

**HANSARD**

**NOVA SCOTIA HOUSE OF ASSEMBLY**

**COMMITTEE**

**ON**

**HUMAN RESOURCES**

**Tuesday, September 27, 2016**

**COMMITTEE ROOM**

**Role of the Conflict of Interest Commissioner &  
Appointments to Agencies, Boards and Commissions**

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**STANDING COMMITTEE ON HUMAN RESOURCES**

Mr. Chuck Porter (Chairman)  
Ms. Joyce Treen  
Mr. Gordon Wilson  
Mr. Stephen Gough  
Mr. David Wilton  
Mr. Eddie Orrell  
Ms. Karla MacFarlane  
Hon. Denise Peterson-Rafuse  
Ms. Marian Mancini

[Mr. David Wilton was replaced by Mr. Bill Horne]  
[Ms. Karla MacFarlane was replaced by Hon. Christopher d'Entremont]

In Attendance:

Mrs. Darlene Henry  
Legislative Committee Clerk

Mr. Gordon Hebb  
Chief Legislative Counsel

**WITNESS**

Hon. Merlin Nunn  
Conflict of Interest Commissioner



House of Assembly  
Nova Scotia

**HALIFAX, TUESDAY, SEPTEMBER 27, 2016**

**STANDING COMMITTEE ON HUMAN RESOURCES**

10:00 A.M.

CHAIRMAN

Mr. Chuck Porter

MR. CHAIRMAN: Order, please. It's about 30 seconds before 10:00 a.m., everyone is here, so we can get started. We'll start with introductions.

[The committee members introduced themselves.]

MR. CHAIRMAN: It's great to have everyone here this morning and thank you. Just before we go to our witness this morning, we'll take a few minutes and go through the appointments to agencies, boards and commissions.

I would just ask a couple of housekeeping items. If anyone has their phone still on, if they could set it to vibrate or turn it off that would be great for the next couple of hours.

We'll start with agency, board and commission appointments; the Gaelic College Foundation Board of Governors, Mr. Orrell.

MR. EDDIE ORRELL: Mr. Chairman, I move that Stephanie R. MacPherson be approved as governor.

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

The motion is carried.

The Library Board of Halifax, Ms. Treen.

MS. JOYCE TREEN: Mr. Chairman, I move that Leah Hamilton and Bradley Shane Munro be approved as members of the Halifax Regional Library Board.

MR. CHAIRMAN: Is there any discussion? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The Department of Education and Early Childhood Development, Ms. Treen.

MS. TREEN: Mr. Chairman, I move that the following be approved for the Council on African-Canadian Education: Marilyn Brannan [Northern Region], Gerald Clarke [Halifax Region], and Lynn Crawford [Cape Breton Region] as members; and Ogochukwu Udenigwe as member at large.

MR. CHAIRMAN: Is there any discussion? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The Department of Justice appointments, the Human Rights Commission of Nova Scotia, Ms. Treen.

MS. TREEN: Mr. Chairman, I move that Chief Andrea Paul be approved as a commissioner of the Human Rights Commission of Nova Scotia.

MR. CHAIRMAN: Is there any discussion? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The Department of Labour and Advanced Education, Mr. Wilson.

MR. GORDON WILSON: Mr. Chairman, I move that Kathryn Swenson, Victoria Harwood, William Parker, Rod Morrison, and Ian Murray be approved as members of the Acadia University Foundation.

MR. CHAIRMAN: Is there any discussion? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The Cape Breton University Foundation, Mr. Orrell.

MR. ORRELL: Mr. Chairman, I move that Martin Chernin be approved as a member of the Cape Breton University Foundation.

MR. CHAIRMAN: Is there any discussion? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The Department of Municipal Affairs, Mr. Wilson.

MR. GORDON WILSON: Mr. Chairman, I move that the following be approved for the Nova Scotia Municipal Finance Corporation: Kelliann Dean as chairman and member; and Geoff Gatien, Dawn Keizer, Neil Morley, Raymond Murphy, and Robert Thibault as members.

MR. CHAIRMAN: Is there any discussion? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

Thank you very much, that is the end of appointments.

I would now invite the Honourable Justice Nunn to offer a few remarks and an opening statement, whatever you'd like, and we'll get on to some questions from members. Welcome, Mr. Nunn.

HON. MERLIN NUNN: Thank you. When I got this invitation - I've never appeared before a committee like this, ever, in all the time I've been there so when I got the message that I should come, I thought boy, they're going to ask me to quit or leave or do something anyway. But I subsequently learned that's not really the case.

I've been the Conflict of Interest Commissioner for about 19 years in Nova Scotia, and I believe I'm the third one. I think the first one was Justice Tom Coffin, he was appointed. The next one was Justice Dooley MacIntosh, and I've succeeded him.

The topic that was suggested was the role of the Conflict of Interest Commissioner within the government. I hope I don't bore you with most of this. The role is defined in the Conflict of Interest Act. The commissioner has to accomplish the ends of that.

I'm going to have to refer to a few of the sections. The preamble to the Act is an Act to Avoid Conflict of Interest by Members of the House of Assembly, Members of the Executive Council and Public Employees. Section 2 of the Act says, "The purpose of this Act is to ensure that members and public employees (a) perform their duties and functions of office and arrange their private affairs in a manner that promotes public confidence and trust in the integrity of each member and public employee; and (b) avoid conflict of interest and do not, in order to further their private interest or a private interest of their family, take advantage of their official positions or of information obtained in the course of their official duties that is not available to the public." So the role of the Conflict of Interest Commissioner is to accomplish that end.

I'll just refer to a couple of other sections - Section 3 is the definition section for all of the terms that are used. Section 4 is a major change from the previous Act, and that's relating to the method of appointment of the Conflict of Interest Commissioner. The one that had existed in the previous Act was that the Speaker would meet with the Chief Justice and between the two of them they would select somebody, and that somebody would get appointed, I presume, by the Governor in Council.

It has now changed and that section now reads, "Upon consultation with the leaders of the recognized parties and subject to the approval of the House of Assembly, the Governor in Council shall appoint a person to be the Conflict of Interest Commissioner." The major significance of that is that the previous Act referred to appointing a supernumerary judge. I don't know whether it was a reason or the motivation behind it, but the supernumerary judge could not get any pay because he wasn't allowed to have another job other than the justice job.

So for most of the years of Justice Coffin and also of Justice MacIntosh, and even myself, we did the work free and we did whatever was required. I think as the years went by the job was getting more and more difficult and more and more questionable areas raised.

