



**House of Assembly**  
*Nova Scotia*

DEBATES AND PROCEEDINGS

Speaker: Honourable Gordon Gosse

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Third Session

THURSDAY, NOVEMBER 17, 2011

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House of Assembly  
*Nova Scotia*

**HALIFAX, THURSDAY, NOVEMBER 17, 2011**

**Sixty-first General Assembly**

**Third Session**

**2:00 P.M.**

**SPEAKER**

Hon. Gordon Gosse

**DEPUTY SPEAKERS**

Ms. Becky Kent, Mr. Leo Glavine, Mr. Alfie MacLeod

MR. SPEAKER: Order, please. The subject for late debate this evening has been chosen and it reads:

Therefore be it resolved that the Minister of Health and Wellness acknowledge she is responsible for the health of diabetics in Nova Scotia and a great first step in acknowledging this responsibility would be funding for insulin pumps.

It was submitted by the honourable member for Halifax Clayton Park.

**PRESENTING AND READING PETITIONS****PRESENTING REPORTS OF COMMITTEES****TABLING REPORTS, REGULATIONS AND OTHER PAPERS**

MR. SPEAKER: The honourable Minister of Labour and Advanced Education.

HON. MARILYN MORE: Mr. Speaker, I beg leave to table a letter from the co-chairmen of the Labour Management Review Committee.

MR. SPEAKER: The letter is tabled.

**STATEMENTS BY MINISTERS****GOVERNMENT NOTICES OF MOTION****INTRODUCTION OF BILLS**

**Bill No. 102 - Entitled an Act to Prevent Unnecessary Labour Disruptions and Protect the Economy by Amending Chapter 475 of the Revised Statutes of 1989. The Trade Union Act. (Hon. Marilyn More)**

**Bill No. 103 - Entitled an Act to Require the Establishment of a Mandatory Early Development Instrument Assessment Program in Nova Scotia. (Hon. Karen Casey)**

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

The honourable member for Colchester North.

HON. KAREN CASEY: Mr. Speaker, with your permission I'd like to do an introduction before I read my resolution.

MR. SPEAKER: Most certainly.

MS. CASEY: I'd like to draw the attention of the House to members in the gallery opposite, where we have a large number of folks who have joined us today. Some of the members here did participate in the MLA Diabetes Association Dinner last night. There we heard some very moving stories about people who are dealing with and living with diabetes, but they are managing it.

Some of those folks have joined us here today. I'd like to introduce them, please, and ask them to stand as they are introduced: Lorne Abramson, Nelson Carvey, Sharon

Johnson, Sandra Parker, Mandy Conyers, Jillian Martin, Marlene Jewell, Ann Krane, Jeff McCarron, Laurel Fry, Marie Brown, Barby Brushett, Christine Lopez, Anne Marie Nicolle, Brenda Phillips, Jennifer Baiden, Gerald Spears, Pat Spears, Tracy Clarke, Laura Sutton, Paul O'Harris, Lisa Lewis, Phillip Willme, Marilyn Holm, Rilla MacDougall, and any others there who have joined us. Please stand and receive a warm welcome from the House. (Applause)

MR. SPEAKER: We welcome all our visitors to the gallery and hope they enjoy today's proceedings.

### NOTICES OF MOTION

MR. SPEAKER: The honourable member for Colchester North.

### RESOLUTION NO. 2309

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

Whereas Nova Scotia has the second highest incidence rate of diabetes in Canada, and Cumberland and Colchester Counties have the highest rate in Nova Scotia; and

Whereas Rilla MacDougall of Colchester North, a diabetic herself, diagnosed at age seven, has beat the odds - that was 50 years ago, she's only 29 - and she has worked tirelessly as an advocate for continuing education, research, management, and treatment of diabetes;

Whereas Rilla was honoured with the Regional Volunteer of the Year Award from the Canadian Diabetes Association;

Therefore be it resolved that all members of this House of Assembly congratulate Rilla MacDougall for receiving this award, thank her for her willingness to commit time and effort to such a worthy cause, and wish her success with her future efforts to make a difference in the lives of diabetics.

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

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

Is it agreed?

It is agreed.

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



The motion is carried.

The honourable Leader of the Progressive Conservative Party.

**RESOLUTION NO. 2310**

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

Whereas the Auditor General recommended that the Department of Energy evaluate the legislative framework under which the Canada-Nova Scotia Offshore Petroleum Board operates and take the actions necessary to ensure the board complies with the Nova Scotia Auditor General Act; and

Whereas the Minister of Finance is responsible for the Auditor General Act and said it provides for a dispute to be resolved through a Supreme Court application; and

Whereas the Auditor General says the mechanism the minister is citing does not apply in this case because the dispute is over what is considered privileged under a separate piece of legislation;

Therefore be it resolved that all members of this House require the Minister of Finance to take leadership on this important issue and find an immediate resolution to the Auditor General's concerns.

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

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

Is it agreed?

I hear several Noes.

The notice is tabled.

The honourable member for Cape Breton South.

**RESOLUTION NO. 2311**

HON. MANNING MACDONALD: Mr. Speaker, on behalf of the honourable member for Kings West, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas in the next 20 years the number of individuals in Nova Scotia with type 1 diabetes is expected to rise by 35 per cent, making this an issue of epidemic proportion here in our home province of Nova Scotia; and

Whereas last evening the Canadian Diabetes Association presented data which highlighted the fact that an investment in insulin pump therapy will reduce future health care costs; and

Whereas it is the responsibility of the Minister of Health and Wellness to ensure that decisions made today are in the best interests of patients and the overall sustainability of the health care system;

Therefore be it resolved that all members of this House acknowledge the benefits associated with insulin pumps, and urge the Minister of Health and Wellness to join her provincial counterparts in support of persons with diabetes by announcing a publicly funded insulin pump program.

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

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

Is it agreed?

I hear several Noes.

The notice is tabled.

The honourable Minister of Education.

### **RESOLUTION NO. 2312**

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

Whereas since 1925 the Nova Scotia Fruit Growers' Association holds an annual summer orchard tour on the first Tuesday of August, in the Annapolis Valley; and

Whereas the tour provides an opportunity to learn about planting systems, rootstock and variety trials, pest management technologies, crop load management techniques, and orchard machinery, to name just a few; and

Whereas the tour is a great opportunity for the fruit-growing community to visit other farms and meet with other growers from other areas of Canada;

Therefore be it resolved that this House of Assembly recognize a long-standing tradition and congratulate the Nova Scotia Fruit Growers Association on another successful tour.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable Leader of the Official Opposition.

### **RESOLUTION NO. 2313**

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

Whereas the Humanitarian Award is presented annually by the Canadian Red Cross to an individual who has demonstrated the spirit of humanity through volunteer work, advocacy, and leadership in their community; and

Whereas this year's recipients, Rose Wilson and David K. Wilson, have continued the Wilson family legacy of giving back to communities through a variety of organizations; and

Whereas both Rose and David recognize the importance of being there for their neighbours and are always willing to be ready to help when needed, making them truly deserving candidates for this award;

Therefore be it resolved that the members of the House of Assembly congratulate Rose Wilson and David K. Wilson on the receipt of this prestigious award, and thank them for their unselfish commitment to the people of Nova Scotia.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Argyle.

### **RESOLUTION NO. 2314**

HON. CHRISTOPHER D'ENTREMONT: M. le Président, à une ultérieure, je demanderai l'adoption de la résolution suivante:

Attendu que le 5 novembre 2011, l'ordination de Bruce Hubbard au diaconat permanent a eu lieu à l'Église Ste. Anne, Ste. Anne du Ruisseau; et

Attendu que Archevêque Anthony Mancini, administrateur du diocèse de Yarmouth a présidé la messe d'ordination devant une assemblée comprenant sa famille, 15 prêtres diocésains, 5 diacres, et près de 500 personnes; et

Attendu que Bruce, accompagné sur son cheminement par son épouse, membres de sa famille et du clergé, ce prépare à l'ordination du diaconat permanent depuis plus de quatre ans, selon un programme qui comprenait une formation biblique, pastorale et sacramentelle;

Par conséquent, qu'il soit résolu que tous les membres de cette Assemblée se joignent à moi pour féliciter Bruce Hubbard sur son ordination diaconat permanent, lui remercier pour la dévotion et le dévouement à son Église et nous lui souhaite un succès continu dans son ministère.

M. le Président, je demande l'adoption de cette résolution sans préavis et sans débat.

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

Whereas Saturday, November 5, 2011, a beautiful ceremony took place at Église Ste. Anne in Ste. Anne du Ruisseau, as Bruce Hubbard was ordained as a deacon; and

Whereas Archbishop Anthony Mancini, apostolic administrator of the diocese of Yarmouth, performed the ceremony which was witnessed by his family, 15 priests and deacons of the diocese, and an estimated 500 parishioners from throughout the surrounding communities; and

Whereas Bruce Hubbard, assisted by his wife, members of his family and members of the clergy, had been studying to become a deacon for the past four years, taking part in a program that included training in biblical and sacramental ministry;

Therefore be it resolved that all members of this House of Assembly congratulate Bruce Hubbard on his ordination as deacon, and thank him for his devotion and dedication to the church, and wish him success in his new ministry.

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 Natural Resources.

### **RESOLUTION NO. 2315**

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

Whereas George and Reta Heron of Durham have been honoured by their local community at a banquet at the West River Fire Hall for their years of volunteer work; and

Whereas George and Reta have volunteered their time and energy for years to local churches, hospitals, nursing homes, and various causes; and

Whereas George and Reta have been recognized and honoured for their volunteer works in their community, and have contributed to making their community a better place to live for everyone;

Therefore be it resolved that the Nova Scotia Legislative Assembly congratulate and thank George and Reta Heron for their years of volunteer work and service to their 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 Halifax Clayton Park.

### **RESOLUTION NO. 2316**

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

Whereas the Confucius Institute is a non-profit organization dedicated to promoting Chinese language, culture, commerce, and studies that opened this Fall at Saint Mary's University; and

Whereas the Saint Mary's Confucius Institute is now the eighth in Canada and one of over 300 worldwide; and

Whereas the Saint Mary's Confucius Institute is celebrating their opening with China Week from November 21<sup>st</sup> to November 25<sup>th</sup>, a celebration of Chinese culture, including musical performances and art and calligraphy exhibition, public lectures and more;

Therefore be it resolved that members of this House of Assembly join me in congratulating the joint directors of the institute, Dr. Bill Sewell and Dr. Maria Wei Pan and the Saint Mary's Confucius Institute on their official opening and wish them every success in the future.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Cape Breton West.

**RESOLUTION NO. 2317**

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

Whereas it is a rare gift to be able to keep cool-headed and be able to help others in distress; and

Whereas on February 15, 2009, Darryl Fabian Boone, a volunteer firefighter from Marion Bridge, responded to an emergency call that a four-wheeler had gone through the ice and into the frigid waters of the Mira River; and

Whereas Darryl's courage earned him the Governor General's Medal of Bravery, an award reserved for few who are able to keep their wits and react in a positive way during an emergency;

Therefore be it resolved that all members of this House of Assembly thank Darryl Fabian Boone for his quick actions and congratulate him for receiving this award for bravery from Governor General David Johnston at Rideau Hall in Ottawa.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

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

MR. JIM BOUDREAU: Thank you, Mr. Speaker, it gives me great pleasure today to acknowledge the presence of two guests in the east gallery. Today we have Mr. Paul Horne who is the Deputy Mayor of the Town of Canso, and Mr. Lloyd Hines who is the Warden of the Municipality of the District of Guysborough. I would like them to stand and receive the acknowledgement of the House please. (Applause)

MR. SPEAKER: The honourable member for Lunenburg on an introduction.

MS. PAM BIRDSALL: Thank you, Mr. Speaker, I would also like to make an instruction if I could. In the east gallery I would like to introduce Jeanne Fay and Helen Lanthier, two long-time friends of mine and hard workers in the Party and very involved in Second Story Women's Centre in the South Shore and here today as part of the women's coalition. I'd ask the House to give them a warm welcome. (Applause)

MR. SPEAKER: We welcome all our guests to the gallery and hope they enjoy today's proceedings

The honourable member for Cole Harbour-Eastern Passage.

### **RESOLUTION NO. 2318**

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

Whereas Eastern Passage resident Rhonda Trickett has been highly involved with volunteer work for the Lions Club for many years; and

Where in the Spring of 2011, Rhonda received an International Presidents Certificate of Appreciation through the Eastern Passage-Cow Bay Lions Club at the 39<sup>th</sup> Charter Night; and

Whereas Rhonda is Zone Chair and the President of the Eastern Passage-Cow Bay Lions Club and has held a number of other positions including District Stamp Chairperson as well as secretary for both the zone and the club over the past few years;

Therefore be it resolved that this Nova Scotia House of Assembly commend Rhonda Trickett of Eastern Passage for being the recipient of an International Presidents Certificate of Appreciation through the Eastern Passage-Cow Bay Lions Club.

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. 2319**

HON. WAYNE GAUDET: Monsieur le Président, par la présente, j'avise que je proposerai à une date ultérieure, l'adoption de la résolution suivante:

Attendu que l'investiture d'un nouveau recteur et vice chancelier vient de prendre place à l'Université Sainte-Anne à la Pointe-de-l'Église; et

Attendu que M. Allister Surette a été installé recteur et vice chancelier de l'Université Sainte-Anne; et

Attendu que M. Allister Surette a été député à cette assemblée législative et qu'il est bien reconnu pour son engagement envers la communauté acadienne néo-écossaise;

Qu'il soit résolu que les membres de cette assemblée offrent leurs félicitations à M. Surette à l'occasion de son investiture et lui expriment leurs souhaits de succès dans son mandat.

Monsieur le Président, je propose l'adoption de cette résolution sans préavis et sans débats.

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

Whereas the installation ceremony of the new president and vice chancellor of Université Sainte-Anne took place recently; and

Whereas Mr. Allister Surette was installed as the 20<sup>th</sup> president and vice-chancellor of Université Sainte-Anne; and

Whereas Mr. Surette previously served as an MLA in this Assembly and is well-known for his commitment to the Acadian community of Nova Scotia;

Therefore be it resolved that the members of this House of Assembly congratulate Mr. Surette on his recent appointment as president and vice-chancellor of Université Sainte-Anne and wish him continued success as he builds on the strong history and reputation of Université Sainte-Anne.

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 North.

### **RESOLUTION NO. 2320**

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

Whereas Cape Breton Island was recently ranked the number one island in the continental U.S.A. and Canada as a tourist destination by the five million monthly readers of *Travel + Leisure* magazine; and

Whereas the magazine also ranked Cape Breton as the number three island in the world and in 2010 *HOG Magazine* voted the Cabot Trail as the number one tour in the world; and

Whereas Mary Tulle, CEO of Destination Cape Breton Association, and her staff are doing an excellent job of advertising the natural beauty and open hospitality of Cape Breton to the world;

Therefore be it resolved that all members of this House of Assembly join me in congratulating Destination Cape Breton in its promotion of Nova Scotia's jewel, Cape Breton.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Truro-Bible Hill.

**RESOLUTION NO. 2321**

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

Whereas on March 19, 1969, a group of 53 artists and supporters of the arts first met with the purpose of developing a greater appreciation of the arts in the community of Truro and to form the Truro Arts Society; and

Whereas since that time the Truro Arts Society has worked at fostering an appreciation of the arts by inviting artists to give lectures, show art films, and hold many art exhibits, first at the Colchester-East Hants library and, in more recent years, in their new home at the McCarthy Hall at the Nova Scotia Community College; and

Whereas the Truro Arts Society celebrates their 42<sup>nd</sup> Anniversary in 2011 and continues to provide many opportunities for the public to enjoy quality works of art;

Therefore be it resolved that the Nova Scotia Legislature congratulate the Truro Arts Society on their 42<sup>nd</sup> Anniversary and thank them for providing the local community with the opportunity to learn from art and enjoy the beauty and inspiration gained from visual arts.

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. 2322**

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

Whereas Maxine Brooks-Maxwell was born and raised in East Preston, Nova Scotia, where she can trace her roots back to the proprietor, William Dare, of the Stag Inn which was used as a terminus for Lieutenant Governor Joseph Howe's carriage drives; and

Whereas Maxine, her husband Luke, and daughter SaRita reside in the Halifax Regional Municipality; and

Whereas Maxine became the first receptionist and administrative assistant of the Black Cultural Centre of Nova Scotia, as well as serving as interim executive director during 1989 and 1990; and

Whereas Maxine worked with the Honourable Wayne Adams, the first African Nova Scotian MLA in Nova Scotia's history, as his constituency assistant and now has been with the current Preston MLA as his constituency assistant for the past seven years;

Therefore be it resolved that all members of this House acknowledge Maxine Brooks-Maxwell's many contributions to her community and to the people 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?

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. 2323**

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

Whereas on September 15<sup>th</sup> a former member of this Legislature, Rodney MacDonald, accepted a new position as Administrator of the Gaelic College of Celtic Arts and Crafts; and

Whereas Rodney's passion for the Gaelic culture and heritage was shown by his government establishing the Department of Gaelic Affairs; and

Whereas his experience as an educator, politician, fiddle player and step dancer make a perfect combination for success;

Therefore be it resolved that all members of this House of Assembly congratulate Rodney MacDonald on his new position of administrator of the Gaelic College of Celtic Arts and Crafts and wish him and all members of the Gaelic College Board of Governors great success in the future.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Colchester North.

#### **RESOLUTION NO. 2324**

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

Whereas 98-year-old Lloyd Tattrie from Tatamagouche, Colchester North, is a founding and executive member of the Maritime Fiddle Association, and has been inducted into the Canadian Archives of Music in Ottawa; and

Whereas Tattrie has won many awards, including the Curtis Hicks Memorial Award and the Tara Lynn Touesnard Memorial Award for his contributions to the preservation of old-time fiddling; and

Whereas Mr. Tattrie was named as instrumentalist inductee to the Nova Scotia Hall of Fame;

Therefore be it resolved that all members of this House of Assembly congratulate 98-year-old Lloyd Tattrie for receiving this prestigious award and for continuing to provide entertainment to many homes in Colchester North.

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. 2325**

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

Whereas Ms. Nadine Aucoin, of Cheticamp, published her first children's book entitled, *Pilot Swaydy & Friends*; and

Whereas Ms. Aucoin, otherwise known as author Maggie May, depicts living on Cape Breton Island and teaches that the true heart of Cape Breton is within its people; and

Whereas Ms. Aucoin is a songwriter, as well as a writer of children's stories and novels, and hopes to one day publish all of her works;

Therefore be it resolved that all members of this House of Assembly wish this newly published author the best in her endeavours, especially in future publications bearing the name Maggie May.

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 Bedford-Birch Cove.

### **RESOLUTION NO. 2326**

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

Whereas Aileen Reid, the first Nova Scotian woman to become a Canadian Chartered Insurance Broker, is the founder of A.P. Reid Insurance, a company she created after being told she would never be a senior partner because she was a woman, and as CEO, Aileen oversaw the expansion of the company to 14 locations across Atlantic Canada; and

Whereas Aileen was selected as a finalist for the 2011 Entrepreneur of the Year Award by Chatelaine Magazine; and

Whereas these awards, presented in partnership with Citytv, celebrate the many remarkable and inspiring women like Aileen Reid, who are making changes big and small in their communities and in the world;

Therefore be it resolved that the members of this House of Assembly applaud Aileen Reid for her entrepreneurial accomplishments and the recognition she received from Chatelaine Magazine.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Cape Breton West.

#### **RESOLUTION NO. 2327**

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

Whereas Canada Select rates tourist accommodations on the basic cleanliness, comfort and safety, as well as the extent and quality of facilities and amenities; and

Whereas the Birches at Ben Eoin Country Inn has achieved a five-star rating from the Canada Select agency; and

Whereas Lawrence and Barbara MacPherson, the owners and operators of the Birches, have worked diligently, giving quality and extra care to their travelling customers;

Therefore be it resolved that all members of this House of Assembly congratulate and recognize the hard work of the MacPhersons on achieving this prestigious five-star rating for their country inn at Ben Eoin, 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 Digby-Annapolis.

