

HANSARD

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HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

Tuesday, March 3, 2015

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**HOUSE OF ASSEMBLY
MANAGEMENT COMMISSION**

Hon. Kevin Murphy (Chairman)
Hon. Michel Samson
Ms. Margaret Miller
Hon. Labi Kousoulis
Mr. Lloyd Hines
Hon. Christopher d'Entremont
Mr. Larry Harrison
Hon. Frank Corbett
Mr. Neil Ferguson, Chief Clerk of the House of Assembly
(Non-Voting Member)

[Mr. Terry Farrell replaced Hon. Labi Kousoulis]

In Attendance:

Speaker's Office Adviser
Ms. Deborah Lusby
Director of Administration
Speaker's Office

Ms. Annette Boucher
Assistant Clerk
House of Assembly

Mr. Gordon Hebb
Chief Legislative Counsel



House of Assembly
Nova Scotia

HALIFAX, TUESDAY, MARCH 3, 2015

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

11:00 A.M.

CHAIRMAN
Hon. Kevin Murphy

MR. CHAIRMAN: Good morning, it's 11:00 a.m. so we'll get rolling. I think everyone is here and accounted for. Welcome to the House of Assembly Management Commission meeting.

The agenda and materials have been distributed and I will call for any additions or errors or omissions to the agenda as distributed. There's none from the floor. Chief Clerk Ferguson.

MR. NEIL FERGUSON: Mr. Chairman, yesterday late in the afternoon I received an appeal from a former member who had been denied a portion of the retraining allowance that MLAs can have after departing. It was denied by the Speaker because it fell outside the 12 months allowed under the Statute.

Mr. Ramey has sent an appeal to the commission. Where I only got it last night at 5:30 p.m., I just wanted to add it for distribution to the members for consideration at the next meeting because it would be unfair to ask them to digest the information sitting here at the table. I will distribute it in a short time and we'll all have it for the next meeting.

MR. CHAIRMAN: Are there any comments? Okay, so the agenda is good to go.

We'll move on to item No. 1 of regular business, and that's the approval of the January 15, 2015 minutes as distributed. Chief Clerk Ferguson.

MR. FERGUSON: As the Speaker noted, they have been distributed - they were distributed a week ago. I've reviewed them, I don't see any errors or omissions that I could point to, so unless somebody else has any changes to recommend, then it would be in order to have a motion to approve the minutes as circulated.

MR. CHAIRMAN: The motion to approve from Margaret Miller, seconded by Frank Corbett. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

Item No. 2, the review of the amendment drafts for the MLAs to either merge the franking and travel and constituency allowances into one constituency allowance or, option two, permit MLAs to access the franking and travel allowance when the constituency allowance is financially constrained. Mr. Samson.

HON. MICHEL SAMSON: Mr. Chairman, having reviewed both options, I would make a motion that option one be adopted by the commission.

MR. CHAIRMAN: Mr. d'Entremont.

HON. CHRISTOPHER D'ENTREMONT: Probably get Neil to explain them a little bit first, so we can have a better idea.

MR. CHAIRMAN: Sure.

MR. FERGUSON: What happened was when we reviewed the transcript from the last meeting there were a number of suggestions that made their way around the table and we weren't exactly clear which was the sort of final solution proposed.

The first one removes the earmarking of the franking and travel allowance just being used for franking and travel only and replaces the allowance with an equivalent annual allowance that may be used by members for both constituency-related expenses and franking and travel. This is in addition to the present monthly allowance and would now be able to be used for franking and travel as well as constituency expenses. It can be used any time during the fiscal year; it can be used all at once or over the entire year. It isn't pro-rated for a member who ceases to be a member during the year and would also be able to be used during the three months immediately after the member ceases to be a member, which is the same time during which the monthly allowance continues.

Option two leaves the franking and travel allowance in Section 42 unaffected, but permits a member who exceeds a monthly constituency expense allowance to claim extra out of the franking and travel allowance if there are still funds available in the franking and travel allowance. The claims also would be able to be made during the three months after a member ceases to be the member again, which is the same time during which the monthly allowance is continued after termination. So those are the two options. It's just we weren't clear exactly where the commission had settled based on the transcript.

