

# **HANSARD**

**NOVA SCOTIA HOUSE OF ASSEMBLY**

## **HOUSE OF ASSEMBLY MANAGEMENT COMMISSION**

**Wednesday, June 12, 2019**

**Committee Room**

**Printed and Published by Nova Scotia Hansard Reporting Services**

# HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

Hon. Kevin Murphy (Chair)  
Hon. Geoff MacLellan  
Hon. Labi Kousoulis  
Suzanne Lohnes-Croft  
Rafah DiCostanzo  
Hon. Christopher d'Entremont  
Allan MacMaster  
Claudia Chender  
Neil Ferguson, Chief Clerk of the House of Assembly  
(Non-Voting Member)

## **In Attendance:**

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

Gordon Hebb  
Chief Legislative Counsel



House of Assembly  
*Nova Scotia*

**HALIFAX, WEDNESDAY, JUNE 12, 2019**

**HOUSE OF ASSEMBLY MANAGEMENT COMMISSION**

**11:00 A.M.**

CHAIR  
Hon. Kevin Murphy

THE CHAIR: Order, please. We'll call the House of Assembly Management Commission meeting for June 12<sup>th</sup> to order. Just before we move into the agenda, we'll go around the table, and state your name and position for the record.

[The commission members introduced themselves.]

THE CHAIR: All the materials have been circulated in advance, including the agenda. If we're all good with the agenda, we will move right into Item No. 1, which is approval of the minutes from the January 22, 2019 meeting. Everybody has had a chance to review that. Can we have a motion to approve those minutes. Moved by Mr. MacLellan; seconded by Mr. d'Entremont.

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

The motion is carried.

Item No. 2 is the House of Assembly Management Commission Audit Committee appointment. Chief Clerk Ferguson.

NEIL FERGUSON: Under the House of Assembly Management Commission Act, as you all know, we have an Audit Committee, and one of the members on the Audit Committee has to be somebody from this body who is not a member of the government Party. For the last number of years, Mr. d'Entremont has filled that role, but he's no longer on the Audit Committee; therefore, we have to appoint somebody from the Opposition. If somebody has a motion to appoint one of their colleagues, that would be in order at this time.

THE CHAIR: Mr. d'Entremont.

HON. CHRISTOPHER D'ENTREMONT: As much as this pains me, because it was an interesting committee to sit on, I nominate Allan MacMaster to sit as the Opposition member on the Audit Committee.

THE CHAIR: Barring other nominations, we will have a vote. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

Congratulations. We'll arrange for your added responsibilities as we move along.

NEIL FERGUSON: Binders will be delivered.

THE CHAIR: We'll move to Item No. 3, the caucus and Leader budget adjustments for the cessation of the Public Service Award. Ms. Lusby.

DEBORAH LUSBY: An information piece was sent to all the House Leaders, letting them know what this point was about. Basically, the Public Service Award has been cancelled and most amounts were paid out in 2018. Historically, each division was charged 1 per cent of an individual's salary to the fringe expense line. That would be for all contract and full-time employees.

The 1 per cent PSA charge ceased to be charged to divisions on March 31, 2019, and the Department of Finance and Treasury Board reduced all divisions' budgets by their respective amounts for 2019-20.

However, the caucus budgets are fixed by a formula in the House of Assembly Management Commission Regulation 33, and the Leaders' budgets were determined by LIEB and have not been changed in many years. The amounts aren't large, but the caucus and Leader budgets should be reduced to offset the 1 per cent PSA that is no longer charged.

The PC caucus would be \$6,300, and the PC Leader would be \$3,000. The Liberal caucus would be \$6,200. The NDP caucus would be \$3,900, and the NDP Leader would be \$2,000. Those would be the budget reductions relating to the PSA being cancelled.

THE CHAIR: Is there any discussion? We need a motion to approve that. Can I have a motion? Moved by Mr. Kousoulis; seconded by Mr. MacLellan.

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. 4, the annual decision on the CPI increase effective April 1<sup>st</sup>. Ms. Lusby.

DEBORAH LUSBY: Regulation 52 allows for a potential increase to regulation amounts by the lower of CPI for Nova Scotia or Canada. Nova Scotia CPI of April 1, 2019 - the year before was 1.3 and Canada is 2.0. So the lower of that would be a potential 1.3 per cent increase.

THE CHAIR: Is there any discussion? Mr. MacLellan.