Anyway, the commissioner has to collect, keep, read, and sign off on the declarations that you all have prepared, which must be prepared every year and must be amended if during the year you acquire something new or you sell something that you had. The other one is that you acquire a new spouse - because then you have to file the spousal one. One of the difficulties is getting them all in. It's getting better, but there was a time when six months would go by. It's supposed to be by June 1<sup>st</sup> of any year. The time would go by - four months, five months, six months - and to be honest with you, it was almost always the Premier. He was the last one to come in with his declaration, and only after a number of requests and letters and so on. That's one of the roles of the Conflict of Interest Commissioner.

In the course of that, the Conflict of Interest Commissioner can meet with any of the members. If they request a meeting and they want to find out about something, whether it might be a conflict or whether it might not be a conflict, they are free to contact me, and we'll either meet or I'll have a long telephone discussion with them and deal with the matter and give them the necessary advice.

Sections 12 to 17 of the Act relate to the conduct of Members of the House of Assembly. Hence, it is the role of the commissioner to determine if the facts of any situation constitute a breach of the prescribed conduct set forth in those sections. I'm not going to read those sections to you, but the only one I will refer to is Section 16(3), which can happen. Section 16(3) relates to a gift and the limit of a gift is \$250. Anything over that has to be reported to the Conflict of Interest Commissioner and then you have to do whatever the Conflict of Interest Commissioner indicates you should do.

That's interesting because in Nova Scotia there's not many things that usually fall into this category that are over \$250. If you wanted a ticket to the Olympic hockey game in Vancouver you wouldn't get one for \$250, it might be \$1,000. So these gifts, you have to determine the value of them all, and the value depends to some degree on the area.

I had one relatively recently where a gift of a pearl necklace and pearl bracelet was being offered. There was some suggestion they didn't know what the cost of it was but they were certain that it very well exceeded \$250, so again I had a telephone conversation going on and I made suggestions as to what could be done. After I talked long enough, the person on the other end of the phone says, perhaps I should send it back. They sent it back to China, so that resolved that one. That's how a lot of conflict situations arise, and I deal with them in that way because I think you have to use a lot of moxie, I can say, in dealing with the situations. Each one is different; each one varies from the other and calls for a different decision.

Now Section 18 of the Act relates to Cabinet Ministers. It's very different than the others because it sets out a number of things that they must not do and they can't be involved in any other business. Now that stems from the fact that lawyers and doctors used to be the ones who were elected, and the lawyer would come down and sit in the House of Assembly for the day, end at 3:00 p.m., and he would go back to his office and practise law for the rest of the day. Doctors would do the same - go back to their office. This was a way to open the door for other people to become members. This has all occurred certainly in my lifetime, so things have changed very drastically in that regard.

They made strict conditions for members. It's interesting - one of the things, if a minister breaches his post-retirement requirements, he is subject to a fine of up to \$50,000, which is a pile of money here in Nova Scotia, and we haven't had one of those occur yet.

The post-service retirement restrictions for a minister is 12 months that he is not to be involved in getting any deals with the government, dealing with his own department, dealing with other departments and so on. For the public employees, that's six months.

One of the big differences between the Conflict of Interest Act in Nova Scotia and throughout the rest of Canada is I have the Public Service, the public employees. It's not only the Public Service, but it's any government business that's going on that has employees, I have them. I have a lot of requests for an opinion from those people. Many of them are - look, I do this job Monday to Friday and I would like to do some consulting work on the weekend or on my own time, holidays or whatever, and the work they're going to do on the weekend is similar to, if not identical to, the work that they did Monday to Friday. So I have to decide whether or not that is a conflict of interest. Generally those types of situations are so they have to be very careful. So far I've had no trouble. Everybody did what I told them to do.

I know that some of the other Conflict of Interest Commissioners across the country are very strict. They read the letter of the Act, and they follow it strictly and enforce it. I look at it that here we are in Nova Scotia and I'm dealing with the public employees - here we are in Nova Scotia, there are not many jobs available and the pay is not the greatest in the world, and if someone wants to try to do something on the weekend or on his own time, then I take a pretty strong look at it to see if I can find a way to say, sure go ahead and do it. I've done a lot of that, and I think for Nova Scotia that's the proper way to go about it.

Conflicts of interest really fall into two categories. One is real conflicts - this is the job you do and you can't make any more money outside of work doing the same kinds of stuff that you do normally. There are many other numbers of situations. The main category - that's the real conflict of interest.

The next one is a perceived conflict of interest. It's the perceived ones that are the deadly ones because that's when you get your name in *The Chronicle Herald* for three or four days until the matter gets resolved or it gets old and then they go on to something else.

I had one that I always get a kick out of. I had one of a deputy minister in Nova Scotia who called a fellow in New Brunswick and said, look, you should be running in this New Brunswick election, and if you do, I can assure you that you will become a Cabinet Minister. Boy, that hit the press and the fellow was being ostracized almost.

Anyway, one of the members said, I'm going to send this to the Conflict of Interest Commissioner and whatever his reply is, I will give it to the press. So I got a letter and I replied that there was no conflict of interest that I could see but the deputy minister was awful stupid, and this is what I said in the letter, it was a foolish thing that he did. I sent that letter to the person who originally wrote to me and I never heard another word about it. It never got released to the press and it was just left alone. Those are the kinds of things you get and you have to deal with.



The perceived ones really become reality. If it's big enough for *The Chronicle Herald* to criticize you, as members, for some particular conduct, then once that's out in the press a lot of people sitting at the kitchen table and drinking coffee or beer or whatever, it's true as far as they are concerned. It's like Donald Trump trying to show that he's not as bad as they think he is. He's going to have a rough time, I think.

Anyway, I will say this about the role. I'm finished now with the Act and those types of things. The role of the commissioner, in my opinion, is absolutely vital to a democratic society, particularly one where the information and conduct and interest of the members and ministers and public employees is openly published and made known throughout the province within a very short time of any particular incident.

So what does the task require? I'm going to tell you that this is what I think it requires. It doesn't necessarily mean that I have all of these qualities that I'm going to speak about because the first one is he has to have wisdom, he has to know the people he is dealing with, the man or woman who calls him, and he has to understand a lot about them before he can make his decision. He must have an understanding of government and how it works. He must have a pretty sound knowledge of the province, the areas, and society at large. He must also understand the unemployment and economic conditions that exist.

He must also be aware of what other Conflict of Interest Commissioners across the country are doing in their particular provinces. Maybe it's because they have been judges and lawyers but, as a result, they follow this legal sort of approach more than a non-legal person would.

I have been a commissioner for 19 years, I think, and I'm proud to say that the number of matters involving members and ministers and ministerial assistants has dwindled to fairly rare occasions, there are not many, but there has been a significant increase or increasing numbers in the Public Service. Part of that is because whatever someone does, they go to their boss up the line and then the boss ultimately gets to the deputy minister and the deputy minister says well, we'd better put that over to the Conflict of Interest Commissioner. So it's just an easy way of not making a decision that sometimes they should make. I'm not being overly critical, but it's just that I get a lot of these.