MR. D'ENTREMONT: So the difference between the two is there's going to be a set amount. So let's say the Premier's constituency - I think he gets \$18,000 in franking. He has one of the larger constituencies, so split, either full amount of \$18,000 could be spent on other items, depending on if they fit into the rules or regulations, or Mr. Wilson in Digby-Annapolis who is having trouble meeting his obligations right now to keep his office open because of the change in boundaries. That was how the discussions first started, was because of the change in boundaries, there were a number of constraints. Some people had to have two new constituency offices; some people were experiencing some problems in having their accessible offices - so just to try to find a little extra funds in order to make those things happen.

What I see with option one is just taking that full amount and letting MLAs go and spend on whatever they want - it's within the rules, but that means they could actually spend \$18,000 of new advertising, if you're not using your expenses at this point. So that's the challenge I see with option one.

Option two, even though it is still not prescriptive on what you could spend on - so if an MLA wanted to go and spend all of their account on a number of things, if they want to go over their budget knowingly on advertising or whatever it would be, they could still petition the Speaker's Office and say, listen, I need a little extra in order to make this happen, in order to be able to pay my bills.

I would rather have the transparency of having to account for it at the end. So if either Clare-Digby, Guysborough, Queens-Shelburne, Argyle-Barrington, whatever those larger constituencies are that experience that pressure can actually go and make some arrangements to try to meet their obligations - not to go all hog-wild on buying some extra advertising or buying an extra rink panel or whatever it may be within that amount. So I don't agree with option one. I agree with option two. Those are my quick comments on that.

MR. CHAIRMAN: Are there any other comments from the floor? There is a motion to accept option one.

MR. LLOYD HINES: I'll second it.

MR. CHAIRMAN: Seconded by Lloyd Hines. Mr. Samson.

MR. SAMSON: Just in response, there's no better transparency than the fact that all expenditures incurred by MLAs are posted online. It's not a transparency for the Speaker to look at or the Auditor General to look at - it's a transparency for Nova Scotians who sent us here to look at it. I can assure you they are looking and I do get reminded by my own constituents of purchases that have been made. This will not change.

Those with larger constituencies who face those pressures should not be forced to ask to be able to access additional funding because of the fact that they have the pressures that are there. This was an agreement that we had amongst all Parties, that this was a pressure. We did not want to increase the budget to put an extra cost to Nova Scotia taxpayers. This proposal does not increase the budget pressure in any way, shape or form.

At the end of the day, those who access this funding will have that marked under expenses and it will be for them to justify those expenses to their constituents, which is the case ever since the changes were made a number of years ago. So forcing those with larger ridings to have to ask for additional funding, I don't think is necessary. This is certainly in the spirit of the discussions that were previously held and is reflective of those discussions.

MR. CHAIRMAN: Mr. d'Entremont.

MR. D'ENTREMONT: I can say as a member for one of those larger constituencies, I don't mind at all going to ask because it keeps my pencil sharp, to make sure that I'm not spending on things that are not necessarily appropriate.

I worry that someone can go and spend X amount of dollars on advertising when other MLAs are just really trying to keep their offices open and trying to keep a CA employed, or being able to afford that accessible office that we can't afford now. Those are the things I worry about.

If Michel Samson can say that he can go out there and spend another \$15,000 on advertising and he's okay with that because he can explain it, well then where's the transparency in that? I don't think that's fair amongst all 51 members of the House of Assembly, because everybody's situation is far different in some cases.

MR. CHAIRMAN: Chief Clerk Ferguson.

MR. FERGUSON: I just want to clarify, while at one point there was discussion about having to ask the Speaker's permission to access funds, that isn't a component here. Under option No. 2 the member would simply advise the Speaker's Admin office that they needed the money and the transfer would take place, so there isn't a permissive element from the Speaker. I just wanted to clarify that because I know we talked about that at one point. I just want to make it clear to everybody that that is no longer a component.

MR. CHAIRMAN: Mr. Samson.

MR. SAMSON: I just want to take a bit of exception with the use of the word “appropriate” by Mr. d’Entremont. We have safeguards in place within the Speaker’s Office and you, Mr. Chairman, will be well aware, through the director of the Speaker’s Office, that the days of any inappropriate expenditures are gone. The safeguards have been put in place.

To suggest that I or others would be able to use \$15,000 of franking for advertising means we would do no travel within our own riding, we would do no postage within our own riding. If you look at my own expenses now you’ll see there’s very little room left in the franking and travel budget because it has been used for travel and for postage. The suggestion that someone could use their entire budget for this is not accurate. It’s certainly a distortion of the facts.

