



House of Assembly  
Nova Scotia

## DEBATES AND PROCEEDINGS

**Speaker: Honourable Charlie Parker**

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### Second Session

**MONDAY, NOVEMBER 22, 2010**

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House of Assembly  
Nova Scotia

**HALIFAX, MONDAY, NOVEMBER 22, 2010**

**Sixty-first General Assembly**

**Second Session**

**7:00 P.M.**

**SPEAKER**

Hon. Charlie Parker

**DEPUTY SPEAKERS**

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

MR. SPEAKER: Order, please. Welcome back for a brand new week.

We'll start the daily routine.

**PRESENTING AND READING PETITIONS**

**PRESENTING REPORTS OF COMMITTEES**

**TABLING REPORTS, REGULATIONS AND OTHER PAPERS**

MR. SPEAKER: The honourable Minister of Labour and Workforce Development.

HON. MARILYN MORE: Mr. Speaker, as Minister of Labour and Workforce Development, I beg leave to table the *Report to the Community* for the second quarter 2010, from the Workers' Compensation Board.

MR. SPEAKER: The report is tabled.

The honourable Minister of Fisheries and Aquaculture.

HON. STERLING BELLIVEAU: Mr. Speaker, on behalf of the Department of Fisheries and Aquaculture, I am pleased to submit the public consultation report entitled *What We Heard*. The report summarizes public feedback from the coastal consultation that took place between May 2010 and July 2010, along with information gathered on the *State of Nova Scotia's Coast Report*. The public feedback will provide the basis for drafting the Nova Scotia coastal strategy.

Mr. Speaker, I beg leave to table the report.

MR. SPEAKER: The report is tabled.

The honourable Minister of Labour and Workforce Development.

HON. MARILYN MORE: Mr. Speaker, I beg leave to table the *Report of the Superintendent of Pensions on the Administration of the Pensions Benefits Act for the Year Ending March 31, 2010*. Thank you.

MR. SPEAKER: The report is tabled.

#### **STATEMENTS BY MINISTERS**

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

MR. SPEAKER: The honourable Minister of Community Services.

#### **RESOLUTION NO. 2256**

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 November 22<sup>nd</sup> marks National Housing Day, a day to reassert our commitment to improving the well-being of the people of this province; and

Whereas the government and our federal partners are dedicated to working with groups and individuals to find solutions to a difficult and complex problem; and

Whereas the Nova Scotia Government continues to invest in affordable housing for Nova Scotians in need;

Therefore be it resolved that on this National Housing Day all members of this House show their support for government, organizations, and communities as we work together to ensure all Nova Scotians have the security and comfort of a roof over their heads.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable Minister of Health Promotion and Protection.

### **RESOLUTION NO. 2257**

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

Whereas we recognize that one in three seniors fall each year, having a significant effect on their family, friends and the health care system; and

Whereas most falls and fall-related injuries can be prevented by taking measures such as managing personal risk and creating a safer environment for our seniors; and

Whereas reducing falls and fall-related injuries remains a priority of government through its Injury Prevention Strategy and the work of partners such as Community Links, the Department of Seniors, veterans' groups, health care workers, district health authorities, and other community organizations across the province;

Therefore be it resolved that all members of this House recognize November 21<sup>st</sup> to November 27<sup>th</sup> as Falls Prevention Week 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?

It is agreed.

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

The motion is carried.

[7:15 p.m.]

The honourable Minister of Transportation and Infrastructure Renewal.

**RESOLUTION NO. 2258**

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

Whereas the recent Membertou 400 celebration was a huge success, drawing upwards of 80,000 people to the Halifax Common for a wonderful cultural experience that shone the international spotlight on Nova Scotia's Mi'kmaq and generated roughly \$2.5 million in economic activity within the Halifax Regional Municipality; and

Whereas Deborah Ginnish, executive director of the Mi'kmaq Association for Cultural Studies and lead organizer of the Membertou 400 celebration, was one of the three finalists for the Tourism Industry Association of Canada's national tourism event of the year award; and

Whereas Ms. Ginnish was recently presented with an Ambassador Award by Destination Halifax for bringing thousands of new visitors to the HRM and has also been nominated for a Crystal Tourism Award of Excellence by the Tourism Industry Association of Nova Scotia;

Therefore be it resolved that the members of this House extend their sincere congratulations to Deborah Ginnish and the organizers of the Membertou 400 celebrations for their tremendous success in hosting Atlantic Canada's first national Mawio'mi, and further that we acknowledge and thank them for creating an event that allowed people of all ages, races, and religions to learn more about the proud history and the rich culture of the Mi'kmaq.

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 Nova on an introduction.

MR. GORDON GOSSE: Mr. Speaker, tonight in the east gallery we have a good friend of mine here in town on business and working hard as usual with the NSCC. The member for Glace Bay would be familiar with this young lad. His name is Mike Kelloway, and I'd like to give him a warm welcome to the proceedings tonight. (Applause)

MR. SPEAKER: We welcome all our visitors here this evening.

### **INTRODUCTION OF BILLS**

**Bill No. 102 - Entitled an Act to Regulate Tanning Beds. (Hon. Maureen MacDonald)**

**Bill No. 103 - Entitled an Act to Amend Chapter 293 of the Revised Statutes of 1989. The Motor Vehicle Act. (Hon. Ramona Jennex)**

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

### **NOTICES OF MOTION**

MR. SPEAKER: The honourable member for Kings West.

### **RESOLUTION NO. 2259**

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

Whereas on November 3, 2010, the Kings County Race Relations and Anti-Discrimination Committee held their 1<sup>st</sup> Anniversary celebration; and

Whereas Warden Diana Brothers has demonstrated leadership and commitment to this important program to address issues concerning social marginalization, equity, racism, and discrimination; and

Whereas the evening of celebrations emphasized the central message of creating a more inclusive community and it was enhanced through the impact of keynote speaker Terry Kelly and the performance by Eastern Eagles Mi'kmaq Drummers and Singers;

Therefore be it resolved that the members of the House of Assembly congratulate Warden Diana Brothers and her committee for developing a declaration that will make a difference and wish them continued progress in this valued endeavour.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Victoria-The Lakes.

### **RESOLUTION NO. 2260**

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

Whereas Ingonish borders the 950-square-kilometre Cape Breton Highlands National Park and consists of the five communities of Ingonish Ferry, Ingonish Harbour, Ingonish Beach, Ingonish Centre, and North Ingonish; and

Whereas the beauty of Ingonish Beach will be on display on Saturday, November 27<sup>th</sup>, as the community celebrates their annual Christmas Tree Lighting Ceremony; and

Whereas community volunteers Billy Joe Robinson, Shelly Coones, Lori Ferens and Lisa MacKinnon got together in early 2009 and decided on Ingonish Beach to serve their own Christmas Tree Lighting Ceremony, and as a result, Saturday night's ceremony will see a parade of at least 25 floats travel to Ingonish Beach;

Therefore be it resolved that all members of this House of Assembly applaud the volunteer spirit and efforts put forth by Billy, Shelly, Lori and Lisa in Ingonish Beach as preparations continue for their 2010 Christmas Tree Lighting Ceremony on Saturday.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable Minister of Transportation and Infrastructure Renewal.

### **RESOLUTION NO. 2261**

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

Whereas 47 years ago, on November 22, 1963, a generation lost its sense of innocence; and

Whereas on that fateful day, President John Fitzgerald Kennedy was assassinated in Dallas, Texas; and

Whereas for many of us of that vintage, we can clearly remember where we were on November 22, 1963, when we received that frightful news;

Therefore be it resolved that the Nova Scotia Legislature, and particularly the young Pages present, acknowledge the significance of the assassination of John Fitzgerald Kennedy on November 22, 1963.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Clare.

### **RESOLUTION NO. 2262**

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

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

Attendu que la Municipalité de Clare a reçu le Prix communautaire pour les arts et la culture, d'une valeur de 10,000\$, en l'honneur de ses efforts continus visant à promouvoir la culture acadienne et assurer sa survie; et

Attendu que les institutions culturelles de notre communauté incluent l'Université Sainte-Anne, le Conseil des arts de la Baie, le Festival acadien de Clare, et la nouvelle galerie d'art TréCarré, ainsi que les Rendez-vous de la Baie;

Par conséquent, il est résolu que les membres de cette Assemblée félicitent Jean Melanson, préfet de la Municipalité de Clare, pour avoir reçu ce prix prestigieux, et souhaitent à la communauté un succès continu dans la promotion de la culture acadienne.

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

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

Whereas the Municipality of Clare received the \$10,000 Community Arts and Cultural Recognition Award honouring the municipality's continuing efforts to promote Acadian culture and ensure that it survives; and

Whereas our community's cultural institutions include Université Sainte-Anne, le Conseil des arts de la Baie, le Festival acadien de Clare, and the new TréCarré arts gallery along with the Rendez-vous de la Baie;

Therefore be it resolved that members of this House of Assembly congratulate Jean Melanson, Warden of the Municipality of Clare, for receiving this distinctive honour and wish the community continued success in promoting the Acadian culture.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

I would just ask members to try to keep the chatter down. I know it has been a few days since you saw one another, but I just would ask you to try to refrain from your conversations.

The honourable member for Colchester North.

### **RESOLUTION NO. 2263**

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

Whereas the Cobequid Pastoral Charge includes the communities of Portapique, Bass River, Economy and Five Islands; and

Whereas the pastoral charge has been publishing the Cobequid Outlook monthly since 1975; and

Whereas this informative bulletin keeps residents along the shore informed of such things as meetings, special events, births, deaths and anniversaries; and

Therefore be it resolved that all members of this House of Assembly congratulate Frances Eagles from Lower Five Islands, Colchester North, for 35 years as a volunteer reporter for the Cobequid Outlook.

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.

MS. BECKY KENT: Mr. Speaker, with your permission I would like to make an introduction before I do my resolution.

MR. SPEAKER: Certainly.

MS. KENT: I would like to draw the attention of the House to the east gallery. We have three great residents of the wonderful riding of Cole Harbour-Eastern Passage. Barb and Mike Gorrell have been long-time residents of the Passage as well as friends of mine and I had the pleasure of receiving lots of help from them during my campaign. (Interruption) I do have friends. They are here tonight with their son, their fine young man, Alexander Gorrell. Alexander is a member of 3<sup>rd</sup> Eastern Passage Scouts. I'm pleased, and I'll tell you a little more about him. (Interruption) Chief Scout, yes, exactly, but if I could ask the House to offer them a warm welcome to the Speakers' Gallery tonight. (Applause)

MR. SPEAKER: The honourable member for Cole Harbour-Eastern Passage.

#### **RESOLUTION NO. 2264**

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

Whereas Alexander Gorrell, a resident of Eastern Passage was judged by his peers and fellow Scouters of 3<sup>rd</sup> Eastern Passage Scouts to have shown the principles of scouting through leadership and voluntary service within the community; and

Whereas Scouts Canada, Nova Scotia Council and Dartmouth area region, presented Alexander with two awards at a ceremony at the Bedford Institute of Oceanography on May 8, 2010; and

Whereas Alexander has received the Chief Scout Award which is the highest achievable award at the scout level;

Therefore be it resolved that this Nova Scotia House of Assembly commend Alexander Gorrell on his dedication to the Scouts Canada Program and congratulate him for earning his Chief Scout Award on May 8, 2010.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Dartmouth East.

### **RESOLUTION NO. 2265**

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

Whereas the Nova Scotia Community College Waterfront Campus is home to the Centre for the Built Environment - a 120,000-square-foot research and educational facility that emphasizes sustainable building practices, collaborative learning and blends elements of the natural environment and alternative energy technologies; and

Whereas the centre is the last element of a \$123 million multi-year project begun in 2003 to modernize the Nova Scotia Community College system in Nova Scotia; and

Whereas the NSCC Waterfront Campus celebrated the official opening of the Centre for the Built Environment today - November 22, 2010;

Therefore be it resolved that members of the House of Assembly congratulate the students and faculty of NSCC province-wide on their accomplishments and especially presidents and former presidents Jack Buckley, Ray Ivany, Joan MacArthur-Blair and Don Bureaux for their vision and leadership in making this transformation a reality.

