has the floor.

MR. STEELE: Let the record reflect, Mr. Speaker, that is what the Auditor General said, that this was an issue that had been going on for years.

Mr. Speaker, we know that it would have been nice, it would have been in some ways preferable had this legislation been ready for introduction in the Spring sitting of this House but it was not ready for the Spring sitting. It turned out not to be possible and therefore, the Auditor General essentially said, well, we'd like you to move along a little bit faster than you have been.

Members of the House will recall that in response to the Auditor General's Report in June 2010, I made four specific commitments on behalf of the government. They were, first, to complete discussions with the Auditor General on the revision of this Act. Let me emphasize this, Mr. Speaker, to complete the discussions, not to begin them because they were already well underway; second, to introduce the amendments to the Auditor General Act this Fall and that is the bill we have in front of us; third, to invite the Auditor General to address Cabinet on this issue, if he wishes; and fourth, to complete the two audits once this legislation is passed and in force.

I am pleased to say that with this bill we are keeping all of those commitments and the Auditor General, we understand, is very satisfied with this bill and agrees with my characterization of this bill as probably the best Auditor General legislation in the country.

A second observation made by the Finance Critic for the Liberal Party had to do with this issue of public interest immunity. It is a good issue and I'm glad that he raised it. The Finance Critic for the Opposition may not realize that, in fact, public interest immunity is the proper, technically-correct legal term that refers to Cabinet confidentiality. Cabinet confidentiality is not actually a legal term, the correct legal term is public interest immunity. I want to reassure the member that like solicitor-client privilege, the meaning of that phrase is well-known, well understood but it is defined by the courts.

The members will not find anywhere in the legislation of the province any definition of solicitor-client privilege. That is simply something that has been developed through the common law over the course of literally centuries. The same can be said for the concept of public interest immunity. There are court cases on this, including up to the Supreme Court of Canada. The scope and the meaning of it and exactly what it covers and doesn't is well understood to the law. If that member or any member of the House would like to receive more information on the judicial interpretation of the phrase public interest immunity, I would be glad to provide that to the House.

Now, Mr. Speaker, that was going to be all that I was going to say, until I heard the Leader of the Third Party reinventing history this morning. Although I probably should, I really can't resist making a few comments in response to his comments. You know it reminds me of nothing so much as somebody who brings a bunch of his friends to a house for a party and they make a complete mess of the house and on the way out the door, as they're getting thrown out, they say, you really ought to clean this up.

Mr. Speaker, that crowd over there left an enormous financial mess behind and we are the ones who have been left to clean it up. (Applause)

MR. SPEAKER: Order, please. The honourable Minister of Finance has the floor.

MR. STEELE: What that crowd over there refused to acknowledge is that what they left behind (Interruptions)

MR. SPEAKER: Order, order. Thank you. The honourable Minister of Finance has the floor.

MR. SPEAKER: Ah, Mr. Speaker, the truth hurts and you can tell. What that crowd left behind, what that crowd refuses to acknowledge is that what they left behind for the people of this province was a structural deficit. They left behind a structural deficit because what they did was they set up spending programs and they paid for them with revenue sources that were highly variable and unpredictable. (Interruptions)

[10:00 a.m.]

MR. SPEAKER: Order, please. The honourable Minister of Finance has the floor.

MR. STEELE: Mr. Speaker, what that crowd left behind was a structural deficit which means that even when the economy recovers, the finances of the province will not. The best example of that is natural gas royalties which, as everybody knows, are highly variable.

Mr. Speaker, we know that production from the Sable gas platform is on the downward slope - we know that. They knew that and everybody knew that. They're on the downslope so production is decreasing year over year. In addition to that, the international price of natural gas is highly variable and the royalties that we receive is a function of the two. So with lower production and a much lower price, the revenues of the province are down almost \$400 million just from one year to the next. (Interruptions)

What that crowd did, Mr. Speaker, was that they committed all of that money for years into the future. (Interruptions)

MR. SPEAKER: Order, please. The honourable Minister of Finance has the floor. I would ask that all members respect his time as yours was respected when you spoke.

MR. STEELE: Mr. Speaker, when the natural gas royalty money dropped, as it did by nearly \$400 million, what we inherited was a structural deficit where the spending continued on, growing at a rapid pace. (Interruption) Well, things like Seniors' Pharmacare. Do the members really want us to cut Seniors' Pharmacare? Do the members really want us to cut Seniors' Pharmacare? Is that what they want us to do?

MR. SPEAKER: I will remind the minister, if he has a question, he should direct it through the House but this is not Question Period, this is debate on the second reading of a bill.

MR. STEELE: Mr. Speaker, it's because they have no answers to these questions. So what happened is that when the floor dropped out from under the revenue, the expenditure kept going but the revenue was flat. That is what a structural deficit is and that's what that crowd left behind for us and they refuse to acknowledge that. We are the ones who have to have the discipline and focus that was so conspicuously lacking from the previous government. (Applause)

Mr. Speaker, the other thing that that crowd won't acknowledge is that, look, the entire country is in recession and is just coming out of recession. Every single province in this country is running a deficit - every single province in the country is running a deficit - and then the Leader of the Third Party stands up and waves his arms and says, oh, look, they're running a deficit. Well, this is what happens when you have a recession and you engage in stimulus spending, which every Party in this House supports, and then they stand up and wave their arms around and say, oh, terrible government, terrible government, running a deficit.

Well, Mr. Speaker, I wonder if the members on that side of the House know which government in Canada currently has the lowest per capita deficit in the country, which province is it? Is it the Liberal Government in Ontario? Is it the Governments of Alberta, Saskatchewan, Manitoba? Is it New Brunswick which the Opposition likes to compare us with? The lowest per capita deficit in the country right now is here in Nova Scotia. (Applause)

As I said yesterday, it is this government that has the plans to get us back to balance. It is this government that has the discipline and focus that are necessary to clean up the mess that they left behind.

Mr. Speaker, having said all that, which is not particularly relevant but I really can't allow the Leader of the Third Party to stand up and just talk that utter nonsense that he just said. It has to be corrected for the record. With that, I'm very proud that we are introducing

this complete revision of the Auditor General Act. It's going to make the government of the province better and stronger and that is good for everybody. (Applause)

MR. SPEAKER: The motion is for second reading of Bill No. 90. 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 the order of business, Private and Local Bills for Second Reading.

PRIVATE AND LOCAL BILLS FOR SECOND READING

MR. SPEAKER: The honourable Government House Leader.

HON. FRANK CORBETT: Mr. Speaker, would you please call Bill No. 91.

Bill No. 91 - Royal Nova Scotia Yacht Squadron Amalgamation Act.

MR. SPEAKER: The honourable member for Halifax Atlantic.

MS. MICHELE RAYMOND: Mr. Speaker, it is my pleasure to rise and move second reading of Bill No. 91, which is an Act to Amalgamate the Royal Nova Scotia Yacht Squadron and the Saraguay Club. I think it's an interesting comment on the venerability of these two institutions, that it does, in fact, require legislation to amalgamate the two of them. Both of them have had their own incorporating legislation. In 1837, the Halifax Yacht Club was initially incorporated. In 1860, it became the Royal Nova Scotia Yacht Club and at that point it was located actually on the breakwater of Halifax Harbour. It's interesting to look back and think that Halifax Harbour had its own breakwater, which of course is now the container pier.

That club moved to the Northwest Arm in recognition, in fact, of the leisure properties of the Northwest Arm in 1960 with the construction of the container pier. It moved, actually, to an old industrial site on the Northwest Arm, which was one of the original mills that had been part of the construction and founding of Halifax. The neighbouring property was that of what was the Saraguay Club from 1906. The Saraguay Club actually was the property of the Lawson family, Henry Lawson and, again, recognizing the beauties of the western shore of the Northwest Arm, the bachelor Henry Lawson had spent some 50 years laying out paths simply for neighbours and friends to enjoy the exploration of his property, Summer Rest.

The long tradition of recreation at the Northwest Arm actually is now reaching a sort of culmination. In 2006, the actual merger was completed of the two organizations and the bylaws of the Royal Nova Scotia Yacht Squadron will prevail, however, it is necessary in this House to complete the transaction by, in fact, repealing the Saraguay Act and by amalgamating the Royal Nova Scotia Yacht Squadron and the Saraguay Club as one institution. I'm pleased to be here as a representative of this area to move second reading. Thank you very much.

MR. SPEAKER: The motion is for second reading of Bill No. 91. 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 Private and Local Bills.

The honourable Government House Leader.

HON. FRANK CORBETT: Mr. Speaker, would 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. 93.

Bill No. 93 - Motor Vehicle Act.

MR. SPEAKER: The honourable Minister of Transportation and Infrastructure Renewal.

HON. WILLIAM ESTABROOKS: Mr. [Deputy] Speaker, it is a pleasure to stand in my place today. It even makes it a better pleasure with you in the Chair. I know that we're going to have an informed debate on a piece of legislation that has been of some interest to members in the House and, of course, has been an interest over the last number of days since we've done the bill briefing to Nova Scotians.

I'm pleased to bring forward the amendments to the Motor Vehicle Act that will improve bicycle safety and recognize bicyclists as road-users in Nova Scotia. Now that is just plain common sense, people have said, but I think we have to be aware of the fact that this legislation is of some consequence when we're dealing with these issues. It is important at this stage that I make sure the House is aware of the fact that I've been consulted, in fact lobbied, by various people who are avid bicyclists and users of bikes in our province.