HON. GEOFF MACLELLAN: Obviously, in speaking with other caucuses and their representatives, I think we are in a position where we feel we'll hold and freeze those, and not increase by the CPI.

THE CHAIR: We'll take that as the motion. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

Moving on to Item No. 5, the update regarding MLA Alana Paon's extension to the June 20, 2019 note to create barrier-free access to her office. We'll go to Mr. MacMaster.

ALLAN MACMASTER: I guess I'm being called to provide an update, if I can do so. The most recent update I received from the member for Cape Breton-Richmond is that this is a matter that's still being worked on between her and her landlord. I understand this is apparently a heritage property. The landlord originally had some concerns about paving near the building and how that might affect the look of the property.

However, the deadline is coming up on June 20<sup>th</sup>, and the latest report is that it's still under discussion. So, unfortunately, I have no positive confirmation that it will be paved or that the plan is in place before June 20<sup>th</sup>, and that is where the matter stands.

[11:15 a.m.]

GEOFF MACLELLAN: If I could ask Allan, or probably Deborah - I was here for that discussion and it was quite a lengthy one - did we decide that June 20<sup>th</sup> would be the date for the submission of the final plan or that it would actually be completed by then? Does anybody remember?

THE CHAIR: My recollection is completed, but Deborah has the letter.

DEBORAH LUSBY: It says: passed a second motion requiring you to investigate the options to pave the parking lot within the next 12 months.

THE CHAIR: I would interpret that to be completed.

DEBORAH LUSBY: In the communication that we had with her it was always said that it would be completed.

HON. LABI KOUSOULIS: Perhaps we could get confirmation if the building is heritage - if, in fact, the heritage bylaws in the area do not allow for paving of the parking lot. If that is not the case - because you're dealing with a landlord and it's quite possible that the landlord just doesn't want to make the investment, and if that is not the case then I think we should instruct the member to vacate that property because your landlord is not allowing you to meet the guidelines that we put forward for people who are disabled or who have mobility issues.

CLAUDIA CHENDER: I missed the initial discussion of this, it predates my time on this committee. I understand that there was a conversation about setting aside our regulations about whether there was, in fact, an issue with accessibility. My understanding was that people were still able to access her office, despite the fact that it doesn't meet our current standards. Is that accurate? Can someone fill me in on that?

THE CHAIR: I have not physically been there, but in the conversations leading up to post-election when Ms. Paon was elected, she and I went over the plans and I was personally okay with what she had submitted. It was overridden by this commission. It was a decision of this committee to overturn the Speaker's allowance - for lack of a better term - for the waiver, and the decision was made by this committee to ask the member to go by the rules.

CLAUDIA CHENDER: Just one further question: Have there been any complaints submitted as to the accessibility of her office?

THE CHAIR: Not to my knowledge.

ALLAN MACMASTER: To answer the member's question, we've not received any complaints, to my knowledge, at our caucus office.

GEOFF MACLELLAN: Claudia's question is where I was as well. Second to that, are there any other outliers or carve-outs with all the other members' offices? Is this literally the only issue that's not in compliance for any of us? So, this is the single one.

I don't know if I was there for that part of the conversation in terms of your ruling. I would have been comfortable with that at that point. I don't recall the details of the situation where we were kind of adhering to the rules. Maybe one of the other members can speak to that, but I don't remember being that rigid at this table that we said it has to be paved, but that very well could have been the case. I'm sure that's where it landed, but I just think that through your tutelage around this issue, I would have assumed that we would have been comfortable at the table, but obviously we weren't at that time, but I don't recall the details where we landed on that it would have to be paved.

THE CHAIR: I think the discussion on my recollection was more around setting a precedent, that if there was an exception to this rule, there could be an exception to that rule. Just given the direction that government was going with the whole accessibility question, the decision of this commission was to enforce the rules.

DEBORAH LUSBY: In the communications with Alana following the commission decision, I had said it's to investigate options. For example, instead of saying, no, we can't pave the entire parking lot because it is a large parking area shared with an adjacent building, Option A could be to pave one accessible parking spot adjacent to the ramp to allow paved access to the ramp. So it would be a normal sized paved parking spot; or Option B, maybe to pave the entire driveway and parking lot. Really, the commission is asking you to investigate the options.

In an email of May 30<sup>th</sup>, Alana did reply that she has been talking with her landlord, Jeff Stanley, and he has agreed to have a concrete slab poured for the accessible parking area, Option A in my email to her. He feels that concrete will be less displeasing aesthetically than pavement. He understands that the slab has to extend to the accessible ramp. He is aware of the deadline date of June 20<sup>th</sup>. It does sound like things are moving along, but Allan didn't have an update for today's meeting.

