



**House of Assembly**  
*Nova Scotia*

DEBATES AND PROCEEDINGS

Speaker: Honourable Gordon Gosse

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Third Session

FRIDAY, NOVEMBER 25, 2011

TABLE OF CONTENTS	PAGE
GOVERNMENT NOTICES OF MOTION:	
Res. 2523, My Blood Pressure Initiative: Organizers - Commend, Hon. Maureen MacDonald (by Hon. G. Steele) .....	4340
Vote - Affirmative.....	4340
INTRODUCTION OF BILLS:	
No. 114, Consumer Protection Act, Hon. J. MacDonell.....	4341
NOTICES OF MOTION:	
Res. 2524, Clare - Relay for Life: Vols./Participants - Congrats., Hon. W. Gaudet .....	4341
Vote - Affirmative.....	4341
Res. 2525, Apold, Will: Sailing Prowess - Congrats., Ms. K. Regan .....	4342
Vote - Affirmative.....	4342
Res. 2526, Anna. Valley Apple Blossom Fest. (80 <sup>th</sup> ): Top 100 Event (American Bus Assoc.) - Congrats., Mr. J. Morton .....	4342
Vote - Affirmative.....	4343

Res. 2527, Macdougall, Dave/Murphy, Terry: Stick Curling Championship - Congrats., Mr. Z. Churchill .....	4343
Vote - Affirmative.....	4344
Res. 2528, Kieley, John & Theresa - VON Pictou Co.: Vol. Work (13 Yrs.) - Congrats., Hon. C. Parker .....	4344
Vote - Affirmative.....	4344
Res. 2529, LeBlanc, Edouard: Book Publication - Congrats., Hon. W. Gaudet .....	4345
Vote - Affirmative.....	4346
Res. 2530, Mahone Auto: Large Bus. Award Nomination - Congrats., Ms. P. Birdsall (by Mr. G. Burrill).....	4346
Vote - Affirmative.....	4347
Res. 2531, Harrison, Don: Bus. Accomplishments - Congrats., Ms. K. Regan .....	4347
Vote - Affirmative.....	4347
Res. 2532, Cole Hbr. Boys & Girls Club: Staff - Thank, The Premier (by Hon. G. Steele) .....	4348
Vote - Affirmative.....	4348
<b>GOVERNMENT BUSINESS:</b>	
<b>PUBLIC BILLS FOR SECOND READING:</b>	
No. 102, Trade Union Act, Hon. C. d'Entremont.....	4349
Vote on Amendment - Negative .....	4359
Hon. W. Gaudet .....	4359
Ms. K. Regan .....	4361
Mr. L. Glavine.....	4364
Hon. M. More .....	4365
Vote on motion - Affirmative .....	4367
HOUSE RESOLVED INTO CWH ON BILLS AT 10:35 A.M.....	4367
HOUSE RECONVENED AT 10:45 A.M.....	4367
CWH REPORTS.....	4367
<b>PUBLIC BILLS FOR SECOND READING:</b>	
No. 94, Atlantic Provinces Special Education Authority Act, Hon. R. Jennex .....	4368
Hon. K. Casey.....	4369
Hon. R. Jennex.....	4370
Vote - Affirmative.....	4370
No. 95, Education Act, Hon. R. Jennex.....	4370
Hon. K. Casey.....	4371
Hon. R. Jennex.....	4373
Vote - Affirmative.....	4373

No. 96, Pension Benefits Act,	
Hon. M. More .....	4373
Mr. A. MacMaster.....	4377
Mr. Z. Churchill .....	4382
Hon. M. More .....	4384
Vote - Affirmative.....	4384
No. 98, Fish Harvester Organizations Support Act,	
Hon. S. Belliveau .....	4385
Hon. K. Colwell .....	4385
Hon. C. d'Entremont.....	4387
Mr. A. MacMaster.....	4387
Hon. S. Belliveau .....	4388
Vote - Affirmative.....	4388
No. 100, Municipal Elections Act,	
Hon. J. MacDonell .....	4389
Ms. K. Regan .....	4390
Mr. C. Porter .....	4391
Mr. K. Colwell .....	4392
Hon. J. MacDonell .....	4394
Vote - Affirmative.....	4394
No. 104, Gaming Control Act,	
Hon. J. MacDonell .....	4394
Vote - Affirmative.....	4395
No. 106, Libraries Act,	
Hon. D. Wilson .....	4395
Vote - Affirmative.....	4396
No. 108, Perpetuities Act,	
Hon. R. Landry .....	4396
Vote - Affirmative.....	4397
No. 110, Residential Tenancies Act,	
Hon. J. MacDonell .....	4398
Hon. K. Colwell .....	4399
Vote - Affirmative.....	4401
No. 111, Equity Tax Credit Act,	
Hon. G. Steele .....	4401
Vote - Affirmative.....	4401
No. 112, Community Spirit Act,	
Hon. D. Wilson .....	4402
Vote - Affirmative.....	4403
ADJOURNMENT, House rose to meet again on Mon., Nov. 28 <sup>th</sup> at 4:00 p.m.....	4404

NOTICES OF MOTION UNDER RULE 32(3):

Res. 2533, Frizzell, Bert - Shaw Group: Contribution	
- Congrats., Ms. K. Regan.....	4405
Res. 2534, Siddall, David: Cdn. West. Agribition - Judge	
- Congrats., Hon. J. Baillie.....	4405
Res. 2535, Violence Against Women, Intl. Day for the Elimination of (11/25/11) - Acknowledge, Hon. J. Baillie.....	4406
Res. 2536, d'Eon, Gus & Claire: Anniv. (50 <sup>th</sup> ) - Congrats., Hon. C. d'Entremont.....	4406
Res. 2537, Cottreau, Jeanette & Ulysse: Anniv. (50 <sup>th</sup> ) - Congrats., Hon. C. d'Entremont.....	4407
Res. 2538, Amirault, Mardi: Book Publication - Congrats., Mr. Z. Churchill .....	4407



House of Assembly  
*Nova Scotia*

**HALIFAX, FRIDAY, NOVEMBER 25, 2011**

**Sixty-first General Assembly**

**Third Session**

**9:00 A.M.**

**SPEAKER**

Hon. Gordon Gosse

**DEPUTY SPEAKERS**

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

MR. SPEAKER: Order, please. Order.

**PRESENTING AND READING PETITIONS**

**PRESENTING REPORTS OF COMMITTEES**

**TABLING REPORTS, REGULATIONS AND OTHER PAPERS**

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

MR. SPEAKER: The honourable Minister of Finance.

**RESOLUTION NO. 2523**

HON. GRAHAM STEELE: Mr. Speaker, on behalf of the Minister of Health and Wellness, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas high blood pressure is a common chronic condition that affects nearly 30 per cent of Nova Scotia adults and the figure grows to 70 per cent in people with diabetes; and

Whereas blood pressure is often called the silent killer because of its lack of symptoms, the only way to know if you have high blood pressure is to have it checked by a health care professional; and

Whereas the “my Blood Pressure” initiative encourages all Nova Scotians to have their blood pressure checked whenever they can and to track their numbers on a convenient, wallet-size card;

Therefore be it resolved that members of this House of Assembly commend the staff of the Nova Scotia Renal Program, Diabetes Care Program of Nova Scotia and Cardiovascular Health Nova Scotia for leading this program and for encouraging all Nova Scotians to check it.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

**INTRODUCTION OF BILLS**

**Bill No. 114 - Entitled an Act to Amend Chapter 92 of the Revised Statutes of 1989. The Consumer Protection Act. (Hon. John MacDonell)**

MR. SPEAKER: Ordered that the bill be read a second time on a future day.

**NOTICES OF MOTION**

MR. SPEAKER: The honourable member for Clare.

**RESOLUTION NO. 2524**

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

Whereas on June 24, 2011, Clare hosted the 6<sup>th</sup> annual Relay for Life fundraiser for the Canadian Cancer Society; and

Whereas 15 teams with 149 participants, including 86 cancer survivors, took part in this year's event; and

Whereas through the hard work of many participants, this year's event raised \$45,016 for the Canadian Cancer Society and cancer research;

Therefore be it resolved that all members of this House of Assembly congratulate the many volunteers and participants who made the Clare Relay for Life a success and thank them for their dedication and commitment to the Canadian Cancer Society.

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. 2525**

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

Whereas on July 12, 2011, Bedford sailor Will Apold skippered his yacht Valkyrie to victory in the top class of the Marblehead to Halifax ocean race; and

Whereas Apold completed the race in 31 hours, 50 minutes and 18 seconds, beating the old record and setting a new one for fastest Canadian-owned boat; and

Whereas Apold is the first Canadian to win the modern version of the Marblehead race;

Therefore be it resolved that the members of this House of Assembly congratulate Will Apold on his sailing prowess and his victory and wish him many more such wins in future sailing competitions.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Kings North.

**RESOLUTION NO. 2526**

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

Whereas the Annapolis Valley Apple Blossom Festival will celebrate its 80<sup>th</sup> Anniversary from May 30 to June 4, 2012; and

Whereas the 80<sup>th</sup> Apple Blossom Festival has been named one of the Top 100 Events in North America for 2012 by the American Bus Association; and



Whereas the Apple Blossom Festival annually opens Nova Scotia's tourist season with a Springtime celebration of the Valley's traditions and agricultural heritage, and continues to enjoy national and international recognition;

Therefore be it resolved that the Nova Scotia House of Assembly congratulate the 80<sup>th</sup> Annapolis Valley Apple Blossom Festival for being named one of the Top 100 Events in North America for 2012 by the American Bus Association, and for its reputation as the best family event for all Valley communities and visitors.

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. 2527**

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

Whereas on November 18, 2011, the 35<sup>th</sup> Annual Yarmouth County Athletic Awards Banquet was held at the Yarmouth Lions Club; and

Whereas Yarmouth residents Dave Macdougall and Terry Murphy won the Nova Scotia Provincial Stick Curling Championships which took place from February 18 to 20, 2011, in Truro; and

Whereas Dave Macdougall and Terry Murphy won Team Accomplishment for Curling, in the sport, at the 35<sup>th</sup> Annual Yarmouth County Athletic Awards Banquet;

Therefore be it resolved that the members of this House of Assembly congratulate Dave Macdougall and Terry Murphy and wish them success in future stick curling competitions, 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 Minister of Natural Resources.

### **RESOLUTION NO. 2528**

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

Whereas John and Theresa Kieley are retiring from VON Pictou County, after 13 years of volunteering; and

Whereas John and Theresa, as VON volunteers, have earned praise and recognition from both the local community they serve and at a national level, and in 2008 they were VON Volunteers of the Year; and

Whereas John and Theresa have spent countless hours as VON volunteers providing people with support and comfort, and by their commitment to VON and its clients they have served their community very well and will be missed;

Therefore be it resolved that the Nova Scotia Legislative Assembly thank John and Theresa Kieley for their 13 years of volunteer work with the VON in Pictou County, and commend them for making a difference in 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 Clare.

### RESOLUTION NO. 2529

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

Attendu que les auteurs qui reprennent l'histoire locale dans nos régions valorisent notre patrimoine; et

Attendu que M. Edouard LeBlanc a écrit un livre intitulé: *L'Assomption et l'essor des Acadien en Nouvelle-Écosse*, illustrant les communautés acadiennes et leur développement économique au siècle dernier; et

Attendu que M. LeBlanc est bien connu à la Baie Sainte-Marie pour ces efforts sans relâche dans plusieurs organisations sociales et culturelles;

Qu'il soit résolu que les membres de cette assemblée offrent leurs remerciements à M. Edouard LeBlanc pour son dévouement envers la cause acadienne à la Baie Sainte-Marie et le félicitent pour la publication de son livre, *L'Assomption et l'essor des Acadien en Nouvelle-Écosse*.

M. 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 local writers bring attention to our heritage in rural communities; and

Whereas Monsieur Edouard LeBlanc wrote a book entitled *L'Assomption et l'essor des Acadien en Nouvelle-Écosse*, showing rural Acadian communities and their economic development in the 1900s; and

Whereas Monsieur LeBlanc is well known in Clare for his tireless involvement in many social and cultural organizations;

Therefore be it resolved that all members of this House of Assembly extend their thanks to Edouard LeBlanc for his dedication and hard work to ensure the development of the Acadian heritage and culture in Clare, and congratulate him on the publishing of his book, *L'Assomption et l'essor des Acadiens en Nouvelle-Écosse*.

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-Musquodoboit Valley.

### **RESOLUTION NO. 2530**

MR. GARY BURRILL: Mr. Speaker, on behalf of the member for Lunenburg, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the Lunenburg Queens Business Excellence Awards are presented annually to recognize, celebrate, and inspire business excellence throughout the region, with participation from seven different chambers of commerce and boards of trade throughout Lunenburg and Queens Counties; and

Whereas the Large Business Award recognizes a business with 16 or more employees with an established reputation for providing superior customer service, while engaging in community support and involvement; and

Whereas Mahone Auto, located in Blockhouse, Nova Scotia, is a family owned and a family run car dealership committed to providing service and satisfaction to its customers;

Therefore be it resolved that this House of Assembly congratulate Mahone Auto on their nomination for the Large Business Award from the Lunenburg Queens Business Excellence Awards.

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. 2531**

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

Whereas Wolfville native Don Harrison, a vice-president and deputy general counsel at Google Inc., returned to Nova Scotia this Spring as a guest speaker for Digital Nova Scotia, a not-for-profit organization dedicated to the growth and development of Nova Scotia's digital technologies industries; and

Whereas Harrison graduated from the University of Kings College, studied law at the University of Toronto, and moved to the Silicon Valley in 1999; and

Whereas Harrison currently helps manage more than 350 staff, handles investments, partnerships and acquisitions including such high-profile deals as the acquisition of YouTube and the \$700 million bid to buy ITA Software, and provides information to governments and regulators;

Therefore be it resolved that the members of this House of Assembly congratulate Don Harrison on his considerable accomplishments on the cutting edge of business technology, and wish him continues 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 Minister of Finance.

**RESOLUTION NO. 2532**

HON. GRAHAM STEELE: Mr. Speaker, on behalf of the Premier and MLA for Cole Harbour, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas for more than 100 years Boys and Girls Clubs across Canada have aimed to provide a safe, supportive place where children and young people can experience new opportunities, overcome barriers, build positive relationships and develop confidence and skills for life; and

Whereas the Boys and Girls Club of Cole Harbour offers a variety of after-school programs, March Break and day camps, and junior leadership training for the children and young people in Cole Harbour and the neighbouring communities; and

Whereas this past Spring the Boys and Girls Club of Cole Harbour was recognized for its efforts to build stronger, safer communities through a one-time provincial grant to help prevent and reduce crime in the area;

Therefore be it resolved the members of this Legislature recognize and thank the staff at the Boys and Girls Club of Cole Harbour, and similar organizations across the province, for their great work with the next generation of Nova Scotians, and also to the kids involved in the programs for taking the initiative to make life better for the people in their communities, including themselves.

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.

**GOVERNMENT BUSINESS**

MR. SPEAKER: The honourable Government House Leader.

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

**PUBLIC BILLS FOR SECOND READING**

MR. SPEAKER: The honourable Government House Leader.

HON. FRANK CORBETT: Mr. Speaker, would you please call Bill No. 102.

**Bill No. 102 –Trade Union Act.**

MR. SPEAKER: The honourable member for Argyle, who has 40 minutes left in his debate.

HON. CHRISTOPHER D'ENTREMONT: Forty minutes. (Interruptions) I don't know if I can get my throat cleared in 40 minutes.

I know the Deputy Premier is saying a whole a bunch here, but maybe, Mr. Speaker, if he just sits and listens contentedly, maybe it will be a change of heart; maybe they'll accept the issue of a hoist, as we've been chatting about for the last number of hours, to allow some real consultation to happen on Bill No. 102. I don't think he can be convinced because, of course, his government has taken the position that they just want to move forward on this one regardless of the people speaking out against it about the negative that they've been hearing about, not only from us but also from the business community and job creators in this province, employers in this province who see this as being, maybe, not the right legislation for this time.