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. 2266**

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 Edward Simon d'Entremont was born in Lower East Pubnico on October 24, 1907 and passed away November 8, 2010 at the age of 103 after a long and abundant life; and

Whereas Edward d'Entremont was an industrious man who graduated from College Ste. Anne and went on to serve in World War II and, on his return home, established a dental lab and an insurance agency, drove a school bus, owned and operated guest cottages, as well as becoming postmaster in Lower East Pubnico; and

Whereas throughout his life Edward d'Entremont was deeply involved in his church and community and was a municipal councillor for eight years and he also served on the executive of many other organizations, committees and boards and in 1987 wrote and illustrated a bilingual book, *Whispers of the Past, Les Murmures du Passé*, in which he recalled lives in the Pubnicos in the early years of the 20<sup>th</sup> Century;

Therefore be it resolved that all members of this House of Assembly join me in offering our condolences to his devoted wife of 69 years, Helen, his daughters, Donna, Lucille and Margaret, their spouses, his grandchildren and great-grandchildren.

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.

[7:30 p.m.]

The honourable member for Hammonds Plains-Upper Sackville.

MR. MAT WHYNOTT: Mr. Speaker, do I have your indulgence to introduce some folks in the gallery with us tonight?

MR. SPEAKER: Certainly.



MR. WHYNOTT: Thank you. Tonight I draw attention of all members of the House to the east gallery. We have here with us today Miranda Debaie, as well as her mother, Monica Debaie, and Billy Debaie. They are proud parents of Miranda. She was part of a group of Coalition for Kids, raising over \$3,500 for various families in Poland. She took a trip this past couple of months and she is here tonight to receive the warm welcome of the House. (Applause)

MR. SPEAKER: The honourable member for Hammonds Plains-Upper Sackville

**RESOLUTION NO. 2267**

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

Whereas 17-year old Miranda Debaie recently travelled on a life-changing two-week trip to Poland with two other teens through Coalition for Kids; and

Whereas the purpose of this international voyage was to provide hope, happiness, support and many gifts to more than 15 terminally-ill Polish children; and

Whereas the teens returned home with a sense of gratitude for their own health and compassion for the children they had met abroad who live such happy and fulfilled lives while facing harsh realities;

Therefore be it resolved that the members of the House of Assembly commend Miranda Debaie and her fellow travellers on their recent voyage to Poland with Coalition for Kids, to provide hope and happiness to terminally-ill children.

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 Preston.

**RESOLUTION NO. 2268**

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

Whereas Ken Clancey, a resident of Humber Park, retired in 1994 from the Department of Education after 26.5 years of service; and

Whereas approximately three years ago Ken found that he had time on his hands and decided to volunteer at the St. Vincent de Paul Society, among other things, run an emergency food bank out of St. Thomas More church in Dartmouth; and

Whereas Ken has gladly delivered food to those in emergency need;

Therefore be it resolved that members of this House recognize Ken Clancey for his caring and giving nature and thank him for his unwavering support to those in need.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Hants West.

**RESOLUTION NO. 2269**

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

Whereas the previous Progressive Conservative Government implemented a plan in January 2007 to make Nova Scotia the most connected area in North America by December 31, 2009; and

Whereas signed contracts were inked, with penalties to be imposed if work was not fully completed by December 31, 2009; and (Interruptions) Now listen to the rest of it.

Whereas 11 months past the deadline date the current NDP Government still does not have a firm handle on where high-speed Internet is unavailable in Nova Scotia and refuses to trigger portions of the 2007 contracts, forcing service providers to pay fines if they did not live up to their commitments;

Therefore be it resolved that this NDP Government immediately find out where high-speed Internet is not available and send an elected representative to the community of Woodville, in Hants West, to assure that there will be high-speed Internet service available by December 23, 2010, as promised.

Mr. Speaker, I request waiver of notice.

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

Is it agreed?

I hear several Noes.

The notice is tabled.

The honourable member for Richmond.

#### **RESOLUTION NO. 2270**

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

Whereas InRich Community Business Development Corporation Self Employment Benefit Program allows participants to continue to receive their employment insurance benefits while they are getting their business up and running, as well as receiving business counselling; and

Whereas InRich hosted their 14<sup>th</sup> Annual Self Employment Benefit Program Awards night on October 27, 2010, which included presenting awards to businesses that participated in the Self Employment Benefit Program 10 years ago and are actively continuing to operate and grow their operations; and

Whereas a 10<sup>th</sup> Anniversary award was presented to Mac and Rosemary MacIsaac of MacIsaac Kiltmakers in St. Peter's;

Therefore be it resolved that members of the House of Assembly congratulate Mac and Rosemary MacIsaac of MacIsaac Kiltmakers on receiving the InRich 10<sup>th</sup> Anniversary Self Employment Benefit Program Award 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 member for Dartmouth North.

### **RESOLUTION NO. 2271**

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

Whereas November 22<sup>nd</sup> is National Housing Day, a day that reminds Canadians to recognize and reflect on the issues of affordable housing; and

Whereas a lack of affordable housing can take numerous negative tolls on individuals and the communities in which they live - it can cause increased stress, limited sense of belonging and an overall feeling of insecurity; and

Whereas 1.3 million families, or more than 4 million Canadians, are currently living in substandard housing with an average income of under \$20,000, nearly 75 per cent below the national average and these men and women, mothers and fathers, are forced to make impossible choices between adequate shelter and basic needs;

Therefore be it resolved that all members of the House of Assembly encourage the Government of Nova Scotia to continue working with the federal government in hopes of having someday a national housing strategy.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Inverness.

**RESOLUTION NO. 2272**

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

Whereas Andrew MacDonald of Judique has achieved the ultimate goal of any hockey player, which is to play in the National Hockey League; and

Whereas Andrew scored his first NHL goal on December 17<sup>th</sup> with his New York Islanders versus the New York Rangers; and

Whereas Mr. MacDonald has solidified his position with the New York Islanders by signing a 4-year NHL contract;

Therefore be it resolved that all members of this House of Assembly congratulate Andrew on his accomplishments and wish him continued success in his hockey career.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Digby-Annapolis.

**RESOLUTION NO. 2273**

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

Whereas the Keith Trimper Memorial Playground at Digby Elementary was completed in September 2010 with the help of 220 adult volunteers and another 60 children pitching in; and

Whereas this playground was named after a Digby youngster who passed away two years ago in an accident; and

Whereas along with the playground equipment, there are new gardens and an outdoor roofed classroom that was completed;

Therefore be it resolved that this House congratulate Sean Fredericks, chairman of the playground committee, and the numerous volunteers of all ages on the successful completion of this wonderful playground.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Dartmouth East.

#### **RESOLUTION NO. 2274**

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

Whereas Mocean Dance was founded in 2000 by Carolle Crooks Fernando, Sarah Rozee, Sara Harrigan, Alicia Orr MacDonald and Lisa Phinney Langley, and has grown to include members Tania Jean and Melanie Ferro; and

Whereas Mocean Dance is a pillar of dance innovation and creation in Halifax and is the first dance company east of Quebec to receive the annual creation production support from the Canada Council for the Arts; and

Whereas Mocean Dance celebrated their 10<sup>th</sup> Anniversary with a retrospective performance of dance works at Alderney Landing Theatre in Dartmouth from November 18-20, 2010;

Therefore be it resolved that members of the House of Assembly congratulate the members of Mocean Dance on their 10<sup>th</sup> Anniversary and thank them for their contribution to Nova Scotia's cultural economy.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Kings West.

### **RESOLUTION NO. 2275**

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

Whereas on October 16<sup>th</sup> the community of Morristown came together to celebrate the pioneering spirit that founded the community 200 years ago; and

Whereas Enoch Lewis Palmer founded the community in 1810 when his family, who were United Empire Loyalists, received a land grant on the South Mountain; and

Whereas Enoch Palmer found a suitable place on his land grant to build a log house, married Margaret Robinson and began a family of 14 children, establishing the historic community southeast of Aylesford;

Therefore be it resolved that members of this House of Assembly commend past and present residents who contributed to the growth and vitality of the Morristown 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 Richmond.

**RESOLUTION NO. 2276**

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

Whereas the InRich Community Business Development Corporation's Self Employment Benefit Program allows participants to continue to receive their employment insurance benefits while they are getting their business up and running as well as receiving business counselling; and

Whereas InRich hosted their 14<sup>th</sup> Annual Self Employment Benefit Program Awards night on October 27, 2010, which included presenting awards to businesses that participated in the Self Employment Benefit Program 10 years ago and are actively continuing to operate and grow their operations; and

Whereas the 10<sup>th</sup> Anniversary Award was presented to David Matthews of Matthews Welding and Fabrication in Louisdale;

Therefore be it resolved that the members of the House of Assembly congratulate David Matthews of Matthews Welding and Fabrication on receiving the InRich 10<sup>th</sup> Anniversary Self Employment Benefit Program Award and wish him 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 member for Digby-Annapolis.

**RESOLUTION NO. 2277**

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



Whereas the Minister of Transportation and Infrastructure Renewal doesn't want to consider starting to build a new Highway No. 101 between Digby and Weymouth anytime soon in his five-year rebuilding plan; and

Whereas the existing Highway 1 has been called the 101 for many years, but doesn't seem to get the same service as the other real 100-Series Highways, like trimming the sides of the roads; and

Whereas I have received many calls from constituents on this so-called Highway No.101 with complaints of alders growing out into the highway, obstructing the view of motorists and pedestrians, creating concerns for many of these residents;

Therefore be it resolved that the Minister of Transportation and Infrastructure Renewal order his department to clear the sides of this so-called Highway No.101 the same way his department clears the other 100-Series Highways of this province.

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 a No.

The notice is tabled.

## **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. 97.

**Bill No. 97 - Motor Vehicle Act.**

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. 97.

The amendments that are being proposed under this piece of legislation are to address some very serious problems on our roads. You may recall that our province banned the use of hand-held cellphones while driving back in 2008. Since then we've seen many reports through the media to confirm what we already know, too many drivers are using cellphones or texting while driving.

[7:45 p.m.]

Mr. Speaker, the minister has indicated that police have issued 8,300 tickets since the ban came into effect in April 2008. So roughly in the last two and a half years police have given out around 8,300 tickets. I know I'm not the only one, I'm sure most of my colleagues, when they're out driving, you often see drivers using cellphones or texting while driving. When I look at the 8,300 tickets that were issued in the last two and a half years, plus how many other drivers are using it and probably did not get a ticket, you know this is a very serious problem happening on our highways.

Drivers know that the ban is in place yet they continue to use them while driving. The bill that is before the House hopefully will make a difference in addressing this serious problem on our roads.

Mr. Speaker, we all know why the ban was brought in in 2008. Many other jurisdictions in Canada and in the U.S. have similar legislation in place. The use of mobile phones while driving is a dangerous practice that costs lives. We all know that when you're out driving on our roads there are many distractions for drivers to watch out for. We also know that distractions continue to be one of the major factors causing accidents on our roads. Attention to driving is paramount to safe road practices.

Mr. Speaker, so far in 2010, there have been 60 fatalities on our highways in Nova Scotia. We all agree this number is way too high and we need to take action in order to reduce the number of fatalities on our highways. These amendments brought forward by the minister is an attempt and, hopefully, will work to make our streets and highways safer. I congratulate the minister for bringing these amendments forward.

When you look again at 8,300 tickets that were handed out since 2008, we know that we need to do something, as legislators, to address this very serious problem on our roads. This bill will increase the minimum fine for a conviction for using a hand-held cellphone or engaging in text messaging on a communication device while operating a motor vehicle on our highways. For a first offence the fine will go from \$100 to \$150, for a second offence

the fine will go from \$200 to \$300, and for a third offence the fine will go from \$400 to \$600.

When the ban came in in 2008, I understood that the fines were \$164.50 for a first offence, \$222 for a second offence, and \$337 for a third offence. I'll table a copy of this. Maybe when the minister wraps up second reading on this bill he could explain the difference between the existing fines and the minimum fines that are being proposed in this bill. Now, it is kind of confusing and maybe I'll try to explain to the House - through you, Mr. Speaker - where the confusion exists.