Other than the things that I've just indicated to you, there's not much more I can say, other than nobody knows really - we don't keep track of what the Conflict of Interest Commissioner does in Nova Scotia, and I hope none of you put a bill through saying that we really want to find out what he is doing and he keeps track and we want reports and all this sort of stuff.

I do a lot of Public Service ones and I do a number of the members. Usually I get a telephone call. I spend hours and hours on the telephone talking to either the public servant or the public servant's boss or a member on whatever subjects are raised, and they want my advice and I give them the advice. So there is a significant amount of time spent trying to do this job, and I love it. That's not a matter of I'm bored with it all. I probably still wish I was a judge, but I've passed the age and you have to quit. In fact, a letter comes the day after your birthday saying you're through. (Laughter)

I enjoy doing it. I like doing it. I've never had a real problem. I had a little bit of a problem over the Minister of Fisheries and Aquaculture a few years ago and I met with him and his wife and made a decision as to what they should do. They had to sell a boat and do all that stuff. Anyway, one of the Parties wouldn't lay off of it and they kept on it. Then I got a letter from another member, and he said I would like you to reopen your decision and consider these matters. I wrote him back and said those are the matters I considered when I made my decision. I said, besides that, I can't open an appeal unless I receive facts under oath with more evidence.

So I got another letter and it set forth all the things that were in the first letter, and then it said, signed and sworn to before so-and-so, so it was a sworn affidavit, except it said exactly the same things that the letter said. So I wrote back and said, sorry, no appeal because those are the same issues that I dealt with when I made the decision. I did say in that one - and what's more, if you select passages of my letter and give them to the press, then I reserve the right to publish the whole letter because this is a power that the Conflict of Interest Commissioner has. Never heard anything for about three or four days and there was an article in the newspaper from the Premier saying the member was just trying to make sure that all of the evidence was before the Conflict of Interest Commissioner - and the matter died.

That's the only - I didn't consider it much of a problem, but I've never had a problem. Never had an appeal. I've had a few people going away upset, I think, but not really too bad. That's about all I can tell you. The role is an interesting one, and sooner or later - perhaps sooner - you're all going to have to look at appointing a new one. While I'd like to stay and keep at it, my time is going by pretty fast.

MR. CHAIRMAN: We appreciate that very much, yes.

MR. NUNN: So that's about it.

MR. CHAIRMAN: We appreciate your comments and opening statement this morning. Just so you're clear on what traditionally happens, after the witness does a statement, the members will go around the table and ask some questions and you can answer them as you see fit. Mr. Orrell.

MR. NUNN: I'll do my best.

MR. ORRELL: Thank you for your presentation. You said in your opening presentation that the Act presently has been in place for quite a while, it hasn't been changed, and it has to be approved by the Leaders in the House of Assembly. I guess my question is, who do you actually report to if there is a conflict? How does that get recorded? If there was a chance that you had to go back and look at that in previous years, where would we find that information?

MR. NUNN: All of the decisions I've written and sent out, copies of them are kept in the commissioner's office here in this building.

MR. ORRELL: So if we needed to get hold of that, we would get hold of you and that would be made . . .

MR. NUNN: That change to the Act on the appointment occurred during the NDP reign.

MR. ORRELL: So that's just recent, a couple of years back.

MR. NUNN: It's recent, yes.

MR. ORRELL: I guess, if I can, one more - you said as you finished that you hoped no one brings a bill forward for you to have to produce a report to the Legislature or a report to whoever, although most provinces have that as a requirement, for transparency. Is there a specific reason you wouldn't want to have that produced and presented publicly so people could look at it, or is it just because it would put people in a difficult situation? If we're going to have an open and transparent government, that's probably one of the things we should look at having available.

MR. NUNN: I don't know. The difficulty is that anything I write to a member or a public employee or a Cabinet Minister is private. It does not get out unless the member or the person involved lets it out, and most don't. So the trouble is, writing a report, what do you report? You are not accomplishing very much if you report that I've had - okay, let's say I've had 12 times seven - 84 requests for advice from members of the House and 27 requests by the Cabinet Ministers and 402 from the public servants, it doesn't tell anything other than how busy the person is. How can I report that I've been on the telephone so many times and for such a long time that even my wife was mad at me?

I don't subscribe to the notion that this is all part of an open government. The NDP also passed a section that said the commissioner must make public the declarations that you file with me. I don't know how many years went by - three years went by, I'd say to the staff, we've got to get this published because it says the commissioner must do it. I

don't know how to publish it, I'm not a computer nut, and as a result it wasn't getting published.

I had one person raise it to me in a telephone conversation that I instigated from a letter he wrote. He said, I can't find it on the Internet. I said no, you can't find it because we're not able to find a way to get it on there yet. But now it's on, so whatever you put on your declaration - except for your address, your phone number, your wife's name, and your children's names - they're all deleted. So it's only what you own and what you have and what's going on.

I don't really see - I think it was perhaps too strong an interest in the public knowing everything. Over the 19 years that I've been there, I've had maybe one person come in to look at somebody's declaration. They would come into the office - and right now they're in the office across the street - they looked at it, and left. I don't know whether he wanted to make a copy, but at that time we wouldn't let them make copies of it. Now that has changed. They can get copies and do whatever they want and it's on the Internet.

The trouble with a lot of it is that it's on forever. How do you get it off the thing? So someone in 10 years' time might want to pick on one of you and they say, well look at this, this is what he or she did, and this was declared or not declared or whatever. I think the purpose of the declaration is not for the public to know how much you have. If they want to find out, there's a vehicle that they could have done it. It's so the Conflict of Interest Commissioner can look at that if a matter arises that might relate to it and he has sort of got you with what you declared. So it's significant.

I'm not trying to say don't let the public in on anything, but they're not getting in on anything - you don't have to shove it down their throat on the Internet. Making it available for them is fine. That again was the big change made with the NDP's revision of the Act. Their revision was in 2010, so it's only six years old.

MR. CHAIRMAN: Mr. Wilson.

MR. GORDON WILSON: I was interested in the two sides: you have the elected officials and you have the Public Service side of it. It's interesting to know that you're one of the few commissioners that actually has to deal with the Public Service side of it.

A few different things in that area - I guess what intrigued me right off the bat was your comment that on the elected officials' side you're seeing a downward trend in the amount of matters that are brought forward, yet you're seeing a converse upward trend on the Public Service side. I think you elaborated a little bit on the Public Service - why it's happening on that side, but I'd be curious to know why you think there is a lessening of matters being brought forward on the elected officials and more on the other side.

Also, I'd like to know - there's obviously an imbalance in your workload also. It sounds like you're preoccupied a lot more with the Public Service than you are with elected officials.

