



## DEBATES AND PROCEEDINGS

Speaker: Honourable Gordon Gosse

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**HALIFAX, WEDNESDAY, APRIL 18, 2012**

**Sixty-first General Assembly**

**Fourth Session**

**2:00 P.M.**

**SPEAKER**

Hon. Gordon Gosse

**DEPUTY SPEAKERS**

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

MR. SPEAKER: Order, please. Before Orders of the Day, the topic for late debate has been submitted. It reads:

Therefore be it resolved that the House support the continuation of gasoline regulation and cost sustainability in Nova Scotia rather than having pump prices for Nova Scotians set by big oil.

It was submitted by the honourable member for Kings North.

**PRESENTING AND READING PETITIONS**

MR. SPEAKER: The honourable member for Cumberland North.

MR. BRIAN SKABAR: Mr. Speaker, I beg leave to present a petition bearing 667 signatures of the permanent and seasonal residents of the greater area served by the bridge, which crosses the Shinimicas River at Northport. The operative clause reads, to:

“ . . . affirm that the new bridge in Northport is to be officially named in memory of Larry Brander and that official bridge name signs be attached at both ends of the bridge.”

MR. SPEAKER: The petition is tabled.

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

MR. SPEAKER: The honourable Minister of Education.

HON. RAMONA JENNEX: Mr. Speaker, I'm pausing just for a second before I read my statement. May I please make an introduction?

MR. SPEAKER: Are they here?

MS. JENNEX: They are now.

MR. SPEAKER: Well, most certainly.

MS. JENNEX: Thank you very much, Mr. Speaker, I really appreciate that. I would like to take this opportunity to acknowledge the members of the Nova Scotia Task Force on Bullying and Cyberbullying and the working group, some of whom are joining us here in the gallery today: task force chair Professor Wayne MacKay; Rola AbiHanna from the Department of Education; Wendy MacGregor, the parent representative; Breanna Fitzgerald, the youth representative; and the member for Hammonds Plains-Upper Sackville. Those are the names of the task force.

From the working group: Aaron Stevens from the NSSSA, The Youth Project and Leaders of Today; Jamie Stevens, the Nova Scotia School Boards Association; Anne MacRae, the Nova Scotia Disabled Persons Commission; Natalie Aucoin from FPANE; Constable Todd Taylor from the Truro Police Service; Meagan MacDonald, Canadian Mental Health Association; Judith McPhee from the Department of Justice; Linda

Atkinson from the Department of Community Services; Dr. John LeBlanc from PREVNet, IWK, and Dalhousie University; Dawn Boylan from Bell Aliant; Juanita Peters, CACE, Council on African Canadian Education; Francine Vezina, Department of Health and Wellness; Constable Greg Church, RCMP; Shelley Richardson, Kids Help Phone; Betty-Jean Aucoin from the Nova Scotia Teachers Union; Kyle Denny, Council on Mi'kmaq Education; Vanda Dow, the Nova Scotia Federation of Home and School Association; Herb Steeves, the Association of Nova Scotia Education Administrators; and Sara Halliday, the Department of Education, Corporate Policy Division.

I would also like to welcome Pam Murchison and thank her for coming to be part of today's activities. I would ask all of our guests to rise and please receive the warm welcome of this House. (Applause)

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

The honourable Minister of Education.

HON. RAMONA JENNEX: Mr. Speaker, today I am pleased to rise in my place and talk about a very important issue facing our society, the issue of bullying and cyberbullying. Whether it's in our classrooms, on our streets, or through a text message, the act of intimidation and persecution will not be tolerated, and that is why this government took action and established a Task Force on Bullying and Cyberbullying. With Professor MacKay's leadership, the task force submitted their report and recommendations earlier this session. I would again like to thank Professor MacKay, the task force, and the working group, for the thorough and comprehensive work that they did.

Since the release of the report and recommendations, the province has been working diligently to create an action plan that is responsible, comprehensive, and respects the time and effort the task force put into its development. This is a societal problem and requires a societal response. It requires input from students, parents, teachers and families. It requires talking with our partners to build a plan that will support a real and sustainable change in our culture. This is not a task that should be taken lightly, nor is it one that can be pulled together hastily. Our children, parents, and teachers deserve better than that, and they will get a well-thought-out and comprehensive plan.

This issue has been part of the school culture for many years - too many years. The previous government and current member for Colchester North acknowledged that the misuse of technology was happening but seemed unable or unwilling to deal with it. During the Committee of the Whole House on Supply on July 11, 2006, the then Education Minister said, "So it is an issue, it's something we're aware of, and we're aware that it is increasing. It may cause us to look at something more stringent within our school boards - allowing the technology to be used as it was intended, but stopping the misuse, and that's the dilemma." I will table that quote.

Mr. Speaker, the government does not simply view this issue as a dilemma with no solution. This government is not complacent with the status quo. This government, instead, listened to families and students, and we agree with them. They wanted change and we took action.

Mr. Speaker, legislation that requires parents to turn their children over to the police is not a long-term or effective tool to support the kind of cultural change that is needed. Pitting families against each other is not the answer. We need to encourage discussion among parents and children, not create new (Interruptions)

MR. SPEAKER: Order, please. The honourable minister has the floor. (Interruption) Pardon me? Pardon me? Thank you very much.

The honourable Minister of Education has the floor.

MS. JENNEX: Mr. Speaker, we need to encourage discussion among parents and children, not create new barriers that discourage or inhibit open and honest communication. This government's proposed legislation is not a series of one-off bills. This government's legislation will help provide the foundation for the development and implementation of a strong provincial action plan.

Mr. Speaker, we all have a role to play to help keep our children safe and as a government we are doing our part. The government's legislation addresses a number of recommendations made by the task force. The province also agrees with the task force in that someone must be responsible for overseeing the recommendations and the development of the action plan. Soon the department will announce a dedicated staff person to oversee the development and implementation of the province's action plan. This is a key part in moving the recommendations into real action. The most valuable voice we need to hear from to address bullying and cyberbullying will come from the people who are experiencing it - our young people.

The report stated that students need to have their voice included as part of the response, and we agree and we are committed to doing that. Soon the province will be announcing details about how students can participate in a public awareness campaign on bullying and cyberbullying.

Mr. Speaker, if the solution to bullying and cyberbullying was as simple as introducing a number of bills, then the previous government would have done so. However, they chose not to, so today the government is taking another positive step to act on the recommendations in *Respectful and Responsible Relationships: There's No App for That*.

Teachers deserve this; families deserve this; and children deserve this - and that, Mr. Speaker, is what this government will deliver on. This is a societal issue and by



working with all members of society we will move our culture towards a better, safer tomorrow. Thank you.

MR. SPEAKER: The honourable member for Colchester North.

HON. KAREN CASEY: Thank you, I am pleased to stand in my place and respond to the minister's statement. I'm also pleased to see that after it was brought to her attention that the language that she had used in her original statement was unparliamentary that she has removed it, and I want to thank you, Mr. Speaker, for bringing that to her attention. I would also like to thank the minister's office for sending a statement to our office in advance.

The minister, Mr. Speaker, has missed a wonderful opportunity to speak about the issue of bullying and the often unfortunate outcomes of this negative behaviour. She has also missed an opportunity to show leadership and to take action. Repeatedly she has been asked about a timeline for the implementation of the task force recommendations. Her response - and we heard it again today in her statement - "Soon, very soon," is her cavalier approach.

Mr. Speaker, bullying is all too common in our society. According to BullyingCanada, 1 in 10 children have been bullied. At the upper elementary grades in our schools, Grades 4 to 6, as many as 25 per cent of the children have been bullied. Overall, in Canada, 1 in 7 children ages 11 to 16 are the victims of bullying. The problem of bullying seems to manifest itself in our schools. Although students are only in school for five to six hours a day, and 19 other hours they're outside of their schools, this is the place where it seems to be manifested and this is the place where we are being asked to address the problem.

It is true, Mr. Speaker, schools do have a vital role to play in addressing this problem. Statistics show that bullying occurs once every seven minutes on the school playground and once every 25 minutes in the classroom. Those statistics are alarming. I commend Dr. MacKay and the members of his task force for their thorough report and their recommendations - it's a testament to their commitment to improving the lives of young people in Nova Scotia. (Applause)

Mr. Speaker, it's now time for the minister to respond. One of the first steps would be to ensure that students have access to the services they need to deal with bullying, and that teachers have access to the supports they need to help keep our students safe. We know there is a direct correlation between increased supervision and decreased bullying - bullies often stop when adults are present.

The minister used her ministerial statement to misrepresent the Opposition members, including my quote from July 11, 2006, and for the information of the House I will table my full response - not just excerpts that satisfy the minister's need. (Applause)

Mr. Speaker, I was very pleased to stand in my place on that day, just as I am here today, and speak to the issue of bullying. I was willing to acknowledge to all members of the House at that time that the increased use of technology brought with it the potential for misuse. At that time, six years ago, the foundation for addressing that misuse was clearly put in place.

School boards were asked to develop an Internet use policy and to strictly enforce the policy. All boards complied. Consequences for misuse were identified and they were enforced if the policy was violated. That was a great beginning, but the work should never stop. However, it's very disappointing and a disservice to our students to delay actions to address the ongoing problem; the safety of our students is at risk. This government has been in place for three years and to continue to say that the action to curb bullying will be 'soon, very soon' is totally unacceptable.

The minister is quick to say that students, families and teachers deserve better and you know, she is right. But all she can do is make a promise, a promise to deliver soon and that's not good enough. It has not been good enough for the victims of bullying, it has not been good enough over the past three years and, Mr. Speaker, it is not good enough now.

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

MR. EDDIE ORRELL: Mr. Speaker, I would like to thank the minister for providing me an advance copy of her remarks. I cannot question the minister's commitment to address the hurtful scourge of bullying. As our caucus has indicated from the beginning, we are open to supporting good pieces of legislation that will keep our children safe.

We're ready to work with the government to facilitate the kind of positive change that creates a safe environment for our young people. I can take comfort in the fact that I know all members of this House see ridding our schools and homes of bullying as an important priority.

However, I am far less comfortable with some of the minister's most recent comments. Not only has the minister misrepresented our legislation but she's misrepresenting her own. Yesterday outside this Chamber the minister said: Part of our legislation tomorrow is going to be the very first time in North America that we'll actually be now tracking incidents of bullying and cyberbullying and will be able to gather that data across Nova Scotia.

A tracking system for incidents of bullying is a useful invention but unfortunately the only thing the minister invented was that fact. Not only did we include it in our own legislation introduced yesterday, but the Province of Ontario is already tracking incidents of bullying. The minister claims that under her legislation, incidents of bullying and

cyberbullying will be tracked for the very first time in North America. She claims she's the first. As we have heard many times before, that is simply not true.

We don't oppose the concept. Tracking incidents of bullying will allow us to develop and further enhance strategies to keep young people safe at home and at school. But the minister's claim that we'll be tracking bullying incidents for the very first time in North America is not accurate. This is part of a disturbing trend of this government.

The NDP and this minister have used exaggerations, embellishments and sometimes plain old mistruths to hide their failures. But it doesn't stop there . . .

MR. SPEAKER: Order please, "mistruths" is an unparliamentary word. I would ask the honourable member to retract that word, please.

MR. ORRELL: I will withdraw that, Mr. Speaker.

MR. SPEAKER: Thank you.

MR. ORRELL: I call on the minister (Interruption)

MR. SPEAKER: Order, please. This is the last time today I'm going to ask the honourable members to stop interrupting on all sides of the House when somebody is talking. If you refuse to obey the Chair, I will remove you from the House for the remainder of the day. Is that clear? Thank you.

The honourable member for Cape Breton North.

MR. ORRELL: I call on the minister to indicate whether the partisan comments included in her statement were drafted by a member of the Public Service. Such an action will be a clear abuse of the Public Service.

Additionally, today, the minister made a comment about our legislation that, like many things this government says, is simply untrue. The minister has to realize that families have an important role to play in stopping bullying, something I think she missed the base on in her comments about our proposals.

Our legislation is about recognizing that students, teachers and families all have a role in protecting our children. We believe, as I hope the minister does, that families are the very foundation of a strong and safe community. We're ready to work with the minister but we need to ensure that all the facts are laid out on the table and mistruths aren't propagated. We'll be calling the Cyberbullying Intervention Bill for debate this afternoon. We've taken the time to put this important issue on the agenda today and I'm looking forward to constructively and collaboratively working with the minister during her debate this afternoon.

MR. SPEAKER: The honourable Premier.

HON. DARRELL DEXTER (The Premier): Mr. Speaker, I rise in my place today to talk about Raymond Taavel. Last night hundreds attended a vigil for Ray on Gottingen Street here in Halifax. The vigil, in fact, grew so large that police shut down the street. Someone there pointed out that Ray lived the kind of life that brought all these people out last night. His co-worker from the Shambala Sun, Barry Boyce, called him “a compassionate activist, without anger.” That is the description of a fine person by anyone’s measure.

The 52 members of the House represent all Nova Scotias. I’m sure I speak for all of us, as well as the people of the province, when I extend our deepest condolences to the family and friends of Ray Taavel. Nova Scotia has suffered a tremendous loss. We lost a person who chaired Halifax Pride and was an editor of Wayves Magazine. We lost a person who devoted his life to fighting discrimination, violence and intolerance. We lost a person who made Nova Scotia a better, more open and more inclusive place for everyone and on behalf of my colleagues, the member for Halifax Citadel-Sable Island and the Minister of Health and Wellness - both of whom Ray worked on campaigns with - you can imagine that this loss is felt very deeply.

Mr. Speaker, I read an article today from Wayves Magazine. It read:

“It’s tempting in this day and age of legislated liberties to think that a personal or collective vigilance is no longer required. It’s easy to lull ourselves into complacency, thinking there’s nothing more left to fight for, or nothing more to achieve. Fighting back comes in many forms: reaching out, building bridges, educating and, if need be, defending ourselves from physical harm.”

Ray wrote those words in 2010. Mr. Speaker, Ray was right. We are not done yet. We must continue to sharpen our collective vigilance. There is more to fight for, more to achieve, more bridges to build. This is not a time for complacency. It is tragic and so sad that it takes the brutal killing of someone like Raymond to remind us all of what he so clearly understood.

Mr. Speaker, the facts of this tragedy are not yet confirmed. It will take time to discover what happened that Tuesday morning and why. In this House and in this province we must all reaffirm our support for the lesbian, gay, bisexual and transgender community and we must also reaffirm our support for the many other communities that have been the object of hate and misunderstanding, including those who suffer from serious mental illness. Fear, misunderstanding and hate - that was not the way of the compassionate activist Raymond Taavel.

I would like to close with a quote that Ray posted on his Facebook page, a quote that I'm sure many of us have heard before but I believe shows Ray's great character and wisdom and will serve as sound advice long after his death: "An eye for an eye makes the whole world blind." I think we owe it to Ray to seek answers and define ways to protect ourselves, not through revenge but in the same manner that Ray would have, by understanding, by building bridges, by reaching out, and by educating.

Mr. Speaker, I would ask that we have a moment of silence in honour of Ray Taavel.

MR. SPEAKER: Certainly.

[A moment of silence was observed.]

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

HON. STEPHEN MCNEIL: Mr. Speaker, I'd like to thank the Premier for an advance copy of his statement today in celebrating the life of Raymond Taavel. Yesterday the North End Halifax community, and indeed the province, was the unintended host of fear and tragedy. It was also the host of love and hope. Upon learning of the death of Raymond, Nova Scotians were lost in a fog of sorrow and incomprehension. Yet as the day went on, flags and improvised memorials sprung up in windows, on fences, and on rooftops along Gottingen Street. By evening, hundreds of people had showed up to the vigil celebrating Raymond's life, his struggle against discrimination, and his efforts to bring people and communities together. This is how we fight back against violence which ended his life, by coming together through understanding.

On the anniversary of the Canadian Charter of Rights and Freedoms, Raymond's words are especially poignant: "It's tempting in this day and age of legislated liberties to think that a personal or collective vigilance is no longer required." The Charter grants equality under the law, but it does not protect anyone unless it is us who will protect them.

While the Charter is a correct step forward in our collective history, we have far to travel. We need to understand mental health better. We, as a society, have left mental health issues unattended for far too long. We need to understand each other better - not simply tolerate our differences but embrace and celebrate our differences. So today we, as legislators, Nova Scotians, and Canadians, must take up this challenge which is before us, to push forward and address the serious deficits we have with the treatment of mental health.

We must commit to ensuring that those Nova Scotians struggling with mental health issues get the care they require when they require it. We must continue to reach out and embrace all communities and groups who are still fighting against discrimination. We

must work harder and longer in our struggle for compassion and achieve more for our province and for future generations.

Mr. Speaker, in closing I want to pass on and extend my condolences to Raymond's family and to his friends.

MR. SPEAKER: Thank you.

The honourable Leader of the Progressive Conservative Party.

HON. JAMIE BAILLIE: Thank you, Mr. Speaker. I would also like to thank the Premier for an advance copy of his remarks. I do appreciate that we are taking a few moments out from the proceedings today to talk about what has happened in the City of Halifax over the last two days. It is a sad and tragic time for the family of Raymond Taavel and for all Nova Scotians, and, I would add, a sad and tragic time for all of those who value peace; who value diversity; who value the freedom to express yourself no matter who you are as a Nova Scotian; who value a province where all who are here are free to be themselves, to represent their community, to join in the great cause of building a modern and diverse and exciting and dynamic and progressive Nova Scotia.

That, Mr. Speaker, is what I believe, and I am sure all members believe, the vast, vast majority of Nova Scotians aspire to for our City of Halifax and for our province. So I just want to affirm, as others are doing, the support that we all need to provide to those who still live in fear of being able to express their own individuality, whether they be straight, whether they be gay, lesbian or transgender, whether they be Black or White, whatever their background is I know that the vast majority of Nova Scotians, and all members of this House who are in a leadership position in our province, want to affirm that Nova Scotia is a place where all are welcome to be all that they can be.

Richard Florida, Mr. Speaker, once wrote a book about the value of a modern, dynamic, progressive society; a creative society that used the energies, talents and ambitions of every single one of its citizens. He pictured the perfect city as a city that would be approximately 500,000 people, that had a great creative underlying dynamic, and that drew on all of its citizens.

That is what we all want Halifax to be in this great Province of Nova Scotia. That is what we need to affirm today as we contemplate the meaning of the death of Raymond Taavel. I did not know Mr. Taavel, but from what I have learned in the last two days, I know that we can conclude that Halifax is a much poorer city because of his loss.

I do also want to say, just briefly, that I am very proud of the family of Raymond Taavel who spoke out today to point out the tragedy of his loss but also took a moment to point out that in some ways this system has let down the accused and all those who are patients of the mental health system. It got me thinking, Mr. Speaker, of an important quote

from Robert F. Kennedy, who once said that it is our duty “. . . to understand, and to comprehend, and replace that violence, that stain of bloodshed . . . with an effort to understand, compassion and love.” I am reminded of that quote today as we contemplate what has happened in Halifax over the last two days.

Mr. Speaker, to conclude, the best way to honour the memory of Raymond Taavel is twofold. First of all to reconfirm all that we want Halifax and all Nova Scotia to be that great, modern, diverse, inclusive society that Ray and others argued so strongly for; and second, to learn the lessons of this tragedy - and I do acknowledge that the government is launching a review of what happened and I am glad they are - to learn the lessons in public safety, to learn the lessons from the memory of Raymond Taavel and all that he stood for, to learn the lessons for those who are in the care of our mental health system.

On that note, Mr. Speaker, I will conclude with a quote from Aeschylus, who says:

“ . . . even in our sleep, pain which cannot forget falls drop by drop upon the heart until, in our own despair, against our will, comes wisdom through the awful grace of God.”

Let us all recommit to that great truth today. Thank you.

## **GOVERNMENT NOTICES OF MOTION**

MR. SPEAKER: The honourable Premier.

### **RESOLUTION NO. 250**

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

Whereas Raymond Taavel, past chair of Halifax Pride, editor of Wayves Magazine, and assistant circulation manager of Shambhala Sun magazine, devoted his life to fighting discrimination, violence and intolerance aimed at people because of their sexual orientation or gender identity; and

Whereas Mr. Taavel's many contributions to the community helped make Nova Scotia a better, more open and inclusive society; and

Whereas Mr. Taavel was brutally beaten and killed on Gottingen Street in the early hours of April 17<sup>th</sup>;

Therefore be it resolved that the members of this House join together to send their deepest and most sincere condolences to the many friends, family, and colleagues of Raymond Taavel who are mourning this great loss.

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 the Voluntary Sector.

### **RESOLUTION NO. 251**

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

Whereas this week, April 15<sup>th</sup> to April 21<sup>st</sup> is National Volunteer Week; and

Whereas approximately 450,000 Nova Scotians unselfishly volunteer their time to an endless list of activities in their communities, including schools, community programs and minor sports; and

Whereas volunteers' work and time is invaluable to communities and to the province as a whole, with an estimated approximate worth of \$2 billion to the Nova Scotia economy;

Therefore be it resolved that members of this House acknowledge and recognize the important contribution Nova Scotia's volunteers make to their community and to encourage more Nova Scotians to donate their time to help make Nova Scotia communities better places to live.

