

HANSARD

NOVA SCOTIA HOUSE OF ASSEMBLY

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

Wednesday, May 24, 2023

Committee Room

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HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

Hon. Keith Bain (Chair)

Nolan Young (Vice-Chair)

Hon. Kim Masland

Hon. Allan MacMaster

Danielle Barkhouse

Hon. Derek Mombourquette

[Fred Tilley replaced 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



House of Assembly
Nova Scotia

HALIFAX, WEDNESDAY, MAY 24, 2023

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

12:00 P.M.

CHAIR

Hon. Keith Bain

VICE-CHAIR

Nolan Young

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

We'll begin by commission members introducing themselves. First of all, I am Keith Bain. I'm Speaker and Chair of the Management Commission. Now we'll go to Mr. Young.

[The commission members introduced themselves.]

THE CHAIR: I'd also like to introduce - what's his name again? (Laughs) Gordon Hebb, our Chief Legislative Counsel, our Chief Clerk, James Charlton, and Matthew Timmons, Director of Operations and Administration.

I think everybody has gotten a copy of the agenda for today's meeting. The first item of business is the approval of minutes. The minutes were circulated in advance. Are there any corrections required to the minutes?

Hearing none, I'll ask for a motion to adopt the minutes of the January 25, 2023, meeting.

Moved by Mr. MacMaster, seconded by Mr. Mombourquette.

You've heard the motion. Ready for the question?

All those in favour? Contrary minded? Thank you.

The motion is carried.

The next is the 2022-2023 audit report. Again, this report was circulated in advance of the meeting, and we'll now turn things over to the Chief Clerk to speak to the item.

JAMES CHARLTON: The 2022-2023 audit report was presented to the Audit Committee last Wednesday, May 17, 2023. 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, 2023; 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, 2023.

I'm happy to take any questions if there are any.

THE CHAIR: Are there any questions or further discussion?

Hearing none, I'd ask for a motion to accept the 2022-2023 audit report as presented.

Mr. Young. Do we have a seconder? Mr. Tilley.

You've heard the motion. All those in favour? Contrary minded? Thank you.

The motion is carried.

The next item is the amendments to the House of Assembly Management Commission directives and House of Assembly Management Commission Regulations. The first part is directive amendment re limitations on costs of appliances and purchases of coffee makers and coffee.

The proposed amendment to the House was presented, Directive No. 1, was circulated in advance of the meeting. Again, I'll recognize the Chief Clerk to speak to this item.

JAMES CHARLTON: In response to a request by an MLA, the Director of Operations and Administration, Mr. Timmons, and I reviewed the limitations imposed by the directive, Directive No. 1, which you'll find in the annotated Management Commission Regulations, a directive on the cost of smaller appliances purchased by MLAs for

constituency offices. These limitations have not been updated since being established 10 years ago.

We also considered a request by an MLA to permit purchasing of coffee pods and, by extension, single-serve coffee makers for constituency offices in lieu of coffee grounds and drip coffee makers. We also discussed this matter with the House Leaders a few weeks ago, and there was support for both changes.

The proposed amendment removes what Mr. Timmons and I viewed as a somewhat arbitrary distinction between small and larger appliances and sets an overall cap of \$400 on such purchases. This reflects that the original cap of \$200 may have been unduly low. There have been no adjustments to that cap in a decade.

This doesn't increase the amount of money that's available to any MLA for their constituency budgets. It simply increases the maximum amount that may be spent on these particular assets. This covers off your very small appliances like toaster ovens and things like that, and coffee makers or kettles. But it also includes larger things like a mini-fridge or an air conditioning unit for un-air-conditioned offices. Things like that - the small to medium appliances that would be appropriate for an office environment.

Also, I would note that these items that are covered all, on being purchased, become assets of the Crown. These are things an MLA doesn't keep. They either get transferred to the next MLA who comes in or they go to government surplus when the member ceases to be a member.

The amendment also makes the directive somewhat less prescriptive in nature and more clearly permits the purchase of coffee makers. The current directive specifically says drip coffee makers, which is a product of a previous age - single-serve is more popular now. By extension, it wasn't possible for MLAs to expense coffee pods, but they could expense coffee grounds for their offices. So we're sort of taking that away and just opening it up to all coffee makers.

THE CHAIR: Thank you. The motion that's going to be put forward is that the House of Assembly Management Commission Directive No. 1 be amended by striking out the final two bullet points and substituting "appliances not exceeding \$400 in cost that are reasonably suitable for a constituency office, including a kettle, coffee maker, toaster oven, mini-fridge, microwave, heater, dehumidifier, water cooler and vacuum."