MR. NUNN: Yes, that's so, but things have changed. I have to meet with every minister when they're appointed. New ministers come in and I have to meet with them and we discuss - we'll be a couple of hours maybe at a meeting and you discuss all of the things that they must do and how they go about it. So you give a lot of advice to the ministers that they never had before.

Before the last revision of the Act, if a minister called the Conflict of Interest Commissioner or wrote to him, the matter would be dealt with. You didn't go around advising everybody what to do. There was a general meeting of the new members, and various department heads spoke to them and so on. They always had the Conflict of Interest Commissioner there, but all I could tell them at that time was you have to file a declaration and you have to declare all the assets and liabilities that you have - not the amounts but who they're with. That was the level of advice that they received.

Matters did arise during the course of their service and you would deal with them individually. Now they're so well-advised and they understand so well what the situation is that their behaviour is much better than - I shouldn't say it that way. They avoid conflict situations before they happen, and that's a good way to deal with them.

Sometimes I just get a call and they don't submit anything. They just say look, here's a problem that I have; what do I do? And I tell them what they should do.

MR. GORDON WILSON: I had another question; I guess it's an easy statement here. You educate and promote, and that's a big part of your work, I can see that now. More than just sort of reactive things, it's the proactive side of it, and maybe that's the answer to why the elected one's going down.

I am still curious, could you give me a percentage of the workload of your elected officials versus the Public Service? Is it 50-50, 25-75, 10-90?

MR. NUNN: It's hard to do. We get a lot of requests from the Public Service people. We may get three this week and none next week and four the next week; it's hard to tell. I don't keep track of how many I've done. They all involve - say I get a letter or a request from one of the public servants. He works in such-and-such department, so-and-so is his boss, and he wants to do something outside that. He spoke to his boss about it, his boss spoke higher up about it, and the suggestion came down that he write to the Conflict of Interest Commissioner. So that's the letter I get.

I then call him and discuss what he does - what job do you do? What are you doing in the department and who is your boss? I go through the whole story on him - what do you want to do on your own time? Some of them really want to do the same thing, or some aspect of the same thing as they do during the week, a lot of them. It's like a plumber - if he plumbs all week and he likes to do a little extra work on the side, he plumbs.

These people are much the same and there's a lot of these. Sometimes there's conflict arising because of the person in the department dealing with his wife's business, his father's business, his uncle's business, or that he is in the same business as somebody who is a competitor of his - those kinds of things - and he wants to find out whether he's in a conflict situation or not.

There's a lot of those. I can't say a percentage. Ginelle, who is behind me, receives all these calls at the beginning. She knows better than I do how many we get. There's just a lot of them, that's all. They involve a lot more time than you would think because the letter comes in, and then you go to the phone calls and discussions. You don't know how many people you have to talk to in order to determine and make that decision.

That's the other thing about the Conflict of Interest Commissioner - you have to make quick decisions. You can't say, well I'll take this and I'll reply next month. They want to know today or tomorrow what the situation is, and I've tried to do that with all of them since I started.

MR. CHAIRMAN: Ms. Mancini.

MS. MARIAN MANCINI: Thank you, it's a real pleasure to hear from you today. I think it's a pretty fascinating subject, and considering you've been doing it for 19 years, I can imagine you've seen things evolve considerably. I appreciate the fact that you say people are so well informed now. I think the guidelines are clearer so the same problems don't arise with as much frequency.

I guess what I wanted to ask you about though - there was a situation that was reported in *The Chronicle Herald* in March with regard to - and I'm not going to ask you to comment specifically on the actual details of the case, but I just want to put it out there so you can see where I'm coming from with my question to you. There was an incident where the Premier hired a chief of staff who was married to someone who had been his campaign manager, but also owned a lobbying company and he was really involved in some pretty high-profile lobbying contracts for the government. They met, and I think everything got resolved - these are the rules; you do this, this, and this.

The thing with it to me is, it's about the perceived conflict that you talked about. I would never, ever try to suggest that those people were not going to follow all the rules, but I try to imagine somebody going home in the evening - you can't really talk about your work with your partner. The partner who has the lobbying firm is saying, I don't go near those files anymore so I won't touch them. But you know people - they're your friends,

they'll call and ask, can you get me in to meet somebody? It's almost like at times I would think it would be very challenging to stay in that position and stick with the rules.

In that article that was in *The Chronicle Herald*, the reporter had sought the opinion of an individual who is the co-founder of Democracy Watch - Duff Conacher is his name. He made some comments about that, saying that our rules aren't strong enough - our Act isn't strong enough, I know it's the NDP one.

This is where I'm going to ask you this question. Do you think that there is a role for the commissioner moving forward, looking at maybe making changes to the Statute, if it's required, to oversee? He was suggesting random audits, even of communications, within those departments.

He kind of said it's like law enforcement 101: if you're not doing random audits, you're not enforcing the law. Police don't catch speeders unless they set up a speed trap, and CRA does audits to find people who may be cheating on their taxes. He says, unfortunately - and it's not just here, it's other provinces - you're kind of left sitting there, waiting until it falls in your lap, whereas if there had been some ongoing overview in those situations.

It's almost like that particular scenario to me: no matter how many rules you follow, you're almost going to be tainted by knowledge you have that may be inescapable. I guess that's my question, essentially, do you think there's a role for ongoing overview of decisions that you make?

MR. NUNN: Decisions that I make?

MS. MANCINI: Not so much decisions, but when you're presented with that scenario, and you work with the person to say, this is what you need to do in order to avoid conflict or perceived conflict. But once you do that, then that's the end of it. Do you see a role for the commissioner to have an ongoing overview of that scenario?

MR. NUNN: I would not be concerned if the power was given to the Conflict of Interest Commissioner to oversee appointments at whatever level you want to make them. Some of them are very difficult. It's a difficult world that we're in. You have men and women, and they are living together, or they're married, and one is doing one job, and one is doing another job, and there are conflicts between the jobs or the perception of a conflict.

I did a conciliation for nurses and the government when I was a supernumerary judge. They couldn't come to any agreement, so I was appointed to conciliate their dispute. The government employee person on the union side was an officer of the union, and her husband was an officer of another union that was dealing with the government at the same time. When they went home at night and jumped into bed, you might not be surprised if

they said, look, I got an offer today from the conciliator that I think we're going to accept, and it's for X-hundred dollars. So he goes in to his negotiation and says we won't settle for anything less than that figure or a little bit more than that figure. This is going on all the time. This is the reality of life, that it's pretty difficult for two people who are together but have different interests not to talk about them.