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 Seniors.

### **RESOLUTION NO. 252**

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

Whereas many of Nova Scotia's seniors are not only active and health conscious, but also competitive athletes; and

Whereas the physical accomplishments of seniors are celebrated every second year at the Nova Scotia 55+ Games, a program that supports the spiritual, mental, and physical well-being among seniors 55 years of age and over; and

Whereas the Canada 55+ Games will be hosted in the Cape Breton Regional Municipality over a four-day period, August 28<sup>th</sup> to September 1<sup>st</sup>, bringing together 1,500 to 2,000 senior athletes from across Canada to compete, enjoy fellowship and give a boost to the local economy;

Therefore be it resolved that the members of this House congratulate the organizing committee for their work on this national event, and wish them and the athletes well in this summer's Canada 55+ Games.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable Minister of Health and Wellness.

### **RESOLUTION NO. 253**

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

Whereas the Colchester East Hants Health Authority has developed a smoking cessation program targeted toward smokers with a mental health concern; and

Whereas those who have a mental illness make up 50 per cent of the overall smoking population; and

Whereas of the 73 people who completed the cessation program, 64 per cent had quit smoking after one month and also made other improvements to their health including increasing exercise, increasing social time, and greater awareness of eating patterns and habits;

Therefore be it resolved that all members of the House of Assembly commend the Colchester East Hants Health Authority for their commitment to making Nova Scotia smoke-free, and for identifying the link between smoking and mental health concerns.

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.

HON. CHARLIE PARKER: Mr. Speaker, I wonder if I might be permitted to do an introduction before I read my resolution.

MR. SPEAKER: Certainly.

MR. PARKER: I'm pleased today to introduce in the Speaker's Gallery, Dr. John Calder, he's the senior geologist with the Department of Natural Resources. He has just written a new book called *Coal Age Galapagos: The Joggins Fossil Cliffs*. I'm sure teachers, students and all Nova Scotians will welcome this great book; we had a launch of it earlier in the Veterans Room. With Dr. Calder today is Don James, our executive director of Mineral Resources, and Bruce Nunn from our communications department. I will ask them to rise to receive a warm welcome from everyone. (Applause)

MR. SPEAKER: We welcome all our guests in the gallery and hope they enjoy this afternoon's proceedings.

The honourable Minister of Natural Resources.

### **RESOLUTION NO. 254**

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

Whereas Dr. John Calder, the senior geologist with the Department of Natural Resources, who excels in his field as a university teacher, a researcher, and a writer, has written a new book about the Joggins fossil cliffs of Nova Scotia, which was published by the province through the Department of Natural Resources; and

Whereas the book, *Coal Age Galapagos: The Joggins Fossil Cliffs*, will be of great interest to teachers, students, scientists, and visitors to the Joggins Fossil Centre, and all Nova Scotians who share a pride in the UNESCO World Heritage Site at Joggins; and

Whereas Dr. Calder, who will be presenting on his book this Sunday afternoon at the Joggins Fossil Centre, is also going to be honoured next month with the E.R. Neale Medal from the Geological Association of Canada for communicating geoscience to Canadians;

Therefore be it resolved that this House of Assembly congratulate Dr. Calder on his excellent book and for so well representing Nova Scotia's unique geological heritage to Canada and to the world - and I might add that a copy of the book will be available to all members here very shortly.

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. 30 - Entitled an Act to Amend Chapter 1 of the Acts of 1995-96. The Education Act, to Address Bullying by Promoting Respectful and Responsible Relationships. (Hon. Ramona Jennex)**

**Bill No. 31 - Entitled an Act to Amend Chapter 401 of the Revised Statutes of 1989. The Residential Tenancies Act. (Ms. Kelly Regan)**

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

**NOTICES OF MOTION**

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

**RESOLUTION NO. 255**

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

Whereas early Tuesday morning the Halifax Regional Municipality, and indeed our province, lost a community leader and activist in the passing of Raymond Taavel; and

Whereas Raymond's love for the city and the province he chose as home was exhibited every day through his compassion for others and his welcoming manner; and

Whereas Raymond will be missed by many who will cherish his memory and reflect on how fortunate they truly are to be able to have called Raymond their friend;

Therefore be it resolved that all members of this House of Assembly extend our deepest sympathies to the family and friends of Raymond Taavel, and resolve to conduct ourselves with the same passion, tolerance, and determined characteristics that we were all so fortunate to have Raymond share with us.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Argyle.

**RESOLUTION NO. 256**

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

Whereas Raymond Taavel, a highly respected community volunteer and well-known and passionate activist, was tragically killed early Tuesday morning on the street in Halifax; and

Whereas hundreds of people came together last night in downtown Halifax to celebrate his spirit, honour his life, and mourn his loss; and

Whereas Mr. Raymond Taavel, who will be dearly missed by all who knew him, would have wanted people to come together, but not in anger;

Therefore be it resolved that all members of this House of Assembly remember Mr. Raymond Taavel for the tireless commitment he made to our community and celebrate his unselfish zest for life.

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 Pictou East.

**RESOLUTION NO. 257**

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

Whereas in January 1969, Morris Campbell first volunteered to serve and proudly wear the uniform of the Westville Fire Department; and

Whereas Morris Campbell has served his community well - fighting fires, raising money for new equipment and comforting fire victims; and

Whereas Morris Campbell is being honoured this week at a special reception hosted by the Westville Fire Department in acknowledgement of his dedicated service;

Therefore be it resolved that all members of the Nova Scotia House of Assembly congratulate Morris Campbell for a total of 43 years of volunteerism to the citizens of Westville and beyond.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Dartmouth North.

MR. TREVOR ZINCK: Mr. Speaker, if I could have your permission, I would like to make an introduction.

MR. SPEAKER: Most certainly.

MR. ZINCK: Mr. Speaker, today in the west gallery we're joined by a young member of Dartmouth North, Mr. Brandon Walker. It's interesting to note this is Brandon's second time home. He has ventured out West twice now and hopefully he's back home to stay, with some of the new opportunities here in Nova Scotia. So I would like the House to give him a warm welcome and hopefully he'll stay this time. (Applause)

MR. SPEAKER: The honourable member for Dartmouth North.

### **RESOLUTION NO. 258**

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

Whereas since its founding in 1983, Mel Boutilier, executive director of Parker Street Food and Furniture Bank, has worked tirelessly, all the while receiving no salary, to serve people of Halifax and Dartmouth; and

Whereas Mel and his dedicated volunteers and staff currently are serving more than 250 families per week, along with distributing an estimated \$2.6 million worth of food provisions during the fiscal year of 2011; and

Whereas Mel has been recognized for numerous awards including membership in the Order of Canada, the Order of Nova Scotia and, most recently, the Diamond Jubilee Medal in recognition of his lifetime of distinguished service to his surrounding community;

Therefore be it resolved that the House of Assembly once more applaud Mel for his continued efforts and those of his staff, who have made an effort to eliminate poverty in the Halifax Regional Municipality.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable member for Kings West.

### **RESOLUTION NO. 259**

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

Whereas earlier today, the Canadian Dermatology Association conducted skin cancer screenings for members and staff of the Nova Scotia House of Assembly; and

Whereas according to the Canadian Cancer Society 2011 statistics, Nova Scotia has the highest rate of melanoma amongst both men and women on a case-per-100,000 basis; and

Whereas skin cancer is very treatable when caught early, making regular screenings all the more important for the maintenance of good health;

Therefore be it resolved that all members of the Legislature extend our appreciation to the Canadian Dermatology Association and the dermatologists who made themselves

available today, and encourage all Nova Scotians to be sun-safe and proactive in protecting their health by making regular screenings part of a routine.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

The honourable Leader of the Progressive Conservative Party.

#### **RESOLUTION NO. 260**

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

Whereas April 18<sup>th</sup> is Holocaust Remembrance Day, or Yom HaShoah - a commemoration of the six million persons who perished at the hands of the Nazis; and

Whereas the message of Holocaust Remembrance Day is that by remembering the Holocaust, we might inspire a more tolerant and diverse society now and in the future; and

Whereas the Nova Scotia Jewish community will mark the day with a commemorative ceremony and join Jewish communities throughout the world tomorrow in the public recitation of names of Jewish victims of the Holocaust;

Therefore be it resolved that all members of this House observe Holocaust Remembrance Day so that the pain and destruction of the Holocaust will never be forgotten and never be repeated.

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

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

Is it agreed?

It is agreed.



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

The motion is carried.

The honourable member for Halifax Citadel-Sable Island.

### **RESOLUTION NO. 261**

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

Whereas the Atlantic Jewish Council is committed to nurturing the existence and quality of Jewish life in Atlantic Canada through community service, advocacy, and the promotion of interfaith dialogue and multiculturalism; and

Whereas Yom HaShoah, Holocaust Remembrance Day, commemorates the lives and heroism of Jews who died in the Holocaust and is solemnly marked each year by the Atlantic Jewish Council and caring communities all over the world; and

Whereas tonight, April 18, 2012, the Atlantic Jewish Council will hold a memorial candle-lighting ceremony and film screening at Saint Mary's University, marking this year's Yom HaShoah with the commemorative theme, "My Brother's Keeper: Jewish Solidarity During the Holocaust";

Therefore be it resolved that this House of Assembly recognize the Atlantic Jewish Council for reminding us that by remembering the horrors of the Holocaust, we can all help inspire and build a more peaceful and just 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 Minister of Transportation and Infrastructure Renewal.

**RESOLUTION NO. 262**

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

Whereas Halifax West High School students Jenna Hartlen and Emma Swain will travel to Poland this August as ambassadors of Canada with the Coalition for Kids International; and

Whereas Jenna and Emma have worked hard raising funds to help finance this trip; and

Whereas during a 12-day period Jenna and Emma will spend time with underprivileged, terminally ill Polish children;

Therefore be it resolved that the Nova Scotia Legislature congratulate Jenna Hartlen and Emma Swain on their initiative, with best wishes on their adventure in Poland this summer.

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 African Nova Scotian Affairs.

**RESOLUTION NO. 263**

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

Whereas the Duke of Edinburgh's Award, founded in 1956 by his Royal Highness Prince Philip, Duke of Edinburgh, came to Canada in 1963 and currently runs in 130 countries around the world; and

Whereas this award encourages youth to become active and engaged citizens, to participate in new activities and pursue current interests in areas of community service and personal skill development, and to learn what it means to exemplify leadership; and

Whereas Mark Skinner, a resident of Windsor Junction, has received a Bronze Award of Achievement from the Duke of Edinburgh's Award for exemplifying leadership within his community;

Therefore be it resolved that the members of the House of Assembly congratulate Mark on receiving the Bronze Award of Achievement from the Duke of Edinburgh's Award and offer best wishes for continued success as a leader in our community and abroad.

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

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

Is it agreed?

It is agreed.

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

The motion is carried.

Before we start Oral Questions Put By Members today, I would like to remind all honourable members of this Chamber that the use of BlackBerrys, laptops and other electronic devices are not permitted during Question Period, so they are to remain off during that time.

We do have lots of cameras in the Legislative Assembly for me to check afterward to see who is on their machine or not. Just to let you know that I did have some requests about use on all sides of the House and I will enforce that rule very stringently starting today.

## **ORDERS OF THE DAY**

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

MR. SPEAKER: The time is now 3:00 p.m. and we will finish the Oral Question Period at 4:30 p.m.

The honourable Leader of the Official Opposition.

**PREM.: DAY PASSES - ELIGIBILITY**

HON. STEPHEN MCNEIL: Mr. Speaker, in light of the tragedy that happened in our province early morning Tuesday, Nova Scotians are feeling, quite frankly, that the system has failed them - whether it is the justice system or whether it is the mental health system in this province - on how we deal with Nova Scotians. My question through you to the Premier is, how does an individual with a significant history of violence get an unescorted, unsupervised, day pass and release from custody?

THE PREMIER: Mr. Speaker, as the Leader of the Official Opposition quite correctly said, it is certainly a horrific set of events that occurred and which we had an opportunity to speak about just earlier. What I can say is this: the process for release is through the Criminal Code Review Board which is a federally-mandated board that complies with the provisions of the Criminal Code. They make a determination with respect to the question of discharge.

MR. MCNEIL: Mr. Speaker, Nova Scotians are asking a basic question. When you look at the history of the accused - if you look at, going back as recently as the Fall of 2009 that the accused had been deemed not criminally responsible for his actions and then some eight months later he is being released into the general population on a day pass, I think it's a legitimate question. I know that this process is being reviewed and I want to ask the Premier - in that review are we just looking at what has happened in the hours of Monday and Tuesday of this week or are we actually reviewing the entire case that is associated with the release of this prisoner?

THE PREMIER: Mr. Speaker, I would make one correction first, although it's a small one - I believe the individual in question was actually on a one-hour pass. What we're going to look at is the whole question of the process: whether or not the provisions are adequate, whether or not they were followed and, as I mentioned, the actual provision of law with respect to release are set out in the Criminal Code and the requirements to which the board must meet therefore are not a matter of our direct jurisdiction.

The Leader of the Official Opposition may know that there's a handoff at that point that then hands the prisoner off for what is essentially a discharge planning process and we intend to review that as well, because it is a two-stage process.

MR. MCNEIL: Mr. Speaker, I appreciate the Premier's correction; it was a one-hour pass which turned out to be a very much longer period of time. My final question to the Premier is, as we go through this process to try to discover what went so terribly wrong, are you and someone in your government now contacting the federal government to review the process that falls under their jurisdiction in order for this person to have been released into the community?

THE PREMIER: Well, Mr. Speaker, to my knowledge, reviews of these provisions are routinely monitored by the federal government. In fact, I believe the provisions that are in place now are not actually that old. In the end, though, it comes down to a question of judgment that is exercised by the board.

The board is made up of clinical practitioners, it's made up of lawyers, they receive risk assessments that are done by clinical practitioners who come before the board. Both the Public Prosecution Service and the individual are represented at the hearing. As I understand it they are open to the public, so it's a transparent process. They hear all of the evidence and they make their decision based on the evidence that comes before them.

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

### **JUSTICE: DISCLOSURE POLICY - APPLICATION**

HON. JAMIE BAILLIE: Mr. Speaker, my question is to the Minister of Justice. Last April, the minister wrote an opinion piece for public consumption announcing that his department had a new public disclosure policy that will guide the release of information to the general public in the event there was an incident involving the release of a person in the custody of the province - and I will table that opinion piece, which lists the guidelines for such a release.

In the case before us in the last two days, Mr. Speaker, the accused was a person in the care of the province who had been found not criminally responsible in the past, but nonetheless was a person who was potentially dangerous and was proven later to be dangerous to the community.

My question to the minister: Is his policy that is used to deal with individuals who are in the care of the province, also used for those on temporary passes from places like the East Coast facility, who have been deemed not criminally responsible, but who are nonetheless dangerous?

HON. ROSS LANDRY: I assume my colleague will understand that I'll not talk about the particular case as that's now before the courts, but what I will talk about is about the policy and the procedure. We announced today that we will be doing a review and having a review. I'm in partnership with the Minister of Health and Wellness, and we are going to have a statement back by 30 days from now to talk about were the policies and procedures followed, and at that point to determine if they were adequate and in what direction we need to go.

The particulars behind someone in our institutions, the security is taken seriously and I'm very confident that at the forensic facility there is adequate security there, and the process will review how events unfolded.

MR. BAILLIE: I appreciate the answer and I was in fact attempting to ask only about the policy, and so in supplementary I will ask the minister: According to his own policy - which I have and will table for the benefit of the House - the minister's department will issue a public advisory or a news release where it's believed there may be a danger to public safety, I'd like to ask the minister, what factors does he consider when deciding whether a person is a danger to public safety, and would he consider a release in the case of a person who is found not criminally responsible a potential danger to public safety?

MR. LANDRY: I just want to start my answer off by saying that the whole issue around Mr. Taavel's passing is a sad one and our feelings and thoughts go out to the family - and I know some of his friends are here in this House - and to the community at large because it's not just his friends and his families that are affected, this issue has affected the community as a whole.

I want to reinforce my respect for the Criminal Code and for the policies and procedures that are there. There are some very clear lines of what the process is and what we must adhere to. If somebody is found not criminally responsible for something, there has to be a mechanism for them to come back into society until there's such a point where it is deemed that the person should never return to society.

That balance and the difficulty where we sit - and I'm responsible for the safety and security of all Nova Scotians and I take that seriously - is that we have to balance that interest of the individual rights of someone and the public safety. In the review that we're carrying on, I'm very confident that we'll have a better understanding of what happened in the particular case that's before us, at the same time look and examine the overall and see if they were adequate or if changes need to be made. We will be very diligent and very prudent on that process.

MR. BAILLIE: Mr. Speaker, according to media reports, the accused murderer of Raymond Taavel had a long history with police, including a number of charges that most Nova Scotians would consider to constitute a danger to public safety. I'd like to ask the minister, under his new policy instituted last April, how many times has the public been notified about an at-large person who has been found not criminally responsible but who is nonetheless at large?

MR. LANDRY: Mr. Speaker, one of the balancing steps that needs to occur here is when someone moves from a criminal forum to the issue of mental health or health issues. This is an issue of mental health and whether someone is being re-engaged with society in the process. There's a very clear line process that's there. One of the things that we want to do in our review, as I've stated, is examine whether the policies and procedures were followed, and when we get those answers, were they adequate at this time?

It's very important that we respect the privacy of individuals, that we respect their rights, and we have to balance public safety with that. That's one of the difficulties in a

democratic and free society, is to have those options. Remember that if we're dealing with mental health, we know it's a very complex and serious matter and that we need to be focused on the issues.

MR. SPEAKER: The honourable member for Richmond.

### **JUSTICE - EAST COAST FORENSIC HOSP.: DAY PASSES - PROCESS**

HON. MICHEL SAMSON: Mr. Speaker, Nova Scotians today are looking for answers. While we cannot expect the government to control random acts of violence, we have to ask how someone who is under the care and custody of the Province of Nova Scotia was allowed out on an unescorted pass with such a violent past in their history. Nova Scotians are asking how Mr. Denny was allowed to leave the East Coast Forensic Hospital in Burnside.

My question to the Minister of Justice is, can he advise the House and all Nova Scotians about who exactly made the decision to allow Mr. Denny to leave the forensic hospital on an unescorted pass?

HON. ROSS LANDRY: Mr. Speaker, there's a very defined process that's followed under the Criminal Code. Once the individual is deemed by the committee that they can have a pass, as I understand the process, the final stage goes to the health care professionals of the institution and is examined. There are many factors, as I'm learning, that go into the decision making, and the level of care that's put into it is quite intense. In this situation, there was a one-hour pass issued. I respect the decision and I respect the processes.

In that vein, I also want to reiterate the fact that we are doing a complete review. We're looking at policies and procedures. Once we have that, we have to determine, were they adequate? I think my job and my role here is to step back, examine all the facts and situations. I also have to balance the fact that a person is innocent until proven guilty - that's an ingredient that I have to keep out there and respect. At the same time I am very sensitive and caring about the loss of life and how that has traumatized our province.

MR. SAMSON: Mr. Speaker, we're once again left in a situation where the Minister of Justice is reacting to an incident rather than being proactive. All Nova Scotians, and this government in particular, are aware of several incidents where we have seen mistaken releases, unlawful escapes, and administrative errors in our justice system. I have risen in my place several times as Justice Critic, expressing the concern and the fear that if these problems were not corrected the safety of innocent Nova Scotians would be put at risk.

My question is, will the Minister of Justice advise what safety protocols were in place prior to the approval of Mr. Denny's unescorted leave?

MR. LANDRY: Mr. Speaker, I thank the member for that question. I want to assure all Nova Scotians that the security and safety at the forensic unit and at the Burnside Correctional Facility are top notch, and that I have all the confidence in that process and procedure.

What we have here is a process where individuals are deemed to be not criminally responsible, due to their mental illness. We are dealing with a disease and with an illness where we have to respect the professionals who we hire, who we put in place to monitor. It is separate from government so that government influence isn't interfering with what we see as an arm's length responsibility.

At the same time, as Minister of Justice, I have to take public safety and say how do we balance that and remember, at all times that we are in a democratic, free society and we have to balance those interests? And I take them all seriously. I welcome the questions and I look forward to the overall findings that we have, to make sure that if there are improvements that need to be made to the system, that we make them timely.

MR. SAMSON: Mr. Speaker, the suspect in this case has a history of violence and was entrusted to the care and custody of our justice system. Nova Scotians are again asking why Mr. Denny was granted an unescorted pass from the East Coast Forensic Hospital. The government has announced today that a review is taking place but we have to wait 30 days to find out the results of that review.