Last night I was talking about a number of organizations and businesses and I thought it would be good to start at that position, once again, and work my way through what our feelings are on Bill No. 102, to hold this off for another six months so that the Department of Labour and Advanced Education can go out and do a little bit more work and maybe propose a number of amendments to Bill No. 102, or scrap the bill altogether and bring in something brand new. There are a whole bunch of things that can happen when it revolves around Bill No. 102. We don't have to put the blinders on and just go and do something because we don't want to hurt our pride in saying that we're wrong. Maybe it's time in this Legislature that the government, the Opposition - I don't care who - says, maybe you're wrong; maybe this isn't the right thing; maybe there are some issues that are being brought forward that need to be considered in a true consultation process that will, I think, result in a change in this Act.

Supporting a hoist motion - and I know that this is being reported by the government as a delay tactic - but quite honestly, again, we feel that holding it off for six months would be a good thing for this process. It will help inspire business confidence in this province and we believe this should be a priority because it is very clear and important that our businesses are confident so we can ensure that they can stay here and help us grow our economy.

As you know, many times in this House a lot of our Question Periods are revolving around the issue of job losses in our province. I know there is a constant going back and forth between us and the Premier, between us and the Minister of Economic and Rural Development and Tourism, on job numbers. What we are seeing in our rural areas - whether you're in Yarmouth County, Shelburne County, Digby County or whether you're in Cape Breton, and you could be in the Pictou - there are, in our estimation and from the numbers that we're seeing on the Department of Finance's Web site, there are job losses happening in rural Nova Scotia. We are seeing, I believe, an erosion of employment in our rural areas moving towards the great city lights because that is where the jobs are.

What we're seeing in our rural areas are people looking at other opportunities in other areas because it is not in their area. They're flying away to Alberta; they're flying away to Saskatchewan; they're flying away to Ontario, as they have for many years because the opportunities in rural Nova Scotia continue to wane. They continue to erode to the point where many of us, many on this side of the House - and I'm sure there are many on that side of the House - are really worried for the fabric of their communities.

As you know, the fabric of a community is not just the jobs; it's the people who are there, who participate day to day in activities in our communities like being a member of the Lions Club, being a member of the Knights of Columbus, being a member of another organization, volunteering, being a part of the recreation commission, you name it. Because of that fabric, it is very important that we have those jobs in that area so that they are alive and well.

I can tell you, because of what we're seeing, because of the job losses, because of what we're seeing and thinking that this bill might induce into rural areas is that further erosion - things like the YMCA in Yarmouth or things like the church organizations that are in my constituency. All of them will be losing very valuable volunteers who give of themselves to make sure that others don't go without.

That's extremely important. If I look at how things get done in southwestern Nova Scotia - and a lot of times it takes people from outside who can maybe think a little beyond the conventional to get things done. One of the good examples - in my neck of the woods, anyway - was the creation of the Mariners Centre. If it hadn't been for those folks coming from outside, because of the jobs that were available or might not be available because of this kind of bill - people came from outside, saw the need for a new rink, and were able to bring the community together in order to bring a facility that is second to none.

Those are the kinds of things that are beyond the jobs. I believe it is beyond what the intention of this bill is. We feel it will actually get rid of jobs in southwestern Nova Scotia and in parts of the province. It will make businesses decide whether they should be investing further, whether they should be creating those jobs that are so important. Again, as I said, it's not just the employment; it's the added fabric that it creates in all of our communities.



I want to thank the Minister of Transportation and Infrastructure Renewal, while I have a few minutes to clear my throat, for his Christmas card. I got a Christmas card. He gave me the first one because he was inspired by my Christmas card, so I want to thank him for the Christmas card. I know I'm not supposed to use a prop, so I'm going to keep this as low as I possibly can. It's a lovely picture of the Minister of Transportation and Infrastructure Renewal playing outside in the snow with his granddaughter, Ella. It's a wonderful card, and one that I thank the minister for. As soon as I can get mine together, of course he'll have my first one.

HON. WILLIAM ESTABROOKS: With a bridge on it.

MR. D'ENTREMONT: No, this time we don't have a bridge - actually, I lie. I have a bridge on it, but it's not that bridge. It's actually a beautiful stone bridge in my constituency, that government has helped the local community to hold onto. There are very few of these bridges available or left in Nova Scotia. It's not used - it's just simply sitting there - but again, it's a beautiful bridge. I'm about the bridges, I can tell you, in my constituency.

Mr. Speaker, now the government will try to tell us that they have consulted enough. They say that they finished up their consultations and should move ahead, but we believe this isn't true. Let's use the Nova Scotia Employers' Roundtable as an example. They don't feel they were adequately consulted, and they represent organizations that employ many Nova Scotians in many parts of this province.

Let's look at it in more detail. Has the government actually met and consulted with roundtable members? I ask the question, has the Minister of Labour and Advanced Education or the Premier or anyone from the government side reached out and talked to companies like Bowater Mersey, for example? Have they discussed first contract arbitration with them? Again, I know that maybe that didn't get broached, with the issue going on at Bowater, but did it happen in the conversations? What about Clearwater Fine Foods? Clearwater is an important company with a history here in Nova Scotia. Surely they deserve some consultation. There are hundreds of fishing companies just like Clearwater that employ hundreds of people.

Last night I was talking about Crossley/Tandus, another important participant at the Employers' Roundtable. I wonder what they would think of first contract arbitration. Does the government know? Have they taken the time to ask?

Here's an interesting fact: Irving is a participant on the Employers' Roundtable, as we all know. Now we all know about the \$25 billion shipbuilding contract; of course we were all excited about it. We all supported that process in this House of Assembly, and rightly so. But in the years to come, Irving will have some very important decisions to make. They're all going to have to subcontract a lot of that work. When they're deciding

where some of that work will go, how can we ensure that it will be done here in Nova Scotia? (Interruption) I'm glad I have the attention of the minister.

The truth is we can't be sure of that, but what we can do is create an environment where Irving wants that work to be done here, where it's advantageous for that work to be done here in Nova Scotia. You know, the further issue on that one is that as the subcontract stuff will start to happen, many of these companies will have to grow. As they grow and as they need more staff, as they need more employees, they might fall into the issue of first contract arbitration. Are they ready for that kind of commitment, and will that impact the availability or the pricing of that product? That's sort of the question. It's not an issue of just the first contract, but is it the actual setup of a company, because there will be a number of new companies that will have to be created to provide certain services and/or products for the shipbuilding contract.

There are things that we can do to make that happen, Mr. Speaker. We can lower taxes. We can get to work to lower power rates, as has been discussed in this Legislature on many occasions, and we can lessen the regulatory burden that businesses face, but there are also some things that we can do to make it harder for Irving to send work here, to make it harder for Irving to justify sending work to Nova Scotia. We feel, again, that one of these things is first contract arbitration.

Another member of the roundtable is Sobeys. Sobeys employs Nova Scotians from one end of this province to another. Sobeys has a deeply-rooted history in Nova Scotia; their head offices, their beginnings happened in New Glasgow, in Stellarton, and have done a phenomenal job in not only growing in Nova Scotia but in growing right across Canada. So are we willing to sacrifice that deeply-rooted history with first contract arbitration? We believe that that could find its way into the workplace of Sobeys.

These are the kinds of questions the government should spend some time pondering before they move ahead with this bill, and that's why it's important. We need to go talk to these folks. We need to have answers from this government and from this minister on how those discussions have gone.

I talked about Walmart the other night. Walmart is another large employer in Nova Scotia today. There have been many examples discussed here in the House where Walmart, in other jurisdictions - and I'm thinking about Quebec in particular - has simply moved jobs and closed down departments because a first contract was imposed upon them. Do we want that happening to Walmarts here in Nova Scotia? Do you think that we could afford for that to happen in our rural communities? Many of those jobs are a very basic job, but they're very important jobs for many Nova Scotians who have the opportunity to work on the floor, or work in cash, work in their garages, the tire services, and the things that they offer that are important. Not only is it important to the employees there but it is also important to the population, because they do get some of these services at a more reduced cost than maybe they can get in other places in their communities.

There's a lot more. There are a lot of other members at the Employers' Roundtable who we feel don't feel that they've been consulted properly, organizations like Dalhousie University, ECPLP, Farmers Dairy, IMP, Killam Properties, Medavie Blue Cross, Michelin, Mount Saint Vincent University, Dexter's, Nova Scotia Power itself, Oxford Frozen Foods, Scotia Investments, Scotsburn Dairy, and the Shaw Group. Mr. Speaker, we feel that they all deserve a say. So let's do that. Let's take the time to say, why don't the Minister of Labour and Advanced Education and the Premier pick up the phone and ask them what they think of first contract arbitration and refer it back to this Legislature?

Many times in this House of Assembly we've seen organizations come in opposition to this bill. I think they should be put into the record as well. Many times we have seen Atlantic Building Supply Dealers Association; many times we've seen the Canadian Federation of Independent Business, who do represent organizations from one end of this province to another; the Canadian Restaurant and Foodservices Association; the Construction Association Nova Scotia; the Canadian Taxpayers Federation; the Halifax Chamber of Commerce; the Hotel Association of Nova Scotia; of course there's the Merit Contractors Association of Nova Scotia; the Nova Scotia Automobile Dealers Association; Nova Scotia Chambers of Commerce; the Nova Scotia Home Builders' Association; the Nova Scotia Road Builders Association; the Restaurant Association of Nova Scotia; the Retail Council of Canada, the Atlantic Office; Sackville Business Association; Scotia Investments Group of Companies; the Tourism Industry Association of Nova Scotia; the Truro and District Chamber of Commerce; they have all come forward to oppose this legislation. Combined, these groups employ thousands upon thousands of Nova Scotians. Why has this government, in our minds and in what we've seen, refused to work with them on this?

Mr. Speaker, they say the same thing, I think - we don't need first contract arbitration right now. It won't make the process better. It won't help the process. It makes things worse. Not only does this legislation have the potential to disrupt well-functioning businesses but it will, of course, disrupt a process that disrupts collective bargaining. It deprives the parties of finality and the most important contract that they'll ever negotiate.

The Employers' Roundtable said it best when they said: A collective agreement imposed by first contract arbitration does not promote free, constructive bargaining process. So I think that's a very bold statement but it's an accurate one, so let's think about what that means. Let's take the time to consider the potential consequences of that bill. That's what a hoist, in our minds, will allow us to do, to go back and talk to the folks who really need to be consulted on this issue, the folks who believe that this does not promote free, constructive, bargaining processes.

I don't know how many times in this House we've heard that from that government when they were in Opposition, about letting the process run its due course; let the process do its work. Mr. Speaker, many times they were right in that so why, all of a sudden, do they want to change the water on the beans and bring in first contract arbitration? We

should take more time to look at what first contract arbitration has done to businesses in other jurisdictions. Let's take six months and examine this.

In Quebec only 47 per cent of first contract arbitrations are actually followed by a second collective agreement and only 24 per cent are followed by a third. Very telling numbers when you really start splitting it up like that. We were so anxious and excited to get to that first agreement that it seems like we're not getting beyond that first agreement for a number of reasons. In most cases employers and employees are stuck with that first contract, whether good or bad. There is no more negotiation and, Mr. Speaker, we feel that negotiation is important. It brings people to the table. It fosters a sound relationship. All of this is critical to building strong labour relations into the future.

We should be encouraging negotiation in bargaining. It's how we build long-term relationships in this matter. As I said, many times in this House of Assembly, especially when I was Minister of Health, did I hear that Party talk about good labour relations and trying to maintain that and respecting the process; so all of a sudden we want to completely change the process, whether good or bad.

We need a system that favours one side, creates a system that favours one side over the other. We feel that it does not foster healthy relationships, it creates unhealthy environments.

Make no mistake about it, first contract arbitration is not a neutral process, it tilts the balance in favour of labour. I'm not opposed to collective bargaining, as I've said, I'm not opposed to employees unionizing if that's their wish, not at all. Our position is only that it ought to be done in a manner that is open and transparent, that works really hard to bring both sides to the table in good faith and they work together to reach a deal that they both can live with. What's wrong with the existing process that, actually, we feel has accomplished that time and time and time again in this province?

We're sent to this House to find solutions to problems, that's why our constituents hire us and send us here. But in this case the government is forging ahead with a solution to a problem that we don't have. We have other mechanisms that are used to reach collective agreements. We have proof that, of course, they work well.

First contract arbitration is not a frequently used method of resolving disputes even in jurisdictions that do use it. Let's look at Ontario as an example. In Ontario, where unions must demonstrate a failure to bargain in good faith in order to get a first contract imposed upon them, arbitration is resorted to in no less than one per cent of cases. Ontario has, of course, more labour disruptions than Nova Scotia ever does.

The question is still there, why are we looking to pass Bill No. 102 right now? Right now, is this the most important bill on the government's docket? Why is this legislation before us? The government may feel a need to humour their special interest friends but it is

the only case that I can see of why this piece of legislation is before us today. Since there is no credible need for this legislation right now, I mean, how many organizations are out there that are having trouble negotiating their contracts that we need to bring this in right now? Well, there are none, absolutely none. In 10 years have they ever had to go to some kind of extra arbitration or some kind of extra involvement, it was like three times in 10 years. There is no pressing issue today that requires this bill to be passed in the sitting of the Legislature.

Our bosses, who are of course our constituents, are telling us to wait. I don't know about the members from the government side but the bosses are the people that I represent. Maybe they have other bosses, maybe they are listening to other forces but I'm listening to the people of the constituency and they're telling me to wait. They're telling me they don't want us to move ahead with first contract arbitration.

I hope that the members on the government side will stop for a moment when they think about the people who sent them there. Think about the people of Cape Breton Nova, think about the people of Lunenburg West, think about the people of Pictou Centre - do they want first contract arbitration? If they do, well, let us know who those folks are, stand and tell us this is being brought forward in my community and is something that is very important. Do they want first contract arbitration, and I'm willing to bet that they don't if you actually went out and consulted with them. But how can we be sure because of the manner in which, I think, this bill has arrived here in the Legislature.

Taking six months, allowing all members of this House - the Minister of Finance was playing with the desk there and of course dropped it. Your fingers are okay, you didn't catch your fingers in there? We still have a couple of paramedics here, we'd be okay if he did hurt his fingers. It would be really hard, with all the budgeting he does, to count on nine fingers instead of 10.

Mr. Speaker, taking six months, allowing the members of this House to go home and consult would be able to know for sure. You know if they come to us and say this group and that group has said that we really need this kind of first contract arbitration, that there is this company and that company that are deadlocked at reaching a first contract agreement. Well then, okay, all right, at least we've got more data than we started with here a week or so ago when we started debating this bill. It just goes to the issue that good legislation isn't rushed. Good legislation, of course, takes time to develop. Good legislation requires proper consultation with relevant stakeholders and important groups. Again, we feel that this not good legislation.

Many organizations and companies in our constituencies could fall prey or could fall to this issue. If I look at the fishing industry, as an example, many fishing companies are maybe a little smaller than Clearwater is, but they still do employ a number of people. If I look at, in my mind, Inshore Fisheries or Acadian Fish Processors or even Sea Life, which is a division of Comeau Seafoods, they employ many people. In the case of Acadian Fish

and Inshore, each of them on their floors would probably employ 30 people or more, depending on the time of year, who they require to work on their product.

I'd really like to take some more time and go back and talk to those individuals and see if this legislation will help or hinder. I know the relationship that these companies have with their employees is absolutely phenomenal - and I spoke about this the other day - especially about the herring workers at Sea Life Fisheries, or Sea Life in East Pubnico, a division of Comeau Seafoods.

Many of these small-town businesses work very hard with their employees to make sure they have what they need and to make sure that they have the hours required to at least qualify for employment insurance, who make sure that they are not going to be left out in the cold. What that fosters many times is more than just a job. In a lot of cases it's their careers.

I know many people who work at these organizations who have been with these companies for 20 years, 30 years, in some cases even longer, because the company has treated them so well. It has made sure they've had their hours, made sure they've had their vacation, made sure they've had gifts at their weddings. So what does first contract arbitration do for companies like this? I don't think it does anything at all. I think it does create an opportunity for a souring relationship there, so that there isn't that same kind of friendliness between employers and employees. I think that's wrong, especially in small communities like mine.

Again, if I look at the Pubnicos and the Acadian Fish and the Inshore Fisheries, they are the fabric of our communities, as I spoke about a little earlier. They've been there through thick and thin. They've been there in the ups and downs of the fisheries. They've been there when other companies were closing their doors, when other, smaller fish companies had nothing else to do but to close things up. These organizations found ways to make sure their employees had everything they needed. So what does first contract arbitration do for them? Again, I really think it does very little.