Do we have a mover for that motion?

Ms. Leblanc.

THE CHAIR: Do we have a seconder?

It's been regularly moved and seconded.

All those in favour? Contrary minded? Thank you.

The motion is carried.

We'll move on to the next amendment: (B) Amendment to clause 21(1)(ja) of the Regulations. Again, I'll recognize the Chief Clerk.

JAMES CHARLTON: This also came in response to a request by an MLA and resulted in a review by Mr. Timmons and me on the limitation imposed by the regulations on the maximum annual amount that can be claimed towards the cost, not including advertising costs, of constituency open houses.

We discussed the matter with the House Leaders of the various caucuses and obtained input. Based on the input obtained, we propose an amendment that increases the cap from 10 per cent of the monthly amount allowed to be claimed under Subsection 43(3) of the Regulations - that's basically \$428, based on the calculation - to an even \$1,000. This is a global limit on the amount that can be claimed for open houses. MLAs can have up to four open houses a year.

Again I would note that all of this must come from an MLA's existing budget. This doesn't increase budgets. It simply increases the amount that an MLA can spend on an open house. Again, that amount hasn't been adjusted for some time.

Unless there are any questions, I'll turn it back over to the Chair.

THE CHAIR: Any questions? Further discussion?

The proposed motion is that the proposed amendment to Clause 21(1)(k) of the House of Assembly Management Commission Regulations be approved.

Do we have a mover for that motion? Mr. Mombourquette.

Do we have a seconder? Ms. Masland.

All those in favour? Contrary minded? Thank you.

The motion is carried.

The next is an amendment to Subsection 21(1) of the Regulations concerning safety equipment. That proposed amendment was circulated in advance of the meeting, and once again, I'll recognize the Chief Clerk to speak to the item.

JAMES CHARLTON: This was also an item that's come up in response to a request by an MLA. Mr. Timmons and I consulted the House Leaders on the advisability of allowing members to claim the costs of steel-toed boots and other safety equipment when touring construction and worksites in their constituencies. The proposed amendment received generally positive feedback, so what we propose here is an amendment that authorizes members to claim for the costs of personal protective equipment for the personal use of a member, and it explicitly authorizes claims for safety boots, a hard hat, a reflective vest, and eye protection.

Again, it's not prescriptive. It does include other protective equipment that is reasonably necessary or advisable for the personal use of the member on visiting construction or worksites. There could be other equipment that could be expensed under this. Any amounts claimed for must come from within existing constituency office budgets.

Unless there are any questions or comments, I'll turn it back over to the Chair.

THE CHAIR: Once again, we'll ask for a motion that the proposed amendment to Subsection 21(1) of the House of Assembly Management Commission Regulations be approved.

Do we have a mover for the motion? Mr. Tilley. Do we have a seconder? Ms. Leblanc.

All those in favour? Contrary minded? Thank you.

The motion is carried.

Number 4: Centralizing member IT hardware. Again, I will recognize the Chief Clerk to speak to this item.

JAMES CHARLTON: A briefing note on the subject of having Nova Scotia Digital - well, I guess it's now the Department of Cyber Security and - someone help me, the news release just went out today - and Digital Solutions. The Department of Cyber Security and Digital Solutions provides standardized and secure devices to members rather than having members purchase their own devices. Managed devices benefit from anti-virus software updates and Windows patch updates to ensure the security of the device. They're also installed with encryption software to secure the content on the device. These devices and their peripherals would also be fully compatible with and suitable for virtual meeting software that the House of Assembly has used in the past in the event of the need for hybrid or virtual meetings. Members would receive IT support services for such devices.

This isn't an item for any sort of decision today, but we've put it on the agenda just to put it in front of everyone, and we're asking that the House Leaders put forward this

briefing note to their caucuses for feedback - for the purpose of getting feedback and just some general thoughts so we can consider whether we're going to proceed on this item in the future.

THE CHAIR: Questions or discussion? Mr. Mombourquette.

HON. DEREK MOMBOURQUETTE: Just a comment, really. If staff want to comment on it too. It's something that we've talked about a number of times, and really, as an MLA and as a caucus - and everybody, really - we all understand that this is coming. I think it's important that we get ready for the next election cycle. Whomever is sitting in these seats should be fully prepared, whether you're new or coming back to do this. I think this is something that the Auditor General has talked about in the past as well, so I think it's an important step. It's something that other levels of government have done. I've experienced it myself at the municipal level where you're provided with the technology and the technology supports.

I support this. I think it's a good move, and I think the easiest way to do it is to build it up toward the next election cycle.

