

HANSARD

NOVA SCOTIA HOUSE OF ASSEMBLY

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

Tuesday, March 29, 2010

Committee Room 1

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**HOUSE OF ASSEMBLY
MANAGEMENT COMMISSION**

Hon. Gordon Gosse (Chairman)
Hon. Frank Corbett
Ms. Pam Birdsall
Mr. Maurice Smith
Hon. Manning MacDonald
Mr. Andrew Younger
Hon. Christopher d'Entremont
Mr. Neil Ferguson, Chief Clerk of the House of Assembly
(Non-Voting Member)

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Ms. Deborah Lusby
Director of Administration
Speaker's Office

HALIFAX, TUESDAY, MARCH 29, 2011

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

1:00 P.M.

CHAIRMAN
Hon. Gordon Gosse

MR. CHAIRMAN: Good afternoon, I would like to call the meeting to order, for Tuesday, March 29, 2011, of the House of Assembly Management Commission. The first item is the approval of the January 11th minutes that were circulated on February 21st. Did everybody receive a copy of those minutes?

I would like to have a motion to approve the minutes. (Interruption) Moved by Mr. Frank Corbett and seconded by Mr. Maurice Smith.

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

The motion is carried.

We have a very short agenda today. Next on the agenda is caucus funding. Mr. Andrew Younger.

MR. ANDREW YOUNGER: Thank you, Mr. Chairman. I think everybody has been distributed the amendment. No? Sorry. I think we talked about it briefly at the last meeting, but I think since we've heard that all Party Leaders were in support of the change just clarifying that the transition year would be considered a fiscal year, not only for - we had already done it for the MLA issues, but also for caucus funding.

I'll just give a minute for that to be distributed. I thought the people had it, but I would put the motion on the floor that this amendment be approved by the committee.

HON. MANNING MACDONALD: I'll second it.

MR. CHAIRMAN: Seconded by Mr. MacDonald.

Mr. d'Entremont.

HON. CHRISTOPHER D'ENTREMONT: Mr. Chairman, just to understand - this thing just came before us - we see in the second clause that notwithstanding Section 33(2) of the commission regulations where a caucus office has gained a member during the transition period, the caucus office does not receive funding for that member until April 1, 2011.

I'm just wondering how that matches up with what you had been talking about, because originally this started off with the 15-month discussion and not being able to receive funding for that period of time, and I think when all members stood up and talked about receiving funding for their caucus offices, I believe they said they would not accept it for that full year, which would mean not receiving funding for anybody until April 1, 2012, so I just want to see what that recollection is.

MR. CHAIRMAN: Mr. Younger.

MR. YOUNGER: Yes, I actually have the Hansard here from that meeting and I was actually quite clear in the Hansard that the issue that I brought forward at the time, which then all Parties accepted subsequent, was that we were taking constituency office funding and requiring that to be a three-month fiscal year and then everything else was becoming a regular fiscal year April 1st to March 31st of the following year. That is what I spoke about, which should happen for caucus offices as well. I didn't see the need to have a 15-month year. It sounded like all Parties subsequently agreed to that and that's exactly what this does so that the regulation just stays normal.

The one thing that the Liberal caucus has given up here is under the old regulations obviously. Because we gained a member, we could have gotten additional funding for that short transition fiscal year. What that second piece does, which Mr. d'Entremont has asked about, is it waives that so we won't be - well, we haven't accepted that but, obviously, apparently we have to put it into the regulations in order to not accept it, which is kind of amusing actually, but that just clarifies that it's only us who actually lose money under that, nobody else loses money.

MR. CHAIRMAN: Mr. MacDonald.

MR. MANNING MACDONALD: Just to put it in perspective, on April 1st we'll have 13 members. All they want is funding for 13 members the next year - that's all.

MR. CHAIRMAN: Mr. Smith.

MR. MAURICE SMITH: I'm following up on what Mr. d'Entremont said. My understanding was that the position of the Liberal Party was that they were not going to accept any funding for the new person who came over from the Tories to the Liberal Party for this year.

MR. YOUNGER: Mr. Chairman, I have my Hansard right here and I'm very clear that I said that the transition year would be meant as a year. Our Leader was very clear in the release, he said a year and he said very, very clearly at that time that it was the year and we spoke of the transition year and we said that the regulations should be the same as constituency offices. I mean, I have the Hansard word-for-word what I said right here, and it's very, very clear.