I spoke at the beginning of the week about Sea Life Fisheries, and I think this is a really good example of an employee-employer relationship that is well beyond what we are used to and what I think this government hasn't seen in the past. That is that Sea Life Fisheries last year - I know that the Minister of Fisheries and Aquaculture knows this one very well - last year the fish stock of herring could not be found. I know the boats went out time after time, trying to find the schools of herring in order to put through their plants. Really what happened was, because there were no hours - and there are about, I forget how many people actually work there, I think it's like 100 people who normally work throughout the summer, making up their hours, making sure that they have the dollars available to get them through the winter and maybe they go off to do some lobster fishing, or whatever, but many of the women who work there, for example, are in their fifties and really the options in our neck of the woods are very limited.

Anyway, last year they couldn't find any fish and, even worse, from the herring stock, was the issue that they couldn't even find mackerel in the States. What had happened in the States is the mackerel supply normally gives a number of weeks - four, five, six weeks - to those employees before the herring fishery begins here, off Halifax as a matter of fact. Anyway, last year there was no work and many people found themselves weeks and weeks short of being able to draw for their unemployment. What the company did is they tried their best in trying to find other things to do, which included cleaning the plant, which included trying to get the boxes ready; it was a pile of stuff. Kudos to Sea Life and to the principals there who worked with their employees to find things for them to do, but they still came up short.

What the government did at the time - and again I've thanked the Minister of Fisheries and Aquaculture in this House a number of times about this one - is that they were able to find some dollars to help out and find other jobs that they could do in the community. It could have been anything from painting somebody's house to cleaning homes. They found things for them to do and they flowed it through that company and, lo and behold, the employees were able to have their hours so that they could draw Employment Insurance.

Now this year we were getting all ramped up to do that again, because it seemed that the supply or the schools of fish were not available. They caught some here off Halifax but they were really having a hard time finding it in the Bay of Fundy, off Scots Bay and those areas, and there was no work, but happily, through the perseverance of Comeau Sea Foods and the fishermen who of course work for them, hours were found, the fish was found and, many tons of herring were run through the plant in East Pubnico and all those folks were able to work the hours that are required.

So what that really orchestrates or shows is that there are very few companies that would have labour relation problems with their employees, that companies would have problems with them, which I think, in the intention of this bill, it's supposed to fix this, that it's giving the opportunity, because everybody seems to be at a loggerhead all the time, so we need to give the mechanism to come through on this one. But from the examples that I'm giving, from the examples that we've heard from other people, that doesn't exist. That doesn't exist in rural Nova Scotia. That doesn't exist in my community and I don't think it actually exists in many communities of members on the government side.

Mr. Speaker, again, it goes to the point that good legislation isn't something that we should rush. It isn't something that, just because you have an idea, it doesn't mean it's a good one. It's something that, the idea needs to be fully flushed out and it needs to be consulted and worked with to make sure that it is the right piece of legislation for all of Nova Scotia, not just one part of Nova Scotia over another. What we feel again, even after many questions in this House of Assembly, we felt that we had asked a few questions around first contract arbitration because, of course, it wasn't a bill before in this House. The spectre of it had been brought forward and had been talked about by organizations and

groups, had been talked about by the minister and the department, but we were able to ask questions about it and what we had heard, which was, in my mind, respectful. We got a regular, decent answer from the minister that said we're still consulting, we're still talking about it, it is still before the Labour Relations Management Committee, so we accepted that as being at least a relatively good process in which consultation could continue to be had.

Of course we were hoping that other organizations could have been brought into that process, that other companies could be consulted with, but what we saw is something that is really no surprise or has turned into being no surprise for us about this government. It was hastily brought in - hastily simply meaning that we don't think the work had been done, that because of commitments that were made or thinking that this was a good thing or a good idea, that it should be brought in and rammed through the Legislature.

I know that we're trying to do the best we can to make sure that this isn't. Again, I wish that the government would take the opportunity to maybe rethink this. We are in, I believe, an economic crisis. We've all talked about it in this Legislature, and I think all we can do as legislators, as MLAs, is create an environment in which businesses can grow, in which businesses and employees and people can be at work, can make sure that they have the opportunity to contribute to their communities. That's what I believe we should be doing as MLAs. I think in this particular case, if it's not broken, then why are we trying to fix it? If it's not something that has been asked for by our communities, why are we bringing this forward?

Let's be talking about things like creating jobs, making sure we're creating the right environment for the Irving Shipbuilding contract. Let's be talking about other things that are important to Nova Scotians. Let's talk about long-term care, let's talk about working with persons with disabilities, let's talk about employment insurance, let's talk about a number of issues that we hear every day in our constituency offices, let's talk about roads. As I said yesterday, I think the Department of Transportation and Infrastructure Renewal did a phenomenal job in getting the road cleared in a relatively good time. It's not what everybody expects, because they want it done immediately, but I think they did a great job. My travels from Port Hawkesbury back home were phenomenal on the roads.

So let's talk about those things. Let's talk about things that are important to Nova Scotians, things that we hear every day in our constituencies. All I can ask of the government is to listen, and I hope they've listened over the last number of hours to our pleas to hold it back, but I'm going to guess that they're not, that they're just going to do what their Leaders are telling them to do, which is to accept this at all costs.

With that, Mr. Speaker, I want to thank the Legislature and thank you for the opportunity to speak to this hoist motion. Thank you.



MR. SPEAKER: The motion is for an amendment to Bill No. 102, "That the motion be amended by deleting all the words after the word 'that' and substituting the following therefor:

Bill 102, An Act to Prevent Unnecessary Labour Disruptions and Protect the Economy by Amending Chapter 475 of the Revised Statutes, 1989, the Trade Union Act, be not now read a second time but that it be read a second time this day six months hence."

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

The motion is defeated.

We are now back to the main motion, that the bill be now read a second time.

The honourable member for Clare.

HON. WAYNE GAUDET: Mr. Speaker, I'm pleased to rise and say a few words on second reading of Bill No. 102. The first question that comes to mind is, why did the NDP Government bring this piece of legislation forward? We've heard time and time again, who has been asking the government for first contract arbitration legislation? I was looking forward, when the Minister of Labour and Advanced Education introduced second reading on this bill, that she was going to tell us why the government was bringing this piece of legislation forward, and at the same time, who was asking for this to come forward.

I can tell you, I don't know of anyone in Clare who has been asking for first contract arbitration. I can tell you, I've heard from a few businesses from Clare, in this past week and last weekend, asking me, basically, why was government bringing this legislation forward and, at the same time, who was asking for it? I can tell you, some businesses at home have been following this discussion, this debate; however, unfortunately, we don't know the answers to these questions.

I guess the big question is what are we trying to fix with this piece of legislation? Are there problems with labour relations in our province? It has been said time and time again, we have very good labour relations in our province. I'm not aware of any labour difficulties in our province at this current time. Again, we're trying to find out what this bill will end up fixing.

Maybe we'll know once the Minister of Labour and Advanced Education wraps up discussion on second reading of this bill, hopefully today. Again, I hope, and I would certainly like the minister - if she has an opportunity - to tell us why she is bringing this bill forward, when she wraps up her closing comments on Bill No. 102.

In the end, what is the minister trying or planning to fix with this bill? As I pointed out, are there problems with labour relations in our province? I guess the really big question that everyone has been asking is why is this bill good for Nova Scotians? We haven't heard that. What's really good about this bill coming forward? In the end, what will this bill help fix? We're not aware of any problem at the moment. The people of Nova Scotia would be interested in hearing the minister tell us why this bill is good for our province.

I guess one big question that many people will have is, will this bill help create jobs in our province? Time and time again, we've been hearing, throughout this session this Fall, about people losing their jobs. When you look at the title of this bill, an Act to Prevent Unnecessary Labour Disruptions and Protect the Economy, it talks about protecting the economy in Nova Scotia. Does it talk about protecting jobs? We know that since the NDP Government took office two and a half years ago, we have lost over 12,500 jobs in our province. (Interruptions) I hear the Minister of Finance telling us that these numbers are only made up. Well, again, we've heard from different sources. The number is probably greater than 12,500. In the past year alone, Cape Breton lost 2,100 jobs; the North Shore region lost 1,400 jobs; the Valley region lost over 600 jobs; and the southwestern region lost over 2,500 jobs.

So, Mr. Speaker, if this is about protecting our economy and our province, I wish the Minister of Labour and Advanced Education could tell us exactly how this bill is going to protect our economy. I'm sure there are many people out there who are probably wondering the same thing that I am - how is this going to protect the economy in our province?

As I said, we have lost over 12,500 jobs in our province since the NDP Government has been in office in the last two and a half years. It seems every week, Mr. Speaker, every week we hear of someone else losing their job, laying off employees around the province, whether it's in the Strait area, on the South Shore, in Yarmouth and throughout many communities through, especially, rural Nova Scotia. Again, why is the government not focusing on these real economic issues facing our province rather than bringing Bill No. 102 before the House?

Mr. Speaker, if this bill is going to protect our economy, again, how is this bill going to stop people from losing their jobs? I wish the Minister of Labour and Advanced Education could tell us, and all Nova Scotians, how this bill is going to protect our economy.

Government has a role in helping to work with the businesses in our province to create good jobs for Nova Scotians. Throughout all of our province, Mr. Speaker, I don't believe first contract arbitration legislation will help the government work with our businesses to create good jobs in our province. If it does, if this bill does create good jobs for Nova Scotians, then why is the government not telling us. If this is about protecting the

economy and if first contract arbitration legislation will create good jobs for Nova Scotia, I wish somebody from the government benches could tell us and tell all Nova Scotians.

I don't believe first contract arbitration will increase business confidence in our province. We are losing too many jobs, and also to risk business confidence at this time - I believe the government should certainly look at the number of people who are losing their jobs, very closely.

Again, many people are asking why this bill is before the House. Government should be using their energy to strengthen our economy and get Nova Scotians back to work. We know that over 12,000 people have lost their job, and I don't believe that first contract arbitration will encourage businesses to expand and invest in our province, and I don't believe that first contract arbitration will contribute to better economic performance or economic stability for our province.

In the past year alone, 5,000 Nova Scotians have left the workforce. We have heard time and time again, from government, about the need to focus on making sure that we do have a solid workforce for now and for years to come, but at the same time we have over 5,000 Nova Scotians who have left the workforce - in Cape Breton 2,300 people have left the workforce; in the North Shore 1,400 people have left the work force; in the Valley 1,800 people have left the work force; in southwestern Nova Scotia over 4,300 have left the workforce. Again, I don't know that first contract arbitration will encourage people to stay in Nova Scotia. People want to work and they need to work, and they will go wherever they have to go in order to find work.

In closing, Mr. Speaker, when I look at the loss of 12,500 jobs in our province in the last two and half years, when I look at the 5,000 Nova Scotians who have left the work force in the past year alone, again the question is, why is the government not focusing their energy on helping create more jobs in our province and really protecting the economy, as Bill No. 102 states? Mr. Speaker, with those few words I will take my seat. Thank you.

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

MS. KELLY REGAN: Mr. Speaker, I'm pleased to rise in my place today to speak to Bill No. 102, an amendment to the Trade Union Act and it is entitled an Act to Prevent Unnecessary Labour Disruptions and Protect the Economy by Amending Chapter 475 of the Revised Statutes, 1989, the Trade Union Act.

I guess over here what we've been wondering is, in what particular way are they protecting the economy in this bill? We have had very few labour disruptions. First contract negotiation has not, by and large, been an issue in this province over the past decade, so why this? Why now? The Nova Scotia economy is weak; we know that, we are bleeding jobs. My caucus, the Liberal caucus, has stood up here day after day talking about job losses in this province. We should be focusing our energies on bringing investment to

this province and boosting business confidence. Instead, we're going to make it more difficult for business to come in here. We are going to make it more difficult for companies with first contract negotiation.

We keep asking, what is the problem that the minister is trying to fix? In Nova Scotia there are lots of problems but this bill isn't going to fix any of them. In 2010 Nova Scotia had the worst growth of any provincial economy in the country, at 1.9 per cent. Only the Northwest Territories had lower GDP. In the last year we had the third worst economic performance in manufacturing in the country, the worst performance, for example, in motor vehicle sales.

Since the NDP took office, gas prices have gone up over 25 cents a litre.

AN HON. MEMBER: As in any other province.

MS. REGAN: Well, as a matter of fact, it did go up in other provinces but I think, Mr. Finance Minister, if you happen to check what gas prices are in other provinces, they are not as high as they are here. Certainly diesel has sky-rocketed, as I was noting the other day.

Employment has decreased by 12,500 jobs since the NDP took office and we could go through the list once again: Cape Breton lost over 2,000 jobs; the North Shore region lost almost 1,500 jobs; the Valley region lost 600 jobs; the southern region lost 2,500 jobs; in the past year alone 5,000 Nova Scotians have exited the work force. You know what? You don't have to take my word for it that this bill isn't needed.

We have heard from a number of employers or employer groups in this province: the Atlantic Building Supply Dealers Association, the Canadian Federation of Independent Business, the Canadian Manufacturers & Exporters, the Canadian Restaurant and Foodservices Association, the Construction Association of Nova Scotia, the Contact Centre Nova Scotia, Halifax Chamber of Commerce, Merit Contractors Association of Nova Scotia, Nova Scotia Automobile Dealers Association, Nova Scotia Chambers of Commerce, Nova Scotia Homebuilders' Association, Nova Scotia Road Builders Association, Pharmasave Atlantic, Restaurant Association of Nova Scotia, the Retail Council of Canada - Atlantic Office, and the Scotia Group of Companies.

They have said that on behalf of their tens of thousands of employees in Nova Scotia, they do not want first contract arbitration; they've made it clear. Since 1998 the Labour Board, they go on to say, has only issued three orders to bargain, so there's not some overwhelming problem. It's not like there have been 2,500 orders to bargain. In terms of weightiness, the job losses far outweigh what we're doing here, and so instead of focusing on what a government should be doing - creating jobs - they are in fact looking at something that will inhibit companies from moving here, from setting up here, from expanding.

They point out that Nova Scotia is experiencing an uncertain future. Economic growth and even stability are not a given, and we know that Nova Scotians are concerned about their jobs. They don't know if they're going to have a job in six months or a year. We should be creating an environment of opportunity that provides young people with the choice of remaining in this province, and instead what we're doing is we're inhibiting employers.

My colleague, the member for Colchester North, received a number of submissions from employers in and around her constituency. I have letters here which I would like to table from Masstown Market, which opened in 1969. They currently employ 120 people. Home Hardware in her constituency opened in 1980, and they have 230 employees. Central Freight Liners opened in 2000, and they have 31 employees. A & M Fabrication in Oxford opened in 1999, and they have 15 employees. They wrote to her, and this is what they said:

Dear Karen,

I am writing to you today to outline disappointment with government's plan to bring First Contract Arbitration to Nova Scotia. I am disappointed this is being done despite the opposition of businesses - large and small - across the province. I view both the legislation and the process that drove it as "anti-business" and, as such, urge you to reconsider.

As we have repeatedly heard, we have a harmonious labour environment in Nova Scotia and are fortunate to experience one of the fewest numbers of lost days due to labour disruptions in Canada. We simply do not have a problem that needs fixing. For this reason alone, I want to stress my opposition to First Contract Arbitration (FAC) and that there are much more pressing issues that demand our attention, such as economic growth and job creation.

May I point out that this is exactly what the Liberal Party has been saying? There are other things we should be focusing on. Back to the letter:

The tools are already at government's disposal to deal with the rare circumstance where first contracts cannot be settled. I believe we should be exploring existing tools before introducing legislation we do not need. I fear that introducing FCA at this fragile time may well serve to hurt the economy by adding uncertainty to an already uncertain environment.

I will acknowledge that most Canadians live in jurisdictions where FCA exists. This seems to be the consistent argument put forth in

favour of FCA. On this point I would like to clarify that while 85 per cent of Canadians live in jurisdictions that have some form of FCA, only *4 per cent* have the model of FCA that is being proposed for Nova Scotia. The Manitoba model of FCA - after which Nova Scotia's version of FCA is being fashioned - is widely viewed as the most regressive given that there is little time or even requirement for both parties to make every effort possible to reach an agreement on their own. I believe this undermines the ability of both parties to engage in free collective bargaining, a right we hold dear.