LABI KOUSOULIS: With that information, it sounds like the work is going to be done. Just for this table, I found it a bit disheartening for people to question whether complaints have come in because that goes against what accessibility is. We should not have to wait for a complaint to come in for us to have accessible offices because prior to these rules - even though many MLA offices were not accessible, it doesn't mean that people were not put off by them or did not have access to them. The fact that they didn't put in a complaint doesn't mean that they had access to that.

We have this set of rules and there will be exceptions to it because we realize that ridings might not be able to tick every single box. I know that we have had very small tweaks to the rules, but when we're talking in this case, which was to put - and I do recall as well that we said you can pave one spot - that is not an outrageous request to allow for somebody to be able to offload and onload comfortably, as opposed to doing it on gravel which during a great rain could pose risk. I would say that in this instance it's good that the work is being done, but we have a set of rules in place and I think that every time we can follow the rules, we should.

CLAUDIA CHENDER: I agree with the member, but just to clarify, my question was following my question confirming that the Speaker's opinion was that probably the setup that was originally in place was, in fact - although not in compliance with the rules - sufficient for accessibility. It was in the spirit of that understanding that I was asking whether we had any evidence to the contrary. But generally, absolutely, we should strive to be accessible proactively.

THE CHAIR: Certainly - fair enough - my opinion was passed some years ago on presentation of drawings and the word of the member, but I deferred to the process of this commission. I agree with Mr. Kousoulis that if there is evidence that the work is under way, we need to make sure that the plan gets followed through by the date in question.

GEOFF MACLELLAN: I'll be brief, but the same thing because I did address that on the record in terms of Claudia's question. Along the same lines of that - obviously the rules are the rules and there's no gray around that, but we do variances. Again, if it was your position that these things could be acceptable and we're still working towards that long-term plan, I think if there were no complaints, it could suggest that whatever the accessibility piece is down there for Alana's office is working.

I was just in that direction as well. I certainly wouldn't want to suggest that we just wait for complaints and then fix it. That wasn't where I was at all. I do appreciate that, and again, at the end of the day, if Alana's working with her landlord to get to that point, I think we're in a pretty good place, and by what Ms. Lusby read, it sounds like we are.

SUZANNE LOHNES-CROFT: I just had an understanding that it was barrier-free, not accessible. Although they are similar, they do have different requirements, and our offices are to be barrier-free. Part of that is so that we can employ someone who may need this type of setting - that we can employ assistants in our offices and that it is barrier-free - not just the access for our constituents.

THE CHAIR: I think we're in a pretty good spot. Perhaps we can, under my signature, send a friendly reminder to the member that June 20<sup>th</sup> is the deadline and we need to see some kind of concrete - pardon the pun - evidence that something is happening to put her in compliance. Is that fair?

ALLAN MACMASTER: I think that's certainly more than fair to the member and I think it should be indicated that this commission expects that when a letter goes out from the Chair, that the member respects what's in that letter, takes it seriously, and makes efforts that bring the matter towards a resolution so that we're not here next year in advance of June 20<sup>th</sup> talking about this matter again.

THE CHAIR: Duly noted - appreciate that comment.



GEOFF MACLELLAN: Just along those lines - and I don't want to go too far down the road with hypotheticals - if by chance the June 20<sup>th</sup> deadline isn't met, is there an action as of June 21<sup>st</sup>? Is something triggered, or do we just wait so we come back and meet - if it's in September, if nothing happened to that point, does that mean that - so in other words, should we be acting as we sort of creep up to that June 20<sup>th</sup> date or do we just leave it and wait?

I guess from an historical perspective, what would normally happen there? Do we have any precedence around that, Neil?

NEIL FERGUSON: My understanding is that we would not be able to reimburse the member for their rent if they are not in compliance, so it's a significant issue. I would think that if we think there's a chance that June 20<sup>th</sup> might not be met, then something should be done by this commission to avoid the Speaker's administration office having to be put in the position of saying, I'm sorry member, we cannot reimburse your rent because you're not in compliance. Is that correct, Ms. Lusby?

DEBORAH LUSBY: The only option would be to go on a month-to-month lease and submit another 12-month compliance plan indicating their new plan to become compliant - and Alana is not on a month-to-month lease right now.

