

HANSARD

NOVA SCOTIA HOUSE OF ASSEMBLY

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

Wednesday, October 28, 2020

Legislative Chamber

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HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

Hon. Kevin Murphy (Chair)

Hon. Geoff MacLellan

Rafah DiCostanzo

Brendan Maguire

Hon. Chuck Porter

Allan MacMaster

Karla MacFarlane

Claudia Chender

Annette Boucher, Acting Chief Clerk of the House of Assembly
(Non-Voting Member)

[Hon. Chuck Porter was replaced by Hon. Kelly Regan]
[Claudia Chender was replaced by Gary Burrill.]

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, OCTOBER 28, 2020

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

5:00 P.M.

CHAIR
Hon. Kevin Murphy

THE CHAIR: Good afternoon, everybody. Welcome to the House of Assembly Management Commission meeting for October 28th.

A couple of housekeeping items just before we get started. I'd like to remind everybody present that we are being broadcast for the first time on Legislative Television. When it is your turn to speak, please wait for the Chair to recognize you and then give it another second or so and watch for the orange light on your microphone to come on just for purposes of Hansard and a smooth broadcast.

I want to remind everybody that we're following COVID-19 protocols here, so please keep your mask in place unless you are speaking. Everybody, when the meeting is adjourned, should exit from the side doors behind you on your side of the House.

We'll begin by introducing ourselves. My name is Kevin Murphy. I'm the Speaker of the House and the Chair of the House of Assembly Management Commission. We'll go over here to my left and begin with Mr. MacLellan. If you are here substituting for a member, please state the name of the member that you're substituting for.

[The Commission members and staff introduced themselves.]

THE CHAIR: Thank you very much, everybody. Welcome. We'll get started.

The agenda was circulated in advance with all of the supporting materials. Hopefully, everybody has had a chance to review that. We'll move on with Item No. 1, the approval of the minutes from our January 22, 2020 meeting.

I'll turn that over to Ms. Boucher.

ANNETTE BOUCHER: The minutes of the January 22, 2020 meeting were circulated to all the members of the committee. Unless there were changes that are required, a motion would be in order to adopt the minutes.

THE CHAIR: Do I have a motion? Moved by Minister MacLellan. Seconded by Rafah DiCostanzo.

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. 2, which is the financial review for the fourth quarter report for March 31st and the first and second quarter reports as of September 30, 2020. I'll turn that over to Ms. Lusby.

DEBORAH LUSBY: Per usual, these reports have been circulated in advance. I'd welcome any questions at any time.

THE CHAIR: Do we have any questions or comments from the floor? Do I have a motion to accept these reports? Moved by Allan MacMaster. Seconded by Brendan Maguire.

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. 3, the proposed amendments to the House of Assembly Management Commission regulations. With that, I'll turn that over to Acting Chief Clerk Annette Boucher.

ANNETTE BOUCHER: These amendments were circulated to all the members of the committee. They're mostly housekeeping. There is one substantive change which deals with Section 43, amendments reducing the time to wind up MLA offices from three months to one month.

Legislative Counsel prepared the draft amendments as well as the explanation sheet that was circulated. I don't propose to read through these unless any of the commission

members require that. If there are any questions, we could take questions if there was any clarification that was required.

HON. KELLY REGAN: I was just wondering: if these proposed amendments do pass, when will they take effect? Will they override current leases that are in members' offices? I just want to get some clarity on when this actually takes effect. Is it future leases or can they have any effect on current contracts?

ANNETTE BOUCHER: I can respond to part of that and Ms. Lusby will respond to the other. In terms of the effective date of any amendments, it is the date that they are passed by the Management Commission. However, with your particular concern about the current leases, Ms. Lusby will clarify that this will not impact on the leases.

DEBORAH LUSBY: The change from three months to one month doesn't impact any MLA leases. Landlords would still get a three-month termination clause in the lease. They could still receive three months of rent after a member ceases to be a member. The change from three months to one month is just to allow a smoother transition for new members to come in. They are supposed to take the ex-member's furniture and office equipment. Often the prior member has a barrier-free office that's accessible to the constituents and this allows a new member to take over that space.