My final question is, what immediate steps is the Minister of Justice taking to ensure the safety of those in the care and custody of our province, along with all Nova Scotians?

MR. LANDRY: Mr. Speaker, I have the utmost confidence in the professionalism of the staff at the Burnside correctional facility and at the forensic unit. I also have the utmost confidence and respect for the professionals who are on the committee that examines each and every case. As Attorney General, I must respect those processes. I do respect those processes and I'll allow the system to go its course and I look forward to any findings we may get in examining the policies and procedures, to see whether they were appropriate and adequate and if they were followed.

MR. SPEAKER: The honourable member for Richmond on a new question.

**JUSTICE - EAST COAST FORENSIC HOSP.:  
PASSES - NON-RETURNEE DETAILS**

HON. MICHEL SAMSON: Mr. Speaker, we've been advised that three people were granted temporary, unescorted passes from the East Coast Forensic Hospital on Monday and none of the three apparently returned on time. We understand that one



eventually returned. Another, Mr. Denny, was apprehended by police and now faces criminal charges. As of last night, we are told that the third is still missing.

I'm wondering if the Minister of Justice could advise all Nova Scotians and this House whether the third individual has been apprehended.

HON. ROSS LANDRY: I don't have that answer; that's information that is coming forward. We will get that and get it back to the member before the end of the day. (Interruption)

MR. SAMSON: Well, Mr. Speaker, the Premier says it's a health question. The Minister of Justice could have easily referred it to the Minister of Health and Wellness to provide a response. Instead, he chose to say he doesn't know whether the individual in question is still missing from the facility or not.

Mr. Speaker, we heard the Justice Minister explain the protocols that are in place. However, it seems there are some holes in that system. We know that the best indicator of future violence is past violence and we know that the person now facing charges was under the government's care in the justice system.

Mr. Speaker, the protocols involved by the Minister of Justice clearly indicate that there is a need for notification. So my question to the Minister of Justice is, when three individuals under the care and custody of the East Coast Forensic Hospital failed to return from their unescorted passes, what warnings were issued to police and to the public?

MR. LANDRY: Because it's dealing with that aspect of it, I will turn that over to the Minister of Health and Wellness to answer.

HON. MAUREEN MACDONALD: Thank you very much, Mr. Speaker. I understand the confusion. This matter is very complex. It is complex because we're not dealing with people in custody; we're dealing with patients in a hospital. Their care falls under the jurisdiction of the Department of Health and Wellness when they are patients in the forensic hospital, when they have been found by the board to be not criminally responsible and they, in fact, have had their offences - they have been discharged, with certain conditions.

With respect to with three individuals, I am not aware that there were three individuals who went AWOL but I am aware that there were two individuals that went AWOL. It's my understanding that the police were notified within the 15- to 20-minute period - that is kind of a grace period that's given - when they had not returned to the hospital within the required period of time.

As we have indicated, we have procedures in place, we have initiated the review process to look at whether or not those procedures were followed - including the

procedures for notifying the police in the time that is required - with a view to seeing whether or not the procedures were followed and if they weren't followed, why not, and if they were followed and we still have this terrible tragedy, what can be done to strengthen our procedures?

MR. SAMSON: Mr. Speaker, the Minister of Justice made it clear yesterday that while the admittance and discharge of individuals at the East Coast Forensic Hospital fell under the responsibility of the Department of Health and Wellness, while they are at the facility they are under his care and control and his responsibility, so we're going by what the Minister of Justice has told us. The Minister of Justice has indicated that there is a policy for that facility of notifying the public when there are significant incidents, especially in the cases where someone either is wrongfully dismissed, or unlawfully escapes, or is discharged temporarily and does not return. Nova Scotians are rightfully asking today, once an individual who is granted a one-hour pass did not return, why were Nova Scotians not made aware of this?

I understand the Minister of Justice talking about privacy, we all respect that, but at the same time when you are told you have a one-hour pass and you do not return, you give up your rights to privacy and that's when Nova Scotians' safety has to become the underlying concern for this government and for this minister. I would ask the minister again, if it's not him or the Minister of Health and Wellness, why were Nova Scotians not advised that two or three individuals under the care and custody of this government did not return to the facility after their one-hour pass had expired?

HON. ROSS LANDRY: Mr. Speaker, I will answer that. In this circumstance here, if I can point out to the member that there are two aspects to the forensics unit, there is one chamber that deals with individuals who are under secure custody. There is the other that's in the process where they are part of the health area that are subject to day passes, to hourly passes, and once they don't return there is a policy in place, which was followed. The police were notified and that's where we're at. At that point we would assess in the future on incidents that go beyond a certain point and if there's any indication that the person presents a threat, it would be addressed at that time. Thank you.

MR. SPEAKER: The honourable member for Inverness.

**HEALTH & WELLNESS - EAST COAST FORENSIC HOSP.:  
RELEASE - PROCESS**

MR. ALLAN MACMASTER: Mr. Speaker, my question is for the Minister of Justice, but if the responsibility more falls under the Minister of Health and Wellness, I'm happy if he refers the question. We've been asking some questions about what has been happening and my question is about the release of individuals from the East Coast Forensic unit. We presume that there has to be some period of model behaviour before they are given some kind of a pass to leave the facility and it may be a temporary pass. My question

is, what is the process that leads to the release of individuals from the East Coast Forensic Hospital and what steps are taken to monitor their actions after release for the safety of our public, with particular respect to those who have had a history of violent activity?

HON. ROSS LANDRY: I will refer that component because that's a Health and Wellness issue dealing with a patient with mental illness.

HON. MAUREEN MACDONALD: I do thank the honourable member for the question. I do recognize that it is a confusing situation. We have two units over in Burnside. We have the East Coast Forensic psychiatric hospital, and in this hospital we have a unit for people - for example, the accused today is in a unit because the individual has faced new criminal charges and a determination will have to be made with respect to that individual's capacity around this.

People who have had assessments and have been determined not to be criminally responsible for their actions are in a different unit, where they receive treatment and gradual integration back into the community. Those individuals are patients and the policies that are worked with are patient-oriented, and they're based on clinical decisions by a treatment team of psychiatrists and others. These are the people who make decisions around leaves from the unit, the extent of the leaves, and the conditions under which leaves will be granted.

MR. MACMASTER: Mr. Speaker, again, I think this will go back to the Minister of Health and Wellness. Nova Scotians, I believe, want a process in place that works to protect both patients and the public. Can the minister advise how many Nova Scotians are now on temporary release and perhaps on some type of longer-term release after a finding of being not criminally responsible for violent activity, so that we might have an understanding of how many people may be out there on leaves who may have had this past violent history?

MS. MAUREEN MACDONALD: Mr. Speaker, I don't have actual numbers today. This is a question that I, myself, have asked of the Capital District Health Authority and the head of the forensic unit. The response that I've received is that in some ways this changes almost day by day; people can be remanded to the facility through the courts on a daily basis. In addition to that, the review board, the Criminal Review Board, may meet and have a disposition with respect to an individual. That means that the person is transferred from one unit to another. There may be a number of people who are out right now on passes, having been successfully integrated over a gradual process into the community.

So the numbers are fluid and will require a period of time to compile them, but I have made the request to get the information so we can provide that to the public, and have a greater reassurance to the public that in spite of this horrific circumstance there are many people with mental illnesses who are being very successfully reintroduced back into our communities through a process that's managed.

MR. MACMASTER: Mr. Speaker, I believe that those found not criminally responsible for crimes committed must become the responsibility of the system that releases them from that responsibility. Not so long ago, we had a loss of life, in my own constituency, of a gentleman at the hands of an individual with a history of mental illness and violent behaviour - I say "mental illness" but I'm always careful to say that because I know there are many people who suffer from mental illness who would never do anything like this. But this particular individual was obviously troubled, he had a checkered past, run-ins with the law and violent behaviour.

So, Mr. Speaker, my question is, will the minister - and this may be more appropriate, well I guess it will be for the Minister of Health and Wellness, if it's more appropriate - will the minister conduct a provincial review of the process now used for the release of individuals, so that we can hopefully prevent these kinds of things from happening in the future?

MS. MAUREEN MACDONALD: Mr. Speaker, I believe that what we announced earlier, before we came into Question Period, is precisely that type of review that the member is requesting. It's a review that will look at the existing procedures, it will look at whether or not they were followed, it will look at whether or not they are adequate and if found to be inadequate what could be done to strengthen the procedures, thank you.

MR. SPEAKER: The honourable member for Richmond.

### **HEALTH & WELLNESS - EAST COAST FORENSIC HOSP.: PASSES - RETURN DETAILS**

HON. MICHEL SAMSON: Mr. Speaker, the Minister of Health and Wellness has confirmed that at least individuals who had been granted passes on Monday evening failed to return to the East Coast Forensic Hospital once their pass had expired. The media is reporting a third individual, which we will wait for the minister to confirm whether that is the case or not. I'm wondering, could the Minister of Health and Wellness advise the House today whether Monday night was the first time that individuals on passes from the East Coast Forensic Hospital failed to return once their pass time had expired?

HON. MAUREEN MACDONALD: Without a doubt it's probably not the first time, Mr. Speaker.

MR. SAMSON: Well, Mr. Speaker, Nova Scotians will be asking the question of how prevalent this is and what steps are in place, especially now when we're talking about reviewing protocols. If this was not the first time this has happened, one has to ask why protocols were not put in place to ensure a more stringent system.

I would like to ask the minister again, in light of these incidents, could she advise all Nova Scotians and this House whether any individual that was on an escorted or

unescorted pass from the East Coast Forensic Hospital has been found to have gotten in trouble with the law while out on their pass?

MS. MAUREEN MACDONALD: Certainly I'm not aware of any incidents that the member is referring to.

MR. SAMSON: I'm sure the minister knows that is information we'll all be hoping to receive and that it will be part of the review as well. The question here is how a decision is made on whether a pass is escorted or whether it is unescorted, and the question here is with an individual with such a violent past, why there was not some form of an escort. I'm wondering if the minister could advise us whether she has any data as to how many escorted passes are issued versus unescorted passes, and at the same time who exactly would escort an individual if it's determined to be an escorted pass?

MS. MAUREEN MACDONALD: Thank you very much for the question. The information I have is certainly that it is routine for patients who are in the forensic hospital who have been discharged in terms of the reintegration back into the community, that they receive passes. There is a variety of passes into the community that's available to them. The one-hour pass is the minimum kind of pass, unescorted, but there are, as well, escorted passes that occur. For an individual to go by themselves, one hour is the minimum and they can be much longer than that. They can be an overnight, they could be a weekend, they could be for a holiday - you know a long weekend or whatever, depending on the clinical assessment, the judgment of the clinicians that are involved in treating those patients.

MR. SPEAKER: The honourable member for Argyle.

**HEALTH & WELLNESS - EAST COAST FORENSIC HOSP.: PASSES  
- NON-CRIMINALLY RESPONSIBLE PATIENTS**

HON. CHRISTOPHER D'ENTREMONT: Mr. Speaker, my question, as well, will be to the Minister of Health and Wellness. This morning on CBC, a doctor indicated that there are many clients, as the minister just said, of the East Coast Forensic Hospital that are on unescorted passes each day. My question is though, on this subset of maybe those who, on average, are found not criminally responsible relative to the acts of violence, how many of those people might be out there on a regular basis?

HON. MAUREEN MACDONALD: Really I have no information that kind of delineates people who have had a history of some type of aggression, from people who have had a history of performing crimes that are victimless, let's say.

MR. D'ENTREMONT: Thank you, Mr. Speaker, and to the minister, I thank you for that because I know it's a difficult situation and extremely complicated. The concern we have, though, as well, is media have been reporting that there were three clients of the unit who failed to return to the unit at their scheduled times on Tuesday.

I know that the minister didn't necessarily have that information available but I was wondering, maybe as soon as she has it, she could share that information later on today or tomorrow.

MS. MAUREEN MACDONALD: Mr. Speaker, what I would say is this: I want members to be mindful that while I know this is of paramount concern to us all, we have to continue to remember that the individuals who are in this facility are patients. They are patients in a health care setting, receiving treatment. Those decisions have been made by a board that has information in front of it that I don't have and that members here don't have.

I want to remind people that we have patients in other facilities around the province who go on leave, from hospital and health care facilities. Sometimes they don't return at the appointed hours and we don't put media advisories out and we don't publish the information. So we need to be very mindful of how we approach this because in these cases we're not talking about criminals who have been found to be criminals, who are incarcerated in the justice system - we are talking about people who are mental health patients, who are in a hospital and are receiving treatment. There is a distinction that I would ask members to be mindful of.

MR. D'ENTREMONT: Mr. Speaker, I completely understand the distinction between the two. The concern that we have, though, is that media has been reporting that there were three clients, so maybe what I'll ask the minister to provide, at her earliest convenience - it's not something that I think she can provide to us right now - but maybe a cumulative of hours of all patients on unescorted passes, with a history of violence, who maybe have been absent beyond the time permitted to be out.

It's not that we're worried but it would be a good idea just to have an idea how prevalent this might be.

MS. MAUREEN MACDONALD: Thank you, and I want to genuinely thank the member for the question because I know what he is trying to get at and I totally support our need to be able to do two things that have some tension between them. We need, in the light of what has occurred, to be able to reassure the public, with respect to public safety. But at the same time, we also need to be able to reassure the public - and particularly people in the mental health field - of our commitment to human rights, to patient rights and to the appropriate care of people with mental health disorders.

That is the balance we all will try to find as we go through what is an extremely important and significant issue. I welcome questions and suggestions on how we can improve the system that we have in place for people, as well as the public at large.

MR. SPEAKER: The honourable member for Kings West.

**PREM. - MENTAL HEALTH STRATEGY: DELAY - EXPLAIN**

MR. LEO GLAVINE: Mr. Speaker, many Nova Scotians have become accustomed to waiting long periods of time for accessing health care services but no wait has been longer than the wait for the Mental Health and Addictions Strategy promised two years ago by this government. Deadlines have gone by and subsequently extended. To this day we keep hearing about the great promise of the strategy from the Minister of Health and Wellness, yet to date there is no firm date for its release.

My question to the Premier is, why has it taken over two years for this government to produce a Mental Health and Addictions Strategy?

THE PREMIER: Mr. Speaker, I want to thank the member opposite for the question. As he would understand, and as we have said before in this House, this is not an easy matter to deal with. The simple fact of the matter is that, as we've watched while the federal government has been more restrictive in its attitude toward funding federal health matters, we have struggled with how that strategy in the future is going to be funded, among other things.

We are calling upon professionals in the mental health community for advice. We are working diligently to ensure that we have the best possible strategy in place and I'm sure there will be a follow-up question on this. I'm sure at that point I'll be able to refer it to the Minister of Health and Wellness who will give an even more illuminating answer.

MR. GLAVINE: Mr. Speaker, I thank the Premier for encouraging me to keep moving in this direction. We have seen mental health program changes happen right across this province. Whether it be the changes to the IWK ACT and Compass programs or an announced closure of a Capital District 28-day residential treatment for adults with addictions. All of these changes have occurred in a vacuum without a strategy to guide them. We have seen the cyberbullying task force appointed, the report completed and delivered to government - a report that stresses the issue of cyberbullying and mental health issues in children and youth cannot and should not be dealt with in silos.

My question to the Premier is, how can all of these changes be happening when you have yet to announce a Mental Health and Addictions Strategy?

THE PREMIER: Mr. Speaker, the reality is that the Department of Health and Wellness - in fact, the needs that have to be met in mental health are not secrets. There have been gaps in the mental health for a number of years that we have recognized and we are looking at how we bridge those gaps in a common sense kind of way.

The changes that you talk about were designed to do just exactly that. It was designed to take existing resources and to apply them more effectively to ensure that more

people got better access to care. That's a sign of a government that understands the needs of the mental health community and are simply working hard to make sure they get met.

MR. GLAVINE: Mr. Speaker, program changes and recommendations from other strategies are one thing. Continued human suffering by those with a mental illness, the anguish of family members watching their family members attempt to seek treatment only to have services not available are quite another and often having to desperately move to private help.

We have seen two incidents in Halifax over the last few days - one a robbery and overdosing involving prescription drugs and one involving a murder of a well-loved community leader. These should be a wakeup call that a well-coordinated, well-funded, robust mental health strategy is needed and it's needed now. My question to the Premier is, when can Nova Scotians expect this government to release its two-year-in-the-making mental health addiction strategy? What is the date, Mr. Premier?

THE PREMIER: Mr. Speaker, thank you for the opportunity to respond to the member opposite. I would like to refer this to the Minister of Health and Wellness and perhaps she can update the member.

HON. MAUREEN MACDONALD: Mr. Speaker, I thank the Premier for the question. It is true that I anticipated that the mental health strategy would have been completed in September. The advisory group requested an extension back in the Fall, which I gave them. There was some commissioned research that had only become available in the Fall that they wanted to examine and consider before they issued their report. There was that extension.

What I anticipate is that we will have the mental health strategy fairly soon, sometime this Spring. It isn't two years late; the work began two years ago, and it was anticipated that the strategy would have been here in the Fall. It is about six or eight months behind schedule, but there are very valid reasons for that. I'm looking forward to having the recommendations of the working group and then to be able to respond in terms of implementing a strategy.

Mr. Speaker, I do want to indicate that that hasn't meant that we have sat on our laurels. We've done a lot with respect to expanding mental health services. We've expanded the Mental Health Mobile Crisis Team here in Capital 24/7. We've fully funded treatment for children with autism. We've opened a psychiatric intensive care unit, the first in the province. We've reformed access to children's and mental health at the IWK, and we've moved the forensic service for kids to Waterville.

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



**COM. SERV.: TALBOT HOUSE REPT. - PUBLICATION**

MR. ALFIE MACLEOD: Mr. Speaker, my question through you will be to the Minister of Community Services.

Mr. Speaker, with each situation that arises within the Department of Community Services, we see the minister's lack of judgment and understanding of her position. The most recent situation highlights the minister's questionable judgment when she published a confidential report on Talbot House - a report that was riddled with suggestive allegations against Father Abbass.

The minister told reporters yesterday that she did not feel she owed Father Abbass an apology because she had not accused him of anything - I'll table that. Her actions are reprehensible. These allegations were found to be baseless and false well before the minister published the report.

Through you, Mr. Speaker, my question to the Minister of Community Services is, will the minister admit that her rush job on publishing the report without any note asserting Father Abbass is innocent was morally wrong and unfair?

HON. DENISE PETERSON-RAFUSE: Mr. Speaker, the fact of the matter is that the review was an organizational review. It was a review of the board and it was not an individual review whatsoever, without any accusations in there.

MR. MACLEOD: Mr. Speaker, in addition to the minister's obvious disregard, she shows us time and time again that she is simply not up to her job. Yesterday Father Abbass released a statement in which he expressed his disappointment with the matter of the review conducted by the Department of Community Services, and I will table that as well. The parents of East Preston Day Care expressed their disappointment and their outrage with the department's arrogance surrounding the protection of an alleged pedophile.

Mr. Speaker, my question through you is this, how many more Nova Scotians does the minister have to fail before she realizes that she is so caught up in the process of her department that she has lost sight of her overriding responsibility, which is to protect those who are in her care?

MS. PETERSON-RAFUSE: Mr. Speaker, I dedicate myself each and every day to the welfare of Nova Scotians. There's a long list of things that I've done, that the department and this government have done, proving that. (Applause)

I have provided the facts, and the facts are the facts are the facts. If they cannot accept those facts, that is not an issue that I can deal with.

MR. MACLEOD: Mr. Speaker, it's obvious there are many things that this minister can't deal with. As a parent I know that the minister can understand the fear and anguish that parents of the children at the East Preston Day Care must have felt - I know I can feel it - when the media revealed the tremendous risk their children were facing. Yet the minister didn't act.

With Talbot House she acted swiftly, without any regard for the effect her actions would have on Father Abbass. Her department sprayed suggestive, discredited allegations on the Internet. The board of directors at Talbot House, people who are well respected in our community, specifically asked the department not to publish the report until the errors were corrected. If the department couldn't wait, they asked that their responses be posted as well. The minister ignored them and beat them to the punch. My question is, after all of these morally wrong actions by her department, will the minister at least agree to attach clarification of Father Abbass' innocence to the report?

MS. PETERSON-RAFUSE: Once again, Mr. Speaker, that review was an organizational review. I would invite the member to read it and then he will see that there were no specific individual accusations in there whatsoever. Once again, that member and that Party lives and breathes misinformation and that is the issue here, to try to gain political points on the emotions of individuals in our communities, and that's very sad.

MR. SPEAKER: The honourable member for Kings West.

#### **PREM. - CAPITAL DIST.: BARGAINING RESUMPTION - DETAILS**

MR. LEO GLAVINE: Mr. Speaker, the clock is ticking, and each and every day that passes produces disruption in health care facilities within the Capital District and throughout Nova Scotia. Patients are being transferred now, today, not one week from today. Patients who have been waiting for surgery and thought they would get it next week are being told they will have to wait even longer and those who thought they were next will also wait longer. Given this government's supposed concern about wait times, what, if any, proactive measures has the Premier taken to get both parties back to the collective bargaining table?