Right now for a first offence, the fine is \$164.50. Now, under the amendment that's being proposed we're saying, well, it's going from \$100 to \$200 - but the existing fine is \$164. Under the amendments that are being proposed here - and I know the minister's staff is probably watching this debate tonight. Again, the bill makes reference to "minimum fines" and a minimum fine for a first offence. It says from \$100 to \$150, but is \$150 the minimum fine that an individual could end up paying on a first offence? Again, what's the maximum fine that an individual caught and found guilty for a first offence using a cellphone or texting - maybe when he wraps up second reading on this bill the minister could clarify to the House exactly what he means by a minimum fine for these offences.

Another area that I hope the minister could bring further clarification to when he closes debate is on the loss of merit points if a driver is convicted of using his hand-held cellphone or texting while driving. The bill makes reference to the point system table, but it's not too clear. I know on second reading you're not supposed to be looking at the individual clauses, but if you look at Clause 4, you will know exactly what I'm making reference to. It's certainly not very clear. I know it's probably written in the motor vehicle lingo, but Clause 4 is not clear. Do you lose four demerit points if you're caught and convicted on your first offence, on your second offence, or third offence? So I hope when the minister wraps up second reading on this bill he will be able to provide to the House some clarifications on this clause.

The second amendment that is being proposed under this bill will increase penalties for street racing and stunt driving. Street racing and stunt driving are extremely dangerous actions to do on our roads. Yet when you look at some of the cases that were reported by the media this year, in 2010 - and I'll give you a couple of examples. A Yarmouth resident was charged for travelling at 115 kilometres per hour in a 69-kilometre-per-hour speed zone. A driver was caught driving more than 50 kilometres per hour over the posted speed limit on Highway No. 104 near Mount Thom. Two men were charged with street racing following a crash in Lower Sackville last March. Two teens, 18 and 16, were charged in April for racing at about 150 kilometres per hour in an 80-kilometre-per-hour zone in the Valley. And the last one, in Amherst two young drivers were clocked at speeds of 171 kilometres and 181 kilometres per hour on Highway No. 104 in two separate incidents this Spring.

Now, Mr. Speaker, there's a lot more here to report just in 2010. With only these few examples that I have brought to the floor of the House, we certainly recognize that street racing and stunt driving happen on our roads and happen year-round right across our province. It's not just centred in one area of the province, it's all over the province. So, again, just with these five examples that I tried to pick to show to my colleagues, this problem is happening all over the province and it needs to be addressed.

I'm pleased that the minister has brought these amendments forward to address street racing on our roads and, hopefully, will address the seriousness of these problems. We know how dangerous it is, especially when you're out driving and somebody is driving this fast.

Again, in closing, I think as legislators we must make our highways safer for all users. It doesn't matter what part of the province you're driving in or what street or highway or road, we have to, certainly - and I hope by increasing the penalties for street racing, this will certainly, hopefully, again, address the problem. With those few comments, I will take my seat.

MR. SPEAKER: The honourable member for Colchester North.

HON. KAREN CASEY: Mr. Speaker, I am pleased to rise in my place and speak to Bill No. 97, amendments to the Motor Vehicle Act. I want to thank the minister for bringing in these amendments and for doing what I believe is intended here, and that is to try to make our roads safer for all of us to use.

The legislation is really two parts, I would say. The one part that deals with the racing and stunt driving and the other amendments deal with the use of hand-held devices and texting while driving. I want to speak first to the first amendments, which deal with road racing and stunt driving. I think we all recognize that there is no place on our highways for any kind of excessive speed and driving in a careless and callous way. In many cases it's the innocent victim on the road, it's the innocent driver who is a victim as a result of that. Many times we know that people pay the ultimate price for that - in fact, not long ago we had the incident across the harbour where we had racing and stunt driving which ended in fatality.

I think there is every bit of support for strengthening the laws that would try to control or put an end to road racing and to stunt driving and one part of that I particularly like is that if, in fact, there is an incident, the officer who is attending can suspend the licence of that driver at roadside. I think it's important that if someone has chosen - and it is their choice - to drive in a reckless and careless manner, then they don't deserve the opportunity to continue on, even if it's a mile down the road to their own home. I think getting that driver off of the road as quickly as possible, before any damage or harm is done to an innocent driver, is strengthening the legislation and one that I know that we would support.

I want to speak secondly to the use of hand-held devices, and I don't expect there's anyone in this room who could honestly say they have not, at some time or other, used a

cellphone or a BlackBerry or used some device while they were driving. As our lives become more dependent on BlackBerrys, then there is a greater chance that we will take the risk. We don't avoid that because of the fine. I think what we do is we need to be educated as to the dangers of texting - it is a distraction. We have enough distractions as we're driving on the highway and those are things that we can't control; texting is something that we can control.

[8:00 p.m.]

When we introduced the legislation in 2008 with respect to the use of cellphones, it was intended to make our highways safer; it was intended to be an education and an awareness for every driver. I know the number of 8,300 tickets has been shared and maybe that's not enough, but it's 8,300 that would not have been ticketed prior to 2008, and with any legislation, whether it is with cellphone use or whether it is with other texting devices, there are two parts: there is the legislation that forbids it, and there is also - and perhaps the most important part - the enforcement or the implementation.

People are very skilled and very crafty and they try to get off the device when they see the police car, but even if there are 8,300 who have been deterred from using their cellphone, that is 8,300 fewer people who could be causing an unsafe situation on our roads. When we talk about safety on our highways, I think it's our responsibility, as politicians, if there's any possible way we can strengthen legislation that will make our roads safer and save more lives, then that is our responsibility. I believe what the minister has put forward here is an attempt to do that, to strengthen already existing laws to make roads safer.

I'm just going to speak briefly to the fines that are recommended here or are written in this amendment. Again, I'm not sure that the fine is a deterrent. I think it's important for us to understand that the deterrent is the outcome - what can happen if we are distracted and if we are using hand-held devices. As far as I'm concerned, if you're going to take the chance, you pay the price. For some people, after one or two convictions and tickets, they may get the message, but I think the real message we want is for people to take into their own hands, as much as they can, the responsibilities that they have to drive safely.

We have to change behaviour. It seems that our behaviour has changed towards more use of cellphones and hand-held devices, so that has crept up on us. That is not something that would have been a distraction 10 years ago, but it is now with the new technologies. I think the sooner we get a grip on it and the sooner we try to change people's behaviour and make them aware of the danger they are creating for themselves and others, then perhaps we can change their behaviour back into something that is more responsible as a driver.

With those few comments, Mr. Speaker, I would like to say that I commend the minister. I believe it will strengthen the laws; I believe the enforcement of that is where we will see the big change and it will help, I believe, when people understand that what they are doing is risking their own life or somebody else's. Thank you.

MR. SPEAKER: The honourable member for Richmond.

HON. MICHEL SAMSON: Mr. Speaker, I rise to make a few comments on Bill No. 97, and hopefully the minister might be able to provide some clarification on this, but when one looks at the bill, without getting too much into specifics, it specifically refers to “Using hand-held cellular telephone or engaging in text messaging on communication device while operating vehicle on highway.”

From a legal perspective there are two issues here: what is the definition of operating a motor vehicle? I don’t have the Motor Vehicle Act in front of me so I am unable to see exactly how it is defined. The other question is what is defined as a highway? Most people would think that means the vehicle is actually moving and you are actually on the road, but operating a motor vehicle doesn’t necessarily mean you are actually moving; I believe operating a motor vehicle might actually be having the keys in the ignition. I know there is some debate as to whether the vehicle actually has to be on to actually be considered as operating a motor vehicle.

Secondly, a highway is a very broad definition. The reason I raise that is I think it’s important that Nova Scotians know exactly what the rules are. I only know when anyone is debating the merits of this and the importance of avoiding driver distraction and some of the many horror stories we’ve heard involving driver distraction, especially with texting now and e-mail and messaging and everything else, I know most drivers believe that if they pull over on the shoulder and put the car in park that they are obeying the law. But from a strictly legal perspective, I’m curious as to whether they are because, if the vehicle is still on, technically the vehicle is being operated.

And even though you’re on the side of the road, you’re still on the highway. Being on a highway doesn’t necessarily mean being on the paved portion, it could mean as well the gravel shoulder. I only raise that in the hopes that the minister will work with his staff in making sure in the public awareness campaign, that I’m sure will follow with this, that Nova Scotia drivers fully understand, because the last thing I think we want is that anyone who’s pulled over to the side of the road either with the car in gear or with the brake applied and not moving, who’s actually either answering a call or sending an e-mail or responding to a text would not be actually considered to be in violation of this Act.

But without clarification on those two specific terms as to how they’ll be applied here, those being “operating a motor vehicle”, the second one being “on a highway”, those two terms have to be clarified as to how it applies in this case, because at the end of the day I’m sure Nova Scotians are looking to abide by the law. But putting my legal hat on for a minute, I can see where this could create significant problems if someone pulled over on the side of shoulder with the vehicle on, possibly still in gear but with the brake applied, could technically be in violation of this new provision which I don’t believe is what the minister has in mind, or what the government was intending to do.

With those comments, I do hope the minister and his staff might be able to possibly send a briefing note or provide some clarification to myself and to our caucus just so that we fully understand, because at the end of the day, with any of these changes, as elected officials we often get the phone calls from constituents asking us, okay, I heard you're making these changes, what does it mean and what do I need to do to respect the law, and will this be considered a violation or not? I think that's information all members of the House should have and hopefully the minister might be able, through his staff, to provide us with that.

Regardless of where you live in Nova Scotia, this is a topical issue and one which I'm sure all 52 of us, as members of the Legislature, will be getting phone calls on and any information the department can assist in that regard will certainly be appreciated.

Those are the only concerns I raise, and I hope the minister will be able to provide some clarification on those specific points. Thank you.

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, thank you to the members opposite. Also some other members have taken the opportunity to speak to me about this particular bill and I'm always willing to listen to suggestions.

To my younger colleague, the member for Richmond, I can assure you that I will follow up with those particular points because I do take pride in the fact that I let the phone go to the message and then pull off to the side of the road. I slam my Jeep in park and leave the key on and I guess I could be operating a motor vehicle. I shouldn't be flaunting the fact that I don't use the cellphone while I'm operating a motor vehicle, it's not turned off and it's not off the road. Thank you for that.

Also, I'd like to thank the member for Richmond, incidentally, for making my executive secretary's day on Friday at the Department of Transportation and Infrastructure Renewal. She's no longer one of the people whom I can refer to in this House because I don't have a BlackBerry, I have a Noella and it was her birthday, but I thank you for that.

You know you've arrived when you can look at the editorial cartoon. In the past, on certain occasions I'm sure some of us, perhaps all of us will eventually end there, but on Saturday there was a wonderful one. I want to congratulate - and I'll provide a copy to the House of this in just a moment - Pat Jollimore is the author, if you call it the author. If I may, I know I'm not allowed a prop, but I'm going to describe it to you. "Nova Scotia Drive Talk Text Bundle Available Soon!" and it shows a picture of a cellphone and underneath it Mr. Jollimore has taken the opportunity to list what a first minute fine is, a second minute fine, and a third minute fine, "plus Earn Valuable Points On Your Driver's License." That is, after

all, part of the education process. I will table that. If you happened to miss it, it's worthwhile looking at.

That's part of the process when it comes to this particular piece of legislation. When, or if, the bill is passed and with amendments changed to it, it's an attitudinal thing. I particularly look at the comment of my good friend, the member for Colchester North, who makes it very clear that driver distraction is an ongoing concern, that instantaneous generation, that I don't belong to, but young people belong to and the fact they have to know everything immediately.

The number of times that some of you stand in here and I'm plugged in listening to your resolutions, the member for Bedford-Birch Cove in particular when she stands in the House sometimes in her resolutions I can hear her, if you can listen carefully on your headset here in the legislature - BlackBerry buzzing on the table. I assure you that once in awhile you can miss a message and it's not a big deal, but anyway, at least she's not being distracted on the House floor, she's not driving.

Thank you for those comments and with those few comments, I would like to close second reading of Bill No. 97 and look forward to this legislation going on to the Law Amendments Committee. Thank you.

MR. SPEAKER: The motion is for second reading of Bill No. 97. 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. 95.