For all of these reasons, I urge you to reconsider An Act to Prevent Unnecessary Labour Disruptions and Protect The Economy and ask that government instead focus on measures we can work on together to improve labour relations in Nova Scotia while growing the economy. I do not believe FCA will achieve either.

Mr. Speaker, that is the whole point here. We don't think that this particular bill is going to do what Nova Scotians need, what Nova Scotia needs, right now. What this bill will do is inhibit business from moving in, from staying here, from upgrading their plants. What it does not do is it spends no time on making our labour milieu more harmonious. In fact, what we've done is once again this government has pitted labour against business.

There wasn't a problem to start, there was no need to bring this in and yet this is where we're going now. So, Mr. Speaker, with those few remarks I do urge the government to reconsider its decision to bring in FCA and its particular decision to bring in this particular model of FCA, and request that they would, in fact, think again and move in another direction. Thank you.

MR. SPEAKER: The honourable member for KingsWest.

MR. LEO GLAVINE: Thank you, Mr. Speaker. I'm pleased today to rise in my place for a short period, just to make a few points on this very important bill before us and one that is cause for concern. First of all, in my riding that has a Michelin plant, I certainly am hearing that they don't like this bill; they don't like the possibility of what this bill could produce.

On the weekend, and my honourable colleague, the member for Kings South, was at the radio station for the Kinsmen Christmas Miracle show, I just entered a door of that building and a Michelin worker who was volunteering that day came to ask me, in simplest terms, what kind of implications this could have. We have a good work environment. There have been initiatives in the past to unionize Michelin, let's not hide from that; that has been one of their favourite targets. What this bill actually does is support that initiative, in a little bit of a roundabout way, but it does change the environment.

I think even to raise a bill that has a company like Michelin - and last night I heard the same story. I was actually quite taken aback when I arrived at the Federation of Agriculture meeting last night and a farmer from Pictou came to chat with me, not about agriculture, which I thought was going to be the topic, but about what kind of impact Bill No. 102 could have on the secure jobs, the importance of the Michelin plant in Pictou.

There's not a great amount of public discussion, obviously, from Michelin, but you know that at the worker level there is talk about this bill; there is talk about the implications that it could have. I know my riding in particular, and anybody representing Kings County or Pictou County or Lunenburg, this is a bill that I think does have that undercurrent in regard to how this Bill No. 102 could, indeed, impact.

I was surprised to see this bill come along. I know we keep hearing that in other provinces this exact first contract arbitration does exist, and also at the federal level, but the current climate in Nova Scotia, the work climate, especially in rural Nova Scotia, really should be front and centre of government's agenda during this session. While we have lost a lot on the agri-manufacturing in the Annapolis Valley, it's this Fall as you start in Windsor with the gypsum mines and you move to Hantsport and up through the Valley, all the way to Digby, we've had those five, 10, 15, 20, 25 jobs, even the Town of Berwick, with no manufacturing now, has had to lay off some people from the town employees.

This is the kind of environment now that we're living in and this is a bill which does create that discomfort for small business. I think it has come at a very, very unfortunate time.

Also, in Nova Scotia we have a good track record, we have a good labour history, and I think it goes to show that people are reasonable in negotiating their contracts. There is an occasional time - I think three times in the last 10 years - when we've had to call upon some kind of arbitration to enter the picture for settlement.

So I think, as we hear from the small business community, we need to perhaps have a strong second look - and I hope to speak further on this bill as it moves through the process of the House. Thank you, Mr. Speaker.

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

The honourable Minister of Labour and Advanced Education.

HON. MARILYN MORE: Mr. Speaker, I want to thank the members for their thoughts on this particular piece of legislation. I move second reading of Bill No. 102.

MR. SPEAKER: The motion is for second reading of Bill No. 102. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

A recorded vote is being called for.

Ring the bells. Call in the members.

[10:26 a.m.]

[The Division bells were rung.]

MR. SPEAKER: Are the Whips satisfied?

A recorded vote has been called for, so I will now ask the Clerk to take the vote.

[The Clerk calls the roll.]

[10:32 p.m.]

**YEAS**

Ms. More  
Mr. Estabrooks  
Ms. Peterson-Rafuse  
Mr. Corbett  
Mr. Steele  
Mr. Paris  
Ms. Jennex  
Mr. MacDonell  
Mr. Belliveau  
Ms. Zann  
Ms. Kent  
Ms. Conrad  
Mr. Wilson  
Mr. Parker  
Mr. MacKinnon  
Mr. Smith  
Mr. Epstein  
Mr. Prest  
Mr. Ramey  
Mr. Skabar  
Mr. Whynott  
Mr. Morton  
Ms. Birdsall  
Mr. Boudreau  
Mr. Burrill

**NAYS**

Mr. Gaudet  
Mr. Glavine  
Ms. Whalen  
Mr. McNeil  
Mr. d'Entremont  
Mr. Baillie  
Mr. Porter  
Mr. MacMaster  
Mr. MacLeod  
Ms. Regan  
Ms. Casey  
Mr. Colwell  
Mr. Churchill



THE CLERK: For, 25. Against, 13

MR. SPEAKER: 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, I move that you do now leave the Chair and the House resolve itself into a Committee of the Whole House on Bills.

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

The motion is carried.

We will now take a short recess until the committee sets up, thank you.

[10:35 a.m. The House recessed.]

[10:38 a.m. The House resolved itself into a CWH on Bills with Deputy Speaker Ms. Becky Kent in the Chair.]

[10:46 a.m. CWH on Bills rose and the House reconvened with Deputy Speaker Becky Kent in the Chair.]

MADAM SPEAKER: The Chairman of the Committee of the Whole House on Bills reports:

THE CLERK: That the committee has met and considered the following bills:

**Bill No. 73 - Safer School Zones Act.**

**Bill No. 76 - Civil Forfeiture Act.**

**Bill No. 78 - Civil Constables Act.**

**Bill No. 80 - Constables Act.**

**Bill No. 84 - Animal Protection Act.**

**Bill No. 85 - Agriculture and Rural Credit Act.**

and the chairman has been instructed to recommend these bills to the favourable consideration of the House, each without amendment.

Further, Madam Speaker, that the committee has met and considered the following bill:

**Bill No. 65 - Nova Scotia Jobs Fund Act.**

which was reported with certain amendments by the Committee on Law Amendments to the Committee of the Whole, without further amendments, and the chairman has been instructed to recommend these bills to the favourable consideration of the House.

MADAM SPEAKER: Ordered that these bills be read a third time on a future day.

The honourable Government House Leader.

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

**PUBLIC BILLS FOR SECOND READING**

MADAM SPEAKER: The honourable Government House Leader.

HON. FRANK CORBETT: Madam Speaker, would you please call Bill No. 94.

**Bill No. 94 - Atlantic Provinces Special Education Authority Act.**

MADAM SPEAKER: The honourable Minister of Education.

HON. RAMONA JENNEX: Thank you, Madam Speaker. I rise today to move second reading of Bill No. 94 - an Act to Amend Chapter 194 of the Revised Statutes, 1989, the Atlantic Provinces Special Education Authority Act.

Madam Speaker, the Atlantic Provinces Special Education Authority is an interprovincial, co-operative agency that was established in 1975 through joint agreement by the Ministers of Education for Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland and Labrador. The Atlantic Provinces Special Education Authority was given the mandate to provide educational services, programs, and opportunities for people from birth to 21 years of age who are hearing or visually impaired and live in any of the Atlantic Provinces.

Madam Speaker, this arrangement is a model of interprovincial co-operation and is a wonderful example of the great work that can happen through partnership and a shared vision for helping those in need. The program is operated by a board of directors that

includes representation from all provinces, and its operational costs are also shared. This program has supported many young people in achieving success, both in the classroom and in life. It is a program that Nova Scotia is proud to be a part of.

Madam Speaker, this amendment was developed in co-operation with our Atlantic partners and updates the current legislation to reflect current language and to reflect the current facilities now held by the authority. Some of the facilities and programs currently referenced in the Act no longer exist and others should be updated in the Act. A new office has been established on South Street in Halifax and is also not mentioned in the current Act.

I would like to be clear - these amendments in no way change, alter, or affect the programs and services being provided to those students who need them. Programs and services continue and will continue to be offered without delay or interruption. Madam Speaker, the amendments only update the current Act to reflect today's operations.

I look forward to seeing the amendments move forward to the next phase and, Madam Speaker, I am pleased to move second reading of Bill No. 94. Thank you.

MADAM SPEAKER: The honourable member for Colchester North.

HON. KAREN CASEY: Madam Speaker, I am pleased to rise in my place and speak to Bill No. 94 briefly. I do acknowledge and want to congratulate the minister for her change in the Act which will bring it more in line with reality. As far as facilities, it did need to be updated to reflect the facilities that no longer offer services to APSEA, and also to highlight the facility in Halifax that does provide that service. That part of the amendment is something that was needed, it's a housekeeping item and it certainly is appropriate.

Our concern, Madam Speaker, is with the language. It is suggested by the minister that there would be in no way any change of the services that are delivered, but that there would be "current language." Our review of the bill and the information that was provided to us at our caucus in a briefing by department staff only spoke to one word as far as language and it was the word "resource". It was the removal of the word "resource" when referring to one of the APSEA facilities and currently in the current legislation, the current Act speaks to resource centre.

This amendment takes out the word "resource" and I guess, Madam Speaker, we have to question why it would be so important to take out the word "resource". As the minister has said, as her staff have said, and as we know from the history of APSEA, that APSEA provides a lot of resources, services and supports to students with special needs and to the teachers who are delivering programs and providing support for those students. So we've questioned why the word "resource" has been removed. The answer we were given was that it would be more current language.

So I guess I would be asking, Madam Speaker, if in her concluding remarks, the minister may be able to explain why the word “resource” has been removed and how that takes us into current language, how that would strengthen the Act, and how that would improve services to students. Thank you.

MADAM SPEAKER: If I recognize the minister it will be to close debate on the bill.

The honourable Minister of Education.

HON. RAMONA JENNEX: Madam Speaker, I move second reading of Bill No. 94.

MADAM SPEAKER: The motion is for second reading of Bill No. 94. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

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

The honourable Government House Leader.

HON. FRANK CORBETT: Madam Speaker, would you please call Bill No. 95.

**Bill No. 95 – Education Act.**

MADAM SPEAKER: The honourable Minister of Education.

HON. RAMONA JENNEX: Madam Speaker, I’m pleased to rise today to move second reading of Bill No. 95 - an Act to Amend Chapter 1 of the Acts of 1995-96, the Education Act, Respecting School Boards.

Madam Speaker, I have a great appreciation for any citizen who is willing to take on the important and valued task of sitting as a member of a school board. It’s not an easy job but our collective goal remains the same, to ensure the best for our students, teachers and the education system.

Madam Speaker, these amendments in no way change or alter the ability of a board to censure a member. What these amendments will do is provide a reasonable threshold of what level of censure can be appealed to the minister for review. Everyone should have the right to have their side of the story told, heard and considered, and these amendments do not remove that right from anyone. Currently there are four types of censure: public reprimand, removal of the right to sit as a board member for up to three months, suspension for up to three months, or to seek to have the member’s seat vacated.

Madam Speaker, every level of censure requires a motion to the board, an opportunity of the member to respond, and a vote in favour of censure with a two-thirds majority. This process for censure will remain exactly the same as it is today. The change is to the appeal process. The amendment will no longer permit a censure of public reprimand to be appealable to the minister for reversal.

Madam Speaker, if an individual believes that the public reprimand in any way violates their individual rights, that member can always appeal for a judicial review. The right for a board member to appeal the board decision through the legal system has not changed. The bill, as introduced in 2008, was intended to give school boards more autonomy and authority in dealing with the conduct of the members. These amendments reinforce the intent of the legislation and continue to support the accountability among school board members.

One may question why the other forms of censure can still be appealed to the minister. It was determined that the other forms of censure have the potential to impact the operations of the board. For example, if a board voted in favour to remove a member and vacate their seat, that member should have the opportunity to appeal that to the minister.

These amendments provide a fair and reasonable threshold to determine what level of censure should be appealable to the minister. These amendments were shared with school boards earlier this Fall. An opportunity for input was provided, and we did not hear any concerns about these amendments. The decision to censure a member is always taken seriously and we expect all our school boards to conduct themselves appropriately. Censure is a decision made by school boards, and we must respect their decisions and their duty to protect the public confidence in their work.

Madam Speaker, I'm pleased to report that motions of censure are not common in our school boards. However, it should not be a reason to delay these amendments. We must be proactive in our work and respect the decisions of our school boards. These amendments create a clear and fair threshold for appeals to the minister, and I look forward to their passage on to the next phase. Madam Speaker, I am pleased to move second reading.

MADAM SPEAKER: The honourable member for Colchester North.

HON. KAREN CASEY: Thank you, Madam Speaker, and again, I'm pleased to stand in my place and speak to Bill No. 95. I have listened to the minister's comments. I have read the press release, have reviewed the bill, and have had staff from the department come to give us a briefing. I want to refer to the press release and try to help folks understand the discrepancy between what the minister is saying in her press release and what she is saying on the floor of the House.

For example, the press release says that this will give "school boards more independence to deal with the conduct of members." Yet in the comments here in the

House it is suggested that that independence has already been given to school boards. That independence was given in Bill No. 215, which was introduced in November 2008. There were, as the minister had suggested, four different opportunities and clarifications for how boards could censure their members. That has not changed, so to suggest that this amendment will give boards more independence is really quite contradictory to what is actually happening.

The only difference in this amendment is that the board member who has been censured, now has the right to appeal to the minister taken away from them. The four different options for boards to use if they needed to censure a member all allowed the individual member who may have been censured to appeal the decision of the board if they chose, and they could appeal that to the minister. The only difference that this bill will have is it takes that right away from the board member if it's a public reprimand. It does nothing to, as the press release said, give more independence to school boards, because it does not change in any way what the school board can, will, or should do or the process that they would follow. So again, that is quite misleading.

The other issue with this particular amendment is that boards already are authorized - boards do a good job of managing the decorum, the conduct, within their boards. To take away the right of appeal to the minister is really not affecting the way the board operates. It does not affect the way that the chairman would conduct the meetings, and it does not affect the decision of boards to censure. Board members always have had the opportunity to go for a judicial review, and if they wanted to appeal, that has always been there.

Unfortunately, not all board members can or will choose to go through the courts to appeal. So a board member who is receiving a public reprimand now has no other choice. They either don't appeal it at all or they go through the courts. What was there was an opportunity for an intermediate step where the board member could go and appeal to the minister.

I know that the Nova Scotia School Boards Association and the board chairs were made aware of what this amendment would look like and there were no comments from them. The minister has stated that and we can understand why, because it has absolutely no effect or impact on how they do their business. What it does do, unfortunately, is take away something that an individual board member has had and, hopefully, never had to use, but if they did have to use it, it was an option for them. So they have been left, now, as an individual board member, if they receive a public reprimand and they want to appeal that, they have no other recourse but either to do nothing or to go through the courts. I believe that we do, as the minister said, respect every board member, and I think it's unfortunate that we have taken that away from them through this legislation.

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

The honourable Minister of Education.

HON. RAMONA JENNEX: Thank you, Madam Speaker. I thank the member opposite for her comments on Bill No. 94. This bill sets out to clarify the true intent of the existing legislation to give school boards the authority to discipline members at the board level. At the end of the day they must be accountable to each other in times of perceived misconduct.

Madam Speaker, the member for Colchester North said it well when she introduced the initial legislation, when she said at that time the responsibility to board members to discipline at the board level will give individual boards the authority they need to deal more effectively with ongoing or disruptive behaviour from board members. I look forward to her support in the passage of Bill No. 95.

Madam Speaker, I move second reading of Bill No. 95.

MADAM SPEAKER: The motion is for second reading of Bill No. 95. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

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

The honourable Government House Leader.

HON. FRANK CORBETT: Madam Speaker, would you please call Bill No. 96, the Pension Benefits Act.

**Bill No. 96 -Pension Benefits Act.**

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

HON. MARILYN MORE: Madam Speaker, I move that Bill No. 96, the Pension Benefits Act, be now read a second time.