THE PREMIER: Mr. Speaker, I want to indicate to the member opposite that, of course, we're very concerned with the fact that we're into a countdown situation toward a strike in the Capital District. I want to assure him that we are making every effort possible to get the parties back to the table. This is a difficult part in the bargaining process, difficult for everyone involved. The consequences, of course, are of considerable gravity. We certainly understand and appreciate that, but please be assured that we're doing everything we can to encourage them to get back to negotiations.

MR. GLAVINE: Mr. Speaker, here's the reality. According to the Capital District no talks have been scheduled this week. A significant amount of time is being spent on the

part of Capital District trying to rearrange services so fewer patients are and will be served, when wait times are telling us we need to be doing the exact opposite. Given that the government is the ultimate employer, why has the Premier been sitting on the sidelines when our health care system throughout Nova Scotia is experiencing such upheaval?

THE PREMIER: Mr. Speaker, I want to assure the member opposite that's not the case, we are very much engaged. It does take work to get people back to the table. It doesn't happen easily. We are taking every opportunity to encourage that to happen. When the member stands up next time to ask a question, maybe he would set out what his suggestion is.

MR. GLAVINE: Mr. Speaker, it is not enough for government to wish and hope that both parties get back to the bargaining table. They must play a leadership role and acknowledge that at the end of the day they are the employer, given that the best option for patients is to see this government negotiating now, not one week from now, and the best deal for taxpayers can best be settled at the bargaining table through robust collective bargaining and negotiations between the employees and the employer. When can we expect the Premier to play a leadership role and get both parties back to the bargaining table for the safety of patients and taxpayers of this province?

THE PREMIER: Mr. Speaker, I did note that the member opposite had no suggestion of his own. We are displaying exactly that kind of leadership by encouraging them to get back to engage in, as he put it, robust collective bargaining. This is, I suppose, an unexpected and a very helpful change from when the Liberals were in power, when they simply rolled back wages, paid a thousand nurses to leave the profession, and closed 1,500 hospital beds. (Interruptions)

MR. SPEAKER: The honourable member for Colchester North.

### **EDUC.: ANTI-BULLYING COORDINATOR - DETAILS**

HON. KAREN CASEY: Thank you Mr. Speaker. In May of 2011, a year ago almost, Dr. Wayne MacKay was asked to lead a task force on cyberbullying. This was in response to an ongoing problem facing our youth. One of the key recommendations in that report was to appoint an anti-bullying coordinator who would oversee the implementation of the actions by the government in response to the report. The coordinator was to be in place as soon as possible, and no later than the end of 2011-12 school year.

At the time the minister dismissed this recommendation, reporting to the ChronicleHerald on March 22<sup>nd</sup> that her department already had people in place to do the job. In Question Period, on April 11<sup>th</sup>, I asked the minister who in the department had been given the responsibility to coordinate this initiative and, as per expected, the minister did not have an answer.

In her statement today she once again speaks to “a dedicated staff person to oversee the development and implementation” - so my question to the minister is, who is the person?

HON. RAMONA JENNEX: As I have said, very clearly, we’re not adding another level of bureaucracy, but we are definitely going to be hiring a person dedicated to this service. It will be an anti-bullying coordinator that we have at the Department of Education. There will be a competition for this job and the department is in the stage of having what criteria we would like to have in place. We’re looking for a person who not only has the skills, also the passion to bring to this job. We will have that job posted, we’re looking at people within government and within school boards, it will be posted in May.

MS. CASEY: On the same date, Mr. Speaker, April 11<sup>th</sup>, during the same Question Period, the minister was asked a question regarding a timeline for implementing the recommendations in the report. Once again the minister was unable to identify a timeline, going to her favourite response: “Soon, very soon.” Unfortunately we’ve seen the sad results from bullying, and yet the minister can do nothing better for the timeline than soon, very soon. So my question to the minister is, will she share with members of this House her timeline for implementation?

MS. JENNEX: The implementation of the action plan is going to be done with the anti-bullying coordinator. There are many recommendations that were brought forward. We have started that work; we have laid down the foundation; we’re moving forward within the department - and actually I would like to add not just within the department but many departments are involved in looking at ways that we can remedy the situation. But it will be the anti-bullying coordinator’s job to work with our stakeholders and our partners as we develop a plan, as we move forward. We want to make sure that the action we put in place is going to be action that actually benefits our students.

MS. CASEY: Yesterday in this House, the minister tried to defend the merits of taking literacy money out of the classroom and buying lunch bags for four-year-olds - that’s half a million dollars in the next three years. The minister talks about limited resources and setting priorities. The minister, Mr. Speaker, has a choice of where to spend that half a million dollars - it could be to purchase lunch bags or trinkets for four-year-olds, or it could be to begin the implementation of recommendations designed to protect our students from bullying, and to make our schools safe. So my question to the minister is, which of these is her priority?

MS. JENNEX: The overall well-being of every student in our system is paramount. As a public school system, there are many components of our education program that need to be taken care of. I would like to stand on record that it is not fair to name a resource that’s going in the hands of our youngest students, an investment in the hands of our youngest students, as a “lunch bag.” These are resources coming from the work with the

early intervention teachers in our province, and recognizing these as resources that enable families to engage in literacy activities.

MR. SPEAKER: The honourable member for Dartmouth North.

### **ENERGY - FRACKING: FED. NDP - STANCE**

MR. TREVOR ZINCK: Mr. Speaker, at the recent New Brunswick NDP convention last week in Saint John, newly-minted federal Leader Thomas Mulcair came out firing against Shell gas exploration. I'd like to read a quote that he made to CBC. Mr. Mulcair goes on to say, "These are families that have lived on the same land and farmed the same land, not just for generations, but for centuries in some cases. So people are very close to their land and they don't want to see it destroyed by carpetbaggers coming in from other places to make a quick buck who leave the mess for future generations to clean up. There will be no real sustainable wealth created here, and they'll leave and the cleanup will be left to New Brunswickers."

My question to the Minister of Energy is, does he concur with the message that the new federal NDP Leader has and the characterization of the companies that do these practices?

HON. CHARLIE PARKER: Mr. Speaker, I thank the honourable member for the question. I certainly respect the leadership of Mr. Mulcair and the opportunity that he has given to Canadians to make an informed decision.

But this government here has never, ever approved hydraulic fracturing. We take the seriousness of the communities around drinking water and groundwater. We've undertaken a review in both the Department of Energy and in the Department of Environment. That review still needs more good information so we're going to make an informed decision after we gather all the information that's available out there to us.

MR. ZINCK: Mr. Speaker, with the joint announcement by the Departments of Energy and Environment on April 16<sup>th</sup> to extend the review for hydraulic fracturing to mid-2014, a review that was due out weeks from now, it has led many Nova Scotians to be concerned, again, with the NDP Government and this minister putting off another report that is key to the future of the environment of this province. Can the minister explain to the House why his government has pushed the report into the future? Was it simply to gather more information or the fact that Triangle Petroleum is now speaking out in frustration and is threatening to pull out of Nova Scotia?

MR. PARKER: Mr. Speaker, certainly the last thing we want to see is any harm to our environment or to our drinking water. That's why we've undertaken this review at this time. We know there are a number of reports out there from the Environmental Protection Association, Environment Canada, and in jurisdictions such as New York and Quebec and

New Brunswick and so on - good, valuable information that we need in order to make the right decision for Nova Scotians.

MR. ZINCK: Mr. Speaker, with Triangle Petroleum threatening to hand the lease back to the province and make a complete exit, can the Minister of Energy ensure the House and all Nova Scotians that if Triangle pulls out, he will ensure the pristine lands they have disrupted be returned to their original state and that the cleanup not be a burden to the taxpayers of Nova Scotia?

MR. PARKER: Mr. Speaker, as I've said before, we're not going to approve any hydraulic fracturing during the period of this review. We'll continue to work with proponents out there, including Triangle Petroleum and others, as we have been doing over the last number of months. I understand they have been issued an order to clean up any sites there in the Hants County area. They are required to comply and I'm sure they will.

I will repeat again, we're not going to allow hydraulic fracturing until the review is finished.

MR. SPEAKER: The honourable member for Kings West.

#### **EDUC.: SM. ISOLATED SCHOOLS SUPPLEMENT - FUNDING DETAILS**

MR. LEO GLAVINE: Mr. Speaker, on April 11<sup>th</sup> the Minister of Education announced in a release that she was allocating money, "a new Small Isolated Schools Supplement." The problem is that there is no new money in this supplement and what she was really announcing was simply a change in branding. My question to the minister is, will the Education Minister confirm that there is no new money in this supplement?

HON. RAMONA JENNEX: Mr. Speaker, through our funding formula, there is an allocation going out for small, isolated schools, which I have had the opportunity to explain during estimates. This government recognizes that schools that are small, especially our small high schools and isolated schools, come with an extra cost to school boards. It's included in the formula.

Under the other formula, there were 44 schools identified, under the new formula there are 98 schools within the Province of Nova Scotia that do receive some extra funds to their boards to support them in small, isolated schools. Thank you.

MR. GLAVINE: Mr. Speaker, this rebranding was announced on April 11<sup>th</sup>. We are hearing quite clearly from school boards that this announcement does nothing to change their bottom line. With no new money in this supplement, the schools are still facing the same cost pressures. This is as much an attempt at rebranding as was the name change of the IEF.

Mr. Speaker, fancy slogans are not going to keep rural schools from closing. My question to the minister is, will the minister explain to rural Nova Scotia communities how a rebranding exercise with no new money will keep their schools from closing?

MS. JENNEX: Thank you very much. I guess I will have to disagree with the member about the funding around this. We recognize that small schools, especially small high schools and isolated schools, do come at an extra cost to school boards so it's included in the funding formula. That envelope of money is provided to those school boards that have those schools that are small high schools, small schools, and isolated schools.

There are 98 schools now that have been identified, and the envelopes of money have gone to each of the school boards. Thank you.

MR. GLAVINE: Mr. Speaker, obviously it is nothing new that the minister would disagree with school boards, who see no change in their bottom line. Some of the schools that qualified for the funding were voted for closure before the announcement even came out. AVRSB voted to permanently close Annapolis Royal and Newport Station District School on March 22<sup>nd</sup>. Then this announcement comes on April 11<sup>th</sup> with no new money, yet Newport Station appears on the qualifying list in the press release.

Mr. Speaker, this is not the only school slated for closure which the minister cites as qualifying for this rebranded supplement. This is entirely misleading and is only meant to help her public relations image. My question to the minister is, why is the minister more interested in public relations than she is in public education?

MS. JENNEX: Mr. Speaker, school boards identified to me over the course of my mandate around the former Hogg formula as being problematic. The department staff worked with the school boards on 24 different meetings. It took a number of months, and we redesigned the funding formula to make sure that we were able to fund the school boards appropriately, in the manner in which they wished.

There is a funding line in the formula now for small, isolated schools, so we listened to the school boards and we worked together and we now have a revised formula. Thank you.

MR. SPEAKER: The honourable member for Yarmouth.

### **LBR. & ADV. EDUC.: TUITION HIKE - GOV'T. RESPONSE**

MR. ZACH CHURCHILL: Mr. Speaker, the NDP came to power with much help from students and their parents. The NDP once called for a 10 per cent tuition reduction, rolled back fees, and publicly pondered why Nova Scotia could not behave more like Newfoundland and Labrador and roll tuition back by more than 22 per cent.

Today we learn that Dalhousie University is increasing both its tuition and its student fees by 3 per cent, Mr. Speaker. My question to the minister is, the NDP spoke so loudly about the costs of university in Opposition, so why is she governing over a tuition hike today?

HON. MARILYN MORE: Mr. Speaker, certainly we value our university and community college system in this province. Over the years we've built up a tremendous, high-quality system, but at a cost that Nova Scotians can't afford to sustain into the future. So we sat down with the universities and we co-signed a memorandum of understanding whereby the universities are going to work alongside government to protect their excellence and quality. We put a cap on tuition to protect the affordability and accessibility for students, and we're working in partnership to maintain the system well into the future. Thank you.

MR. CHURCHILL: Mr. Speaker, what this government fails to realize is that Nova Scotia can't afford to lose more out of its education system. Our future is entirely dependent on how we treat our education system, and this government's decisions are directly responsible for increased costs to education in the province. The province's funding cuts to universities have caused a \$6.9 million shortfall - a shortfall being paid for by students and their families at Dalhousie University. We know that Primary to Grade 12 education is not a priority for this government, and now \$75 million in post-secondary cuts shows that PSE is not a priority for this government either.

My question for the minister is, why is this government actively making decisions that are making a university degree more expensive in this province?

MS. MORE: Mr. Speaker, certainly the evidence when we came into government was that government funding had increased without the accountability mechanisms in place. In fact, between 1999 and 2009 government funding to universities increased by 77 per cent, but enrolments only grew by 13 per cent. So we are trying to manage the system and protect the quality and affordability at a rate that Nova Scotian taxpayers can afford.

MR. CHURCHILL: Mr. Speaker, to chastise previous governments for increasing investment in education is a shameful thing indeed, especially coming from a Party who in Opposition championed affordable education. I have a quote here from the now-Minister of Transportation and Infrastructure Renewal when he said, "You better guard your wallets, students, because you are going to get a whack." Mr. Speaker, this government continues to make decisions that impact costs associated to post-secondary education and financial pressures on parents and students.

My question for the minister is, why, as the Minister of Transportation and Infrastructure Renewal once accused the Progressive Conservative Government of doing, is this government intent on whacking post-secondary students and their parents? I will table those comments for the House's view.



MS. MORE: Mr. Speaker, I'm very proud to say that we have set aside a sum of \$25 million to help our universities look toward an innovative and visionary system in this province. Last year we provided close to 50 million new dollars for student assistance and to replace the end of the bursary program, which was the highest single investment in post-secondary education for student assistance in the history of universities.

We have capped student debt. We are making a number of significant improvements and we have maintained our commitment to keeping the undergraduate tuition costs for Nova Scotia students and Nova Scotia universities maintained at or below the national average - all of this in a time of very scarce public dollars. So we are both protecting public taxpayers and protecting our university system.

MR. SPEAKER: The honourable member for Argyle.

**HEALTH & WELLNESS: CAPITAL DIST. STRIKE  
- SYSTEM SUSTAINABILITY**

HON. CHRISTOPHER D'ENTREMONT: Mr. Speaker, as we all know, contract negotiations between the Capital District Health Authority and the NSGEU remain stalled. A potential strike by 3,600 vital health care support workers, including LPNs, occupational therapists, and medical laboratory technologists is a week away. People are starting to have their surgeries cancelled and the health authority is preparing to move as many people out as possible, maybe even before they're ready to go home.

Mr. Speaker, how long does the minister think the system can sustain a strike from these very essential health care workers?

HON. MAUREEN MACDONALD: Mr. Speaker, I thank the member for the question. As the Premier said earlier in Question Period, we are very aware of the situation. We are concerned about the impact that a labour disruption would have on the health care system. We recognize that many people are concerned, particularly patients in the system and their families, and we would encourage the parties to get back to the table and work their differences out.

MR. D'ENTREMONT: Mr. Speaker, I thank the minister for her answer, but there are 9,000 people already on the surgery wait list, and apparently 700 surgeries will have to be cancelled each day of the strike and the system, itself, can't make up for those cancellations without pushing them further and further out. My question to the minister is, what is her plan, outside of just calling on those parties to get back together, what is she going to do to ensure that those parties get back together?

MS. MAUREEN MACDONALD: Mr. Speaker, it is the case that the Capital District has a plan that they are in the stages of putting into place. It's a plan that is prudent to have and is necessary to have as we're in a very critical point in the collective bargaining

process. Again, I really am not going to insert myself into a process where I encourage the parties to get back to the table and work their differences out.

MR. D'ENTREMONT: Mr. Speaker, this is a matter of lives in some cases, depending on the surgeries that those individuals might require. We all know that health care workers are very well-represented at the table and the health authority is well-represented at the table, but the one that, of course, is sort of left out in that equation is the public. I think it's the minister's responsibility to protect the public. My question to the minister is, are all options truly on the table for this minister, including back to work legislation, as was suggested in today's ChronicleHerald editorial, which was called "Health Bargaining - Public comes first," or is she willing to see a strike go on for days or even weeks before the government takes action?

MS. MAUREEN MACDONALD: Mr. Speaker, I want to assure the member and all members that public safety in the health care system is indeed my number-one priority. Again, I am encouraging the parties to settle out their differences through the collective bargaining process. Thank you.

MR. SPEAKER: The honourable member for Yarmouth.

#### **LBR. & ADV. EDUC. - NSCC: COLLEGE PREP COORDINATORS - LAYOFFS**

MR. ZACH CHURCHILL: Mr. Speaker, it's not only our universities that are facing increased costs as a result of this government's decisions. The Nova Scotia Community College has laid off eight college prep coordinators as a result of a \$5.37 million budget shortfall, as a result of this government's cuts. These coordinators work in junior high schools to encourage students to stay in school, to know their options upon high school graduation, and provide information to students for career planning. This initiative prepares junior and senior high school students for admissions to programs at NSCC's 13 campuses. My question for the Minister of Labour and Advanced Education is, that the college prep program has been eliminated, who is going to do this vitally important work in our schools?

HON. MARILYN MORE: Mr. Speaker, I want to start off by commending the Nova Scotia Community College for taking a very thorough and responsible view in terms of their budget. I'm sure everybody in this Chamber agrees that it's an excellent training institution and it's one whose work and contribution to this province is very much appreciated by all Parties and by all citizens. Certainly, I think it has probably been 10 or 12 years since it evolved from the former vocational school system and it has been doing a tremendous job.

Like other service deliverers the government has asked the community college to look at efficiencies, to continue to review its programs, to look at its administrative costs, and to thoroughly assess what they're doing, how they're doing it, and whether it's relevant

and necessary with budget restrictions. Certainly, I think they have come up with a package that satisfied all those requirements. Thank you.

MR. CHURCHILL: Mr. Speaker, the minister might appreciate the cuts that NSCC is being forced to make, but I assure the minister that parents and students don't appreciate how this government is treating education systems in this province. Not only will we not have those incredibly important prep coordinators in our schools anymore, the college will also introduce a \$100 student fee to cover things like convocations and ID cards. Students and their families are finding it hard to cover the rising costs of education and still the minister shows no support for core funding to our institutions.

Mr. Speaker, Nova Scotia needs tradespeople and we need a government that is going to invest in ensuring that Nova Scotians have access to quality trade education. At a time when our workforce needs tradespeople, why is this minister cutting the budget for Nova Scotia Community College and making it more difficult for students to access these opportunities?

MS. MORE: Mr. Speaker, like all government departments, like all third-party service providers across this province, everyone has taken up the challenge of looking for operational efficiencies. At the same time we realize that new investments need to be made and, certainly, we have made an additional investment in the community college that protects the trades and is helping to get Nova Scotians prepared for the economic opportunities that are on our horizon.

I don't believe there is any body, institution, or organization in Nova Scotia that would not benefit from a review to make sure that what they offer, and how they offer it, is efficient and effective. Certainly, again, I want to commend the community college for taking a very thorough and professional attitude. Certainly, no reduction or change is a happy occasion for people who are used to that way of doing it but we have to look to what benefits Nova Scotians and that certainly is their objective, as well as the government's objective. Thank you.

MR. CHURCHILL: Mr. Speaker, what is confusing to members of this caucus is that at a time of fiscal constraint, when our programs and services are being cut out of our education system, administration costs for the Department of Labour and Advanced Education have increased by 35 per cent in this year's budget. That is what is confusing to this caucus.

My question to the minister is, why is the department asking colleges and universities to do more with less, when their own administration budget was increased by over 35 per cent this year?

MS. MORE: Well certainly I would be pleased to provide details and an explanation to that during estimates, but I just want to say, at a higher level, that I think

everyone in this Chamber is aware that we've been reorganizing how we deliver services throughout government. Certainly there have been a number of changes, additional responsibilities, reallocation of staff and resources throughout government. Many of them have landed in the Department of Labour and Advanced Education. Certainly I will be able to explain, during estimates, exactly which changes have taken place. Thank you.

MR. SPEAKER: The honourable member for Yarmouth on a new question.

**LBR. & ADV. EDUC. - NSCAD INDEPENDENCE: NDP GOV'T. - STANCE**

MR. ZACH CHURCHILL: Mr. Speaker, the Nova Scotia College of Art & Design recently released its response to the Windsor report and its many recommendations for NSCAD to address its financial concerns. Some of these recommendations include looking to other institutions for possible collaborations and even a potential merger. Will the Minister of Labour and Advanced Education tell members of this House, does the NDP Government support an independent NSCAD or not?