**Bill No. 95 - Consumer Reporting Act.**

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

HON. RAMONA JENNEX: Mr. Speaker, I rise to move second reading of Bill No. 95, amendments to the Consumer Reporting Act. This bill is a housekeeping measure. The Department of Service Nova Scotia and Municipal Relations has a collection service division, which collects debts owed to the province and these are things like fines or fees. These amendments to the Consumer Reporting Act will give our department access to personal information such as social insurance numbers that we need to track debtors accurately. We will get this information from consumer reporting agencies like Equifax and



TransUnion. I would like to add that I did meet with Equifax today. They came down and spent the morning with my department and I met with them this afternoon. We will use it to make sure we're contacting the right people. We've had access to this information, informally, for years and this simply formalizes the arrangement.

Nova Scotians are concerned about the security of their personal information and I share that concern. I want to assure you that all personal information is protected by the Freedom of Information and Protection of Privacy Act once it's in government's hands. Having this information will help us collect money that's owed to the province. It will enable us to be more accurate and more efficient. We are currently pursuing 75,000 debts. I can't give an exact dollar figure because people are always paying and there are new debts added all the time, but I'm very safe in saying that there are millions of dollars owed to the province and that we will be able to collect. When people pay us back, that money goes into important social programs like our health care and our education, so this bill will help us get back to balance and live within our means. Thank you, Mr. Speaker.

[8:15 p.m.]

MR. SPEAKER: The honourable member for Preston.

HON. KEITH COLWELL: Mr. Speaker, this, indeed, is a housekeeping bill and I'm not going to spend much time speaking on it. I have a few questions I'd like to ask the minister that possibly down the road she can answer some time when she has an opportunity.

I'd just like to know how much money the province is presently owed that the province will be able to collect, or hopefully be able to collect, and, indeed, what percentage of those outstanding uncollectibles, at the present time, does the minister believe will be collected using this information. Will we also be able to tie it into Revenue Canada and any collection opportunities that they may have or what other doors open for collections in this process? Being the former minister of the department you are now in, I understand how many bad debts there are and how many people just simply don't want to pay the bill, even sometimes when they can.

I think this is a positive thing. There's not a whole lot in the bill, but I think it's a positive thing if we can collect some more money and use it in other places in the province, that's always very positive, so hopefully it will do some of that.

I'd also like to know, in the maintenance enforcement section, will this also help maintenance enforcement? That's one thing we see all the time in our area, people trying to get maintenance back. Whether it's a man or a woman, now it's either way. That's a serious problem that is affecting children directly in homes and people's private homes that if indeed this does help this, that will help too. So with those few words and those few questions, hopefully the minister can answer those at some time in the future, we will be supporting this bill.

MR. SPEAKER: The honourable member for Inverness.

MR. ALLAN MACMASTER: Mr. Speaker, the Progressive Conservative members of this House will look further at this bill and we will likely look to be supporting it. I would caution that we must be very careful in sharing the personal financial information of our citizens. We do agree that government should expect those citizens who owe it money to pay that money whether it be taxes, fines or other debts and they should pay this money in a timely fashion.

This bill will provide the provincial government with timely access to social insurance numbers of those indebted to it. We are prepared to support this legislation because it basically clarifies a right government already has because we provide social insurance numbers as citizens of this province to Revenue Canada, to banks, credit unions, mortgage companies, among others. So it seems sensible that this information could also be used by the province in the collection of debts.

Mr. Speaker, I believe this bill also allows the minister or the department, or any persons designated by the minister, to collect a considerable number of details about an individual, including his or her residential or employment history. In today's Internet age and keeping in mind the Auditor General's concerns raised last week about Internet security and identity theft prevention capabilities, we would just like to highlight the value of and the importance of government addressing those concerns. We should also mention that I believe the minister's department was recognized for being a department in government that had a very secure method of data storage and protection of people's personal information.

So provided the government makes every possible effort to protect the information and ensure that it does not find its way into the wrong hands, we are pleased on this side of the House to be supportive of this bill.

MR. SPEAKER: The honourable member for Richmond.

HON. MICHEL SAMSON: Mr. Speaker, I wanted to rise to say a few words on Bill No. 95 because having been elected for 13 years now, the issue of the collection of fines by the province is one that I've had to deal with on a number of occasions. It was with interest I listened to the minister say there are 75,000 outstanding debts to this province. What I would be very curious - and I'm sure this might be quite difficult - but I would love to know what the household income is of those 75,000 outstanding debts. I would suggest to you it's not the middle class, it is not the upper class, it is not the wealthy that are the 75,000. They are the poor, the working poor. As well, I would be curious if the minister could provide us with how many of those 75,000 are either currently or were formerly clients of the Department of Community Services. I would submit to you that a significant number of that 75,000 are those very people.

Now, Mr. Speaker, any client of Community Services who gets an emergency fill-up of oil gets an overpayment. So they're part of that 75,000 and I would suggest to you there aren't many clients of Community Services who haven't been given an overpayment at one point or another. Those are the people who make up the 75,000. Yes, possibly there are people with the means of paying who choose not to pay but there are mixed messages that come from government.

Now, it's still early in this government's mandate, and we'll have to wait to see, but previous administrations of all stripes have written off large debts owed by companies to our province. People call me and say the government is chasing me for \$500 yet they wrote off \$20,000 or \$200,000 to Michelin. There are other examples, I shouldn't just pick on Michelin because there are many other examples where government has seen fit to wipe off debt to assist business in this province. Yet for individuals of very modest means, what a message it sends.

Mr. Speaker, depending on your art of persuasion, I guess, it's difficult to understand what the policy is of the Department of Service Nova Scotia and Municipal Relations, and all government departments, when it comes to the forgiveness of that. I'd be curious as to whether the minister can provide us, whether there's a policy document that exists either in her department, or in all the other departments, as to how they deal with requests to forgive debts.

On a number of occasions I have appealed to ministers, on behalf of constituents, to forgive debts owing. Without getting into specific details, I made a recent request, not long ago, first to the Minister of Service Nova Scotia and Municipal Relations, because that is the agency that actually collects the debt on behalf of all of government. The debt had been incurred by a former client of the Department of Community Services. I have to say, Mr. Speaker, that in this case the story has a happy ending.

When I appealed first to the Minister of Service Nova Scotia and Municipal Relations, she said, I'm going to send it to the Minister of Community Services where the debt was initially incurred. I am very pleased to say that when I explained the situation to the Minister of Community Services, how this overpayment had come to be established and what the current income and future income - because they are retired and are on a fixed pension - would be of this couple, I am very pleased to say that in return the minister wrote back and said that under the circumstances we've reviewed this and we will forgive the debt.

I'm not sure exactly what policy would have been applied or whether there is a criterion that was involved or if it is just at the minister's discretion. I think we need to know that because I don't think there are any of us here who haven't been approached by a constituent at one point or another to say, the province is chasing me for money that I just can't pay. So when we talk about this issue, I think we have to keep in mind that we have to look at the issue of poverty when we look at this. Yes, as I mentioned, there people who probably have the means but for whatever reason decide they are not going to pay their

speeding ticket or other fines they may have accrued, but in many cases these are the poor of our province. They are the ones who are getting these forms. A gentleman came in the other day with one of the forms asking for all sorts of information about his house, his assets, everything else.

Mr. Speaker, we've heard the term you can't get blood out of a rock and, as a province, we have to recognize that. Someone who is on a fixed income, over the age of 65, and you want to chase that person to pay a debt? They can barely make ends meet the way it is right now, and run a home and possibly a vehicle, let alone pay an overpayment they may have gotten while they were on Community Services.

I would hope that if the government is going to be balanced in their approach, it's important with this bill that yes, they are giving themselves better mechanisms to be able to collect debts and collect information about people who owe money, yet there's no indication of any sort of compassionate consideration of these 75,000 individuals. Again, I'd be curious, and maybe the minister has a means of doing this, maybe she doesn't - how many of these 75,000 are clients of the Department of Community Services? That shouldn't be that hard to find out. There must be a database that would give that. Second, how many of the individuals, of these 75,000, have claimed financial hardship, that they are unable to pay this debt? Then let's look at those numbers, because to only get the figure of 75,000, I don't believe is a fair figure for us, as legislators, to determine how serious this problem is.

I appreciate the minister saying if we collect more money we can re-invest it in other programs, that's all great, but is it realistic that you are actually going to collect money from these 75,000 Nova Scotians, or former Nova Scotians, who owe this money? Is there really a real expectation that this bill, with this new information, is going to get people to pay? I would submit to you, Mr. Speaker, if they don't have the money to pay, whether you have their social insurance number or blood type or hair sample, they're still not going to be able to pay. That's the reality, yet we have people employed by this province who are chasing these people down on an almost daily basis. I am reluctant to use the word harassing, but that's certainly what comes to mind, when I've seen the forms that are sent to these people, the repeated phone calls, even in cases where people are actually paying, or trying to pay a little bit at a time, the continued phone calls, the continued forms to fill out.

Mr. Speaker, again, I think this is something that requires further debate and requires further information to be given to members of this House, in order to determine what we're doing as a province, in hiring people to chase down those who we know just aren't going to be able to pay. Again, I think of people, community services, I think of people who are now on fixed incomes, whether they be disabled, whether they be on workers' compensation, whether they be retired. Those are all parts of this equation which are not addressed in the bill and haven't been discussed.

I honestly think that the Minister of Service Nova Scotia and Municipal Relations is a good and decent person who would have a lot of sympathy for Nova Scotians who just can't pay. Right now, there really doesn't appear to be any sort of policy dealing with that, other than making a personal appeal to the ministers and the departments where these debts were incurred and hope that they may look at it. Again, I have no idea what they're looking at or if it's just a personal call that they're making. In some cases, I did not have success.

People are still to this day being chased and having to pay but, again, I balance that with pointing to the recent example by the Minister of Community Services where, on compassionate grounds, the debt was forgiven. At the same time, I think there was a realization that there was absolutely no hope of collecting that debt and there was no need to have someone continue to call these people and send forms. Based on their income and their expenses, there was no hope at all of that money being recovered.

I wasn't going to speak on this bill but it did bring that to mind, not only to raise those concerns but as well to publicly recognize the Minister of Community Services in that case. I know the family was extremely appreciative. I believe they left a message saying that a thousand pounds had been lifted off their shoulders once they received the letter from the Minister of Community Services. I did want to publicly acknowledge her for that and certainly thank her on behalf of that family. Certainly I would hope that, regardless of what happens here, the various ministers will be prepared to look at personal situations that people are in and realize, number one, they can't pay; and number two, why are we spending money chasing them when we know there are no hopes of actually collecting that debt?

Secondly, as this government moves forward - and I'm sure the Minister of Finance will be asked as he prepares his next budget - to write off debts of this province. Every year there are a number of write-offs. I believe the Department of Justice is probably one of the largest departments with write-offs for uncollectible debts. I would suggest to you that it may be time to start looking at the Department of Community Services as well for uncollectible debts, rather than having Nova Scotians being paid to make phone calls and follow up on files that really have no hopes of ever being collected.

With those few words, I look forward to the minister's comments, and hopefully as this bill moves forward, she may be able to provide us with a bit of the information which I've requested here during my remarks tonight. Merci.

MR. SPEAKER: The honourable member for Dartmouth North.

MR. TREVOR ZINCK: Mr. Speaker, I too am pleased to rise and speak about Bill No. 95. On reflection, on the points that my colleague, the member for Richmond, made - very valid points - I spent three of my first four years in politics as a Critic for the Department of Community Services. The large majority of individuals who owe the government money, who I saw on a regular basis, would have come from moving from reliance on the Income Assistance Program when they would transition into the Canada

Pension Plan. Many seniors would be removed from that system, be on incomes that are fixed at \$1,100 or \$1,200 per month and then be asked on a monthly basis - being notified by the Minister of Finance or collections through the Department of Service Nova Scotia and Municipal Relations - to pay back these monies that were owed.

I remember one particular case over the last year coming to me from the Sheet Harbour area, I believe. It was an individual whose husband had fallen very ill and they found themselves without so they applied for income assistance. What the income assistance supervisor did was they ran the name - the last name of the gentleman - but it linked up to an account that was 20 years old under her name. She was a previous customer or client of the Department of Community Services and this was a case that was 20 years old. I believe it was around \$18,000 or \$19,000 that the department was now trying to collect because it had been re-initiated in the system by this gentleman applying for income assistance.

[8:30 p.m.]

Now, obviously, those individuals - as my colleague, the member for Richmond said, you can't get blood out of a stone. Well, these are folks who, again, are without and are applying for actual income assistance now because of health issues. Now they're also being saddled with this insurmountable debt that they're obviously never going to pay back.