But if a situation that you described came to the Conflict of Interest Commissioner, he would have to determine whether or not there was a conflict, so he starts with the real one. Is there a real one that has this fellow doing this, and somebody else doing something else? Was there a conflict in their selection? Was it somebody who was getting favouritism or special treatment? You've got to go through all of that, and then you have to determine whether or not it should be allowed.

The difficulty is - I say this with some hesitation - you don't realize the power that the Conflict of Interest Commissioner has. If you read the Act, you can see. He can extend things. He can alter things that are prescribed. If you put this thing on him, you're giving him a power that you might wish you hadn't given if time went on.

I don't know how, in the circumstance that you described - it's the media that comes along and highlights it. It's big news for a week or two or three days or whatever it may be. Then it dies down because there's another matter that comes up. So maybe you've got to let some of these things ride and just criticize them as a member of the Legislature - you say, this is not right, this is bad, and we'll remember this come election time - and see what you can do.

MS. MANCINI: Thanks for that. I just wonder as well in your role, if you see something happening, and you read the newspapers, the media and whatever, and you look at that and say oh, I hope that one doesn't land on my desk - you don't have the power to intervene on your own, to be proactive with it? You basically have to wait until that complaint, essentially - for lack of a better word . . .

MR. NUNN: I'm not sure - I could start on my own in certain circumstances. Like in British Columbia - I think it was British Columbia, or the Yukon - the Premier got in trouble by having somebody build a very nice deck on his house and the commissioner caused the Premier to lose his job. That's a pretty great power to have.

In a circumstance like that a commissioner could say, I'm going to conduct an inquiry on this. I think I could do it under our Act - I don't know right now where it is in the Act, but if something was really bad, I'd jump in.

MR. CHAIRMAN: Mr. Horne.



MR. BILL HORNE: First of all, I'd like to thank you for your comments today. I think they're very fluid and you're very confident in what you're doing. What I want to know is what happens if an elected official or public servant does not report a conflict of interest, or potential one, or doesn't take the directions you give to him or her?

MR. NUNN: I think I have the power to enforce it in some ways. It can end up in the courts and I think I can send it to the court. Then, for those types of things, the fine is up to \$10,000; not the \$50,000. I've never had to do it so it's like if you don't have to do it, you don't pay much attention to the provisions that say what you can do in those circumstances. I'd have to look at it again. I never had that problem presented to me that they wouldn't do it. I've extended the time.

There was a Cabinet Minister from down in the South Shore area, I think - it was a woman, her first election, a minority government - 10 or 12 years ago, whatever it was, and she was made a Cabinet Minister. She ran a little store in the country and the provision was that you can't carry on another business. So it came to me and I made inquiries. Her husband was not reliable - I don't know, he wasn't able to carry on the business anyway. This was their main income, so what was my thought?

This is what I tell you when you have to understand people and what's going on. You have to understand that this is a minority government, she just got elected. In three months' time there could be a defeat of the minority government and she could be booted out. So if I say you must sell your business, what does she come out to? The business is sold so you've taken her life away, you've destroyed her life. So I thought, what in the name of God am I going to do here? If I let her do something then somebody else is going to want to do something.

I thought, well, the thing for me to do here is to say, look, you can't run your business Monday to Friday, but Saturday and Sunday you can attend to your business and look after your orders and all that kind of stuff. So that was the advice I gave her - you can work on weekends or holidays or whatever. I never heard one word of complaint by anyone in the House about that decision - not even a hint of a complaint. Thank God there wasn't because I was really stretching things to allow her to do it.

MR. CHAIRMAN: Mr. d'Entremont.

HON. CHRISTOPHER D'ENTREMONT: It's a pleasure to have you here, Justice Nunn - 19 years of service. Thank you for that. It seems like a lifetime already - 19 years' worth. I'm going to follow up a little bit, and it sort of revolves around the follow-up of the job: somebody reports something, somebody asks for your opinion on something, and you provide the order or the advice. How do you make sure that those orders are followed up on?

MR. NUNN: I don't do anything to - I've never had one where that situation would arise.

MR. D'ENTREMONT: I'm not too sure where my colleague, Ms. Mancini, was going, but it was sort of the issue of - with all of the orders that you have done in your 19 years, how many of them would you follow up on or check in on, or what have you, to make sure that there is a level of compliance to your orders?

MR. NUNN: I can't say that I've ever followed up on any of them to find out. Usually they just do whatever I told them to do. I can't think of one that was a problem. There's always someone if it's publicized - anyway, there's always someone who is going to complain. They don't complain to me, they just complain generally, like the one I spoke about, the fishing situation. I extended the time for him to sell his boat because you don't sell a \$60,000 or \$65,000 boat overnight unless you're very lucky.

I think most of the members are aware. If one of the members writes for an opinion, I think he makes the other members aware that he has written a letter to me and sought instructions or advice, or whatever. So they all seem to know. I can't believe that the members did not know that this minister was doing some work on the weekend in her store in the country, because that was their livelihood.

MR. D'ENTREMONT: I do know both of those instances. Actually, I've got to say that I don't know about the country store issue even though I sat with that individual. I never knew that she actually made a complaint or a request of you. You had helped her along the way, and power to her for being able to do that.

I think within our democracy here - and this has come up on a number of occasions when we talk about the issue of transparency. I'll ask you because within our divisions of government - whether it's the judicial, the Legislature, or Cabinet - where does the Conflict of Interest Commissioner fit within those three headings? Are you an officer of the Legislature? Are you an officer of Cabinet? Are you part of the judiciary? It's not that clear within the Act where you fit under. That's where we've had a debate before, on should it be an actual position, reporting directly to the Legislature on a semi-regular basis?

MR. NUNN: I really am part of the Speaker's Office, so if I was reporting some general matter I would report to the Speaker and the Speaker would report to the House of Assembly, I presume. But I haven't gotten into one of those yet.

I'm concerned about the transparency because the things that I've discussed with members and with other people are not generally things that should be open to the public. I just don't see that and I don't see what advantage it would be. It's possible that there's just transparency for the sake of transparency, and we do it because Manitoba did it or British Columbia did it or New Brunswick did it or whatever. I'm not a fan of transparency in this particular situation because you are giving advice to people in their jobs and it's all

very private, so nothing becomes public unless the person wants to publish the letter or even parts of it.

I make anyone who wants to have a decision from me, they may call Ginelle, they call the office and Ginelle will be the person they deal with first. We tell them and if they don't follow anything that Ginelle says, I say okay, I'm talking to you on the phone now, this is what your problem is. You write me a letter setting forth all the things you've said and I will respond. They send me a letter and I respond, usually very quickly, but it's private.

I'm just not a fan of transparency for the sake of transparency, to show oh, everything is open. I don't like the notion that your declarations are all public. I can tell you that in the early years most of the members have really had no great assets. Many of them did not have any assets. I would look at them all and I would say now, who in the name of God are they going to appoint Minister of Finance? They don't own anything - they don't own a mortgage, a house, stocks, bonds, or anything else. But the appointments were made and the work was done and everything was fine.