Madam Speaker, one of this government's priorities has been to create good jobs and to build the economy, laying the foundation for a prosperous future for all Nova Scotians. The new Pension Benefits Bill before the House would extend that prosperity and sense of security to Nova Scotians who have contributed to our society and are now ready to leave the work force or have already done so.

For clarity, the Pension Benefits Bill would apply to employer-sponsored pension plans for employees in Nova Scotia. It would not apply to employees who work under federal jurisdiction, such as broadcasters, interprovincial freight haulers and banking, or to

pension plans for provincial public servants, teachers, judges, MLAs or Sydney Steel Corporation employees.

Madam Speaker, here is a synopsis of what this bill is about and why we are bringing it forward now. We want plan members and retirees to have more information and more transparency with regard to their pension plans. We want to make it easier for people to transfer their pension benefits when they move from one Canadian jurisdiction to another. We want to introduce new types of pension plans that address changes in the workplace since the plan was last reviewed 23 years ago. We want to improve regulatory oversight to make it easier for the Superintendent of Pensions to obtain information from plan administrators if we believe a plan is in trouble.

We also intend to improve plan administration and reduce administrators' compliance costs. We want to make it easier to restructure pension plans while protecting plan members and pensioners' benefit security.

Last but not least, Madam Speaker, we will clarify the funding rules through regulatory changes. This legislation would bring Nova Scotia's Pension Benefits Act more in line with similar legislation in other provinces. That's important because many companies operate in more than one province and it can be difficult for them to comply with subtle regulatory nuances from province to province. For example, there are around 17,300 Nova Scotians participating in plans registered in Ontario. Under this bill, all plan members would have access to more information about their pension plan. That information would include the financial health of a defined benefit pension plan – solvency is the technical term.

Members would also have more detailed information about the benefits offered, eligibility criteria, proposed changes in the plan and such. That information would be sent to every member on a regular basis and, with the member's permission, that information can be delivered electronically.

Currently there are two categories of pension plan participants – members and former members. People whose contributions remain in the pension plan after they leave the company are former members, as are retirees who are receiving pension benefits. Obviously, the interests of a retired pensioner can be different to someone who leaves the employer and leaves his or her pension contributions in the plan. Retired members would become a third member category and they would be entitled to appoint at least two retirees to an advisory committee that monitors plan administration and makes recommendations to plan administrators. As well, a trade union would be able to establish an advisory committee.

Earlier I spoke about how companies can be restructured. As one can imagine, restructuring can have an impact on pension plans. There may be a merger of plans, there may be a change in the membership. In addition, Madam Speaker, we have a very mobile



workforce and we need to make it easier to transfer pensions between jurisdictions. These amendments would clarify the rules around transferring benefits from one plan to another plan. We want to have an approach that is balanced, one that has the flexibility to deal with changes in the business environment while protecting the interests of the plan members. These transfers would have to be approved by the Superintendent of Pensions before they happen. The rules around transfers will be established through regulation and we will consult our stakeholders as those regulations are developed.

Plan members would also benefit from immediate vesting - vesting is the point at which an employee becomes entitled to a pension provided by employer contributions. Employers retain the ability to place parameters around eligibility to join the pension plan. For example, an employer could require staff to be employed for two years before they can join the plan but once the threshold has passed, the employee would join the plan and enjoy immediate vesting.

Currently, Madam Speaker, most pension plans now fall into one of two categories, defined benefit plans and defined contribution plans. In a defined benefit plan, the plan administrator says the member will receive specified benefits upon retirement and establishes a contribution schedule designed to deliver those benefits when the member retires. If the plan is underfunded, the employer is obligated to make up the shortfall. In a defined contribution plan, specified contributions are made to the pension plan and the administrator buys the best life annuity available when the member retires. The retiring member would also have the option to transfer their money out of the plan to buy a life income fund, referred to as an LIF, and under the LIF the retiree directs how their money is invested and pays themselves a pension.

Defined benefit plans, because of the promises made, must pass two significant tests – going concern and solvency. The going concern test examines whether the administrator has a long-term funding plan designed to finance the promises for the future. The solvency test examines whether the pension plan has the assets to meet the liabilities, to honour its promises if the plan was wound up right now.

MADAM SPEAKER: Order, please. The chatter in the room is getting a little high. If I could ask you to keep it down or perhaps take your conversations outside the Chamber?

The honourable Minister of Labour and Advanced Education has the floor.

MS. MORE: Thank you, Madam Speaker. The solvency test is especially important in the private sector, where companies can be bought, sold, opened, and closed. Some organizations that have defined benefit plans, such as municipal governments, universities, or multiple employer plans, have a lower risk of going out of business than most commercial enterprises. For that reason we made adjustments to their solvency requirements in recent years to give them time to recover from the poor markets that hammered the investments that plan administrators made.

With that overview of current pension plan design, we are ready to explore the new pension plan designs that would be possible through this legislation. One option is a jointly-sponsored plan, which are co-sponsored and co-managed by the employer and employees. Both would share in the pension plan's benefits and liabilities. Full funding on partial or full windup would not be required. The members and employers could opt out of grow-in benefits upon plan windup, reducing the cost of the benefits provided under the plan.

Another option, target benefit plans, combines the qualities of a defined benefit and defined contribution pension plan. They provide employers with some flexibility in terms of liability, and employees get a better pension than in a strict DC plan. Benefits already earned could be reduced as well if the funding is insufficient to support the promised benefits. It is our hope that as a result of having more options there will be more employers who can offer pension plans.

I spoke earlier about providing the superintendent with greater powers of oversight. These amendments would provide the superintendent with more inspection and enforcement options - again, to protect plan members. Plan administrators are now required to submit an actuarial valuation report every three years. Even if we have reason to believe that a plan is at risk, we have no ability to obtain a new report if one has been submitted within the last three years. This bill would allow the superintendent to request an interim valuation report if a plan was deemed to be at risk.

If someone fails to comply with the provisions of the Pension Benefits Act, the maximum fine is now \$25,000. This bill would increase that amount to \$200,000. Appeals of the pension superintendent's decisions would be brought before the Labour Board.

Earlier, I said the workplace had changed and we needed to change to stay current. There have been societal changes and we need to keep up with those as well. This legislation will better protect the interests of people in common-law relationships. One partner could be eligible to receive the other partner's pension if a common-law relationship has existed for one year or more and there is no spouse from an earlier relationship. This is similar to the Canada Pension Plan. If there is a remaining spouse, the common-law relationship must exist for three or more years. Currently, a common-law partner cannot receive pension benefits if the plan member is still married to someone else.

There will also be better protections for people whose partner dies before retiring. Right now a survivor can receive up to 60 per cent of the value of what the plan member is eligible to receive. Under these changes the survivor would be eligible to receive 100 per cent of the value of what the plan member was eligible to receive at the time of his or her death.

Before bringing this bill forward there was broad consultation. The pension review panel delivered its final report to the previous government in early 2009. Some

recommendations were implemented by the previous government, and some were not. When our government came to power in 2009, we also reviewed the report and concluded that additional information was needed and we issued a discussion paper in 2010.

Last summer, staff from the department further consulted with stakeholders and an expert panel of pension administrators also met a few times. The pension review panel's report, the discussion paper, responses received and model legislation developed by the Canadian Association of Pension Supervisory Authorities all formed a basis for Bill No. 96.

I just want to add, Madam Speaker, that the draft regulations to this bill will be posted on the department Web site early in December. Thank you, Madam Speaker.

MADAM SPEAKER: The honourable member for Inverness. (Applause)

MR. ALLAN MACMASTER: Madam Speaker, I thank you for the applause on the other side, I don't think that was meant for me, though.

Madam Speaker, I know that pensions is kind of a boring topic when you get into the nuts and bolts of it but I'm going to make a few comments today and hopefully relate them back to how some of these changes may impact Nova Scotians. They are not really in any particular order but I will focus first on defined benefit pensions. One of the things that is not in this piece of legislation is a schedule for eliminating unfunded liabilities. Unfunded liabilities happen when the markets drop, which they did in 2008, and the asset value in the pension plans drop, and traditionally in this province there was a rule that those unfunded liabilities had to be made up within five years.

Because of the unique nature of the 2008 market crash and the significance of it, many people, from employers to employees, and organizations that represent employees, called upon government to increase the length of time they would need to make up those shortfalls, I think primarily with the hope that the markets would recover them for them. The alternative to an unfunded liability, or to address that, is to start contributing more off the paycheque every two weeks; that's more from the employer and more from the employee.

I think that was a good decision when governments did that, and they did them in a number of areas, just recognizing that perhaps what happened with the markets - and we all hope that they are going to recover fully but we never know for sure, Madam Speaker - I think that made sense because it was such a unique event that this change allowed for more flexibility, which I think was a good thing.

I guess the point, specifically here, in this legislation, about there not being a schedule, I recognize that and I think of NewPage in my own area where people - we had some salaried, non-union pensioners here a couple of days ago and right now their pensions

are about 30 per cent short. The amount of funds in the pension fund is about 30 per cent short of where it needs to be to pay out full pensions. So for those people, their company and, in fairness, the employees as well, were asking to extend the five years on to 10 years so there could be extra time to make up that unfunded liability and lo and behold, the company is now teetering, and I sincerely hope that a buyer comes on stream and maybe continues the pension plan, but there's great risk right now, Madam Speaker.

So if, worst case scenario, that company goes under and nobody takes it over and the pensions are wound up, all of a sudden we've had a couple of years gone by where maybe there weren't any extra contributions made and that's to the point of - maybe there is some advantage of having a schedule of payments and maybe the minister will speak more to that in third reading, but I notice there's an absence of that in the legislation.

The benefit of having it there, of course, would be while providing flexibility going from five years to 10 years, at least you are not allowing the company and the employees to make the decision in the 10<sup>th</sup> year, to make up the . . .

MADAM SPEAKER: Order, please. Again the chatter is getting very high in the Chamber. I encourage folks to take their conversations outside.

The honourable member for Inverness has the floor.

MR. MACMASTER: See I told you, Madam Speaker, pensions are not very interesting, but I'm going to continue. I guess the point being is you could come to the 10<sup>th</sup> year, and neither the companies nor the employees would have been adding money to make up for the unfunded liability, but before you got to the 10<sup>th</sup> year - maybe a year or two later in the case of NewPage - the company may be disappearing, so I can see the relevance of having a schedule for that.

The other thing I think about - and I'll get into this a little bit later - in a worst case scenario for the pensioners of NewPage, if they have to wind up those pensions plans, if the only alternative is to move their funds into an annuity, there's risk in that in the fact they are immediately crystallizing the losses of where the underfunded pension is. If it's 30 per cent underfunded, if you are invested in annuity with no chance to recoup the 30 per cent, yes, you have security of the 70 per cent and generating income from that, but you've given up potential to make up the other 30 per cent. I know in the investment industry the last time you'd want somebody to change their asset mix is when the markets are down because you're essentially locking in loss and you're cancelling out your opportunity to recoup that loss. That's a very important point, I know it's one we'll likely get into in more detail when we start looking at those pensions.

In fairness to the other side of things, if you want to go completely into annuity you have the security of that. I know that a case can be made - well, you know what - let's not take any more risks. People are at an older age. Let's lock in at least a safe rate of return and

I can buy into that to some degree. I'll get into this a little bit more later, but I'll make the point quickly now, I know a lot of pension plans are looking right now at moving towards more secure dividend paying companies because interest rates are so low that they're just having difficulty generating returns. Of course there's risk in that, but, Madam Speaker, there is risk in everything, and I know when it comes to pension plans they don't just roll the dice, they evaluate levels of risk and they associate it with whether it's an annuity or whether it's in investment in a dividend paying company and they make decisions around that. They're not rash decisions.

The other thing I note here is also the benefit in having some kind of a schedule. There's an importance in - when the markets are down - what a great time to be making some extra contributions. So if plans are required to follow a schedule, and we know if they've been given a change to have extra years, from five to 10 years to make up the unfunded liability, if there is a schedule requiring them to start it right away, it's probably the best time, because hopefully those markets are at their lowest and they're going to start rising, and what better time to get in than when markets are lower.

Another point in the legislation was that if plan members died before retirement, the spouses get 100 per cent of the pension benefit versus 60 per cent. The first thing that crossed my mind is it is likely going to put a strain on the pension plans. One question I would have would be what per cent of people who belong to a pension plan die before they get a chance to receive their retirement benefit? Maybe it's a small amount, so maybe the impact won't be that great, but there would be some impact on the plan in a negative way because there's extra strain on it; instead of paying 60 per cent worth of the pension they are paying out 100. That, of course, affects everybody in the plan in the sense that there's going to be that extra strain on everybody's pension because there's going to be more of a pull of funds out of the pension to make up the additional 40 per cent.

One of the things I think about is, is that not the goal of life insurance? I know a lot of companies, with their pensions, also offer plans for life insurance so that in the event the person who is working at the company dies, for the spouse, if they have life insurance on the person who is working, there is protection there. Isn't that the job of life insurance? So that's what comes to my mind, maybe we'll hear about it as it moves through the House.

Another point - and this is also true in the NewPage scenario because there were early retirements - a lot of people like early retirement because they get to collect the pension earlier and there may be some reward for a long term of service with the company, that you get to retire a bit earlier. You might take a bit of a hit on the pension, but often, to sweeten the deal, companies like this, if they're trying to downsize their employees, will have an early retirement option for people.

So it's all good in many ways, but with respect to the pension plan, like in the case of NewPage now, those early retirements put added strain on the pension plan because, again, they're drawing more funds out of the pension. It's fine if the pension plan keeps

going, but in the case of NewPage, where those plans could wind up - that's putting added risk to everybody else who's in the plan. In this case the added risk, if the funds are down 30 per cent - one of the reasons it could be down 30 per cent is not only because of the markets but also because of recent early retirements.

So the only thing I would suggest, because this is a hard one to get around - because I do believe that the employer and the employees share a responsibility here - is perhaps there may be some way to better educate the employees. If it's a labour organization that's representing them, to make sure that they understand that when their members are getting the benefit of early retirement - there is an impact on the pension plan, and should something happen to the company, that's going to impact their members. Again, these are complex issues, and they're boring until the time comes that they affect you. All of a sudden people take interest, and we've seen a lot of people take interest in pensions in the last couple of years because of what has happened. We've seen people who had to postpone retirement because their pension fund was reduced, because of what's taking place in the investment markets.

Other pension promises that would go along with this would be indexing, for instance. You know, I guess if there's one thing that could be looked at, it is for employers to be required to fund all of these kinds of promises. So it puts more pressure on the employer to make sure they come through with them, because again, they don't really get noticed until they're relevant, until they're starting to impact people. Maybe the annual report, which I think is valuable - some people might not look at it, but I think after going through what we've done in the last couple of years, more people would be apt to look at these kinds of reports, so I think that's a good idea. Maybe something in that report - there could be something that requires the pension plan administrator to communicate, you know, if there's a benefit for indexing. Well, where does the plan sit with that? If the plan ends up being wound up in a year's time, can the indexing benefit actually be provided? Are there enough funds in the plan to provide it?

I spoke about it a little bit before, and I think this is going to be something key in this Legislature again, particularly with respect to NewPage. I think about how it affects people in my area, and certainly other members in the Legislature here who have constituents who work at that plant, and maybe for other members who - there are other businesses in this province with large pension plans. There are other paper mills, for instance. We don't like to think about it, but if their plans have to wind up, I think it's going to be a very key issue with people. If the plan is wound up and, say, there's a deficit of 30 per cent, you're dealing with 70 per cent of the funds in the plan. If the only option for those people is to go into an annuity, again, the risk is they're basically being asked to accept the loss right then and there. There is no alternative to try to own securities that may pay a similar level of income but also give you the chance to recoup the 30 per cent loss.

I think that there needs to be flexibility there, so people have the opportunity. So, yes, maybe for the next five years your pension income is reduced by, say, 30 per cent, but

maybe in five years time, if markets recover, you have a chance. If the principal grows - say, in a locked-in investment account - then you can go back to where your pension was and then, if you want, you can buy the annuity. Then you can lock it in. So I think that would be - and I think we're going to have a lot of pensioners, once they realize that. I think they're going to be calling on all of us.