MR. SMITH: It's as clear to me as it could be from the Leader's press release that he clearly said, we are not accepting the money, for Ms. Casey's coming to us, in the amount of \$45,000 for the year.

MR. MANNING MACDONALD: But this is a new year starting next week.

MR. YOUNGER: This commission, with respect for . . .

MR. CHAIRMAN: Order, please. Mr. d'Entremont was next.

MR. D'ENTREMONT: Well, I'm just going to continue to follow up on that issue. I mean, the Leader of the Liberal Party was very quick to come out after our last meeting and say - I'll bring the quote and I can table it here - it's very disappointing, we'll show leadership on this issue and not accept money for this year for our new member. This is as of January 14th - so what is a year? A year is not a three-month period - a year is a year.

MR. CHAIRMAN: Mr. Younger.

MR. YOUNGER: Mr. Speaker, if we want to go down that road I'm happy here now to quote both Mr. d'Entremont and Mr. Corbett who felt that their Parties should actually keep money for members that they didn't have. I defined a year for the purpose of the Leader here at this . . .

MR. D'ENTREMONT: Can't go both ways, Andrew. Why is it going both ways, Andrew?

MR. CHAIRMAN: Order, please.

MR. YOUNGER: Mr. Speaker, I will quote my definition of a year very clearly at that time, which the House Leaders of the NDP and the Tories actually argued should not be the case. I said this will be a short year of January, February and March, so January, February and March nobody is losing money because of what happened - and everybody knew we were coming to a short year. And then the next year, as the agreement of the rules

we've already passed begin April 1st, we all agreed that - in fact we had just passed a motion indicating that was the definition of a year and the Leader put out a press release that clearly indicated the same, and right after I had already defined what I was arguing for at the time and I was happy to have his support and I was happy to have the support of the other two Parties who at the time were arguing that they should actually keep additional money from April 1st to March 2012.

MR. CHAIRMAN: Mr. Corbett.

HON. FRANK CORBETT: Well, I guess in short that just because you define it, it doesn't make it right.

MR. YOUNGER: Well, respectfully, that definition came from the NDP and we accepted that definition of a short year. In fact, the only Party that loses money under the motion that I am proposing is actually the Liberal caucus. Neither the NDP nor the Tories lose money because what we've done is we've actually given up money for a member that we acquired during the transition year. In fact, we're the only ones that lose money in this case.

MR. CHAIRMAN: Mr. MacDonald.

MR. MANNING MACDONALD: Mr. Chairman, all I'll say is, look, April 1st is a new year, we have 13 members, and all we're looking for is funding for 13 members for the next year; it's as simple as that. I'm not going to get into all of the machinations that went on with this but we have 13 members, it's a new fiscal year starting Friday, I guess, and we're looking for no more, no less than the amount of funding that is legitimately ours for 13 members, that's it.

MR. CHAIRMAN: Mr. d'Entremont.

MR. D'ENTREMONT: Well, listen, here's the added problem on top of this. Here we are at a meeting, we've yet to see a number of changes to our regulation, that has not been seen by any other caucus, has not been caucused by anybody except for what we've been able to glean from what we think might be going on today.

MR. MANNING MACDONALD: You and I talked about it this morning.

MR. D'ENTREMONT: We talked about it this morning, but did we get a piece of paper (Interruptions)

MR. CHAIRMAN: Order, please.

MR. D'ENTREMONT: Did we get a piece of paper that said . . .

MR. MANNING MACDONALD: There's nothing . . .

MR. D'ENTREMONT: I called you, you didn't call me. I called you to see what the heck is going on.

MR. MANNING MACDONALD: Mr. Chairman, all we're looking for is what we are entitled to here.

MR. CHAIRMAN: Mr. d'Entremont.

MR. D'ENTREMONT: I have a number of amendments, too, so if you want to talk about amendments, then let's put them all on the table and talk about possible amendments and maybe do it that way. Right now we've got one amendment that they're not trying to snooker us into saying no to because . . .

MR. CHAIRMAN: Order, please. We have one motion on the floor right now and we'll deal with that motion on the table first before we deal with any other motions. Mr. Smith, you had your hand up?