It was the NDP again who, in the changing of the Act, put that clause in about publishing. I look at it and say look, it costs thousands of dollars, maybe hundreds of thousands of dollars to publish all this stuff, and what for? In the 19 years I've been there only one person has ever come looking for it, so you do all that so that one person can look at it? Or the other side of the coin is there's a lot of people who are just fishing around the Internet and they're going to make life miserable for you. They see that you've got this, they'll write me and say, how can he deal with this matter when he's got this interest?

People at large don't make distinctions. If I have 10 shares of the Bank of Nova Scotia and an issue comes up - even when I was a judge, an issue comes up regarding the Bank of Nova Scotia, I would say to the counsel, look, I've got 10 shares in the Bank of Nova Scotia. There's about 10 million out. If that bothers you in any way, then I'll recuse myself. I never had to, but that's how ridiculous it gets.

If someone looks at yours, and they say, oh, look, you passed some bill or introduced some bill that involved the Bank of Nova Scotia, and you've got one share in the Bank of Nova Scotia. Sure, you're obviously prejudiced, and it's a conflict of interest for you and so on. I would not find any conflict of interest; I would merely say that your holdings are so minimal that it couldn't possibly be influenced to the degree of a conflict of interest.

MR. D'ENTREMONT: Not to belabour it either, other provinces have Conflict of Interest Commissioners, and I think there are all different kinds of positions and offices. I'm just wondering if, in your discussions with other Conflict of Interest Commissioners, if you do have the opportunity to speak to other Conflict of Interest Commissioners - are

there some changes to the Act that would make it a little bit better, or are there changes that you would envision? Seeing it and working with it for 19 years, I'm sure you have some ideas as well. Should we be changing some of the things in here?

I understand your transparency concern, and I might share some of that concern as well. But in this day and age, sometimes there are statistics that - all of us have to justify our jobs as well, what we do. I understand the work that you take in. But are there some changes in comparison with other provinces that we might be wanting to consider as legislators?

MR. NUNN: I'm not aware of anything that I think we should do. The Act was revised - this is 2016 - six years ago. I made some suggestions at that time, either to change some sections or to put some sections in. Some of them were accepted, and I can't remember which ones weren't. I did not suggest that it be published, and I did not suggest that they change the method of appointment - not because I was trying to keep it within the judiciary, but to keep it free of money. Now it's open. Parties can pick any lawyer or businessman or whatever. You have to be very careful what you get. If you get a supernumerary judge, that's a judge that has been a judge for at least 15 years and has reached the age of 65, you know if he lives, that you've got a good 10 years that he can still remain as a Conflict of Interest Commissioner, and it costs you nothing.

The other provinces - it's interesting. I was going to say something about this, but I thought I'd better not. I am the lowest-paid Conflict of Interest Commissioner in the country. I was not entitled to be paid. I retired at 67, and then I did that inquiry on the boy who killed the teacher with a stolen car. That took a little over a year, and I still was the commissioner during that period of time, and I couldn't ask for any payment because I was going to get paid for this inquiry that I was going to do.

I'm sort of - using an expression that's not very popular in the courthouse anymore - the author of my own misfortune. I knew what some of the commissioners were being paid - I'll tell you this so that you've got the whole story and you know about it. Dooley MacIntosh negotiated with whoever he negotiated with - the Speaker's Office - when he was finished as a judge and no longer supernumerary. He negotiated a salary of \$25,000 and I think he got a parking place at the local parking garage. That's kind of significant because you're down here a lot.

Anyway, I thought, well, I've got to go see somebody because I think I should get paid something now. The guy said, well, what do you think you should get? I said, well, MacIntosh got \$25,000 - I'm sure I should get more than that because that was established eight or 10 years before. I said, how about \$35,000? Whoever it was that was negotiating looked at me and said, that's good, no problem, yes, so we'll set that up. Then I said, that's a strange amount, make it \$36,000 because it's \$3,000 a month for 12 months. He said, fine, sure, go ahead, we'll do it that way.

I got a call about 10 months ago from a retired judge in New Brunswick who was being appointed and he wanted to know what he should do about payment. I said, you should ask for the difference between your pension and what your salary used to be, and that would come to something like \$75,000 or close thereto. That's what he left with, but then he died and I don't know what the present fellow gets.

The B.C. one gets paid the same salary as the Chief Judge of the Provincial Court, and that's \$200,000-and-something. So the West has much higher wages and so on than here. If you get a new one - and all of these other Conflict of Interest Commissioners have staff, and among the staff is one or two lawyers. The lawyers are not going to work cheap.

Anyway, they would also have secretarial help and maybe a clerk to look after filing and all this other stuff. Mary Dawson is the federal one. She has a big staff, but she has a lot of major issues that arise.

I think that in Nova Scotia, if I were to try to negotiate some more money, I would be seeking \$75,000 at least because there's a lot of work involved, and people don't realize that, but I'm not going to be doing it. I've made my own bed and I'm lying in it and I'm getting by, so I'm not worrying too much. This is what you have to face if I retire, which I'm getting closer and closer all the time, then you'd have to get a new one and you're going to be involved.

I started out - Dooley MacIntosh had a suite of offices in the big high rise building over there - a big meeting room, private office room, another library room and so on. That was up on the 7<sup>th</sup>, 8<sup>th</sup>, or 10<sup>th</sup> floor, whatever it was. I got a request if I would mind moving down. I said, no, I don't mind. So I moved down to the first level where the Speaker's Office was and I had two little rooms. Then they said, we're going to move over to this government building here and you'll have to have your office over there.

I have an office here, I'm not sure if it wasn't a little cloak room but that's it. I never use it because I can't have meetings with two or three or four people, so I have my meetings over in the Provincial Building. But you appoint somebody who is going to say, I want a suite of offices and everybody else has them across the province, and I want this amount of money and God knows what it will be, it will be substantial. So you have to be ready in advance to decide what you might be thinking if the issue comes up. It's not going to come up for a little while because I'm going to hang on a little longer.

MR. CHAIRMAN: Mr. Wilson, do you have another question?

MR. GORDON WILSON: Yes, I guess Mr. d'Entremont's line answered a lot of it. You made one comment at the very start that your position is vital to a democratic society. That was a very powerful statement. Also it certainly has been an education to sit here and listen. This is truly a privilege to hear your stories.

You mentioned a few words and I wrote down a few that popped out here that I just wanted to share and then ask you a question. Wisdom, you know, and first also probably the last question I'll get to ask so I do want to truly thank you, although you might appear before us again before you leave but I get a feeling that you probably won't. Really, truly, it is an extremely important position and the more I listen to what you do, the more I think everybody should understand that.