#### **RESOLUTION NO. 2328**

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

Whereas 15-year-old Myles Creighton of Digby can often be found on the golf course throughout this province; and

Whereas all of Myles' hard work and dedication to the sport of golf earned him the Nova Scotia Juvenile Boys Championship; and

Whereas winning that title also earned Myles a trip to the junior nationals in Surrey, B.C.;

Therefore be it resolved that all members of this House express congratulations to Myles Creighton and wish him continued success in the sport of golf.

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 North.

**RESOLUTION NO. 2329**

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

Whereas the Canton Family Restaurant on Commercial Street in North Sydney is in the running as one of the Top 100 Chinese Restaurants in Canada; and

Whereas the owners, Raymond and Jackie Chan, have been in business since 1985 and recently were featured on the cover of Asian Restaurant News; and

Whereas entrants are evaluated on their sanitation, environment, food, and other areas through on-line interviews, media recommendations, mystery dining, public voting, past awards, and Top 100 committee feedback;

Therefore be it resolved that all members of this House of Assembly congratulate the Chan family for being considered among the best Chinese restaurants in Canada and for their more than 25 years of service in the North Sydney 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 Inverness.

**RESOLUTION NO. 2330**

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

Whereas the Whycocomagh Education Centre received an accreditation award from the Nova Scotia School Accreditation Program for meeting their goal of reducing bullying and increasing writing skills among its students; and

Whereas the accreditation designation comes after five years of work by the school to establish conditions to increase student success and achievement and to improve the school's overall performance; and

Whereas the Whycocomagh Education Centre has been actively engaged in a process of information gathering, review, reflection, evaluation, and goal-setting since 2006;

Therefore be it resolved that all members of this House of Assembly congratulate the students and staff of Whycocomagh Education Centre on receiving an accreditation award and acknowledge the commitment they have made to improve the overall performance of their school.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Yarmouth.

### **RESOLUTION NO. 2331**

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

Whereas Rick Clayton and Geoff Baker have been long-time dedicated staff members of the Mariners Centre in Yarmouth; and

Whereas in May 2011, Skate Canada Nova Scotia held its award banquet; and

Whereas Rick Clayton and Geoff Baker were awarded the Overlooked Persons Award, an expression of appreciation to those who have done much to assist a skating club,

and Skate Canada Nova Scotia's chair stated, "Rick and Geoff have gone above and beyond the call of duty around here";

Therefore be it resolved that all members of this House of Assembly recognize and congratulate Rick Clayton and Geoff Baker on their Skate Canada Nova Scotia Overlooked Persons Award and thank them for their positive contributions to their 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 Victoria-The Lakes.

### **RESOLUTION NO. 2332**

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

Whereas Cape Breton University's Fall convocation ceremony was held on October 29<sup>th</sup>; and

Whereas convocation is the celebration and recognition of the years of serious academic dedication and hard work of students who will proceed to the professional world; and

Whereas among the CBU graduates included in the ceremony were constituents of Victoria-The Lakes: Bachelor of Education graduates Anika Rosalind Braithwaite of Wagmatcook and Robin Denise MacLean of Boularderie, Bachelor of Science graduate Brian Craig King of Scotch Lake, and Diploma in Engineering graduate Ryan Alexander Martin of Balls Creek;

Therefore be it resolved that all members of this House of Assembly congratulate Anika, Robin, Brian, and Ryan and all CBU graduates on their achievements and wish them every success in all their future endeavours.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Clare.

### **RESOLUTION NO. 2333**

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

Whereas there have been many fishing tales of catching the big one but Yvon Thibault of Saulnierville and his crew have the photos to share along with their stories; and

Whereas Conrad Hurlbert LeBlanc Inc., a local accounting firm, has been sponsoring an annual contest for the biggest lobster caught in lobster fishing area 34 with a \$1,000 prize; and

Whereas the 2011 lobster contest winner was Yvon Thibault, captain of the Yvette Denise with his crew Emery Comeau and Daniel Deveau, landing a 21-pound lobster on April 27<sup>th</sup>;

Therefore be it resolved that all members of this House of Assembly congratulate Captain Yvon Thibault and his crew 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 Preston.

**RESOLUTION NO. 2334**

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

Whereas Nova Scotians across this province have been paying more and more taxes every day, due to the NDP; and

Whereas the Minister of Finance has been taking more and more of Nova Scotians' income each year by breaking a promise made to end income tax bracket creep; and

Whereas one year prior to the Finance Minister's decision to break yet another promise and reach deeper into the pockets of Nova Scotians, he, in fact, gave himself a tax break;

Therefore be it resolved that all members of this House of Assembly remind the NDP Government that they cannot continue to tax Nova Scotians into submission, even as they gave the Cabinet a tax break, and strongly urge the NDP to end their campaign of higher taxes, increased power rates and higher prices for gasoline.

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

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

Is it agreed?

I hear several Noes.

The notice is tabled.

The honourable member for Bedford-Birch Cove.

**RESOLUTION NO. 2335**

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

Whereas Jacqueline Cyr is the CEO of the marketing agency Expresso, the founder of the record company Stardust Music and the magazine Velocity, a columnist for the Financial Post, and a mentor with the Canadian Youth Business Foundation; and

Whereas Jacqueline Cyr was selected as a finalist for the 2011 Entrepreneur of the Year Award by Chatelaine Magazine; and

Whereas these awards, presented in partnership with Citytv, celebrate the many remarkable and inspiring women like Jacqueline Cyr, who are making changes big and small in their communities and in the world;

Therefore be it resolved that the members of this House of Assembly applaud Jacqueline Cyr for her entrepreneurial accomplishments and the recognition she received from Chatelaine Magazine.

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. 2336**

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 continuing education and training of our children regarding the prevention of bullying behaviours should extend to the entire year; and

Whereas Sensei Ron Fagan of the Metro Karate Training Center on Main Street in Dartmouth and his team held an anti-bullying workshop on October 29<sup>th</sup> with over 55 members and their families participating; and

Whereas Sensei Fagan educated the children on the merits of teamwork, diffusing aggressive situations, and the three W's - Words, Walk . . . and Whatever it takes - strategies to protect themselves and keep them safe;

Therefore be it resolved that all members of the House of Assembly join me in recognizing Sensai Ron Fagan, Senpai Steve Boudreau, Brad Benjamin, Kevin O'Grady,

and Chris Cruikshank of the Metro Karate Training Center for their initiative, their compassion, and their commitment towards making our community safer for everyone.

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. 2337**

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

Whereas Digby resident Albert Burke celebrated his 100<sup>th</sup> birthday this past summer; and

Whereas the greatest gift Albert received for his 100<sup>th</sup> birthday was the return of his son AJ to Digby after 30 years of being away; and

Whereas Albert celebrated his birthday with a party, dancing, singing and, best of all, his son by his side;

Therefore be it resolved that members of this House of Assembly congratulate Albert Burke on his 100<sup>th</sup> birthday and wish him all the best in the future.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Yarmouth.

**RESOLUTION NO. 2338**

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

Whereas in August, 2011, the Yarmouth Clippers U12 girls rep soccer team competed in the 2011 South Shore District Soccer League playoffs; and

Whereas the day before the championship game, the Clippers defeated Upper County in an exciting shootout by a score of 3-2 in Hebbville; and

Whereas in the championship game, the Yarmouth Clippers became silver medallists after a gutsy performance against the same team, Upper County, in New Germany;

Therefore be it resolved that the members of this House of Assembly congratulate members of the Yarmouth Clippers U12 girls rep. soccer team: Caileigh White, Lauren Goudey, Mary Beth Brown, Sophie Surette, Lindsey Minard, Laura Legere, Julie Phillips, Hannah Saulnier, Kaia Lowe, Olivia Hartley, Abby Legere, Katherine Kini, Sydney Barr, Jalisa Fells, Sophie Atkinson, Kaitlynn Mooney, and their coach Julie Mood on being silver medallists of the 2011 South Shore District Soccer League playoffs and thank them for their contribution to sports in Yarmouth.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Dartmouth East.



**RESOLUTION NO. 2339**

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

Whereas Rayleen Hill Architecture and Design is a successful Dartmouth-based firm; and

Whereas Ms. Hill and associates beat out 65 other architecture firms from across the country to place first in a design competition put on by the City of Edmonton, Alberta; and

Whereas the building of Ms. Hill's winning design for the new Victoria Park skating oval will begin in the Spring 2012;

Therefore be it resolved that all members of the House of Assembly join me in recognizing Rayleen Hill Architecture and Design on their achievement, and acknowledge the outstanding technical contributions of this Dartmouth-based business.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable Leader of the Progressive Conservative Party on an introduction.

HON. JAMIE BAILLIE: Mr. Speaker, it's my pleasure to introduce in the west gallery today: Duncan Williams of the Construction Association of Nova Scotia; Heather Cruickshanks of Cruickshanks Metal Works; and, with them, someone who is no stranger to members of this House or to its surrounding area, Jim Cormier of the Retail Council of Canada.

Mr. Speaker, through you, I welcome them to the House of Assembly today.  
(Applause)

**ORDERS OF THE DAY****ORAL QUESTIONS PUT BY MEMBERS**

MR. SPEAKER: The time has arrived for the Oral Question Period. It is now 2:49 p.m. and we'll finish at 3:49 p.m.

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

**HEALTH & WELLNESS: INSULIN PUMP - HEALTH/COST BENEFITS**

HON. STEPHEN MCNEIL: Mr. Speaker, governing is about leadership, it's about making the best decisions today which will lead to a better tomorrow. Occasionally government finds itself with a golden opportunity, an opportunity where decisions made today will not only help people, it will save money down the road.

Mr. Speaker, there is no better example for government than the funding of insulin pumps. A publicly funded insulin pump program, whatever it looks like, whomever it covers, will enable patients to enjoy a healthier lifestyle today and mitigate future health care costs, so my question to the Minister of Health and Wellness is, why does the Minister of Health and Wellness fail to see the health and cost benefits of a publicly funded insulin pump program?

HON. MAUREEN MACDONALD: Mr. Speaker, I want to thank the honourable member for the question. I think all members of this House have friends and perhaps family members, even colleagues, who have lived with diabetes and we know the toll that that can take on them and on their families. Our government spends over \$19 million annually to support people with diabetes in getting insulin, test strips and other supplies that they require and, additionally, we spend millions of dollars to support the health care providers in the 39 diabetes care centres and clinics throughout the province where people go for monitoring and counselling and support.

We will continue to work with the diabetic association and our health care providers to ensure that people with diabetes in Nova Scotia have the best treatments available to them, based on the evidence of what good interventions look like, Mr. Speaker.

MR. MCNEIL: Mr. Speaker, the best treatment for those Nova Scotians suffering from diabetes would be funding an insulin pump program here in the Province of Nova Scotia.

Today there are people in our gallery and people across our province who acknowledge this is not a political issue, this is a people issue. Nova Scotians struggle with the cost of living every day and I contend that people with diabetes struggle that much more. The difference between those who do not have diabetes and those who do is that

those with diabetes must often reach into their own pockets to protect their health and, in some cases, Mr. Speaker, save their lives. That is the point at which government should become involved.

My question to the Minister of Health and Wellness, can the minister please indicate whether a publicly-funded insulin pump program is actively being considered by her department?

MS. MAUREEN MACDONALD: Mr. Speaker, we've had this debate before and we'll have it again this afternoon, and I look forward to hearing members on this.

Mr. Speaker, we are evaluating both the health benefits of insulin pumps and the financial impact of insulin pumps. I know that yesterday the diabetic association released a report. The manufacturer of the insulin pumps has been into the department and has met with staff. They, in fact, were the sponsors of the report, the piece of research that was done. We're fully aware of what the position is of the insulin pump manufacturers and we will evaluate the information that is put in front of us. We will also look for independent evaluations and information.

MR. MCNEIL: Mr. Speaker, I don't know what the view is of the manufacturer of the insulin pump but I can tell you that I know the view of Nova Scotians who are able to afford to buy this pump for their children and it is much different than those who are unable to buy it. (Applause)

Mr. Speaker, this government has chosen to buy paving equipment for millions of dollars. At the very least they could invest in young Nova Scotians who are looking for a better quality of life.

Mr. Speaker, next week the Minister of Health and Wellness will be hosting Ministers of Health from across the country. This will provide our Minister of Health and Wellness an opportunity to discuss the urgency of addressing diabetes and review how other provinces are supporting the residents when it comes to dealing with this chronic illness.

My question to the Minister of Health and Wellness, will she, at the very least, speak to her provincial counterparts from British Columbia, Ontario, Saskatchewan, Newfoundland and Labrador, and New Brunswick about their rationale for funding insulin pumps and the benefits for their prospective health budgets by doing so?

MS. MAUREEN MACDONALD: Mr. Speaker, I certainly will be looking at the provinces that have implemented this policy. New Brunswick and Manitoba, neither one of those provinces have their programs underway yet. We look forward to having some evaluation, some evidence that will, in fact, support that there is an economic benefit as well as a health care benefit to adopting this technology.

It's a very expensive technology, even the dad last night who spoke so eloquently at the dinner, in fact, questioned why an insulin pump is so expensive, each one. I think it's a valid question, particularly when we're spending the dollars of the taxpayers of the province, Mr. Speaker.

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

**LWD/ADV. EDUC. - LBR. MGT. REVIEW COMM.: REPT. - STATUS**

HON. JAMIE BAILLIE: Thank you, Mr. Speaker. The economy of Nova Scotia is in a very fragile state. Entire industries, like forestry, are fighting for their very survival. Never has it been more important to get the job-creating climate right than it is right now, but the NDP are either blinded to that reality or they don't care. In Bill No. 100 they created the Labour Management Review Committee to review labour issues and make recommendations to the government. Just last week in this House I asked the Premier to share with us the work of that committee and he said to us, ". . . when the LMRC comes back to government with their analysis, I will be happy to share their correspondence . . ." My question to the Deputy Premier is where is the report, where is the analysis of the Labour Management Review Committee, why hasn't it been shared before today as promised?

HON. FRANK CORBETT: Quite honestly, Mr. Speaker, we're getting the report together. There are some submissions that were done and we're making sure that we have the approval of the people who submitted those requests to us. Once they're cleared it will be tabled here in the House. Thank you.

MR. BAILLIE: Well, Mr. Speaker, that answer is very telling. In fact, just today what was tabled was a two-paragraph letter saying that the Labour Management Review Committee was unable to reach a consensus on the very first issue put before it, proving what a sham that committee has been all along. So my question to the government, which is determined to jam through their own plans anyway, why does the government refuse to bring forward the report, the recommendations, the analysis and any correspondence that the Labour Management Review Committee had as the Premier said he would - why? Is it because those results don't fit with the plans of this government?

MR. CORBETT: That member is awful interested in a sham, to use his words, Mr. Speaker. Our words are that we have consulted with Nova Scotians; we have done it and we have done it the proper way, if they would just give us a little bit of time. I know that member is very anxious, but give us a little bit of time and they will get everything they ask for and more.

MR. BAILLIE: Mr. Speaker, they didn't bother to take the time before moving ahead with their labour plans but are asking us to wait while they decide whether or not to share with all Nova Scotians whatever information it is they're relying on to move forward,

as we learned today that we are. The Premier clearly promised to share with all Nova Scotians the results of that committee's work and the government has already moved past the committee and on with its own plans - that is the very definition of a sham. Why does the government refuse to table all of the correspondence, all of the e-mails, all of the input, all of the reports today to show us all the information that they are already acting on?

MR. CORBETT: I wonder if I was that excited when I was on the other side.

AN HON. MEMBER: You were and then some.

MR. CORBETT: I couldn't believe that I would go on like that, Mr. Speaker.  
(Interruptions)

MR. CORBETT: Mr. Speaker, with that question in mind, I'm going to hand it off to the Minister of Labour and Advanced Education.

HON. MARILYN MORE: Thank you, Mr. Speaker. Certainly any of the information that we've had available to us has been very available to the Opposition Parties. There has been the discussion paper that was posted on our Web site, our senior officials have offered to come to both caucuses and do a presentation outlining all the information that the Labour Management Review Committee has been studying. There was no request for such a meeting so it seems a little late in the day to be asking for some of that information.

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

**LWD/ADV. EDUC. - FIRST CONTRACT ARBITRATION:  
PRIORITY - EXPLAIN**

HON. STEPHEN MCNEIL: Mr. Speaker, the people of this province are facing job losses. The people of this province need a government that is focused on job creation. Yet what we have with the NDP is a government whose sole focus is to disrupt labour relations and introduce changes which address a problem that doesn't exist.

There are real problems facing this province, and first contract arbitration is not an answer to any of them. My question to the Minister of Economic and Rural Development and Tourism is, why does he think that introducing first contract arbitration is more important than getting Nova Scotians back to work?

HON. PERCY PARIS: Mr. Speaker, I will toss that question down to the Minister of Labour and Advanced Education.

HON. MARILYN MORE: Mr. Speaker, this government has taken a very balanced approach to improving the economy and stabilizing the workforce in this province. We've

lowered the small business tax rate and we've improved equity tax and film tax credits. We've provided new incentives for innovation and productivity, and we're also looking to see what changes we can make to make sure we have the most stable labour environment possible.

Anything that allows two sides to have a dispute-resolution mechanism in place, I think everyone would agree, is in the best interest of the economy of this province.

MR. MCNEIL: Mr. Speaker, there is a mechanism in place. It's called labour peace. Over 12,000 Nova Scotians have lost their jobs and over 14,000 Nova Scotians have given up looking for work in the Province of Nova Scotia since this government has taken power. With all of the challenges facing us, this is not one of them.

There are many problems the NDP are neglecting: layoffs at Bowater, NewPage closed, Fundy Gypsum and Georgia-Pacific closed, small businesses like Novalea Value Foods in the north end of Halifax closed, call centres across this province closed, Composites Atlantic and Scanwood in Dartmouth closed. That's 12,500 jobs lost under this minister's watch. Will the Minister of Economic and Rural Development and Tourism tell this House how Nova Scotians are going to go back to work under first contract legislation?

MR. PARIS: Mr. Speaker, again, that's a question for the Minister of Labour and Advanced Education.

MS. MORE: Mr. Speaker, I think there are two aspects to that answer. Believe me, if this government could put its arms around the province and prevent all the international economic factors from affecting us we certainly would, but that's not the reality.

In terms of trying to improve labour stability in this province, every Party in Canada that's ever been government has brought in first contract settlement legislation - the Liberals, the Conservatives, the NDP, the PQ, and the Social Credit as well. This is seen as a way to prevent stoppages and lockouts in those extreme situations - probably only two or three a year - which will happen in Nova Scotia. It's a way to prevent those work stoppages and lockouts from happening to disrupt those businesses and the productivity of this province.

MR. MCNEIL: Mr. Speaker, if we were to agree with the minister's explanation, then what is the problem? Why are we introducing legislation for a problem that doesn't exist? Her own words today in this House were that we don't have a problem in Nova Scotia. Not only has this government failed to address the job losses, they are failing to address the root causes of those job losses. We are the highest-taxed jurisdiction in the country; we have the fastest-growing power rates; sky-high fuel costs; miles of red tape; and an environment that makes Nova Scotia the least competitive province in all of Canada, Mr. Speaker.

My question to the Minister of Rural and Economic Development and Tourism is, could the minister explain how first contract arbitration will get those 12,500 people back to work who have lost their jobs under his watch?

MR. PARIS: Mr. Speaker, again, I'm going to ask the minister responsible to respond to that question.

HON. MARILYN MORE: I'm very pleased, Mr. Speaker, that the honourable member has asked about the timing of this legislation. I think the best time to be thoughtfully discussing these things is when it's not crisis-driven. (Applause)

MR. SPEAKER: The honourable Leader of the Official Opposition on a new question.

### **ERDT - WAGE CHANGES: FAILURE - EXPLAIN**

HON. STEPHEN MCNEIL: Mr. Speaker, I have a question for the minister responsible for 12,500 job losses in Nova Scotia. Not only did the NDP lose 12,500 since they took office, they also promised to create well-paying jobs. However, according to Statistics Canada, wages in Nova Scotia were stagnant over the last year, zero growth.