HON. MARILYN MORE: Mr. Speaker, the Premier and I and our government have been on record for a long time saying that we support NSCAD and we support quality fine arts education in this province. Over the last two or three years, we've had to invest an extra \$6 million in order to allow NSCAD to meet their budget requirements.

This is not sustainable and certainly we've put a number of support measures in place to help the board of governors and senior administration look at their budget and try to reframe NSCAD in a way that's affordable, continues to provide quality education, but still is affordable for this province. Thank you.

MR. CHURCHILL: Mr. Speaker, the minister and the Premier might be on the record as supporting NSCAD but this government has been in place for three years and to date has done nothing to address the fundamental issue affecting NSCAD, which is the funding formula.

Mr. Speaker, the students and administration of NSCAD have been raising concerns about the funding formula for the university for several years and still this government has done nothing. If the minister was so concerned with the future of NSCAD, why did she not act earlier, instead of giving the institution a three-month window to come up with solutions to problems that were years in the making?

MS. MORE: This government has been working with NSCAD for over two years and I think we're now gradually getting to a point where everyone recognizes that really tough decisions need to be made. The sustainability report was delivered to my office before the end of March - we have staff looking at it very carefully, we are in contact with the NSCAD officials, and we will work alongside them to support them in developing the road ahead.

MR. CHURCHILL: The minister is still missing the fundamental issue affecting NSCAD, which would ensure that that important institution in this province can remain independent, and that's the funding formula. It doesn't take into consideration the real costs associated with delivering that form of education in the Province of Nova Scotia - that's the fundamental problem. As a result, tuitions will continue to rise at NSCAD, and so will fees.

Mr. Speaker, will the minister tell the students of NSCAD that she will see to it that their tuitions will not go through the roof, that their student fees will not continue to climb, and that the school will be adequately funded by addressing the fundamental issue, and that's the funding formula in the Province of Nova Scotia?

MS. MORE: There's not one person or one family, one business or one institution, in this province that can be given a blank cheque. We are making sure that everything NSCAD needs to do to remain viable, to provide a quality fine arts education in this province is in place. We will support them, and that's one reason we've been taking our time to work alongside the board of governors and the senior administration. I have confidence that that board of governors will make the right decisions and ensure the future of this university.

MR. SPEAKER: The honourable member for Clare.

### **TIR: ROADSIDE EMERGENCIES - REDUCED SPEED LIMIT**

HON. WAYNE GAUDET: Mr. Speaker, my question is for the Minister of Transportation and Infrastructure Renewal. Back in 2010, legislation was passed in this House to require motorists to slow down when passing emergency vehicles stopped on the side of the road - a good bill. However, in order for the law to be effective, Nova Scotians need to know this legalisation is in place. My question to the minister is, what has the department done to inform Nova Scotia's drivers of this new law?

HON. WILLIAM ESTABROOKS: I thank the member, honestly, for that question. It's nice to see that I've been included in the process for a change.

It's an important question and of course that particular bill was because of the good work of the member for Sackville-Cobequid, and how proud we were to bring it forward as our first piece of legislation. In preparation for the real issue of education campaigns when it comes to changes of legislation, this was a question that I had brought to the department's attention when we were looking at this important speed limit that is going to be in school zones.

I was informed that \$50,000 had been spent on the education campaign for this particular piece of legislation. In addition to that, I'm aware of the fact that this - and I'm going table this, Mr. Speaker, although this young man was a student of mine, I won't hold

it up, I would urge that we now have another reprint of this that's going to become available.

I will certainly concur with the member opposite - an education campaign is an important issue. It's a piece of legislation that has to be paid close attention to, and I look forward to your suggestions as we proceed.

MR. GAUDET: Mr. Speaker, we continue to hear from Nova Scotians that they don't know this law is in place. Shortly after this law was enacted, The ChronicleHerald reported that few vehicles were slowing down to 60 kilometres an hour and obeying the law when passing an emergency vehicle stopped on the side of the road. At the time, only 10 per cent of the more than 150 vehicles that passed RCMP cruisers slowed down to the required speed limit.

I will also table a letter, Mr. Speaker, from the Digby Courier dated January 12, 2012, where a resident was fined because he did not know about the change in legislation and expressed his concern that . . .

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

### **OPPOSITION MEMBERS' BUSINESS**

MR. SPEAKER: The honourable Progressive Conservative House Leader.

HON. CHRISTOPHER D'ENTREMONT: Mr. Speaker, would you please call the order of business, Private Members' Public Bills for Second Reading.

### **PRIVATE MEMBERS' PUBLIC BILLS FOR SECOND READING**

MR. SPEAKER: The honourable Progressive Conservative House Leader.

HON. CHRISTOPHER D'ENTREMONT: Mr. Speaker, would you please call Bill No. 27.

### **Bill No. 27 - Cyberbullying Intervention Act.**

MR. SPEAKER: The honourable member for Inverness. (Interruption) Somebody stand up.

The honourable Leader of the Progressive Conservative Party.

HON. JAMIE BAILLIE: Sorry for the confusion, Mr. Speaker. I was reluctant to rise until I was sure you were ready for us.

I rise in support of this bill and just want to take a few introductory minutes to explain to the House the inspiration for the bill, at least for me personally, by conveying a few facts about the case of Courtney Brown, a young, 17-year-old girl in Parrsboro, who was the victim of pervasive, 24/7 bullying and cyberbullying in her community. The bullying that all too tragically resulted in her taking her own life.

Courtney Brown was bullied by a group of young fellow students on the school grounds of Parrsboro High School. She was bullied travelling to and from school off the school property. She was bullied at various locations around the Town of Parrsboro, all by the same people. Even when she was in the supposed safety of her own home, she was continuously cyberbullied in social media - by text message, on Facebook, and so on.

I know that there are some who say that the way to avoid cyberbullying is to simply turn off your cellphone or turn off your laptop. The fact of the matter is, for young Nova Scotians today - particular teenaged Nova Scotians - there is a whole conversation with their fellow students that goes on electronically that you are then telling them to no longer be a part of, which is a great unfairness to the victims of cyberbullying.

The lessons from the story of Courtney Brown are that it takes everybody in a community to protect our children from bullying and cyberbullying. It takes school officials, it takes the community itself, it takes the parents of cyberbullies, it takes the police, and it takes our court system all working together to protect children today. A far different situation from the bullying that we all remember when we were in school.

It is for that reason that this bill is part of a comprehensive set of bills including the Safer Schools Bill, the Stand Up Against Bullying Day Bill, and the Cyberbullying Intervention Bill all working together to ensure that every member of a community, every adult Nova Scotian knows their role and responsibility in keeping our children safe from modern bullying which is pervasive, which is non-stop, which exists 24 hours-a-day/seven days-a-week, which is physical in nature on our school grounds and in our towns, cities, villages, and on the Internet. That is why we are talking today about this bill and Courtney Brown's lesson is one that all Nova Scotians would be well to learn, including the members of the government Party and I will say for all Parties here in this House.

Specifically, Mr. Speaker, in the case of this bill, it does a number of things that we believe are very important to tackle the difficult and pervasive problem of cyberbullying. First of all, we have all heard some Nova Scotians argue that there is no need for stronger bullying legislation because the Criminal Code and other legislation already deal with things like assault and battery, and threats, and so on. The fact of the matter is that the current set of laws is not sufficient to protect our young people today from cyberbullying. That is why this bill defines cyberbullying in law and makes it an offence in law to commit cyberbullying. This, by the way, is one of the recommendations of the Cyberbullying Task Force. It further provides for real penalties in the event that a person is found guilty of

cyberbullying. It gives real teeth to the law to allow the courts to not only find guilt for cyberbullying specifically, but to impose real penalties.

I know that legislators are sometimes reluctant to make criminals of our young people, but a bully is a bully. Whether they're a cyberbully or a physical bully, a bully is a bully and the effects of their actions, as we learned in the case of Courtney Brown, as we know from too many other examples, the effects of their actions today can be deadly. The least we can do is define cyberbullying in law, make it an offence; provide for appropriate penalties so the courts can do what they can to react to instances of cyberbullying.

In the interest of looking at alternative ways of dealing with cyberbullies, when there is a hope of restitution, when we can save a child who is a bully from the courts otherwise, the bill also provides discretion for judges in providing for alternative means of restitution, like education, like getting them the health services they need, like ensuring they understand the consequences of their actions, giving them a chance at retribution. That is what the bill also provides in the interest of getting kids the help they need no matter who they are. First and foremost define cyberbullying in law, make it an offence, provide for real penalties; protect our kids from cyberbullying.

I might also add that in order to deal with cyberbullying we cannot only provide for penalties and restitution after the fact, we have to do all we can to prevent it in the first place in law. That is why this bill empowers judges to impose a court order, where they believe the public safety is at risk, to restrict the use of an electronic device: a laptop, a cellphone, a smartphone, any electronic device that in the judge's opinion is being used or could be used for cyberbullying. When the consequences of cyberbullying can be deadly, prevention is the most important thing that we can do.

Allowing any citizen to make application to the courts to have a mobile device restricted or confiscated as a preventive measure is an important step forward in the prevention of cyberbullying in the first place.

Some members may disagree on one other aspect of the bill that I wanted to raise but let me be clear, I believe with all my heart, as I know many other Nova Scotians do, that prevention of cyberbullying also involves some responsibility on the part of parents of bullies. Clearly a parent cannot be expected to stand over the shoulder of their child 24 hours a day when they're on a cellphone or on a laptop. But when a parent knows that their child is engaged in cyberbullying and chooses to do nothing about it, when a parent ought to know that their child is cyberbullying and chooses to do nothing about it, then that parent has failed in their duty not only to their own child to teach that child responsible use of electronic devices, but they've also failed in their responsibility to protect all of our children from the pervasive and deadly effects of cyberbullying.

To protect children and to ensure that parents take up their appropriate parental responsibilities when they are found to have known and not acted, in light of the



consequences of that inaction, the bill also makes parents offenders when they turn a blind eye to cyberbullying in the case of their own children. That ensures that the community, the police, school officials, children themselves, and parents of cyberbullies are all doing their role.

So to wind up, Madam Speaker, I just want to point out that this bill is intended to be a practical, meaningful, non-partisan way forward, following on the anti-bullying task force report which also identified parents of bullies as part of the puzzle, among other recommendations, following up on legislation in other provinces like Ontario that are doing their bit to protect our kids from cyberbullies. I know that other members from other Parties are going to get up in this House in a moment and they're going to speak generally about how bullying is a bad thing, but I would ask, in the interest of our children, that each member who speaks to this bill today actually says, yes or no, whether they support this particular bill so that good things can happen to protect our children.

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

MR. MAT WHYNOTT: Madam Speaker, I'm certainly glad to stand in my place today to talk about this bill and, in particular, this very important topic that we have within our society today - not only in society, but also, more importantly, a lot of it that is happening in our school system.

We all know that this issue of bullying is very serious, and that is exactly why the Minister of Education appointed the Task Force on Bullying and Cyberbullying to study the issue, to take a look at the causes and effects that we have, some solutions that could arise from the task force and the working group to come forward with some real, concrete steps and concrete solutions to move forward with this important subject.

As I said, this is a topic that's a very serious problem in our Nova Scotia schools and in our communities. The thing is that it doesn't just happen in our schools. It happens on the sports field, or maybe out in the arts class, maybe at different community groups. This is where this information, this topic, this issue is that we're seeing. It causes very harmful effects to our children and our youth of this province.

I remember being on the playground myself so long ago, about 15 years ago or so. It seems like months ago, but I remember being there, and back then, of course, we weren't seeing - well, we were seeing bullying, of course. I think everybody saw bullying take place in the public school system, and even now, as adults, sometimes we see bullies. So when I was back in the day during that time, we didn't see this new aspect of bullying which plays not only a physical but also a mental impact in children's lives, and that is through cyber devices - things like cellphones, iPads, iPhones, through the Internet, through Facebook, Twitter, and all the different social media avenues that we have now at our fingertips.

It's so much easier for us as individuals just to send off an e-mail or send off a text to a friend, because it's right at our fingertips, and oftentimes what's happening is we're finding that our young people aren't even talking to each other anymore. My wife and I lead a youth group at our church, and we have about 20 high school students who come to our youth group. I remember one day one of the kids said, did you know that you can actually send a voice text to your friend? I said, okay, so how does that work? Well, you just record the message and then you punch in the phone number you want to send it to, and they'll get the voice text. I said, do you mean like a telephone? Most of the kids these days don't even talk to their friends on the telephone anymore, and these are the types of things that we're seeing change.

Madam Speaker, I can't even imagine - I mean, I'm a new father. I cannot even imagine what technologies are going to be in place by the time my little one goes to school. Think of even five years ago, how much things have changed. I mean, many of us have playbooks, iPads, iPhones, and BlackBerrys. I know the Minister of Transportation and Infrastructure Renewal may not. He still uses his flip phone. I don't even think the Minister of Transportation and Infrastructure Renewal knows how to turn on a computer yet, does he? (Interruptions)

In fact, you know, this is not a perfect world and in a perfect world we would have no bullying and we would have no cyberbullying. No one deserves to be a victim to anything like this, any sort of intimidation at school or at sports or a community event or even on Facebook. It's a societal problem in which each and every person who lives in Nova Scotia has a role to play.

I remember I was glad to actually be part of the task force and one of the things we were able to find was that - I think one of the things we need is to work together as a community. When I say community, I'm talking about students, parents, administrators in the school system, teachers, and people who may not even have a role within the school system, as community members, all play a role in how we take this response as a societal response, so that our children and our young adults are no longer victimized. It requires us all to come together as partners who are committed to putting an end to something that is really unacceptable behaviour.

While it is encouraging to know that all members of this House view this as a major problem, which I genuinely do, I genuinely believe that everybody on both sides of this House believes that this is a major problem that needs to be addressed, and that's why our government knows that it's not about just taking a knee-jerk reaction with a number of one-off pieces of legislation. This is a whole piece; this is just the beginning of a good thing that's going to be moving forward. This is about working together to change the culture that has festered for far too long. It's about developing a well-thought-out, comprehensive plan, and that's exactly what we're going to do. That is why our government took the action to deal with the issue of establishing, at first, a Task Force on Bullying and Cyberbullying.

You know, I had the great pleasure of working with the task force during their work and as we saw today, we saw some people, we saw some of the working-group folks who were here. They were dedicated. They were volunteers, quite frankly, on this working group. They came from Kids Help Phone to Bell Aliant to pretty much everybody who you would think should be sitting at the table was there. They were meeting two or three days every month to discuss this. We're talking about law enforcement people as well.

We discussed this issue at a table and so many different thoughts and ideas were being presented. We often said for the chair of the task force to come together and really try to piece all of those things together, I can't imagine how difficult that was.

One of the things I do remember is being down in Yarmouth when we were on the road. It was a pilot project through the Restorative Justice Program. I remember being at the high school and, in fact, one of the students said - they call it RJ for short, Restorative Justice - they saw it as such a positive thing. In fact, the students and teachers and administration actually saw their rates of absences for teachers going down, saw the absentee rate of students going down, because they didn't feel threatened, and it actually created more of a positive atmosphere at the school.

I remember going to the school - and sometimes it depends on the school, it depends on the area, the different communities that we may represent - but sometimes when you go into a high school you may just kind of walk into the office and nobody greets you. But they had no idea who I was, they had no idea who the other couple of people who were there with me were, and they literally came up - out of the blue, it wasn't staged - they came up to me and said, hey, welcome to Yarmouth High.

I know that's something small but all those small things kind of pieced together really do play an important role in how we're going to do this together.

Now I know the Opposition, the Progressive Conservative Party, I know sometimes - and the Conservative Party of Canada - I know they like to do very punitive things. They like to go through things that will actually punish people. One of the things I came across when thinking of - I know they talk about doing penalties. Now one of the things they suggested in the 2009 provincial election document, they actually said that they would introduce legislation to put in place a public curfew for kids under the age of 16 who are not accompanied by an adult.

I'm going to table that document. This is the type of punitive response that the Progressive Conservative Party would try to do and quite frankly, we just don't think that's the right approach. We have to ensure, we have to look at . . .

MADAM SPEAKER: Order, please. The honourable Leader of the Progressive Conservative Party.

HON. JAMIE BAILLIE: Madam Speaker, on a point of order. The member who has the floor not speak to what the Progressive Conservative Party might or might not do - he is speaking about something that has absolutely nothing to do with this bill, which is a violation of the rules of the House.

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

MR. WHYNOTT: Madam Speaker, can I go until 4:52 p.m. then?

MADAM SPEAKER: Carry on.

MR. WHYNOTT: Thank you. I do want to note that I'm glad our government is taking action on this. You'll see over the next couple of days and weeks ahead that we will be moving forward on this.

Today we saw our bill being brought forward and we all have a role to play in this. We know that we have a role to play in helping to keep our children safe. As a government, we are taking the responsible approach through the legislation we introduced today, which will help provide the foundation for a strong and effective action plan. Thank you.

MADAM SPEAKER: The honourable member for Richmond.

HON. MICHEL SAMSON: Madam Speaker, it's a pleasure to rise to speak a few words on Bill No. 27, the Cyberbullying Intervention Act. First I want to take the opportunity to commend - I do believe it's the Leader of the Progressive Conservative Party who sponsored the bill.

As Opposition Parties know - and the government would know this as they spent their entire existence in Opposition prior to the last election - that no government has a monopoly or has ownership over good ideas, or ideas, whether we think they're good or not, that should at least be debated by Nova Scotians or at least put in front of them for their consideration. One of the challenges, with the British parliamentary system, is that we are granted four hours a week, Opposition Day on Wednesday, in order to bring forward issues of concern for the Opposition Parties.

What usually happens is that the government will have ministerial statements, one or two. We had two today, but that's been the standard, one to two every Opposition Day. All of the ministers will get up and read resolutions and then the backbenchers, who we don't hear a word from during the rest of the week, all have resolutions to give on Opposition Day.

This is not the first government to do this, let me make it clear. This is an old trick that's been done by previous governments as well, but it's unfortunate that, having seen

what it was like when they were in Opposition, they would turn around and do the very same thing when they are in government, which leaves the Opposition little to no time in order to debate legislation that is brought forward.

The question Nova Scotians should be asking themselves, those who might be following today is, what happens to this bill? Here's what happens. Because it's an Opposition bill that's been called by the Opposition on their Opposition Day, there's a set amount of time for debate on this bill, so what's going to happen? What's going to happen is that the government will ensure through its members - mostly the backbenchers - that whatever allotted time there is, they will continue to speak beyond that time. Meaning that this bill will never come to a vote, meaning that it will never go to the Committee on Law Amendments, meaning it will never have a chance for Nova Scotians to consider it, to debate it, to express their opinions and allow the House to make a determination as to whether it should go on for third reading, to the Committee of the Whole House on Bills.

That is the frustration of the British parliamentary system because we're basically at the mercy of the Government House Leader to determine what Opposition bills might get called and supported by the government. This goes to the whole process of the bill itself, which I know the Minister of Service Nova Scotia and Municipal Relations is well aware, having sat on the Opposition benches for a significant period of time. That's the unfortunate thing because under a minority government, I have to say, we saw a number of Opposition bills get passed. I stand before you to say I'm very proud of the fact that, in Opposition, I had 11 Private Members' Bills pass into law in the Province of Nova Scotia

MADAM SPEAKER: Order, please. I would just remind the member to find a way to bring this back to the bill that is before us - Bill No. 27, the Cyberbullying Intervention Act - versus the process of the House of Assembly.

The honourable member for Richmond.

MR. SAMSON: Madam Speaker, in order for Bill No. 27 to have any hopes of going forward, I think it's important that the members understand exactly how it would go about and what it is that we're doing here today, and whether it has any realistic chance of being able to succeed. Only time will tell. Maybe the government will allow this to come to a vote today, and there's another piece of legislation as well, but Madam Speaker, I'd like to talk about the topic and I'm glad you brought me back to that.

I have to say that it was extremely unfortunate - you have heard me in the past talk about how the government, in their Speech from the Throne - I thought it was extremely disrespectful that there were politically-motivated comments in there that the Lieutenant Governor was asked to read. Now today we turn around and hear the Minister of Education, in introducing this legislation and making her statement, take cheap political shots regarding the previous Minister of Education.

Politics is politics, let's all understand that. But when you're talking about an issue such as cyberbullying and you're talking about the fact that lives have been lost - for a Minister of Education to say she takes the matter seriously and turn around and take cheap political shots at her opponents was extremely distasteful. I would have hoped the Minister of Education would have taken the opportunity to retract her comments and even apologize to the House, to Nova Scotians, and to all students for having chosen the issue of cyberbullying as a chance to score some sort of cheap political points. But that is a pattern that we have come to see from this government, and again, I think it takes away from the argument that is trying to be addressed here.

I had the opportunity to attend Take Your MLA To School Day, and while I was there, I noticed that a few of the children had badges on them. They looked like these little badges that you would almost see from play sets that kids would have. I didn't really at the time understand what the badges were, until suddenly in the middle of the school day the vice-principal, Ms. Tanya Carter, walked in. She said, I'm going to now swear in Mr. Samson as an officer of the WITS program.