Of course we are all aware of various bike routes that are promoted for heavily-important tourist areas. I'm fortunate enough to represent part of what we locally call the Peggy's Cove Loop, and I can assure you that it is a bike route that we have to make sure is safe and that people who are using it have the opportunity to use it in a way as safe as possible.

This legislation will enhance current bike legislation. It will require drivers of vehicles to leave one metre of open space between their vehicle and the bicyclists. Again, common sense, courtesy, sharing the road - we're going to make sure all these things are in our legislation.

More specifically, the amendments will add a definition of a "bicycle lane" and a definition for "cyclist" and prohibit parking of a vehicle in a bike lane. I must really point out at this time that I had the opportunity to meet with Councillor Linda Mosher on this particular topic. Councillor Mosher and I share part of the St. Margarets Bay Road. There's a notorious area there where there's a great bike lane, but in the summertime the bicyclists can't use the bike lane because the people are either using Long Lake Park or they are also using the opportunity to get to one of the nearby lakes. They are making it a parking area. Ms. Mosher has very clearly made this a priority for her and her constituents, her residents, and I am pleased to see that this is included in this piece of legislation.

We are also going to make it an offence to fail to yield to a cyclist in a bicycle lane. We're redefining cycling and making sure they're on the extreme right - again, common sense, but I think it's important. I've heard from other people too, who said there is no doubt that sharing the road is an important part of using a bike, but it's also important to make sure that bicyclists are aware of the fact that they have to be careful. They also have to be attentive to the rules of the road.

We're going to make sure that drivers are required to leave one metre of open space between the vehicle and the cyclists when passing, which will allow drivers of vehicles to cross a centre line to pass a bike if the driver can do so safely. We are requiring cyclists to ride single file in the same direction as the traffic - again, common sense, but it has to be included.

In the past 10 years, Mr. Speaker, there have been 10 bike fatalities: six on rural roads, three on urban streets, and one on a 100-Series Highway; 10 in 10 years. That's really just shocking, in my opinion. In 60 per cent of the fatalities, driver inattention and driver distraction were contributing factors. I won't point to other examples of driver distraction, but I just wonder how many of them were on a cell phone.

It is time to do more to protect those who choose to travel by bikes and this is what this legislation is determined to do. Staff at TIR have consulted with members of the cycling community on the new legislation and we'll continue to consult with the community to make the roads safer for all road users. In particular, I know the member for Dartmouth East has

brought forward some interesting legislation, and it's important that I acknowledge his interest in this. I know he had a very wet bike ride one day and bringing attention to the fact of the safety - I also know that he was concerned about the fact earlier on that the penalties are not actually included in the legislation. Both of these, where there are offences involved, they are either Category D offences or Category G offences and the appropriate fines follow if the law - when it is passed, if it is passed - is not followed.

By clarifying the roles and responsibilities of bicyclists and motorists, the safety of cyclists will be enhanced and the rules will be clearer to all involved. The one-metre rule is now in effect in 15 American states. Nova Scotia will be the first province in Canada to enact the one-metre rule if this legislation is passed. The proposed legislation supports and directs motorists and cyclists toward positive changes in driving behaviour, thus improving road safety overall.

[10:15 a.m.]

These amendments will encourage Nova Scotians to ride their bicycles because they serve as a reminder that everyone has a shared responsibility to share the road and look out for one another. This is a positive step for Nova Scotia motorists and cyclists. I've heard from people throughout the province. I've heard from the good Minister of Justice who, on many occasions, tells me of how impressed he is with the fact that a certain section of road that has been recently constructed in the Lyons Brook area - if I have it correctly - does have a bicycle lane.

We have to make sure we have as many bicycle lanes on new stretches of highway as possible. This is a good piece of legislation, and I thank Nova Scotians for their interest and I look forward to this bill making its way through the House after input from the members present so we can, of course, move it on to the Committee on Law Amendments and see the possibilities of this becoming a law in this province.

With those comments, I will take my place. Thank you.

MR. SPEAKER: The honourable member for Clare.

HON. WAYNE GAUDET: Mr. Speaker, I'm pleased to rise and say a few words on Bill No. 93. This bill amends the Motor Vehicle Act in order to make it safer for cyclists on our roads. I want to congratulate the minister for having brought this piece of legislation forward.

If this bill is passed, it will require drivers to leave one metre of open space between the vehicle and the cyclist when the driver of a vehicle passes a bicycle travelling in the same direction as the vehicle. Many will say that it's the case now. Many drivers do actually leave an open space between themselves and the cyclist when they pass bicycles on our

roads - I know I do it, and I've seen many people driving vehicles do it as well whether there's a bike lane or if there's no bicycle lane.

I want to publicly recognize those drivers who are showing respect for cyclists on our roads and thank them for the courtesy and the respect they show cyclists; however, we have to recognize that there are some drivers on our roads who fail to leave an open space between themselves and the cyclists when they pass a bicycle. I've seen incidents where some drivers failed to leave an open space between themselves and the cyclists when they're passing. In these situations - sometimes there are vehicles coming from the other direction - where vehicles don't provide that open space between themselves and the cyclist.

At times there are very close calls between vehicles and cyclists. I'm sure you've heard from cyclists themselves where they've encountered close calls on our highways. If this legislation will prevent cyclists from getting hurt or killed on our roads - as the minister pointed out, in the last 10 years we've had a number of fatalities involving cyclists on our roads - then we need to get this legislation passed as soon as possible.

We all recognize that cyclists can't compete with vehicles on our roads, but yet we keep hearing of and we keep having accidents on our roads. The minister told us on Tuesday at a press conference there has been 60 fatalities on our roads so far this year in the province - there is a serious need for us to take action to make our roads safer for all, especially for cyclists.

Nova Scotia is the first province to enact this 1-metre rule. I understand this is also the law in 15 different states in the U.S., and I'm sure other Canadian jurisdictions will follow Nova Scotia's lead and introduce similar legislation. I understand the province has consulted with members of the cycling community on these proposed amendments, which includes definitions for cyclist and bicycle lane; prohibiting vehicles parking in a bicycle lane; making it an offense to fail to yield to a cyclist in a bicycle lane; redefining cycling on the extreme right; allowing drivers of vehicles to cross a centre line to pass a bicycle if the driver can do so safely, and requiring cyclists to ride single file and in the same direction of the traffic.

I've noticed in this piece of legislation, the government did not include any penalties or fines for motorists who fail to provide this one meter of open space between themselves and the cyclist. So maybe when the minister closes debate on this bill, he might wish to comment on this matter.

In closing, the amendments that are being proposed, is a good first step. Some will say, this legislation doesn't go far enough. My colleague, the honourable member from Dartmouth East, has tabled a bill earlier this session to make Nova Scotia more bike-friendly. So, if the minister took his lead to introduce this bill from my honourable colleague, then I congratulate him for taking such actions.

We feel government should go further with their bill and adopt my honourable colleague's bill in its entirety, to help strengthen the bill, of course, that is before the House. I know my honourable colleague has done a lot of work, a lot of research on this topic. I know he's had, on many occasions, brought it up in our caucus about the need for this legislation to be brought forward. So I want to congratulate, as well, my honourable colleague for all his extensive work that he's done on this topic. So, the general public and especially cyclists, will have the opportunity to say what they think with regard to this bill.

So, again, in closing, I hope that cyclists and the general public will take advantage of the Law Amendments Committees, will come forward and participate in the process, if they wish to try to encourage the government to make some amendments to this bill. Before the bill is brought back to committee of the whole House, the general public and cyclists in general will have that opportunity. So I would certainly would encourage the general public and especially cyclists to certainly come forward and participate in this process.

So with those few comments, Mr. Speaker, I will take my seat. Thank you.

MR. SPEAKER: The honourable member for Argyle.

HON. CHRISTOPHER D'ENTREMONT: Thank you very much, Mr. Speaker. It's my pleasure today to stand and speak for a few moments on Bill No. 93, basically respecting cyclists on our roadways in Nova Scotia.

As you know, and most members of this House know, that I'm a bit of a cyclist and I've spent many hours with our Minister of Justice, trying to pretend we're cyclists, for the most part, keeping up with the bad boys, but we've spent lots of time. I logged over 3,000 kilometers this summer riding around Nova Scotia. I did get to spend a whole week riding the Heartland Tour with our Minister of Justice and I can say that this is a good move forward in protecting the safety of cyclists on our roads.

There are a number of issues in here that I find (Interruptions) I don't know, maybe the Deputy Premier here is picturing me in spandex, which is why he's laughing. It's one of those things where he's beginning to lose his breakfast there. (Interruptions)

AN HON. MEMBER: He's just happy to see you.

MR D'ENTREMONT: He's just very happy to see me. I've got to say - I've lost all seriousness here, Mr. Speaker, I'm sorry.

MR. SPEAKER: Order. Order please. The honourable member for spandex - Argyle has the floor. (Laughter)

AN HON. MEMBER: That's a stretch, Mr. Speaker.

MR. D'ENTREMONT: That's a stretch, that's a stretch too. So Mr. Speaker, I've got to say, you know, most drivers, and this is my experience, my experience as a cyclist. The experience is, most cars, most vehicles, most drivers do give you the full breadth of a metre, if not more, as they're passing you. Most people are patient enough to sit behind and wait for that opportunity to be able to have that one metre and pass you by safely. A lot of drivers scare the bejesus out of us by tooting their horns right behind us. They do scare the heck right out of us when they toot their horns. (Interruptions)

AN HON. MEMBER: I don't think bejesus is parliamentary.

