

# **HANSARD**

**NOVA SCOTIA HOUSE OF ASSEMBLY**

## **HOUSE OF ASSEMBLY MANAGEMENT COMMISSION**

**Tuesday, November 29, 2016**

**Legislative Committees Office**

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**HOUSE OF ASSEMBLY  
MANAGEMENT COMMISSION**

Hon. Kevin Murphy (Chairman)  
Hon. Michel Samson  
Mr. Gordon Wilson  
Hon. Labi Kousoulis  
Mr. Iain Rankin  
Hon. Christopher d'Entremont  
Mr. Larry Harrison  
Hon. David Wilson  
Mr. Neil Ferguson, Chief Clerk of the House of Assembly  
(Non-Voting Member)

[Mr. Larry Harrison was replaced by Mr. Eddie Orrell.]

**In Attendance:**

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

Ms. Annette Boucher  
Assistant Clerk  
House of Assembly

Mr. Gordon Hebb  
Chief Legislative Counsel



House of Assembly  
*Nova Scotia*

**HALIFAX, TUESDAY NOVEMBER 29, 2016**

**HOUSE OF ASSEMBLY MANAGEMENT COMMISSION**

1:00 P.M.

CHAIRMAN  
Hon. Kevin Murphy

MR. CHAIRMAN: All right, I guess we'll get started. Thanks, everybody, for coming. The House of Assembly Management Commission meeting for November 29<sup>th</sup>. Everyone has the agenda materials as circulated and you've had ample time to review all materials, I assume, so we will proceed.

Are there any changes or additions to the agenda, as circulated? Good, hearing none, we'll move on to the first agenda item, approval of the minutes for July 28, 2016. Chief Clerk Ferguson.

MR. NEIL FERGUSON: Mr. Chairman, these were circulated some time ago. I reread them this morning and I didn't see any mistakes so unless somebody else has seen any, then a motion to approve them would be in order.

MR. CHAIRMAN: Moved by Mr. d'Entremont, seconded by Mr. Gordon Wilson. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried. The minutes are passed.

Agenda item No. 2, the proposed House of Assembly Management Commission Regulation amendments. Chief Clerk Ferguson.

MR. FERGUSON: I'm going to be turning it over to Annette to go through them. I believe these had been circulated to everybody, presumably, yesterday. Annette will explain the amendments and their reasoning.

MS. ANNETTE BOUCHER: I assume that everyone received the sheet. There are three amendments; the first is Section 18(1) of the regulations. If you've had a look, Section 18(1) sets out the allowable constituency office expenses that can be claimed. This amendment would broaden it so that if a move of a constituency office was required to comply with provincial, federal, and municipal regulations regarding safety, health, or accessibility, that those would be covered. As well, if the office accommodation had to be changed because the House of Assembly Management Commission Regulations changed, to impose something and a move was required - let's say there had to be four windows, and I just use that as an example - that that would be a coverable expense if you had to move because you didn't comply with the current office accommodation.

The second one deals with accommodations for outside members. The amendment would allow moving expenses, when approved in advance by the Speaker, for a reason that's acceptable to the Speaker, if there had to be a move in a leased accommodation.

The third amendment is to Section 28(1) that presently provides that overnight hotel stays for inside members are permissible if there's inclement weather, time of day, or if there's another reason, and then the night of the House sitting or of a committee sitting, the expense has been paid in the past. This broadens it to include the hotel accommodation for the night before an early morning sitting of the House or a meeting of one of the committees or the caucus meeting.

In both cases, it doesn't change the requirement that's there that the member who avails himself of this has to file with the Clerk, or have tabled in the House through the Speaker, once a year, the dates and the reasons for the stay. So, that is it in a nutshell if there are any questions.

MR. CHAIRMAN: Are there any questions? Mr. d'Entremont.

HON. CHRISTOPHER D'ENTREMONT: On the second one, when we talk about "acceptable to the Speaker," some of us have apartments, we've moved apartments, and we have not submitted our moving expenses, which is kind of - you don't like the apartment you're in and you would move into another apartment or moving from one size to another size. What kinds of criteria are going to be acceptable to the Speaker?

MR. CHAIRMAN: I think it's certainly something that we wanted to have a little bit of flexibility for circumstances - such as, as Annette mentioned, a change in medical condition. I think if you don't like the view you have that's probably not acceptable, if that gives you an idea of where we're going with this. That would be my opinion as the current Speaker.

MR. D'ENTREMONT: On the second one we talked about having the night before - and I know that we continue to sort of evolve on this one as requirements are going. This is number three. It talks about the overnight stay. Does it specifically talk about disabilities,

because I know we've had a number of members where their health status has changed over time? Have we thought about it as far as with the Speaker or the Clerk to even allow apartments in some cases because of disability?