A few words; trust is certainly key and I think we're hearing that in some of the questions because people want transparency, people want the full facts. We're laying a lot on your head that what you know in privilege we trust you with making the right decision for Nova Scotians. That balance you talk about finding is extremely hard but you are the gatekeeper here, I think for a lot of reasons. I also think of that as a word that I looked at.

Respect is also another one I wrote down. In saying all that, that's a lot of words when you're talking about succession planning because you've hinted on that a few times. My question is, and I think you answered it in some of Mr. d'Entremont's questions, what words of wisdom would you guide us in your replacement?

MR. NUNN: Well I don't want to be considered as pushing a certain class. I think you have profited, the province has profited greatly by having a supernumerary judge and then however long he stayed, because you are getting a person who has at least 15 years judging and they have - you become very independent in the sense that when you have a case, you are not for this side and you're not for that side; you are coming down the middle, you're going to have to decide it.

I did any number of cases where I would say - just take on the civil side - and say look, there's no doubt that this little jury - six persons - there's no doubt they are going to find for the plaintiff because everything is on that side. Then they go out and come back in with their decision and they've decided for the defendant. So you couldn't guess but you never favoured one side or the other, you were always able to - you were trained to be sort of, I don't know what the word is, not independent but you are trained not to have any bias and I did my best to do it.

I was just a little boy from Whitney Pier and you know where Whitney Pier is, the tough end of Sydney. It was tough when I was there, I got more beatings than enough. You learned who you could beat and who could beat you, and you acted accordingly.

But I had a great upbringing because they were great people - ordinary working steelworkers and coal trimmers. My grandfather was a coal trimmer. He had a pan shovel that was about that big around, and he'd be down below the deck in a boat shovelling the coal from one side to the other to keep it level. He had wrists on him about four times the size of mine - a big, big man. These were the kind of hard-working people that I grew up with. They were critical of certain things, and you learned all this as you were going along.

Then I was very lucky, and I got to university. I taught school. I taught school in South Bar for a year, Grades 5 and 6. It was a wonderful little experience. Do you know what the salary was? I had a B.A. and a B.Ed. The salary was \$1,740 a year - not a month. So I did that. Then somehow in Cape Breton, I came across a copy of the *Winnipeg Free Press* weekly, and they wanted a collegiate teacher. The salary was \$2,500. I didn't know what a collegiate teacher was, because we never had that name here, but I knew what \$2,500 was; it was \$700 more than I was making.

So I sent an application in, and they accepted it. I went down to the school to find out where this little town was. The town's name was Bowsman, and it was north of Swan River. I went down to the school and got the atlas out looking for Bowsman, and it's not even on the map. Then I called CN Railway and asked, do you have Bowsman in Manitoba on your route? Oh, yes, sir. I said, well, where is it? He said, it's up near Hudson Bay. I said, what in the name of God am I getting myself into?

But I took it, and I went out and I was teaching high school - Grades 9, 10, 11, and 12 - in English, history, business, and health. Here am I, a little guy. I was 21, I guess, and I've got girls in Grade 12 who were 17 and 18, and I'm trying to teach them about health. I had all I could do to tell them, you've got to wash yourself. Anyway, the health was the hardest one.

Then I came and wrote to the law school and got accepted. I don't know why I wanted to go to law school. All I knew was I could talk, and lawyers talked, so I thought I'd better go there. I got accepted at Dal Law School, and I sent in my resignation at the school board. I was down at the café, which was the only meeting place in the little town, and a man came in whose son I was teaching. He said, look, I'm just coming from a meeting with the school board; they want you to come and see them. I asked when, and he said now.

Off I went with him to the school board meeting. They said, look, we want you to stay, but if it's money, the most we can offer you is \$3,200, and you have to keep quiet about it because the union rate is \$2,800. For another \$700, I decided I could certainly keep quiet about it. So I said, I'll let you know tomorrow. I thought that's a lot of money; that will pay for a good part of law school. I said, okay, I'll stay another year, and I did.

I wrote a letter to the law school, and I said, will you just keep my application open for another year? Yes, no problem. So I went to Dalhousie Law School and I had a good record at Dalhousie Law School, and as a result, I got a scholarship to Harvard. So I went down to Harvard and got a Master of Law, so now I've got more degrees than money.

I came back to teach at the law school. I taught one year and I got lured away to Algoma Steel out in Sault Ste. Marie, to the labour relations end of it. I stayed one year at that and I couldn't hack it anymore because it was too bloody cold. I had it pretty cold up in northern Manitoba. In the morning when I'd come out there would be half an inch of

frost on the windshield in Sault Ste. Marie. Sometimes I'd pour salted water over it to see if I could melt it.

Anyway, after that I came back and I had a very successful practice of law for 22 years. Then I became a judge. I had all of that sort of history and all that life. I met all kinds of people, and I was very lucky and very fortunate. That's why I think when I said about wisdom and all that stuff, that's the kind of stuff that makes you wise: you understand what's going on with other people; you understand their problems and what they have and what they haven't got, and you deal accordingly. No two situations are the same.

I'm sorry I bored you with my life history, but if you're looking for someone, you want someone with some experience in life. So whether he's a lawyer or whether he's a judge, whether he's a businessman or whatever, look at his background and see where he is and where he comes from. That's important.

MR. CHAIRMAN: Ms. Mancini.

MS. MANCINI: I guess my question is a little more boring than that last one. I did get an opportunity to read one of your decisions. Mr. d'Entremont was having a go at Mr. Samson and they got you involved. In the decision you referred to Section 18 which is the section, as you know, that outlines the conduct of ministers and ministerial assistants. There are six clauses in there.

When you wrote your decision you said: "Section 18, in its entirety, impresses upon Ministers and Ministerial Assistants certain behaviours but makes no provision regarding a breach of one or the other."

What I was wondering was, would the sections not - you know, I guess for lack of better words, the penalty sections, that wouldn't apply because that's only if it was an inquiry, or what? I didn't understand what that meant, that there was no . . .

MR. NUNN: I can't tell you that offhand. I remember the episode to some degree.

MS. MANCINI: It made for interesting reading.

MR. NUNN: I think somewhere there's a power here to refer a matter to the Supreme Court under Section 31, I guess it is, or 28. I've never done it. I can't tell you very much.

MS. MANCINI: I was just wondering if you might have perceived a glitch or a problem in the Act that needed a correction or a revision. I understand that you would still think that Section 18 would be matters that you could consider, if there was a complaint presented to you in its proper format.



MR. NUNN: Is Section 18 the one on the ministers?

MS. MANCINI: Yes - those six factors.