So I raise that point today because I think it's important. I think about, like if we were back in the early 1980s, some members in here may remember what they were paying on a mortgage, maybe upwards of 18 per cent on a mortgage because interest rates were much higher and it was a great environment for savers. If your house was paid for and you had money to save and you could get 18 per cent or thereabouts, even 12 per cent or 14 per cent on your money through something you could get at the bank that was virtually guaranteed, that was a pretty nice deal, especially if you could lock it in for a long term.

Right now we're in the exact opposite environment. We're in the lowest interest rate environment, and that's what annuities are based on, our interest rates. So there are times when there is actual risk to an annuity, because if you're locking in for the next 30 years at the lowest rates in 30 years, it's probably not a good decision.

I think I've touched enough on that, and I think the point has been made, and it's Friday so I'm going to move along, and I'll speak more to it in third reading. But over to defined contribution plans, I've had some interest in this myself and I know that one of the goals of this legislation - this would be for plans that would be outside of, say, government, usually for smaller businesses and whatnot. So with a defined contribution there's no promise to pay you X amount of dollars when you retire, it's going to be dependent on what the value is of the account that the employee and the employer are putting money into.

I know that one of the options is going to be target benefit plans and it gives employers flexibility and liability, and it certainly does, because essentially what it does is it makes the decision for all involved what the asset mix will be and, as the person gets older, it moves it towards options that are more conservative - and no disputing that, it makes total sense.

I guess one of the things panned by the Pension Review Panel was the option for safe harbour. I know if there were more confidence in it, it would probably be in the legislation and it's not, Madam Speaker, so I'm not expecting to see a change. But I know from my research on it, it takes the liability away from the employer so the employer doesn't have to worry about being sued if there's advice given to employees. One of the benefits of safe harbour is if there was somebody coming in to operate the plan, not only could they give them advice to yes, move toward more conservative investment as they get older, but they may also be able to give them advice on other matters that impact their own personal wealth and finances, and there's benefit in that.

With safe harbour, it essentially takes the liability away from the employer, puts it on whomever is giving the advice in much the same way the investment industry works for people who are investing outside their pension plan - and most people do that too, whether it's with a tax-free savings account or with their RRSP and whatnot.

So, I think with the option of safe harbour, it achieves the same goal of taking the liability away from the employer, but it gives an even greater benefit beyond just picking the investments. Because a lot of people - and statistics will show - when they join these defined contribution pension plans, only 10 per cent ever go back to look at what investments they've picked. Of course, this is one of the reasons for the legislation, to get them to automatically change that by using these target benefit plans, so it makes sense.

The same goal could be achieved with safe harbour, but you could also be talking to these people about other matters that might help them. I think that would be a real benefit to people and, I think, companies, if the employees are making better financial decisions, that might even lead to - I suppose I'm stretching it a bit - better productivity if things are in good shape on the home front, financially, people can be more focused at work and whatnot. I think that's something that was very briefly touched upon by the Pension Review Panel and it was dismissed. I think there may be a reason for that and I may not get into it today, but I might get into it on third reading.

The other point about the target benefits plans is that not only does it give the employers flexibility and liability, but it also gives the employees a better pension. Well, it does in the sense that it moves towards safer investments and there's no surprises for somebody who might have been in something risky at the age of 65, just when they're about to retire and the investment drops and so does their pension. I think safe harbour would also really achieve the same goal and I think it's worth - again, I don't expect that it will be looked at, at this point in time at least.

I think with that, Mr. Speaker, I will close my comments on this matter for today. Thank you.

MR. SPEAKER: Thank you. The honourable member for Yarmouth.

MR. ZACH CHURCHILL: Mr. Speaker, first I want to thank the minister and her staff for providing technical briefings on this bill. Pensions are a pretty confusing subject so for me it was very much appreciated to have the opportunity to sit down with some of the folks in the bureaucracy that helped draft this piece of legislation and go over it with them. That was very much appreciated.

In spirit, the Liberal caucus does support legislation that makes pensions more flexible and more widely available to Nova Scotians, to employees and to employers, and in particular we want to ensure that protections are in place for retirees to assure that there is proper oversight to monitor pension reporting and insolvency. In fact, in the 2009



general election, a pension piece was part of our platform where the Liberal Party did commit to creating a public pension fund where employees and employers could pay into the fund. It was our hope to increase accessibility to pension funds, especially from those self-employed Nova Scotians and small business owners who otherwise, potentially, wouldn't have access to a pension when it comes to retirement.

I realize that the spirit of this bill is to modernize the current legislation, bring it more in line with the jurisdiction of Ontario, which supposedly has the most up to date and modern pension legislation in the country. I know that there were about two-thirds to three-quarters of the report's recommendations that were brought forward from the Black Commission on pensions.

I do want to note that Bill Black, the chairman of the panel that wrote the report, said that while he liked aspects of the legislation, he was disappointed that it doesn't seem to include the core report recommendation, which was to ensure employers keep pension promises. So since we were told that this bill was pushed by Bill Black and the Black Commission, I think the fact that he had a serious concern with the lack of one of his recommendations being included in this piece of legislation, that might be something we want to investigate further.

Right now none of these questions are answered because - to use a grossly over-used cliché statement - I guess the devil is in the details. Maybe some of these questions will be answered when the regulations come out and that way members of the Opposition caucuses and the members of the public will be able to have a look at those regulations to see if they do, in fact, answer some of the concerns brought up by this.

Generally speaking, right now this seems to be a positive move. My hope is that it will modernize our system, to bring it in line with the most up to date version of pension legislation in the country.

I do want to take exception to some of the comments that the minister said in terms of protecting the economy and growing the economy. I think it has been made very clear, especially in the last few weeks, that this government has ignored some key components to actually supporting economic growth and competitiveness in this province. In fact, when members of this caucus bring up those issues that are impacting our businesses the most, according to them - power rates, cost of fuel, our tax structure, our heavy taxes in this province - the government has really treated this issue with nothing but indignation, in my opinion.

Members of this caucus, rural MLAs, have been speaking about a rural job crisis in Nova Scotia, one that many Nova Scotians are experiencing in our rural communities when the statistics point to being true, and there's been a high level of indifference towards that crisis. In fact, it's been told that it's not a crisis - there's no problem in our rural communities. I think that is an unfair representation and one that is inaccurate, especially

taking into consideration the experience that many Nova Scotians are going through right now when it comes to their job, job security, and the assurance that their family will be able to live together in our rural communities and continue to make a living there. If you look at Yarmouth, for example, there was a decision made by this government that put people out of work – hundreds of people out of work – that impacted the jobs and businesses of thousands of Nova Scotians beyond, when it came to cutting the Yarmouth ferry. That single decision created the most damaging effect on our economy in living memory.

So for a government to stand up and say our goal is to grow the economy and to support economic development, I think there have been very clear actions taken by this government that show that isn't a priority. I don't believe that when it comes to the meaningful ways as legislators that we can actually impact business growth and economic development in this province, I don't think this government has moved on any of those, namely the skyrocketing power rates in the province, increased gas prices and our unfair and burdensome tax structure.

So, back to the bill, I think this seems to be a good piece of legislation. I do want to thank the minister for bringing it forward and thank her staff again for the technical briefing, but anytime a member of the front bench of that government stands up and says, we support economic growth and business development in this province, I'm going to have to take exception with that. With those comments, Mr. Speaker, I'll take my seat.

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

The honourable Minister of Labour and Advanced Education.

HON. MARILYN MORE: Mr. Speaker, I want to thank the honourable members for their comments and to close debate on second reading of Bill No. 96 and move it along to the Law Amendments Committee.

MR. SPEAKER: The motion is for second reading of Bill No. 96. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

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

The honourable Government House Leader.

HON. FRANK CORBETT: Mr. Speaker, would you please call Bill No. 98.

**Bill No. 98 – Fish Harvester Organizations Support Act.**

MR. SPEAKER: The honourable Minister of Fisheries and Aquaculture.

HON. STERLING BELLIVEAU: Mr. Speaker, I move that Bill No. 98, the Fish Harvester Organizations Support Act, be now read for the second time.

Mr. Speaker, it is my pleasure to rise today in the House to talk about the Fish Harvester Organizations Support Act. This bill will replace the current Fisheries Organizations Support Act which had been put in place about 15 years ago. The fishery is certainly a key part of our economy and the heart of many rural communities. In order to remain competitive and sustainable as an industry, it is important that fishers become organized and are given the ability to bring their collective voice forward.

FHOSA will provide the tools to help fishers strengthen their organization and better represent their interests. Compared with other major fishing provinces, Nova Scotia fishers traditionally have been more independent and less organized. This lack of unity has made it more difficult for their legitimate interests to be advanced and for the industry to evolve.

Mr. Speaker, various stakeholders agree that the current legislation needs improvement. For example, in regions where the old legislation is presently in place, the system for registering fishers poses difficulties in determining who is paying dues and who is not - making enforcement a problem. The new bill will fix that by providing a better registration system. It will also provide a mechanism so that the minister can make voting easier for fishers.

Another weakness, as in the current Act, groups together some fishers who may have little in common in terms of gear or in fleet sectors. This also makes it difficult to find consensus around issues and to encourage new members. We're also proposing that the modest readjustments of current zone boundaries would connect fishers or fisheries areas within common interests.

Mr. Speaker, the new FHOSA will make it easier for fishers to organize effectively around their common economic species and geographical interests. The new bill will provide tools to help inshore fishers and harvesters strengthen their organizations so that they may more effectively represent their own interests, such as fisheries management decisions, marine safety, and market opportunities and challenges.

Mr. Speaker, in closing I would like to point out that this legislation will not force membership in new areas. Instead, it will make it easier to conduct a vote and easier to establish mandatory dues in regions, if approved by a vote. I look forward to any comments from the members opposite, and thank you for your time.

MR. SPEAKER: The honourable member for Preston.

HON. KEITH COLWELL: I can recall that when I was Fisheries Minister some years ago, one of the issues that was facing the fishing organizations was the fact that they

weren't organized. We started a process of trying to get the fishing organizations in this province to work together. It was quite an interesting process, and indeed, we did make some progress at that time.

This appears on the surface to be a reasonably good bill. It will allow the organizations to get together and be a stronger voice when it comes to dealing with the province, and more so with the federal government, which actually controls the quotas and most of the things in the fisheries in Nova Scotia.

There are some concerns, though. It appears that this would set the stage for an organization like CUPE to move in and decide they're going to unionize the fishing industry in the province. It would be an interesting scenario if indeed that's what the government has planned. Hopefully that is not what is going on here, and the individual fishermen can still enjoy some freedom with the way they work and operate, which is very important. It's an independent business - each one of these fishery organizations and each fisherman as they work and in some cases struggle with a great deal of difficulty, trying to make a living each year.

Hopefully the intent of this bill is to make sure that the fishermen and organizations in this province have a stronger voice - a stronger voice in Ottawa and a stronger voice with the province to ensure that their industry is protected and grown to a point where the fishing industry will provide very badly-needed jobs in this province, as we see the devastating effect this government has had in other areas, with the loss of 12,500 jobs already in this province in the short two-year period they've been here.

So hopefully this doesn't continue a trend and cause problems for more people in Nova Scotia, with the higher taxes that have been imposed on people and the ongoing costs that the (Interruptions)

MR. SPEAKER: Order, please. (Interruptions)

Order, please. The honourable member for Preston has the floor.

MR. COLWELL: Yes, Mr. Speaker, as I was saying, it's concerning that the increase in HST, the drop of employment in the province, all under this government's mandate, doesn't add another nail in the coffin of the Nova Scotians' "better deal for today's families" that this NDP has pushed for so many years. Indeed, we're finding what the "better deal" means - fewer jobs and higher taxes, to the point where people are having a great of difficulty surviving in the province.

I hope this bill does do what the minister indicates it will do, which is make the organizations stronger. If that is the case it will be very positive. I hope it's not a move toward unionization, as this government seems to be doing with all the other bills they're

working on here. With those few words I will take my place, and hopefully this bill works to the advantage of the fishery.

MR. SPEAKER: The honourable member for Argyle.

HON. CHRISTOPHER D'ENTROMONT: Thank you very much, Mr. Speaker. I'll speak for a few moments on this one. I've said in the past that one of the strengths of the fishing industry is the fact that it's independent, that it's not organized in some cases. Of course, the biggest defeat that they have is that they're not organized. I can say that there is an opportunity here to try to pull different parties together, to have a bit more of a concerted effort in lobbying different organizations for a better fishery.

This Monday we're going into another fishery, of course, this is area 33 and 34, and when it comes to the lobster fishery there are a number of issues that are floating around that, which involve the low price of lobster. I had the opportunity to attend a meeting at the wharf in Wedgeport a couple of weeks ago where they were sort of talking about this - they were talking about working together to try to find a way to maybe get the price up a little bit. A lot of people would stand around and complain about it, but never seemed to do anything about it except stand up and chat.

I think the opportunity is here for this government to maybe grease the wheel and be able to get things to move along, to give them opportunities to organize in a way that will benefit them, whether it's in prices, whether it's in safety, whether it's in a new species, whatever it may be. But at the same time I do have that bit of a caution that the member for Preston had - I hope this is not an effort to unionize the fishery like there are in some other provinces because, again, the benefit of our fishery in Nova Scotia is its independence.

I thank you for the opportunity to speak on this one for a few moments, Mr. Speaker.

MR. SPEAKER: The honourable member for Inverness.

MR. ALLAN MACMASTER: Mr. Speaker, would you believe that there's some politics in the fishery? (Interruptions) I say that meaning that, of course, there is politics; there is politics in everything, and there certainly is in the fishery too.

I represent an area in this province that has a very long coastline and there are a lot of fishing ports all along that coastline, and I just want to make a couple of comments. I'm hoping that this legislation ensures that there is protection for the interests in a fair way. I know right now - somebody explained to me - that there can be organizations that might represent fishermen from all over the Maritimes. They can be a small group of fishermen, if they pay their dues - and I think they give 40 per cent to the Maritime Fishermen's Union and they keep the other 60 per cent, but they can end up having the same voice at the table,

the same power at the table for negotiations as much larger groups of fishermen. Sometimes they may be influencing things in their favour and that, of course, benefits them economically.

I'm sure that's what the spirit of the legislation is, to try to make sure that when fishermen are making decisions that it's being fair to each area and that one area is not getting it over on the next. So I raise that point.

The other thing I want to mention about this is I've spent a lot of time with fishermen with the recent lobster licence buyout. One of the challenges that they've had was coming to a consensus, and there were varying opinions. Another thing, it seems to have been difficult for them to actually put together meetings where there is a specific motion and have a vote on that motion and for it to be recognized as their collective decision. Granted, there are going to be varying opinions.

It's funny, when I referred to politics before, it would almost suggest that it was something bad, but that's what it is - people getting together to make decisions. I'm hoping that this legislation - when there are situations like future buyouts and whatnot, when the industry has to make a decision as a collective whole, or at least for regions within itself, that it has a mechanism maybe to be better organized, so that when the decision is made everybody feels like they're fairly treated.

I'm hoping that's the purpose, and I sense that's what the purpose is of this legislation. I know I'm going to be asking fishermen in my area - I've already asked some of them - what their thoughts are on this. If they have anything specific they want to bring, I'll encourage them to come to the Committee on Law Amendments, to make sure that they're aware that it's happening and to make sure that they're in favour of it.

Thank you, Mr. Speaker.

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

The honourable Minister of Fisheries and Aquaculture.

HON. STERLING BELLIVEAU: Mr. Speaker, I thank the members opposite for their comments and I move Bill No. 98 for second reading.

MR. SPEAKER: The motion is for second reading of Bill No. 98. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

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

The honourable Deputy Government House Leader.

HON. CLARRIE MACKINNON: Mr. Speaker, would you please call Bill No. 100.

**Bill No. 100 - Municipal Elections Act and Municipal Government.**

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

HON. JOHN MACDONELL : Mr. Speaker, I move that Bill No. 100 - entitled an Act to Amend Chapter 300 of the Revised Statutes, 1989, the Municipal Elections Act and Chapter 18 of the Acts of 1998, the Municipal Government Act - be now read a second time.