MR. D'ENTREMONT: I don't know if that's parliamentary either but that's what they do to us. Can you imagine riding down a highway wearing nothing more than a helmet and your spandex and a transport truck comes along beside you and honks his horn? I know the transport truck is there, I feel the transport truck, it's right there. He doesn't need to toot his horn. We need the one metre, you know, because a lot of times maybe we aren't paying attention the way we should and maybe the driver is not paying attention as much as they should.

Mr. Speaker, I know that with all the other distractions that drivers have in their cars and, you know, I can blame myself sometimes. Sometimes we don't see a cyclist until we come up against them and we really need to pay attention. There are a couple of points in here that I'm wondering about. When you say you need to be as far to the right side of the roadway as practical, in some cases as far to the right is probably the most dangerous place that you can be. Especially in a metro or urban area where far to the right is where you're going to find the storm drains and the storm drains that aren't oriented correctly are extremely dangerous because your tires end up in the storm drain and you end up going over your handlebars. So extreme right as practical - well, I guess it's as far right as we can get.

The other issue that I see in here, the right-hand shoulder of the roadway, unless the cyclist is. Now, I know the Minister of Justice riding his bike that he spent thousands of dollars for, or me riding my bike that I spent thousands of dollars for with those really thin 23-millimetre tires, I'm not riding on the shoulder. I'm going to ride on the pavement where I can because my tires will bust if I hit the gravel the wrong way. I'll have a flat tire and that causes a whole bunch of other problems as well. So I'm worried about that kind of thing in here.

The final piece I do want to talk about is I believe Clause 9(2)(6), where it talks about single file. Single file is a great thing to go for and try to do but I'm going to use the experience of a lot of times what we do is we go out on a club ride. The club ride, we have a wonderful club in Yarmouth over the last year and a half, two years, where we have anywhere from 15 to 20 people going out for a bike ride. When we go out for the bike ride, we go out and do 40 kilometres to 50 kilometres in a group which is the most enjoyable

thing I've ever done. It's a lot of fun. You've got comradery, you've got a little bit of working for you, against you, to see who can get to the sign the fastest. I'm always at the back of the group but that doesn't matter, I still have a great time with the group.

So what happens is, as you've got the comradery going, you sort of bunch up a little bit and a lot of times we end up going two by two, a lot of times, down along the highway. I know we can ask the Minister of Justice about this, as well, because I remember going side by side with him down a number of the roads over the summer - discussing politics for the most part and discussing many other issues in this province - and it was actually a lot of fun.

The single file thing is, when you're alone it's one thing, if you're a couple of people, well, that's okay, but when you've got a group of 15 or 20, two by two sometimes is probably the better amalgamation of those cyclists. Because if you had 15 people all in a single file, it's very long and what happens is the car that comes behind you and tries to pass 20 cyclists that are all lined up in single file, what happens is that by the time they're halfway through, a car comes along and they've got to get out of the passing lane and sort of impinge on your one metre. So I'm just wondering if maybe there's a bit of language there that could be adapted on the single file issue.

[10:30 a.m.]

Beyond that, you know, cycling is an absolutely wonderful pastime, a wonderful piece of recreation, a wonderful way to lose weight and be active in this province, and I'm glad that I found cycling to be a part of my life. I'm very glad that this bill is before us today and I look forward to helping this one along its way through the Law Amendments Committee, to see if there are a couple of adjustments we might be able to make to it. I think in its whole, in its entirety, I think this is a very good bill and I am very glad to see it here today. Thank you very much, Mr. Speaker.

MR. SPEAKER: The honourable member for Dartmouth East.

MR. ANDREW YOUNGER: First of all, Mr. Speaker, let me just say I think I'm scarred for life with the image of the member for Argyle in spandex and members of the House will be happy to know that none of my bicycle clothing includes tight spandex because, frankly, I don't want to see myself in tight spandex.

I want to thank the minister for bringing forward this bill. There are a lot of people who get very antsy about whether it's their bill that's called or the other bill that's called and, frankly, I'm just happy to see that this is included. Back in June of this year during bike week, I had announced on behalf of the Liberal caucus that we would proceed with this sort of legislation. I think that it's very important that it has now come forward and does appear that it will pass.

There is a lot that we can do to make this safer. The minister had actually referenced my own bike ride over the other day and let me say that back a number of years ago I used to work at the Bedford Institute of Oceanography and lived on South Street, in Halifax, and I used to ride my bike back and forth every single day, commuting, and that was in the days when you had to actually walk your bike across the Macdonald Bridge.

The minister had referenced Linda Mosher, the councillor for Halifax Regional Council, and there were a number of HRM staff there - and certainly we applaud the principle behind what the minister is trying to do about parking in bike lanes - but I do have an email, which I'll table after I reference it, from the legal staff at HRM as well as Ms. Mosher, as well Hanita Koblents, indicating that the way it's worded in the bill actually will not work for the municipality in terms of no stopping in bike lanes and that they will be seeking changes, a number of changes to that wording. I'd like to just discuss those. My hope is that the minister would be willing to consider those, at least talk to his staff about those.

To start with, they certainly have a concern, and they expressed this at the briefing, that having an outright ban on stopping or parking in bicycle lanes may actually lead to a situation where the municipality may be forced to build fewer bike lanes than they plan. In particular they are concerned about the cross-town connector road. The example they give is - they actually support it in principle, the department and the staff - they're concerned about how bus stops and accessible parking would actually be dealt with.

As well - and the member for Argyle had alluded to this - where the bill states that cyclists travelling must be in the right-most portion of the lane, their concern is especially in roundabouts such as the Armdale Rotary where actually it's the HRM's position, and the police position, that cyclists should ride in the centre of the inside lanes of the roundabout when travelling through the roundabout. Whereas the way it's currently worded, the feeling of the solicitors at HRM is that would actually make that an illegal act and so that causes them some difficulty. In fact, they suggest that in order to be visible in a roundabout, they recommend that cyclists ride in the center of whatever lane they're in.

This morning - it doesn't even just apply to roundabouts - the same happened here on Hollis Street this morning when I was coming in and there was a cyclist on the one-way street making a left turn onto another one-way street and, of course, they needed to be in the left-most section of the left lane in order to safely make that turn. I certainly applaud the minister's intent here, and I don't want to take away from the intent of what he's trying to do, but HRM - and this was actually forwarded to me by Ms. Mosher - would seek a few changes.

Specifically, the two main concerns are the parking one that they had suggested that perhaps it be worded that, parking is prohibited except where signed by the traffic authority or the municipality, which would allow them to - for example, the minister would be well aware that on Herring Cove Road, the municipality ended up not putting in bike lanes, which

is unfortunate due to some, what I believe, misinformation that the business community had. They would have actually had the option to potentially have rush hour-only bike lanes, for example, which then - it would have been a compromise. What can we say? There would have been no parking in them during rush hour and they could have parked there not during rush hour, which would have allowed bikes to go through, but now we have no bike lane because people didn't want to give up their parking.

I think it is a legitimate concern the municipality has about accessible parking spots and bus stops, that they just don't want to create an unintended consequence. I think we all support what the minister is doing with that. The couple of things they would say, and I'll just quickly go through them, are in Clause 9(2). They would say:

- (4) A cyclist who is not riding in a bicycle lane shall ride as far to the right side of the roadway as practicable or on the right-hand shoulder of the roadway unless the cyclist is:
 - (a) in the process of making a left turn in the same manner as a driver of a motor vehicle,
 - (b) travelling in a rotary or roundabout in a lane other than the far right lane
 - (c) passing a vehicle on the vehicle's left, or . . .

MR. SPEAKER: Honourable member, normally we do clause by clause in third reading. Today you're talking about the principle.

MR. YOUNGER: That's fine, Mr. Speaker. I'll table this so the minister can review that. It is probably easier than reading through it anyway. Otherwise he'll have to furiously try and take notes.

The point I was really trying to make is that there are some concerns raised by the municipality in the current wording and I know that did come from the municipality. All I would ask is that the minister review that with his staff and see whether they agree with those and perhaps get back to us. Maybe there will be some amendments at the Law Amendments Committee.

Two other things I wanted to comment on: I actually thought the most important thing the minister said at the press conference the other day was his talk about bike lanes on provincial highway projects, for which I certainly commend the minister. I remember the previous government - when the previous government was there I was still on regional council and the work was being done on Burnside Drive - which, incidentally, would connect with the Burnside Expressway, in case the minister wants to know. The province refused to put that extra couple of feet of asphalt to allow a bike lane, so we actually ended

up with a crossing over the highway that bikes can use, but then the bicyclists have no safe area to go because of the speed and the volume of traffic. A couple of feet of asphalt would have made all the difference. I hope that the minister is talking to his department to make sure that sort of thing doesn't happen in the future because it is frustrating. It's an opportunity to combine those projects.