My question to the Minister of Economic and Rural Development and Tourism, we know that the minister has failed to create jobs but why has the minister failed to create any change in Nova Scotia wages?

HON. PERCY PARIS: Mr. Speaker, when we came into power we came into power with a province that had seen inactivity for 20 years. We developed a strategy and a plan called jobsHere. With the jobsHere strategy we have a program called the Productivity Investment Program. With that program alone we've seen over 100 projects and that initiative is still going. Through the IEF, we've invested \$38 million. That is about job retention, creating new jobs and supporting existing jobs.

MR. MCNEIL: Mr. Speaker, when he came to power there were 12,500 Nova Scotians who were working in this province. There are 14,000 more Nova Scotians who had hopes of gaining employment but since they've taken power, they've dashed all the hopes of Nova Scotians.

Mr. Speaker, digging deeper into Stats Canada data, we see that wages paid to women actually decreased by 1.5 per cent over the last year. When we combine this with 4.2 per cent increase in the cost of living, women are down by 5.7 per cent, under this government, in only one year. My question to the Minister of Economic and Rural Development and Tourism is, how can this government stand idly by and watch women's standard of living take such a hit?

MR. PARIS: Mr. Speaker, one of the things that we did do is we increased the minimum wage for all Nova Scotians. We invested in all Nova Scotians. I went through a number of initiatives in Cape Breton that we invested in to make sure that Nova Scotians are employed, stay employed and create new jobs. A. F. Theriault & Son Ltd., there's an investment that we made there about keeping, maintaining and creating jobs. What about Pro Poly Cushioning Products, another good example of what we've done. (Interruptions)

The Small Business Loan Program, Mr. Speaker, through the credit union, that's all about creating, maintaining and supporting jobs in the Province of Nova Scotia. (Interruptions)

MR. MCNEIL: Mr. Speaker, a news flash to Nova Scotians, the good-paying jobs they're referring to are the ones at minimum wage - at minimum wage. The minister responsible for the 12,500 job losses is fond of pointing at investments when we ask about job creation. The minister has to point at money spent because he cannot point at a single job created.

Mr. Speaker, he also cannot point to success at ensuring Nova Scotians that they are well paid. In 2010 Nova Scotians had the third-lowest level of average weekly earnings. So my question to the minister is, how can the minister stand here and defend the fact that the wages have stagnated and the standard of living for women and families in this province has gone down under his watch?

MR. PARIS: Mr. Speaker, those investments create jobs. Those investments maintain jobs. That's why this government from day one worked with Irving Shipbuilding to help secure this new shipbuilding contract for all of Nova Scotia. (Interruptions)

Mr. Speaker, that equates to thousands and thousands of jobs, that's why we make these investments, is to maintain support and create new jobs - not only with the shipbuilding contract but look at the Metro Centre; that's going to be a centre for all Nova Scotians. (Interruptions) Those create jobs, good-paying jobs, through NSBI, that's why we have NSBI. That's why we have the IEF. You know, we are doing it, we will continue to do it and, do you know what, instead of criticizing, they should jump onboard and help us.

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

#### **FIN. - CNSOPB/AG: DISPUTE - MIN. AWARENESS**

HON. JAMES BAILLIE: Mr. Speaker, my question is to the Minister of Finance. In his report yesterday the Auditor General uncovered that the Canada-Nova Scotia Offshore Petroleum Board was refusing him access to important information to allow him to complete his audit. Under questioning yesterday in this House, the minister said that he, "... found out about this dispute at the same time as everybody else." That is in Hansard



and I will table that for the benefit of everyone present. He went on to recommend that parties involved should submit to a dispute settlement mechanism.

Mr. Speaker, this is very strange since we have now learned from the Auditor General that he and the minister had in fact discussed it previously. So my question to the minister is, does he wish to reconsider his answer to this House yesterday? When did he first become aware that there was this dispute about the audit of the Canada-Nova Scotia Offshore Petroleum Board and what did he do about it when he found out?

HON. GRAHAM STEELE: Mr. Speaker, since yesterday I have had a number of conversations, done more investigation into the circumstances surrounding the matter, and at the end, my conclusion is exactly the same as it was yesterday. The parties involved in this dispute are the Offshore Petroleum Board and the Office of the Auditor General. There are any number of mechanisms available to those parties to resolve this dispute - one I suggested yesterday - and that mechanism is one of several that is available to the parties. In the public interest my request of both of those parties is to get on with it and get this dispute resolved.

MR. BAILLIE: Well, that is very interesting, Mr. Speaker, because regarding that dispute settlement mechanism, the Auditor General says, and I quote from today's Chronicle Herald, "The minister is wrong, . . . In fact, I talked to the minister about this. I thought he would know better than this." I will table that for the minister to see.

The fact of the matter is, Mr. Speaker, that dispute settlement mechanism does not apply in this case as this is a dispute about privileged information under a separate piece of legislation, not the Auditor General Act which is the one that that minister is required to enforce.

So I will ask as my second question - in light of the opinion of the Auditor General, I will give him again a chance. Does the minister wish another opportunity to reconsider his answer and start enforcing the Auditor General Act, as he is supposed to do?

MR. STEELE: Mr. Speaker, my suggestion to the Auditor General is that if he has a legal opinion to support his position, he should make that available to the House - not just to me but to the entire House - and if he does not have such an opinion, I would respectfully ask that he keep an open mind about the possibility of how the Act ought to be interpreted.

Mr. Speaker, under the provisions of the Auditor General Act that this House adopted, enforcement rests with the Auditor General himself, and, with the greatest respect to the Auditor General, he has the authority and a number of mechanisms available to him to enforce the provisions of the Act. He needs to get on with it and do exactly that.

MR. BAILLIE: Mr. Speaker, apparently the minister feels that he knows better than the Auditor General, how the Auditor General should do his job. Yesterday in this House

the minister said, “On behalf of the government, I can say that we are disappointed that the Auditor General had to abandon his audit.” Well, I am sure that Exxon Mobil is shaking in its boots now that that minister and the government are disappointed in them. His advice to the parties involved is to go to the Supreme Court and work it out, the very mechanism that he is referring to.

My question to the minister is, since he won’t reconsider his earlier position, will he explain to Nova Scotians how telling the Canada-Nova Scotia Offshore Petroleum Board, or the Auditor General, to go and sue Exxon Mobil to get access to documents that they need to do their work, is in the best interests of Nova Scotians instead of having that minister stand up and do his job.

MR. STEELE: Mr. Speaker, based on that question, it’s pretty obvious that the Leader of the Progressive Conservative Party could use some legal advice as well. This dispute does not involve Exxon Mobil; this is a dispute between the Canada-Nova Scotia Offshore Petroleum Board, the auditable entity, and the Office of the Auditor General, which does the audits. Both of them have an equal responsibility, where there is a disagreement, to find a way to resolve that disagreement.

Section 14(6) of the Auditor General Act provides a quick, simple method for them to do exactly that and, Mr. Speaker, that is not the only method available to them. What they need to do, knowing that it is in the public interest that this audit be done, is find a way to resolve this dispute and to do it as quickly as possible.

MR. SPEAKER: The honourable member for Dartmouth East.

### **ENERGY: N.S. OFFSHORE PETROLEUM ACT - AMENDMENTS**

MR. ANDREW YOUNGER: Mr. Speaker, after receiving news yesterday that the Auditor General had abandoned his audit of the Canada-Nova Scotia Offshore Petroleum Board, the board released a statement, which I’ll table, which says that they support the Department of Energy’s recommendation to review the issue and propose amendments to pertinent legislation.

Of course that is in response to the minister’s own department, I assume with the minister’s support, issuing a response to the audit, which I will also table, which says that they will prepare necessary amendments to the legislation.

Now, of course, this is very different from the response of the Minister of Finance yesterday, which I’ll also table, where he just said everybody should go to court and deal with it, despite the fact that the Department of Energy had already recognized that there are clearly legislative amendments necessary.

Mr. Speaker, would the Minister of Energy please tell us when he plans to introduce those proposed amendments, to ensure that the oversight issues are addressed, amendments that his department committed, in the Auditor General's Report, to introduce?

HON. CHARLIE PARKER: Mr. Speaker, as this is clearly under the purview of the minister responsible for the Auditor General Act, I will refer it to him.

HON. GRAHAM STEELE: Mr. Speaker, one of the things that make this particular situation unusually complex is that there is federal and provincial legislation exactly mirroring each other. It is important, for purposes of constitutional jurisdiction, that the two pieces of legislation say exactly the same thing. So if there were to be an amendment to the Nova Scotia Offshore Petroleum Act, there would have to be exactly parallel amendments to the federal Act. It is difficult to predict whether the federal government would agree to any amendment or when that amendment might be passed, and this is just one more of the levels of complexity around this. With the greatest of respect to the member opposite, it is not nearly as simple as he would make it out to be.

MR. YOUNGER: Mr. Speaker, with all due respect to the minister who answered that question, it was the Department of Energy that said it was that simple, and in the AG's Report said they would introduce amendments. One has to assume that that response came with the approval of the Minister of Energy, which is why the Minister of Energy should be answering these questions, not the Minister of Finance. Whether the minister chooses to believe it or not, he is responsible for the direction of his department and responsible for the oversight of that board. I will table this from the board, which says "The board reports to the federal Minister of Natural Resources . . . and the provincial Minister of Energy in Halifax." He does not report to the Minister of Finance.

Mr. Speaker, does the minister understand that he is responsible for the oversight of the board and does he accept the Auditor General's concern that his oversight of the board by government has been negligible?

MR. STEELE: Mr. Speaker, the particular issue raised yesterday by the Auditor General clearly involves the authority of the Auditor General and the interplay between his governing Statute and a federal-provincial piece of legislation. As the minister responsible for that Act, I can say there are a number of mechanisms available to the parties to the dispute to resolve it, and in the public interest they should do so as quickly as possible.

MR. YOUNGER: Mr. Speaker, it feels like it took less than 24 hours for the NDP to muzzle all the ministers except the Minister of Finance on the AG's Report. The fact is, the Department of Energy issued that response, not the Department of Finance, and committed to introduce amendments to the legislation. I didn't just make that up; it's in the report from his department. The minister does have a role to play in this. The minister has to make certain that Nova Scotia is the primary beneficiary of our offshore assets, and it's time for the minister - not the Finance Minister, the Energy Minister - to step up to the plate

on this issue. In order to be held accountable, he has to respond to the recommendations made. Does the minister support the Auditor General's statements on the matter of oversight and the lack of government oversight of the board . . .

AN HON. MEMBER: Minister of Energy.

MR. YOUNGER: The Minister of Energy, I'm sorry. Does the Minister of Energy support the Auditor General's position that government oversight of the board is negligible?

MR. PARKER: Mr. Speaker, I'll refer that to the minister responsible for the Auditor General's Report. (Interruptions)

MR. STEELE: Mr. Speaker, the member opposite will be aware that the statement that he cites is - strong issue with that statement is taken by the Offshore Petroleum Board in the letter that he indicated to the House, that he had read yesterday. The dispute resolution in the Auditor General Act is there for precisely this kind of purpose. There are a number of other mechanisms that are available to the parties to the dispute. I think everyone in the House agrees how important it is that this audit be done, and that is why, in the public interest, the parties to the dispute really must pursue those mechanisms and resolve this issue once and for all as quickly as possible.

MR. SPEAKER: The honourable member for Argyle.

**HEALTH & WELLNESS - INSULIN PUMPS:  
CDN. DIABETES ASSOC. - RESEARCH**

HON. CHRISTOPHER D'ENTREMONT: Mr. Speaker, I can tell you, no way do I want to hear another answer from the Minister of Finance, so I'm going to move on to the Minister of Health and Wellness.

Mr. Speaker, my question through you is to the Minister of Health and Wellness. The minister made the statement in this House yesterday that she's not ready to rely on manufacturers' advice in making a decision on whether to fund insulin pumps for type 1 diabetes. My question today is, what are her thoughts on the in-depth research undertaken by the Canadian Diabetes Association, which clearly shows that the government would have to put out about \$650,000 in the first year of implementation, but see net savings of growing and expected to reach \$1.4 million annually by 2032?

HON. MAUREEN MACDONALD: Mr. Speaker, it is the case that the report that was issued yesterday indicates that in 21 years time, if we started investing \$650,000 annually, in 21 years time we would see savings of \$1.4 million.

Using the math in the report, it would indicate that we would have to spend - and this is using the math in the report - close to \$14 million over the next 20-some years to start seeing savings of \$1.3 million annually. These are not my numbers, these are numbers that are in the report, and I don't think that's a strong economic argument, frankly. I don't know, perhaps the Opposition math sees that as being useful.

MR. D'ENTREMONT: Mr. Speaker, through you to the Minister of Health and Wellness, the number of Nova Scotians presently living with type 1 diabetes in Nova Scotia is 2,900 and that is forecast to increase by 1,000 people to 3,900 by 2032.

Yesterday the minister went on at great length about managing chronic disease and said we will continue to invest in the primary health care area to better manage chronic diseases, including diabetes. If the minister actually believes what she said yesterday, I want to know why she's refusing to invest in insulin pumps for type 1 diabetics who, without them, are at high risk of developing kidney failure, heart attacks, strokes, limb amputations, in turn only costing the health system much, much more.

MS. MAUREEN MACDONALD: Mr. Speaker, I know that the honourable member, as a former Minister of Health, knows that we constantly meet with people who tell us that if we spend some money they can save the health care system a lot of money. I know that was probably something the honourable member and members of his government of the day actually believed, because they sure spent a lot of money, but they did not get the results that Nova Scotians require from their health care system.

We are taking a different approach, an approach where we are investing strategically. We are investing in the programs that will make a difference to people. (Interruptions) Mr. Speaker, I think I have the floor, do I not?

MR. SPEAKER: Yes.

MS. MAUREEN MACDONALD: Thank you. So we are investing in the areas of priority under very difficult circumstances. We all know that the globe has seen the worst recession in 70 years. Decisions have to be made to spend health care dollars wisely, in areas where we will get the results that are required.

MR. D'ENTREMONT: Mr. Speaker, as time goes on we understand the priorities of this government. They include chip-sealing plants, paving plants, all kinds of things that are really not in there for helping patients and helping people. The minister refuses to tell type 1 diabetics when they might or if they will be covered in the purchase of an insulin pump. She has gone on at length about waiting for information from New Brunswick. Will the minister guarantee type 1 insulin-dependent diabetics in Nova Scotia, today, that if New Brunswick, which she's been waiting on, moves ahead and purchases insulin pumps that maybe Nova Scotia will do the same as well?

MS. MAUREEN MACDONALD: Mr. Speaker, this government has invested more than \$130 million into our health care budget this year over last year. We have invested that money in improving services in nursing homes, in our hospitals, in our community health centres. We have added drugs to the formulary; we have introduced new programs for seniors and for caregivers. People are the centre of our Better Care Sooner plan and we will continue to invest as we have money to invest in our health care system.

MR. SPEAKER: The honourable member for Glace Bay.

### **ERDT - ECONOMY: INTL. MARKETS - EFFECTS**

MR. GEOFF MACLELLAN: Thank you, Mr. Speaker, I have a question for the Minister of Economic and Rural Development and Tourism. The minister is fond of quoting an Export Development Canada report out of context and I will table that for the House to see that it certainly is true. The report, based on 2012 expectations, speaks only to our exports and not our overall economic performance in this province. Just yesterday, we heard the Premier try to defend this government's indefensible job creation record by pointing to sagging international markets. We have a Premier blaming international markets and we have a minister praising them. My question to the minister is, which is it, are international markets crippling our economy or saving it?

HON. PERCY PARIS: I made an offer to that member yesterday so that he would have a greater appreciation and understanding of the jobsHere strategy. Mr. Speaker, he didn't take me up on that offer. I want that member to know that's a standing offer because that's the kind of government we are over here.

In the jobsHere strategy, not only do we have initiatives there for under-represented groups - including women, including people of African descent - but we are also looking at import/export markets. In order for us to grow this economy, one thing that's vital as we move forward - and I said this even when I was in Opposition - is creating that awareness and that understanding before the action. What previous governments have done in the past is, they've gone too deep into the action without having the full appreciation of what it was they were trying to fix. I think it would be beneficial for that member over there to make an appointment, come over, and we'd be more than happy to walk him through the process.

MR. MACLELLAN: I certainly would take the minister up on that invitation to meet, as long as he promises here in the House today that there are targets included in that plan and it's not just a marketing plan that shows the buzzwords of business. Mr. Speaker, it's frightening that the minister is using export assumptions to represent job creation. He is basing his arguments on assumptions in a report about 2012 expectations. That report is based on certain assumptions, and I may add, assumptions and conclusions that are very, very generous. They're not my words; those are the words of the minister from yesterday, addressing the report on the viability of the Yarmouth ferry. My question to the minister is,

why is it acceptable for this minister to base his arguments on assumptions that are very, very generous?

MR. PARIS: Mr. Speaker, I don't base things on assumptions and make-believe consequences. When I talked about Eyking Brothers in Cape Breton yesterday, that wasn't an assumption, that was a fact. When I talked about Halifax Biomedical in Mabou, that wasn't an assumption, that was a fact. When I talked about MacKeigan yesterday, that's not an assumption, that is a fact. All those things are facts. When I talked about the PIP program, when I talked about Irving Shipbuilding, those are facts. When I talk about the investment in Sydney Harbour, that's a fact, those are not assumptions.

MR. MACLELLAN: The Minister of Economic and Rural Development and Tourism does not seem to understand the importance of his role. He stands in this House and he lectures me about individual projects, which do help local areas and provide some jobs in isolation, which is a good thing for those individuals and communities. But, Mr. Speaker, he takes credit for those while not accepting that he's responsible for the bad news as well - 12,500 jobs, the lowest growth of any province of the country, and a marketing plan for job creation with no targets for job growth.

So, Mr. Speaker, my question to the minister - he can answer one of these three. When will this minister realize that the successes and failures of economic development in this province rest with him? When will he realize that he supplies the vision for this department? And will this minister admit that he's failing Nova Scotians with economic development? (Interruptions)

MR. SPEAKER: Order, please. Which one of those questions would you like the minister to answer? (Interruptions) You ask one question.

MR. PARIS: Mr. Speaker, I haven't given a lecture since my years at Dalhousie, and that was a few years ago. Having said that, I keep hearing the same questions over and over, coming from the opposite side of the House that had inactivity for 20 years - not one year, not two years, but 20 years. What we are doing and what we have done and what we will continue to do is fix the mess that 250 years of Progressive Conservative and Liberal Governments have left with the Province of Nova Scotia.

MR. SPEAKER: The honourable member for Victoria-The Lakes.

### **CIO: DISASTER PLAN - COMPLETE**

MR. KEITH BAIN: Mr. Speaker, the Auditor General has found that the government's information systems aren't prepared in the event a disaster strikes. The failure of this government to have a proper disaster plan in effect puts government information and key operations in jeopardy. The Auditor General also found that not only

is there no disaster plan but there's no completion date for one. The deadline passed on March 31<sup>st</sup> and there hasn't been a new date set - nearly eight months, and still nothing.

So, Mr. Speaker, my question is to the Minister responsible for the Chief Information Office. When will he take the advice of the Auditor General seriously and immediately order the completion of a disaster plan before Nova Scotia is caught flatfooted in a disaster?

HON. FRANK CORBETT: Well, Mr. Speaker, we're anything but flatfooted. We're well underway. We have a plan underway, and that plan will be completed before Christmas. Ho, ho, ho. (Applause)

MR. BAIN: Well, Mr. Speaker, if it's like a lot of the other plans that they have, it is "ho, ho, ho."

Mr. Speaker, CIO has had the responsibility for disaster preparedness for well over a year. This minister should be more than aware of its progress. If our information systems were unavailable in disaster, it would have a devastating impact, including on the justice system - and we all know that the minister has a hard enough time already keeping track of inmates. If Nova Scotia's systems were down for a prolonged period of time, it could lead to disaster in the justice system. The courts in our province, including how prisoners and other accused persons get to court, run on a computer information system.