I know this is sort of one step further than this one. In some cases - and I'm not going to use names in here, but we all know who we're talking about, but the accessibility of the morning, trying to get going because of either drug regimens or whatever it is. Has there been any thought around that? This is a good move forward, but are there any thoughts of maybe offering apartments?

MR. CHAIRMAN: I think we will certainly - it's a good suggestion and my suggestion would be that we would cross that bridge when we tromp to it, if we get there. I think this satisfies the things that were brought to our attention for the moment. Are there any other comments? Neil.

MR. FERGUSON: In fact, it was medical issues that tromped into this expansion and it also would be applicable in situations like we might face if the House was sitting tomorrow morning and we're expecting a bad overnight storm. It would make sense for people who were on the outer limits of the inside member to be able to plan ahead and not put themselves at risk of harm. Certainly, the health area was one of the things that drove this change.

MR. CHAIRMAN: Mr. Samson.

HON. MICHEL SAMSON: I think one of the things that we can monitor as well is the frequency, and if it's shown that based on frequency, it might even more justify looking at an apartment rather than the continued cost of hotel accommodations. So, I think it's something we can monitor and if your office sees that this is becoming a frequent request for an individual member, at that point I think it would certainly lead us to have the discussion of - does it make more sense financially for us as the Management Commission to look at an apartment rental rather than using hotels? I think probably within the next number of months we'll have a good sense of just how frequent this request might be made.

MR. CHAIRMAN: Mr. David Wilson.

HON. DAVID WILSON: I'm just wondering if these amendments pass, if they will cover past expenses or is it going forward from today?

MR. CHAIRMAN: They're on a go-forward basis, as far as I understand.

MR. FERGUSON: In order to make retroactive regulations, you need specific authority under the enabling Statute to make retroactive ones. We do not have that in the House of Assembly Management Commission Act so it isn't possible without a statutory amendment to make regulations go back in time.

MR. DAVID WILSON: So we would need change in the legislation, is that what you're saying?

MR. FERGUSON: Correct.

MR. DAVID WILSON: I would have requested that. Of course, the reason this is here is one of our member's denial of coverage. I guess I'll have to take you at that and we'll look into it further, later.

MR. FERGUSON: But it would be something to think about, whether the Act be amended to provide that authority. Not very many Statutes provide retroactive regulation making capacity.

MR. SAMSON: I'm just curious, and maybe it's because it was the panel that did recommend it. When we had the independent panel after the last election, there was a change to the per diem and that was made retroactive to a certain day. Is that just because the panel had the ability to do that?

MR. FERGUSON: Their recommendations had the force of law.

MR. SAMSON: Okay, so that was a unique situation that we can't reciprocate here, okay.

MR. CHAIRMAN: Barring no more discussion on the proposed amendments, I guess we could just do them all in one motion. Can we have a mover for the proposed amendments? Moved by Mr. Kousoulis; seconded by Mr. d'Entremont.

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

The motion is carried.

We'll now move on to item No. 3, the 2015-16 Auditor General's Report and recommendations. Mr. Ferguson.

MR. FERGUSON: In your materials, you have the report from the annual audit. It was a clean report. There were two things that we wanted to raise, however, and those were just simply the observations made by the Auditor General about the frequency of meetings of both the Audit Committee and the commission itself.

The House of Assembly Management Commission Act, in Section 18(2)(a) requires that the committee meet at least four times a year - that's the Audit Committee - and there's a provision under Section 11(3)(b) that this commission is supposed to meet at least quarterly. We haven't always done it every year and this has been observed by the Auditor General. They aren't making a recommendation on this. They're just simply

observing it because their recommendation would be redundant because the law is already there. So they've raised it and brought it to our attention.

The Audit Committee has said they are certainly going to on a go-forward basis, the timing of the committee meeting would coincide with quarterly statements to ensure that there are at least four meetings held each fiscal year. Obviously, it's incumbent on the commission to attempt to comply with the law. We're on track, I should add, to meet four times this year with July; this meeting; there will be a meeting in January, where we need to deal with the special committee to approve the budgets for elections and the Ombudsman; and that would leave only one more remaining. We would certainly be on track for the end of the fiscal year.

MR. CHAIRMAN: Are there any questions or comments? Mr. d'Entremont.

MR. D'ENTREMONT: I'm just trying to figure out what pre-empts us from having it quarterly where we'd have a set time, so it's never going to be one of those situations where we get the notice and then half the committee can't make the meeting, then they have to go and reset it to another day. It seems to be a little bit of a difficult beast to organize.