My hope also is that the minister and his department and this government will work with municipalities across the province to move toward more of a system such as they have in Montreal, which I view as one of the better bike-friendly cities in the country. Where possible, they've created cities where they actually have a bike lane and they have a series of bollards that protect the bicyclists and then the parking is outside of that. It certainly separates it and makes it much safer. I do recognize that is not practical everywhere. Certainly on the peninsula in Halifax that's difficult and there are parts of the province where that would be difficult, but there are opportunities to do that. The other option, of course, is as they do in Calgary in new development, where they actually include off-highway or off-road bike paths as well, which I think is very commendable.

Mr. Speaker, at the end of the day I just want to return to my opening statement, which was it really doesn't make a lot of difference to me whether it is my bill that is called or the minister's bill that is called. I'm just glad this is being done. I very much congratulate the minister and the government for supporting this sort of initiative. I certainly hope they will be open to at least looking at the suggestions from the municipality to clarify a couple of things before we get this passed, and I very much hope we can get this passed in this session of the Legislature. Thank you very much.

MR. SPEAKER: The honourable member for Hants West.

MR. CHUCK PORTER: Mr. Speaker, it's an honour today to take a few minutes to speak to Bill No. 93, which is of great importance to myself and I know a lot of other people. I congratulate the minister for bringing this bill forward as well, because I think it's a good bill and one that I hope will be given a lot of attention by drivers, both cyclists and motor vehicles themselves.

I remember back probably a year ago or a little more, I received some correspondence from a cyclist in my area. After that I think I wrote the minister, kind of concerned about this situation and what may be the potential being done for bike lanes. We understand, all of us who have ever driven the rural roads, they're a little bit narrower in some cases and it's very difficult to create bike lanes with that one-metre distance marked on a highway anywhere without creating probably some kind of confusion.

I think this is a good bill, this is another step. A few years ago we put in place a helmet law in this province which was a huge piece and all about the safety of cyclists - an important step forward in my opinion. I haven't heard anyone raise in this discussion - we keep talking about the participation, the exercise piece of it, but also reducing our carbon

footprint, encouraging more people to cycle. If you continue to increase safety measures for drivers of bicycles, you may get more people on the road biking instead of driving their cars.

There are a number of people I know now, certainly in the HRM area, in the city, and towns where distances aren't too, too far to go to work, do take their bikes and use them for travelling to work. That is a great thing - people are concerned about the environment and reducing their carbon footprint and saving on gas and so on, and this is a great way of doing that, and it helps to promote such driver safety.

Again, a very important bill. I wonder what the minister will do by way of educating the public when it comes to this - that will be the bigger piece, I think, as in most things. We talk about parking spaces for bikes, yielding, those are all education pieces. We know that. Once upon a time there were no spaces marked for anything - disabled parking, things like that. Those all came into place over time; those were done through education. People do adapt. I do think that people will adapt as well over time, hopefully sooner rather than later, to things like parking for cyclists.

Yielding to cyclists is obviously a huge concern. People do need to be aware that they do have a right to be on the road. They should know that from studying their driver's manual and taking their test - some of us, maybe like the minister, took that test many moons ago - I shouldn't pick on him for being too old, but that was a long time ago for some of us (Interruptions) Oh, they didn't have tests back then - your honourable colleague says they didn't have tests back then.

MR. SPEAKER: Order, please. Order. The member for Hants West has the floor.

MR. PORTER: Hard to stay focused here today for some reason, Mr. Speaker. This is a very important piece of legislation and I want to be serious about it, especially in moving to this next piece - it's about the safety aspect.

The stats that were mentioned by the minister are nothing short of concerning - 10 deaths in 10 years is 10 too many, in my opinion. My previous experience, unfortunately - we've been through that, and we need no more of that, and this bill will help encourage, as I said, and it's important, the education piece so that drivers are aware. We're talking about something big in this province. This is something big for people who cycle; they see this as a big deal. I don't think the minister would have brought it forward otherwise. I know others have proposed bills - and I don't care who brings the bill forward in this House, not one Party has all the right answers and all the good ideas. There are many and I'm glad to hear that most - well, every speaker I've heard so far will concur with the minister on this bill. Maybe it does need an amendment here and there, that's fine. Let's make the bill work for the people of Nova Scotia.

A lot of our drivers are younger - our kids, they adapt quickly, they learn quickly, much quicker than what we as adults most of the time do, but that's what they do all day

every day - they learn in their younger years. It's important that we share bills like this with our children who are cyclists as well, who do bike to school, who do bike to friends' places and to the pools, to the parks and so on.

Again, I commend the minister for that. I did hear at least one member speak to the fee structure. Well, I don't know if it really matters when it comes right down to it whether that's in the bill or not - putting that in regulation is probably just fine once the bill passes. You have some room to move later without having to come back to this place to do so. I hope the fee structure is meaningful enough that people take note, they pay attention, but that's only one piece of it.

The minister spoke about common sense. Unfortunately there isn't a store where you can go and buy that - that's too bad in a way. I've said that on many different topics, it's too bad that you can't. It takes a lot sometimes for people to see what common sense means. Sometimes, or maybe most times, it means something different to all of us; rightly or wrongly, that is how it is.

[10:45 a.m.]

Like I said, just in closing, I do want to commend the minister for bringing it forward and look forward, hopefully, to seeing a few people come in through the Law Amendments Committee to speak to the bill and it coming back for third reading and passing through and being enacted, sooner rather than later. Sometimes bills are slowed a bit but this is one that I think can move quickly and be put into place in this province. With that, I want to thank you for the opportunity to say just a few words this morning.

MR. SPEAKER: The honourable member for Richmond.

HON. MICHEL SAMSON: Mr. Speaker, it's a pleasure to say a few words on this bill. It's an issue which I think affects almost all members of this House as we are seeing an increased participation in biking all around Nova Scotia. Certainly, it's no different in Richmond County. Unfortunately, one of the biggest challenges is the issue of safety. Richmond County, like so many other areas in our province, tends to have roads that are windy and twisty and all too often are not overly wide. As a result, it always becomes a bit of a challenge between bicycles and the motoring public.

In fact, I've been approached by some bicycling enthusiasts who feel there is a need to put up some signage, which encourages motorists to share the road because, surprisingly, there are still motorists who believe that bikes do not belong anywhere on asphalt and whenever they encounter a bicycle, that it is the bicycle's duty to get off the road so that they can continue their passage. Needless to say, that is not the way it works and I think most motorists will yield the way to bicycles and do everything they can to get around them in a safe manner without impeding the progress of the bicycle.

It is very clear from those types of concerns that we still have work to do informing the public. I'm curious as to whether, as part of this plan with this legislation, the minister is also, via his department, planning on signage, which will be used on roads throughout Nova Scotia to make sure that motorists do understand that bicycles do have a right to be on the road and that motorists have responsibilities around that because it is quite clear that that education element of this is missing. So hopefully the minister will have an education program that will come along with this as well, and proper signage, not only for Nova Scotia drivers, but for any visitors to our province, so that they clearly understand the importance of bicycle safety and respecting those who are using the road.

As well, from the perspective of Richmond County, I remember a few years ago the former Minister of Transportation and Infrastructure Renewal, the former member for Cumberland South, had indicated - I believe he had made an announcement - that his government was going to consider any new paving projects through the scope of the possibility of including bike lanes with these new paving projects, something that we were very excited to hear and I'm sure most members were excited to hear.

We had a tender that was called back in 2009, which would have paved a section of the main road through Arichat leading right up to the Petit-de-Grat Road connector, right up to part of West Arichat. This is a main thoroughfare, it goes right through the community of Arichat, pretty much the business district of Isle Madame, and we were quite excited about the prospect that a bike lane might be put here because we don't have sidewalks.

Unfortunately, the message that came back was that bike lanes are not going to be put in. If you want to wait for them, fine, or you can accept the tender and the new paving. Needless to say, I don't think anybody was prepared to wait and hold up this project when one looks at the state the road was in. Obviously, we were pleased with the tender, the road got fixed, we've got a beautiful road now, but there is no bike lane, and there are no sidewalks, so the challenge continues for those who use bikes as exercise and as means to get around, not to have a safe zone in which they can operate.

This year we were very grateful that the current Minister of Transportation and Infrastructure Renewal approved the tender to finish that section of road from the West Arichat section right up to Martinique, which is where you first come onto Isle Madame. Again, the section of road - I know the minister travelled on it with me and was very aware of the need for that to be upgraded, but, again, when the question was, can this be considered to have the addition of a bike lane, the response again was that it was just not in the finances and it wasn't going to be a reality. Again, if we were willing to wait, there might be the possibility later on. Well, needless to say, I don't think there's anyone on Isle Madame interested - or anyone who uses that road - in waiting any longer, in light of the condition it was in. So now we do have a tremendous road leading throughout Isle Madame but we don't have those bicycle lanes, unfortunately.

Mr. Speaker, the last thing we want and I've already heard some feedback of people who were avid bicyclists who have now decided for safety purposes, they just don't think they can continue bicycling around Isle Madame. I know it's a problem throughout Richmond County and that's extremely unfortunate at a time when we're encouraging people to have healthier lifestyles, encouraging people to use alternate methods of transport. It's a big challenge.

I'm sure the Minister of Transportation and Infrastructure Renewal will appreciate that even with new asphalt, it doesn't take long in rural Nova Scotia, after one winter, that your road shoulders start getting lower, you start getting ruts in those shoulders and they become very dangerous as well. So when bicyclists are almost forced off the road and onto the shoulder, the shoulder itself can, in many ways, be the most dangerous place for them because of the possibility of the low shoulder, getting off the road, getting back on the road and, as well, ruts and different bumps that could develop on the road shoulder.