MR. NUNN: Part of the difficulty with Section 18 is that it's really a direction to the ministers to behave a certain way - be truthful and forthright. I sure as hell wouldn't want to be the one to have to decide whether a minister is truthful on something that he says. That could destroy him by saying he wasn't truthful, and maybe I was wrong.

Those subsections - (a), (b), (c), (d), (e), and (f) - I don't know what I would do in some complaint where the minister was not truthful and forthright, if he misled the House of Assembly and the public, if he didn't make every effort to ensure that departments are not used for political purposes, I just wouldn't want to have to be deciding those things. Those are proper things to say in the political forum that the minister is not truthful or he's deceitful or he's misleading the Legislature. That goes to whether or not he gets re-elected. That's the safest way that I can say you deal with those four or five subsections.

On the other subsections of Section 19, where he is required to - from (a) to (f) - I have the power to extend the times to allow them to be employed in their business for some period of time or to manage a business. I can let them hold certain offices or carry on business in a partnership and so on, for some reasonable period of time. You have to get reason in there. You can't just merrily go along and say, oh yes, you can have another six months. There has to be reason behind it.

It's difficult when you're dealing with a matter between two members of the House - one is a minister and one isn't, and one is complaining. Mr. Samson went through the gristmill two or three times before this last one, and so did the fisherman with his boat.

MR. D'ENTREMONT: Mr. Belliveau.

MR. NUNN: If you complained to me about one of these things in Section 18, I would try to resolve the matter. I would say give me your facts, and then I would probably call the other person and say, look, you've got to deal openly with me here. I've got a complaint that you're not being truthful or you're being dishonest or you're misleading the House, and if we don't get this resolved, I'm going to have to do something. What would I do? I'd report to the Speaker, I think, and I would say this has come in. I've talked to both parties and this is what I suggest, and then let him take it to the House.

MR. CHAIRMAN: Mr. Orrell.

MR. ORRELL: I had one quick question but if I may, I'd like to comment on your last answer there. As a judge, and you sat in that chair and there was no jury, you would make that decision. Am I not correct in assuming that?

MR. NUNN: As a judge, yes.

MR. ORRELL: Okay, but is this not the same idea, being the Conflict of Interest Commissioner, that you are the ultimate end judge?

MR. NUNN: Well I certainly am the decider of things, like a judge, but I just don't know. I mean I can only deal with the problems that are presented to me and then I have to look at the Act to see where the Act lies and make the decision.

Again, when I talk about wisdom, you'd have to decide, how important is this matter? If it's very important then you treat it a little differently than if it's only marginally important. That's what you've got to do in order to survive. That's what you people have to do in your activities in the House: with big matters, you deal with them; with small matters, you can push along and not pay too much attention to them.

MR. ORRELL: I don't want an answer on this question but I guess if it was big enough for someone to raise a concern with someone else, it would be an interest of a bigger matter than maybe not. I guess my question was, you're talking about a succession plan in the next 10 years, say.

MR. NUNN: That's my hope.

MR. ORRELL: And you talked earlier about the three Leaders and the Legislature get a say. Who actually signs your contract and who would be the person coming in to negotiate that contract?

MR. NUNN: I don't know, that's one of the reasons why I never went for trying to get more money: I didn't know who I was going to have to talk to. I could have found out.

MR. ORRELL: The Office of the Speaker is where your budget stuff comes out of, I guess.

MR. NUNN: It would come through the Speaker's Office.

MR. ORRELL: But if we have a say in that and it goes to the Legislature for debate, I guess it would be the province that would sign the contract, ultimately, or the Legislature. If you're not an officer of the Legislature, then someone must have to be in charge of that.

MR. NUNN: I think the safest place for the Conflict of Interest Commissioner to be is an officer of the Legislature because that means that he's dealing with the Legislature in important issues.

MR. ORRELL: Okay, thank you.

MR. CHAIRMAN: Mr. d'Entremont.

MR. D'ENTREMONT: I'm going to make two suggestions, and you can take them or not. One, with the disclosure statements, can we get a check mark at the beginning of the thing, no change, right off the bat, so I don't have to fill the whole thing out - no change, no change, no change? That's just a suggestion.

Secondly - and I thank Marian for sort of mentioning the letter that we had back and forth because it's sort of my last experience with the Conflict of Interest Commissioner. I was a little disappointed - not necessarily on the decision but it was the dissemination of information after you made your decision - that I read your decision on the Liberal caucus website before I received a copy of it as well. So if there's any way to tighten up that process that at least we're all aware of it at the same time before some of those things happen, that's all. Just a couple of suggestions.

MR. NUNN: I don't know how they - well, I suppose they were nearer. There was no effort on my part to get it to the Liberal caucus.

MR. D'ENTREMONT: No, no, I'm not saying that. It's just that maybe there's a better way to make sure we're all aware beforehand - that we're all put in the same room and we can beat each other up in the same room.

MR. NUNN: The parties involved should have the response before it's issued to the public at large.

MR. D'ENTREMONT: What it did create was that the media was asking me, what do you think of the decision? What decision? That's all, two very simple suggestions.

MR. CHAIRMAN: Thank you very much, Justice Nunn, for joining us today. I offer you a couple of minutes or so to make any closing statement you might like to make as we wrap up.

MR. NUNN: The only thing I would say as a closing statement is thank you for inviting me here. I've never appeared this way before. It was interesting to me. I hope that I didn't bore you to death and that I gave you information that you hadn't really thought about very much. Now you're well aware - there are conflicts, there are perceived conflicts, there are real conflicts. If there's even a suggestion that you might be in a conflict, get hold of me because the thought that there might be one, usually means there is one. Then I can tell you what to do before anybody else knows.

So I'm happy to come and speak to you, and as I say, I hope you've learned something. I've learned something: you're all very nice people.

MR. ORRELL: We could have told you that. (Laughter)

MR. CHAIRMAN: Thank you very much for being with us, Justice Nunn, and we certainly enjoyed having you here today and sharing some of those comments that you made, not only informing us of some things, but talking about what it's going to take down the road, as Mr. Wilson and others have talked about - that succession planning and the kind of person Nova Scotians might be looking to seek when it comes time for you to retire 10 or 12 or 15 years down the road, whenever that may be.

The only other comment I would make, when you were talking about Whitney Pier and being tough, my friend Mr. Orrell over here stated on the Northside things were a little tougher, so you and he may want to have a discussion outside. (Laughter) Thanks for being with us.

We just have one short bit of business. The House will be back in session on October 13<sup>th</sup>, as everyone knows. It would be our wish, or not, to have scheduled witnesses to appear during the House, or just do the ABCs. So that is on the agenda right now for discussion. I think typically we just do the ABCs. Are we in agreement with that moving forward? Very good.

That concludes today's meeting. Thank you all very much, we'll see you next month.

[The committee adjourned at 11:47 a.m.]