HON. GEOFF MACLELLAN: A specific question and probably a general one. Deborah, I'm not sure if you can answer it or not. The specific one is around the Constituency Assistant piece in terms of the timing with respect to their contract. I don't know if that's dealt with separately on the next piece or is it impacted here?

My general question tied into that is: do you have any insight on why it was three months in the first place? Just in talking to colleagues - and it was actually the Opposition House Leader who referenced it - there must have been a reason in the CA aspect in terms of the continued contract making sense. Outside of that, it's kind of lacking in understanding of why it would take that long to vacate an office.

In your memory - or maybe for Ms. Boucher - was there any reason why it was three months? It seems like a long time.

DEBORAH LUSBY: I can say that the regulations that were changed in 2010 are put into place. Most of those were copied - if not all of it - from Newfoundland. That would be the reason. I wasn't here at the time.

With respect to the CA . . .

GEOFF MACLELLAN: The CA contract from three to one, does that impact?

DEBORAH LUSBY: No. The change from closing the office from three months to one month will not affect the termination clause for the lease, as I said, for the landlord. It also will not impact the termination or notice or severance that would be given to a CA who has more than two years of service. They would still get their 12 weeks of notice and payment. If the office winds up in a month, as it should, then that CA would continue to get paid for the additional eight weeks that they're entitled to.

KELLY REGAN: When I was first elected, a member would sign a lease with a landlord. Then there was a change in the last iteration where the lease was signed with the Speaker's Office. Now we're going back to the original plan where the member signs it? No? We're not doing that?

THE CHAIR: That's not in any of these amendments here.

KELLY REGAN: I read something earlier today that said that was happening. It's not in here?

THE CHAIR: No. Are there any other questions? Ms. DiCostanzo.

RAFAH DICOSTANZO: It's more of a comment than a question. When I took over, I had to wait three months before I could paint and do anything, for the furniture to move and everything else to start. I think this one month is a lovely thing. Thank you.

THE CHAIR: Could I have a motion? We'll do one motion to cover all of these amendments. Moved by Mr. MacLellan, seconded by Mr. Maguire. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

We will now move on to Item No. 4, the changes to the CA contract. We'll turn that over to Ms. Boucher to explain.

GARY BURRILL: Would it be acceptable for Ms. Chender to take my place for the remainder of the meeting?

THE CHAIR: I'm okay with that if everybody else is good. We'll just give a second here for a swap of members.

Okay, we'll move along to Ms. Boucher. We're on agenda Item No. 4, which is the revisions to the CA contract. Ms. Boucher.

ANNETTE BOUCHER: The CA contract, as you would know, in the past provided - this amendment deals with a notice period that's given by the MLA to CAs. The challenge

that we've had in the past is that the current clause in the CA contracts that you would have signed with your CAs indicates that notice is given when the MLA ceases to be a member.

When an election is called, a member ceases to be a member, and from a technical point of view it was very cumbersome because the CAs had to be terminated when the election was called and then put on casual staff, and then rehired if the MLA was re-elected, and if not re-elected then the termination would be in place. That could be problematic because the CA was required to sometimes close the office, which we've just talked about.

We also disrupt the pay. It would disrupt the benefits that the CAs were entitled to, and it could actually affect their service record, which doesn't seem to be quite fair because they could continue on. This change to the clause that's being proposed to the CA contract provides that notice would be automatic. It would be given to the CA if the following situations arose: if a member resigns or dies, then the notice is automatic, it would be given; if the MLA ran in the election and was defeated, the notice would be given when the new MLA would be declared elected, so you didn't have that gap; if the MLA is not a candidate, notice would be given after the close of nomination; and if the MLA was re-elected, there is no notice that's given if the MLA of course wants to keep that CA.

This is to try to stop this process where there was this severing of service, which if you kept the CA was really a disadvantage to the CA, because it could disrupt service, their service record, and those types of things. It's to improve and to render the system a little fairer and to treat CAs a little fairer. It was not done intentionally; it's just the way the nature of the process developed over time.

THE CHAIR: Any questions or comments? Hearing none, I'll call for a motion on these proposed amendments. Moved by Mr. Maguire; seconded by Ms. Regan.

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

The motion is carried.

That concludes our agenda for this evening and the meeting is now adjourned.

[The committee adjourned at 5.13 p.m.]