Obviously we have a lot of work to do as a province. I think this bill is an important step in that direction. I would be remiss, Mr. Speaker, if I didn't recognize my colleague for Dartmouth East who has led by example here. Not only is he a bicycling enthusiast but he has brought forward legislation that, I think, is in the best interest of people who bicycle all around our province. It's great to hear the stories of other individuals who are avid bicyclists as well, as far as what their concerns are and what they've experienced themselves from this activity.

With that, Mr. Speaker, again we're pleased to see that this is coming through. I do hope that the minister, who I know is challenged with the demands and the fiscal realities he faces, but anywhere that new projects - especially when those projects are going through areas where there is a lot of Crown land where you wouldn't be imposing on private property - anywhere that we can start developing some of these bicycle lanes. I know there is a lot of work that has been done here in the Halifax Regional Municipality and that's great but certainly we can never forget our rural communities as well and the importance of that as well.

Mr. Speaker, as a new parent, I can tell you I have a great appreciation for people who walk their children in strollers. They face almost the same challenges as people with bicycles. In many cases people respect that they're on the road and will try to get around them; in other ways they're almost forced off the road, onto the shoulders. I can tell you when you're pushing a small infant in a stroller in rural Nova Scotia on a gravel shoulder, it's not a pleasant experience, to say the least. I think this legislation and the more we can work towards establishing bike lanes will also go a long way to improving safety for parents who are out walking their infants in strollers, in a safe way, not having to be on the main road and, as well, not having to try to push a stroller along a gravel shoulder, especially in the many communities where sidewalks are not an option.

From that perspective as well, Mr. Speaker, it is not only an important bill for bicyclists, I would also suggest it is an important bill for young families, as far as safety and encouraging them to be out with their children and not have to fear for their safety in doing so.

With that, Mr. Speaker, I look forward to this bill going to the Law Amendments Committee. As a member of that committee, I look forward to the presentations and any possible improvements that can be made. I certainly hope the minister can possibly enlighten us as to how he sees the education rollout of this taking place and where and when we can expect to see some signage going up around our province, to make sure that Nova Scotians truly understand that we expect them to respect the rights of bicyclists and others who use our roads in Nova Scotia. Thank you.

MR. SPEAKER: The honourable member for Kings West.

MR. LEO GLAVINE: Mr. Speaker, I am pleased today to join in the debate on Bill No. 93 which I think is going to advance safety in the province. We know that the bicycle community and even those who participate, perhaps, on an irregular basis for some exercise, to go on the road and feel safer is what this bill is designed to do.

I know that the department has been working on this initiative of having a specific lane of three feet or a metre on both sides of some of our roads that will allow a defined bicycle path. This has been very much front and centre in two of the communities that I represent, Kingston and Greenwood. We've had people like Barb Robinson, a retired nurse who is a keen cyclist, and she has been working diligently in our community for a number of years to have the most-travelled area by vehicle and by cyclists reach, I guess, a compromise, a safer route. This is the section of road called Bridge Street, between Kingston and Greenwood, and it is about five kilometres long.

MR. SPEAKER: I would ask if the members of the House would keep the chatter down.

The honourable member for Kings West has the floor.

MR. GLAVINE: Thank you very much, Mr. Speaker. This section of road is one travelled by most of the 2,000 personnel who work at 14 Wing Greenwood and it's one of the heaviest-travelled sections of roads in my riding. So in 2008 there was a study by the Department of Transportation and Infrastructure Renewal and the communities of Kingston and Greenwood to look at the establishment of bike lanes, especially to accommodate many of the military community who would cycle from Kingston to Greenwood each day. There had been a couple of small accidents and many close calls, and in order to continue to have cycling as one of the modes of transportation - not just in our area but in the province - and to support the active transportation document that we have in the province to create a

healthier Nova Scotia, it also has to be done, as we've heard this morning from many members, in a safe way.

Now, the road I'm talking about - I saw the minister actually taking a couple of notes, but this is a good-news story. I do want to compliment the minister and his department because we did have a repaving announced for Bridge Street in mid-summer. Of course, it was just going to be a repaving over the section of road that is currently there, but I was very quick to contact the department in support of the commissions for both Kingston and Greenwood.

The base commander and several others wrote letters of support to go back and take a look at the 2008 study and to increase the Bridge Street corridor by a few feet to allow for a bike lane. I do want to commend the minister and his department for listening to that request. The repaving project has been done and it now has the addition of a bike lane, which is going to dramatically increase the use of cyclists in our area. The cycling community is there, but again, safety on this very, very busy stretch of road was being compromised. The only area left to be done will be two bridges, and in time we hope they will accommodate the new cycling path that has been constructed.

So when the opportunities are there, the real lesson is for the department to sometimes take a look or take that second look and revisit just that additional three feet of pavement, which is going to add an extremely important safety feature to the roads. Like my colleague, you know, I think the safety education piece, signage, that's what these areas are for, for a cycling path, and I think it has to be in conjunction with this piece of legislation. The current minister, being a former educator, there is nothing like the message out to 130,000 students about safety on a bicycle. That, in fact, can very often be implanted early and stand the test of time in terms of good practices early on.

[11:00 a.m.]

I would encourage the minister to take that aspect of this bill as also important. As the minister started off by saying, 10 deaths in our province of people who are cycling, for whatever the reason is 10 too many. I know he is committed to a safer province on our highways and I know throughout the Valley in the summer we have a tremendous number of cyclists who - well, they used to get off The Cat but they still get off the Princess of Acadia in Digby and cycle through the Valley. It is one of the prime areas in our province to cycle through in the summer, stopping along at farm markets and some of the signature tourist spots. I think we can advance this cycling community locally and also as an attraction to our province, in a much greater way if we do the accommodation as we renew and rebuild our roads in this province.

I thank you, Mr. Speaker, for the opportunity to add a few words to the debate this morning.

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

MS. DIANA WHALEN: Mr. Speaker, I was very pleased to see this bill come forward and I'm happy today to rise on Bill No. 93, which is an amendment to the Motor Vehicle Act but it really is a bill that is going to strengthen the ability of the city to encourage and to allow for bike lanes and safe use of bikes in the city. Anything that is going to impact on active living, and active transportation being part of that, is of great interest to me as a former city councillor and currently the MLA, I think it's very important.

As you know, Mr. Speaker, I'm the Critic for Health Promotion and Protection and I believe that one of the great challenges before us is to have a more active population, people to have a more healthy lifestyle. The opportunity for biking is there, it's a wonderful way to get around the neighbourhood or even across the city, as some people do commute to work on their bikes from Clayton Park. I know I see them and have talked to them on a daily basis. It is a worry, it is certainly a challenge to go through the Fairview interchange. I know that crossing the bridges is very challenging. From my neighbourhood it's really coming into the choke points where traffic backs up and comes into the peninsula. There are many people doing it but they are the brave ones, I would say, because a lot of people are scared of not having dedicated bike lanes and not having the security that cars will give you a good distance when they pass.

One of the main parts of this bill is certainly allowing for that one metre, that a cyclist could be sure that drivers are obliged to give them a one-metre space when they are passing. I think that's really important for security of the cyclists.

Mr. Speaker, the other part of the bill I was interested in is the parking restrictions along bike lanes. It was a surprise to me, in talking to some of my colleagues, that the actual definition of a bike lane would ever have been in any doubt. As I said, I've been a city councillor and at that time - I mean I still think we're in the infancy here in the Halifax Regional Municipality. We are not a cycle-friendly city, we need to do so much more - but at that time Sheila Fougere was the first councillor on the Bikeways Task Force and they were trying to raise the issue of active transportation and trying to delineate some bike lanes in the city. It would have seemed plain to me that by delegating a corridor on the curb and putting down the signs and the markings, that would have made a bike lane. Apparently it isn't clear and people could park in those lanes, which certainly is counterproductive if the bikes then had to move into the traffic lane in order to continue on.

I think it's very important that because we're here making legislation that we make sure there's no question about what constitutes a bike lane, even though it seems like common sense would dictate that what we're seeing on our streets today are indeed legal bike lanes, at the same time, making absolutely sure that the city doesn't need to put up many signs saying, don't park in this bike lane. Apparently that was the situation they were in, having to put up signs in each of the places where parking became a problem.

I notice the minister had referenced Councillor Linda Mosher in his opening comment, and she certainly has been a proponent for some control around this. I had the opportunity to speak to her as she is a former colleague of mine at HRM Council, and she was very eloquent and very keen that we move on this and allow the city to control the parking so they wouldn't have to spend a lot of money on signage, a lot of resources going out to having to allocate people to go put up those signs. It should be clear that if it's a bike lane, it's for cyclists.

If we want to encourage more people to get out and cycle and use bicycling just to get around in their day-to-day living, we have to make sure that we provide some more of those assurances and also encouragement so that the city will designate more bike lanes. That's the way we're going to get more people on their bikes, cycling, and not only helping themselves through good health, helping the environment through less pollution. There are so many benefits and I know that other members have spoken about the multiple benefits we get by people walking and cycling. That's what we need to be encouraging and we need to create a city, and towns across Nova Scotia, that are cycle friendly.

The member for Kings West talked about people coming in to cycle from the Valley. In fact, cycling tourism is a big thing around the world. I've known friends over the last number of years who have gone to Europe to cycle and people I knew who have come from out West to go and cycle on Prince Edward Island, which has the advantage of being relatively flat, makes it an easier cycling place.