THE CHAIR: It's a good question, Mr. MacLellan, but we're two years into this conversation and I have to agree with Mr. MacMaster that the deadline has been no secret and there has been a directive sent and let's get on with it.

NEIL FERGUSON: I just want everyone to be aware that the legal effect will be that we are not able to reimburse the member for the rent if it is not done by the 20<sup>th</sup> - certainly for the following month I guess would be the issue - as long as the commission is aware of that. I would hate to put the Speaker's admin office in the position of being "the bad guy" when, in fact, this has been clear for a long time.

GEOFF MACLELLAN: Thanks for that, Neil. I think that you hit on exactly where I'm getting to - what's our action right now, today, to basically reach out and say this has to be done? I know you were going to do a letter.

Right now, if we're talking about pouring concrete, we're eight days away. If that contract work isn't being prepared - like, there's a lot of work to do to pave - again, I don't know the dimensions of it, but if it rains or whatever, there is no excuse at this point. This has to be done by June 20<sup>th</sup>. All I'm trying to get to is, this is not sort of us talking back and forth and now it has to be done. What's our action that comes from this committee directly? Is it the letter from the Speaker? Is that what does it specifically, so it's not about the Speaker's Office - it's about us, her colleagues saying that we have to have this.

NEIL FERGUSON: The letter has already gone. The commission has already said that the 20<sup>th</sup> is the deadline. What the Speaker had posed was simply a letter of reminder. To change the 20<sup>th</sup> deadline would require some sort of change by the commission. As it is right now, the member has been advised of the deadline, and that is the status quo.

[11:30 a.m.]

THE CHAIR: Are we comfortable with a reminder to reinforce the deadline of the 20<sup>th</sup> or do we want to go down yet again and say we'll give you one more month?

RAFAH DICOSTANZO: Does the member know that she is liable for the rent if she doesn't comply? Have we told her that?

THE CHAIR: I'll defer to Ms. Lusby. I'm pretty sure that has been articulated in at least one of the communications on this matter over the last two years. It's certainly well-documented in the members' manual - good question.

We're at a point where we're all comfortable with sending out another letter today - very short and to the point that says the deadline is June 20<sup>th</sup> and we'll need to see some resolution by then.

DEBORAH LUSBY: I like your suggestion with perhaps the option of 30 more days, considering there are eight days between now and next week and making sure that she is aware of what could happen - reminding her of what could happen even though we have reminded her already.

THE CHAIR: I'll take that as a suggestion, but I defer to the wishes of this committee.

CLAUDIA CHENDER: Just to avoid the inevitable hassle, which will come upon the Speaker's administration office in the event that this is not complete, I would also support a letter. Ignorance of the law is no defence, but a reminder of the law can be helpful. So maybe reminding the member of the consequence of not completing within the time allotted by this committee and extending that time period for one month - I would be comfortable supporting that.

THE CHAIR: We'll take that in the form of a motion. Are there any comments on that? Two comments - Mr. Kousoulis then Mr. MacLellan.

LABI KOUSOULIS: Having experience with general contracting and pouring foundations, eight days is enough time to get this work. I am not really comfortable with an extension. We've had a year. The member did write back on May 20<sup>th</sup> that this work was under way. Frost was out of the ground, so it was not an issue.

Essentially, all they need is an excavator and one day would have the pad ready. A truck would be there the next day to pour the concrete; 24 hours later you could walk on it and 48 hours later a car could be on it. So essentially, if they had it all lined up by the end of this week, it could be ready to have a vehicle on it.

My own personal view is, one year to pour what essentially is a driveway in a home - we're not saying it's a year to build a building, we're saying it's a year to pour a driveway in a home. I'm not comfortable with an extension. I think that it sends a message to our members.

When we were all elected, we were given the message loud and clear from the Speaker's Office that you need to be in compliance. I jumped through hoops to find a location that was in compliance, that was not \$7,000 in downtown Halifax for rent, and I didn't sign a lease until I had TIR come to the building and actually approve every aspect of what our compliance is. That's because I didn't want the liability and I was directed to do that. The fact that we're now talking about doing an extension for a member - and I would have the same opinion if the member was in my own caucus - because they did not do the due diligence to ensure they were complying.

This is not a huge issue that the building will never be compliant. It's a pad in front of the building, which is not difficult to do and it's not a great expense for the landlord if they want to keep the tenant as well.