What have been the challenges here of having it quarterly? To actually say on the second Tuesday of - I don't know how you would word it to make sure that we have it a year ahead, that we just know exactly when our meetings are and we can all make our adjustments to our calendars.

MR. FERGUSON: I can say that certainly makes sense and staff would be perfectly happy with that. There are always challenges scheduling meetings with busy members - ministers in particular. But if we have these things projected out into the future, the only other thing which would be a concern would be if the House is sitting on one of those days then it might not be possible to have the Management Commission, particularly where the Chair is the Speaker. Regular meetings, if they're scheduled in advance, is a fine idea.

MR. CHAIRMAN: I think it's a great theory but it doesn't make much difference to me either way. I know there's back and forth whether we schedule it at the call of the Chair or there would be back and forth if we have - I'd be a monkey's uncle if fixed dates don't get moved inevitably as well, to accommodate most members.

MR. D'ENTREMONT: Why don't we just try it with some fixed dates, circulate them around, and see how that one works out because it hasn't necessarily worked out. We've been short one in the last couple of years. We sort of make it but it's only by the skin of our teeth that we get the four in. Why don't we actually set up a date?

I don't know if it needs a motion for that but why don't we try to set up four dates, and if we don't make it, then I'll be wrong and that will be fine.

MR. CHAIRMAN: Mr. Samson.

MR. SAMSON: I believe we have been able to make it work, especially knowing some of the challenges not only with the minister's schedules but also when the House is going to sit. We don't know. Typically, right now, the House would be sitting. It isn't today. That's just to show you some of the unique circumstances that we face. I think it is working in that we are able to have our meetings as required when business dictates that there are matters to be dealt with and would encourage that we continue to use the process that we're using now.

MR. CHAIRMAN: Mr. d'Entremont.

MR. D'ENTREMONT: I don't think it has been working. It wouldn't be underlined by the Auditor General in the last two reports if it was working. They're concerned about it. It's not something that we should completely ignore. This is the House of Assembly Management Commission. This isn't the ministers' when they can make it committee meeting. We can set meetings ahead of time and know that they're there. That would make it available to all of us.

In my mind, it would make it easier for the ministers to schedule their time in around it too. We know that there's other committee meetings that ministers need to be at, whether it's Treasury Board or Cabinet meetings or House of Assembly as well. We can adjust take all those things in, and then we would solve the problem that we keep getting back from the Auditor General during audit reports and coming to this floor.

I was concerned before. I've already run a motion on this a number of meetings ago. I'm not going to do it again, but it keeps showing up.

MR. CHAIRMAN: Mr. Gordon Wilson.

MR. GORDON WILSON: Just to throw another spin in it, I sit in many of these meetings. But going back to the Auditor General's Report on this, the problem is we're not meeting enough. It's not when we're scheduling; it's we're not meeting enough. Obviously, you don't just meet for the sake of meeting. Is there a requirement to meet? I know by law that we have to meet four times, but should we be meeting three times? We would still get the same amount of business done, probably, by the sounds of it. I think historically we've only met three times. I'm questioning, why do we have to meet four times? That might help the problem.

MR. FERGUSON: It's because it's the law currently as written in two Statutes. It would require a statutory amendment if you wanted to change it. It's doable. At present, it would require action of the Assembly.

MR. CHAIRMAN: Mr. d'Entremont.



MR. D'ENTREMONT: Thanks for that. I'm just going back to the reason we have the House of Assembly Management Commission the way it's structured today. If you remember our first few meetings and how many news organizations were represented at these meetings, they were always looking for something to nitpick on. Now they don't show up because of the banality of what we end up discussing here - very specific issues, very well-thought-out issues. I think staff do a great job of it.

On the second issue, we might have been able to address the issue brought forward by the NDP caucus had we met a little earlier. Just the frequency, I think, is important. Even if we don't have to discuss a whole lot, again, it adds to the banality of what we do and makes it a little bit boring. But just compared to where we've come from with the expense scandal stuff, I think we've gone a million miles forward. This is just one little irritant that keeps popping up.

MR. CHAIRMAN: If you're looking to me as Chair for some direction here, Chief Clerk Ferguson mentioned that we're on track. We know we have to meet in January. We know we're going to meet again before the end of the fiscal year. You can hold this Speaker to it. I can't speak for future Speakers. I don't personally have any concerns with our meeting schedule. It's great that the Auditor General points this out and reminds us, but I don't think the sky is going to fall if we're a couple of weeks late or a month late based on a quarterly calendar. As long as we're getting our business done and there's no huge concerns, then I'm comfortable with how it goes at the moment.