In the last year, I probably had at least a dozen cases come through my office in regard to motor vehicle fines. Most of the motor vehicle fines I would have seen were of the individual's own doing. It was usually around a loss of licence or driving without a licence or insurance. What has happened to these individuals, they've been unable to pay and some of them - I've seen one outstanding debt upwards of \$35,000.

This young person, under the age of 30, had owed the department and was in collections but he couldn't get a job because he couldn't get his licence. You have the long talk with this young person, he had never actually taken a driver's test and you talk about not making good decisions on his part. Now he's faced with a \$35,000 debt and no ability to get a licence until he pays that back. So I made a call to the department and I spoke with a senior bureaucrat and was trying to figure out if there was any way around this. This young person actually came into my office saying, I'll serve time because I don't have the money to pay it.

So, you know, we can track people, as my colleague, the member for Richmond said, as much as we want, but when you're dealing with seniors who obviously, in their golden years, are on a lot of medications, they're on \$1,100 to \$1,200 a month. There's very little left to honestly give back to the department. I, too, have written letters. I've talked to a lot of the collections officers who've been very accommodating and very understanding. I think in this last year when we've seen the HST being raised and accommodated by the Affordable Living Tax Credit and the Poverty Reduction Credit, but you have constituents who come into your office and that money is clawed back because they owe the government money.

So I actually had one client who is on income assistance and she had the Poverty Reduction Credit and the Affordable Living Tax Credit clawed back because she owed money. So that was an individual who was very disappointed, because once every three or four months people are rich for an extra day. So she didn't have that opportunity.

So I think if the minister goes back and looks, it is very easy to track. I mean, you can go back and see what department is passing off and I would imagine most of the fines are either for motor vehicles or in relation to motor vehicles or majority of income assistance. In fairness to most of the folks that I've had to deal with, they've wanted to be able to pay but the reality is, the income isn't there, the ability isn't there. For that couple that was saddled with an unforeseeable illness, who had applied for income assistance and then was later notified that you have a bill with the government of \$19,000, sorry that you're not well and we want to try to accommodate you but we need to collect on this too. Those folks were a little disgruntled and the department has no statute of limitations.

When these notices go out and MLAs will contact Service Nova Scotia and Municipal Relations, they will tell you, there's no statute of limitations on collecting outstanding debts through the Department of Community Services. I remember a couple of years ago, then Premier MacDonald saying, you know, we'll leave no one without, we'll help anyone and it was around the home heating. The fact that the public has to be aware that any individual who goes for that extra help, whether it be on a power bill or for oil and it goes down as an overpayment, or it's a special need or a damage deposit, that goes down as - there are outstanding debts. I'm sure if the Minister of Finance looked at it, it would be nice to have it all back, but if there was a process in place or a policy where we can really - let's be realistic, there's debt we can collect and debt we can't.

For that young person who made the choice, a bad choice it was, not to ever get a driver's test and continue to drive - and you know what? Unfortunately he got caught - well, that \$35,000, how do you weigh that out? He's not going to be able to have a job because he can't have a licence. But we're never going to get that \$35,000 back either so we have to find a way to offset it somehow. Again, most individuals who have come to me want to be able to pay, but it's the ability to pay and the fairness in that.

When you move from IA into Canada Pension, it's not very much more money, Mr. Speaker. However, the fact that we're trying to collect - and I believe if you look at the 75,000 debtors, the majority of them have gone through that process and just simply can't do it. So we need to be realistic. I think it's a good amendment. I think it will help, hopefully, but I think in all reality, when we look at each situation, our collections officers are going to run into the same situation.

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: One of the things that I would like to start with before I close debate would be to talk about that it's incumbent upon us as a province to collect our outstanding debts. That being said, this amendment is housekeeping in that it's going to give us the ability to get the social insurance numbers from two service providers. The reason we want to have that SIN is to make sure that we're targeting the right person. Some people might have been getting calls over the last while and we're finding out they are not the person who owes the money. So using the SIN, we're able to make sure that the person who owes the money is the person that we're going to be asking to repay the debt.

I used an example the other day that in Cape Breton, for example, there are many surnames that are the same. So, for example, the name John MacDonald, I know so many myself. So we want to make sure that we're not - and I don't want to use this word, but I will - that we're not harassing the wrong person, we want to make sure. Now, some people who do owe money, it's hard to find out where they are. So we're going to use that information to make sure that we're able to get that.

Now, one of the questions this evening is where is that debt, who are the 75,000 people? Most of that outstanding debt, the big amounts, are in the Justice Department. One of the things that one of the reporters asked me last week is, are we going after small amounts? No, these are the big debts that are owed and we are working very carefully. When we find out the person, the department will work with them very carefully. We are not going to be making people who have no means pay back the money. We are going to make sure that we find out that information. The other thing is that if you have a person who wants to pay back their debt, has fallen on hard times and wants to set up a payment program, we can do that.

It's very important that we do this respectfully. This is why we have that amendment, to make sure that we have the right person, that would be the most important thing, and these are the big debts that are owed to the province. I know that people in Nova Scotia - if a person has broken the law and has a fine or a debt and they keep accumulating debt, there has to be a mechanism in place. They've broken the law and they have to pay back their debt.

With that, I thank all of my colleagues for sharing their points with me. If I haven't answered all those questions that came forward, I would gladly do that outside these Chambers and with that I close debate.

MR. SPEAKER: The motion is for second reading of Bill No. 95. 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. 98.

**Bill No. 98 - Solemnization of Marriage Act.**

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

HON. RAMONA JENNEX: Mr. Speaker, someone must have a great deal of interest in marriage on the opposite side there.

Mr. Speaker, it is my pleasure to move second reading of Bill No. 98, amendments to the Solemnization of Marriage Act. This Act governs the legal requirements for getting married in Nova Scotia, including the issuance of the marriage licence.

Since 2000, marriage licences have been sold by appointed staff of Access Nova Scotia and HRM Customer Service Centres. There are also some appointed private deputy issuers in some communities. Frequently, the need arises to appoint or revoke the appointment of deputy issuers. Currently these require an Order-in-Council which can create an undue administrative burden for staff and Executive Council as well as service gaps while appointments are waiting to be approved.

The proposed amendments would allow the registrar the authority to appoint deputy issuers of marriage licences and Access Nova Scotia and HRM centres. This amendment will also help reduce the administrative burden and allow for more timely appointments. Thank you.

MR. SPEAKER: The honourable member for Preston.

HON. KEITH COLWELL: Mr. Speaker, first of all I'd like to say I've been here a long time in the Nova Scotia Legislature and this is the shortest bill I've ever seen. I think we're changing about three words in it and one number.

I can understand where the minister's coming from with this, it's just a housekeeping operation. I was surprised at why you had to bring it as a bill, why it couldn't be just a change in policy within the department. It must be (Interruption) it's just a real short bill. It just makes sense to do this and with those few words (Interruptions) my colleague. . .

AN HON. MEMBER: That's almost as short as the bill.

MR. COLWELL: Almost. My colleague beside me here is making a good point. He said, I hope the marriages aren't as short as this bill.

With those words, I'll take my seat.

MR. SPEAKER: The honourable member for Inverness.

MR. ALLAN MACMASTER: Mr. Speaker, we don't need anything in this province slowing down the number of marriages that are taking place, so we are supporters of this bill. This makes sense because actually a colleague has just mentioned to me that in his family they have an original Certificate of Marriage which goes back to the 1840s. It was signed by the man whose picture is on the wall over there, Joseph Howe. That was back in the day when it was actually signed off, I guess, by the registrar at the time. But times have changed and we need to make sure that there's efficiency in operations in government.

This is just one example where you have an organization - in a lot of cases, Access Nova Scotia centres - handing out to people marriage licences for their signature and what this bill will do is take away from the Cabinet meeting room the responsibility to be appointing these people who are handing out the licences and give it to the registrar.

We feel this makes sense. It's going to make things easier for the people who are working at the Access Nova Scotia centres to provide the service and it's also going to make it easier for Cabinet to focus its attention on the matters of the day. That's very important too. So we are favourable to this legislation, it will make things more timely, there will be less administrative burden and in short, we are supportive of this bill.

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

[8:45 p.m.]

The honourable Minister of Service Nova Scotia and Municipal Relations.

HON. RAMONA JENNEX: Mr. Speaker, I do want to thank my colleagues for their comments. (Interruptions) Yes, I am, I recognize that.

The reason this is forwarded, it's procedural, it's a housekeeping amendment, it's just here to make things more efficient. I agree with the comments that were made by the member opposite that we should not hold back anybody that would like to get a marriage licence. This is going to make it easy.

With that, I march this one forward and move second reading of Bill No. 98.

MR. SPEAKER: The motion is for second reading of Bill No. 98. 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. 87.

**Bill No. 87 - Court Jurisdiction and Proceedings Transfer Act.**

MR. SPEAKER: The honourable member for Richmond.

HON. MICHEL SAMSON: Thank you very much, Mr. Speaker. I had the opportunity to make a few brief remarks on Bill No. 87 a few days ago . . .

HON. GRAHAM STEELE: I've forgotten.

MR. SAMSON: Yes, the Minister of Finance tells me he forgot so I will take the opportunity to review a few of the comments and a few of the concerns that I have with exactly what this government has been presenting us for legislation. Ironically, we just finished with a bill that my colleague, the member for Preston, made the claim that it was the shortest bill he had ever seen and I would direct his attention to Bill No. 87 because he will be shocked to learn it is even shorter than the bill he was just speaking on. In fact, it is only two clauses and it has a total of 60 words. I mentioned earlier I believed it to be a green bill, in the sense that it was environmentally friendly, due to the brief nature of the bill, that it takes up only one-quarter of one page.

Again it is very clear that Bill No. 87, just as is Bill No. 98, are bills that could easily have been brought in under the Justice Administration Act. They are non-controversial, they are not overly significant changes and they could have been wrapped into one bill. Unfortunately it's very clear that the Government House Leader, and I'm sure the Premier, are trying to tell Nova Scotians what a productive session they've had, and want to have yourself, Mr. Speaker, and the Clerk stand here at the end of the session and rhyme off all the bills that have been passed, as proof of the hard work done in this Chamber.

I want to take the opportunity, as Justice Critic, to point out a few of the issues I think we should be debating in this Chamber on behalf of Nova Scotians, that are not being brought forward by this government. Mr. Speaker, one of the justice issues which I haven't had the opportunity to speak too much on - I've raised it in the House here and I wanted to review a little bit on what has been taking place with the issue of temporary absences. So what are temporary absences?

Mr. Speaker, we became aware of this practice which I have to tell you, having been Justice Critic for many years, I was unaware of, I can honestly say that. Others may have a harder time honestly saying it but I can say that I had no idea that this was taking place because we kept hearing that there was overcrowding in the Burnside facility. The previous

Minister of Justice, the previous Progressive Conservative Minister of Justice, would say no, no, everything is under control at Burnside, there are no problems there. It is under control, we can double-bunk, we'll take care of everything. The new Minister of Justice came in and again we said there appears to be significant problems at Burnside with overcrowding. He again assured us that everything is under control at Burnside, it is in capable hands, we're going to do much better than the previous administration and the previous minister.

So, lo and behold, when the issue was brought up to me, when talking to certain individuals about the issue of overcrowding and what was being done, it was said well, if you think overcrowding is bad imagine if they weren't giving these temporary absences. Immediately I said, what does that mean? Explain to me what that term is. He said that is a policy of the Department of Justice that if the Burnside facility is either at capacity or if it's in lockdown, or if there are significant issues with the inmates, that there's a policy within the Department of Justice that they can actually give these weekend passes to people who are serving intermittent sentences.

Now the question most people would ask is, well what do you mean? What is an intermittent sentence? Well an intermittent sentence is when a judge has decided that your penalty is going to include jail time but not consecutive jail time. Why is that done? In many cases, it's where the judge decides that the offence you've committed warrants jail time, but the judge balances that out with the need for you to provide for your family, the severity of the offence - a whole host of factors.