GEOFF MACLELLAN: Just to be clear on the motion, are we saying that this is just a straight extension - it's not, please do it within the eight days, but if you don't, you get another 30, or are we just jumping right to the 30-day extension? I'm just a little unclear on that.

THE CHAIR: The legal effect, I'm advised by the clerk, would be a 30-day extension. Mr. Kousoulis has a valid point - we're two years into this. Ms. Chender has a valid point as well. (Interruptions) What happens if it's July 20<sup>th</sup> and we're in the same boat? I'm of the opinion at this point, if you want me to be decisive, a notice goes out with a stern reminder that the deadline is June 20<sup>th</sup> and we'll deal with the consequences on June 21<sup>st</sup> if it's not done.

LABI KOUSOULIS: I would rather that the member comes back with a request that if the work was done a week later or two weeks past the deadline, they come back with a request that they can submit that for reimbursement as opposed to us just automatically granting an extension. The member should know on June 20<sup>th</sup> they are not going to be reimbursed, and that way they can work it out with their landlord because the landlord is not going to be paid. I think that sends the message to the landlord and to the member.

I'd rather have the member come back, which if it's a week or two weeks late, it's not to penalize the member, but as you said, Mr. Chair, setting extensions will be like, let's push it again and another extension and another extension, and here we are, two years waiting for a slab of concrete to be poured.

THE CHAIR: Do we need a motion?

NEIL FERGUSON: There's a motion on the floor.

THE CHAIR: The motion from Ms. Chender, I believe, was to provide an extension. We're going to drop that; there's no seconder? Barring a seconder, we'll drop that motion.

ALLAN MACMASTER: If I may make a brief comment, I wouldn't be comfortable supporting it unless there is unanimous consent. I think this matter is important. I think it's something that we should all come to some agreement to. I'm respecting the points being brought up.

I think where you last landed was that there's eight days remaining. The member should try to get the work done within the eight days. Past that, it's falling into uncertain territory. If the member gets it done seven days past those eight days - I think that's the point that Mr. Kousoulis is raising - maybe there could be some consideration. Maybe their monthly rent could be prorated for the number of days that the - if the project is complete, for 20 days of that month maybe they can get 20 divided by 30, or however many days there are in the month worth of rent for that month, to put a very fine point on it - to ensure that it's fair and that we're abiding by the rules.

I think everybody wants to follow the rules. We know why they're in place. They're in place for a good reason. I think the committee has shown some efforts, and I know the Speaker's Office has shown efforts to try to make this come to resolution in a way that's positive - and positive for the people that are impacted by it.

THE CHAIR: What is the motion? Are you making a motion? (Interruptions) We're back to sending a letter with a firm deadline of the 20<sup>th</sup> and pointing out the consequences. No further comment or discussion - thank you.

We'll move on to Item No. 6, the fourth quarter 2018-19 preliminary financials. Ms. Lusby. I think every month the sheet gets smaller and smaller.

DEBORAH LUSBY: It was sent out as an attachment so you can view it on your screen, which will help you see the details. This is the preliminary year end report because members are allowed up to 90 days after the year end to submit expenses related to the prior year. In early July, we will be able to prepare the final fourth quarter report.

THE CHAIR: Are there any questions or comments? We'll give people a couple of minutes to have a peek.

ALLAN MACMASTER: Just a question for Ms. Lusby. I know I've asked this one before, but just for clarification for members, sometimes there are expenses within the previous fiscal year prior to March 31<sup>st</sup>. If those expenses are desired to be claimed within that fiscal year, they have 90 days to be claimed, past that 90 days - let's say there's an invoice that was paid on February 26<sup>th</sup> - can that be claimed in the next budget year as part of next year's budget? It cannot. Okay, thank you. I just wanted clarification.

DEBORAH LUSBY: I think it's Regulation 7 or 8 that specifies that.

ALLAN MACMASTER: So the book of business is closed 90 days after the date, which the date this year would be . . .

DEBORAH LUSBY: June 25<sup>th</sup> is the last day to get it in our office.

ALLAN MACMASTER: Thank you.

DEBORAH LUSBY: There's also a six-month deadline, kind of like stale-dated cheques, so if it is March and you found an invoice from the prior June and you hadn't submitted it, that also cannot be submitted for expenses. Those are the two deadlines that we have.

THE CHAIR: Any further questions or comments on the financials? Can we get a motion to accept those - it's just for information purposes. That brings us to the end of the agenda for this meeting. Thank you.

We are adjourned.

[The commission adjourned at 11:41 a.m.]