The fact is that when you look at where even those with larger ridings are, because of the size of the ridings and the amount of travel they do, there isn’t much left even for them, with bigger budgets, to be able to access. So we’re not talking about \$10,000 that people would have access to. In many cases it works out to be much smaller than that within that same budget envelope.

We’ve had discussions in the past about the challenges of people who would exceed their monthly allotment and taking consideration for months that they may have been under; I believe option No. 1 again is more reflective of that. The Speaker’s Office continues to have the oversight that it has always had and I would suggest that it remains the appropriate option to pursue.

MR. CHAIRMAN: Mr. d’Entremont.

MR. D’ENTREMONT: Well there you go. I know how the vote is going to go here anyway, so it doesn’t really matter. There’s a wild card in here. (Interruption) Do you know what? You don’t even count here either, you know that, right?

Listen, if the member feels entitled to that money, I guess he’s entitled to that money so here you go.

MR. CHAIRMAN: Order, please. Is there any further discussion on this motion put forth by Mr. Samson, seconded by Lloyd Hines?

Would all those in favour of the motion please say Aye. Contrary minded, Nay. And the wild card abstains?

HON. FRANK. CORBETT: No, no.

MR. CHAIRMAN: Okay. The motion is carried.

Item No. 3, the House of Assembly Management Commission Regulation 52-1 which provides for the fixed amounts in the regulations to be increased on April 1st of each year by the lower of the federal or provincial CPI. Minister Samson, who deferred this at the last meeting.

MR. SAMSON: Mr. Chairman, in consultation with the Premier and the Minister of Finance and Treasury Board and all our colleagues, I would move that there be no increase during this fiscal year for the fixed amounts of the budgets under Regulation 52-1.

MR. FERGUSON: There is a resolution that has been circulated. This is the same one that was circulated last time. It effectively does away with the increases from 2013-14 and 2014-15 - that's in the second paragraph. The first paragraph does away with the need for us to keep coming back every year to the commission, and provides that if the commission decides in future that it's appropriate to increase it by CPI, then the commission can take the action rather than us coming back year after year and the commission waiving it.

MR. SAMSON: I move the proposed amendments as set out, with two clauses on it that have been sent out to the members.

MR. CHAIRMAN: Is there any further discussion? Seconded by Mr. Corbett.

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

The motion is carried.

Item No. 4 is the student employment funding for the MLA constituency offices during the summer of 2015. Mr. Samson.

MR. SAMSON: Mr. Chairman, there had been some discussion of this at our last meeting, to request that the caucuses express their level of interest in this. In working with my Department of Economic and Rural Development and Tourism under our summer program, it was indicated that due to some slippage that had taken place, it was under the belief when I approached him about the possibility of this program that there would be sufficient funding to be able to provide the Speaker's Office with the necessary funds to allow for the MLA, through their constituency office, to hire a summer student.

Having chaired the committee on democratic renewal a few years ago, this was one of the items that we heard about often, that young people don't have exposure to the democratic system directly. It was the belief for many years that having students being able to work in constituency offices and seeing exactly what the job is of an MLA, an elected representative, and what is done on behalf of constituents would be a great experience for them.

I know that some MLAs, including myself, have hired summer students in the past but it has certainly been at a significant impact to our budgets. In many cases members have had to decide, do I hire a student or do I keep the money for operational expenditures for my office?

The idea here is to alleviate some of the budget pressure faced by MLAs in their budgets so there will be no impact to the Speaker's budget other than additional funds being transferred in to allow members to hire a student.

The members of the commission should have the resolution in front of them, which has three clauses: A, B and C. I can certainly read that resolution if that would be helpful. (Interruption) Okay, just for anyone asking, it is still the same parameters as what is in the Student Employment Program being run by the department. That is for 14 weeks, 35 hours per week, at an hourly rate of pay of \$10.60 per hour.

I note here in Clause C that if members wish to pay more than that, that would come out of their budgets. Can I also, just in case it's not clear, that if members also choose to keep the students for longer, that would come out of the member's budget as well. For example, a member may decide that rather than 14 weeks, they want to keep the student for 16 weeks or 18 weeks - that would come out of the member's budget, not out of the additional funds that have been provided to the Speaker's Office.

I also suggest that any funds remaining that were not used should be transferred back to Economic and Rural Development and Tourism.

MR. CHAIRMAN: Chief Clerk Ferguson.

MR. FERGUSON: I just note two things for the commission; first, the Chief Legislative Counsel has pointed out that the date is wrong at the top, so we can fix that, that's not really germane.