So will the minister admit that he's dropped the ball and commit today to make sure the Minister of Justice has a backup plan in place in the event the information systems are knocked out?

MR. CORBETT: Mr. Speaker, listening to that question, I'm reminded of redundancies. We have a system for a backup already. We are engaged in locating another physical plant where we can store other issues in and using technologies to keep other information secure. When we came to government, we inherited a CIO which was on a piece of paper - nothing at all from that former government. What we have done is, we've spent \$5 million. We're securing it. There are 15 recommendations in this report and we're going to do all 15 of them.

MR. BAIN: Mr. Speaker, there's supposed to be a backup system in place, a secondary site where information is located. However, the Auditor General noted that the facility the government has is just a server room in another building where data backup tapes are stored.

The Auditor General has said its capacity is limited and would not be capable of supporting the number of critical government systems that would need to be established there. Not only is their first line of defence insufficient, but our backup leaves a lot to be



desired. Worse, Mr. Speaker, the backup is located too close to the Provincial Data Centre and is susceptible to threats that impact the wider area for such things as power outages.

Mr. Speaker, it doesn't sound like the minister was a Boy Scout, because Nova Scotia isn't prepared after two and half years of the NDP. When will he put in place a fully adequate backup plan that can actually handle the job in a place that won't be taken out by the same disaster, should it strike the primary system?

MR. CORBETT: Mr. Speaker, obviously that Grinch doesn't believe in Christmas because I said the plan will be in place by Christmas and it will be there - we'll have a plan. That group is so pessimistic that when they smell flowers, they look for the funeral procession. (Laughter)

MR. SPEAKER: The honourable member for Clare.

**ERDT: ACADIANS (N.S.)  
- EMPLOYMENT/UNEMPLOYMENT/PARTICIPATION RATES**

HON. WAYNE GAUDET: Mr. Speaker, my question is for the Minister of Economic and Rural Development and Tourism. Day after day our Liberal caucus has proven to this government their economic agenda is simply not working for Nova Scotians. Across the province 12,500 more people are out of work since this government took power.

We have highlighted the difficulties that the regions are facing with regards to job losses and, Mr. Speaker, certain populations in the province are being left behind by this government, specifically the Acadians in our province. Both southwestern Nova Scotia and Cape Breton, where the highest concentration of Acadian people live, are faced with unacceptable levels of unemployment and job loss. Will the minister table in this House all data on unemployment, employment, and participation rates, with regard to Acadians in Nova Scotia?

HON. PERCY PARIS: Mr. Speaker, what I can tell that member opposite is that under the jobsHere plan we recognize that there are groups within Nova Scotia that are under-represented in the workplace. I think I've probably already mentioned a couple - women, as an example, persons of African descent, Acadians, as well as First Nations people, and persons with disabilities. We recognized that when we came into power, something that previous governments have never, ever done.

Under the jobsHere strategy, we are in the process of developing a plan, one of inclusion. We've already launched some initiatives and one of them is the Skills Up! program, which we launched through the community college to create extra seats. In the last two and a half years, through Community Services, we made an investment of \$16 million to those so-called - and I hate to use these words - "targeted and under-represented groups", Mr. Speaker.

MR. GAUDET: Mr. Speaker, I can inform the minister that at the last census there were 625 unemployed Acadians, and 3,258 Acadians who were not in the workforce - and I will table that information for the minister.

Since that time the NDP has increased 1,400 user fees, they've hiked the HST by 2 per cent, they've put the NDP electricity tax on every power bill in Nova Scotia, and since their taking office there are 12,500 fewer jobs across our province. The region of southwestern Nova Scotia has lost 3,700 jobs alone - maybe the Minister of Community Services should take note of this - 3,700 jobs (Interruptions)

Mr. Speaker, we know that employment dropped by 12,500 across the province since this minister took office. We know there are 5,000 who have left the work force in the last year alone. My question to the minister is, can the minister tell the House what effect his failed policies have had on the Acadian community in the last two and a half years?

MR. PARIS: Mr. Speaker, that's a pretty easy question to answer because we haven't had any failed policies. It's really unfortunate; any one job lost in the Province of Nova Scotia is a blow. Nobody likes to see anyone lose their job.

Having said that, Mr. Speaker, there are just simply some things that are not dictated by government, that are dictated by what is going on in the global economy. It doesn't take a rocket scientist to figure that out. I mean a little bit of common sense sometimes goes a long way.

We've done investments in southwestern Nova Scotia, Mr. Speaker, whether it be in the area of tourism, economic and rural development, and do you know what, we will continue to do those kinds of things and to try to grow the economy through those investments.

MR. GAUDET: Mr. Speaker, it's clear that this government is not addressing the needs of Nova Scotians. The rural economy is suffering with massive job losses and thousands of people who are exiting the work force. Women across the province have experienced a decrease in their wages.

My final question to the minister is when will the minister tell Nova Scotians what he has done to help the Acadian community of Nova Scotia?

MR. PARIS: Mr. Speaker, when I toured A.F. Theriault & Son Ltd., last summer, the member over there who is asking the questions was with me. At the time he seemed to be very supportive of A.F. Theriault & Son Ltd., but maybe it might have been a misread on my part.

We've invested in A.F. Theriault & Son Ltd., because we thought that was a wise spend of taxpayers' dollars. Nova Elite Farms, which is also in the southwestern region,

another case where we thought, as government, that this was a wise investment on the part of this government on behalf of the taxpayers into helping develop things in southwestern Nova Scotia. Kenney & Ross is another investment we made in the region. Mr. Speaker, we will continue to make those investments, to create jobs and to grow the economy in south western Nova Scotia.

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

HON. STEPHEN MCNEIL: The fact of the matter is, Mr. Speaker, there are 12,500 Nova Scotians who are unemployed in this province, under that minister's watch. There are 14,000 Nova Scotians who have given up on work in this province under that minister's watch. (Applause)

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

### **GOVERNMENT BUSINESS**

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. 86.

#### **Bill No. 86 - Fair Automobile Insurance (2011) Act.**

MR. SPEAKER: The honourable Minister responsible for the Insurance Act.

HON. GRAHAM STEELE: Mr. Speaker, I'd like to thank members opposite for their intervention on this bill. It is a complex bill and there were many thoughtful contributions made. With that, I would move second reading of Bill No. 86.

MR. SPEAKER: The motion is for second reading of Bill No. 86. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

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

The honourable Government House Leader.

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

**Bill No. 90 - Safe Collection of Scrap Metal Act.**

MR. SPEAKER: The honourable Minister of Justice.

HON. ROSS LANDRY: Mr. Speaker, I move that Bill No. 90 be read a second time. It is my pleasure to begin debate on Bill No. 90, the Safe Collection of Scrap Metal Act.

A thief sneaks onto a Dartmouth homeowner's property and steals a small section of a copper pipe from the oil tank. Hundreds of litres of fuel oil spills onto the grass, most absorbed into the ground, some flows into a sewer and eventually into a lake. The cleanup costs more than \$100,000. A businessman plans to open a factory and buys a building in Bridgetown. Before he can open, thieves break in and steal all the copper pipe in the building. The plans are abandoned and 300 potential jobs are lost.

A person in Colchester County picks up the phone to call 911, but there's no dial tone. Someone has stolen the telephone lines and the area is left without 911 service and other vital services. A lineman from Nova Scotia Power needs to go into a substation to service the equipment. Will he get electrocuted because someone has stolen the substation's ground wiring? Has the thief put the lineman's life at risk for a few dollars?

Scenes like these have been repeated across Nova Scotia over the past year. Metal theft is putting the safety of Nova Scotians at risk. Metal theft is putting our environment at risk. Metal theft is putting our economy at risk. This much-needed legislation will make it harder for thieves to steal stolen metal and make it easier to catch them. Police across the province have investigated more than 300 metal thefts in the last year.

This legislation will give police another tool so they are able to bring to justice those people who steal the telephone, power, and oil lines of Nova Scotians. The legislation requires the businesses that buy scrap metal to keep a record of all transactions. They must also get the seller to show them a photo ID and record the information. They must also show these records and the scrap metal to the police when requested.

I recognize that it is important for Nova Scotia businesses to succeed. I want Nova Scotian entrepreneurs to establish and grow their businesses, employ our people and contribute to our economy. I realize that this legislation represents a change in practice for the scrap metal industry. I made a commitment to the industry that we would not put an onerous burden on them, on their day-to-day work. Our goal is not to make life difficult for these entrepreneurs but rather to make life difficult for the thieves that are putting safety at risk and damaging the environment.

We consulted with them about the legislation and listened to their input. We will continue to talk with them and other stakeholders as we move this legislation forward. The input of all stakeholders will be important, as it is our intention to deliver legislation that works for the people of Nova Scotia. Bill No. 90 establishes a solid framework to help prevent metal theft.

There is still work to do: this is the first step. We believe this legislation is a good first step towards preventing this crime; crime that threatens the safety of homeowners, workers, businesses, and the environment. I expect my colleagues in the Parties opposite are eager as we are to put an end to metal theft. I am eager to hear their comments so, Mr. Speaker, I now take my place.

MR. SPEAKER: The honourable member for Richmond.

HON. MICHEL SAMSON: Mr. Speaker, let me just start off by saying that if the Minister of Justice is as eager to hear my comments as he was to hear that from the scrap-metal dealers of Nova Scotia then I don't see us being very productive because maybe if he had a chance to speak to his colleague, the member for Timberlea-Prospect, when he was Justice Critic, who, when a previous government brought in legislation, spoke against it because of a lack of consolation.

This minister will now say that he has done much more and I would hope that, possibly, the member for Timberlea-Prospect would speak to scrap-metal dealers about what type of meeting they had at the minister's office in Pictou County, which I can surmise as probably the following - "go pound sand" - is basically the message that came from the Minister of Justice during that meeting. If that's what this government calls consultation then it's a pretty poor example of consultation for Nova Scotians.

Mr. Speaker, the theft of copper, or the theft of anything, is a reprehensible act. If the Minister of Justice could stand in this House and tell Nova Scotians - sleep well tonight, your oil lines are safe, your phone lines are safe. If business, any metals you have or wires are safe then we would certainly be supporting this legislation. But he can't do that because this will not achieve an end to such reprehensible activity.

The minister has said this is the first step. I would suggest to him, no it should have been the third step. The first step was appropriate consultation with the industry, the second step was having regulations in place, and the third step would have been bringing in a bill. Yet this government has it all wrong. It has it wrong just like the Progressive Conservative Party had it wrong when they brought in this legislation, which ironically at the time both the Liberal caucus and the NDP caucus voted against at the Law Amendments Committee and it never went any further. How ironic, two years later, that we now watch the NDP, in essence, bring in the same legislation and the Tories are still of the belief that that legislation is somehow going to stop this activity.

Let me point out a few of the problems that exist. The first question is how many licensed scrap dealers are there in Nova Scotia? We don't know because you don't have to license to be a scrap-metal dealer, buyer or seller in the Province of Nova Scotia. This bill attempts to regulate an industry which isn't regulated. Right now the scrap-metal dealers that we know of are those who register as such and identify themselves as such. But there is absolutely nothing that prevents anyone in this province, in their backyard or in their front yard or anywhere they want, to be in the practice of buying and selling metal in our province. How is the government going to have Bill No. 90 be effective with the police when those who are in the industry itself don't even have to identify themselves to the government or to police?

The only ones this is going to affect is legitimate scrap-metal dealers in Nova Scotia and they will be the first to tell you, Mr. Speaker, that illegal copper wire, or any other metals, are not coming to their businesses. They are going to the backyard dealers. Many are actually being shipped out of province. How is the government going to have any sort of control in that?

Let's say the police here - that someone has gone and stolen wire off a tank and has sold it to another individual - the police show up and tell that individual, show us your records of all the metals you've bought. They're going to say, well, I didn't buy metals. I'm not registered to buy metals. I'm not licensed to buy metals. What are you talking about? There is nothing the police can say, well no, you buy metals and because you are registered and we know that you're doing that and if you're not registered, we're going to fine you because it's illegal to do so without being licensed or registered. That's where this fails because the government got it wrong and in their rush to try to send a message to Nova Scotians that something was being done, that's how they got it wrong and that's why the Progressive Conservatives got it wrong when they tried to do so.

Yes, we heard the stories of that old couple in Dartmouth, God love them, what a reprehensible act, and the damage that was done to their home, that has been done to homes throughout Nova Scotia - there is nothing more horrible than having an oil leak around your property, what it does to your property, to your neighbours' property - not only the financial costs, but some will tell you, and many in the construction industry, that you never get rid of the smell of oil.

It's almost like when you have a fire in a home. Most carpenters will tell you that you'll never get rid of the smell as long as that home is standing. Oil is the same thing, but this bill will do absolutely nothing to put an end to that reprehensible activity because of the way the government has brought this in. So this is an example of legislation which tries to tell Nova Scotians we're doing something, but in the end will have for all intents and purposes no effect on putting an end to the reprehensible act of theft here in this province.

It's interesting, because when you look at this government's priorities, it just baffles me. Last night I attended the diabetes dinner with many of my colleagues, and here

the association is pushing for the government to fund insulin pumps. The Minister of Health and Wellness tells us, well, we need to study it more. Five other provinces already have this in place. Now let's ask ourselves, what about scrap metal? How many other provinces have legislation in place? Not one.

So this government is a trailblazer when it comes to introducing legislation to clamp down on legitimate business dealers in Nova Scotia, yet we're following - not only are we following, we haven't even gotten a commitment yet that this government is prepared to put in a plan to fund insulin pumps for diabetics here in Nova Scotia. Not one other jurisdiction has a similar legislation dealing with scrap-metal dealers, but Nova Scotia is going to be the first. That's this government's priorities: scrap metal over diabetes. That is an absolute shame, Mr. Speaker.

Why is it not in other provinces? Is it only in Nova Scotia that we have the problem of people stealing metal and trying to profit on the sale of metal? I would suggest that in Alberta, for example, especially with the oil projects and the tar sands, this is probably a much larger issue than it is here in Nova Scotia, and yet they have not brought in such legislation because it's simply not going to work. This is legislation that sounds good when you say it fast, but in reality is not going to work.

Now, how is it not going to work, Mr. Speaker? Right now the minister has told us, well, in the regulations he will set out exactly what metals are going to be involved in this, which would lead me to believe that it's only for specific types of metals, wires, and other materials. Yet the bill requires logging every single transaction that a scrap-metal dealer undertakes. So let's ask ourselves, is that reasonable? How many transactions does a scrap-metal dealer undertake in the run of a day? During my briefing with Department of Justice officials they advised that one of the largest dealers here in Halifax, on average, does 400 transactions a day - not a week, not a month - a day.

Can you imagine the work that's going to be required in logging all of those transactions? Better than that, one of the largest dealers here in Halifax is basically where the smaller dealers feed in. My question was, if I go sell scrap metal to Wilf's Demolition in Louisdale, he's going to take my licence, he's going to have to mark down all the metals I bought, and then the next day they're going to ship it up to John Ross & Sons here in Halifax - so the question was, are they going to have to log down every single piece of metal that Wilf's Demolition will bring to John Ross & Sons? They really didn't have an answer for that. They weren't really sure how that was going to work. Will the main buyer have to log the 400 transactions a day?

That's some of the information that we don't have, and again, those dealers will tell you people are not showing up with the small piece of copper pipe from an oil tank and coming to their business. Their businesses are not in the backyard. They're not hidden. They're well known, they're well publicized, and these are legitimate business dealers who right now this government has put the cloud of suspicion over their heads - at a time when

we are seeing such difficulty in our economy, where we see job losses, where we see companies closing their doors.

The Minister of Community Services would have us believe that this government bears absolutely no responsibility for the economic downturn taking place in this province. Yet they turn around and bring in Bill No. 90 to tell businesses in Nova Scotia, we want you to have more red tape, we want you to go and hire someone to keep track of all these transactions, to have a photocopier in place to photocopy all these drivers' licences, and keep a log of every single transaction that takes place.

Maybe the Minister of Community Services will blame Greece and Italy for the damage that will be done to scrap metal dealers, but in the end, this is a government that is coming in and saying, at such a difficult time in our economy, first we're bringing in first contract arbitration and now we're going to be sticking it to the legitimate scrap metal dealers in our province.

Mr. Speaker, again, the fact that anybody can start up a scrap metal buying and selling business without having to be licensed, without having to be registered, is proof that this bill will not work. If someone is looking to sell stolen goods, they will not be going to the legitimate dealer that is well lit, that is advertised, that has people coming and going all the time. That's not where this illegal stuff is going, and the scrap metal dealers will tell you that. No one is going to be bringing this type of illegal material to legitimate dealers. That's why I say this is not going to work.

If the government had truly undergone the consultation - and I spoke earlier about the meeting that the dealers had with the Minister of Justice, where he basically told them, say everything you want, this bill is going through, it doesn't matter. Then the minister says, oh, we'll take care of all this in the regulations and we promise we'll be kind.

That's not a way to govern. I know that the former Justice Critic for the NDP, when in Opposition, would have spoken against that. When this bill was brought, I looked through Hansard at his comments, expressing concern about the lack of consultation, expressing concern about what would be in the regulations. Yet now in government, the member sits silent, watching the Minister of Justice do exactly what the previous Progressive Conservative Minister of Justice had done with this specific issue and with the specific type of metal.

Mr. Speaker, there's no question that metal theft or any theft in this province has an impact on our economy, on our environment, and on Nova Scotians, but we need to be reasonable and we need to be putting forward initiatives that actually have a hope of success.

One of the questions that was asked, because initially when the government brought in their bill, which was basically a photocopy of the Progressive Conservative bill,



was that dealers would have to report any suspicious metals that came into their possession within 24 hours. The first question the police asked is, does that mean we need to have an officer there within 24 hours? So the government had to withdraw that requirement because it is police forces in Nova Scotia that told the government that that is not practical - we simply can't have a police officer within 24 hours, especially when one of the dealers in Halifax is doing 400 transactions a day, unless you are going to be adding more police officers as a result of this legislation.

The answer from the Department of Justice was that the Minister of Justice had no intentions. So this is another downloading onto our police officers which we have to question. Will it actually have the intended effect of putting an end to this theft?

As well, the question has been raised as to continuity of evidence. How do you take a piece of copper pipe that has no markings or identification on it and somehow take that after it has gone through the hands of a third party and identify it back to the person who actually stole it? That's a legal question that the government hasn't yet been able to answer, but I'm not surprised. It never looked to answer that question, because Bill No. 90 sounds good when you say it fast: Safe Collection of Scrap Metal. I don't think there was an unsafe collection of scrap metal. There may have been an "illegal", but "safe"?

Those are some of the cute words being used by this government. Fair automobile insurance - fair to whom? Fair to the Nova Scotians who will see their rates go up and will have to pay more for services they didn't ask for and were quite content with what they were paying? That's some of the language that we're seeing by this government. Is everything safe? All these nice words that they're using but at the end of the day the question is, what impact is it going to have on Nova Scotians?

As I've said before, if the Minister of Justice could stand in his place and say your oil tanks are safe, your wire is safe, your phone lines are safe because of this bill, that would be a different story. This government simply cannot do that because this legislation is missing essential elements and without those elements being put in place, there is little to no hope of success. Nova Scotians deserve better. This bill is, in essence, a way of the government saying we've done something when in reality this is not going to have the intended effect.

Are there ways we can try to find to make sure oil tanks do not use copper wire but have other means? It's my understanding that newer tanks do not use any copper at all. There are other means of piping that is used that for the most part is plastic, which would have little to no value to someone trying to take such a small length. So, are there ways we can make changes with the industry, trying to identify how we can discourage people from trying to cut lines from oil tanks?

Right now Nova Scotia Power and Aliant have said they've lost a lot of equipment, a lot of wire, a lot of copper. The question scrap metal dealers have asked is, is there a

means of them to put markings on their wires or on their piping when they receive it so that, should it come into our possession, or someone tries to sell it, we could immediately identify it - wait a minute, this is Nova Scotia Power's piping or equipment, same thing for Aliant.