We have an opportunity, with the beautiful vistas that we have and the wonderful coastal roads that we have, to attract more cycling tours and promote it as another means of coming to our province and enjoying our province. But we really need to provide more bike lanes across the province and on our highways. By so doing, I think we'll create the environment that others will tell their friends about, and more and more people will come.

I know that we've talked a bit about paving of the shoulders, but there was an example right here in HRM where we've extended the bike lane to Bedford by paving the shoulders along the Bedford Highway. That had been gravel. People used it to walk on in the past but it wasn't safe for cyclists, they couldn't ride on the gravel. Now that's been done, we have a lot more cycling between the old Town of Bedford into Halifax. In fact, to reach a lot of the sites in my area in Clayton Park, people cycling into Mount Saint Vincent University and so on.

There's an opportunity to do a lot more of that and I thought the city did a good job by allowing - where they were extending and repaving along the Bedford Highway, they would actually create a cycling route. That was something the cyclists in the area had as a vision, almost a dream. They weren't sure it would ever happen, and that was only eight years ago that they were talking about it when I was still on council, and it has actually come to fruition and makes a big difference in the lives of the cyclist.

Seeing examples like that is encouraging and I think that we need to have a lot more bike routes. We need to be able to make sure we connect them because the cyclists have complained that we have little segments of bike route and then they disappear. There's a segment on Lacewood Drive that disappears as you go into Bayers Lake Business Park, for example. That's a crowded, heavy traffic area.

What we need to do is just see that as paving is taking place, we make it a priority to add the shoulders so that bikes have that extra space and that we now, with the definition provided in Bill No. 93, are able to delineate those areas and know that cars won't park in them and that they will be used by our cyclists for greater safety.

I think those are very important points. My main concern is that we create an environment here in Nova Scotia that will encourage more people to cycle. It's affordable, as I said, it's going to improve your health and it's a lot better for the environment as well.

In my own area there's an awful lot of traffic around schools and I think that's a common problem in every urban area, that there's a lot of congestion, even where it is a walking school - a school where the catchment area is within a reasonable area to walk - yet large numbers of parents are routinely driving their children to school and picking them up. If we had better and safer bike routes, I think we would find that a lot of the kids could cycle and come in safely that way.

So, again, if we considered that in our neighbourhoods and on trails, I know that the minister is more concerned about roads and this bill is about the Motor Vehicle Act, it is about our paved streets that we need to do, and there are other ministers who may have some impact on trails and extending of those, we really need to be considering all the routes that we can have for active transportation. I know that that makes for a lot nicer communities and a lot healthier communities and that is a big concern to me and, again, I did want to just give a nod to the minister for bringing forward a bill that HRM had asked for quite recently.

I know they had written to the minister this year, I believe it was January of this year, to request it and in speaking to Councillor Mosher, I know that she had an opportunity to meet the minister and I know that your time is very busy and it's great that you made time to talk to her and to hear her concerns because they are reflected in this bill. I understand there could be some tweaking of the words a little bit. Possibly there is a call for a slight amendment but the intent of this bill I think is very good. I think that it accomplishes a lot and I'm very pleased to see it here today.

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

The honourable Minister of Transportation and Infrastructure Renewal.

HON. WILLIAM ESTABROOKS: Mr. Speaker, I thank the members for their interventions. Some interesting points were made. I'm looking forward to particularly

following up with the information that was tabled. That has already been passed on to the staff. To the members opposite, I want you to know that I constantly hear from members on this side of the House, particularly the member for Guysborough-Sheet Harbour, about the need for Highway No. 7 improvements and bike lanes.

The only really uncomfortable point of the entire debate, however, was that moment when I realized I don't know if I'm ever going to be able to look at the member for Argyle again in this House without picturing him either from behind as I'm passing him, or inadvertently as I'm coming towards him, thinking if that's the member for Argyle, I'm going to give him more than just a metre, he can have the whole road.

I do thank you all, and I do thank the member for Argyle for his comments especially, and with those few comments, I'll move second reading and we can proceed on to the Law Amendments Committee.

MR. SPEAKER: The motion is for second reading of Bill No. 93. 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. 94.

Bill No. 94 - Motor Vehicle Act.

MR. SPEAKER: The honourable Minister of Service Nova Scotia and Municipal Relations.

HON. RAMONA JENNEX: Mr. Speaker, I'm rising to move second reading of Bill No. 94. This bill introduces some important amendments to the Motor Vehicle Act, amendments that will better protect Nova Scotians when they buy a used vehicle. I would like to thank the member for Hammonds Plains-Upper Sackville for his dedication and vision in bringing this forward to help all Nova Scotians purchasing a used vehicle and to protect that person who is purchasing a used vehicle. It will help us confirm that vehicles damaged in a collision, vehicles that are known lemons and vehicles that are considered unrepairable are labelled that way. These amendments will help Nova Scotians make informed choices when buying from a licensed dealer.

Mr. Speaker, there is a lot of information available about used vehicles that could help consumers make smart choices before they buy. We know that some dealers already give buyers information about a vehicle's maintenance record or accident history but other

dealers do not. These amendments will change that. Under the amended Motor Vehicle Act, if the vehicle is a manufacturer buy-back, or what is known as a lemon, if it has been in a serious collision in Canada or the United States, or if it has been labelled as unrepairable, licensed dealers will have to offer that information to customers before they buy.

If a dealer has that information, Mr. Speaker, and that dealer does not disclose it to the buyer, they will be fined \$1,000. If the dealer doesn't provide a valid agreement of purchase and sale which outlines their obligation to the buyer, then they will be fined \$500. These amendments will allow buyers to see whether the car is a lemon or unrepairable, right on the windshield, when they are shopping.

[11:15 a.m.]

In closing, Mr. Speaker, these new measures will help Nova Scotians make informed decisions before they drive off a car lot and they'll help Nova Scotians choose safe vehicles they can rely on. Thank you.

MR. SPEAKER: The honourable member for Clare.

HON. WAYNE GAUDET: Mr. Speaker, I'm pleased to rise and say a few words on Bill No. 94. This bill amends the Motor Vehicle Act in order to ensure that anyone looking at buying a used vehicle from a car dealer will get more information about the vehicle's history before they buy the vehicle in question. Buyers will now be able to find out the history of the vehicle before they end up buying it. Buyers will also be able to find out, as the minister pointed out, if the vehicle has been in an accident, has been damaged anywhere in Canada or in the U.S. That information will be made known to the consumer.

I'm told there are about 1,500 licensed dealers in Nova Scotia. I'm also told there are quite a few dealers who are already disclosing this information. I know, especially in my area, these dealers have no choice. If they want to compete and stay in business, of course depending on how they treat the general public, that information will certainly be circulated in a hurry in my part of the province. I'm quite sure that information is certainly available, I'm sure, in other parts of our province. I'm sure in order to remain in business, to be a successful car dealership in Nova Scotia, especially in the used car business, there are many challenges facing that business.

As I pointed out, a lot of that information is already disclosed to consumers on the vehicle's repair history, if any insurance company has paid any repairs on the vehicle in question. So consumers, bottom line, need to know that information before they decide and spend some - usually, as we all know, vehicles are expensive. It doesn't matter if it's used, it's a significant investment that consumers are making and they need to be provided with as much protection on their investment as possible.

Mr. Speaker, we've all heard stories of individuals who have bought a used vehicle and ended up buying a lemon. I'm sure every one of us has heard those stories. If we can help consumers, and that's the bottom line, if we can help consumers who are looking at buying a used vehicle in our province and ensure that they have access to the history of the vehicle in question, then this is a good piece of legislation.

Nova Scotia will be the first province where a lemon or manufacturer buyback is clearly labeled on the windshield of that vehicle. As I've pointed out, many of our used car dealers in Nova Scotia are already doing this, even though this is not legislated in Nova Scotia. It's good, smart business practice and I compliment them, I congratulate those dealers who are already providing consumers with that information.

However, Mr. Speaker, I understand that in the U.S. practically all the states have already similar legislation in place. So as I pointed out, many dealers in Nova Scotia are already providing this information to consumers.

Under this proposed legislation, dealers who do not follow these regulations will be fined. I guess it's like anything else, there are always a few exceptions to anything that you are trying to accomplish. Under this proposed legislation, licensed dealers who fail to disclose information about damage or whether a car is considered irreparable would face a \$1,000 fine. Dealers who failed to provide a valid agreement of purchase and sale which outlines their obligations to the buyers would face a \$500 fine. A vehicle identified as rebuilt or previously damaged would also have a lemon sticker placed on its windshield in order to advise consumers, naturally.

Car dealers seem to be in favour of the changes that are being proposed, but there are certainly some concerns, and I'll just mention one of those. There is a gap in this legislation as well. This bill does not apply to private dealers. Individuals who sell their own car or truck in a private sale are exempt from this proposed law. Maybe when the minister wraps up second reading on this bill, the minister may wish to comment on this concern that has been raised by the industry. This bill will also establish a revised inspection process for salvage or irreparable vehicles and set minimum standards for sale agreements.