MR. SMITH: No, I'm okay, thank you.

MR. CHAIRMAN: Mr. Younger.

MR. YOUNGER: Thank you, Mr. Chairman. Listen, I don't want to get in a fight with my colleagues on this. The fact of the matter is, I apologize - I actually thought the other Parties had received the early version and I apologize for this. However, what I will say is that every Party and every Party office knew exactly what they were coming here for because the motion is exactly in line with my words, which have been in Hansard and on-line for over a month now. They are exactly in line with what I said at that meeting and they are exactly in line with the fact both the Leader of the NDP and the Tories - sorry, it was the Leader of the Tories and the Deputy House Leader - came out and indicated that after the meeting they would be supportive of that in the media.

The fact is that these regulations do not change today. If the regulations change today, it's only the Liberal Party that actually loses money. If the regulations do not change, let us not forget that the Tories will actually gain \$90,000 and the NDP will gain \$45,000, which they are not entitled to, and respectfully, Mr. Chairman, the Liberal Party already tried to not accept the money from Ms. Casey for the transition year and we were advised that no Party has the ability to turn down the money unless the regulations are changed.

The fact of the matter is these regulations address that and they are exactly what I said, and I have copies of my Hansard here from exactly what I said at the time, including the fact that we are talking about the transition and the definition of a year was taken from the government, it was not made up by the Liberal Party.

MR. CHAIRMAN: Okay, so we have a motion, a motion that was handed out here, it's before the floor right now, so let's call a vote on the motion.

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

The motion is defeated.

MR. MANNING MACDONALD: Defeating that motion means that for the entire next year, we get funding for 12 members even though we have 13.

MR. YOUNGER: No, we'll get 13. They're going to get one - the NDP will get funding for a member that they don't have - and the Tories will get funding for two members . . .

MR. CHAIRMAN: Order, please. Mr. Manning MacDonald has the floor.

MR. MANNING MACDONALD: I just want to clarify that, that's all. Is that your interpretation, Mr. Solicitor, or are we okay?

MR. CHAIRMAN: The Chief Clerk, Neil.

MR. MANNING MACDONALD: Because I'm totally confused about this now.

MR. NEIL FERGUSON: The current transitional Regulation No. 6, unless it is amended today in some manner, does provide that each of the Parties would receive the money that Mr. Younger has described. In other words, the Liberals would receive the additional money for Ms. Casey and the Progressive Conservatives, under the existing transitional Regulation No. 6 would continue to receive the funding for the balance of the 15-month period, as would the New Democratic Party for the two members who left, being backbenchers they became either the Speaker or a Cabinet Minister. That is if there are no other changes to the regulations and they continue in place.

MR. CHAIRMAN: Mr. Manning MacDonald.

MR. MANNING MACDONALD: Just for further clarification, am I to understand by that statement that both Parties will get funding for Karen Casey, moving forward? Now that's ridiculous.

MR. FERGUSON: That is the outcome if the regulations are not changed today.

MR. YOUNGER: And the NDP will get funding for the Speaker.

MR. FERGUSON: Yes, both people who were backbenchers at the time.

MR. YOUNGER: The whole point was . . .

MR. FERGUSON: I believe somebody has indicated that there were other motions that were going to be proposed, so it may well be that that has changed.

MR. CHAIRMAN: Mr. Smith.

MR. SMITH: I'd like to move a motion in connection with this issue.

MR. CHAIRMAN: Does everybody have a copy? Okay, Mr. Smith.

MR. SMITH: This motion effectively that I'm presenting indicates that it's an amendment to Section 6 of the transition regulations and it entails including two new clauses to Section 6. Clause 2 would say: Where a caucus office of a recognized Party has lost a caucus member during the transition period, the caucus office does not receive funding for that member on or after April 1, 2011. Clause 3 says: Where a caucus office of a recognized Party has gained a caucus member during the transition period, the caucus office does not receive funding for the member until April 1, 2012.