Those are some of the initiatives I think government should be working on, that government should be identifying and should be able to say, here's what we're going to do to try to make sure there are better markings and try to ensure this material is not stolen and if it is, it'll be easily identified.

The scrap metal dealers raised the issue that much of this product is going outside the province. It's being taken by these unlicensed dealers - they don't need to be licensed, they're just backyard dealers - and they take it outside the province. The response we got from the Department of Justice was that our minister had written to the minister in New Brunswick asking for their help.

There is no coordinated approach to dealing with this problem, which clearly is not limited within the boundaries of Nova Scotia. To me it's nothing but sad to say we're trailblazers in dealing with scrap metals, yet we're still refusing to follow five provinces in providing insulin pumps for diabetics here in Nova Scotia. I think that clearly speaks to where this government is going. It is not the NDP that was in Nova Scotia fighting for diabetics, fighting for Nova Scotians, instead, it's now come to the point where survival while in government, bring bills in that make it sound good, when in reality little to no effect is going to be achieved, whereas when you have issues such as diabetes, government says it wants to study the matter further.

Scrap metal doesn't require further study, but diabetes does. That's the message from this government. Nova Scotians are seeing more and more, the veil is being lifted and they're seeing exactly what's behind that when it comes to this government. It's no longer about doing what's right, it's about doing what will possibly get them re-elected. Bill No. 90 is meant towards actually trying to be re-elected and not put an end to the reprehensible act of theft in this province.

It is a political bill. It is one that is going to add red tape to legitimate business dealers in this province and at the end of the day there is no proof that there will actually be a positive result to this. At a time when we're seeing businesses suffer from a government that has increased the HST by 2 per cent - the highest HST in all the country - that has increased user fees outside the Legislature without ever having to justify it here in the House of Assembly; that continues to allow a tax-on-tax on gas, which while in Opposition they called immoral. Yet now, for scrap metal dealers, the government comes to their help by bringing in a bill that will require them to keep track of every single transaction.

The message today from the Minister of Justice is, oh, I'll take care of it in the regulations. Those regulations should be before the House today. They're not here today

because they're not even written yet, because the minister hasn't yet decided what they will look like. So we're being asked to pass a bill which we do not know what the consequences will be to a legitimate industry that the government has targeted, rather than working with it to try to professionalize it and try to make sure there is a better means of knowing exactly who was involved in the business.

Trying to put regulations and burdens on an unregulated industry is simply not going to work. Let me say again – and I'm not only saying this because it's a bill from the NDP, I said the exact same thing when the Progressive Conservatives brought it in when they were in government, and if you look through Hansard you will probably find the comments are extremely similar. It was a bad idea then; it's a bad idea today.

There is a reason why no other Canadian province has such legislation in place. We should instead be working with our police forces; we should instead be undergoing an advertising campaign to advise Nova Scotians to be wary, to protect their assets, protect their property and discourage in every way possible theft from taking place in this province. Bill No. 90 will not achieve that and it's unfortunate that the government has decided to use a bad idea from the former Progressive Conservative Government, which they voted against at the time and have now brought forward, in essence, the exact same piece of legislation.

There is no reason why this bill cannot wait until the regulations are finalized. At that point, once we see the regulations, once the industry clearly knows what burden is being placed on them, and what the expectations are, then is the right opportunity to have a discussion on this. To ask for the passage of this bill at this point, I believe, is not in the interests of Nova Scotians, it's not in the interests of scrap metal dealers, and it's not the proper way to do legislation or the proper way to govern in this province. Merci, M. le président.

MR. SPEAKER: The honourable member for Inverness.

MR. ALLAN MACMASTER: Mr. Speaker, we also introduced a piece of legislation in this sitting, an Act to Regulate the Sale of Scrap Copper and Certain Other Scrap Metal. We did that because we wanted to send a message to thieves that there will not be a market to sell their stolen goods. I've also suggested that we should move beyond our province to ensure that we don't export that market beyond our borders. Unless we get other provinces to do the same thing, this province is going to keep moving on.

I respect the member who just spoke; I respect his comments and he's made some good points. I do believe that a lot of these backyard scrap recyclers eventually have to go to a place of repute, and at some point we need to give the police the tools they need to try to stop this activity.

You have to put yourself in the shoes of a Nova Scotian who perhaps woke up one morning to an oil spill in their backyard, their property damaged with the reality that they may have to leave their home for months at a time until the property is properly remediated, costing thousands of dollars - and for what? So a thief can steal a piece of copper line for the sake of a few dollars.

The problem goes beyond copper lines. We look at things like church bells, monuments, items that destroy irreplaceable fabric within our communities. I think of the Cemeteries Protection Act that we introduced recently and passed by this Legislature - which is a rarity to have an Opposition bill passed, but everyone saw the value in that. That legislation is now enforced and if someone is caught damaging a cemetery the penalties are much more severe. There are also industrial thefts that cost money and create delays on projects, that impact jobs.

One point I'd like to raise is I wonder, if we had not introduced this piece of legislation would the government come out and introduce the piece of legislation we're speaking about today? It looks as though they may have scrambled to put it together. We were speaking about today. It looks as if they may have scrambled to put it together. We were speaking about it publicly a couple of months back. We feel that the legislation we're speaking about today has some shortcomings. It doesn't do anything meaningful to discourage oil line thefts, specifically, and it contradicts long-established legal tests, which means more litigation, more costs, more uncertainty, and more delay for the justice system when it is trying to adjudicate over these matters.

It violates principles of civil liberties, which is very surprising, considering that civil liberties have always been very important to the NDP. The bill we have introduced does more to address the problems, is more legally sound, is less costly, and is more respectful of civil liberties.

Now I want to get into specifics, Mr. Speaker. This bill that we're speaking about today does not make it an offence to buy and sell used oil lines. We know scrap dealers, that it can be difficult to find an oil line in a load of scrap, but instead of abdicating responsibility, government should act, and action need not be unfair to scrap dealers. Legislation should make it illegal to buy or sell things that reasonably look like used oil lines. Only certified installers are permitted to handle them anyway, so for the thief who cuts and steals a few oil lines, perhaps to buy drugs or some other item, why not take the market away from that thief?

A dealer who finds one in a large load can call police and report the transaction. We have no problem with timely reporting of a pipe in a load being a defence for not reporting it sooner, or any other form of due diligence.

Mr. Speaker, we need action today to stop scrap metal theft. The government bill has complications that are left to be ironed out and they are going to have to be ironed out

through regulations. That will eat up maybe a year while this practice continues and Nova Scotians continue to suffer from its impact.

Our legislation addresses the heart of this issue and we don't need to wait to create regulations to accomplish the same goal, because the legislation that we are proposing is very straightforward and doesn't require time to be spent drafting regulations outside of the legislation.

If we look at civil liberties, with Clause 5 of this legislation, an officer who decides they have grounds that someone's business has evidence, can search that business. No warrant is required. The consequences of a search can be charges and a jail sentence for a regulatory offence. There is a 24-hour, seven-day-a-week process to get a warrant. If someone has grounds, they should go before a justice or a judge and get a warrant. That's the way we do things, Mr. Speaker.

Our legislation allows for a less intrusive inspection of a scrap dealer's records. If that does not satisfy police investigators, they then would have the option to proceed with obtaining a warrant for more extensive investigation. That would respect civil liberties, and we also think it would make the process easier to adjudicate for the justice system.

With the elimination of the need for warrants, this poorly-conceived bill that the government has put forward is creating uncertainty. In the legal system, uncertainty leads to more court proceedings, higher cost, and more delay, all of which are bad outcomes for all involved. How does that help the victim of a copper line theft?

The proposed legislation will leave openings for the defence of a scrap metal dealer who has accepted stolen goods. For strict liability offences like this - or to take a common example with the Motor Vehicle Act - an accused can resort to a handful of well-defined and well-known defences. These rules are applicable through the Summary Proceedings Act. Due diligence is one, and the most common, but there are others; entrapment, officially-induced error, and necessity are other examples.

With the government's proposed scrap metal theft solution, government is interfering with the well-established legal regime, which works well and has certainty. So again, uncertainty equals more court time, more money, and delay.

We believe that scrap dealers are better protected by the common law defences, so we ask the minister to reconsider the legislation that the government has introduced and to take a closer look at the legislation that we have introduced, as it is a better solution to protect Nova Scotians from scrap metal theft. Thank you, Mr. Speaker.

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

MS. DIANA WHALEN: Thank you very much, Mr. Speaker. I'm pleased to rise and speak a little bit today on Bill No. 90, which is entitled the Safe Collection of Scrap Metal Act. Again, as my colleague, the member for Richmond, had said earlier, I'm not sure where these titles come from, the idea of introducing the word "safe" into that makes it sound kind of warm and fuzzy around scrap metal but really there are no unsafe practices now. What he's talking about is illegal practices and I think sometimes we have to question when we're using words in a way that circumvents the real truth of the matter.

Really this is a revisit of a bill that had come before the House in 2008, Mr. Speaker, and I think it's important for all members of the House who were here at the time to remember what the position was of the NDP Government at that time, and where we are today. At the time it was a Progressive Conservative bill before the House, so it was a government bill. It had a different name; it was called the Scrap Metal Dealers and Recyclers Act. That was probably more to the point, that's exactly what it is, really, and that's what it should be called today, not this safe collection businesses. It's not about the collection of scrap at all; it's about the theft of scrap metal and metals that are concerning the government, according to the minister when he made his opening comments.

My concern is that we have not learned anything from recent history, from 2008 when this was brought before us. At the time there were some very strong opinions voiced by the scrap-metal dealers who came before the Law Amendments Committee and had indicated they had very little warning, no idea of the regulations, no detail that was going to give them any comfort that they would be able to abide by the regulations that were being proposed, although they hadn't seen them. It was a question of a lack of consultation and a lot of uncertainty for the people whose business, whose livelihood depends on knowing the ground rules, and here is an Act that in 2008 was going to change those ground rules.

Now the minister at the time had a slightly different bent. He was very motivated by Nova Scotia Power and by thefts of metal around Nova Scotia Power facilities, and I think had promised Nova Scotia Power that he was going to do something about it. If we remember correctly, when that bill came before the Law Amendments Committee and we had a chance to listen, as members of the committee, to the people who are being impacted, there was a strong feeling that the government had failed to consult with those business people, that we hadn't considered the impact on their business and that there needed to be some sober second thought. When it came to a vote at the Law Amendments Committee, the bill was held there, it did not pass through. The government of the day was outvoted and the bill could not move back to the House for third reading.

The reason for that, the reason that it got held up, was strictly because there had been no consultation and what we've heard now with the introduction of this new bill by the now NDP Government is that, once again, the scrap-metal dealers have been ignored; that despite their strong appeals for time with the minister, they were granted only a short time and they felt they were really dismissed before they had even begun; that their

viewpoint was not being heard; that the minister's mind was made up and they didn't really receive the courtesy of any opportunity to put their viewpoint forward.

Mr. Speaker, at the time we felt what was really needed was an honest attempt to look at how the changes that might be proposed were going to impact the scrap-metal dealers. I can say, honestly, that I don't feel we're any further ahead today than we were in 2008. That was a travesty in 2008 and I'm glad it was a minority government and that the NDP stood up and helped to hold that bill behind and stop it in its progress before it caused any damage to a sector of our business community.

As was mentioned by the member for Richmond, the largest scrap metal dealer in the province is in the Clayton Park riding - it has some other locations as well - and that's John Ross & Sons scrap dealer. In a single day they can do 400 transactions at their location in Clayton Park, so 400 purchases and transactions with scrap metal, and anybody can go up there and see they have a big yard and there's a lot of activity. I might mention there's a lot of employment at that centre. There are a lot of people depending upon it because it is a good job for people. It's well located, and people are employed there because it's making money.

If we put an unnecessary burden on all of the scrap metal dealers, big and small, you're going to find that they just are not going to be able to make ends meet in this province, and we're going to be impacting employment again. We're going to be causing even more red tape which is something that all governments should try to maintain a balance. You want regulations that are going to be useful and help in the safety and health of our individuals, protecting the people in our province, but you don't want to create unnecessary red tape and a burden on any business or industry.

We're creating a burden here not only on the businesses that are legitimate scrap metal dealers, we're creating a burden on our police forces because who is going to look over all this paperwork? You're asking for an enormous amount of paperwork to be maintained and held and available. The police don't have time to review all of that. There has been a number of very practical points raised in the debate by the member for Richmond that point very clearly as to why this is, you know, really ineffective, what's being proposed here is going to be ineffective and the reasons for that, there are a number that stand out.

Number one, the product we're talking about is generic. It's not marked or in any way identifiable. One bit of metal, whether it came from an oil tank or otherwise, is indistinguishable from another and so it's very hard to identify thieves for something like that, you know, by making a rule that everybody has to provide their information, their personal information, that now the business has to maintain a record of all the personal information of everybody who has sold them any scrap metal. It's not necessarily going to get you any closer to finding the wrongdoers, the people who are causing harm in our province, you know, I mean those are the people you want to get at.

So, number one, you have a generic unidentifiable or unmarked product which is very difficult to differentiate and, secondly, you have an industry that isn't regulated. So to be a buyer and a seller of scrap metal, I don't need to register; I don't need to be licensed by the government. So there are lots of legitimate businesses out there that the government can know of and identify but there can be many others that are actually doing that, buying and selling and trading, without being noted or known to the government. So it's going to be very difficult, if not impossible, to ensure that every single person that's engaged in that trade is going to be part of this system, captured in this giant database of buyers and sellers.

We're asking them, again, to maintain some very personal information which means you're going to put a high level of safety and control on that. That's going to be difficult as well for the legitimate people who are trying to make a living, hire other Nova Scotians, and contribute to our province. So I think we need to look at those two things; the unregulated nature of the industry and the fact that the product is indistinguishable, one piece from another, is going to make it very difficult.

Mr. Speaker, I had mentioned about the burden that this is going to place on the police forces and a lot of that will become more clear when we see regulations, but I was reviewing what was said in 2008 here in the House when the member for Timberlea-Prospect actually had spoken, probably as, I would say, the Justice Critic of the day, and you know, his comments were definitely sympathetic about being concerned about the theft of anything metal. He spoke a lot about monuments, veterans' monuments, and that sort of thing. Those may be identifiable and let's go there for a moment.

If somebody does steal a plaque that you could identify and it is presented in that form to a dealer, you can be absolutely sure today that any of the licensed dealers would be reporting that. They are aware and we've been told, and we were told in 2008 at the Law Amendments Committee, that when the police say a certain item has been stolen either from a graveyard or a war memorial, church bells, memorial bells, things like that, the police automatically send out a fax or an e-mail to all of the scrap-metal dealers that they know, saying be on the lookout for this because this is something very important to the community and it has been stolen.

The dealers have, you know, many instances where they have responded to that, they do get back to the police. They have actually had arrests come from that kind of network of knowledge where they're being informed by the police and then the scrap-metal dealers are doing their job, too, to be honest and upright which, of course, they would do.

So we already have that in place. We have a sector and people in that sector who are already co-operating and working closely with the police whenever they're called to do so.

We don't need to come down on this industry with a heavy hammer, is really what I'm saying. What we see before us is exactly that and the Progressive Conservative Government did just the same thing. They came down with a knee-jerk reaction to a



situation, which interestingly enough, they abandoned after that because the prices of a lot of these metals went down. It was no longer as big an issue and they just kind of went away and didn't bring it back. Now I see their critic has brought in their own bill so they seem all gung-ho for this kind of regulation as well.

Remember that one of the big unknowns in what is before us in this bill is what exactly will be written in the regulations. I can tell you from my earliest days in the House, we learned very quickly that the government can write whatever they like in regulation. They can just fill their boots, basically, and go crazy writing things that can completely reverse the intent of a bill or take it to a level that was never intended. Bill No. 1, that's the example I'm using from 2003, and the regulations were unknown to the members of this House.

In fact, the current Minister of Finance actually, himself, spoke about how much they had circumvented the meaning in that bill from what was brought up here in the House, but of course, his memory is a little short. Some other things have taken on and we know that was then, this is now. It's so different for the NDP today. They don't even look like the NDP anymore, that's how different it is.

People couldn't recognize the kind of legislation that is being proposed by this government. Their priorities, their motivation has completely evaporated; their values have been changed. They're the law and order group now; that's one thing. Let's bring down the House in terms of more boots on the street and law and order and let's bring in bills that you can't even enforce. This is foolishness. (Interruption) Yes, that's right. This may cost more. We're going to have to ask for some more police officers if you want to properly institute it. We know we've got a tight-fisted Minister of Finance even if he says he has no directives to his colleagues or to their departments. I think we know better, that there is somebody that is controlling the purse strings in government and really dictating - not only directing but dictating - to the other members, other ministers who are responsible for departments themselves.

What I really think is we've brought before us a bill, that while the circumstances that may have led to it coming to us in this instance, different from Nova Scotia Power, the minister has begun by speaking about homeowners and begun by saying that we want to help homeowners who have been harmed. I agree with that entirely. We've certainly had thefts that I've been aware of in my area as well and oil spills that have resulted, but I think that this is not the way that you're going to get there and I know that the member for Richmond also mentioned that there are other means. There are new kinds of oil tanks. There are other precautions, other ways that we can get there, oil tanks that don't have copper in them, that aren't going to be easily broken, so that you wouldn't have those kinds of detrimental environmental catastrophes. They're expensive and they're devastating for the families that are affected.

I feel that too, but I think you have to be - especially in government - able to balance what is before you, what the problem was with individuals, with homeowners, with people who have been robbed and whether or not this bill is going to meet the needs of that condition, of that circumstance. Will it make it better for any of those homeowners? I would say it won't. I just think that you're wasting your time and effort. You're wasting the money of a lot of legitimate business people. You are wasting their time. You are burdening the police force with a bunch of paperwork that they will never look at. If it's being sent to them, they'll be buried in this amount of paperwork and it will never be analyzed or gone through or used for any useful purpose.

Bottom line is this is a bad idea. It was a bad idea in 2008 when it was brought forward and it's a very bad idea today. It hasn't, in any way, improved where we're at. Again, to go back to the consultative piece, we knew in 2008 that the industry was not heard; their concerns had not been registered or dealt with or in any way recognized. The NDP at the time listened to that and voted against this bill at the Committee on Law Amendments for that very reason. All three members of the NDP voted against it and yet today it's an NDP bill. Go figure.

What is this about? It would be great if you could show us that you've sat down with the industry, that you talked to the major players and the small scrap metal dealers, that you've looked at all of the factors of where the scrap metal is dealt with, where it travels to, how it crosses our borders, what percentage is never even handled here in our province. How much of it is put on trucks and taken to Quebec or out of province? We don't even know that.

We know that we have active scrap metal yards, but we don't know how much is leaving the province untouched by any of those dealers. The fact that the government feels this is going to make a difference just shows a real naiveté, it really does. Maybe it's too complex again - as the Minister of Finance likes to say, everything's so complex. Maybe this one just got to be too complex.

You've brought in a bill that looks a whole lot like what we saw in 2008 from the Progressive Conservative Government and you're trying to deal with a problem that really needs to be worked out in consultation with the industry. I think it's very telling that not one jurisdiction in Canada has brought in legislation, and they certainly are feeling the same stresses that we are here in Nova Scotia. It's called foolhardiness. It's called lack of consultation. It's called being indiscriminate.

Leading the way without evidence, leading the way without consultation, leading the way in the dark is not leadership. We have two extremes, as was said earlier. We have a Health and Wellness Minister who won't act when five provinces have taken action to introduce insulin pumps for their people. We can't act until we have more evidence. We have to do more research, we have to find out independent research, industry research, and so on and so on. Lots more money, lots more caution.

Then we have a Justice Minister who thinks that he's - of course, he's the take-charge law-and-order type, so he can just grab this issue, draft up a bill, and away we go. Basically, never mind what the others say, never mind what the industry says - in fact, showing a level of arrogance to people who come speaking about their livelihood and their jobs and the people who they represent, who they employ. That's pretty important.