I'm pleased to support this bill in order to allow it to go to the Law Amendments Committee and give the dealers - I've said there are over 1,500 dealers in Nova Scotia. I invite the dealers, some of the dealers - I know not everybody will be coming forward - but I certainly would welcome them to come forward to the Law Amendments Committee and make some presentations. I also invite the Nova Scotia Automobile Association and, as well, the general public an opportunity to comment on this bill. With those comments, I will take my seat. Thank you.

MR. SPEAKER: The honourable member for Hants West.

MR. CHUCK PORTER: Mr. Speaker, I am pleased to take just a few minutes today to speak to Bill No. 94, an Act to Revise the Motor Vehicle Act. It's an interesting bill. I've had a couple calls on it already from people, as well as dealers. A bit contentious in some ways, I think, but a good thing in a lot of other ways. It's interesting, I just listened to the last speaker and he noted, what about if I want to sell my car? Am I committed to putting the word "lemon" on it? No, I'm not. So it's not fair across the board in some ways, or at least it doesn't appear to in the front and I'm sure the minister will speak to that in more detail. We look forward to giving her that opportunity in closing this debate. I'm not going to take a lot of time on it, but that was one point I wanted to raise as well.

I guess in saying all of that, where you used to see the sign "For Sale, As Is, Where Is", you now add the word "lemon" or you take off "As Is, Where Is" - no longer relevant. I'm not sure. One of the bigger concerns is - and it's probably a fairness issue to the dealer in some ways - and I commend those who are already doing it. As has been mentioned as well, there are a number who are and it's good that they are and they're being honest with their customers and so on and so forth, but we all know - there are a couple of points I want to make in this one. There are new cars that some of us may have purchased that are also lemons. There are no lemon signs on those, but there are multiple problems. As soon as you drive it off the lot, there are issues with it.

Now, there is supposed to be a complete inspection by that dealer before they sell that vehicle, but in some ways that may not prove that the vehicle actually has issues and in most terms has for years been called a lemon. This vehicle is a lemon. I bought it new and it's still a lemon. What happens in that case? What is the responsibility? I guess what it comes right down to is the manufacturer buys it back. Well, that's not a bad deal. That's a good thing, if that law can be upheld.

Contractually there's a way around that because I know in the fine print, which a lot of people don't read - they're signing on the dotted line because they're all excited to drive their new car off the lot. I would say that the majority of people probably never read the fine print. They write their cheque or they arrange their financing and off they go in their new car and they're home for a couple of weeks and all of a sudden there is a problem with the engine or there's this problem or there's that problem, some of them small, some of them major. So, if it further protects the consumer that way, that's great as well. I haven't had a chance to go through this more than once, so the detail of it, there's questions around it.

There was another point there, same token, what if the dealer takes the car in? The minister decides she's going to buy a new car one day and she takes her car to the dealer, the dealer takes it in and, looks like a great car. Inspects well, drives well, all is well but then there's something found that's wrong with it. Where's the compensation for the dealer? Is there any? Are they going to be able to come back to the individual who's traded their car? We're saying, and I'm hearing that the dealer will be responsible for selling me a new car, there's a commitment that I can take it back if it's no good. If it's a lemon. (Interruption)

Sorry. Interesting points that are being made but, then again, pardon me, I'll let the minister speak to those in more detail.

Because these are the concerns that are actually being raised and they're good ones by both individuals who are car drivers and purchasers and dealers who are not necessarily doing as the other member spoke of, are already displaying the sign "lemon". Now anywhere you've got a sign up saying lemon, it's a pretty hard thing to sell unless you're giving it away. So there's probably not a great advantage for dealerships driving down through - and I think of Sackville Drive, where you're loaded in dealerships, and all you see is the word lemon. You're going to keep driving by, probably and that can't be real good for sales, or at least, I wouldn't think it would be. I would not want to be in that business and have a lemon sitting out front. How does that attract business? I would think that it would go against it, I may be wrong, I'm not in sales, thankfully.

But anyway, just some of those concerns I do want to raise. I think, generally speaking though, the public in general in Nova Scotia, the driving public will be very pleased with anything that offers them as consumers more protection. In that way, that's a good thing. At the same time, we have people who are employed at dealerships, who have to make a living. Sales is a hard job, as we know. Especially with the economy the way it is. Everything has been affected, including sales of cars. Higher taxes mean car sales are probably down. I haven't looked at the data, but they're probably sober second thoughts before they make those decisions to make the bigger purchases. So again, it's another deterrent in that industry that's taking money out of it instead of the "gooder" days - there's great terminology- the good days gone by that we have had where sales have been good. Maybe I should take an English lesson this afternoon as opposed to some other things.

I do want to say that this bill is certainly worthy of some good debate and I'm glad that it's found it's way to the floor. We won't take a lot of time today. I hope that individuals as well as dealerships, private dealers, etc., do come in and do speak at the Law Amendments Committee to add further amendments or points to it that may be worthy of further discussion. We'll have another opportunity during third reading maybe to go clause by clause, if need be, to pick the bill apart a little farther and debate it even more.

So, with those few words, I would say thank you very much for the opportunity to comment this afternoon, actually it's still this morning, but, thank you.

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

MS. DIANA WHALEN: Thank you very much, Mr. Speaker, and just in reviewing this bill before us, which is another amendment to the Motor Vehicle Act but this one really is for consumer protection. I had the opportunity, in going over it, to be reminded of a case that occurred in my riding and I think it is very germane and pertinent to this bill and I was hoping that in raising it, that the staff in Consumer Protection which would be in Service Nova Scotia and Municipal Relations . . .

MR. SPEAKER: Just remind the members of the House that the chatter, again, is getting a little high and if you would please take the chatter outside and allow the honourable member for Halifax Clayton Park to have the floor. Thank you.

MS. WHALEN: Thank you very much, Mr. Speaker, because it is something that I think is of interest to other members too. The reason I've risen today is to tell a story of a constituent in my riding and something that actually happened to them that was very adverse and it happened, it was about four years ago, actually. When I saw this bill come through, I had looked up the file and so, it was some time ago, but I would like to just have you imagine, if you could put yourself in his footsteps.

This is a senior who is retired, who bought a second-hand car, from a reputable dealer and I won't say the dealer, but it's one of the names that we'd know well here in HRM. In buying the car, he felt he had done everything he should. He'd checked to make sure that it had been free of liens and that it was in good shape and so on. He definitely looked to see that there was no lien against the vehicle, which is a standard thing that any good second-hand car dealer would do as well, make sure that they'd done their checks.

[11:30 a.m.]

What occurred to this gentleman, he paid for the car completely, there was nothing owing on it, it was his car, and about two years later it simply disappeared from his driveway one day. He came out of his house in Clayton Park and there was no car anymore in his driveway. He did the first thing any one of us would do, he called the police, and said to the police my car is gone, it has been taken. He was sure it was stolen. The police actually called him back and they were quite annoyed with him and they said, you know, you shouldn't call us, your car has been repossessed and we can't do anything about that, it's repossessed, and you knew if there was outstanding money on it, that it would be repossessed. He had no idea of that at all because he had paid fully for the car and he had been driving it for a couple of years.

As he investigated further, yes, the serial number on his car had been a car that was not paid for previously and it was in New Brunswick actually. The bank that was repossessing it was one he hadn't heard of before, it was a Caisse Populaire, one of those which are like credit unions, I believe. He had never heard of this bank before but they had the papers outstanding to repossess his car and he was essentially left with nothing. He complained to the dealer who basically said we did our checks. We looked and we were given assurances that there was no outstanding claim on that car prior to us selling it. So they felt that they had done what they needed to do, that they were in order, and it was just sort of too bad.

I frankly couldn't believe it. I phoned the police at the time myself to talk to one of the senior police, I think I talked to the deputy police chief, who said they couldn't do anything about it, it was all legal. These repossession companies have a lot of powers to just

sweep in and take your car. They can do that. They can have keys made. They can take your car away. They don't have to speak to you first to say we're here to take it. I'm sure they do run into a lot of fights so they probably don't want to do that but it really is almost, you know, it's done under a cloak or cover of night almost.

It was just an astounding case to me that this could happen to anybody in Canada and that it could happen here in Nova Scotia, it's a travesty. Just to tell you how it ultimately worked out, eventually because of his strong complaints and being an advocate for himself- he was left with no car and he was beside himself, and he did complain loudly to the dealer who gave him some money back - not the true value of the car but some money back with which to buy another car and he was left out-of-pocket. At the end of the day it cost him money to replace the car that he had fully paid for anyway.

I stress again this is a senior who's watching his dollars, being careful about how he's spending his money, he was not somebody who was inexperienced, he felt that he had very deliberately checked that that car was legitimate. I was speaking to what my neighbour here, the member for Kings West, who said, well, sometimes cars are sold at the side of the road. People put a sign on them just for sale and you don't know what you're getting but that wasn't the case here. This was through a reputable large dealer in Nova Scotia and so it wasn't the case at all.

At the time, as I say, my attempts to help either through the police or through the department were unsuccessful. He really was able to advocate himself with the dealer. I know that I raised it at the time and I think- even if that happened to one person once, or once a year, I really don't know how frequently that could happen - but I think the difficulty, as I recall, it was brought up that it was a transfer of vehicle between provinces and that that record may not follow the vehicle. If there was, for example, even New Brunswick which is such a close neighbour, that was really where that car had come from, but if you go even a little bit further, it wouldn't be hard to move a car from Quebec, for example, and have it sold again in Nova Scotia.