It's an anti-bullying program, and for the life of me I can't remember what the exact acronym stands for. I think one is "walk away" and I think another one is "inform someone." It stands for an actual program. This is a program that was developed with the local RCMP. It was developed by the school. It was sponsored by the Lions Club and, I believe, a number of other agencies. This was something that the kids wore with pride. I actually got sworn in and I was given my badge, and had I known this debate was coming forward today, I would have brought it here to the House. It might have been considered a prop, but just the same I think it would have been a good example of showing the work that is already taking place within our school system to try to address this very disturbing issue that has come up with the advent of technology.

I do want to commend the member for Hammonds Plains-Upper Sackville because he spoke freely, which is refreshing. I notice he doesn't have a stand on his desk, nor did he read from prepared notes, which we've seen so many other government backbenchers do when it comes to Opposition Day. I think he has an interest in this subject. He spoke about it with passion. He spoke about it because he sat on this task force, and I commend him for that. I certainly believe that when you see a member who is able to stand in their place without notes, they come off as being much more sincere than those who sit with notes prepared by a staff person back in their own office. So I do want to commend him. I think he mentioned it was about 15 years since he was on the playground - I think I'm a lot closer to him than many of the other members in the House. Probably a few years off, but much closer to him, I would say, than many other members in this House can stand and say.

Madam Speaker, we do have some concerns about the intent of the bill in placing parental liability. Those are concerns we have had in the past. Having been a member of this House for 14 years, I do remember the blue book that was brought in by former Premier John Hamm. There were some provisions in there to hold parents liable for the

actions of their children on other matters. We disagreed then, and I still have reservations today, but I will stand in my place and commend them for at least putting the issue forward and at least having a discussion on it, at least allowing Nova Scotians to see that the members of the Opposition are trying to bring forward ideas on a problem which is facing Nova Scotians. I think that is how our democracy works and I think that's the strength of our democracy in Nova Scotia. We can at least do that freely as members of the House.

Now, as I mentioned before, the restraints of the British parliamentary system make it extremely difficult for this bill to move anywhere further, which one would hope that with parliamentary reform that we've talked about there may be opportunities there for more Private Member's Bills to be able to come forward and at least make it to the second reading stage, possibility Law Amendments, where Nova Scotians can come forward, discuss their concerns or support, and as a Legislature we can then make a decision as to whether these bills should go forward or not. Only time will tell whether this administration has any interest in making those changes and, again, because of the British parliamentary system the Opposition can't make them on their own. We don't have the numbers - it is a majority government and it will take them to bring about that change.

But life has become different with technology, and I think my time isn't much longer, but let me just share this story.

I think there was some talk earlier about how kids communicate differently in this day and age, and one of the gentlemen who plays hockey with me in the Richmond Gentlemen's Hockey League was telling us a story of how his son asked a girl to be his date at the prom. He told his father who he was considering asking, and his father said that's a very nice girl and you should call her and everything else, and he said no, no, I'm not going to bother. The father said, well are you going to ask her at school, how are you going to do it? His son said no, no, I won't talk to her at a school, and I don't have to call her. The father said, well how are you going to communicate to her that you would like her to be your date at the prom if you're not going to have any sort of discussion with her? Are you going to use a third party or how are you going to do this - are you going to write her a note? And he looked at his father and said, dad, I sent her a text, I asked her to be my date at the prom and she texted back and said no problem. In fact, if I had to guess, she probably just wrote "n p" on her reply of the text - and not actually those words.

There's a whole new language out there that we're learning, Madam Speaker. I think all members are learning the acronyms that go along with texting.

It is an issue that does require some discussion - cyberbullying is one thing when you can identify who the bully is, it's another issue when there's anonymity in that process. That's certainly something I think we need to address. Whether we're looking at those who post comments on media sites without identifying themselves, or other forms of media, I think those are issues that we need to address, and certainly anything we can do to address this problem we should all be working towards.

Again, I commend the Leader of the Progressive Conservative Party for bringing this issue to the floor of the House today. Merci.

MADAM SPEAKER: The honourable member for Inverness.

MR. ALLAN MACMASTER: Thank you, Madam Speaker. I guess when I look in this Legislature, if we look at initiatives designed to reduce bullying we must make sure that we ourselves don't get into a fight. I think that it's important that we set an example, and continue and have these debates with a respectful tone. I do appreciate the comments of the member for Richmond and the support shown towards this legislation - we would have liked to hear a similar response by the member for the Party opposite.

I guess, Madam Speaker, the aim of this legislation is to give the justice system some ability to do something to stop cyberbullying. How did we used to handle bullying? Well I can remember a story my father told me about himself many years ago on the playground - I think it was at recess time and I guess he had been bullied many times by this one other young fellow, and he handled it by delivering a right cross square to the jaw. Well, I wouldn't necessarily advocate that. I know in the old days there wasn't a lot of sophistication around these matters, and maybe it wasn't required that there be as much sophistication. You had to stick up for yourself, and children would try to do that.

What I want to speak about a little bit today is that some children have less ability to do that than others. I suppose you could look at it physically - some children are naturally bigger than others and they can stand up for themselves in that regard. But I would like to speak more about confidence and how confidence relates to people's ability to withstand the bullying and in this case, of course, we're talking today about cyberbullying. I know that when people are confident, the recovery time, when they feel the barbs or the insults, is much quicker when one is confident. I know that many young people do not grow up with the supports to be confident.

They may not have the ability to have the most fashionable clothes, for instance, Madam Speaker. They might grow up without the ability to participate in sports or artistic activities that other children may have the ability to participate in and thus become ostracized from their peers. We know that young people, in some cases, may not have the emotional support at home and all these things lead to people's ability to have confidence in themselves. I think it's important that we recognize that some young people are growing up in situations where they don't have that and it's harder for them to stand up to bullies.

I was watching a movie over the weekend and there was a key line that stuck out to me. It was that people who have confidence, or the benefit of confidence, it comes as a result of having success in life. Some young people have difficulty because of the state that they are in, which is no fault of their own, and I think we need to remember that when we are seeing people who are bullied.



A message for young people today, Madam Speaker, is be a leader in your own classroom and if you see a peer who is being treated poorly, stand up for them and remember that everybody walks through life on a different path and sometimes it's important to help out your neighbour.

I think, Madam Speaker, that we've talked in here about parents having to take the responsibility for their children and too often today we have parents who may stand up for a child without knowing the full extent of the situation and quickly stand up for their child, which may be supporting poor behaviour which could be bullying and it could be cyberbullying. I think what's important about this legislation is that we're asking that parents who would have to be - they would have to be warned, of course, in advance, or be aware of the cyberbullying activity, but we would ask that they take some responsibility for their child's behaviour.

I think that's good for our communities, Madam Speaker, it's good common sense. But it would be considered a defence for a parent to prove that they have exercised due diligence to prevent the child from committing the offence. In other words, if a parent was aware and they were taking steps to ask their child to change their behaviour, that could act as a defence for them. We want to be reasonable.

Madam Speaker, technology has given rise to a new problem with bullying because we have it through another medium. We've heard all members talk about the changes in our world and how people communicate. This legislation is designed, in some cases, to take that medium away. That is one measure to try to stop this activity and, secondly - and this is very important - is that it would allow for alternative measures to be used prior to a plea of guilty. What I'm speaking about here is restorative justice.

Our legislation - and I think this is important for all members to hear this because all members should think about supporting this piece of legislation - this legislation has received some positive comments from Professor Wayne MacKay. He was the chair of the Cyberbullying Task Force. He wanted to register the importance of restorative justice and I would like to assure him today, and this Legislature today, that restorative justice is a part of this legislation and that the goal of restoring those specifically affected, and the community, using the justice system to bring things back into balance and using alternative measures, which would be restorative justice, to steer a young person in the right direction so they truly understand, is where we expect most cases will go and we came up with this legislation with the advice of the task force in mind.

Madam Speaker, what I'm speaking about here is atonement, giving young people who very well may have been bullied themselves, which has taught them to feel whatever they feel when they decide to bully someone else, to recognize that there should be an opportunity for them to make atonement and to understand what they have done, and to understand that if they have been bullied, what was done to them wasn't right either, but

that their response to it should not be to continue the behaviour and do it to someone else but to actually stop the behaviour right there in its tracks.

We also must recognize, as we have in this legislation, that there may need to be a restoration of the community in which both the bully and the person who has been bullied reside, whether that is in a physical, geographic community or whether it's in an Internet community, which of course could be a community of people from a large geographic region.

Madam Speaker, once this legislation is passed, we could look at regulations which would more specifically define the alternative measures for restorative justice. So just to close, I think it's important that members in the Legislature take a stand on this piece of legislation. We believe that it is something that will be helpful, which is why we put it forward. With that, I would like to conclude my remarks. Thank you.

MADAM SPEAKER: The honourable member for Pictou East.

MR. CLARRIE MACKINNON: Thank you very much, Madam Speaker. I know the member for Richmond, when he was discussing Bill No. 27, talked about the talking out of time in relation to Opposition bills. I guess that's what I may be doing at this time, but we, as a government - our Minister of Education, in fact, introduced a very comprehensive bill. That bill will be dealt with in this House. It's not piecemeal; it is an entire package that we are dealing with. The minister has a real handle on this situation, and I think that we will see some very good results from that.

I think it was the member for Hammonds Plains-Upper Sackville who talked about being in the (Interruptions) Upper Sackville-Hammonds Plains, I know it well. The member was talking about being in the playground in relation to very recent times, and I guess I have to reflect back to having to go to a neighbour's house to even use a telephone.

I was talking to some young people recently, and this is a very serious problem. The young girls who I was talking with recently were texting each other and one was calling the other ugly, and the other was saying double-ugly, and they were saying they were doing this affectionately. Well, I think if you are called double-ugly repeatedly, cyberbullying is really something that we have to deal with. Thank you very much.

MADAM SPEAKER: The honourable Progressive Conservative House Leader.

HON. CHRISTOPHER D'ENTREMONT: Madam Speaker, would you please call Bill No. 29.

**Bill No. 29 - Child Protection Intervention Act.**

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

MR. KEITH BAIN: Thank you, Madam Speaker. I am pleased to rise in my place to speak to Bill No. 29, the Child Protection Intervention Act - an Act to Protect Children from Those Who Might Harm Them.

Madam Speaker, before I begin, for the benefit of the member for Richmond, I do have prepared notes. But I wrote them myself.

This bill puts protection of a child or children above all else. Protection of children must be paramount. Ask any parent. This bill actually does put the protection of the child or children first - not second or third, Madam Speaker, but first. Instead of an imaginary protocol that was used as an excuse not to take action in situations like in the East Preston Day Care that we've been hearing over the past few weeks, this is part of a new way. As everyone is aware over the discussion that has taken place concerning the East Preston Day Care, let me just expand on the events that unfolded and how this bill would certainly improve that situation.

We are aware that at the East Preston Day Care there was an alleged abuser employed there. When it became known to the department, the department contacted the police to do an investigation. We are also very much aware that although the police were notified, the Board of Directors of East Preston Day Care were not notified; parents were not aware that this individual, this alleged abuser, was working at the daycare and that their children could be in danger.

What this bill does, it allows a judge of the Supreme Court to order that someone have no contact with children, not hold a certain type of job, not go to certain locations and not undertake activities that relate to children. That order would only happen after a fair hearing and only if there were reasonable grounds to believe that any child or children need protection. Once more, in the case of East Preston Day Care, this would have given the minister or the department the opportunity to have an order that would prevent that individual, that alleged abuser, from being anywhere near the children under its care.

There could be an order made if there's physical or sexual abuse of a child or children and there can be an order if there's a substantial risk that a child or children will be sexually abused or otherwise physically harmed. It's important to note that substantial risk is if there's a real chance of danger that is apparent on the evidence. So if the court is satisfied that there's evidence of a real chance of danger, they can intervene to protect a child. How that takes place would be that the judge of the Supreme Court of Nova Scotia would empower Justices of the Peace to grant an interim order.

We know that it isn't wise to have someone who is an alleged abuser around children. Now this bill, which we hope will be passed by this Legislature, would be an important tool for protecting our most vulnerable citizens. It can't be stressed enough - this bill puts the protection of the child or a group of children first. Also, this bill removes the excuses not to take action in situations like occurred at the East Preston Day Care.

There are times when evidence, and the need to act, may arise quickly. There needs to be a way to act to protect a child or children with speed, but without undue prejudice, and this bill does exactly that. As I mentioned before, this bill provides for a chief judge of the Provincial Court of Nova Scotia to designate Justices of the Peace for the purpose of the bill. Unlike the Department of Community Services' interpretation of the Children and Family Services Act, the child or children at risk can be unknown. Sometimes we know there's a risk to children but it is to any children that encounter that risk.

If there's reason to suspect the possibility of abuse, either physically or sexually, the Department of Justice can go to the presiding Justice of the Peace, present its evidence, and seek an interim court order. That order, under the bill, would be made for a period not exceeding 30 days, but because of the urgency to act before harm is done, there have to be reasonable grounds to suspect that a child or children are really, definitely in need of protection. This provides the first step, as I mentioned, in ensuring that a child or children are protected in the quickest and fairest way possible.

The cost to the child of suffering abuse is immeasurable, and we all know that - the cost to the child, the cost to the parents. So we need to be cautious. We need to make sure that those children are protected, and if we have any indication, by any means at all, we should make sure that there is a law in place that's going to do just that.

The law has guarantees of procedural fairness. Some might say that anybody can just put in a complaint, but we have to realize that Justices of the Peace and judges will hear the cases. They'll weed out the weaker cases, and a hearing will clear up other matters. So if that initial order is given by a Justice of the Peace, it goes to the chief judge or to the Supreme Court of Nova Scotia, and they determine at that point, once they've gotten all the evidence, whether or not things will proceed.

Had this bill been in place when everything started happening at the East Preston Day Care Centre, I'm sure that - regardless of how long we might want to say it has been going on - it would have provided a tool for the department to take immediate action to protect the children.

I can't say it enough, Madam Speaker - the bill's aim is to put the protection of the child first, and we have to look at this bill seriously because it does just that. It's a small step, but it's an immediate step that could be put into place when things happen. As I mentioned before, we have to act quickly, we have to act decisively, but we also have to act in fairness to the children who are facing a possible or an alleged abuser. We also have to recognize the person who is being investigated.

Again, this bill, as I've mentioned earlier, does put the protection of the child first. We're going to have the opportunity over the next while to hear speakers from both sides of the House comment on this bill, and I look forward to hearing their discussion as the bill progresses. With that, I'll take my seat, Madam Speaker. Thank you very much.

MADAM SPEAKER: The honourable member for Halifax Atlantic.

MS. MICHELE RAYMOND: Madam Speaker, it's a real pleasure to rise today to speak on Opposition business, which is Bill No. 29, the Child Protection Intervention Act. I have to say that I absolutely commend and understand the intent of this bill. All of us feel that it is paramount to protect children from all sorts of harms - not only from the harms which may be deliberately inflicted, but from the varieties of harm which can occur throughout the world.

However, I am concerned about this bill. The name of it is, in fact, very revelatory - "intervention" - and it opens some very worrisome doors. This bill is intended to intervene in the normal legal process. It takes effect on suspicion and it provides for the appointment of special Justices of the Peace, not justices, to make orders on a balance of probability. That is to say, it's more likely than not that a particular person - a named person - poses a threat to some unnamed child, or group of unnamed children. Those orders would be confirmed later, after some unspecified period of time, to be set by regulations made by a Cabinet and those orders would be confirmed by a judge and only afterwards, followed by a hearing.

At that hearing, interestingly, a court would not only order a person to stay away from some child or unnamed group of children but to also order that the hearing be held in private and the files kept private and other details kept secret. We all understand the importance of confidentiality when it comes to the possible revealing of details about minors but there is, as well, a concern for the adult, and anyone violating any terms of these orders could be subject, literally, to arrest without warrant. The court would have not only the normal remedies for contempt of court but also the ability to imprison for up to 90 days and to fine up to \$5,000 in addition, for any violation of an order. That's a heavy weapon potentially available to deal with the possibility of talking about a particular court process involving a person who, at the bottom, hasn't been criminally convicted or necessarily even ever criminally investigated.

I appreciate the sentiment behind this bill because vulnerable people do need and deserve our protection from immediate harm whether they are children, or adults, or seniors. The safety and security of children is the highest priority for this government and has been throughout. It has been very, very important for us in the many ways in which we undertake to protect these young and very vulnerable citizens. This government takes all reports of potential child abuse, potential child abuse or neglect, seriously and all cases do merit careful consideration.

Community Services has the legislative jurisdiction for child protection, although it does not deal with criminal prosecutions. The government can intervene to protect children under the Children and Family Services Act or the CFSA. In Nova Scotia, this Act relates to children and youth under the age of 16 and it gives the department the authority to become involved with reviewing and investigating reports of possible child abuse or

neglect in many settings, whether institutional or private, offering services for families which may need support in protecting and caring for their children, making alternative arrangements for children who need protection, arranging for adoption services, and supporting youth leaving foster care.

These are all responsibilities that the Department of Community Services takes very seriously and there is a mechanism with the Children and Family Services Act that allows the department to take action with respect to identified children in identifiable need of protection. This bill, however, allows for the granting of a protective intervention order. There is a criminal process to be followed in cases of alleged abuse of children. This happens in the absence of allegations but the potential exists that members of the public could, in fact, request the application for intervention in cases where it's not appropriate.

Let me speak plainly. In practical terms, this proposed bill intends that a person who may or may not have been alleged to commit an act of abuse, or be suspected of being dangerous to children in general with no reference to any particular child - the Justice Minister could then file an application with a Justice of the Peace for a restraining order on that individual. Certain aspects of that really do seem to violate a person's constitutional rights and don't support a fair legal process. I should note, as well, the absence of any appeal provision after a hearing by the Supreme Court. That is an unusual absence in any piece of legislation in this province.

I know that there has been conversation about a particular case on a related topic, which may perhaps be the impetus behind this bill, that has been raised in this House and that's in regard to the East Preston Day Care. An allegation has been made against former staff members of the Nova Scotia Home for Colored Children. Among those people was someone who has, for the past 10 years I believe, been an employee of the East Preston Day Care, who presumably received that person's resume at the time they engaged him. However, when these allegations were made against the former employee of the Home For Colored Children, it was referred to the Department of Community Services on November 15, 2012. Community Services acted on the same day.

As required, they checked the Child Abuse Register, they checked internal departmental records and they checked with police and they found absolutely no evidence of criminal conviction or investigation. If there had been any evidence that a child was currently at risk, Community Services had the ability and has the ability, and could have launched a joint investigation with police. However, there was no evidence of future danger.

The talk of emergency surprises me when we are speaking of something which may or may not have happened 10 years ago and which is still not even worthy of investigation, it appears. Section 25 of the Children and Family Services Act provides government with the authority to investigate a direct complaint that a child currently under the age of 16 may be in need of protection at this time. Again, none was found.

The Department of Community Services does not investigate and cannot investigate allegations of past criminal activity. That is a matter for the police. Community Services acted immediately to check for evidence that a child currently needed protection against possible future harm and, in the absence of any criminal charges, let alone convictions, no evidence was found in the case of the employee of the East Preston Day Care. The government acted within its authority and is following up appropriately.

To return to Bill No. 29, the notion of protecting children is laudable. All of us want children safe from all varieties of harm, physical and emotional. This government certainly welcomes feedback and is always welcoming suggestions on how existing legislation could be made better. I believe it is very, very important that we must also respect the fact that we have an independent judicial system, that we have a Department of Justice, we have a police service and it is not our role to short-circuit or to facilitate the short-circuiting of the judicial system, on which all of us rely, adults and children alike.

These children will grow up to become adults who will also want to rely on the safety and security of an intact judicial system and one which is not subject to sudden and unpredictable torques, which are redundant in the face of an existing system.

Again, the Department of Community Services is tasked with the protection of children. It does its work well and it looks to the protection of children against future harm, which is potential. But it is not in the business of investigating past criminal allegations or of substituting its judgment for that of the court. I worry, therefore, that this bill may be opening doors which will be very difficult to ever close again, in the lives of children and adults alike.

With that, Madam Speaker, I will take my seat.

MADAM SPEAKER: The honourable member for Halifax Clayton Park.

MS. DIANA WHALEN: Thank you so much, Madam Speaker. It's my privilege to speak to this bill. It was just introduced yesterday and has been called for the Opposition Day today by the Progressive Conservative Party. The bill is called the Child Protection Intervention Act and it has a subtitle, "An Act to Protect Children from Those Who Might Harm Them."

I think that, based on that title, none of us would have any objection at all. Of course we think that children are precious and we want to protect them from all harm. We all have young people who are special in our lives who we can relate this to and we don't want to see them come to any harm but, as is our job here in the Legislature, we have to go through bills and we have to look and anticipate what might be the repercussions of moving forward with any particular piece of legislation.