THE CHAIR: Mr. Tilley.

FRED TILLEY: I would agree with my colleague, but I'm not sure. I haven't had a chance to read it, but I would extend that to constituency offices as well. If we're going to be looking after cybersecurity and having the anti-virus, I think it'd be very important that our constituency machines would also fall under that protocol. I just wanted to throw that out there.

THE CHAIR: Any further discussion? Ms. Masland.

[12:15 p.m.]

HON. KIM MASLAND: I guess my question would be, because I think I brought this up here before, about the cost. Hopefully everyone will be re-elected, and we already have our own devices. It seems to me like it's a significant waste, really, for all those devices that we'd have. Would we be looking at just taking this forward with new members and then trying to bring the other members in at a later time, or is this deadline, new election, and then we start with all new devices? I just think about the cost and the waste.

THE CHAIR: Mr. Charlton.

JAMES CHARLTON: Yes, that's exactly what we would look to do. We'd look to have the new members coming in in the next election, have them transition over, and then we would grandparent in the existing members and give a reasonable deadline for them, so as they're switching. Obviously, when it comes to your computers and phones, they have

a limited shelf life. What we'd look to do is then over the following period, as they replace those devices, they would instead get one of these ones that's issued, the standard-issue devices instead.

We obviously don't want to have people who have just purchased a new device have to purchase something else, pay for the cost of something else. What you've described is exactly what we would want to do.

THE CHAIR: Mr. MacMaster, then Mr. Young.

HON. ALLAN MACMASTER: When I was first elected, I had a BlackBerry. I remember wanting to move to an iPhone, but I couldn't move to the iPhone. I was quite happy with my BlackBerry, but I digress. I did end up going to an iPhone, but I couldn't stay on the government server. All to say, I think there are members out there - and I've heard from them myself - who prefer to be independent. Elected members are elected to the Legislature. They're not technically part of the government as an organization. Whether they belong to a political party or not, they are elected members. Their status is different than, say, a government employee.

I know there are members who prefer to have their own technology preferences, and I don't think they would be happy about losing that independence and being required to have to have a certain standard, because it might limit the types of hardware they can use and maybe software too. Both cases. I'm not super keen on this idea for that reason. I know when we had the virtual sittings at the Legislature, everybody had a different laptop. It did work. I know that we'd benefit from having somebody from tech services come in and tell us about all the challenges they had with it, but it did work.

To me, it doesn't seem like something that's a critical change. I do understand the logic, going to something that's standardized to protect against viruses or people hacking into emails, but I also know members have a pretty strong sense of independence, a lot of them, about the technology they want to use. For my own two cents at this table, I think it's better to be left to the members to source their own technology to suit their needs.

THE CHAIR: Mr. Young.

NOLAN YOUNG: I was just going to echo the same sentiment. There are different ecosystems, whether it be Linux or Windows or Mac or Android or Apple. I think the most important thing is to have up-to-date software and anti-virus, regardless of the medium used to do your job effectively. I wanted to add that.

THE CHAIR: Ms. Barkhouse.

DANIELLE BARKHOUSE: Well put, because that's what I was going to say. At the end of the day, you can have a different device with the same firewall or any anti-virus, whether it's an Apple or it's an Android or it's a BlackBerry. You can have the same. I'm wondering if that's an option we've looked into, or if we can look into in order to protect us from any virus.

THE CHAIR: Mr. Mombourquette.

HON. DEREK MOMBOURQUETTE: I appreciate the discussion back and forth. Of course, there are issues around cost and issues around independence. I'd happily keep what I have. It's easy and I don't have to change anything over, but I think that you start looking at potentially what the Auditor General's going to look at down the road and what other jurisdictions have dealt with, with cyberattacks and stuff - I just don't think it's something we can avoid. I think at some point this is going to happen, and consistency - I'm like Mr. MacMaster. I started out with a BlackBerry back in 2008. We were provided with the technology based on the fact that it was consistent for all the elected representatives at the time. I'd happily stay where I'm at right now, but I think we're going to be, one way or the other, somewhere down the road - I don't want to say forced, but I think for the safety and security, whether you're in government or an MLA, I think it's going to be brought upon us anyway.

I think it's important that we do a couple of scenarios and bring it back to the management committee, but I still think consistently, as Minister Masland said, the new ones coming in should be ready for this. Depending on who wants to win and who wants to come back, and who's going to be back, I think everybody's just got to be ready for it. I think it's not going to be ultimately the MLAs' decisions in the end.

THE CHAIR: Mr. Tilley and then Ms. Leblanc.