So while we're looking at consumer protection for people who are buying second-hand cars, I think it would be wonderful if the minister could see if her department is aware of that, had ever had other complaints of that nature, and whether there's some way that we could address that. It may require something like a registry of cars across the country which I don't think exists today and it may be that we even share among Atlantic Canada and possibly that has been done in the ensuing years. That was four years ago as I say that that occurred but it was one of the most difficult situations that I had run into and probably the worst in terms of consumer protection that I've run into. It was so patently unfair that a person who bought something in good faith from a reputable dealer and paid their hard-earned money up front to buy it could actually find themselves having it taken from them.

So I know the minister will be surprised to hear a story of that nature. It was certainly before she came to the Legislature, but I would imagine that staff know of it. The police

certainly were aware when I spoke to them. They had no legal authority to do anything about it to go back to the repossession company or get it back. That car was gone out of the province very quickly anyway. Probably by the time he heard back from the police that it was repossessed, it was gone from the province, so he couldn't get back the original car anyway. I can only say that he was extremely offended and just shocked that that could happen to him, as a Canadian citizen and a resident of Nova Scotia.

I am hoping that as this bill goes through, since it does relate to protecting people who have bought used cars, that we will definitely look at that. That's my main point I wanted to raise, I certainly support the idea of greater protection on all of us as we buy second-hand cars. Very often our children are buying second-hand cars because they don't have the funds to buy a new car and they want to own a vehicle. So it's often young people or people with limited means who might have bought a second-hand car. We want to support them and make sure they have every protection they would get, the same as they would have if they bought a new car and were in direct communication with the manufacturers of those cars. We know if we buy a new car and there's a problem with it, we'll get a recall notice, we'll get a call to come back to the dealer and have it fixed. If you bought a second-hand car you should have just as much assurance that your car is safe.

With that, Mr. Speaker, I certainly do look forward to hearing from all of the dealers and their representatives, as many as wish to come and speak to this. I do agree with other speakers that we have many wonderful dealers and people who are very honest and very concerned about their customers and they are building a base of support through that good reputation. I know that they as, well, will want to speak to this, to assure us that it will be done or it is already being done. That will do a lot to improve, I think, people's confidence and respect for the industry as well. Thank you very much.

MR. SPEAKER: The honourable Minister of Finance on an introduction.

HON. GRAHAM STEELE: Mr. Speaker, I'd like to draw the attention of the House to a visitor in our gallery. In the east gallery, Mr. Kirk Ferguson from Sackville, New Brunswick, who is in the area visiting his family, which includes our beloved Acting Chief Clerk Neil Ferguson. I'd like to ask Mr. Ferguson in the gallery to rise and receive the welcome of the House, and remember to fill your gas tank before you cross the border. Thank you very much. (Applause)

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

The honourable Minister of Service Nova Scotia and Municipal Relations.

HON. RAMONA JENNEX: Mr. Speaker, thank you for the comments from the members opposite. I would like to acknowledge the member opposite, some of her concerns she brought forward this morning I definitely will take back to the department to have a look

at. They fall outside the scope of this particular bill but are of a concern that I definitely will be taking under advisement and I thank her for those comments.

I also would like to make a few clarifications around this particular bill that came up from comments. The word “lemon” means a manufacturer’s buy-back, which means that the car has to be a used vehicle. I know that many of us have purchased cars that we use the term “lemon” on but the term “lemon” means manufacturer’s buy-back. So if it is on a lot it could very well have gone through so many repairs that it is probably maybe even a better car than a brand new car so one never knows about this.

As I said, I’d like to thank the members. This bill pertains to licensed dealers and I’m very happy to move these amendments forward. I’m very happy to hear from many dealers and many citizens who are happy to see these amendments moving forward. With that, I close debate on Bill No. 94. Thank you.

MR. SPEAKER: The motion is for second reading of Bill No. 94. 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. 94, the Motor Vehicle Act.

Bill No. 97 - Motor Vehicle Act.

MR. SPEAKER: The honourable Minister of Transportation and Infrastructure Renewal.

HON. WILLIAM ESTABROOKS: Mr. Speaker, I’m pleased to bring forward amendments to the Motor Vehicle Act that will bring safer roads in our province. Too many people continue to die on our roads. So far this year - I heard the member for Clare quoting this figure, and the more people who are aware of this number, the better - we’ve seen more than 60 fatalities and countless more injuries. People commonly refer to road crashes as “accidents,” but in reality, they’re almost always preventable events.

The legislation that I’m introducing today is aimed at helping to prevent some of these tragic deaths and injuries through two separate amendments. The first amendment deals with street racing and stunt driving, extremely dangerous and often fatal activities. This

trend is emerging as a road safety and public health issue across Canada. In 2007, amendments to Nova Scotia's legislation expanded the definition of street racing to include driving contests and stunt driving, terms that incorporated a much broader range of dangerous driving behaviour. At the time, as I sat in Opposition, I took the opportunity to compliment the government of the day on a good piece of legislation.

They also provided for immediate suspension of driver's licences on roadside and extended the amount of time vehicles involved in street racing can be impounded. While it's still believed to be a relatively informal activity, incidents involving racing behaviour have become increasingly concerning for our citizens and communities. The proposed amendments include an increase in suspension times for street racing or stunt driving within a five-year period. More specifically, if I may, I'd like to outline the fact that for a first offence, the driver would receive an immediate seven-day roadside suspension, and upon conviction, a one-year licence suspension.

I'm going to outline the second and third incidents. It baffles me that somebody didn't learn from the first offence, but there are repeat offenders, believe it or not. For the second offence, there will be an immediate 15-day roadside suspension and a three-year licence suspension upon conviction. Heaven forbid, for the third offence, there would be an immediate 30-day suspension and a 10-year suspension upon conviction. Hopefully after the first lesson they would learn.

When these amendments are passed - I assume when, not if - drivers who exhibit this dangerous behaviour will face similar penalties to those who drive while impaired. It's one and the same, in my opinion: bad decisions, unfortunate decisions that must be dealt with seriously. Nova Scotia will then have some of the toughest legislation for street racing and stunt driving in this country.

Secondly, Mr. Speaker, an amendment will be introduced addressing driver distraction by doubling fines and adding four demerit points for drivers caught using a handheld cellphone or the latest dangerous trend of texting while operating a motor vehicle. Now I'm no multitasker - as you well know, Mr. Speaker, from the tangential thinker that I've become in this Legislature - but let me assure you that when you now tell some young person "you're all thumbs," you're giving them a compliment, believe it or not, because they're experts at texting.

I'm certainly not opposed to texting, although I don't need one with the people who work with me, but I want you to know that it concerns me immensely that somebody would be texting while driving. I've seen it happen at four-way stops where people have the BlackBerry up in front of themselves or on the wheel as they're texting away. As you can tell, I don't have a BlackBerry. As I've said to many people, I have a Noella - the secretary, the executive assistant who works in the Department of Transportation and Infrastructure Renewal - and she's much better-looking than most BlackBerries, I assure you.

Driver distraction is the leading cause of motor vehicle collisions, in my opinion. In fact, driver distraction contributed to one-quarter of the fatal collisions on our roads in 2009, from what we can discern. The new fines will range from about \$225 to \$570, including court costs. In April 2008, Nova Scotia became the second province to enact legislation prohibiting the use of handheld cellphones or text messaging while driving - a good piece of legislation.

[11:45 a.m.]

Since that time, believe it or not, more than 8,300 tickets have been issued for either talking on a hand-held cellphone or texting - 8,300. Is the message getting out there? Are we doing enough education? Those are all issues, I want you to know, that concern me. A number that demonstrates that even though Nova Scotians have had more than two years to adapt to the law and adjust their behaviour, some drivers continue to take chances by using their cellphones while driving, or texting.

The time has come to get even tougher on those who continue to disregard the law. This is our opportunity as a government. These amendments are a major step forward in making Nova Scotia's highways safer for all road users. I know the time will come, during this debate, that we will have the opportunity to listen to various points of view on this. I thank the members opposite and on this side of the House, I thank Nova Scotians for being in touch with me as the minister. This is just common sense and we are going to make sure it becomes an even tougher law.

I want to highlight the fact that although I do not have a BlackBerry, mainly because I'm all thumbs my whole life, I don't have to prove it to people on a machine, I would like to highlight the fact that today my BlackBerry, Noella Reardon, in the Department of Transportation and Infrastructure Renewal, is celebrating a birthday. I would like to, on behalf of myself, as the Minister of the Department of Transportation and Infrastructure Renewal, absolutely embarrass this wonderful woman, not by singing happy birthday to her, but by wishing her a happy birthday. (Applause)

I would like to adjourn debate on (Interruption) Okay, first I'm moving it, which hopefully I've done from the outset. Thank you, Mr. Speaker, for your direction. Secondly I'd like to adjourn debate for today on Bill No. 97.

MR. SPEAKER: The motion is to adjourn debate on Bill No. 97. 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, that concludes the government's business for the day. We will now be getting out of here, putting on our spandex, and driving off into the sunset. I digress. I move that the House do now rise to meet again on Monday at the hour of 7:00 p.m - the House will sit until 10:00 p.m. The order of business on the morrow after the daily routine will be Bill Nos. 87, 88, 97, 98, 99 and 100.

Mr. Speaker, I move that the House do now rise.

MR. SPEAKER: The motion is to adjourn.

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 House rose at 11:48 p.m.]