It has been my experience, Madam Speaker, that there are always things that you may not have anticipated when you set out to address a certain problem and you might craft a solution. You might put it into the form of a bill and bring it here, either as a government bill or a private member's bill, and it can be a real surprise sometimes to go to Law Amendments Committee and have people come in, members of the public, who will then point out, well if you do this, something else is going to happen that we didn't anticipate and that we can see would be a bad outcome. Often we make changes in legislation after the Law Amendments Committee process, perhaps not as often as we should, but we do listen to the people who come in and I have seen positive change because the people who are most closely affected will see where there can be problems.

In this case of reading Bill No. 29 today and preparing to speak for my allotted time, a lot of questions came to mind. First of all, it has a lot of legal implications and I know the previous speaker, the member for Halifax Atlantic, is a lawyer by training, I believe she has a law degree, that means she spent some time on it. I do not have a law degree although I took Business Law once and that doesn't quite cover what we're talking about here.

In reading it, I'm thinking of some of the things, as well, that I've seen and heard as an MLA in the last nine years and the experience that I've had there that I think has some bearing in what we might see as some very heavy-handed legislation. I hesitate to be critical of it because I think the intent of it is very positive. The intent is to try to step in early, before harm is done, or immediately upon hearing of any harm to a child.

I notice that children are identified as 16 and under - I think, under the age of 16 - so it would be up to 15 that we're talking about here, and those sorts of things are important when you are crafting legislation.

This gives some really extraordinary powers to a number of new structures we would be putting in place. We would have new Justices of the Peace who would be given, I suppose, some training in how to look at the issues and to be able to - this new crop of Justices of the Peace would be given the power to offer, I'm not sure what it's called exactly - actually step in and put restraining orders on people, essentially. So if there was any allegation or anything that they thought looked probable, that they could then harm somebody, by taking those allegations and saying that they were now prohibited from being near these children, named or unnamed, and that would stand for 30 days and then the Justice of the Peace would have to have written down what evidence they had, or what they were basing their decision on. Send that to a court and a judge would then decide - if I'm following this correctly - would then look at that within the 30 days and decide whether there were grounds to bring it to the courts or there were not, or it needed to be amended in some way. They could either terminate that injunction against the person or add some more conditions to that order and they could also terminate it, just say there aren't grounds here at all.



If they are moving forward with the order, the evidence has to come before courts so you are creating more work in the court as well - that these cases, if there are some reasonable grounds, and I guess if it has passed the judges' test, it's gone past the Justice of the Peace and on to the judge and the staff there have looked at the case, if there are reasonable grounds then you're going to have a hearing in the courts and the respondent - who is actually, I put down, the alleged abuser or the alleged wrongdoer that is going to be called the respondent - would be asked to come and make their case and defend themselves.

My fear is that this has created a whole secondary system within our courts. It gives extraordinary powers to people. As I say, it allows somebody, on what could be very flimsy information, to cause harm to somebody. I noticed that Clause 10 in the bill says, "No action or other proceeding may be instituted against any person for any act done in good faith or any alleged neglect or default in good faith, in the execution or intended execution of the person's duty under this Act."

That means if you've moved falsely against somebody and you have harmed them, you have harmed their reputation or you've harmed them in a very sustainable way if they had been acted upon, if they had been told that there was an injunction against them or they weren't allowed to be with children or to pursue even their work that might involve children, if you've harmed them you've taken away from that person the right to in anyway sue you for wronging them. That's another big thing. You couldn't say that this was done improperly as long as the Justice of the Peace and the judge and everybody else involved in this process believed they were acting in good faith, then they are, I guess, able to be above the law in a sense because they cannot be charged in any way in another court of law where a person could come and say, you have wronged me very seriously. We're protecting the people who are involved in this process, I guess, because it's anticipated that there would be mistakes made and that some people would be harmed.

I wanted to speak a little bit about some of the things that I've seen as an MLA, and what I have seen in a number of cases have been cases that involved protective services for children, where, again, there had been an incident at school or in the neighbourhood where complaints have come to Community Services saying that somebody is fearful that a child might be harmed.

When that happens, my experience is that Community Services, through the child protection agency, goes into gear pretty fast. In fact, some of the cases that I've had are parents, often single parents, who are feeling that they've done nothing. It's been based on an allegation, that the children are taken from them. There can be a lot of reasons. It might be that they don't have enough money so they don't have child care as often as they should. There are some really extenuating issues around poverty that can be at the root of it.

The parents have to work so hard to get their children back. If you've been charged - not in a legal sense, but if your children have been taken from you because there's a fear

that you're not treating them properly or that they're at risk, it's very difficult to go through that whole system and have your children returned to you. I'm sure we've all been through that with grandparents or parents, and there are mistakes made, definitely. But I understand protective services acts in the best interest of the child. They are frightened and they're trying to take pre-emptive action. We have to understand that for every mistake that's made, there's probably many that are proper and the children did need protection.

I'm just wondering how this bill would fit into that scenario, where we already have something in place to protect children. I think we already have considered that children need protection. By the same token, there's another case that has come up.

I think I only have a couple of minutes left in my time. I have until 5:47, according to me. You don't think so - 5:47 was the time I was given, Mr. Speaker.

MR. SPEAKER: The time that I have is 5:45. There was a change, apparently.

MS. WHALEN: Okay, I didn't see that. I'd like to mention another thing, and that is protecting adults as well.

I had a case - the members of the House know, I've spoken quite a bit about Victim Services, the case that I learned about. This was a murder case in my riding. It didn't occur in my riding, but the parent of the victim lived in my riding. In this case, the man who committed the murder had many charges against him previously, was known to the police, but there had never been a conviction. He was working in a work environment with the elderly. You would think he was somebody you could trust - that was where the victim had met him, at her workplace. You would think you could trust somebody you meet at your workplace.

What was said by the parent was, if there are all these charges against him, why can't you find that out when you check against a criminal registry to see if that person was a wrongdoer? But because nobody, no woman in the past had had the courage to stay with those charges and go through the court system and see that person charged and convicted, that person didn't have a record. I think it's a similar thing to what the Opposition Progressive Conservatives are talking about today, trying to pre-empt that system to say, even if there's a suspicion - and there would have been a suspicion in this case, which is an adult case. But the way our judicial system is, is that you are innocent until proven guilty.

I found it hard to grapple with that on that level of adults and in the employer system. The employer didn't know, and the employer had done their due diligence and checked records and couldn't find anything, so they didn't know they had somebody who had had charges against them.

This parallel system that the bill purports to set up would be costly, I think. I think it circumvents a lot of the rights that we have built into our judicial system. Its point is to

support and protect children, and I think that is very good, but I think there would have to be some changes made to make it work better than what is outlined in this bill as it is today. Should it go forward? I think we'd hear a lot from civil rights people, people who would talk about the law, and I'm sure I would learn a lot. Perhaps it's a bill that could be amended and changed so that it could go forward.

Those are the concerns I have with it. Thank you.

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

MR. EDDIE ORRELL: Mr. Speaker, I rise in my place today to speak on Bill No. 29, an Act to Protect Children from Those Who Might Harm Them. When I look at this bill and I hear what is being talked about in this House today, I hear the breach in confidentiality. I understand that part of the bill, but we have to think as well of the cost of a child suffering abuse that is immeasurable.

I have to look back to the protection of a gentleman like Mr. Graham James, who has been accused of child molestation - being a coach of a hockey team - on a young gentleman by the name of Theo Fleury. When I looked back at this case and I read the book that Mr. Fleury has written, the problems he suffered at the hands of a gentleman like Mr. Graham James, a now-convicted child molester, and the problems that this gentleman has had to deal with in his lifetime, especially in early adulthood and into his adulthood, the way that it affected his life and how he had to struggle with addictions, how he had to put his life back in order, how he struggled with relationships, and how it has affected him physically, mentally, and financially. The gentleman struggled with problems of alcoholism. He struggled with problems of trust.

We can't allow this to happen to our children. Most of us here have our own children, and the intent of the bill is to protect our children from those who are out there, who take advantage of children who can't protect themselves.

In light of what we've seen over the last couple of weeks and number of years, this bill comes at a good time. It's a good bill, and it's being introduced when awareness is at its height in this province. We need to do all we can to protect the most vulnerable in our society, that being our children, and as we define in the bill, our children are people who are under the age of 16. But we're talking young children as well - people in daycares, people who participate in sporting events, people who frequent shopping malls, people who frequent baseball fields, skateboard parks. Some of these people cannot protect themselves. Some of them can't speak for themselves. We're attempting to do a little bit of speaking for these children.

Our children are the people who will grow up and replace us even here, to look after us when we get old, and we need to get this right. I know myself, I'm hoping that when our children get older and they start looking after us that we'll be able to count on them not to

have any so-called demons in their closets that may affect their ability to look after us and to be productive members of society.

The bill removes excuses not to take action in a situation like the East Preston Day Care, where we hear the protocol was followed, but it seemed like it protected the accused and not the children or the families of the children involved. It protected the people out there who may do harm to them. We would not stand by at a sporting event or a public place and watch another person take advantage of our children, be it another child or an adult, so we don't want to allow this to happen in places like the East Preston Day Care. Instead of an imaginary protocol, this will be part of a new way of putting the protection of children first, not second or third, and not shunted aside by excuses.

This bill allows a Supreme Court Judge to order someone to have no contact with children, not to hold a certain type of job, not to go to any location or undertake any activity that relates to our children. We have concerns about these types of individuals being in places like rinks, ball fields, playgrounds, and daycares because children sometimes can be scared and they're not saying something. All we need is an order to help protect these children.

The order will be put in after a fair hearing and, let's be clear, this could only be done if there was a reasonable ground such as a reasonable-based probability - that is, we believe any child would be in need of protection. Unlike the Department of Community Services' interpretation of the Children and Family Services Act, the child or children can be unknown. Sometimes you know there is a risk to children or to any children that encounter risk. There could be an order made if there is physical or sexual abuse to a child and there could be an order if there's a substantial risk to a child, or children will be sexually abused or otherwise physically harmed.

We know the substantial risk is a real chance of danger and that has to be apparent in the evidence. If the court is satisfied that there is the evidence of danger, they could intervene to protect the children. This puts the protection of children first, not the protection of alleged abusers, adults or others who may be accused of the same.

If it isn't wise to have someone near children, the court will now have an important tool protecting our most vulnerable citizens because in East Preston, the evidence and need to act may arise quickly. There needed to be a way to act to protect children with speed but without prejudice. So as with an injunction or an order of the Domestic Violence Intervention Act, the process begins with an application for an interim order which is to be done an ex parte. This means that the Department of Justice goes to the presiding Justice of the Peace, presents evidence, and seeks an interim order to their own.

Giving the need to act before harm is done, there would need to be at least reasonable grounds to suspect children are in need of protection at this stage. If an interim

order is granted, it will be reviewed by a Supreme Court Judge and if there's a good case, a full hearing will be scheduled.

There are times when getting our priorities right really matters and, Mr. Speaker, this really matters in the protection of our children, our most precious members of society. Yes, it may cause a person to be excluded from children out of an abundance of caution. Yes, that might result in some hardship, but protection of children must be paramount - ask any parent. The cost of a child's suffering is immeasurable and we know that.

The law has guarantees of procedural fairness except the Justice of the Peace and judges will need to weed out weak cases and a hearing will clear up other matters. This bill is an example of how the minister has squandered the opportunity for four legislative sessions over the last year and a half to learn from the East Preston situation and actually do something.

Mr. Speaker, we need to enact this legislation so we can protect our most precious, most valuable and most vulnerable members of society and to protect the innocence of our children so that they can grow up to be productive members of society and not have those demons that could haunt them for the rest of their life, as in the case of Theo Fleury and others in society who have been involved in abusive cases. We need to let our children be children and we need to provide them with all the chances of being who they are and who they strive to be.

Mr. Speaker, I know in the case of my own children, we do all we can do to make sure they get the best opportunities in life. We pay for a good education. We give them all the best of protective equipment when they're playing sporting events and this is just another tool to give them the protection they need. We wouldn't let a child ride a bicycle without a helmet. We wouldn't let a child play hockey without a helmet and we wouldn't let our children drive a car without a seatbelt. This is just another way for us to show a little protection for our most vulnerable people in society. With that, I'll take my seat.

MR. SPEAKER: The honourable member for Pictou East.

MR. CLARRIE MACKINNON: Thank you, Mr. Speaker. I'm very pleased to stand in relation to Bill No. 29. I think the intent is one that is good. I know I have three grandchildren, Claire, Grace, and Nora, and all three of them are under 16 - they range in age from 5 to 13.

I think the member - why would I talk this bill out before it would come to a vote? I think because it is folly and it has been pointed out so clearly by two members of this House - from the member for Halifax Atlantic and the member for Halifax Clayton Park. Both of them, in fact, pointed out that this means extra powers.

It's something that has been designed without proper research - and there's probably a reason for that because monies for research and researchers is based on the number of seats that you actually have in the Legislature, and with seven seats I know there is limited resources for research. But this actually is about intervention and it's about intervention of a nature that comes up with a whole secondary system.

It is a secondary system that we are looking at here. No criminal charges, restraining orders based on what looked probable. The extra powers that are involved in this . . .

MR. SPEAKER: Order. Order, please. The time allowed for debate has expired.

The honourable Progressive Conservative House Leader.

HON. CHRISTOPHER D'ENTREMONT: Thank you very much, Mr. Speaker, and I thank all members for this lively debate today during Opposition time. That concludes our business for today, and I call on the Deputy Government House Leader for our hours and our work for tomorrow.

MR. SPEAKER: The honourable Deputy Government House Leader.

MR. CLARRIE MACKINNON: Thank you very much, Mr. Speaker. The orders of the day for tomorrow - following daily routine we will be dealing with the Committee of the Whole House on Supply, then Public Bills for Second Reading, Bill Nos. 5, 9, 11, 13, 17, 20, 22, and 24. The House hours are to be from 12:00 noon to 8:00 p.m. I move that the House do now rise.

MR. SPEAKER: The motion before the House is that we now rise and meet again tomorrow between the hours of 12:00 noon and 8:00 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.

We are now at the moment of interruption. I now call under Rule 5(5), as read earlier today, a resolution put forward by the honourable member for Kings North. It reads:

“Therefore be it resolved that the House support the continuation of gasoline regulation and cost sustainability in Nova Scotia rather than having pump prices for Nova Scotians set by big oil.”

**ADJOURNMENT****MOTION UNDER RULE 5(5)**

MR. SPEAKER: The honourable member for Kings North.

**GAS REG.: CONTINUATION - SUPPORT**

MR. JIM MORTON: Thank you, Mr. Speaker. I'm very happy to rise and speak to the issue of gasoline regulation because, once again, we see some members of this House have a selective memory when it comes to the regulations. Perhaps some of them were not paying attention during the summer of 2004 and 2005 - and since that may be the case I think a little history might be enlightening.

I remember those days - I remember the conversations around my office; I remember the comments on the street when I met with people or when I stopped to buy gasoline myself. Mr. Speaker, it didn't matter what political stripe an individual was - the concerns were the same.

Consumers were upset for three main reasons: firstly, the price of gasoline was going steadily up. Sometimes the price would jump up or down 2 or 3 cents a litre on the very same day, and it didn't make sense to consumers - they were angry because they felt they were being taken advantage of.

Secondly, there didn't seem to be anyone looking out for consumers. Prices went up and prices went down, but there was never any real explanation offered for why that was happening. Consumers wanted transparency and they weren't getting that from the oil companies, for sure.

Mr. Speaker, the third reason consumers are upset is because, at times, prices in one end of the province were high and stayed high and even when prices in other regions decreased. It often took two or three days before those decreases reached consumers in other regions. In some cases the price difference was as much as 6 cents per litre, so it was significant.

While all this was going on and consumers were becoming more and more frustrated, gasoline dealers were crying out for help. They were slowly being squeezed out of business and leaving some communities with no local gas station. I know that's a fact, Mr. Speaker. In my area of Kings North there used to be a significant number of places to buy retail gasoline and in my memory, in my recent memory, those locations have been lost in villages and communities called Grafton and Woodville and Centreville and Sheffield Mills and Canning, which means a hardship for those particular communities and for many people who live in the vicinity.

Because of that experience, retailers marched on the Legislature and filled the gallery. They spoke - I know they did this to every MLA who would listen. Mr. Speaker, Graham Conrad of the Retail Gasoline Dealers Association of Nova Scotia at the time asked members of this House to help them. They asked for help for hundreds of small family businesses in communities across this province because that is what your local gas retailer is - a local small-business person who is trying to make a living selling gas and providing a service to their community.

The gas retailers asked for help so they could earn a living and provide for their families, Mr. Speaker. I know that one of those people, at that time, who is very interested in seeing regulation come into place, was Scott Fraser, who owns and operates Milne Court Petro-Canada in New Minas. He made a point of speaking out on that issue and expressing gratitude when regulation was put in place.

Mr. Speaker, it's important to remember that the person who pumps gas, who operates the cash register and who helps with directions if you need them, these people - and often those particular people are the retailers themselves - work very hard. They are providing jobs in our local economy and they buy products that other Nova Scotians produce.

This government remembers that, Mr. Speaker. We value every job in Nova Scotia. Running a retail gas station is hard work and retailers provide a valuable service to their local community. That's why those who remember the Select Committee on Petroleum Product Pricing held a series of meetings and hearings in six regional centres across the province. At that time the people spoke loudly. They were very unhappy with what was happening. They believed there was a better way and they asked the select committee to take action. The committee recommended regulation based on the model that was being used at the time in Prince Edward Island.

I'd like to remind you that there were Liberals on the committee - I see a few of them sitting in the House today. There were Progressive Conservatives on that committee and there were New Democrats on that committee too. What seems to me to get lost or ignored in the shuffle is that members of all three political stripes endorsed the report.

Now, Mr. Speaker, we have our Liberal members trying to convince people to go back to the future. Well the fact is, doing that will only get you more of what you already had in the past. (Interruption) No vision and none of us liked the price. None of us liked the price of gas, but regulation by the URB sets the price on what the actual cost of gasoline is. The price is not based on crude prices, as some people might think, but on the gasoline and diesel that you actually put in the tank of your car.

Now mind you, gasoline prices are related to what happens in the global marketplace. We're not connected, as all of us in this House know, to a western pipeline, so



that has an impact on the price of gasoline. European pricing and the demand in Europe affects the gasoline prices that we pay. Middle East instability affects the price we pay.

I do want the members of this House to know that our government is committed to work with other Maritime Provinces to determine if extending the pipeline that would bring gas to Eastern Canada, to Atlantic Canada, would actually be a benefit. That's something that will happen in the future.

Consumers are protected from unilateral decisions by a retailer or a wholesaler with regulation to charge a few pennies more just because they're the only reasonable options or are in a position to do so. The URB allows a margin of \$0.06 for a wholesaler, and for a retailer, from \$0.048 to \$0.066 per litre. I know how important that is to local retailers. Just today I made a point of calling a couple of local retailers who provide some services in Kings North. They both told me that the regulation has made a difference to them. In one case the retailer said, this has kept me in business, otherwise I would be closed. The second one talked about the stability of the margin and making a huge business in the ability to move forward.

The mathematical formula in this doesn't change. The margins are fixed and consumers can't be gouged and retailers get something they can count on. The board publishes a formula each week so consumers can see exactly how the price of gasoline is set. It's an open and transparent process that doesn't leave consumers scratching their heads. It also allows consumers to plan their purchases and have a fair chance to buy gasoline without paying one price in the morning and a different price when they go home for supper. That price cap is important, unless you want to argue that the fluctuating prices we saw in 2004-05 don't matter to consumers, but the people I talk to don't see it that way.

Equally important, if you live in Yarmouth or Sydney, regulation treats you fairly, just like every other region in the province. Another way that we get treated fairly is that the price of gasoline with regulation is also based on transportation costs. If you live in Bridgewater or Truro you pay for that transportation, but you don't pay a price based on some arbitrary decision that a local retailer might make.

Regulation works. We don't like to pay the price of gasoline, perhaps, but regulation works. Regulation protects consumers from even higher prices. Regulation protects small local businesspeople in many communities. Regulation is free from government interference. Regulation gives fair and reasonable gas prices. Gas prices are going up all over the world. Canada has the second-lowest gas prices of the G8 industrialized nations. Only the United States has lower prices, and even in the U.S. some prices are higher in some places.

Gas regulation cannot put a bubble over Nova Scotia and isolate us from the global economy, but it can make gas prices fair and reasonable. It gives us predictable changes for consumers and ensures every region is treated with equal fairness. Thank you.

MR. SPEAKER: The honourable member for Preston.

HON. KEITH COLWELL: Mr. Speaker, it's with a sort of pleasure I get up and talk about the gas regulation and the pricing of gas.