It's not uncommon in our province that the judge may say, you are being sentenced to 10 weekends in jail. What happens in that case is people are expected to report to the facility - I believe it may be at 6:00 p.m. Friday, and be discharged at 6:00 a.m. or 7:00 a.m. Monday. That is considered a weekend sentence. From Monday to Friday you can continue going to your job, if you're working, or in some cases, possibly you can stay home, depending on what your circumstances are. But obviously the judge has felt it important enough to say, what you have done, the offence you've committed, deserves jail time and I'm going to sentence you to weekend sentences.

When we found out about this practice, the question was, how long has this been going on? Is the minister aware of this? Especially when it comes to Burnside, where it has been front and centre with the problems of overcrowding, when we've had ministers tell us everything is okay, how many of these "get out of jail free" passes were being given?

If we were to look back at how this issue evolved, I believe that one day following Cabinet the Minister of Justice was asked, sir, what is a temporary absence and are you aware that your Department of Justice has been issuing these "get out of jail free" passes to Nova Scotians under your watch? If I'm not mistaken, the minister's reply was, I had no idea this practice was taking place. He said he was unaware of it. (Interruption) The Minister of Justice shakes his head "no," so I'm sure we'll be more than happy to bring him the article which indicates that he was unaware. I haven't seen him ask for a correction from that

article, but he indicated that he wasn't aware of it. His policy was "you do the crime, you do the time," and lo and behold, over 1,000 of these passes were given out since he's been minister.

In Question Period, you'll recall I asked on a number of occasions for the minister to tell us, when did you become aware of this practice? Unfortunately, I know he had a lot he wanted to say in his answers, but he never did get around to actually answering that specific question. I know the minister clearly had a lot of stuff he wanted to put on the record and I certainly respect that. Maybe one day he will decide to stand in his place and answer that specific question, but to date I have been unsuccessful in getting the minister to tell me exactly when he found out.

I'd be remiss - again, trying to be balanced. I think in my earlier debate and my compliments to the Minister of Community Services, I tried to be very balanced in my debate. I'll be balanced again tonight in saying that as much as it was difficult to believe the current minister saying he was unaware of this practice, it was really hard to believe when the former minister said that he was unaware of the practice. Having been the Justice Critic under both of these ministers, I'm certainly well aware of some of the unfortunate circumstances that took place in our Department of Justice over the last number of years, which caused a great deal of disruption in our justice system and, I would say, forced Nova Scotians to question and possibly lose confidence in those administering our justice system in this province. The previous minister, the honourable member for Cape Breton North, when asked about this practice of temporary absences said, I had no idea this was taking place under my department. Yet the numbers show that over 1,000 of these passes were being issued per year under his watch.

To believe that a Minister of Justice, especially knowing what was going on at Burnside - and again, unfortunately I have no choice but to point out that it got so bad under the previous Minister of Justice's watch that he offered his resignation to the Premier as Minister of Justice because of the fact that Nova Scotians really had lost complete faith in his ability in that department with everything that was taking place. We all know the Premier didn't accept his resignation, and I find it quite ironic now to hear him now stand in his place and question the current Minister of Justice and call on him to show leadership and say that he's unable to serve in his capacity as the Minister of Justice. If I were the Minister of Justice, I'd probably take those comments with a grain of salt, coming from the former minister, in light of what's taking place. Nova Scotians are really left to wonder why this practice was taking place and, second, why did no one - neither the former minister nor the current minister - acknowledge it?

Now, what's disturbing, what's unfortunate for me - because I've tried to say through my comments, and to mean through my comments in the House - is I think we need to have a debate on this. I believe the Minister of Justice has acknowledged that over 1,000 of these passes have been given in the past year. I would submit to you that many of them were at Burnside. I believe we should be debating what's the alternative? Is there a better way, rather

than what I would suggest is the easy way out of just sending them home for the weekend, rather than having to find a solution of where to put them when the jail is overcrowded? My question is, what else could we do? Is there anything else we could do to respect the fact that a judge has decided that individual should spend a weekend in jail?

I have to tell you, Mr. Speaker, I actually haven't had the opportunity to visit the facility, but from the stories I hear at Burnside, I know that I would never want to have to spend a weekend at Burnside - even for a weekend sentence - because I believe a judge gives that as a deterrent to tell an individual you've committed an offence. I believe spending so many weekends at Burnside will be a deterrent for you to commit crime again, but if when they show up at Burnside the Minister of Justice says, no vacancy, go home for the weekend, it flies in the face of what our judges are trying to do in the province.

So my point has been let's have a debate on this. I don't expect that the Minister of Justice should be alone in trying to find a solution. I believe I've offered - let's sit down, let's talk about this and let's see if there are other solutions. Do we not have any buildings under the province's administration that might not be being used right now that could possibly be converted at a reasonable price - I'm sure finances are always an issue - but is there another way? Instead of encouraging that type of discussion, the Minister of Justice says, oh, this practice goes back to the 1980s so why question me about it now? Well, Mr. Speaker, as I said earlier, we also know of other practices that took place at provincial institutions in the past that no one would want to see repeated today. So I certainly don't put much merit in the minister's argument of stating that it happened in the past - what's the problem with it now?

Mr. Speaker, we are seeing more and more violent crimes taking place. We are seeing it amongst our youth. We're seeing it amongst all age groups and whether the numbers show they're up or down, we are hearing the stories and Nova Scotians naturally are concerned about it. I think Nova Scotians expect the government, and we as legislators will do everything we can to support our police, support our prosecutors, support our judges, by keeping our streets safe and trying to make sure that offenders do not re-offend, but what message does it send when they show up at a correctional facility and they're told, no vacancy - go home?

Now, Mr. Speaker, our Public Accounts Committee raised the issue with the Department of Justice and requested that they answer a number of questions - specifically around the Burnside facility - but from what I can see from the response, it appears to be more of a province-wide number that has been provided by the Department of Justice rather than at a specific facility. With all due respect, I believe there's an intention in that because there has been an effort to try to downplay the problems at Burnside - the problems of double-bunking, the problems of overcrowding.

Again, with all due respect to the Minister of Justice, when I say we should be having a debate about what the solutions are, he has said the solution is the new North Nova - I believe is what it's called - North Nova Correctional Facility. Well, the problem is that it's two to three years away, it could possibly be longer depending on weather conditions, depending on tenders and everything else.

Now, there's another issue as well, not to get sidetracked, but we've now discovered that in the summer this government signed an historic agreement with the Mi'kmaq of Nova Scotia regarding how negotiations would take place around new government buildings and the purchasing of land by the government for various purposes - a very important agreement between the federal government, provincial government and the leaders of the Mi'kmaq in Nova Scotia. Yet not only did it take the Minister of Justice over a year to finally say where the site was going to be, but in that process they somehow forgot to respect the terms of the very agreement they had signed with Nova Scotia Mi'kmaq Chiefs in the summertime.

[9:00 p.m.]

So now you have a situation where the new proposed jail site may quite possibly be delayed even longer, and I'm sure to the horror of the member for Pictou East, may be rejected because of the fact that there could possibly be legitimate claims to that site by the Mi'kmaq of Nova Scotia. We don't know that, because the Mi'kmaq were not given the opportunity to give their stamp of approval or to be able to participate in the consultation process that was set out this summer. That site is now in doubt, so when I say the minister's solution to the overcrowding at Burnside and to the reduction of these temporary absences or "get out of jail free" passes for the weekend - his solution to that could quite possibly be delayed even longer.

Now maybe for the sake of the member for Antigonish, maybe the site at Addington Forks will all of a sudden become the preferred site. We don't know. Those are some of the unknowns that exist here and it will be interesting to see how the Minister of Aboriginal Affairs is going to show leadership in this case. For those Nova Scotians who are wondering who the Minister of Aboriginal Affairs is, it is the Premier. Not only did he sign the agreement as Premier, he is also the Minister of Aboriginal Affairs. So the agreement he signed - in essence, his government and his Minister of Justice appear on the face of it to have violated their own agreement. That's the letter I tabled here in this House, signed by Chief Terry Paul and I believe Chief Gerard Julian from the different Mi'kmaq reserves here. So that is now in doubt.

It comes back to the point I was making, that I think those are the issues we should be talking about here in the Legislature, on behalf of Nova Scotians. Yet instead we are asked to talk about a bill that has two clauses - 60 words - and for all intents and purposes is merely correcting errors made when the bill was first brought forward in this Legislature. It is Monday night - 9:02 p.m. Why are we not talking about the justice issues which really matter to Nova Scotians?

When I look at the temporary absences, for example, I think it is important to realize that it is not just for overcrowding. There are also absences given for medical purposes. Some are for humanitarian, rehabilitative, reintegration purposes. Over a 42-month period, which is what the Department of Justice looked at, there were 5,465 releases from custody. Of those, 3,547 were to address crowding issues.

What this information doesn't give us is, where were the crowding issues? I would submit to you that for the most part they were at Burnside. Maybe the Minister of Justice will be able to ask his staff to correct information, but what is interesting is that they have gone through their records and have been able to give us a summary here - yet when our Liberal caucus submitted a Freedom of Information request for basically this same information, we were told it would cost us over \$2,000 to get that information.

The Premier has the audacity to stand in this House in Question Period and say, I have a transparent government. How ironic, when one listened to the complaints of the Minister of Finance about the Freedom of Information process and his criticism of the previous administration when he was in Opposition. He now sits there and is content to see his Minister of Justice send us an invoice for \$2,000 to get information on behalf of Nova Scotians.

One has to ask, one of our questions was, what type of offenders were being given these weekend passes? Now, very cleverly, the list that has been provided by the Department of Justice has very broad categories and doesn't get down into specifics. Allow me to mention a few that are listed here. Of people since 2007 - 3,547, I believe is the number - who have been given these passes due to crowding issues - not medical leave, not compassionate leave, overcrowding - keep in mind the overcrowding at Burnside, which we were told was not a problem, 3,547.

They were for the offences: Weapons, Corruption/Disobedience; the third one is At large/fail to attend/comply; number four, Sexual offences; then it's Corrupt morals; then it's Disorderly conduct, Suicide, Motor Vehicles - motor vehicles? What does that mean, motor vehicles? That's just a broad category. Threats/Harass/Assault; then there's Sexual assault; then Property offences; then there's Forgery; there's Fraud; Willful and forbidden acts; Sentencing (Breaches); and it says Drugs (Control Drugs & Substances Act). There's the Youth Criminal Justice Act, Employment Insurance Act, Motor Vehicle Act.

Now, when they say Motor Vehicle Act, and up above it says motor vehicles, cleverly they don't point out, for example, impaired driving charges. I know from being a lawyer that many individuals with impaired driving charges are given these intermittent sentences, these weekend jail sentences. I know it would be a tremendous embarrassment to this government, at a time when they've introduced legislation and they've implemented changes to our drinking and driving laws in Nova Scotia, for them to have to admit, by the way, people charged with the very offences that we're trying to strengthen were sent home for the weekends rather than spending their time in jail.



I would hope the Minister of Justice would be prepared to come back and tell us, of those 3,547 how many were for impaired driving charges. I don't think that's too difficult to ask, I'm sure they have the number, but rather than give impaired driving on this list, it shows motor vehicles. I would submit to you that is the reason why that specific information is not given.

We now know that some of these weekend passes were given to people who were charged with possession of child pornography. Again, that's not listed on here. Why? Again, I think that would not only be an embarrassment to the government, it would outrage Nova Scotians. The minister's response - he did take some action, he did say, from here forward, anyone with a sexual-type offence, or charge, will not be permitted to get one of these passes.

What does it say, "With respect to offenders approved for release during this 42-month period, 3.1 per cent were serving intermittent sentences for sexual offences, corruption of morals and sexual assault. Effective October 8, 2010 offenders serving sentences for these charges are no longer considered for releases due to crowding." So the minister did take action and I will certainly commend him for doing that.

But it opens up the debate, should we be giving passes to people charged with impaired driving? Should we be giving passes to people who are involved with forgery, with fraud, willful and forbidden acts? You can keep going through the list because when you open the door to this debate, there's no end to it, because what offence would we say is minor and is not relevant and that we don't care if they're sent home for the weekends when a judge said they should be spending time in jail?