FRED TILLEY: I just want to piggyback on Mr. Mombourquette's comments and the fact that none of us around here that I'm aware of are experts in the field of cybersecurity. I think we would want to defer to whoever is leading the charge in this capacity in the government. Perhaps there is a way to come up with a plan as an option for a device.

In other organizations that I've worked in, you can have a choice. You can have your Apple, or you can have your PC, but they all are tethered, and the experts do the work to make sure that the system is safe. Overall, it's about our data. The last thing we need is to bring the data system down.

That's all I wanted to add. I think we take a recommendation from the experts in the field and then we look at it in the future.

THE CHAIR: Ms. Leblanc.

SUSAN LEBLANC: I was just going to say a similar thing, that perhaps - I think I brought this up at another meeting - there could be a PC choice and a Mac choice, so there's something for everyone, as it were, but that they are all working together.

I also think that if you're newly elected, then you do what you're told, right? You take your computer. And then those who are veterans, as it were, have lots of lead time to plan for the change. I think the change is important for all the reasons that have been stated. I think we can be flexible as human beings and figure out a new device eventually if we've got lots of lead time.

THE CHAIR: Mr. MacMaster.

HON. ALLAN MACMASTER: Just a question: Is there the flexibility that members, when they're elected, could have the choice that if they want to join and use government-endorsed technology and software systems, they could do that, or they would have the chance to develop their own? That would be maybe a happy medium, where it could be somewhat encouraged and made easy if they want to buy into the option that's available through government, but if they wish to have their own setup for some reason, they could still maintain that. I guess they can whether we like it or not, because they're elected members. They can do as they wish.

THE CHAIR: Mr. Charlton.

JAMES CHARLTON: Just to address that, we'd probably have to go back to the department and see if they'd be amenable to the possibility of having some members on the standardized scheme and some not. It's their call to some extent, in terms of what services they're willing to provide us.

I will say, just because it has been raised by a couple of members of the Commission, what we've understood is that there won't be choice in devices in terms of an Apple package or a PC package. Members would get the same thing as public servants get and what ministers get. It's an Apple device for your phone and it's a PC product, although there would be choices between some different types of laptops and maybe even a desktop. and likewise, some different models of iPhone that would be available. Members are basically getting what the Public Service is getting in this package, and that really goes to what the department can support.

THE CHAIR: Again, it should be noted that this doesn't require a motion. It's being shared more for information that we're asking everybody to take back to their respective caucuses for further discussion.

No further discussion on that?

The next item of business is No. 5, the annual CPI adjustment.

Pursuant to Subsection 52(1) of the House of Assembly Management Commission Regulations, the fixed amounts set out in the Regulations, except the amount referred to in Clause 50(a) for mileage claims, and the caucus office entitlements set out in Subsection 33(2), are increased on April 1st of each year by the increase of the Consumer Price Index for Nova Scotia or the Consumer Price Index for Canada, whichever is lower.

This adjustment is subject to the approval of the Management Commission. The CPI for Nova Scotia for 2022-2023 fiscal year is 4.5 per cent, while the CPI for Canada for the same period was 4.4 per cent. The Management Commission must determine whether to approve the 4.4 per cent adjustment.

A projection of the impact the adjustment will have on the budget, and a copy of the proposed amendments to the House of Assembly Management Commission Regulations to reflect the adjustment was circulated in advance of the meeting, so I'm going to turn it over now to Mr. Timmons to speak to the adjustment, and we'll continue discussion after that.

MATTHEW TIMMONS: You can see the package includes a copy of a spreadsheet - a table - that basically highlights each individual line, increasing it by the 4.4 per cent. Those are the two pinkish blocks that you can see. I won't go line by line, but basically, each provision set out in the regulations is increased by that 4.4 per cent. The second of those highlighted columns is the overall budget impact, and the bottom line is roughly about a \$195,000 overall increase globally across the MLA budgets.

Then the second page in the package includes the proposed amendments that basically take each of those lines and would be the revised amendment for each change.

THE CHAIR: Any questions or further discussion on the proposal? Nothing?

We're left with the alternative of two motions to put forward, so we don't know what motion to propose to anybody. Maybe somebody should speak out to it, and we'll go from there. Nothing like confusion.

Nobody wants to speak out, or do you want to have time to look at it just for a couple of minutes?

[12:28 p.m. The commission recessed.]

[12:29 p.m. The commission reconvened.]

THE CHAIR: Everyone have a chance to look at the proposal? Is there any discussion?

[12:30 p.m.]

DANIELLE BARKHOUSE: I can ask a question.

THE CHAIR: Sure, thank you. (Laughter) Ms. Barkhouse.