I know in my constituency I'm seeing a lot of people who are having financial problems. One of the contributors to that is regulation on gasoline. When this government took power in 2009, the price of gasoline was \$1.05 per litre. Today it's \$1.424. That's pretty well a 40 per cent increase, and last week it was over \$1.45. It's over a 40 per cent increase in those very short three years since the NDP Government was elected.

When you look at this and you see what this government - prior to this the Finance Minister and the Premier were so against this "tax on tax," they call it now, and they still keep it in place. They keep it in place because it generates millions of dollars to the coffers of the province, while at the same time the province is cutting services. They're cutting funding to education and they're cutting funding to hospitals and health care. It makes you wonder what the story is. They put the GST up 2 per cent, which put the price of gasoline up as well, because that is where the tax on tax comes in.

When you look at that, an average family, it's a tremendous burden on them. Most people in this province have to travel to work, to school, even to shop. It's just the way people have traditionally lived.

I'll give you an example of a really dire situation I have seen many times. People in the rural areas who have to travel a substantial distance for treatments, to perhaps the QEII, or the VG, or the Dartmouth General, come in and have to travel every day here to metro for treatments, every day, some people have to come for a month or more at a time for maybe some kind of radiation treatment or some other treatments. That is very expensive. By the time they pay the very expensive parking, the huge price for gasoline, they're absolutely broke, at a time when they shouldn't have to have financial worries. They've got enough problems as it is with health worries.

This is something people don't realize until they get into the position that they have to expend that money for travel they didn't anticipate and it's very serious on a family, very serious. I have had several friends who have gone through that and indeed, it's a very difficult situation, financially, for them and that puts a burden, it makes the individual who is ill even more concerned about financial affairs when they shouldn't have to worry about those at a time of illness, but that's just one minor example.

When you go through and see the devastating effect this gas regulation has had on this province - from what I understand the oil companies think it's just great because they can reap lots of profits from this and know where the price is going to be all the time and make sure, in the world market, as they buy the product - and from what I understand, as well, they buy the product sometimes six months in advance, so they pretty well know

where they're going to be when the raw materials arrive here at the refineries and they start producing the fuel.

My honourable colleague from the NDP said there is only one other place that the gas price is really lower than in Canada and that's the U.S.A. and I can testify to that. I had a trip to the U.S. last year and the price at that time was roughly 89 cents a litre and where does the crude material come from? Most of it comes from Canada, so there's something wrong with this picture. There's something desperately wrong with this picture. Then we wonder why we can't compete, our businesses can't compete with a U.S. company or even a European company. The Europeans can ship things in here, and they pay a higher price for gas in some cases than we do, but they travel less than we do.

If someone in the U.S. is going to compete with us, or even this case now with New Brunswick or P.E.I. where the price is traditionally lower, it makes it difficult for Nova Scotia companies to compete. As you go through this whole scenario, it's like having a little, small hole in the dam. You heard years ago the fairy tale about the boy who put his finger in the dam and saving the dam, well, unfortunately we can't put our finger in the dam because the hole is too big and the NDP keep making it bigger and bigger, so slowly that dam is eroding away.

What I'm saying when I use the analogy with a dam is it's finances for families and that's what I'm talking about. It slowly deteriorates their financing, slowly deteriorates the ability for them to do things with their families that they should be doing. Probably a vacation for a lot of people is totally out of the question - and when I say vacation it may be just as far as going into New Brunswick or even to Yarmouth. Of course, they wouldn't want to go to Yarmouth now because the ferry is gone, that the NDP eliminated, which was very unfortunate and killed a lot of tourism in that part of the province and even in this area, and as far as Cape Breton.

So when you add all of these things up, people don't have the disposable income they had. They're having trouble now paying insurance; they're having trouble feeding their families. I've had people in my office recently that said they have to make choices between heating their homes and groceries. You'll see it on TV and say, that can't be true, but it is true, I can tell you - that is true.

Every time the price of gasoline goes up, especially this, if you took regulation off and took the tax on tax off, it would be almost 5 cents a litre less - 5 cents a litre, that's a lot of money. I would bet you, at the time when it comes, that the price of gas would drop as well, maybe a cent or two a litre, maybe more, who knows. In the past when these studies have been done, it showed the regulation artificially kept the price of gasoline up. If you had all those things coming together you might eventually be able to save 5, 6, 7 cents per litre. That's a lot of money, especially for someone who travels a distance to work, it makes a significant difference.

We're seeing more and more fuel-efficient vehicles, but unfortunately, as the vehicles get more and more efficient, what's happening is the price of gas is going up with it. So you just can't keep ahead of it. You just can't keep ahead of it.

Then we look at the power rates we have in this province and tie that into this price of gasoline, and those have been kept artificially high because this government will not intervene. They will not intervene. Our caucus goes every time to the Utility and Review Board hearings and intervenes and makes presentations outlining what the cost is to Nova Scotians and how difficult it is. The government doesn't do anything. They sit back and they watch. They watch as these increases go up. I think it's a 38 per cent or 40 per cent increase in power now.

So you've got over a 40 per cent increase in the price of gasoline and almost 40 per cent in power. That means that groceries have gone up in price because the grocery stores cost more to operate, more to move their vehicles around to deliver things, more for power in the units, and all these costs escalate. The incomes aren't escalating to match them, and they raise the minimum wage and that doesn't do the job, because oftentimes when they raise the minimum wage or try to correct some of these things, it bumps somebody up into a higher tax bracket and they actually take less money home than they did before the minimum wage went up.

So if you take all these factors - and these are only a couple of factors I'm talking about. There are many, many more. Property taxes are going up. This government cancelled the memorandum of understanding where they would take over service of the municipalities, education costs and corrections costs and housing costs that were being provided the money by the municipalities on their property taxes - on property taxes. So that means the only people who are paying for this in the municipalities are the property owners, whereas in the province they collect income tax and everybody who pays income tax would share in some of the costs of these services.

The whole system needs to be corrected. It really needs to be corrected, and we need to look at family. We need to take an average family in our province, one or two children, and then look at the needs of a family like that. We also need to take seniors and look at their situations and then we need to look at businesses to see what their situations are and see if we can come up with a fair tax structure that would mean that everybody could live a reasonable life in this province - a reasonable life, so you could go on a modest vacation, you could make sure that your children are enrolled in a hockey program, or baseball, or whatever it is that the children wanted to do to keep them off the streets and teach them some teamwork and some valuable lessons that they need through life. It would mean that seniors can stay in their homes and do the things in their homes that they need to and not worry about turning the thermostat up in their home, and that they can still go to the grocery store and buy groceries.

This gas regulation has not worked. It has not worked. It has meant more expense for families in Nova Scotia - so much for a better deal for today's families that the NDP was talking about during the election. They've proven just the opposite in all these things that they said they would reverse.

Just one last thing - \$1 million a day goes to the increase that every Nova Scotian pays for the GST increase that this government has imposed upon them.

MR. SPEAKER: The honourable member for Hants West.

MR. CHUCK PORTER: Mr. Speaker, I should point out by the attendance here in the House tonight and how important this issue is - how many people are here and how important that members are listening to what is going on, and that really tells the tale, doesn't it?

We can see that gas regulation is an issue for the people at home, most importantly, who are travelling to go to work each and every day. They're trying to figure out how we can get lower gas prices in the Province of Nova Scotia. Now, over the course of a number of years there have been a variety of different opinions on this. We've heard the Liberal Party say, oh, take the regulation off gas, that's the answer. Well, that's not really the answer. We saw that in other places. We see in New Brunswick that the Liberals took 5 cents a litre off the gas over there, and they tried to tell everybody we're saving you money, we're saving you money, we're saving you money, we're taking that 5 cents off a litre - and what are we doing with that? Oh, yes, but we forgot to tell you we're putting it back on the income tax side of things. We know how that goes.

This is not about politics. This is about the reality of people and the hardships that they are facing every day travelling to and from work. Unfortunately, there is a cost associated with that, and there's no choice in the matter. They have to have a vehicle; they have to get to work. There are a lot of folks who are carpooling now. We have the vans that travel in. Some people here in the metro area, fortunately, are able to take the bus now that they're back to work, without that minor interruption there for a few weeks - of course a major interruption for some.

Mr. Speaker, the cost is painful. That's really the only word for it when you think about having to go to the pumps and make that decision and people are doing \$10 and \$20 here and there. People I talk to want to know, what are you going to do about the price of gas? We see in some provinces where the gas is not regulated. I think it was in Ontario, last week or the week before, we saw a massive climb, a change of, I think, 8 cents a litre in a day.

Now in 2006, I believe, when gas regulation was put in by the previous government, it was done on the basis of trying to stabilize the cost, stabilize the pain to some degree so that at least week to week - and at that time it was about two weeks, I

believe, when that first went in – for most people it was at least paycheque to paycheque, you can could on the price of a litre of gas being the same cost.

Unfortunately that went to a week. I argued at the time that I felt that two weeks would have at least stayed with the mindset of stability, so that people would know, at least, when budgeting. And people do live, unfortunately, paycheque to paycheque in this province, a great deal of people do. Part of that getting up, going to work and buying gas is part of that budgeting every two weeks and they need to know what the costs are. Unfortunately, not everybody has the ability to combine travel, depending on what their jobs are, and the independence that they need and exactly what they do for a living.

Some people travel on the road for a living, obviously, but we have supported, in recent months here, our Leader and our Party, taking the tax off tax on gas. We believe that has to be looked at seriously. Government would argue that taking the taxes off would decrease funds going into general revenue which, of course, would decrease funds being spent on the roads.

Now for the urban members who don't have to deal with the road issues, that may be not as big an issue for them, but I can tell you, as a rural elected member, it's a big deal where I come from and I know, Mr. Speaker, where you come from, the importance of travelling on roads. I've seen you stand in this House on many occasions and bring up the point of this road or that road, New Boston Road comes to mind, needing to have repairs and that is one of many.

I know that the Ashdale Road in my area, as an example, in the last week or so I've been getting numerous e-mails and have spoken with Transportation on what we're going to do for a plan. Of course they're going to say well, we know it. There are a lot of roads. We don't have money. Where does the money come from? It has been said that the money comes back from that tax that is being charged on the gasoline.

I've not seen figures recently to know that 100 per cent of that tax is going back on the roads. I'd like to think and hope that it is because the roads certainly need a pile of work. I know, as you probably do, Mr. Speaker, that we need to get some road work done this construction season, all over the Province of Nova Scotia, on bigger highways. I have Highway No. 101 down there that is a large project that has been stalled for some years now, unfortunately. We're hoping to get that back underway. That's going to take money.

So people do, on one hand, complain, and rightfully so, about the price of gas and we think that we can control the price of gas here. Well, we can't and I think when people really look at this, they know themselves that we don't have much control over what the price of gasoline is in the Province of Nova Scotia. It is, unfortunately, set by others, by those who can and do drive the markets, unfortunately, reflecting how the prices shoot up and down. Speculators are the worst to drive the markets. There should be some law about

speculation, maybe. I don't know how you'd ever get around that but that has been detrimental to the price of gas.

Seasons, holidays, unfortunately, seem to put the price of gas up unnecessarily. You would think that because the volume would be up, they wouldn't need to raise the price of gas because it's coming into summertime or long holiday weekends when we know people travel - and what do they do? They inflict more pain by putting the price of gasoline per litre up. That is never a pleasant time for anyone, nor is it the right thing to do.

You know, you talk about regulation, one of the things that is forgotten in this province is there are service stations and companies that opt out of regulation, that is an option. Not every station does have to opt into regulation. We've heard the member for Kings North speak a few moments ago about service stations in rural Nova Scotia, specifically in Kings County, in his area. We know that there have been quite a few service stations that have gone out of business because of their inability to make a substantial amount - I say substantial - enough to even stay open and to support what it is that they've been trying to do, especially in rural Nova Scotia because again, it's a volume issue.

So there is a bit of a price differential for those areas and it has, indeed, saved a lot of gas stations around rural Nova Scotia that would have otherwise likely have been closed. They'll tell you that if you visit them and you talk to them about it and you ask how it's going, they'll say the only thing that has saved us - you know. They tried to sell the chocolate bars, the chips and the pop and all these other little things on the side. That won't pay the bills, unfortunately. That won't pay for staff.

The ability for them to have regulated gasoline and to have an adjustment mechanism in that whereby they can have maybe a few cents more a litre in smaller areas like in Lower Burlington, where Doug Sanford has a store and a gas station. He's been able to stay open and survive. I wouldn't call him remote, but he's quite rural, in my area. He's probably 25 or 30 kilometres from Windsor, where it would be one of the closer gas stations, and of course Brooklyn, a little closer than that again. He's probably still 20 kilometres from Brooklyn, but he provides a good service to the folks on the shore. Thankfully he's there.

Regulation and gasoline are not the biggest issue, but I think what we do need to have, and I know that we spoke as a caucus on this, is a look at the tax on tax. In closing, I would also say that it may not necessarily be what everyone wants, but it has been proven - 48 of the last 52 weeks, there have been cheaper gas prices with regulated gas than there have been with non-regulated gas. The markets will show that. People need to educate themselves on that as well, and I do know they get upset. We all do when we see prices driven up based on speculation.

What is the cure? I'm not sure there will be a cure for the high price of gasoline. We know in Europe for many years now gas has been very high. It's catching up with us here in North America, and certainly here in Canada, and we're not immune to that.

I see we're just about through with the time allotted for late debate, so with those few words, I will take my seat.

MR. SPEAKER: I want to thank all members for their participation in tonight's debate.

We are adjourned.

[The House rose at 6:27 p.m.]



**NOTICES OF MOTION UNDER RULE 32(3)****RESOLUTION NO. 264**

By: Hon. Darrell Dexter (The Premier)

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

Whereas Gary Holt, long-time basketball announcer for the Dalhousie Tigers and the Atlantic University Sport and Canadian Inter-university Sport championships, has decided to turn in his microphone and retire from announcing after more than 30 years as a volunteer; and

Whereas Gary's passion for sports, especially the game of basketball, was evident early in his life, starting as a scorekeeper in junior high and becoming a coach while still in high school; and

Whereas Gary's voice has become a familiar sound to basketball fans in Nova Scotia and beyond as he has shared his craft and volunteered countless hours over the years;

Therefore be it resolved that all members of this House recognize Gary's dedication to the sport of basketball and join me in congratulating him on more than 30 years of volunteerism and wish him well as he moves on to the next chapter in his life.

**RESOLUTION NO. 265**

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 last night, the Halifax Mooseheads became the fourth team in the history of the Quebec Major Junior Hockey League to rally from three games down in a Best-of-Seven series and win four straight games; and

Whereas the Mooseheads did this in Quebec City against the Patrick Roy-coached Quebec Remparts in a 5 to 4 overtime win; and

Whereas the Mooseheads were also helped immensely by Cameron Critchlow, who scored all four Moosehead goals in regulation time;

Therefore be it resolved that all members of this House of Assembly congratulate the Mooseheads on their dynamic play and wish them every success in their upcoming League Semi-Final series with the Rimouski Oceanic, which opens this weekend at the Metro Centre.

**RESOLUTION NO. 266**

By: Hon. Jamie Baillie (Cumberland South)

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

Whereas the current NDP has been warned that it is unethical to incur large deficits at the expense of our children's future; and

Whereas the NDP were handed a financial surplus when attaining office in 2009, yet raised over \$1 billion in new taxes during their time in power; and

Whereas the NDP refuse to listen to warnings or their consciences today while proposing yet another deficit budget;

Therefore be it resolved that all members of this House of Assembly urge the NDP to stop dismissing recommendations and impoverishing our province.

**RESOLUTION NO. 267**

By: Mr. Eddie Orrell (Cape Breton North)

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

Whereas the quality of education being delivered by this NDP Government is a critical issue now and will remain so during the next provincial general election in Nova Scotia; and

Whereas the Minister of Education is offering no long-term plan for education, with no better example being the public outrage shown in Truro before 150 individuals Wednesday evening; and

Whereas despite the fact that the Nova Scotia Teachers Union is demanding the Minister of Education be replaced, saying, "Education is not a priority for this minister," the minister is somehow convinced the call for her removal by the teachers union is a family disagreement;

Therefore be it resolved that the Minister of Education immediately recognize the \$65 million in education cuts undertaken by her government over the past two years is more than a family disagreement, and that families from Neil's Harbour through to Tusket will make a permanent decision on her government's future in the next election.

### **RESOLUTION NO. 268**

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 the present NDP Government said in their 2009 campaign brochure, "Too often Nova Scotians are forced to wait too long for the health care they need."; and

Whereas nearly three years later, home care waits are as high as four months or longer in Nova Scotia; and

Whereas this NDP Government must understand there is far more to the proper delivery of health care other than concentrating solely on Collaborative Emergency Centres and fancy ad campaigns;

Therefore be it resolved that all members of this House of Assembly immediately demand the Minister of Health provide a detailed staffing plan for home care so that Nova Scotians are not waiting in their homes, four months later, not knowing when home care is on the way.

### **RESOLUTION NO. 269**

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 more than 20 months ago on June 1, 2010 the Minister of Health and Wellness said her government was undertaking a new mental health strategy to revamp mental health and addictions services; and

Whereas more than 20 months later, Nova Scotians are anxiously awaiting the release of this strategy while wait lists for mental health patients continue to grow at uncomfortable rates; and

Whereas on October 1, 2010 the Acting Executive Director for Mental Health, Children Services and Addictions Treatment Branch in the Department of Health and

Wellness said in an e-mail that nearly 45,000 Nova Scotians, 24 years of age or younger, were coping with mental issues;

Therefore be it resolved that the Minister of Health and Wellness immediately get a firm grasp of the serious situation facing Nova Scotians suffering from mental health and devise a strategy so they are not waiting months on end for a form of care.

#### **RESOLUTION NO. 270**

By: Mr. Alfie MacLeod (Cape Breton West)

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

Whereas allNovaScotia.com reported on their Website Tuesday, the Minister of Natural Resources and his department were sending mixed messages and in the process were throwing the entire forest industry into disarray; and

Whereas the mixed messaging resulted from a proposed controversial forestry practice known as whole-tree harvesting, this despite the fact the current and former members of Natural Resources said is on its way out of the province; and

Whereas whole-tree harvesting is described as a basic clear-cut where even the junk parts of trees, like stumps and stems, are removed from the forest floor, making it more difficult for the forest to recover;

Therefore be it resolved that the Minister of Natural Resources provide a clear-cut message on his government's policy toward whole-tree harvesting so that forest industry representatives can do some planning ahead with Nova Scotia's \$1 billion a year industry.

#### **RESOLUTION NO. 271**

By: Mr. Eddie Orrell (Cape Breton North)

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

Whereas the NDP have cut millions of dollars from our rural schools; and

Whereas numerous schools have closed, costing many desperately needed jobs in those communities; and

Whereas the NDP continue to play favourites amongst their political games;

Therefore be it resolved that all members of this House of Assembly acknowledge that these cuts to the core are devastating to the children and future of Nova Scotia.

**RESOLUTION NO. 272**

By: Mr. Keith Bain (Victoria-The Lakes)

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

Whereas Victoria County Warden Bruce Morrison said recently that in his 15 years of service on county council there are more complaints from people about road conditions than ever before; and

Whereas Warden Morrison said there are sections of the Cabot Trail that are in deplorable condition; and

Whereas Councillor Merrill MacInnis is also on record saying, "Council tries to attract people to the Cabot Trail but we have roads that in some areas are not fit for a horse and wagon";

Therefore be it resolved that all members of this House of Assembly encourage the Transportation and Infrastructure Renewal Minister to visit Victoria County as soon as possible to discuss potential solutions for highway repairs, prior to the summer tourist season beginning.

**RESOLUTION NO. 273**

By: Ms. Vicki Conrad (Queens)

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

Whereas the 18<sup>th</sup> Annual Special Olympics Festival dinner and auction was held in Halifax in February 2012; and

Whereas at this event, Jamie Belong of Liverpool received the Doctor Frank Hayden Award; and

Whereas Jamie Belong is the first recipient of the Doctor Frank Hayden Award in Nova Scotia;

Therefore be it resolved that the House of Assembly recognize and congratulate Jamie Belong of Liverpool for not only receiving the prestigious Doctor Frank Hayden

Award but also for being the first Nova Scotian to be acknowledged by the Special Olympics with this award.

**RESOLUTION NO. 274**

By: Ms. Vicki Conrad (Queens)

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

Whereas community partnerships are key to making our communities safe places to live and raise families; and

Whereas 49 organizations across Nova Scotia will receive funding through the One-Time Community Crime Prevention and Reduction Grant Program; and

Whereas Plant to Plate of Liverpool is one of these 49 organizations to receive investment support of \$1,000 for its Youth Leadership and Urban Garden Program;

Therefore be it resolved that the House of Assembly congratulate Plant to Plate of Liverpool on receiving funding through the One-Time Community Crime Prevention and Reduction Grant Program to support the Youth leadership and Urban Garden Project.