The House of Assembly Management Commission Act requires that before any additional resources are able to be given to the members, that this type of resolution has to be laid before the House and a motion adopting it. That's covered in the introduction to the resolution. So I just wanted to make it clear that there will be another step where we take this to the House, just to comply with the Management Commission Act.

MR. D'ENTREMONT: With the \$290,000 of slippage, are all the museums and the Le Village Historique and all these groups that ask for the money and ask for a student - are they going to be getting them, or am I as MLA taking a summer student away from them? I would be very uncomfortable with that because they're always calling us and asking.

MR. CHAIRMAN: Mr. Samson.

MR. SAMSON: Every organization that asked for students last year that qualified received one. These are additional funds that were not used because the requests were not there. We had increased the funding by half a million dollars. While there was increase in the requests and we were able to accommodate more groups in some cases with more students than what they would have had in the past, there were still monies that were identified. This is not the total of the slippage, but this is what the costs would be to us. There was extra additional slippage and so it is our intent that everyone who asked last year - and those new ones this year - will be able to be accommodated under existing funds.

MR. CHAIRMAN: Is there any further discussion? Do we have a motion to accept this resolution and move it forward to the House for approval? Motion by Minister Samson.

MR. SAMSON: And just to confirm - while I know it's not written here, I would hope that the minutes would reflect that the student can be kept longer at a cost to the MLA to their budget. That's one of the items. The other one is that because not all MLAs may take the opportunity to hire a student, that any funds remaining should be transferred back to the Department of Economic and Rural Development and Tourism. I just want to make sure that's incorporated in this resolution.

MR. CHAIRMAN: Could I have a seconder for the motion? Seconded by Terry Farrell.

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

The motion is carried.

We'll move on to item No. 5, which is the one that was added at the beginning of the meeting. It is the appeal of the MLA training allowance ruling for former MLA Gary Ramey. Those materials were just now distributed so I would respectfully suggest that we defer this item for a decision at the next meeting to give everyone a chance to review the timelines and Mr. Ramey's submission. Minister Samson.

MR. SAMSON: I'm just having a look at this very quickly. It would appear that there is quite a bit of personal information that's involved in this. May I suggest that this be kept in confidence and that members not share this particular request or provide it to anyone outside of this committee until such time as there is an opportunity to have further discussion.

There is some private information in here, which I certainly would not want to see Mr. Ramey having that information shared with others outside of this committee. In fact, in light of what's in here, I may even suggest that this may be a matter that should be dealt with in camera at least for initial discussion prior to a final decision in light of the quite personal information that is included here.

MR. CHAIRMAN: I have no problem with that.

MR. SAMSON: May I even suggest that the Clerk pick up these copies right now and that this be sent to us through our normal course of disclosure to members of the commission just so that nothing is left behind in light of what is contained within this document.

MR. FERGUSON: You don't want to keep copies of it?

MR. SAMSON: Not today. You can send it through the regular means that the director sends us our communications. That would be the appropriate way to share that with us prior to our next meeting.

MR. FERGUSON: Would you like it sent electronically then? Would that be the best way?

MR. SAMSON: Yes.

MR. FERGUSON: All right - we'll retrieve all of those, please.

MR. CHAIRMAN: Everything that Mr. Ramey submitted - just for the record, he's well aware that it's part of the regular agenda here. We'll certainly respect your wishes, Mr. Samson. Mr. Ramey was briefed on the process and he knows that everything he submitted becomes a matter of public record but that's fine.

MR. SAMSON: Well just in case there's anyone out there wondering what this mysterious information is, just at a quick look his Visa number is marked there. So just item No. 1, his Visa number should not be shared publicly or with us, in fact. It may be an idea for the Clerk to possibly go through the document and maybe remove some information that is quite personal that is not really relevant to his request, such as his Visa number and whether there's any other personal identification numbers that should not be included.

MR. CHAIRMAN: Chief Clerk Ferguson.

MR. FERGUSON: Certainly the Visa number is very important to have redacted. These documents came from Mr. Ramey as PDFs so I will contact him and ask him. I'll review the documents and see if there's any other similar information and ask him to redact it and produce a new PDF that we can distribute. It's a good catch, minister.

MR. CHAIRMAN: Okay, if there are no further agenda items for the regular meeting, then we'll have a motion to adjourn. Moved by Mr. d'Entremont, seconded by Ms. Miller.

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

The motion is carried.

The meeting now stands adjourned.

[The committee adjourned at 11:27 a.m.]