DANIELLE BARKHOUSE: Right above this chart, we have: 2022 CPI Adjustment to MLA Fixed Amounts in the Regulations per 52(1) history CPI change year over year as of April 1st. We have from 2010-2023 - although 2010 was not applicable. So waived; approved; waived; waived; waived; waived; waived; waived; no action; no action.

Can you explain the difference? If everybody stayed quiet and nobody put in 2021 and 2022? I need better glasses. Let me just - April 2020, there was no actual - so we just never did anything? Okay. I guess I answered my own question by saying it out loud.

JAMES CHARLTON, Yes, I will confirm. There was simply no action taken. It didn't make it onto the agenda those years. The one concern I would have, a very administrative concern about it is: Is it still open to us to go back and revisit that? That's why we tended to seek either a clear approval of the increase or a rejection of the increase, just so there's no question that it's something that can be revisited. Theoretically, it is an option to simply, effectively, indefinitely defer the matter if that's the wish of the Commission.

THE CHAIR: That's Proposal No. 3. Ms. Leblanc.

SUSAN LEBLANC: Just a question: Wondering if there's a recommendation from the Clerk or your office, Mr. Timmons. Is there any recommendation?

THE CHAIR: I don't know if either the Chief Clerk or . . .

SUSAN LEBLANC: What are the two options of the motions that you're talking about?

THE CHAIR: Either accepting the 4.4 per cent or rejecting it. That's basically what it is.

SUSAN LEBLANC: Is there a recommendation?

THE CHAIR: It was going to be based on what the discussion would be around the table as to what the recommendation would be. Mr. Tilley.

FRED TILLEY: I guess I would just ask the question: Overall, when we look at MLA expense budgets, where the majority of MLAs have fallen over the last number of years, has there been budget left over, or have MLAs for the most part been at their limits doing the work in their communities? That would be my question.

MATTHEW TIMMONS: Overall, historically, MLAs do not spend their whole budgets, but there are 55, so you know that you have some people on the extremes. Some people spend to the dollar, and then some people have a significant surplus. When we talk to our financials next, the majority of our surplus is due to the fact that MLAs do not spend their full entitlements. That would answer your question.

THE CHAIR: I guess what I'm going to ask is: Is it the wish of the Commission that the recommendations, one way or the other, be held in abeyance at this time? Is that the indication that I'm getting from everybody around the table? My goodness, what a quiet bunch today. I'm just going to assume that that's the wish of the meeting right now, and it may have to come up at a further meeting of the House of Assembly Management Commission.

Next is a personnel matter that's relating to an Officer of the House of Assembly that has to be dealt with in camera. I'm going to ask everybody except the members of the commission, the clerks, Chief Legislative Counsel, and the Director of Operations to leave, and advise that when the discussion is over, we will invite the individuals back in.

We're going to take a five-minute break in order to allow Leg TV to get ready for the in camera session.

[12:34 p.m. The commission recessed.]

[12:51 p.m. The committee reconvened.]

THE CHAIR: Order, please. The in camera session of the meeting is expired. Now we're going to bring forward a motion that was made in the in camera session. It was moved by MLA Susan Leblanc that for any officers of the House, the salaries of whom the Management Commission is by Order in Council assigned authority to determine from time to time, such authority be delegated to the Chair of the Management Commission under subsection 12(1) of the House of Assembly Management Commission Act. That motion was seconded by MLA Derek Mombourquette and was carried.

That finishes that. We move on to No. 7 in our agenda: Financials for the 1st, 2nd, 3rd quarter and preliminary year-end reports. The financials were circulated in advance of the meeting. I'll ask Mr. Timmons to speak to the item.

MATTHEW TIMMONS: All four quarter sheets have been presented. I will only briefly speak to the preliminary year-end. As you know, MLAs can submit expenses up to June 30th for the preceding fiscal year. These are just preliminary numbers, but we don't expect them to change that much.

The blue columns farthest to the right indicate our monies spent to budget. The bottom line of that shows our surplus of \$1.188 million, which is 95 per cent of our budget. As I previously spoke to, this is primarily due to MLAs not spending their full constituency allowances or their travel budgets for the year. This is also typical of a non-election year, this surplus of about \$1 to \$1.1 million. Last year, I believe it was about \$750,000 or \$800,000, which was a little lower due to it being an election year.

THE CHAIR: Any discussion or questions from members? Nothing? Again, this doesn't require a vote but is just for information purposes at this time.

That concludes the Management Commission agenda. I'll now adjourn the meeting. Enjoy the rest of your day.

[The meeting adjourned at 12:53 p.m.]