Are there any other questions or comments on that? There's no motion. Do we need a motion? (Interruption)

Okay, item number 4, the appointment of the Nova Scotia Auditor General as auditors for 2016-17. Mr. Ferguson.

MR. FERGUSON: We need to appoint the auditor for the upcoming year and the Auditor General has, I think all will agree, been doing an excellent job and knows our systems inside and out. So a motion to appoint the Office of the Auditor General as the auditors under the House of Assembly Management Commission Act would be in order.

MR. CHAIRMAN: We have a motion, moved by Mr. Kousoulis; seconded by Mr. d'Entremont. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

We'll go on to number five, this is risk assessment, Chief Clerk Ferguson.

MR. FERGUSON: The Chair of the Audit Committee has recommended that we make this a standing item on both the Audit Committee agenda and our agenda, so that

everybody can be updated on issues of risk assessment. It may come to pass that there isn't an item at a particular meeting but it should be something that we are ready to talk about and, in fact, in the case of today's meeting there is something which Ms. Lusby is going to talk about, under the heading of Risk Assessment, so I'll just turn it over to her.

MR. CHAIRMAN: Ms. Lusby.

MS. DEBORAH LUSBY: I'm just going to talk about business continuity; that was one of the items mentioned on the formal risk assessment that was done for the House of Assembly and finished in April 2014, I believe.

The government departments are at Phase 3 of four phases in the business continuity process, and the House of Assembly has been asked to participate in a tabletop exercise planned for Spring 2017. This exercise involves a catastrophic event which forces the evacuation of the Halifax Peninsula, and the event will generate a response from municipal, provincial, and federal agencies.

Other departments participating - ISD is participating, the Lieutenant Governor's Office, and the House of Assembly - will get to test our emergency management and business continuity plan.

There's a province-wide kickoff meeting December 1<sup>st</sup> of all the representatives from the various departments to get more information, that myself and the Sergeant-at-Arms will attend. Then the Legislature is having a planning meeting on December 9<sup>th</sup> to reinstate, I guess, with the management team of what our business continuity plan is. That's it.

MR. CHAIRMAN: Thank you for the update. Are there any questions or comments on that? Mr. Gordon Wilson.

MR. GORDON WILSON: So is this something that's going to involve MLAs as part of the evacuation?

MS. LUSBY: I don't know yet but I imagine all of the peninsula will be needing to evacuate and that will be part of the template, I guess, and whether the House is sitting at the time or they're not. It's a tabletop exercise so I'm not sure how involved you would have to be but there would be more we'd have to think about, whether you're in the Legislature or not at the time.

MR. CHAIRMAN: Is there any further discussion? Okay, thank you very much. Item number six, 2016-17 second quarter financials. Ms. Lusby.

MS. LUSBY: You all have this sheet in your package, which is second quarter financials as of September 30, 2016. As per usual, I don't have anything of significance to report. Expenses are in line and we're ticking along through this fiscal year just fine.

MR. CHAIRMAN: Are there any questions or comments? Mr. Gordon Wilson.

MR. GORDON WILSON: I'm curious, under the Commission of Inquiry Pension Review, MLA Salary Review, is that something that's normally in there every year?

MS. LUSBY: That budget amount is in there every year because we don't know what kind of inquiries might come along. In an election year, there's always the MLA salary review that happens.

MR. GORDON WILSON: That happens every election?

MR. CHAIRMAN: You'll notice that she has "i.e." in front of it so it's just an example.

MS. LUSBY: The MLA Remuneration Review Panel - the cost came out of here.

MR. GORDON WILSON: So it is a requirement every election cycle to have a review?

MR. CHAIRMAN: Mr. Ferguson.

MR. FERGUSON: It's also entirely within contemplation of reality that the House could decide to strike a commission for one purpose or another. That's why there's an available pool, and if it isn't used in that fiscal year it goes back to the Treasury Board. So it's not an expenditure - it's just money that's set aside for good planning.

MR. CHAIRMAN: Are there any further questions or comments? We have a motion to accept the second quarter financials as presented - moved by Mr. d'Entremont; seconded by Mr. Kousoulis.

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

The motion is carried.

Mr. Ferguson.

MR. FERGUSON: I think it was suggested by staff that it would probably be appropriate for the commission to pass a motion accepting the Report of the Auditor General as presented in the materials.

MR. CHAIRMAN: Just reverting to item number four - can we have a motion to accept the Auditor General's Report? Moved by Mr. Kousoulis; seconded by Mr. d'Entremont.

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

The motion is carried.

That completes our extensive agenda for today. Thank you for coming. We now stand adjourned.

[The commission adjourned at 1:31 p.m.]