That effectively does away with the NDP receiving funding for two caucus members where one has gone to Cabinet and one has gone to the Speaker's Chair and also does away with the Tories receiving money for the person who crossed the floor. It also does away with the Liberals receiving any money for that person until April 1, 2012, which I believe is consistent with what we've been told was requested by the press release that went out by the Liberal Leader immediately following our last meeting here. We were challenged to come up with a solution to this problem so that we wouldn't be receiving these funds, it clearly indicated that the Liberal Party would not be accepting those funds for the year and the year at that time was not the transitional year, it was the full year, and the amount was put in that release of \$45,000. It's as clear as it could be that that's what the Liberals said they wanted and this amendment acquiesces to that request.

MR. CHAIRMAN: Mr. Younger.

MR. YOUNGER: Mr. Speaker, what is clear is that the NDP were annoyed that I brought this issue forward at the last meeting and that they were embarrassed, as the Tories were, because they were double dipping, in the Tories' case with Cecil gone now they were triple dipping. This is retaliatory, that's all this is because my words speaking on behalf of the Party were absolutely clear in detail. I went over it and over it, it is in the Hansard, it has been clear. The fact is, all this is, it is a retaliatory move by the NDP because they know in the other one we were the only ones giving up money so that the Tories could actually keep theirs for the transition period - which they did. They kept that money during the transition period; we gave up money during that period. The NDP made a big deal about the fact that they had to lay off staff - and I can certainly go through the defence here that the House Leaders of the two Parties gave for that money.

It's interesting that the tune has changed and the way the tune has changed is to be retaliatory and ensure the only Party that will suffer is the Official Opposition in this, when my words were abundantly clear and are very clear here - and I'll certainly be more than happy to provide copies of that, the Leader's release. The definition of the year, which was in that release, was the definition that had already been passed by the NDP and that's where that was taken from. It wasn't brought forward, that definition wasn't suggested by the Liberal caucus, or the Tory caucus for that matter, it was suggested by the NDP. It's interesting to see them make a retaliatory move which obviously they had the majority in the past and we will have no choice than to live with that.

That's pretty typical, and we've seen that of the Dexter Government, retaliatory against other Parties, and of course the people of Nova Scotia on other issues from tax hikes to everything else.

MR. CHAIRMAN: Order. I didn't have a seconder - oh, Pam Birdsall seconded. Ok, Mr. Manning MacDonald, please.

MR. MANNING MACDONALD: Let me say again that despite all the rhetoric that's going all around the table here on this issue, the facts of this are that April 1st is a new budget. We have 13 members and all we're looking for - I don't put any stock in what may or may not have been said before, all I'm saying is that as a caucus we have 13 members and all we're looking for is our right to get paid for 13 members in the next year. There's no mystery behind that - if you have a certain number of members you get paid for those members. Who said what about not accepting funding and that, in my opinion, is not germane to the discussion.

The discussion is that the new caucus year funding starts April 1st. We have 13 members and we should get paid for 13 members. I don't care what the other caucuses do. All I know is that we should be getting paid for the number of members, as has been done in the past, and we're being denied this.

MR. CHAIRMAN: We'll have a vote on the motion. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

Mr. d'Entremont.

MR. D'ENTREMONT: I have three amendments; if we could treat them all together and probably just clean up a few of the ends that we were talking about.

MR. YOUNGER: I thought you said they had to be caucused.

MR. D'ENTREMONT: Well, we had a quick caucus this morning. (Interruption) I think one of them would have been already discussed in the last motion. What I wanted you to see is the one that is at 6(2) which is the issue of notwithstanding Section 33(2) of commission regulations - if the caucus office has gained a member during the transition period, the caucus office may decline funding for that member for the 2011-2012 fiscal year.

I think this is sort of the discussion that we had that you couldn't decline the dollars. I think Andrew brought that one up earlier, so maybe we should try to clean that one up so there's a recommendation in there.

And the number one, of course, for the purpose of Section 33 of the commission regulations, the transition period shall be considered to be one year and the amounts payable with respect to the transition period of that section should be one-fourth of it. It's just more of a cleanup now.

I'm just looking to Gordon now to see what is relevant and what's not.

MR. GORDON HEBB: In view of the amendment that was just passed, which is where the new sub (3) to Section 6 of the transitional provision, where it says if a caucus office of a recognized Party has gained a caucus member during the transition period the caucus office does not receive funding until April 1, 2012. If you look at your proposed subsection (2), I do not think the situation can ever arise where you'll be entitled to the money and therefore you can't decline it, so I don't think it does anything.