The proposed changes we are bringing forward here will reflect the reality of today's voters, ensure the municipal voting process is fair, and protect the interests of all Nova Scotians. The series of changes will update the Act in preparation for the 2012 municipal and school board elections. It is routine for us to propose amendments to the Act prior to the next scheduled municipal election to address concerns or issues that were identified in the previous election or that may have been raised by municipalities and returning officers.

While most of the changes are technical and administrative in nature, others will impact where residents can vote, how they vote, and who can run for municipal office. These changes will ensure that as many eligible voters as possible can participate in the election process.

The first proposed amendment that I'll introduce will change where some residents can vote. The Act now says single Nova Scotia students must vote where the family home is located, not where they currently reside. The oddity of that is that is, if they were married, it would be different. This brings it in line with the Provincial Elections Act. (Interruption) I think that's their decision.

Since students may attend school in an area for several years, they should have the right to vote where they currently live, study and - in many cases - work. The proposed change will allow all students of voting age to vote where they now live, as long as they meet the residency requirements. This change will bring the Municipal Elections Act in line with the Provincial Elections Act and make it easier for students to participate in the local government.

The next amendment I'll introduce is related to how we vote in municipal and school board elections. The Municipal Elections Act currently allows for voting by the internet. This was an important step forward for municipalities that chose to take advantage

of the technology in the last municipal election. However, since they were trying something new, legislation still required a paper-ballot process to be run parallel. Municipalities are now confident they will be able to run a full electronic system. We know that not all voters have internet access so municipalities will still be required to offer another method such as a telephone system or even a traditional paper ballot. The alternate system will be up to them.

This amendment enables the municipalities to offer electronic voting, but does not require them to do so. If they wish to use electronic voting, a municipality must create a bylaw to allow for it and the municipal bylaw process allows for public input. E-voting is the way of the future. We want to be sure municipalities can encourage as many people as possible to vote in the ways most convenient to their residents.

Technology is part of the daily lives of most Nova Scotians. We bank, shop, communicate, work and play online. If we hope to engage more voters in the democratic process, we need to make sure our process reflects the reality of today's voters. We also need to make changes that tell voters their opinions matter and we will work to allow voters to express their opinions as easily as possible.

Another proposed amendment would impact who can run for municipal office or sit on village commissions. Today, village commissioners can run for municipal council. The province's 21 villages are part of the rural municipalities and the potential for conflict of interest exists when individuals hold both positions. Under the proposed amendment, village commissioners would no longer be able to run or serve on municipal council and municipal councillors could not sit as village commissioners.

Mr. Speaker, with the proposed amendment village commissioners cannot run for municipal office unless they resign as a village commissioner first and municipal councillors cannot run as a village commissioner. This amendment is supported by the Association of Nova Scotia Villages. These proposed amendments will ensure the Municipal Elections Act is up to date, fair and protects the interests of all Nova Scotians.

Mr. Speaker, I look forward to hearing any comments by my colleagues in the House. Thank you.

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

MS. KELLY REGAN: Mr. Speaker, I have just a couple of comments about what we're not seeing in this bill. When I first heard that we had a bill on this particular subject coming down I thought, oh great, we're going to actually see some reporting mechanisms for candidates for council and for mayor, around reporting in between elections. Currently if you are a candidate for mayor, you don't have to report where you are getting your money from in between elections or how you are spending any money. You only have to report after the election is over.



I think this is the kind of information that would be really good to have going into an election, for voters. Currently we do not have that and I would like to see that kind of thing because I think all too often we don't understand how much it costs to run a mayoralty campaign. I realize that in some rural areas it's probably very small but in other areas there are significant amounts of money raised and spent and there's really no accounting for that.

When you look at the accounting provisions around running for office as an MLA, there are fairly rigorous accounting practices and ditto if you are running for a Member of Parliament. Yet in this very important level of government, there isn't the same kind of oversight. I would hope the minister would look at that particular issue because I do think it is of concern. I think it is particularly of concern to some people who don't know who is influencing the decisions being made. With that, Mr. Speaker, I will take my seat.

MR. SPEAKER: I would just remind all honourable members that when they are making the remarks they should address them through the Chair.

The honourable member for Hants West.

MR. CHUCK PORTER: Thank you, Mr. Speaker, and through you to those listening and certainly to the minister. We don't have any problem with the bill but just a couple of things. I was listening intently when he was speaking to a couple of specific pieces. One was about the village commission and municipal council not being able to run, or I guess the clarity here is to hold either position but you can run for either/or, provided you, I'm going to assume, resign after you've won one post or the other, much like if you were a councillor and you were going to run provincially, you don't have to resign until you win the provincial seat. I'm going to assume that that's the same way? (Interruption)

It's not, so you must - I'm just getting a nod there, through you again, Mr. Speaker, to the minister - you have to resign your seat as a village commissioner to run for municipal council and vice versa. Okay, so that is a little bit different than - I understand the piece about not being able to hold both positions, that obviously doesn't seem right, but I'm just curious, you wouldn't still be able to hold one. They both go at the same time, anyway, do they? No. Anyway, just on that one piece.

The other, as well - just listening to the member for Bedford-Birch Cove speak, Mr. Speaker, realizing that there is Elections Nova Scotia, there are rules around that and in some chat back and forth I think I may understand that more as well, but you still have to declare at the end of that municipal campaign if you received funds, there's a declaration that still has to be done or has that been changed as well? I recall in my days of running in municipal council back in 2004 I think it was, that there was a declaration and some paperwork that had to be filled out, so it still shows that if you received funds and how your campaign was funded, it still had to be declared. Now I'm not sure if those rules have been

changed or not but it may be worth just having a look at, to see if there's something more that needs to be added or tweaked there, I'm not sure.

Like I said, in listening to the minister deliver that moving speech on this second reading, it came to mind. With those few words, I would just look to a quick review, if the minister could look at that again and see if there was something that could be added going through to the Law Amendments Committee. I'm sure there will be others who will look at it a little bit more finitely than me. With that, Mr. Speaker, thank you.

MR. SPEAKER: The honourable member for Preston.

HON. KEITH COLWELL: Mr. Speaker, now we'll get into it I guess. There are a few things that I would like to talk about on this bill. On the surface the bill looks like a pretty straightforward amendment to the Municipal Government Act and some of the things that had to be changed. My honourable colleague for Bedford-Birch Cove pointed out some pretty interesting things though, and she didn't go in detail on this too much. I'm going to ask some questions of the minister that hopefully he'll be able to respond to, if that's all right, Mr. Speaker, as we go through this process, and he can answer those at the end of sometime in the future.

There is some concern about donations to, and money spent, during a municipal election campaign. Now in small rural areas where there are a small number of people that a councillor would represent, it's probably not as significant, but it would still be applicable. In particular here in HRM, when you have a mayor who represents roughly one-third of the population of the province, fewer councillors now are going to represent a large number of people, and in some cases more than many MLAs represent. It only makes sense that there should be more accountability around fundraising and also how money is spent during an election campaign.

I would think that during that process it would be important to have the money that was donated very carefully documented. I know there is a requirement now, I believe, it's anything over \$50 - unless that has been changed since I was on council - that has to be reported. I think that amount is fine, but, indeed, if some big corporation - because there are no limits of who can supply money during a civic election campaign, no limits whatsoever, or no limits on the amount. Any organization, any company or any big union, whatever the case may be, could decide that they want to support a candidate, then it could have influence on that candidate's decisions down the road, and I don't think that would be appropriate. I think the bill should be amended so it would include that.

Also, from what I understand - and I'd like to get clarification from the minister, he may not have the information on this today - if donations are made and, again, I don't know if this is correct, if there is a surplus at the end of the time, the people who benefit from this are the candidates or the mayor, if all the money isn't spent. So that doesn't seem quite correct, that money should have to be turned over to a trust or some other vehicle to ensure

that that money doesn't go for a candidate's personal gain. Over time, as provincial and federal requirements are, there is a very close accounting of any funds that are in place.

I think those are things that the government should look at very closely, very carefully and ensure that there's no possibility of anyone getting any personal gain from money that is collected that way and also that there are not influences on people that they have to vote a certain way or push a certain thing, if there's money provided by people in the community that would want a return for their investment, let's put it that way. So that is a serious issue.

As far as the electronic voting is concerned, it's the way to go in the future. Hopefully the government is confident enough, and the municipality is confident enough, that it can't be open to any kind of fraudulent activity. I know computers systems are getting more and more secure as we move forward, but these hackers are also getting more and more sophisticated. It would be really interesting to find out how much security and how the security is going to be handled around this electronic voting, as time goes on.

When we look at the whole bill it appears to be an improvement - what is there - but again, with those things that I mentioned and probably some other things, I'll be interested to see if any individuals come forward when the Law Amendments Committee comes. I know I've had some correspondence with some individuals around who can vote. That is a serious issue as well. I'm anxious to see if those people come forward to the Law Amendments Committee and bring their voices to the table and see what they think about that.

With those few words, Mr. Speaker, I'll take my seat.

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

The honourable Minister of Service Nova Scotia and Municipal Relations.

HON. JOHN MACDONELL: Mr. Speaker, I have to say, I appreciate the comments by members opposite. They raise some valid points. I think we definitely agree that the most transparency that we can have for residents, for the citizens to have and to see, is paramount. It was something, I believe, that we looked at around the declaration of donations and so on. There seemed to be some glitches related to the fact that some candidates had started filling their war chests, and we may be a bit off the mark on looking at that at this time, but certainly something for the future.

With that, I'll just say that I appreciate the comments of members opposite. I think as time goes on we'll look at other issues around the Municipal Government Act to bring it more in line as necessary with the provincial Act, and also other amendments to the Municipal Government Act that would be appropriate even further into the future.

I move second reading of Bill No. 100.

MR. SPEAKER: The motion is for second reading of Bill No. 100. 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 Deputy Government House Leader.

MR. CLARRIE MACKINNON: Mr. Speaker, would you please call Bill No. 104.

**Bill No. 104 - Gaming Control Act.**

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

HON. JOHN MACDONELL: Mr. Speaker, I move that Bill No. 104, entitled An Act to Amend Chapter 4 of the Acts of 1994-95, the Gaming Control Act, be now read a second time. The changes we bring forward here are technical in nature. These amendments will simply put the current structure of the Alcohol and Gaming Division of the Department of Service Nova Scotia and Municipal Relations in legislation and ensure that the division continues to run smoothly.

The existing legislation reflects a structure that was in place when the work was done by an arm's-length agency. This hasn't been the case since 2000. With these changes, we eliminate the need for the Governor in Council to appoint directors and make the staffing process more efficient.

Prior governments kept the division operating through stop-gap measures in a series of Orders in Council after the original amendments were not proclaimed. Since the wording in the original bill was confusing, these amendments will repeal the unproclaimed sections of Bill No. 80 and introduce new, clearer amendments to the Gaming Control Act that clarify the structure and staffing of the Alcohol and Gaming Division.

The changes to the Act won't make any noticeable difference to the public or regulated organizations. The changes formalize the fact that the director's position at the Alcohol and Gaming Division - that positions are filled through the Public Service Commission and are not appointed by the government. However minor these changes may appear, amendments like these are important as we work to streamline government operations and get back to balance. Thank you.

MR. SPEAKER: The motion is for second reading of Bill No. 104. 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 Deputy Government House Leader.

MR. CLARRIE MACKINNON: Mr. Speaker, would you please call Bill No. 106.

**Bill No. 106 – Libraries Act.**

MR. SPEAKER: The honourable Minister of Communities, Culture and Heritage.

HON. DAVID WILSON: Mr. Speaker, I now move that Bill No. 106, the Libraries Act, be read for a second time.

Mr. Speaker, it is my pleasure to speak today on the amendments to the Libraries Act, an Act to Amend Chapter 254 of the Revised Statutes, 1989, the Libraries Act. These amendments will reflect the realignment of the Nova Scotia provincial libraries from the Department of Education to the Department of Communities, Culture and Heritage. The legislation currently states that the Minister of Education is responsible for the general supervision and administration of the provincial library and regional library boards. The primary purpose of this amendment is to reflect that the Minister of Communities, Culture and Heritage now has that responsibility.

In addition, the following amendments are necessary: the National Library has since become Libraries and Archives Canada; the Provincial Library Council was replaced in the 1990s by the Funding Review Committee; and the provincial librarian is referred to in the masculine form in the current legislation and we know that that's not always the case, Mr. Speaker. A future comprehensive review of the legislation is planned and the review will include consultation, but for now we would like to see the amendments occur to reflect the January 2011 realignment of government and to update the names of the organizations and the committees cited in the legislation.

Before I take my seat, Mr. Speaker, I would like to say that in January when the public library system became part of the new Department of Communities, Culture and Heritage, it was clear that they were a perfect fit with the new department's mandate. The creation of the Department of Communities, Culture and Heritage enables a broader focus on protecting and celebrating Nova Scotia's diverse culture and heritage, those aspects that make us uniquely Nova Scotians.

Libraries play an essential role in helping that happen through their many programs and services that they offer throughout the province. We know that more than one in three Nova Scotians are active library users, and in the past year alone, Mr. Speaker, Nova Scotians borrowed more than 7.3 million items from libraries across our province. These are more than just numbers, they tell a story about our citizens' engagement in lifelong learning.

Mr. Speaker, as you may know, our government supports Nova Scotia public libraries with an annual operating grant of \$14.1 million. In addition, through the provincial library, we provide Internet connectivity and support many programs and collaborative initiatives that enable regional library boards to provide excellent local service. We all know that, recently, with the North American economy struggling to recover it has been a tough road for many Nova Scotians. That's why this government has been determined to focus on families and making life better for families and communities across this province.

The role of libraries remains constant and vital during these challenging times, Mr. Speaker, by providing access to programs and services that encourage lifelong learning and a love of reading.

I would like to close by again saying that Nova Scotia's public libraries are an important resource that support vibrant communities through programs that encourage lifelong learning and, ultimately, makes life better for families across our province. Thank you, Mr Speaker.

MR. SPEAKER: The motion is for second reading of Bill No. 106. 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 Deputy Government House Leader.

MR. CLARRIE MACKINNON: Mr. Speaker, would you please call Bill No. 108.

**Bill No. 108 - Perpetuities Act.**

MR. SPEAKER: The honourable Minister of Justice.

HON. ROSS LANDRY: Mr. Speaker, I move that Bill No. 108 be now read for a second time. It is my pleasure to begin debate on Bill No. 108, known as the Perpetuities Act. Nova Scotia's property law is being simplified to better protect families in our province. In this we are following in the footsteps of many other provinces, states and

countries in reforming or abolishing the rule against perpetuities. In fact, abolishing the rule is a step taken by Manitoba, Saskatchewan, South Australia, Ireland, a number of U.S. states and certain Caribbean nations.

As we take a similar step in Nova Scotia, we follow the lead of the Law Reform Commission of Nova Scotia who, in their 2010 report, recommended the abolishment of the rule against perpetuities. Let me quote from the Law Reform Commission Report;

“The common complaint is that the Rule is simply too complex and abstract in its application, resulting in a substantial risk that beneficiaries or guarantees will be deprived of their interest through inadvertent errors in drafting. In the estate planning context, a great number of vesting conditions may offend the Rule, most often unintentionally, and often only hypothetically in any event. The consequence of a breach is very real, however; the intended gift or transfer will generally be entirely invalid.”

Many of us who studied or practiced law remember that the subtleties of the vesting principle in the rule against perpetuities and understand why the Law Reform Commission recommended its abolishment.

The legal principle itself seems simple enough, the common law rule prohibiting a grant of an estate unless the interest must vest, if at all, no later than 21 years, plus a period interest was created. However, the practice has proven anything but simple. It is no wonder that some refer to the legal principle as the slaughter of the innocents for its unintended consequence.

The reason behind this legal principle made sense when they were set down in 1672. It was originally intended to protect property from control beyond the grave. Today it represents, if I may quote the Manitoba's Law Commission's take on the rule: yesterday's device for solving yesterday's problem.

Our government understands the need to provide courts with the power to intervene in appropriate circumstances, to prevent unreasonable restrictions on property interest, as well as respecting the wishes of testators and grantors. To do this we are putting in legislation criteria for judges to consider when making decisions about altering trust or about changing how property is to be used by those inheriting it. These are covered in the amendments to the Real Property Act and the amendments to the Variation of Trust Act, which are part of this bill. Thank you, Mr. Speaker.