That's an issue I think we should be debating for Nova Scotians here this evening, but we're not given the opportunity to do so by this government. Instead, tonight, we've gone through a number of bills, which, again, are one page long - two, three, four clauses. (Interruption) Some are just changing one or two words as my colleague suggests. Again, is that the new government that Nova Scotians were told they would get by voting NDP? Is that a government that's going to give a better deal to Nova Scotia families? Making minor amendments to the Court Jurisdiction and Proceedings Transfer Act, I really don't think, in Bill No. 87, that's a better deal for Nova Scotia families.

I think we should be debating that. What is their plan? What is this better deal? Where is it? Let's talk about it. That's why tonight, in debating legislation from the Minister of Service Nova Scotia and Municipal Relations on being able to collect more information on Nova Scotians who owe money to the province, you can't bring that forward without at least having the discussion about who owes money and is it realistic that we're going to be able to collect that money and how many of those are the poor in Nova Scotia? Again, when you get a Justice bill like this that doesn't talk about the real matters facing justice in this province, it's very frustrating, to say the least.

Allow me to review again the situation we had a couple of weeks ago where an individual who a judge ordered to be remanded and put in jail was allowed to go free. The Minister of Justice found out Monday night and it was Tuesday night . . .

HON. GRAHAM STEELE: Mr. Speaker, on a point of order. We've all listened with great interest to the member on stuff that really has absolutely nothing to do with the bill. I wonder if the member might be brought back to the bill that is on the floor of the House.

MR. SPEAKER: It's not a point of order, but I will ask the honourable member to bring his attention back to Bill No. 87.

MR. SAMSON: Again, how interesting it now is in government that the Minister of Finance, who I had to listen to go on and on while on this side of the House, would have the unmitigated gall to stand in his place and suggest to me that I am not talking about a bill - which is so broad as being called the Court Jurisdiction and Proceedings Transfer Act - that talking about justice issues which are affecting Nova Scotians is not on the topic. If only one could bring back John Holm, Robert Chisholm, and Kevin Deveaux to see what the NDP has become now that they've gotten a taste of power and how quick they are to abandon the very principles which they waxed eloquently about while they were in Opposition. Mr. Speaker, I digress.

What I was saying earlier, when we're talking about court jurisdiction, you had the courts in Nova Scotia tell the Minister of Justice that this individual should be remanded and put into custody for the rest of his sentence. This was on Friday. Monday night, the minister and his department find out that the individual was allowed to go home. Something went wrong. Rather than immediately notify Nova Scotians that this individual should be remanded and put in jail, the minister waited almost 24 hours before telling Nova Scotians of that. The question now is still, when you're looking at Bill No. 87, which talks about the Court Jurisdiction and Proceedings Transfer Act, what went wrong through our court system? We're left to wonder, how did that system in our courts break down? I think it's a very relevant question to ask. I believe the minister has said he has an investigation that is taking place yet he hasn't updated us to tell us what the results of that investigation are.

Whether it's happening at the Burnside facility or whether it's happening in our courtrooms or anywhere within the Department of Justice, it still falls under the responsibility of the minister. Again, when the minister stands in this House and outside this House and says, I believe if you do the crime you have to do the time, it does ring hollow when you see individuals sent home only to have the police having to call them to say, do you mind showing up to jail? That's the last thing our police should have to be doing, chasing people that our court system mistakenly allowed to go home.

Then we change channels onto a new week and we find out that our court system and our justice system somehow allowed an individual to stay in custody an extra 43 days than what their actual sentence was. The question naturally - which I believe we should be

debating here in this House - is, what went wrong? What went wrong and how do we make sure that this doesn't get repeated? It would appear, if I'm not mistaken, that the Minister of Justice found out about this when a reporter asked him about it. One has to ask, why did his Justice officials not inform him first? Why is it that on two occasions this minister has been forced to tell Nova Scotians about errors in his department because the press were calling? Is that the better deal for today's families? Is that the new style of government we're going to get from the NDP? When it takes the reporters to play a game of Gotcha to get them to disclose embarrassing information, I don't think that's a better deal for today's families at all.

[9:15 p.m.]

I believe those are the type of issues we should be debating here in this House and we're still wondering, with all the problems that have been pointed out at the Burnside facility and to our court system, how is it that someone was allowed to stay in custody an extra 43 days?

The minister has informed us that he spent some time phoning telephone numbers to try to find the individual to say he's sorry. The Premier, I believe, as well, said he was sorry. It was interesting that the Minister of Justice, who had downplayed the assault of three jail guards, didn't see the need to disclose that to Nova Scotians, but as far as someone staying in custody for an extra 43 days, I believe the Minister of Justice said, that's no way to treat our clients. Well, it's curious that he'd referred to offenders as clients, yet jail guards who are assaulted while performing their duty, was just routine. That was okay. Now it's funny because when someone asked me, when he refers to clients, is he running a hotel or running a jail, and I say, you have to ask him that yourself - but he said, that's no way to treat our clients.

So he wanted to apologize to the individual kept in custody for an extra 43 days but at no point did I hear him say, I want to call those three jail guards who were assaulted and express my concern that they were personally harmed in the course of their duty under my watch.

Now I think that might have been a better deal for today's families had the Minister of Justice said that, but we didn't get that. Instead, it was downplay the incident, and again, something I think we need to be debating here in this House, because no Nova Scotian who's employed, whether in our court system or in our justice system or in our jails, should go to work with the expectation they're going to be assaulted or they are going to face personal injury. Yet, when the Minister of Justice downplays these incidents and says, well, you work in a jail, you have to expect to be assaulted, what message is that sending.

So, one of the other issues, which I did mention I would talk about and I'd be remiss if I did not raise, in talking on Bill No. 87, on the issue of Court Jurisdiction and Proceedings Transfer Act, would be the unfortunate circumstance that's taking place in my own riding.

This is the Justice Minister who closed down the Arichat Courthouse. Now I'm sure he will argue he didn't really close it down, it was the local justice that decided she would no longer sit at that facility, but at the end, he is the minister. They gave the order to close down the Arichat Courthouse. That gives us the dubious distinction of being, for Richmond County, the only county in Nova Scotia that doesn't have a court house, that doesn't have court services.

As I mentioned to you before, when we talk about Bill No. 87, Court Jurisdiction and Proceedings Transfer Act, I believe it's important under the principles of our legal system that Nova Scotians can expect - and not only expect, but should be forced - if they break the law, to have to be judged by their peers, to have to be judged in their community by the members of their own community. That is the whole principle of our justice system as a deterrent for people to break the law.

Richmond County is in many ways a unique riding in the fact that it has a significant Acadian population. It has a number of various cultures that are there, and as well we are home to the Chapel Island First Nation. Yet, right now any court matters involving someone from Richmond County, or an offence committed in Richmond County, are tried in Port Hawkesbury in the County of Inverness. I would submit to you while in many ways there are tremendous friendships between Port Hawkesbury and Richmond County, they are not communities of the same identity. There's certainly not the Acadian population in Port Hawkesbury that there is in Richmond.

Yet, the question that we've asked is, we understand there were problems with the Arichat court house, what can we do to fix it and what can we do to restore court services in Richmond County? I'm sure the Minister of Justice is aware that we did have a meeting with his deputy minister - myself, the warden, the deputy warden, the CAO. We brought forward a number of suggestions of what possibly could be done to restore court services in Richmond County. I would hope that the Minister of Justice is actively working on that file and has instructed his staff to try to identify ways of making sure that service is restored because it is now well over a year since we lost that service.

Mr. Speaker, if one looks back to the records of this House and through the media, when the new justice centre in Port Hawkesbury was being proposed, my question to the then-Minister of Justice - the late Michael Baker - was, what impact will this have on the Arichat Courthouse and the Port Hood Courthouse? The assurance we were given then is that the new justice facility in Port Hawkesbury will not have a negative impact on either the Arichat Courthouse or the Port Hood Courthouse. We now know that the Arichat facility has been a victim of this new facility in Port Hawkesbury. One only has to wonder how much longer before Port Hood is a victim as well and that instead, everyone will be forced to go to the Port Hawkesbury justice facility.

Mr. Speaker, this should send a concern to all the small courthouses throughout Nova Scotia. With the closure of the Arichat facility, they should be asking which one is next. Are we going to start consolidating all of our court services into regional centres and abandoning our small, rural courthouses? If that is the plan, we should be debating that here. We should be debating the merits of it, the pros, the cons, that is a debate we should be having. Instead, we are left here, as Justice Critic, it is 9:22 p.m. on a Monday night and we're being asked to debate a bill that has 60 words, two clauses and basically changes the language of an existing bill.

I believe the people of Richmond County would want me, as their MLA, to be raising the matter of the Arichat Courthouse, of its future. As in many other communities, the courthouse in Arichat is an historic building. It is one built many years ago, with the old architecture and has a great courtroom, very high ceilings in it. Anyone who sees it would never want to see that facility being lost to our community, yet right now it is a municipally-owned building. How do you keep a building that is no longer bringing in revenues to help sustain it when the province decided to abandon court services at that facility?

Again I believe that's an issue we need to be talking about if we going to properly debate Bill No. 87 and the justice issues facing us here in this province. I will tell you I've had the opportunity to actually participate in a couple of Small Claims Court actions at the Arichat Courthouse because that was one of the last services still being made available before all services were terminated. It was a means, as Small Claims Court is supposed to be, of people being able to bring forward their complaints and have them heard by an adjudicator in a very cost-efficient manner, not having to pay lawyers, not having to pay expensive fees to have their matter heard. Simple disputes, such as the non-payment for six cords of wood, those types of matters could be heard in Small Claims Court, they could be heard right in Arichat. Now, if those individuals want their matter heard, they have to travel to Port Hawkesbury and have it heard in Port Hawkesbury because the court services are shut down in Arichat.

As well, Mr. Speaker, I would be remiss if I didn't point out that my Bar admission ceremony took place at the Arichat Courthouse. The tradition is that, for the most part, it takes place at the Law Courts here in Halifax, where there's a whole group of new lawyers who get admitted at the same time. In my case, having been elected in March 1998, I was in the middle of my articling year. Because of that, I had to continue doing my articles, which took much longer because of my responsibilities and duties as a MLA, so I only got admitted in late November.

After making a special request, it was agreed that I could have the ceremony at the Arichat Courthouse. In fact, it was left to me to find the necessary individuals to make it happen, so I was very fortunate when Justice Arthur Leblanc, a native of Isle Madame, agreed to be the presiding judge. Also, ironically, it was also Justice Laurie Halfpenny-MacQuarrie - she is a justice now but at that time she was a prosecutor - she was the sponsoring member of the Bar who sponsored me during my Bar admission ceremony.

Having friends and family there at the historic Arichat Courthouse to be admitted to the Nova Scotia Bar Society was a very memorable moment for me. I know the local TV station was there to film it, and it was a great opportunity for my residents and residents from Richmond County to see exactly how this works, this ceremony that they have really never had the opportunity to see when it always takes place in Halifax. They had an opportunity to do so there at the Arichat Courthouse.

I'm sure there are stories such as this that have taken place throughout the entire province. In fact, if I'm not mistaken, a story that my late political science teacher, the late Roy Boudreau, would often refer to is the fact that Sir Wilfrid Laurier gave a speech on the steps of the Arichat Courthouse when he was the Prime Minister of Canada during a campaign stop to Isle Madame. So that just goes to show you the history behind that building and the history behind so many courthouses throughout Nova Scotia.

When we're going to talk about Bill No. 87, the Court Jurisdiction and Proceedings Transfer Act, I think we really need to be talking about those types of facilities and the impact on courthouses throughout our entire province. Again, I do hope - and there is still time, we're still early into this session - that this government will be bringing forward either bills or late debate or opportunities for members of the House, members of the Opposition and even their government backbenchers who don't often have the opportunity to participate in debate, to be able to talk about their concerns over justice issues and, more importantly, some of their suggestions on how we might be able to better address public safety here in Nova Scotia.

I have highlighted a number of instances which I believe show that there's more work to be done in our Justice Department. I know that the Minister of Justice has indicated on a few occasions it was human error. There are certain things where human error can be expected or can be forgiven, but there are other areas and professions where human error just can't be allowed to take place. I would suggest to you when it comes to the handling of offenders and the handling of inmates and the handling of people who have broken the law, human error cannot be accepted.

We must do everything possible to put the safeguards in the system to make sure that it doesn't happen, but it's difficult to do that when we're not given the opportunity to have that debate. Instead of talking on those issues, we're left to talk about Bill No. 87. I think Nova Scotians would expect that we would be able to talk about those issues, which I believe are on their minds, and try to find a means of being able to address that.