We've seen, and we've talked about in Question Period and otherwise, large numbers of people out of work in this province, the workforce shrinking most recently by 5,000 in the last year - 5,000 Nova Scotians. We know where they are. Some have retired early and just left the workforce; some of them have packed up the U-Hauls and they've gone out of the province, they've moved. All you have to do is talk to your friends, people our age, and where are their children? They're gone out of the province, lost their work here - maybe in the call centres in New Waterford, or uncertainty around their future. They're gone. All you want to do is create more uncertainty in that environment through this bill and through the newest bill you brought in today around this first contract negotiation or arbitration. Those sorts of things just create a level of instability that this province doesn't need at this point in time.

Again, if you would deal with people in a frank and straightforward way, give the time to the industry that you would have expected when you were in Opposition, that you would have expected government to do (Interruptions) Mr. Speaker, I'm being interrupted. I am. I would like you to talk to them.

MR. SPEAKER: Well, the honourable member used the word "you." As you know, the Speaker of this House does not like the use of the word "you." I would ask you to refrain from using the word "you" in further conversations today in this House.

I would also ask the other members of this House to respect the individual who has the floor, and if you have conversations that you want to carry on, please feel free to take them outside the Chamber.

The honourable member for Halifax Clayton Park has the floor.

MS. WHALEN: Thank you, Mr. Speaker. I wasn't aware of what that heckling was all about, so I appreciate you pointing out the error of my earlier speech. I will avoid any direct use of the word "you" in terms of speaking of the other members of the House. We will direct our comments through you, Mr. Speaker.

Bill No. 90, as I said, is a bad, bad idea. It's a burden on business and it's going to be a burden on the police force. It's taking an approach that is using a much larger method than is needed. The idea of consulting with industry would provide you with the answers, and I think you could find ways to achieve as much of the aim that you would get from this bill in a much better way.

Again, I'm going back to the regulations which the Minister of Finance tended to disagree with and yet I can tell you first-hand I have seen regulations that have come out after bills have passed this House when the regulations circumvented what we intended as members of the House when we voted on it and I felt it was really an affront to the Legislature when that happens. It can happen though, and we have no control.

Regulations are written by the departments in the back rooms and approved by Cabinet so we don't get to see them again, we don't get to amend them or put our two cents worth in and neither do the industries or the individuals who are impacted.

That is why today I am very concerned that the scrap metal bill is here before us without any regulations. So we can't look at what the exact requirements will be for a business and we won't be able to advise them about how damaging this is to their livelihood.

I can tell you that they are very alarmed and concerned and they will be, I'm sure, before Law Amendments Committee, to say exactly that and to ask that you spend more time consulting with the industry. If you're intending - and not only intending but determined - to make this happen and to push through a bill that doesn't seem to be necessary, then by all means, do it in consultation with the people who are going to be impacted.

The way the government is going about it is a sure-fire way to alienate Nova Scotians one by one, one industry at a time, one employer at a time, one community at a time, you will alienate them all because you're well on your way with others and now you want to pick up on this one - the government is well on its way with others. For that reason I think it is time for some sober second thought and a chance to get this a little bit better.

Mr. Speaker, just for a couple of points that I think are germane to this discussion, the idea of legitimate business trying to identify the scrap metal and determine whether or not it's a stolen piece is really the centre point here to what we're discussing. Even if they get all of the information from a seller as they come into the business and they purchase some scrap metal, there is no way to identify where that came from. So as I said, we're going to have hundreds and thousands of records maintained and no way to tie it back to the thefts that the government is concerned about.

I think it is important to look at convictions. What we heard from the industry is that nine out of ten thefts, and even when they look into where it might have come from, they can't get a conviction and the reason for that is because they can't determine exactly the evidence, whether that was a stolen piece. In fact, I think the member for Richmond, my colleague, used the term continuity of evidence, which provides me with a legal term that I wasn't aware of before, but really, continuity of evidence means that it is unidentifiable, unmarked. I think we have to remember that that is just the nature of this product. I'm sorry that it doesn't allow easy identification so that we could punish the

people who steal it, that we could track it down and identify it and say that they are responsible. But if you can't, then under our courts and our system you will find that they are not convicted and then you have just taken more court time and more police efforts, prosecutors' efforts and it is going to be for naught.

So I think we need to look at that and see whether it actually makes a difference and then again, in any jurisdiction where there have been more controls brought in, has there been any marked decrease in thefts? That is the next test. If you can look at a jurisdiction that has brought in some changes and see whether it actually made any difference. One thing that I was told is that there are no jurisdictions in Canada that have this kind of legislation but in some states in the United States they do have some further rules around this and in fact there are some states that actually require fingerprints when you sell copper. Even in those states where they have gone beyond your name and address and social insurance number, they have got your fingerprints, even in those states there has been no change in the level of thefts of metal.

I think that is quite telling because, again, if we are going to learn by evidence as the Minister of Health and Wellness says, then we ought to look and say, what is the evidence, has anywhere in the world dealt with this problem and have they had success? So we see an even more draconian level of paperwork and requirements. I mean, that's a pretty serious invasion of privacy, asking for your fingerprints. I think there are a lot of people who would think it was an invasion of privacy to provide the kind of detail that the government may be writing into their regulations.

I think that this is very important that we look at what other jurisdictions may have had success. From my scan of all of North America, nowhere has. The American states are the ones that have brought in stronger regulations and stronger penalties and yet it hasn't made a difference in their conviction rate, it hasn't made a difference in their level of theft.

So that brings us back to why the bill is even before us and I think it's purely a political bill. It's a bill to make it look like the government is doing something about a problem that is important, about homeowners that have been impacted, about thefts of just small amounts of wire that can cause huge loss of oil, and environmental oil spills, for example. We know that there can be a danger around utility poles, that sort of thing. Those are problems but this bill isn't going to do it.

I just see the government saying, well, here, look at what we've done, and you can wave the bill and you can pretend that it was effective. But I can tell you that within a couple of years we'll have some evidence and some data and we'll be able to say it did nothing but put some businesses out of business, or cut their employment levels because of the impact on this. Maybe the minister can go tour them and see the room full of paperwork that they'll have set aside on every transaction that they've done for the last, however long. You'll see that it really will not be effective. I think if the government could project itself into the future and consider whether this will be effective, I think that it will be very clear

that you will then say that the member for Halifax Clayton Park was right in her concerns about this and in signalling that consultation with the industry would have been a better way to go.

There is still time, Mr. Speaker, for the government to say, let's do that consultation, let's bring this back in the Spring when we have a better idea, let's take a little bit of the important time that the Justice Minister has, we know how busy he is, just maybe he could allot a little more time and, perhaps, assign a little bit more of his staff time towards consultation and genuine attempts to work with an industry. I know that may not be the natural proclivity of the NDP, but just try it. I think it will get you a lot more friends in the long run, a government will win a lot more friends if they did that. That's the way to move forward.

I feel that this bill is going to be used just for political purposes, when in fact, it will prove to be absolutely ineffective in the long run. Mr. Speaker, I think I've already explained my reasons for that, so I'll be looking forward to the Law Amendments Committee, when we will hear more again from, I hope, the industry, perhaps from people who are concerned, maybe from law enforcement officers as well. Thank you very much.

MR. SPEAKER: The honourable member for Argyle.

HON. CHRIS D'ENTREMONT: Thank you very much Mr. Speaker. It's a pleasure to stand and maybe speak a few moments on this scrap metal bill. We do see a problem when it comes to scrap metal in this province and how it's being taken care of and the opportunity for theft to happen in our province. How many of us have now heard of oil lines being cut and oil lines being sold as scrap and to look at the damage that that creates.

I, myself, had the opportunity to tour around the Legion in Lower Wedgeport. The Legion in Lower Wedgeport was broken into, insofar as they cut the lines on the tank of oil, which apparently was a full tank of oil, leaked on the back side of the Legion and therefore needed remediation. If we know remediation costs, especially for oil, it can be phenomenal. I forget the dollar and cents, of course, that they had to go and spend on something that really wasn't their fault, wasn't their real responsibility. We all know that the issue of Legions across this province that they have, in just maintaining the services of keeping a hall open, being able to offer some services to their communities.

Just that fact, I think in my mind, warrants us to look at this issue a little more closely, to come up with some kind of mechanism in which to deter individuals from looking at some kind of theft when it comes to that. What are they using money for, why are you stealing the scrap metal? Copper and other pieces like this come with a high cost to them, so they can actually pay for drugs, so they can pay for things that are required. We talk about bells and monuments and how many times have we seen in the paper, over the last months and years, of bells, church bells, or placement bells that are being stolen to be melted down for something else. Even the monument to Pope John Paul's visit back in the

1980s was stolen off the Halifax Common not so long ago and probably ended up being melted down and used for something else. Had there been a mechanism in place, that could have, maybe, deterred this. It could have stopped this, stopped it dead in its tracks where at least it would have been caught by someone.

Now, we can talk about construction and how many in the construction trade will tell you that they don't leave any equipment behind. If you're building a house, you're not going to be putting any wiring in early in your construction phase because what happens to it, unless your property is secured, thieves will come in and rip the wires right off the walls in order to sell that. I've heard of some contractors putting wires up in a building three or four times and to show up in the morning again and everything is ripped out again, that they've had to start all over again.

This costs money to the business, this costs money to the homeowner, and it's just not right, Mr. Speaker. We need to find a way to do this, so a scrap metal bill is something that I think we in the Progressive Conservative caucus tend to agree with. Now, do we agree with everything in the bill? Well, no, we feel that there are some shortcomings in this bill, things that need to be strengthened. As a matter of fact, we put our own bill in that we feel is a little stronger and does approach some of these things when it comes to civil liberties, when it comes to other things that it has done in a much more appropriate way but, then again, we have a bill that's being discussed by this government that I think requires or needs due consideration.

Mr. Speaker, it does create a bit of a confused response where it did seem to come in at a different time. It seems like ours came in and then they rushed to try to get their own bill in. I guess they are just trying to beat us to the punch in this one, but that's okay, that's okay. (Interruptions) It doesn't matter where the good idea comes from, at least it's being enacted on this. We do feel that it doesn't really do anything meaningful to discourage that oil line theft and it does, in our estimation and from our review, mess with some long-established legal tests. It will create some more litigation. It will create more costs, maybe some more uncertainty, some more delay in the justice system, and the issue of civil liberties, as I mentioned earlier. It's very surprising for a Party that often held civil liberties close to heart to have something that impacts that insofar as that goes. We have the alternative bill that does address these problems.

Anyway, trading in oil lines is a topic that I do want to continue on a little bit more. It doesn't make it an offence, within this bill, to buy and sell used oil lines. As I said before, this can be a very expensive issue, just from my experience. I don't know how many buildings we can drive by, seeing it getting dug up all around the buildings, and the dollars and the cost to the homeowners that this is creating, but we find that it doesn't necessarily stop that from happening.

We know from our conversations with scrap dealers that it is sometimes very hard to find it in a pile of scrap. So if you're bringing a truckload of scrap into a dealer, it's hard

to tell, within that pile, what's oil line and what's not but this action, by specifically looking at that product, it shouldn't be that difficult because you can make it illegal to buy or sell something that looks reasonably like an oil line. I know what an oil line looks like, and I know many of you know what an oil line looks like, so it shouldn't be that hard to find. In particular, certified installers are the only ones really permitted to handle them anyway. I mean myself, as a private citizen, I really wouldn't even know where I would go to procure an oil line in order to replace one at home. Then again, I don't have an oil tank so it wouldn't make a whole lot of sense for me anyway.

We've got to take away the market for those individuals because right now they can cut these things; they can throw them in the back of their truck, and they can show up at a scrap dealer. I'm not saying that all scrap dealers are bad. In a lot of cases they're very busy; they're looking at loads and loads of scrap, all mixed together, and most of it can look legitimate. But hiding in it somewhere - if you're not doing your work, these things can get missed. We're hoping that some of these things can be looked at.

We feel that the government bill has some complications that need to be ironed out, and, like the previous speaker who was talking, we'll have to wait for those regulations that will be created by this bill. What are those regulations going to look like, and can we do them quickly? There's another whole year. I know how regulations go. It takes a long time to get them drafted, a whole lot of time to get them approved, and then they may not be effective enough to do this. During that time, during that wait, more oil lines are getting cut and are being used for things like buying drugs and others.

Mr. Speaker, the legal test we need to look at is the issue of warrants. The proper way to deal with search warrants, of course, is under the Summary Proceedings Act. It's a well-established, complete set of rules and a clear test. Normally if a search is to be done under the Act, the Act gets added to Schedule B. Implicitly, the government is messing around with that.

Clause 9(1) allows application for a warrant if a person won't allow an inspection or if they interfere with that inspection. So is this a new test? If so, there is really no oversight of police. It is Schedule B to the Summary Proceedings Act being amended - some questions around that one - so we have a test of Section 9 of the Scrap Act, plus the Summary Proceedings Act. The government is creating uncertainty with a poorly-conceived bill, in our minds. In the legal system, uncertainty leads to more court proceedings, it leads to higher costs, and of course, more delays, all of which are bad outcomes for all those who are involved in it.

Finally, I think I'd like to talk about what kind of defences apply for the strict liability offences like this or - take a common example in the Motor Vehicle Act - an accused can resort to a handful of well-defined and well-known defences. These rules are, of course, applicable through the Summary Proceedings Act and how it adopts rules in the Criminal Code. Section 8 of the Criminal Code adopts common-law defences. Due



diligence is one and the most common but there are others - entrapment, officially-induced error, and necessity are other examples. So government interfering with some of these well-established legal regimes, which work well, has some uncertainties that, of course, we would maybe like to have some further clarity on some of those issues.

Clause 12(4) creates the defence of due diligence, yet far less is said about it than the Supreme Court of Canada has to say about defining the common law defence, so we ask, Mr. Speaker, whether this is a new test? Is this an additional defence that is available? Does the fact that one defence has been set out mean that other common law defences are no longer available to an accused? Again, uncertainty, which equals more court time, more money, and more delay. Scrap dealers may have wanted something said, but they were better protected by the common law defences and should be careful of what they ask for.

Again, although we underline a number of deficiencies that we're finding in here, I think there are a number of things that can be strengthened. Maybe we can learn from the bill that we brought forward; maybe there are some things in there that we can meld together and make a good bill that will protect citizens in Nova Scotia, insofar as protecting homeowners and others within Nova Scotia when it comes to the theft of scrap metal.

I thank you for the opportunity to speak on this bill this evening, Mr. Speaker.

MR. SPEAKER: Thank you. The honourable member for Kings West.

MR. LEO GLAVINE: Thank you very much, Mr. Speaker. I am pleased to stand in my place today and say a few words, because I do have a couple of scrap metal dealers in my riding, and they have obviously made a few comments to me.

First of all, I would have to say on the title of the bill, Safe Collection of Scrap Metal Act - the very first thing that the scrap-metal dealers said to me was, are scrap metal dealers having a lot of accidents on their premises? That was the very first thing he wanted to know - has WCB initiated this bill, that we're going to have a safer workplace and not as many injuries and so on? This is really a misnomer that is being portrayed on the public of Nova Scotia. This is a very, very important industry in our province. We, as a province, have moved very strongly with recycling. In fact, we can call ourselves a world leader in that department and collecting scrap metal is a way to beautify our province and to keep metal that is needed in the industry, non-ferrous metals to continue to be used where they are so needed in industry.

The one thing I had pointed out by one of the dealers I chatted with, was this bill really going to solve anything around the theft of metal? I can understand where government looked at a few situations and said perhaps there is some capitalization on the perception that this is a massive problem in the province. That we're going to frame a bill that will look like we're correcting it. The dealers that I spoke with certainly didn't see this as going to solve anything.

We all know of some heartbreaking cases, I'm sure. In my community, Auburn, St. Mary's Anglican Church, I think the second oldest in the province - their church hall had a theft of probably six, eight feet of copper pipe and \$70,000 later they're dealing with the issue. Last year I had a couple of seniors who had gone to Florida and the thief broke into their house and stole every bit of exposed copper and what they could actually pull through the walls.

Now, was it solved? Absolutely not. Not in either of the two cases and they both got tremendous amounts of investigation. How are you going to track copper pipe through the scrap metal dealers? It's very unlikely and it's only going to be some information that the police will procure and obtain through investigation in the community. Even then, as we now know, convictions are even much more difficult.

I think many of us in this House have learned that the more we consult with the stakeholders, with people who want some legislative action to correct the problem, to deal with the deficiency that legislation currently has. We know that consultation is, in fact, the best way to go. This is what we're hearing from the industry, they were truly not consulted on this whole issue. They worry about the potential costs, the potential fallout for their industry.

Perhaps they would have received a couple of other good, consultative remarks about the ways in which government could actually help their industry. That, perhaps, would have been a good use of their time as well because dealers will tell us, perhaps they told the minister, one of their biggest concerns is actually theft from their scrap metal yards. In fact, with the major players, that is a problem. They sometimes unknowingly buy back metal that has been stolen from their property. The identification in all length, 10-, 12-foot lengths of copper pipe, there simply is none whatsoever. Again, they may be able to work with government to deal in some way in which they could have additional monitoring of their properties.

We've gone through this exercise in this House and I think all of us here, if we're truly honest about what we heard from the scrap metal dealers, from their association, we wouldn't be going down this road again in 2011. They told us very clearly, in 2008 and once again in 2011, that there is nothing in the bill that will enhance the ability of prosecutors to get a conviction, unless it's specifically marked. Yes, if we do have some major monument that has markings on it, there may be, in fact, some possible way in which tracking and conviction can be made. Essentially, unless a thief is caught red-handed, the industry says, really, there isn't going to be prosecution and there won't be penalties there as well.

The industry is saying that, perhaps, about 5 per cent of a total of 16 to 18 million tons of scrap metal is actually stolen. Whether it's from one of the electrical companies, whether it's small contractors, up to 5 per cent is probably of a stolen nature. A lot of it will depend and fluctuate if we go back and take a look through a couple of decades, we'll see

that it really is a determinant of the world price of a particular metal. There are great highs and lows in terms of how much is actually stolen from year to year. The dealers are basically saying the bill will not affect demand. It's a world commodity and we know that this bill is certainly not going to play into this.

As we look across the country, we don't have jurisdictions going down this road, it is truly an unregulated industry. From time to time dealers are able to pick off somebody. Dealers work with police on this issue, the dealers who provide a good business, a necessary business, provide employment for other Nova Scotians, they carry this out with all the legitimacy of any other business. If they see some kind of pattern or trend that they are concerned about, that information is passed on. They will work with police where it's necessary, when it's necessary, but now we truly wonder about the implications of this bill, will it require much more police work, court time and, in that very rare case when there is a prosecution, generally, it's based on the price of the materials and it doesn't really take into account the tremendous amount of costs of police work, of court work in terms of the prosecution. We really have another issue and another problem in that regard.

The scrap metal dealers in my area say unequivocally that the house lot of material that was stolen in a community in my riding last year, is probably a 90 per cent chance that it left the province. It did not go - you know, again, being worried about was there something there that could have been picked up and identified, if you wish, something relating particularly to a house lot. It's not likely to show up even in one of our scrap metal dealer yards.

I'm hoping that this bill will get a second look. The real danger is not upon us yet and that is the regulations. What will be the regulations that will come forward that perhaps place a tremendous burden on these dealers? That would be an unfortunate development, that a piece of legislation, while having the appearance of doing some good, will not solve a problem and could be costly to a business. So that's an obvious concern that we are facing.

I would hope that during the Committee on Law Amendments that we will hear from those who should have been consulted in the first place, and that with some of the compelling arguments I know they'll bring forward, that government will truly take a look at whether this bill should pass in any form through the House, and perhaps that very, very strong look can keep this piece of legislation from moving into law in this province.

I know I look forward to what those who will appear before us - because we know that in 2008 they came with some very, very compelling arguments as to why it should not go forward; in fact, in the strongest terms they said this is a political bill only, it's only a way for the government to say, hey, look, we're doing something here. Thank you, Mr. Speaker.

