

HANSARD

NOVA SCOTIA HOUSE OF ASSEMBLY

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

Tuesday, April 4, 2017

Legislative Chamber

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**HOUSE OF ASSEMBLY
MANAGEMENT COMMISSION**

Hon. Kevin Murphy (Chairman)
Hon. Michel Samson
Hon. Labi Kousoulis
Mr. Gordon Wilson
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)

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, APRIL 4, 2017

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

11:00 A.M.

CHAIRMAN
Hon. Kevin Murphy

MR. CHAIRMAN: Order, please. We'll call the meeting of the House of Assembly Management Commission to order. The agenda and supporting materials have been circulated via email in advance.

Just before I ask for approval of the minutes, maybe we'll just go around and get everybody to state their name so that we can have an official count of who is here.

[The commission members introduced themselves.]

MR. CHAIRMAN: Just before we look for the approval of the minutes, are there any other additions to the agenda, as circulated? Mr. d'Entremont.

HON. CHRISTOPHER D'ENTREMONT: I just wonder if I could add purchasing apartment equipment or apartment furniture when moving out. It pertains to MLA John Lohr.

MR. CHAIRMAN: We'll do that under No. 5, under "Other."

We'll move on to No. 1: the approval of the January 24th minutes. Mr. Ferguson.

MR. NEIL FERGUSON: Mr. Chairman, the minutes were circulated. They're quite brief, it was a relatively short meeting. Unless anybody has any errors to point out, then a motion to approve them would be in order.

MR. CHAIRMAN: Are there any comments? Moved by Mr. Wilson and seconded by Mr. d'Entremont.

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

The motion is carried.

MR. GORDON WILSON: Maybe for the record, we should stipulate that Mr. Gordon Wilson . . .

MR. CHAIRMAN: Mr. Gordon Wilson - we certainly wouldn't want to get the two mixed up.

We'll move on to No. 2: the resolution regarding overnight stays when the House is cancelled, specifically February 13th. Mr. Chief Clerk.

MR. FERGUSON: Mr. Chairman, this is a specific resolution to deal with the unusual circumstances of February 12th and 13th when a major blizzard was forecast in advance of the scheduled sitting of the House. On your instruction, I contacted the House Leaders and the Independent member to encourage them that for health and safety reasons, they book hotels downtown in the proximity of Province House, in anticipation of dangerous travel conditions. Some members did do that.

In the case of non-outside members, they would not be eligible under our existing regulations to be reimbursed for that. But given that it was at our urging, for health and safety, we said that what we would do is ask the commission to deal with it at a future date.

Now the commission doesn't have the power to make retroactive regulations but what has been proposed - and the resolution has been circulated - is a resolution that if those people still have their receipts from that event, that the following resolution would be passed:

Therefore be it resolved as follows that:

- (1) Non-outside members be reimbursed on presenting claims with supporting receipts for the cost of the overnight hotel stay in Halifax on February 12, 2017, at a rate not exceeding the government rate for the establishment where the member stayed;
- (2) Non-outside members may include in the claim an evening meal allowance of \$20 without receipts for February 12th, being the same supper amount that is paid to civil servants; and

- (3) Non-outside members be reimbursed on presenting claims with supporting receipts for the cost of the overnight hotel stay in Halifax on February 13, 2017, at a rate again not exceeding the government rate for the establishment where the member stayed and non-outside members be paid the daily per diem rate of \$50 for February 13, 2017.

That is the resolution, and if somebody cares to move it, I would just say once again that this was something that was done for health and safety reasons, and we indicated at the time to the members that it was our hope that the commission would see fit to okay the expense, given the bad circumstances.

MR. CHAIRMAN: Is there any comment or discussion? Moved by Mr. Kousoulis and 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 No. 3: regulation amendments. Assistant Clerk Boucher.

MS. ANNETTE BOUCHER: There are two sets of amendments to the regulations that were circulated. The first deals with Section 23 of the House of Assembly Management Commission Regulations, and are in particular with respect to assets that are purchased by members dealing with procedures on how to dispose of these assets.