MR. SPEAKER: The motion is for the second reading of Bill No. 108. 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. 110, the Residential Tenancies Act.

**Bill No. 110 - Residential Tenancies Act.**

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

HON. JOHN MACDONELL: Mr. Speaker, I move that Bill No. 110, entitled An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act be now read a second time.

Mr. Speaker, the proposed amendments we are bringing forward will help balance the rights of tenants and landlords. These amendments are the result of extensive consultation with key stakeholders. These stakeholders include: Dalhousie Legal Aid; the Tenant Alliance of Nova Scotia; the Manufactured Housing Association of Atlantic Canada; and the Investment Property Owners Association of Nova Scotia.

Some areas of the consultation have been in the works for more than a year, Mr. Speaker. We are listening to our stakeholders; we are always open to receiving suggestions and input for further changes to the Act to help ensure we are addressing the concerns of tenants and landlords. The Residential Tenancies Act provides a system where tenants and landlords can resolve their differences. The Act outlines the rights of both tenants and landlords, and also provides an efficient and cost-effective means for settling disputes.

Mr. Speaker, both tenants and landlords have asked for improvements to their rights and obligations, and we have listened to their concerns. The amendments include the following: it will provide a transition to introduce the rental increase process for land lease communities, and this change will help simplify the process, be more transparent, and reduce conflicts between landlords and tenants; it will update references to mobile homes and mobile home parks, changing it to manufactured home and land lease communities; tenants who wish to sell their manufactured home will know within ten days whether their landlord accepts the prospective buyer as a tenant; landlords will be able to request that sellers make upgrades to their manufactured homes only when required by municipal bylaws or community guidelines attached to the seller's lease; and it will provide clarification for the new rental arrears process - other amendments include housekeeping changes.

Mr. Speaker, these proposed amendments will help streamline and clarify the Residential Tenancies Act, and it will help encourage better compliance for both tenants and landlords. We all want a safe home for ourselves and our families, and these changes will help make life better for Nova Scotians by making the rights and responsibilities of



tenants clear. Our amendments balance their obligations to one another so everyone benefits. Thank you, Mr. Speaker.

MR. SPEAKER: The honourable member for Preston.

HON. KEITH COLWELL: On the surface it appears that I welcome the changes to this important Act. I have some mobile home parks, or prefabricated homes - or whatever you want to call them in today's language - in my area. In one park there has been very little problem between the landlord and the tenants; the other park has been a huge problem, a huge problem to say the least - it has been an ongoing battle, non-stop. Indeed, the tenants and the landlord both have good points in these parks, but it's very, very difficult for the tenants to sell their property, their home, and get permission to do that. So, hopefully, this bill will address that very serious issue.

A lot of times the spaces in the parks, the land itself, is very valuable and very difficult for someone to move a unit they have to another site - because there are almost none available. But the ability to sell these in not a really difficult way, to get permission from the landlord, this should help - it should help, and we'll see in the fullness of time if that really is what transpires.

It's also good to see that landlords are protected a little bit better when tenants don't pay their rent, because in the past this has been a serious problem as well for landlords and, of course, if landlords can't collect the rent everyone else in the park has to pay the rent for the people who haven't paid, so that's not good for anybody.

On the surface this bill looks like it's going to be a good improvement for people who own the homes and the people who own the properties, and I'm hopeful that this will transpire into that. Rent increases have been a very serious issue in our area. I have one mini-home park that I think has seven or eight different levels of rent. Every time someone moves out, the rent is bounced up to the highest level it can be bounced to. We've got rents anywhere from just over \$200 to well over \$300 for the same services, in the same park, for the same space, so there's something wrong with the picture.

The way the old system worked in these different levels of rent in this one park, one person, each level of rent, had to make an appeal in order to get that rent looked at by the Residential Tenancies Board. If someone didn't do that, then it would be up to the person at the Residential Tenancies Board, only seeing one side of the equation - the one from the landlord.

That always isn't good to see, if you really want to see both people go there. So maybe I can get the minister to clarify if that has changed in this bill. There isn't an indication here that it has, but if it has indeed changed, I think that would be a very good step forward.

A lot of people who live in mini-homes are very busy. They're working. Usually both people work. To get an appeal put in place - which is quite complex now, the documentation you have to do and the information you have to put forward - you have to review the information that the landlord has given and indicate whether these services the landlord said they'd supply or are going to supply or intend to supply ever were supplied or ever will be supplied, based on the record of the landlord.

At the same time, the landlord has to recapture their costs for the services they provide, so it has to be a fair exchange. Hopefully the appeal process will put in place things that will protect both the landlord and the tenant when it comes to these things, but at the same time keep the rent as low as possible on the lots and not get to the point where people can't afford to pay the rent and they have no choice and they can't move. There's nowhere, absolutely nowhere, to go for these prefabricated homes, so it's important that they have security where they are. A lot of tenants in the parks I represent have been there for many, many years, some of them almost from when the parks were set up. That's their home. That has always been their home. It's important to make sure that it maintains their home and the landlord can't decide if you're going to sell your property. Hopefully this change will address this.

The landlord often doesn't want to sell to someone. What they prefer to do is move that mini-home off that piece of property and sell them a brand-new one, a brand new mini-home that would sit there that they can charge more rent on - and they also get to sell a mini-home, so it's a double-edged sword.

Hopefully this new process will eliminate that problem and allow people to sell their investment that they have invested in for many years. A lot of these prefabricated homes are older, they are not worth a lot of money, but it is still a very good property for someone who has a low income. It allows them to get into a property that they can afford, instead of paying the traditional rent in an apartment building.

With those few comments I'd be interested to see what the minister says about that. I'd be pleased to talk with him any time about the actual incidents I've had and the problems we've had. We've dealt with his department to some extent on this, and I can tell you that the staff in the department have been very, very helpful. They have actually come out to our community, met with the tenants in the area, and explained the rules to them.

Unfortunately, the present rules really weren't as good as they should have been to protect both the landlord and the tenant. So hopefully these changes will help address that problem and help sort this out some more. It doesn't sound like it is going to address all the issues they've had, but it is at least a step in the right direction. I would be interested in talking to the minister, and maybe the minister could make some amendments or look at some other things that could possibly make it better for the tenants and the landlords. Thank you.

MR. SPEAKER: The motion is for second reading of Bill No. 110. 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. 111.

**Bill No. 111 – Equity Tax Credit Act.**

MR. SPEAKER: The honourable Minister of Finance.

HON. GRAHAM STEELE: Mr. Speaker, I move that Bill No. 111 - an Act to amend the Equity Tax Credit Act - be now read a second time.

This 10-year extension to the Equity Tax Credit Act will keep investment dollars in Nova Scotia helping local businesses thrive, increasing productivity, and helping Nova Scotia businesses to compete globally. The three key initiatives under the bill are Equity Tax Credits, Community Economic Development Investment Funds, and Labour-Sponsored Venture Capital Corporations.

Mr. Speaker, since its introduction these tax credits have helped 729 businesses, co-operatives and community economic development initiatives to access equity financing from Nova Scotians who wish to invest in local organizations. Through the Equity Tax Credit, investors get a tax credit of 35 per cent of their investment in eligible corporations. Average annual investments are more than \$11 million. The success of this legislation shows that Nova Scotians are supporting community-based businesses with their own money. The province's economic growth is all of our responsibility and our government will continue to do all that we can to support local investments.

With that, Mr. Speaker, I move second reading of Bill No. 111.

MR. SPEAKER: The motion is for second reading of Bill No. 111. 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. 112.

**Bill No. 112 – Community Spirit Act.**

MR. SPEAKER: The honourable Minister of Communities, Culture and Heritage.

HON. DAVID WILSON: Mr. Speaker, I move that Bill No. 112, the Community Spirit Act, be read for a second time.

Mr. Speaker, today I'm pleased to be introducing the Community Spirit Act as a means for Nova Scotians to show pride in their communities. Promoting strong communities is another way we make life better for families and this bill will support that building of civic pride. Communities across the province will be able to highlight unique elements of their culture and heritage with a declaration that could be used to promote their distinct characters.

Once passed by a municipal council, they can apply to have the declaration registered with the province and listed in an on-line database. Beginning in the Spring of 2012 an application form will be available on-line and when municipalities apply to have the declaration registered with the province, they will be asked to verify that they have done their due diligence on the legal, cultural, and historical aspects of preparing a declaration. That will enable the Minister of Communities, Culture and Heritage to review the application and approve it for the inclusion in the registry's on-line database.

Mr. Speaker, that holds value as communities promote themselves as a destination for visitors, a good place to raise a family and grow a business. Nova Scotia is a place of many firsts: home of the Mi'kmaq, the first people to settle this land thousands of years ago; the cradle of Acadian and francophone culture in North America as commemorated at the Grand Pré National Historic Site in the Annapolis Valley, hopefully to be our third UNESCO World Heritage Site.

M. le Président, tous les résidents de la Nouvelle-Écosse connaissent que les communautés francophones et acadiennes ont contribués à notre riche patrimoine.

I know, Mr. Speaker, that Nova Scotians know how important and how much our francophone and Acadian communities have contributed to our proud history and heritage here in Nova Scotia. We are also the birthplace of a proud schooner tradition, celebrated by our iconic Bluenose; one of the first places where Canada's national passion, ice hockey, was played; the destination of Scottish settlers aboard the Ship Hector, a proud culture that has shaped the way that we look at ourselves here in our province. Each generation has made significant contributions to the growth of our province and our country. Those contributions build our identity as Nova Scotians and give us pride in what our province has been able to accomplish socially and economically.

Increasing our knowledge of those contributions and introducing them to visitors and people who seek to do business in Nova Scotia is one more way to make life better for families. It connects with the pride Nova Scotians feel about their province and the optimism about the future where we all share in that opportunity for good jobs and growing our economy. Nova Scotia knows that honouring our diverse culture and heritage leads to vibrant communities, and we look forward to working with the municipalities to develop the registry of declarations that will be created by this bill.

Yesterday I was pleased to be joined by the president of the Lunenburg County Historical Society, Donna Malone, and also her husband, to introduce this piece of legislation. They support it, realizing the importance of what this could do for them in their work in LaHave.

The Department of Communities, Culture and Heritage takes seriously its mandate to promote our province's diverse culture and heritage, along with the incredible work happening in our museums and public archives. The Community Spirit Act is one more way for us to celebrate the ways communities are making life better for families every day. I look forward to the registry coming into being and giving Nova Scotians more reason to show their pride. Thank you.

MR. SPEAKER: The motion is for second reading of Bill No. 112. 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 member for Hammonds Plains-Upper Sackville on an introduction.

MR. MAT WHYNOTT: Thank you very much, Mr. Speaker. It gives me great pleasure to introduce to the House the Member of Parliament for Skeena-Bulkley Valley, Nathan Cullen. He is also a leadership candidate in the NDP federal leadership campaign, and I'd ask that the members give him a warm welcome, please.

MR. SPEAKER: We welcome all visitors to our gallery.

The honourable Government House Leader.

HON. FRANK CORBETT: Mr. Speaker, that concludes the government's business for today. I move that the House do now rise to meet again on Monday at the hour of 4:00 p.m. The House will sit until 10:00 p.m. or until the conclusion of business.

After the daily routine, the order of business on Monday will be Public Bills for Second Reading, Bill No. 109; Private and Local Bills for Second Reading, Bill Nos. 99

and 101; and Third Reading on all the bills that cleared Committee of the Whole House on Bills today.

I move the House do now rise to meet again on Monday from the hours of 4:00 p.m. to 10:00 p.m.

MR. SPEAKER: The motion is that the House now rise to meet again on Monday at 4:00 p.m.

Is it agreed?

It is agreed.

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

The motion is carried.

[The House rose at 12:44 p.m.]

**NOTICES OF MOTION UNDER RULE 32(3)****RESOLUTION NO. 2533**

By: Ms. Kelly Regan (Bedford-Birch Cove)

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

Whereas Bert Frizzell joined the Shaw Group Limited in 1974 after graduating from Acadia University and became President and CEO of the firm in 2005; and

Whereas Mr. Frizzell is currently instrumental in establishing a new focus for Shaw Group - that of more widespread employee training and increased productivity in all business units, and intends to maintain a strong balance sheet along with a strong leadership team in order to steer the company successfully into the future; and

Whereas Mr. Frizzell was named one of Atlantic Canada's top 50 CEOs by Atlantic Business Magazine in May of this year;

Therefore be it resolved that the members of this House of Assembly congratulate Bert Frizzell on his contribution to the management of Shaw Group, one of the most successful companies in Nova Scotia.

**RESOLUTION NO. 2534**

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

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

Whereas David Siddall, of Southampton, is a 22-year old 4-H member with the 3-Way Club who is winding up his years as a member in style; and

Whereas Mr. Siddall is a beef farmer who has been chosen to represent Nova Scotia as a judge at the Canadian Western Agribition in Regina; and

Whereas David was one of 50 judges selected through 4-H from all over Canada and the United Kingdom, another opportunity that has been made possible through his many years of participation within the 4-H club;

Therefore be it resolved that all members of this House of Assembly congratulate David Siddall on being chosen to represent Nova Scotia as a judge in the Canadian Western Agribition and wish him continued success in the future.

**RESOLUTION NO. 2535**

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

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

Whereas today we recognize the United Nations International Day for the Elimination of Violence against Women, a day for governments and organizations around the world to raise public awareness about gender inequality; and

Whereas this date holds significance for the cause as more than 50 years ago, three sisters were assassinated in the Dominican Republic for their protest of an oppressive dictatorship; and

Whereas this day was officially created 11 years ago in memory of those three women, and serves as a reminder for us to address the need to take action to ensure protection for women all over the world;

Therefore be it resolved that all members of this House of Assembly acknowledge this day and express our gratitude to the women's organizations in this province whose members devote their time and resources to providing a voice for women, and let today remind us that we still have a long way to go.

**RESOLUTION NO. 2536**

By: Hon. Christopher d'Entremont (Argyle)

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

Whereas anniversaries are an occasion for family and friends to gather together to celebrate the life of two individuals united as one; and

Whereas it is said that a successful marriage requires falling in love many times, always with the same person; and

Whereas on October 9, 2011 Gus and Claire d'Eon celebrated their 50<sup>th</sup> wedding anniversary;

Therefore be it resolved that all members of this House of Assembly congratulate Gus and Claire on this remarkable milestone in their life together and wish them many more happy years.



**RESOLUTION NO. 2537**

By: Hon. Christopher d'Entremont (Argyle)

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

Whereas anniversaries are an occasion for family and friends to gather together to celebrate the life of two individuals united as one; and

Whereas it is said that an anniversary is a time to celebrate the joys of today, the memories of yesterday and the hopes of tomorrow; and

Whereas on August 16, 2011 Jeanette and Ulysse Cotreau celebrated their 50<sup>th</sup> wedding anniversary;

Therefore be it resolved that all members of this House of Assembly join me in congratulating Jeanette and Ulysse on this remarkable milestone in their life together and in wishing them many more happy years.

**RESOLUTION NO. 2538**

By: Mr. Zach Churchill (Yarmouth)

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

Whereas Mardi Amirault has been a vital part of nursing education, as both a faculty member and director of the School of Nursing, Yarmouth Site, in the Southwest District, for more than 30 years and her many years of dedication to her students and peers was acknowledged by The College of Registered Nurses of Nova Scotia when she was awarded the Centennial Award of Distinction, an award recognizing 100 current and former registered nurses whose significant accomplishments have influenced the advancement of college initiatives, nursing practice and/or the nursing profession over the past 100 years; and

Whereas The College of Registered Nurses of Nova Scotia described Mardi Amirault as a proven leader who built positive relationships between nursing education and nursing practice and has consistently been a role model for students, faculty and her peers; she led the process in developing and maintaining a formal relationship with Dalhousie University in the development of a baccalaureate nursing program in Yarmouth, is passionate about advancing nursing education and nursing practice; and she is equally passionate about preserving and promoting the history of nursing in Nova Scotia; and

Whereas Mardi Amirault has written a tribute to the nursing profession entitled *A Centennial Celebration of Yarmouth Nurses: Seen Through Their Poetry, Sentiments and Verse*;

Therefore be it resolved that the members of this House of Assembly congratulate Mardi Amirault on the publication of her book and recognize her and thank her for her invaluable contributions to nursing education in Yarmouth.