**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 wish to thank my colleagues for their very insightful and enlightening comments during the debate of Bill No. 90. When I opened the debate I talked about how the safety of Nova Scotians has been put at risk by thieves stealing metal. It also threatens the environment and the economy. We believe this legislation will help prevent this crime; we believe it will make Nova Scotians safer and more secure.

With those few remarks, Mr. Speaker, I move second reading of Bill No. 90.

MR. SPEAKER: The motion is for second reading of Bill No. 90. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

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

The honourable Government House Leader.

HON. FRANK CORBETT: Mr. Speaker, would you please call Bill No. 93.

**Bill No. 93 - Education Act.**

MR. SPEAKER: The honourable Minister of Education.

HON. RAMONA JENNEX: Mr. Speaker, it is my pleasure to rise today and speak to Bill No. 93, an Act to Amend Chapter 1 of the Acts of 1995-96, the Education Act, Respecting Teachers.

This bill will improve the oversight process for teacher certification and granting of permits. As the legislation stands today, the Minister of Education is responsible for making decisions related to issuing initial teacher certificates and permits, and is responsible for hearing appeals of those decisions. By legislation, I, as the Minister of Education, am responsible to hear appeals and make rulings on decisions I have previously made. This is neither appropriate nor balanced for our hard-working teachers. Teaching our young people is one of the most important jobs we have. Those individuals who are applying for their teaching certificates or permits deserve to have an open and transparent process available to them, including the right to appeal their position to an unbiased third party.

Mr. Speaker, this government is committed to conducting the business of Nova Scotians in an open and transparent way and the current legislation is simply not good enough for our teachers. Bill No. 93 will shift the responsibility for decisions about initial

teacher certification and permits to a Department of Education administrator. The person will be responsible for applying the rules and regulations as they are currently written and will approve or not approve the certificate or permit application.

Mr. Speaker, should the applicant feel the decision is any way unjust or does not properly apply the rules, then that individual will have the ability to make an appeal to the minister. The minister will then have the ability to review the appeal where no previous knowledge or history is with the applicant.

Mr. Speaker, the rules and regulations of teacher certification will remain as they are today - nothing will change those. The amendment only shifts the responsibility of approval from the minister to a senior department official who has the ability and expertise to properly review the applications and enforce the regulations. This is the way a fair and transparent process should work in a democratic system and that is why government proposed and supports this amendment. Our teachers deserve to have a clear and transparent process to follow, one that is free from even the appearance of unfairness.

Mr. Speaker, I think this is a reasonable amendment and I look forward to further debate from my colleagues across the aisle. I move second reading of Bill No. 93. Thank you.

MR. SPEAKER: The honourable member for Colchester North.

HON. KAREN CASEY: Mr. Speaker, I'm pleased to rise in my place today to speak to Bill No. 93. I do want to say that at my request, staff from the Department of Education did come to give those of us in our caucus a bit of a briefing on this. That request was made because try as we could, as we reviewed the legislation, we could not understand why such a trivial piece of legislation was coming before the House.

We have, Mr. Speaker, as you know, a bit of a crisis in funding in public education in our schools and we would have welcomed any legislation that spoke to improvements for students in our schools, improvements for teachers teaching in our classrooms, and improvements for parents who need and want to know that the resources that their children need are there. So we made the request, staff did come in, and staff were not able to find anything in that legislation that we had not been able to find. In fact, when staff were speaking with us, they were very honest, they were very open, and they responded to a question when it was asked: what difference will this legislation make in what happens in our public schools, what difference will this make for teachers teaching and students learning? We were told that it would not make any difference.

The question was asked, what will this look like to people from outside looking in, will they see any difference and, Mr. Speaker, the answer was no. So it's because of that failure of an education bill to speak to some of the issues that are prevalent in our public school system, with the reduction in funding, is what has caused us some concern. When

you look at the bill, the minister has said that the bill will clarify the process for teacher certification. That is what the minister has stated in the press release - that it will clarify the process for teacher certification.

Mr. Speaker, not one thing will change in the process for teacher certification. The second comment is that it will enhance all teachers' understanding of the process. Well, if the process hasn't changed and if there's no educational component in the bill, then I question how the minister can say that it will ensure that all teachers understand the process. So those two statements are what we were looking for. There has to be something here, and it is not there. We could not find it; it is not there.

When you speak about a bill respecting teachers, there are so many things that the minister could bring forward that would be respecting teachers. I know that there are a couple of educators across the floor - the member for Hants East, the member for Timberlea-Prospect, who I know understand and value public education. They have seen it from the eyes of a teacher, from the eyes . . .

MR. SPEAKER: Order, please. The chatter is getting a little loud in the Chamber. The honourable member for Colchester North has the floor.

MS. CASEY: Mr. Speaker, those two members that I have mentioned, the member for Hants East and the member for Timberlea-Prospect - educators who I respect - I know those educators have a lot of good ideas about how public education can be improved. I had the opportunity to work with one of those members in a capacity where I believe some of the decisions that were made were enhanced because of the input from two or three educators sitting down together to try to decide what is in the best interest of kids in this province. I would encourage those members to try to convince the minister that legislation respecting teachers can be a lot more meaningful and have a lot more substance to it than something like Bill No. 93.

To suggest that we're going to establish a Registrar of Teacher Certification - I guess I will tell my age, but I've been around here a long time, probably longer than most people - not in this building, but in education, and there has always been a Registrar of Teacher Certification. To suggest that this is establishing the position of Registrar of Teacher Certification really is quite misleading, because there has always been one. Then to suggest that it will be somebody within the Department of Education, well, guess what? That's where the Registrar of Teacher Certification is now. The third thing, to suggest that this person is going to be able to review applications for teacher certification, for teacher permits - that's exactly what that registrar does now. So there is nothing in this bill that will make anything any better for teachers teaching or for students learning.

We have a government that is intent on slashing funding to public education, disregarding what teachers, parents, Nova Scotia Teachers Union, Nova Scotia School Boards Association - all of those partners that we've talked about, those are the voices that

this government should be listening to, not the voice of somebody who wants to balance the books on the backs of the kids in this province, and that's exactly what has happened. When somebody can take \$36 million out of a public education budget and then have the minister stand up and say that this will not have any impact on students in the classroom is absolutely ludicrous. It cannot happen.

We would have welcomed a debate on public education; we would have welcomed something that would be, as the title says, respecting teachers. This does nothing to respect teachers. It does nothing to improve student learning. It does nothing to improve the delivery of education in our public schools.

We have a situation where the funding has been cut. The Minister of Finance likes to brag about how funding cuts have to parallel the declining enrolment. What the Minister of Finance doesn't admit - I expect he knows, but doesn't admit - is that when you have an inclusion policy in the public school education system, you have the needs of many, many kids that need to be met. Those needs are being met by special programs, and one-on-one intervention programs are costly. So the question is, do we want to be all-inclusive? Do we want to welcome every student into our school? Do we want to provide programs that help meet their needs? I maintain that we do and I would expect that every member in this House wants to do that. I would suggest that you can't do that if you're going to continue to gut the education system and take out the supports that have been put in place for those kids who have those special needs. A bill that would speak to that would be much more respecting teachers than Bill No. 93 which really does nothing, absolutely nothing, to make any difference in how kids learn or how teachers teach in our schools.

I will repeat that the Office of the Registrar is there, it has been there, it's clearly identified what the registrar does. The staff who briefed us said nothing will change and the legislation certainly does not identify anything that will change.

Mr. Speaker, with those few words I have to tell you I'm disappointed. I would welcome some legislation which was speaking to education. I would hope that at least a few of the educators on the government side would help make the others on that side understand the importance of public education.

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

MR. EDDIE ORRELL: Mr. Speaker, I rise on behalf of my caucus colleagues to speak in favour of Bill No. 93. This legislation creates a more transparent and appropriate process for teacher certification in Nova Scotia. Although it does not change the way a teacher is certified or what they need for certification, it does transfer the authority for teacher certificates to the Registrar of Teacher Certification. The Minister of Education will now be removed from hearing appeals on her own decisions.

Any initiative that increases transparency in the process and ensures a reasonable separation of powers and responsibilities is, in the opinion of those in the Progressive Conservative caucus, a positive step forward. This will allow the minister to use her time more effectively on important issues at hand, issues such as budgeting, bullying and issues in the classroom. After all, we do know that this model has been tried and tested in several other jurisdictions in Canada and here in Nova Scotia, we're always looking for good ideas, regardless of where they came from.

By making sure teachers are aware of the process involved in obtaining a teaching certificate and by ensuring the appeal process is as fair and transparent as possible, the members of this House will have fulfilled an important obligation to our teachers and to the students they serve.

The members of the Progressive Conservative caucus support this amendment and we look forward to seeing the changes implemented in a timely and effective manner. With those few words, Mr. Speaker, I'll take my seat.

MR. SPEAKER: The honourable member for Clare.

HON. WAYNE GAUDET: Mr. Speaker, I'm pleased to rise and say a few words on Bill No. 93 that is before the House. (Interruptions) Yes, another old teacher, you're right. I think I might actually be older than the honourable member for Colchester North, but I'll get a chance to talk about how the teacher certification system works in our province.

The bill that's before the House, according to the minister, will move the authority for teacher certification to a department administrator. Well, I have to tell you I was quite surprised in hearing the minister in her opening comments on second reading on Bill No. 93. Let me tell you why I'm surprised, I thought it already existed within the department.

To my recollection the Department of Education has always had a registrar responsible for teaching certification. When I started teaching way back in the late 1970s, I had to apply for a teacher's licence through the registrar for the Department of Education.

Mr. Speaker, Brett Woodbury, who occupied that position for many years (Interruption) - yes, I'm quite old, and I suspect some of my colleagues in this House, Mr. Speaker, probably worked through Mr. Brett Woodbury's office as well, in order to obtain their teaching licence over the years. But, as we all know, Mr. Woodbury decided to move on, retire from his position and move on to bigger and better things.

When I look at the bill that's before the House, this is going to allow the minister to appoint somebody within the department responsible for teaching certification. I'm asking myself, well, we've had this since I've been around and probably prior to my teaching



career, back in the late 1970s, so again, I'm kind of confused why Bill No. 93 is before the House.

I did have an opportunity to sit in with my colleague from Colchester North, when we had the opportunity to meet with the minister's staff, to go through this proposed piece of legislation. Again, in terms of what this legislation is going to change, what this piece of legislation is going to do in order to make teaching certification better, improving the system, there was absolutely nothing.

Again, Mr. Speaker, I fail to understand why this bill is before the House. We've had a registrar within the Department of Education for many years, who has basically been doing what this piece of legislation proposes to do. Now we have the new registrar, Mr. Darren Osborne, and his staff, that will continue providing this service to our teachers in the province. So as I pointed out, I fail to understand why the minister is bringing this legislation forward, to move the authority for teacher certification to a department administrator which already exists within the Department of Education.

Maybe when the minister closes debate on second reading on this bill, maybe she could provide further clarification as to why this change that she proposes, so that everyone can understand, will certainly improve or change something within the department, which I fail to understand, Mr. Speaker.

This bill allows me to bring concerns directly to the minister's attention. This morning, Mr. Speaker, I was contacted by this newly-graduated teacher from Clare who contacted my office to advise me that she is attempting to get her teaching licence, after she just graduated at the end of October 31<sup>st</sup> and was told that it was going to take her between four and eight weeks in order to get her teacher's licence. So, of course, my very first question is, why does it take this long to get to take a teacher's licence?

Université Sainte-Anne has contacted the Department of Education to advise the department that this student has graduated and met all the obligations under the Bachelor of Education degree. So, of course, failing to understand why it takes so long, I contacted the new registrar, Mr. Darren Osborne, and I told him that I fail to understand why it takes this young teacher four to eight weeks in order to get her teaching licence.

Well, I did have a chance to speak with Mr. Osborne. He certainly took the time to explain to me why it takes some time to process an application. I can tell you, Mr. Speaker, he was very helpful and I want to take this opportunity to thank Mr. Osborne for his assistance this morning.

Maybe not in metro Halifax but I can tell you in many schools, especially in rural Nova Scotia, having been in school administration, I know some of our principals and vice principals, at times, have difficulties in finding people to come in to replace teachers that are ill or out on training. Many times principals have to turn to retired teachers and try and

convince them - we need your help today, could you please come in. Many retired teachers, I know, are doing sub work in our schools, but many retired teachers have spent their whole career in teaching and arriving, after spending 30-some-odd years inside the classroom, a lot of these teachers are not really interested in returning back to do some sub work in our schools.

Then I look at this young teacher who is eager to go and work. Right now she told me that she involved in doing volunteer work in the school that she's in. She sees substitute teachers coming in on a regular basis. She certainly would love the opportunity to come in and do some work for the school board, for that school, but unfortunately she can't. She has to wait, as I said, between four and eight weeks in order to obtain her teaching licence, in order to allow her to work for the school board. Maybe, Mr. Speaker, the minister could consider looking at improving the system to allow young teachers to obtain their teaching licences quicker than having to wait between four and eight weeks in order to get their teaching licence, in order to be able to do work for the respective school board.

Again, I fail to see what Bill No. 93 will change. I suspect this bill will go through second reading and will come back from the Law Amendments Committee and eventually will go through third and final reading and will pass in this House. But in the end it changes absolutely nothing. As I've pointed out, we've had a registrar within the Department of Education for many years who already looks after providing licences and helping teachers upgrade their licences. When I hear that this will allow the minister to appoint somebody within the department who will administer teacher certification, within the department - well we already have it so why are we reintroducing this bill to allow us to basically just continue with what we already have in place.

I hope in the minister's closing remarks, when she wraps up second reading on this bill that's before the House, that she will, again, try to clarify why we need this bill, at this time, before the House. With those few words I will take my place, thank you kindly.

MR. SPEAKER: The honourable member for Kings West.

MR. LEO GLAVINE: Thank you, Mr. Speaker. I'm pleased to join the debate this evening and offer a few words. (Interruptions) I guess maybe not only have I had too many years teaching but maybe too many years here in the House because I like productive debate. Obviously this bill is for the record of a certain number of bills that government should put out in a very weak Fall session to date. I guess it's to add to those numbers because, as my colleague, said we've had a registrar, we've had an assistant - maybe we still have an assistant registrar. I know that over the course of - especially the years in administration when a teacher would graduate from a full-year program such as Memorial has - and we have moved to one or two of our institutions in Nova Scotia that offer a year-long education program.

For some reason it seems as though when they graduate in September, early Fall, there is an enormous length of time before they're actually able to get into the classroom. Perhaps there's identification of our students in Nova Scotia well into their final year of the two-year program or even the one-year program, maybe the names are forwarded early to the department with the documentation and those who reach final graduation get processed seemingly a little bit quicker.

I'm not sure if this bill, Bill No. 93, is going to facilitate that process in any way. It's the one that I have heard from around registration most often during my career in the classroom and especially when I was in charge of having substitutes come into West Kings District High School, especially when a former student - I know for teachers, having a former student come back, as a teacher it is a very special moment. I know, perhaps you, as one of their teachers or administrators in some way fostered or even helped them discover a little bit that they had a gift to be able to communicate, a gift of being able to deal with their peers.

As the educators in this House know, peer education is a very powerful part of the teaching process. Every now and then I know, with my Grade 12 students, I would often say think about teaching, because it is truly a wonderful career. I think even right down to when they came back reminiscing about some of the classroom times that I had with them or perhaps was their coach - all of these are part of public education.

I would love to see every member of this House have an opportunity to get up and talk about the value of public education and that we are at a critical juncture as we take money out of public education. We all know that over the last number of years, the school environment is a very different one. When I look at my colleagues here who had a career or part of their work life in education, they can talk very profoundly about the change that is going on.

I've been amazed this Fall when two elementary teachers in my riding called about mental health issues, wondering with the mental health strategy and the new people coming into the Valley District Health Authority - will they have a background in youth and early adolescent mental health issues that could help our teachers in a very constructive manner about identification of children with stress and anxiety, and how our teachers could look after them?

It is a very different classroom today. The inclusive model is one that we embrace, but we know comes with an investment. We know that by taking money out of the education budget it is affecting those students and their futures. As opposed to Bill No. 93, I think the greatest respect for our teachers would be to listen to the concerns that they have, and the fact that they have enormous demands on them and any time we talk about another unit coming into public education, another course, another requirement, another binder that will provide you with some additional support for your classroom - you know,

they talk about the burdens that they currently have and I think we cannot reduce the number of front-line people in our schools.

We need more than just the teacher in front of 25 or 30, or whatever number of students. It certainly isn't 12.9 ratio, Mr. Speaker, as we all know, and that's not a figure that we should ever throw out to the public of Nova Scotia. That may be a statistical figure that the department uses, accounting for everybody, but we should tell Nova Scotians that we actually have some classrooms where there are 40 students in front of a teacher and that's where, if we truly respect teachers, we would be doing something to alleviate that burden that they are facing day in and day out.

So, Mr. Speaker, I'm not sure why Bill No. 93 - like my colleagues, we're not sure why Bill No. 93 is before us. We hope that perhaps before it passes through the House we'll know what kind of improvements teachers going through the registration process are going to see - some significant change that will help their careers - because I think the real supports that will help their careers are diminishing before their careers even get started. I think that's really what we should be debating and talking about if we want public education to flourish in this province.

MR. SPEAKER: The honourable member for Argyle.

HON. CHRISTOPHER D'ENTREMONT: Mr. Speaker, thank you, it's a pleasure to be received as well at this late hour of this sitting. I'm just going to speak for a couple moments on this one. It's the issue that the member for Clare brought up in his discussion - when it comes to Bill No. 93, what does it really do to make it, not necessarily easier, but more responsive in receiving that certification?

I go back to my experience on this one. When my wife was graduating from Université Sainte-Anne, hers was a late graduation, she was in the Fall, so she would have been looking for her certification, for her registration number, in January, getting ready for doing some suppléance, or some substituting teaching because, as we know, as the year goes on the substitute teacher list seems to get smaller and smaller because retired teachers can only put in a certain amount of time before it starts affecting their pensions. It took almost two months in order to get her certification, to get her registration number, and really it only happened because of an intervention that I did at the time of talking to the deputy minister, and I believe I spoke to the minister at the time, to try to get this to happen sooner than later.

The irony of it was that there was a school that had somebody who was leaving to take another job in another province and were looking for a substitute immediately to take on a Spring session, or springtime, with a class in Wedgeport. Like I said, it took a number of weeks, talking to a number of different people, in order to get that certification to happen.

So I hope that through this process that not only are we freeing up the minister's time by taking her responsibility away on this one but, hopefully, it will be speeding up the process of certification so that our new teachers, when opportunity rolls around, especially as they graduate in the Fall, that they can take jobs as soon as they can, so they can be available to the school boards in order to offer their teaching skills that they, of course, learned from some of our great institutions here across the province.

So with that, again, I know the member for Cape Breton North spoke to this one and talked about our support. It does seem like an okay little bill but we're uncertain of what its impact is going to be in making things better to receive teacher certification and getting teachers into the classroom where we need them. So thank you very much for this opportunity, Mr. Speaker.

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

The honourable Minister of Education.

HON. RAMONA JENNEX: Mr. Speaker, I move second reading.

MR. SPEAKER: The motion is for second reading of Bill No. 93. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

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

The honourable Government House Leader.

HON. FRANK CORBETT: Mr. Speaker, that concludes the government's business for today. After the daily routine we will be calling Bill Nos. 94, 95, 96, 98, 100, and 102 - not necessarily in that order.

Mr. Speaker, I move that the House do now rise to meet tomorrow from the hours of 9:00 a.m. to 12:00 noon.

MR. SPEAKER: The motion is to adjourn.

Is it agreed?

It is agreed.

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

The motion is carried.

The Adjournment motion was submitted by the honourable member for Halifax Clayton Park.

The debate tonight is:

“Therefore be it resolved that the Minister of Health and Wellness acknowledge she is responsible for the health of diabetics in Nova Scotia and a great first step in acknowledging this responsibility would be funding for insulin pumps.”