We had references in the regulations to the Department of Transportation and Infrastructure Renewal, but there have been changes from that that there has been changed responsibility to the Department of Internal Services, and that in order to make it neutral - so we're not talking about identifying a specific department and then having to change the department's name in the regulations each time they change - that we don't have to keep coming back.

These regulation changes: Section 23(6) deals with just making reference to any other department responsible and any other person responsible for making the disposal directives; Section 23(8) and (9) permits a returned item to the House from a member and to be disposed as directed by the Clerk, and the Clerk would be able to consult as required with the appropriate department; Section 23(9) is to allow members to purchase their computing devices when they are no longer members should they choose to do so based on fair market value or allow them to be disposed with any proper asset disposal process; Section 23(11) and (12) is the same idea, it removes the reference to Procurement Services of the Department of Internal Services and to the Department of Transportation and Infrastructure Renewal; and Section 23(13) is simply being removed because it's redundant and no longer necessary because that inventory management does occur, as members are responsible to do that with staff from the Speaker's Office.

If those are in order, a motion to approve them would be required, and then if there are any other questions with respect to them I could, with Deborah's help, respond to any.

MR. CHAIRMAN: Are there any questions or comments on that? Moved by Mr. Gordon Wilson and seconded by Mr. David Wilson.

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

The motion is carried.

Assistant Clerk Boucher.

MS. BOUCHER: The second amendment - Section 28(1)(c). Members will recall that currently that regulation allows a non-outside member to claim reimbursement for overnight hotel stays in Halifax due to inclement weather, time of day, or any other reason for the night of the meeting. If the House met, then that night if the member couldn't return to their home, they would be permitted to stay. Or if they were required to be in Halifax the night before an early morning meeting, they could claim reimbursement for that. Then there's the requirement that any non-outside member that avails themselves of this has to file once a year a report that's tabled in the House saying the dates and the reasons why.

This needs to be tweaked somewhat so that the situation that arose in February, because of the inclement weather, would be covered and currently it doesn't allow that. The proposal to the "any other reason" would be that it's acceptable to the Speaker so that you'd have inclement weather, time of day, or another reason that's acceptable to the Speaker. It could be a health reason or it could be another reason, but it would be with the Speaker. It will allow them to stay the night of the meeting or if they're required to be in Halifax the day before - not specifically an early morning meeting, they just have to be in Halifax the day before a meeting that's scheduled for some time the next day.

Those are the amendments that are being proposed so that every time a new set of circumstances arrive, it doesn't need to come back to this commission to approve that. Those are the three small changes to the existing regulation to give it more flexibility.

MR. CHAIRMAN: Is there any discussion or comment? Moved by Larry Harrison and seconded by Dave Wilson.

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

The motion is carried.

Now we'll move on to No. 4: risk assessment, internal control review, and the 2016-17 audit update. Deborah Lusby.

MS. DEBORAH LUSBY: Just as a reminder, the audit committee had asked that risk assessment be a recurring item on the agenda, so I'm giving another update on the business continuity tabletop exercise that we're participating in called Staunch Maple, which is taking place on April 24th. The House of Assembly management team have been meeting regularly with Emad Aziz from ISD, and Sid Rahey from TIR has been involved as well. I'll give the commission a report on how the exercise went after the event.

For the internal control review and the annual audit, we've completed the 2016-17 internal control review with no significant findings to report. We've provided our review to the Auditor General's Office. The OAG is in our office this week and next, and they are completing the 2016-17 audit. They expect to give us their report in May - this is earlier than usual. Usually, it's late August when they come to the office and the report isn't provided until November, but we'll have it wrapped up soon this year. That's it.

MR. CHAIRMAN: Are there any questions or comments? No motion required for that - thank you.

Moving on to No. 5 - Mr. d'Entremont.

MR. D'ENTREMONT: This request comes from MLA John Lohr. Over the course of the last number of months, Mr. Lohr moved his residence from over 100 kilometres away from Province House to under 100 kilometres from Province House - as a matter of fact, I think it's either 97 kilometres in one direction, and 100 kilometres in the other direction. He has opted to move out of his apartment here in Halifax, and is therefore working with administration on that process.

