

# **HANSARD**

**NOVA SCOTIA HOUSE OF ASSEMBLY**

**HOUSE OF ASSEMBLY  
MANAGEMENT COMMISSION**

**Wednesday, January 25, 2023**

**Committee Room**

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# **HOUSE OF ASSEMBLY MANAGEMENT COMMISSION**

Hon. Keith Bain (Chair)

Angela Simmonds

Hon. Kim Masland

Hon. Allan MacMaster

Danielle Barkhouse

Hon. Derek Mombourquette

Hon. Keith Irving

Susan Leblanc

James Charlton, Chief Clerk of the House of Assembly  
(Non-Voting Member)

## **In Attendance:**

Gordon Hebb  
Chief Legislative Counsel

Matthew Timmons  
Director of Operations and Administration  
Office of the Speaker

David Hastings  
Assistant Clerk of the House of Assembly



House of Assembly  
*Nova Scotia*

**HALIFAX, WEDNESDAY, JANUARY 25, 2023**

**HOUSE OF ASSEMBLY MANAGEMENT COMMISSION**

**4:39 P.M.**

CHAIR

Hon. Keith Bain

VICE CHAIR

Angela Simmonds

THE CHAIR: Order, please. We'll call the House of Assembly Management Commission to order.

I'll once again ask the committee members to introduce themselves. I'll begin with myself.

[The committee members introduced themselves.]

THE CHAIR: We also acknowledge the presence of Gordon Hebb, our Chief Legislative Counsel, and Matthew Timmons, Director of Operations and Administration.

The minutes of the previous meeting were circulated in advance. Are there any corrections to the minutes required? Hearing and seeing none, I'll ask for a motion to adopt the minutes of the November 3, 2022 meeting. Ms. Barkhouse. Do we have a seconder? Ms. Leblanc.

All those in favour? Contrary minded? Thank you.

The motion is carried.

The 2021-2022 audit report was circulated in advance of the meeting. I'll recognize the Chief Clerk to speak to this item.

JAMES CHARLTON: The 2021-2022 audit report was presented to the Audit Committee last year on May 30, 2022. It contains two opinions as follows: An unmodified opinion that the House of Assembly's expenditures complied, in all significant respects, with the specified requirements established in Section 22(5)(b) of the House of Assembly Management Commission Act for the year ended March 31, 2022; and an unmodified opinion that the Chief Clerk's assessment of the effectiveness of internal controls of the House of Assembly is, in all material respects, fairly stated and that the internal controls were operating effectively for the year ended March 31, 2022.

THE CHAIR: Are there any questions or discussion? Hearing none, I'll ask for a motion to accept the 2021-2022 audit report as presented. Ms. Masland, and seconded by Mr. Mombourquette.

All those in favour? Contrary minded? Thank you.

The motion is carried.

Also, the Audit Committee Annual Report for 2022 was circulated. Again, I'll call on the Chief Clerk to speak to this item.

JAMES CHARLTON: The 2022 Audit Committee Annual Report was reviewed and approved by the Audit Committee on January 9, 2023. It must now be approved by the House of Assembly Management Commission.

THE CHAIR: Any questions or discussion? Hearing none, I'll ask for a motion that the 2022 Audit Committee Annual Report be accepted and approved by the Commission. Ms. Barkhouse. Do we have a seconder? Ms. Leblanc.

All those in favour? Contrary minded? Thank you.

The motion is carried.

Also, the 2022 House of Assembly Management Commission Annual Report was circulated in advance of this meeting. Are there any questions or discussion? Hearing none, I would ask for a motion that the 2022 House of Assembly Management Commission Annual Report be accepted and approved by the commission. Do we have someone to move it? Mr. Mombourquette. Do we have a seconder? Ms. Simmonds.

All those in favour? Contrary minded? Thank you.

The motion is carried.

The Audit Committee, by resolution, recommended to the House of Assembly Management Commission that a threshold for MLAs tagging capital assets of the Crown

purchased by them be raised from \$50 to \$150 in value. I'll recognize Mr. Timmons, the Director of Operations and Administration, to speak to this item.

MATTHEW TIMMONS: As you recall at a previous Commission meeting, we discussed the tagging for divisions, and it was decided that divisions would start using the government matrix. The second step in that process was looking at the members and their threshold and seeing what that was. As you know, the current threshold is \$50 for tagging capital assets. The audit committee over the past year has had much discussion and decided to bring forward a motion to raise the threshold from \$50 to \$150.

[4:45 p.m.]

A couple of reasonings behind that: We felt the threshold hasn't been looked at since it was first implemented, I think back in 2010. The Audit Committee figured that for the human capital that's trying to track from point of purchase to disposal, \$50 didn't really represent a good benefit when you're looking at cost-benefit analysis. The \$150 is still much more conservative than division. Overall, even raising it from \$50 to \$150 is still a very conservative approach to tagging assets for members. The Audit Committee, after, as I said, much discussion, put forward a motion to raise the threshold from \$50 to \$150, so we're now bringing that to the Commission to have that motion fully carried.