MR. D'ENTREMONT: There you go; I'll withdraw that motion then. (Interruption)

MR. HEBB: The other one you've done does do something different than . . .

MR. D'ENTREMONT: So I'm just wondering which one I passed around. Like I said, I had three.

MR. HEBB: It's an amendment to the main commission regulations.

MR. D'ENTREMONT: Where it says that, be it resolved that subsection 33(2) of the House of Assembly Management Commission Regulations is amended by striking out and a prorated proportion of \$45,657 for the remainder of the year for each additional member of the caucus again during the year.

MR. HEBB: And what that is saying is that in any future year, the caucus would not get any money for a member gained during that year - they would have to wait until April 1st before getting any additional money. We're not talking about the transitional period; we're talking about any time in the future. If, in 2015, you pick up a member during the year you wait until April 1st before you would get the additional amount.

MR. D'ENTREMONT: Unless, of course, there was an election or something that would predispose that anyway. (Interruptions)

MR. CHAIRMAN: Mr. Younger had the floor next.

MR. YOUNGER: Maybe the Government House Leader is going to say the same thing - this motion doesn't refer to an election and if you can imagine in the case of the current government, they've picked up quite a few members, they would have been in a bit of trouble from June to April 1st of the next year. If there's a single by-election in the year, maybe that doesn't matter so much, but I would say that if you have a general election and 10 members change hands that could be an issue.

MR. CORBETT: I'll disagree. they were the benefactor of new members, too, in the by-election, Mr. Chairman. The fact is that we are looking at a by-election in reality, because the member for Cape Breton North has resigned.

I guess for clarity, Chris, I'm asking if there was an election from now to whenever - let's say for the sake of argument, in September there's a by-election, I would interpret this as saying that there would be nothing received for that member until April 1, 2012.

MR. D'ENTREMONT: It would be our understanding that elections would be different and treated differently from this motion. This would be more of someone crossing the floor than it would be on an election, just to give clarity to that issue.

MR. CHAIRMAN: Mr. Younger.

MR. YOUNGER: Clearly, even with that last comment, it's pretty clear the Tories are bitter about Karen crossing the floor.

MR. D'ENTREMONT: Not at all, like I said, good luck.

MR. YOUNGER: The question I have about this is, it would be much more supportable if it was pro-rated in both ways. Why, instead of just saying that the Party that loses - you see in this case the way it is worded - the member would actually still keep the funding for the year, but the Party that gained the member would not get their pro-rated portion. (Interruption)

I know, but you're saying they wouldn't get it. So it would make much more sense as a motion if you just said, instead, eliminate the double-dipping altogether and just pro-rate it on both ends, so that the Party that loses the member, either through resignation or whatever - it doesn't matter why - would have their funding pro-rated and then the other would be pro-rated but obviously that would require different wording.

In this case this motion actually creates a situation where a Party that doesn't have a member still continues the funding for that member that they no longer have, which was why we were trying to correct things in the earlier motions of today. The way it is worded now actually goes against the statements of the Tory Party's own Leader.

MR. ENTREMONT: Well quite honestly, the member can spin things any way he really wants to. I'm glad there is media in the room. I'm sure somebody will try to interpret it in any way differently but what we're saying is we're trying to stop this whole issue from arising again - there will be, from time to time, where people will make a decision to be in one Party or another, and we won't come up to this kind of discussion in the future. So ultimately the dollars should cease immediately upon the person making their decision and that new caucus can't pick it up until the start of the next new year. So from a budgeting standpoint, you know what you're doing throughout that year.

MR. YOUNGER: And that's fine, Mr. Chairman, I'm just arguing that it should actually come on the other end as well. If it's going to be pro-rated, I think we should all agree that it should be pro-rated on both ends. It seems to be only half a motion.

MR. D'ENTREMONT: Ultimately we'll need a seconder anyway for that and we don't have one.

MR. YOUNGER: Why are we debating this?

MR. CHAIRMAN: There is no seconder on that motion, so there is no need of calling for a vote for that.

With all being said and done, is there any new business or anything else to be brought forward?

I will now call the meeting adjourned.

[The committee adjourned at 2:00 p.m.]