He was waiting for a number of responses but paid for the truck to move his stuff back to his home while he was moving out of his apartment. There's a number of items that of course belong to the province. I think they amount to about \$1,600 worth of stuff that would have been purchased originally with the fund that's provided to MLAs when they become new MLAs to set up their apartments.

Rather than having to move them all back to Halifax, he was wondering if he could just purchase the items, write a cheque for the total amount - I can be corrected, but it's about \$1,628. He would like to be able to write a cheque and just purchase those items rather than having to move them all the way back to Halifax, probably to the surplus office here in Halifax.

That's his request, and I don't know whether anybody has anything further to do on this. He's just trying to dispose of his equipment in due process.

MR. CHAIRMAN: Chief Clerk Ferguson.

MR. FERGUSON: This may be frameable as an appeal of a decision of the Clerk under Section 14 of the regulations.

The regulations, as they are currently worded, say that the items that are purchased out of the apartment allowance become assets of Her Majesty in right of the province. Then I have to go through the surplus disposal process. In this case, that would mean they would be disposed of through surplus at some public auction for a fraction, possibly, of their value. My decision was that the regulations prevailed.

That being said, Mr. Lohr is providing a benefit to the province by offering to purchase the items at the same price that they were originally purchased. Weighing all of that, it seems to me that it's much more in the public interest that the province recoup the full amount disbursed.

If the commission wants to make a resolution - notwithstanding the regulation which I believe is Section 27(6A) - then I think it's a win-win situation and that MLA Lohr is providing a benefit to the province. I'm speaking in favour of overturning my decision.

MR. CHAIRMAN: Minister Kousoulis.

HON. LABI KOUSOULIS: Mr. Chairman, perhaps the Clerk might know the depreciated value of the amounts or what percentage has been depreciated off them and what we're carrying them on our books for.

MR. FERGUSON: No, we do not have any idea of the depreciated value. Mr. Lohr made the offer for the full value, the full purchase price. One of the things that was underlying the regulations was that we didn't want the members to derive a benefit from purchasing stuff, even at a depreciated value. In this case the reason I speak in favour of it is that Mr. Lohr, of his own accord, offered the full value and I think that makes it a no-brainer in the interest of the province.

I think if the commission wants to do it on a depreciated value basis, and wants to direct us to figure that out, then I don't have a problem with that. I think on the surface of it, his offer to do it for the original price makes it indisputably the right thing to do.

MR. KOUSOULIS: I'm in full support of his offer. My thought process with surplus furniture and equipment, as you mentioned, we receive a fraction of the cost back. In most instances, we receive nothing back. In terms of this discussion, at a future date we might want to have a discussion of how the MLAs can purchase the furniture perhaps at the depreciated value, which will still be a cost benefit to the province.

In my experience, when these items come back we have to handle them, ship them, store them and, having been to the warehouse, there is quite a bit of cost associated with that. Furniture generally does not retain its value. I'm in favour of this but perhaps on our next agenda we could have a discussion on what the table of depreciation on furniture is, and perhaps change that regulation.

MR. D'ENTREMONT: What should I move here?

MR. FERGUSON: Move that notwithstanding the regulations, that Mr. Lohr be permitted to purchase his furniture for the stated value of \$1,628.

MR. D'ENTREMONT: I move what he just said. (Laughter) It makes it easier.

MR. CHAIRMAN: Do we need to repeat the motion for everybody? We're all good.

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

The motion is carried.

Are there any other items before we go in camera? Our next item is in camera, to do with an HR issue, so we'll ask staff and the gathered hordes of media to excuse themselves.

[11:19 a.m. The commission met in camera.]

[11:54 a.m. The public session resumed.]

MR. CHAIRMAN: We don't need a motion to adjourn, correct?

The meeting is adjourned. Thank you very much.

[The commission adjourned at 11:54 a.m.]