Mr. Speaker, I know that the Minister of Justice has indicated - I believe in this House - that he's looking at getting the amount of temporary absences issued lowered. Now, I would like to know, and I think Nova Scotians would like to know, what's his plan? Does he have a plan to do that? Let's hear what the plan is. I think the Minister of Justice deep down means well, but there's obviously a communication problem that's taking place between himself and the members of the Opposition, and I would even suggest with Nova

Scotians, in his reluctance to share information when it becomes available to him or when he becomes aware of it.

As I mentioned earlier, hopefully in his closing comments on Bill No. 87, prior to moving it on to the Law Amendments Committee, he will answer my question: when did he become aware of the practice of temporary absences issued in his department? I know Question Period is a difficult time for the minister because there are time constraints. If he talks for too long, the Speaker is going to call him to order and he's going to cut him off and he can't finish saying what he has to say. So I believe possibly during his answers he really wanted to tell me when it was he became aware, but because of the very strict limits of Question Period, he wasn't able to do so.

I will give him the benefit of the doubt that that's truly why he has never answered that question, but what's great about our parliamentary democracy here, Mr. Speaker, is that when he is recognized by yourself to close debate on second reading, he is given one hour to be able to wrap up his comments. We're only allowed to speak one hour at a time on second reading, so he has up to one hour to answer the question which Question Period, unfortunately, has not allowed him to do. I hope that he will keep that in mind when he does stand and I think those watching and following this debate will truly see if the minister wants to actually answer the question of when he became aware and how he became aware, because he has an hour.

[9:30 p.m.]

When I sit down, I believe there may be someone from the Progressive Conservative caucus who is going to speak on Bill No. 87 but, after that, more than likely it will go back to the Minister of Justice. Then he has a full hour to stand in his place and answer that question. I don't think it's going to take him an hour to be able to tell me that - it may take a few minutes, it may take two minutes - but he has an hour. If he's not sure how it works, while I'm still speaking he can go and speak to his colleague, the Minister of Finance, who is well aware of the parliamentary traditions here and the ability to speak for one hour at a time.

While I'm closing my comments, I would encourage him to go speak to the Minister of Finance who can tell him exactly how that works. With that hour, I do hope that he will answer the question of when did he become aware of temporary absences, how did he become aware? Is he prepared to give us all of the information that we have requested, rather than sending us a bill for \$2,000? Is he prepared to put an end to giving temporary absences for impaired driving charges if this government truly wants to send a message of getting tough on drunk driving in this province? Is he prepared to answer some of the few issues, which I have raised during my brief comments here tonight?

Again, I would remind him, this is not Question Period, he is not restricted to 30-second answers or one-minute answers. In his closing comments, he has a full hour to be

able to tell Nova Scotians what his plan is to reduce temporary absences. I'm very curious to hear what it is and I'm sure Question Period would never give me the opportunity - more importantly, would never give the minister the opportunity - to share an entire plan in the short period of time he has to answer questions.

I am hoping that given the opportunity, when he will be able to close debate on second reading, that the minister will address those questions. Again, I'm certainly hoping that the minister will be bringing forward either legislation or at least calling for debate. Resolutions, for example, that's another option. The Government House Leader could always call a resolution, which the Minister of Justice may want to table about justice matters and then we can have a debate here in this House on those matters. There is opportunity, the minister can show leadership. I've given him a few topics, which I think Nova Scotians want to hear about. I'm sure they'll be listening very intently to his comments as he closes second reading.

With that, Mr. Speaker, I look forward to Bill No. 87 going on to the Law Amendments Committee.

MR. SPEAKER: The honourable member for Argyle.

HON. CHRISTOPHER D'ENTREMONT: Mr. Speaker, it's my pleasure to stand this evening to speak a few moments on Bill No. 87. I feel it interesting that the member for Richmond would spend a whole hour on a bill that has 60 words and two clauses in it. The point that he does underline - and I'm going to do it in a much shorter time period, I'm just going to boil it down because this is not really worth the time. This is nothing more than some housekeeping, a change in some wording.

I agree with the member for Richmond that we should be speaking about things that are more important to Nova Scotians, things like temporary absences, things like what happened with the jails for Springhill and Antigonish, and what happened that the minister did not want to report the lockdown at the Burnside jail? Those are the things I think that Nova Scotians would be interested in talking about. But I'm not going to go on for a full hour on this because this is a bill that doesn't require a whole lot of time for the 60 words and two clauses, one that we will support because it is a housekeeping bill. But it's not a bill that we're going to count as a bill that this government did. This is one that the back office needed some fixing on and it should not be counted as a bill or a work of this government. So we will be moving on and counting this one into the next process of this House.

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

The honourable Minister of Justice.



HON. ROSS LANDRY: Mr. Speaker, I plan to take the full hour - no, just kidding. It is laughable, I think, that if this bill was such a minute matter that they've taken the time of all Nova Scotians to go on for over three hours on something that we could be utilizing that time in a much more constructive manner. Some of the issues they did raise, it should be noted, I think I have more time on the front lines of the justice system than I think the member for the Opposition has had on this Earth.

When he talks about - I want to give some clarity - when he does talk about my commitment or seriousness and take concern about the correctional workers that work in this province, they are always in my mind when issues occur within the institution, the same as police officers and sheriffs. I take that duty and that job extremely seriously and of most importance. As I know, putting your life on the line at any given time when you're dealing with a criminal element, it's there and you always have to be cognizant. I don't wish in any way to downplay the recent assaults at the institution, but we must look at the circumstances surrounding that and address things in a very practical, positive way.

I am very happy to say in this House that in the last number of weeks no one has had to be released on a temporary absence. This matter has been going on for over 30 years and this minister in the last year and half has been taking serious steps to correct the problem. It's not like you flip a switch or you light a candle and you get some light and you have a bright idea. Things take time to implement and to change a system that's been going on traditionally for some time.

I don't believe in staying with the status quo with regard to that matter. I believe in putting constructive use forward but it requires a wide range of consultation and input from a variety of people to make sure we make sound decisions.

There were some comments on the correctional facility, whether it's in Springhill or Antigonish. I think the press has very clearly articulated that this government made a sound decision. We put the right facility in the right location at the right price. Anyone to talk to the contrary of that matter is not really taking into conscious thought the constructive need to be positive and well aligned with our taxpayers' dollars and position them in the right location, which we have done.

We've been very open. Just to further add clarity on this bill, just to end it, on the issue of TAs, we have been very open and in all these other issues, very open. It may not be instant, but there's no policy to say to the contrary. We will continue to be very proactive in communicating with Nova Scotians in the best way possible.

On that, I could go on for the full hour because there's lots of information there. Just before I end on this, I will come back to add a little bit on that TA. We've been aware there's been problems within the justice system for some time with regard to TAs. We've introduced putting additional bunks within the facility. We're building a new correctional facility to help address that. We have also the information that went before the Public Accounts

Committee. They had no further questions. They were happy with the information we presented.

I won't belabour the issue any further. I think this government has been acting in a very positive manner and I'm very proud of the work that we've been doing and we're going to continue to do that.

On that note, I move second reading of Bill No. 87.

MR. SPEAKER: The motion is for second reading of Bill No. 87. 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, Bill No. 87 was so much fun, would you please call Bill No. 88.

**Bill No. 88 - Summary Proceedings Act.**

MR. SPEAKER: The honourable Minister of Justice.

HON. ROSS LANDRY: Mr. Speaker, I am tabling the amendments to the Summary Proceedings Act. I am pleased to rise in the House tonight to introduce second reading of an Act to Amend the Summary Proceedings Act. You may remember that I introduced the bill in the Spring sitting of the Legislature, and it proposed several changes that will improve efficiencies in our justice system and help us improve the way we do business, to better serve Nova Scotians.

Mr. Speaker, back in April I introduced amendments to the Summary Proceedings Act that would eliminate the need for Nova Scotians to go to the court to plead not guilty to summary offence tickets, such as motor vehicle offences. These amendments also allow for convictions to be handed out if a person fails to comply with the court process. Currently anyone who receives a summary offence ticket must appear in court for an arraignment if they are going to plead not guilty; the person then returns to court at a later date for trial.

Under the proposed system Nova Scotians will be required to appear in court only for trial. This means that individuals who wish to plead not guilty and proceed to trial would obtain a court appearance date from a justice centre rather than appearing in court for an arraignment first. This change will increase efficiencies in our extremely busy court system

by changing a court proceeding into an administrative process. The new law also allows for convictions if a person fails to comply with the court process.

In order to properly proceed with this amendment I must provide some clarification on two areas that came to light after a recent review. The first is if someone has been issued a summary offence ticket prior - I'm losing my sound here, I'll start over. First, if someone has been issued a summary offence ticket prior to the amendments coming into place, he or she must abide by the old procedures by appearing in arraignment court - the new administrative procedures laid out in the bill introduced in the Spring would not apply in those cases.

Second, Mr. Speaker, the review also indicates a need to clarify that youth are excluded from these legislated amendments. Youth will still have the opportunity to appear in court to plead guilty or not guilty - this is meant to maintain special protection for youth by ensuring they are given the time in front of a judge who can closely review their case. I would also note that the review recommends two other minor changes in wording to ensure consistency between sections and to make provisions for specific offences which, by regulation, do not provide for an out-of-court payment.

It is important to note that these are housekeeping changes meant to clarify the existing changes to the Summary Proceedings Act. It is very important to this government to improve the way we do business, to better serve Nova Scotians. By improving efficiencies and alleviating some of the pressures on our courts, we accomplish that goal. Thank you, Mr. Speaker.

I now ask that debate be adjourned.

MR. SPEAKER: Will the minister please move second reading of Bill No. 88.

MR. LANDRY: Mr. Speaker, I so move.

MR. SPEAKER: The motion is to adjourn debate on Bill No. 88.

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 tonight. Tomorrow we will sit between the hours of 2:00 p.m. and 6:00 p.m. After the daily routine we will be calling Bill Nos. 88, 99, 100 - and I'm going to look at the Clerk here for the two numbers from today, Bill Nos. 102 and 103.

I move that the House do now rise, to sit tomorrow from the hours of 2:00 p.m. to 6:00 p.m.

MR. SPEAKER: The honourable member for Richmond.

HON. MICHEL SAMSON: Mr. Speaker, I just want to point out that on debate on Bill No. 87, I did reference a document dated November 10, 2010, from the Office of the Deputy Minister of Justice. I didn't table it at the time, but in the spirit of co-operation and following our parliamentary traditions, I'm more than happy, at this point, to table the letter in question, which I did refer to during debate on Bill No. 87.

MR. SPEAKER: The motion is that the House do rise to meet again tomorrow at 2:00 p.m.

Is it agreed?

It is agreed.

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

The motion is carried.

The House will now rise to sit between the hours of 2:00 p.m. and 6:00 p.m. tomorrow.

[The House rose at 9:45 p.m.]

**NOTICES OF MOTION UNDER RULE 32(3)****RESOLUTION NO. 2278**

By: Hon. Stephen McNeil (Leader of the Opposition)

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

Whereas Tyler Brown, of Middleton, has been selected to the 20-player team roster representing Nova Scotia at the 2011 Canada Games being held in Halifax; and

Whereas Tyler, who is ranked in fifth place in team scoring, is a member of the Nova Scotia Major Midget Valley Wildcats team; and

Whereas Tyler's years of hard work and dedication to the game has earned him this opportunity;

Therefore be it resolved that members of the House of Assembly congratulate Tyler on this outstanding accomplishment.

**RESOLUTION NO. 2279**

By: Hon. Wayne Gaudet (Clare)

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

Whereas this past August the 10<sup>th</sup> International Soke Cup ChitoRyu Championships took place in Kumamoto, Japan; and

Whereas of the 16 Nova Scotians who travelled to Japan to represent our province, six participants were from Clare; and

Whereas Michel Maillet won a silver in the boys 18-20 team Kumite as well as a bronze medal in black belt Individual Kumite competitions;

Therefore be it resolved that members of this House of Assembly congratulate Michel Maillet for his silver and bronze medals at the 10<sup>th</sup> International Soke Cup ChitoRyu Championships and wish him continued success in all future endeavours.