### **ADJOURNMENT**

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

MR. SPEAKER: The honourable member for Kings West.

#### **HEALTH & WELLNESS: INSULIN PUMPS - FUND**

MR. LEO GLAVINE: Thank you, I'm very pleased to rise in my place this evening to speak to this very important issue and I thank you, Mr. Speaker, for reading the operative clause for tonight's debate.

Here are the facts. Nova Scotia ranks at the top when it comes to diabetes prevalence and close to the bottom when it comes to managing the disease through medications, devices, and supplies. That is happening in our province and it is the responsibility of the minister to address. The side effects of failing to properly manage diabetes include heart attack and stroke, kidney failure, blindness, non-traumatic limb amputation, and depression.

Research was presented at the annual MLA dinner for diabetes research information last evening. One of the compelling points that was made last evening was that the use of an insulin pump reduces the likelihood of end-stage renal disease, and hence the use of dialysis, anywhere between 16 per cent and 24 per cent.

Just this week we had an announcement from the Minister of Health and Wellness about some increased funds for renal dialysis as they plan additional services, probably both in hospital and in the home, which is a good thing, but we need to be looking not at the downstream equation but rather the early interventions. This is where the insulin pump does have its true value because the average cost in 2009 to treat someone with end-stage renal disease is \$188,000 - \$188,000 to look after end-stage renal disease.

So, Mr. Speaker, we're talking here about an investment which will ensure we can somehow begin to address the spiralling, out-of-control health care costs in the future. It does take that investment, now, to reduce 10, 15, 20 years down the road, which will be tremendous.

I heard someone speak last week about, will we have enough dialysis machines? Will we have enough people to operate, to provide support services because we know we're moving into a cohort where type 2 diabetes is going to be even much more pronounced than we currently have?

Even the Government of New Brunswick, acknowledging the fact that they are fighting a \$446 million deficit budget, in New Brunswick under the category of managing spending growth, included an investment for a comprehensive diabetes strategy, focusing on the prevention, the detection, and management of diabetes, including funding for insulin pumps. New Brunswick now will be joining Newfoundland and Labrador, Ontario, Saskatchewan, and British Columbia in the funding of insulin pumps.

Mr. Speaker, statistics here in Nova Scotia speak to the need and they speak very loudly. Over 87,000 Nova Scotians have been diagnosed with diabetes. The prevalence rate of this disease has increased in excess of 20 per cent in the last five years, and that increase was in Nova Scotia. Type 1 diabetes rates are rising 3 per cent to 5 per cent every year across our country and, sadly, the greatest rise is occurring in children ages 5 to 9 years. For young children a diagnosis of type 1 diabetes requires constant monitoring and interruptions to lifestyle.

Mr. Speaker, we know that we can't go into a program right off, funding all Nova Scotians who would want an insulin pump, but if we could provide children in this province with an insulin pump, where it is most appropriate, that would be that small start, that incremental step, and I certainly would congratulate this minister and this government for taking even that small step forward. I'm still hopeful that will be done.

As a former educator and a vice-principal in charge of junior high students, I won't forget those days when I would be looking around the school and the playground at noontime to see whether or not a child who was to come to the guidance office - that's what we used, the guidance office - to make sure that they checked in to have their sugars tested at noon hour, and take their needle during the noon break. Parents would often call the school to actually do a check and make sure, because that was an absolute health requirement for them.

It often results in disruptions in their learning when in school and impacts their ability to participate in physical activities, something that is very important when dealing with their disease. Living with type 1 diabetes requires approximately 1,460 needles a year and 2,190 pokes to the fingers a year to test sugars. Mr. Speaker, this is the burden of type 1 diabetes. If we could take our less than 1,000 children with type 1 diabetes and provide those families who are uninsured with an insulin pump, what a difference it would make in the lives of the children and in the lives of those families.

Equally important, then, is this financial burden. This year alone diabetes will cost our national health care system \$12.2 billion, representing 3.5 per cent of public health care

spending. Data will confirm that people with diabetes visit physicians more often, are hospitalized more often, and require more medical procedures. Pumps do away with the cost of needles; they deliver insulin at a steady rate that can cut down on kidney disease and amputation. We all know that the central fact around diabetes is control. The more it is managed, to create that even amount of insulin to the system, the better the outcomes.

I believe that government has an opportunity here to start with baby steps, if it so wishes. There are many private insurers that fund insulin pumps, and the public system could pay for a pump for those who do not have access to private insurance coverage - establish a program of last resort. If we simply had even that small step forward, what an advance for this province. I think if we look at that small step, rather than the entire cost of providing thousands of these pumps to the broad spectrum of those with diabetes, this would be that good initial start. Oftentimes those families without insurance coverage are those most directly impacted with type 1 diabetes.

We know that the insulin pump does not work for everyone - absolutely willing to say that, and work with the Diabetes Care Program to establish the parameters under which funding would be made available. They can also follow the example of other jurisdictions and start a program that provides coverage for only those under 18.

I know one family in my riding with two daughters with type 1 diabetes. They're now in junior high and high school. One is on the insulin pump and one started out staying on the needle. They wanted the family to actually take a look at what the results would be. Very clearly after six months, the insulin pump was indeed the best mechanism for dealing with their diabetes. I think we have to look clearly at these examples.

My message to the government is simple: the pump has the potential to offer both a short-term and a long-term cost benefit to the province. Thank you, Mr. Speaker.

MR. SPEAKER: The honourable member for Antigonish.

MR. MAURICE SMITH: Thank you very much, Mr. Speaker, and I want to start off by telling the member opposite that I listened carefully to his comments. I'm moved by a lot of what he had to say, and I don't disagree with a lot of what he had to say. I think this is a very important issue for all of us to be looking at.

I want to basically tell this House about my personal involvement with diabetes, in that my family involvement, I think, allows me to speak with some conviction about this issue. My mother died just two years ago now; she was 94 at the time of her death, and she had diabetes for the last 30 years and was on needles daily for four needles a day. She ended up with one kidney and the last six months of her life were spent on kidney dialysis, which was a very painful thing for her to endure and for us to watch. Her own mother, as well, died with diabetes at a considerably younger age.



On my father's side, an older brother of his, Jimmy Smith, was the youngest person, I believe - the family tell me this - in Nova Scotia to be on insulin at that particular time, and he died in the early 1960s in his early 50s. On my mother's side, besides her mother and herself having diabetes, she lost four siblings to diabetes. Her brother Joe, her sister Blanche, her sister Jenny, and Sister Mary Irene Peck, who was a Sister of the Congregation of Saint Martha, they all died of diabetes complications. My Uncle Joe, who I said died as well with this illness, his son, also called Joe, was inflicted with diabetes and he went through a very painful last number of years of his life. One leg was amputated, then another leg was amputated. He ended up in a nursing home, he went blind. I feel that I know a lot about diabetes and I know how it affects and impacts families. This is a matter that is of importance to me.

Last evening, I had the opportunity to attend, with many of my colleagues, the dinner hosted by the Diabetic Association of Nova Scotia. I was particularly moved by the very eloquent and poignant speeches that were given by some of the people who were affected by diabetes. In particular, there was a young girl, Danielle, who told us about her life and how having an insulin pump had made significant changes for her. Her father followed up after her and talked about how the insulin pump had made a significant improvement in the overall family's life.

The father also went on to talk about insulin pumps in terms of their cost. I believe he told us that the cost of the insulin pump for his little girl was more than the cost of the car in his driveway. Some of the research I've done on this indicates that an insulin pump costs about \$7,000 but they have to be replaced every five years, so it's not just a one off, you pay \$7,000, they don't last a long, long time. It is an expensive undertaking for a family to have to meet.

We, in government, have looked at this issue and we continue to look at this issue. We know that it's an important consideration for people and we are monitoring and assessing whether or not insulin pumps are something that can get in the mix. Ideally, we would all love to be able to say, whatever's best for people, let's have, but we know that we can't do that in our economy and facing the financial burden that this government has, the province has, we cannot just say yes to everything that people ask for.

Insulin pumps are something that - in an ideal world, those that need them should have them. Not all of the provinces in the country are supporting this. Some of them are and some of them are perhaps by making choices and options that they've made. For us, when we came to government, a lot of the choices and options that we could make had been taken away from us. They've been taken away from us because we were left with a huge deficit. That deficit still exists and there is still every year - it's coming down, but we are actually spending more money than we're taking in.

The reason we're spending more money is that commitments were made before we came to government. I'm not suggesting that some of these commitments weren't valid or

that they weren't legitimate, but the difficulty was that they committed to spending money that we no longer have. The offshore monies have dried up and those sorts of funds that might have funded all of those things that were promised and implemented, no longer exist. So we're faced, every year, with trying to pay for things that had been promised and that had been put in place with money that we don't have. Can we take on yet another expense?

I looked at the report that was issued yesterday by the Diabetic Association of Nova Scotia and they tell us that over the next 21 years, if we provided insulin pumps for all of those people with type 1 diabetes that at the end of that 21 years we would be saving \$1.2 - \$1.4 million in other health care costs. Between now and then, for instance, in 2012, it would cost us \$0.8 million more in providing pumps than we would get back from other services that wouldn't be needed because of the pumps being used. Effectively, initially it's going to cost us \$800,000 if next year we introduced insulin pumps. Simply put, we cannot afford to do it.

That doesn't mean that we aren't doing what we can for people with diabetes. The commitment that the minister has given on this is that we will look at this issue. We are going to be getting information from the other provinces that have this program and we're going to assess both its economic viability and the benefits from a health point of view that can come from buying or getting into the provision of insulin pumps.

So, basically, at this stage what we're saying is that we cannot afford to make this kind of investment but what else are we doing, that's the important thing, to assist people with diabetes? Every year we're putting in \$19 million towards helping people with diabetes, to help buy their insulin, to help buy the strips they need for testing and other supplies that they need. In addition to that, there are 39 diabetic clinics across the province where people with diabetes can go to get help. My mother was one of those users. She loved going to the clinic. It was a place where she could go to get information, if she had a problem - to get advice, where she could meet other people in the similar situation with diabetes. Actually, it was a social outing for her. They would go and they would do their testing and then they would have a lunch afterwards. It was kind of like a club. These kinds of things are the kinds of supports we can put in place but \$19 million every year is going towards diabetes support.

So I just wanted to say that overall our approach to this is a measured one. It fits in with our Better Care Sooner plan of looking at health care costs, seeing where they can be best allocated and realigning where that money goes. So that's what we're doing. That's what the minister has indicated is the best approach to take and that's the approach we will take as we go forward with this.

MR. SPEAKER: The honourable member for Victoria-The Lakes.

MR. KEITH BAIN: Mr. Speaker, I'm pleased to rise in my place this evening to discuss this very important resolution that has been put forward by the honourable member for Halifax Clayton Park.

Mr. Speaker, diabetes is a chronic, often debilitating, and sometimes fatal disease. Diabetics either cannot produce insulin or cannot properly use the insulin their body produces and as a result blood glucose levels are heightened which, if not remedied, can damage organs, blood vessels and nerves. Here in Canada, more than nine million Canadians are living with diabetes or pre-diabetes and Canada has the highest out-of-pocket costs for diabetes than our peer countries.

Mr. Speaker, when we look at some of the statistics that are out there, just for Nova Scotia alone, it's very troubling. In 2010 the estimated diabetes prevalence was 9.9 per cent or approximately 87,000 people. It's estimated that in 2020 the prevalence will be 12.2 per cent, approximately 125,000, which is an increase in those 10 years of 44 per cent and even going beyond that, it's estimated that in 2032 the estimated population of those with diabetes will be 157,000.

So, Mr. Speaker, when you look at these numbers and include the out-of-pocket expenses incurred by Nova Scotians with diabetes, the numbers are very troubling. Just the out-of-pocket costs for Nova Scotians alone - those with type 1 diabetes, their out-of-pocket costs are approximately \$559.76 a year, 3.9 per cent of their individual income and those with type 2 diabetes - \$2,868.39 - 9.6 per cent of their income. Of course, we also know that people using insulin pumps pay two to six times more than those who don't.

Mr. Speaker, lower income Canadians with diabetes bear the highest out-of-pocket costs compared to those with the higher incomes and we know that the highest diabetes rates here in Nova Scotia are in the Cape Breton and South Shore District Health Authorities.

Over 6,100 new cases of diabetes are diagnosed each year, averaging about 500 new cases a month. Crude prevalence of diabetes has increased by 25 per cent in the past five years, and Nova Scotians have a 5 per cent chance of developing diabetes. On a sad note, Mr. Speaker, in 2008-09, 2,461 Nova Scotians died as a result of diabetes complications.

I'll continue with some of the facts concerning people living with diabetes. Those people are two times more likely to die each year. They are three times more likely to have cardiovascular disease. People between the ages of 20 to 39 years are 11 times more likely to have cardiovascular disease. People living with diabetes are two times more likely to have hypertension, and again, in the age group 20 to 49, that increases to six times as likely. People living with diabetes are six times more likely to have kidney disease; the ages 24 to 29 are 27 times as likely. Again, people with diabetes are two times more likely to be

hospitalized, and hospital stays are normally four days longer. These are all very scary but real facts.

When you look at the treatment of diabetes, most Nova Scotians with diabetes are expected to endure the costs for some of the following items: diabetes management supplies, syringes, lancets, glucose-testing meters, test strips and insulin pumps, insulin and/or other diabetes-related medications, medication to lower blood pressure, and other medications for diabetes-related complications, and in the event that debilitating complications arise, specialized home care visits.

Mr. Speaker, 57 per cent of Canadians with diabetes say they don't comply with their prescribed therapy because they can't afford their medications, the devices, or the supplies, thus potentially compromising their diabetes management. Of course we all know that this increases their risk of such complications as heart attacks, strokes, blindness, kidney failure, and depression.

People with diabetes have less access to public or private insurance because of job loss, et cetera, and that means greater out-of-pocket expenses which, for the average individual, are already a great deal. The high costs for treatment are already a challenge for low-income Canadians.

Lack of access to these diabetes supports can increase the risk of costly, life-threatening diabetes complications. We know that the Canadian Diabetes Association recommends that all governments address the out-of-pocket expenses for people living with diabetes by both enhancing financial assistance for those individuals and ensuring access and affordability of diabetes medications, devices, and supplies.

Mr. Speaker, the evidence of the medical benefits of the insulin pump versus multiple daily injections shows that the technology can lead to better health outcomes for people with diabetes. In addition, there is evidence showing government investment into these programs would be cost-effective. Insulin pumps, more so than multiple daily injections, will reduce the number of serious complications experienced by people living with type 1 diabetes. The cost-effectiveness primarily comes from fewer incidents of diabetes-related complications. These complications are two drivers of increasing costs, and if nothing is done the financial costs arising from these complications will match and then exceed the financial costs of implementing an insulin pump program.

If a program were to be implemented, the savings would grow each year, Mr. Speaker, and I'd like to provide a financial background of the insulin pump program. In the first year of implementation the net cost to Nova Scotia would be \$650,000, and the net financial saving is expected to grow each year, reaching approximately \$1.4 million by 2023.

I think it's very important, Mr. Speaker, to note that this is contrary to what the minister says. She seems to believe there will be no cost savings until 2023, and that's not true. It will continually grow in coming years and, ultimately, reach \$1.4 million in 2023.

Mr. Speaker, it has been proven that the availability of insulin pumps reduces the incidence of myocardial infarction by 10 per cent, end-stage renal disease by 24.4 per cent, and lower limb amputation by 7 per cent. But the incidence of stroke increases - this is not because of the diabetes, it is because people go on to live longer and are more likely to suffer old-age-related strokes than diabetes.

The economic impact of insulin pumps - the overall cost of providing insulin pumps for people with type 1 diabetes is \$3.8 million, and in 20 years it will rise to \$5.6 million.

Mr. Speaker, the honourable member for Antigonish says government cannot afford insulin pumps, but my question to government: Can we not afford to do it? The benefits of funding insulin pumps are many, and it is time for this government to do what is right for those suffering from diabetes and their families. Thank you.

MR. SPEAKER: Thank you, and I want to thank all members for their input in tonight's debate.

The House will now rise and meet again tomorrow morning from 9:00 a.m. to 12:00 p.m.

We stand adjourned.

[The House rose at 6:28 p.m.]

**NOTICES OF MOTION UNDER RULE 32(3)****RESOLUTION NO. 2340**

By: Mr. Chuck Porter (Hants West)

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

Whereas Nova Scotia's Power of Positive Change Award is an honour bestowed upon only a handful of school-aged individuals in the province each year; and

Whereas Jonathan Barkhouse, a Grade 12 student at Avon View High School in Windsor, strives to make life a little bit easier for people in his community by inviting his peers into his home if they need a retreat, helping students find drives to mental health appointments, raising money to buy gas cards for parents travelling back and forth to the IWK for their children's health services, and advocating to have a skateboard park built in Windsor; and

Whereas this initiative granted Jonathan a nomination and subsequent award as he was presented with the Power of Positive Change Award along with a \$2,000 bursary;

Therefore be it resolved that all members of this House of Assembly commend Jonathan for his ingenuity and wish him all the best as he continues his education.

**RESOLUTION NO. 2341**

By: Mr. Chuck Porter (Hants West)

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

Whereas over 40,000 student-athletes participate annually in school sport programs throughout the province; and

Whereas the Nova Scotia Schools Athletic Federation (NSSAF) annually organizes the Celebration of School Sport to celebrate participation, fair play and service to school sport and to reinforce the significant role interscholastic athletics plays in education; and

Whereas Matthew Davison, a student at the Hantsport School, was the male recipient of Celebration of School Sport 2010 - 2011 award for demonstrating respect for others and displaying a true example of good sportsmanship;

Therefore be it resolved that all members of this House of Assembly congratulate Matthew on receiving this award and wish him all the best.

**RESOLUTION NO. 2342**

By: Mr. Maurice Smith (Antigonish)

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

Whereas Cape Breton native and long-time Antigonish resident, Lewis MacKinnon, is a poet, singer and songwriter who works in English, Scottish, Gaelic and Irish; and

Whereas Mr. MacKinnon also serves as the executive director of Nova Scotia's Office of Gaelic Affairs; and

Whereas Lewis MacKinnon was recently crowned the poet laureate for the Royal National Mod, a Scottish celebration of Gaelic arts, the first time in the festival's 120 year history a non-Scot was so named;

Therefore be it resolved that all members of this House of Assembly congratulate Mr. MacKinnon on being named the poet laureate for Scotland's Royal National Mod and wish him every success with his future endeavours.

**RESOLUTION NO. 2343**

By: Mr. Maurice Smith (Antigonish)

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

Whereas on September 15, 2011, urban planning and design Web site Planetizen.com issued a call for nominations for the Top 100 Public Spaces in the United States and Canada; and

Whereas Planetizen's suggested criteria for nominations for the Top 100 Public Spaces were accessibility, engagement, comfort and sociableness; and

Whereas on October 27, Planetizen released the results of its crowd sourcing endeavour with a list of the Top 100 public Spaces which included the People's Place Library in Antigonish at No. 25;

Therefore be it resolved that all members congratulate the People's Place Library on being included on Planetizen.com's list of the Top 100 Public Spaces in the United States and Canada.

**RESOLUTION NO. 2344**

By: Hon. Stephen McNeil (Annapolis)

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

Whereas The Young Humanitarian Award is presented annually by the Canadian Red Cross to a youth who has demonstrated the spirit of humanity through volunteer work, advocacy and leadership in their community; and

Whereas this year's recipient, 18 year old Paige Black, was also awarded the Lieutenant Governor's Award for the best all-around student in 2010 and has received several awards in the past for her involvement with sports; and

Whereas Ms. Black's devotion in helping others through coaching basketball and soccer, organizing benefits such as "Music for Haiti", volunteering with her local church and her involvement with a number of non-profit organizations make her a truly deserving candidate of this prestige award;

Therefore be it resolved that all members of this House of Assembly congratulate Paige Black on her many accomplishments and wish her continued success in future endeavours.