THE CHAIR: Thank you, Mr. Timmons. Is there any discussion or questions? Hearing none, I'd ask - oh, I'm sorry. Mr. Irving.

HON. KEITH IRVING: I wasn't part of this discussion; maybe this was discussed. I fully support the recommendation here. Just curious on what happens to assets now that are tagged that are \$50? I have an old digital camera kicking around. I've lost it once, I found it again, spent lots of time tracking a 10-year-old camera. It's there. It'd be nice to get these things off the tracking. As you suggest, there's lots of manpower being used, so is there a plan, or are we just going to grandfather that situation?

MATTHEW TIMMONS: With the divisions, we did go through a process of untagging items which was just recently completed. Our initial thought for members was to grandfather it in because we figured it would be much more difficult to try to go through that process of untagging items, but we haven't really fully fleshed that out to see what that would look like, whether to grandfather items in or to actually go through the same process of trying to untag items.

THE CHAIR: Are you okay with that, Mr. Irving? Okay.

Is there any further discussion or questions?

Hearing none, I would ask for a motion that the threshold for MLAs tagging capital assets of the Crown purchased by them for the purpose of inventory control be raised from \$50 to \$150 in value.

Do we have a mover? Mr. Mombourquette. Seconder? Ms. Barkhouse.

All those in favour? Contrary minded? Thank you.

The motion is carried.

Moving along in the agenda, a copy of the proposed amendments to the House of Assembly Management Commission Regulations was circulated in advance of the meeting as well. I'm going to ask the Chief Clerk once again to speak to this item.

JAMES CHARLTON: This item came about in response to a request from an MLA to look at the records retention provisions of the House of Assembly Management Commission Regulations. Currently, MLAs are required to retain their records of their expenditures and claims for, well, basically as long as they remain a member and for three years thereafter. That's actually quite an onerous requirement, and it doesn't really align well with what other jurisdictions do, or, certainly, with what the government does.

The Audit Committee took a significant amount of time with this, and ultimately came up with the recommendation that the period of record retention be reduced to seven years following the creation of the record. This aligns with the government's standard for administrative record-keeping. Furthermore, as the claims process has transitioned to being entirely digital now, the Audit Committee further recommended that the onus for keeping records shift to the Speaker's Administration Office as it will have digital copies of all these records, such as expenditures and claims. This eliminates what has become an unnecessary burden on MLAs, given the transition to making claims electronically.

The Chief Legislative Counsel prepared regulation amendments to give effect to this recommendation. The amendments repeal the existing Section 9 of the regulations, and enact a new Section 15(a), which contains the new requirements, the seven-year retention period, as well as the shift in onus to the Speaker's Administration Office. It's phrased as the Clerk, because everything is the Clerk's responsibility, but in practice it's done by the Speaker's Administration Office.

THE CHAIR: Any discussion or questions concerning that? If not, I would ask for a motion that the proposed amendment to the House of Assembly Management Commission Regulations to repeal Section 9 and enact Section 15(a) be approved. Do we have a mover? Mr. MacMaster. Seconder? Ms. Leblanc.

All those in favour? Contrary minded? Thank you.

The motion is carried.

Next item is the delegation of authority to the Management Commission Chair to determine the salaries of Order in Council appointees. I recognize the Chief Clerk on this item.

JAMES CHARLTON: This item does have a particular impact on me for the reasons that will be explained shortly by the Director of Operations and Administration. I don't believe it constitutes a conflict of interest; however, in an abundance of caution, I'm going to, as a non-voting member of the Commission, step away for the remainder of this item. I would ask the Chair to please call on the Director of Operations and Administration.

MATTHEW TIMMONS: This item is being put forward due to an inconsistency in the language of the Order in Council appointing certain officers of the House. While most assign to the Chair of the Management Commission the responsibility of determining the salary of the officers from time to time, there is one, and this one is appointing the Chief Clerk, that assigns that responsibility to the Management Commission. This differs from that of the previous Chief Clerk, whose salary was determined by the Chair. Because the Management Commission has the power to delegate its powers and duties to the Chair or the Chief Clerk, it is proposed to delegate any authority under Order in Council to determine the salary of an officer of the House to the Chair so that all such determinations may be dealt with uniformly.

THE CHAIR: Any questions or discussion? Mr. MacMaster.

HON. ALLAN MACMASTER: Can you say that again in a way that's maybe a little more practical, or maybe even just to repeat it? I think I understand what you're saying, but just for clarification.

MATTHEW TIMMONS: Most Orders in Council, and I hope I get this right, have the - salary increases are written in the Order in Council. The current Chief Clerk's Order in Council does not say that. It says that any salary increases go through the House of Assembly Management Commission.

The previous Chief Clerk was set up as all other OICs. This one, for whatever reason, was set up so that any salary increases go through the Commission. This proposal is putting forward a motion to delegate that authority to the Chair and to remove the Commission from it.

THE CHAIR: Clear as mud, Mr. MacMaster?

ALLAN MACMASTER: The Chair, being yourself, as Speaker of the House and Chair of this House of Assembly Management Commission, correct?

THE CHAIR: That's correct.

Mr. Mombourquette.

HON. DEREK MOMBOURQUETTE: This is something that we talked about a bit as well, is that it used to be one way, and then for whatever reason it was changed. I never understood why the change was made. Do we have any reason why the change was made at the time?

MATTHEW TIMMONS: Not that I'm aware of.

THE CHAIR: I'm going to ask Mr. Hebb to give an opinion on that.

GORDON HEBB: Just to point out the contrast, the Order in Council appointing me as Chief Legislative Counsel provides directly that the pay be determined by the Chair of the Management Commission. This would just make it the same. That's the way most of them are.

THE CHAIR: Okay.

ALLAN MACMASTER: Mr. Speaker, if we were hiring a new Chief Clerk of the Legislature, for instance, I'd presume that if there were a successful candidate, they would be, I presume - Human Resources within government might look at who they are, what their qualifications are, and their experience, and base salary. That would be then recommended to this committee, but instead of it going to the committee, it would now be sent to you as the Chair, and then you would have the final approval? Is that kind of how this would work?

THE CHAIR: Mr. Hebb, I'm going to ask you the question: As Chair, is it only relating to salary? The rest will come before the commission, or is it the entire hiring process?

GORDON HEBB: We're just talking about the pay.

ALLAN MACMASTER: Just the pay. Okay.

GORDON HEBB: The hiring is by Cabinet.

ALLAN MACMASTER: It sounds like this commission would be giving up its power to bless the pay amount, and it would be handing it to the Chair of the committee to look after that without it coming to the entire commission. Does that sound like what we're doing? Yes, okay.

THE CHAIR: Mr. Hebb gave a heads up to that. Mr. Timmons, did you . . .



MATTHEW TIMMONS: Yes, that's correct, but it's to make it more consistent with all other OICs. That's the purpose of it - to make it consistent.

THE CHAIR: Mr. Irving, I think you had your hand up.

KEITH IRVING: I was just asking for clarification, but I think I just got it. All other legislatures are doing it through the Chair.

MATTHEW TIMMONS: Not other legislatures, other OICs within government.

THE CHAIR: Just within Nova Scotia.

MATTHEW TIMMONS: Yes, within Nova Scotia.

KEITH IRVING: Oh, just within Nova Scotia?

MATTHEW TIMMONS: Yes.

KEITH IRVING: So do we know what happens in other provinces in terms of who determines the salary and the salary increases for the Clerk?

MATTHEW TIMMONS: Not that I am aware of.

KEITH IRVING: Would there be some value to understanding why it was one way, or why it was changed, or the reason we're changing it back other than that was what we used to do? What goes on in other provinces?

MATTHEW TIMMONS: We can look into that and see what we can find. I don't know off the top of my head what other jurisdictions do.

THE CHAIR: Ms. Masland.

HON. KIM MASLAND: It's my understanding that every other deputy minister within provincial government - they're done through the OIC. It's an automatic whatever, it's the point three, but our Chief Clerk is not, so this just makes it all consistent. Why it was changed, I don't know. I just learned of this when we learned of it.

THE CHAIR: Any further discussion or questions? Everybody comfortable with bringing this forward, or would you like to - since Mr. Irving made a request about checking with other provinces, that it come back to the meeting, or do you want to pass the recommendation now?

KEITH IRVING: I would like to know what happens in other provinces. The concept of the legislative branch being directed by the members of the House is a concept

that I think lends me leaning one way on this issue. Just because government and Cabinet deals with government-appointed deputy ministers doesn't translate to me that the Clerk of the Legislative Assembly needs to be dealt with that way. I don't see a need for consistency in that. I would be interested to know what happens in other provinces. I don't have a strong feeling on this, but I think it would be helpful just to understand what's happening in other places.

THE CHAIR: I think it's important to recall what Mr. Hebb said, too, about his salary. That is something that's approved by the Chair - correct, Mr. Hebb? Chair of the House of Assembly Management Commission.

GORDON HEBB: Yes.

[5:00 p.m.]

THE CHAIR: It's not a break with a tradition that's already out there. You're just wanting to see what other provinces are doing.

I will ask for a show of hands on this one. Do you want to delay this until the next meeting of the Management Commission, or do you want to bring it forward?

All those in favour of delaying it until the next Management Commission meeting? Contrary minded? Thank you.

The motion is carried.

That will be brought up again at the next House of Assembly Management Commission meeting.

The next item is the third-quarter report for 2022-2023. The financials were circulated in advance of the meeting, so I'm going to recognize the Director of Operations and Administration - he's been busy today - to speak to this item as well.

MATTHEW TIMMONS: This graph that I circulated represents our actuals up to the end of December. Really, the big number to focus on is the bottom row, the \$842,400. That is our forecasted surplus for this fiscal year, which is in line with other non-election years. The biggest reason for the surplus is due to members not spending their full constituency budgets or their travel allowance budgets. The \$842,000 is in line with other non-election years.

THE CHAIR: Any discussion or questions?

Hearing none, thank you, Mr. Timmons, for that.

That concludes the agenda of the House of Assembly Management Commission. The meeting now stands adjourned. Thank you all for being here today.

[The committee adjourned at 5:02 p.m.]