

**HANSARD**

**NOVA SCOTIA HOUSE OF ASSEMBLY**

**COMMITTEE**

**ON**

**HUMAN RESOURCES**

**Thursday, September 28, 2017**

**COMMITTEE ROOM**

**Organizational Meeting  
&  
Appointments to Agencies, Boards and Commissions**

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**STANDING COMMITTEE ON HUMAN RESOURCES**

Mr. Ben Jessome (Chairman)  
Ms. Suzanne Lohnes-Croft (Vice-Chair)  
Mr. Chuck Porter  
Mr. Bill Horne  
Ms. Rafah DiCostanzo  
Hon. Pat Dunn  
Ms. Elizabeth Smith-McCrossin  
Hon. Dave Wilson  
Ms. Claudia Chender

In Attendance:

Ms. Judy Kavanagh  
Legislative Committee Clerk

**WITNESSES**

Executive Council Office  
Ms. Janice Brown,  
Senior Corporate Policy Analyst

Legislative Counsel Office  
Mr. Gordon Hebb  
Chief Legislative Counsel



House of Assembly  
Nova Scotia

**HALIFAX, THURSDAY, SEPTEMBER 28, 2017**

**STANDING COMMITTEE ON HUMAN RESOURCES**

**9:00 A.M.**

CHAIRMAN  
Mr. Ben Jessome

MR. CHAIRMAN: Good morning, everybody. My name is Ben Jessome, the chairman of the Human Resources Committee. I'd like to call today's meeting to order. We'll kick things off by introducing ourselves.

[The committee members introduced themselves.]

MR. CHAIRMAN: Okay, so today's agenda has a few items on it. We'll be going through the appointments of ABCs as well as receiving a presentation from Ms. Janice Brown who looks raring and ready to go right now, and as well another from Mr. Hebb, to my right.

Folks, make sure your phones are set to the appropriate ring-tone setting and washrooms for those of you who may not have been in here are just out the doors to the left, and emergency exits, there's one on either side so if something happens, get out.

All right, we're going to kick things off with Ms. Brown, s'il vous plait.

MS. JANICE BROWN: Thank you very much. Good morning everybody, and thank you for having me. My assignment this morning is to give you a very brief presentation on the process the government uses to select and appoint members of non-adjudicative ABCs. Some of you will have heard the presentation before and I apologize, but for some of you it may be quite new. It's a fairly complicated process but the aim of it is to ensure that appointments are made, that the whole process is transparent and open and merit-based.

I'm just going to move through the slides and you do have a copy of this provided to you so you can refer to it and, of course, if you have any questions as we're going along feel free to interrupt me, but I'll try not to take too much time.

Currently, we have just over 680 people serving on 155 ABCs. That's actually all of our adjudicative and non-adjudicative ABCs. We only have about 130 non-adjudicative ABCs. Most receive a very modest remuneration if they receive remuneration at all and that's particularly true for non-adjudicative ABCs.

A non-adjudicative ABC is an ABC that provides government with policy advice, oversees a corporate board for example. An adjudicative ABC is one that's more like a judicial exercise. So, it's one that settles appeals and that sort of thing, actually determines the legal rights of members of the community.

So, ABCs play pretty important roles and I've provided a few examples there, but you can actually go on our ABC website and see the full list of ABCs and all of the current vacancies that are available on them, as well as all the members who serve on them.

Ministers are responsible for filling any vacancies on the ABCs that fall within their portfolio. Each one is assigned to a minister and the minister has that duty. We make between 200 and 300 appointments annually and, as I said already, the process is designed to be open, transparent, and accessible.

We actually have a procedure manual that was adopted in 2008 by the government of the day and it is available on our ABC website, and that's the one that sets out the basic process that we follow for all of our non-adjudicative appointments. Current and upcoming vacancies get posted on our website, and then we have a semi-annual that is in the Spring and the Fall, an advertising campaign, and we now use electronic and social media as well as newspaper advertising to get the word out - and we've had a little more success over the past year or two so we're feeling quite encouraged by that.

Applications actually come to ECO and then we send out acknowledgement letters and log the fact that the application has been received, and then we forward it to the department because the departments are actually responsible for screening. We've actually just launched a new online application system. We're encouraging everyone who can to submit their applications online, but we will continue to accept paper-based and email applications as necessary, of course.

Applications and appointments are tracked in an electronic database, so we have a full record of who served on which boards, for how long over a period of time, how many appointments they've had and when their current terms expire, etcetera.

It's up to the departments to do the screening; they all have screening panels that take care of that and they are meant to screen the applicants to ensure that any name the

minister considers is someone who is qualified. So they are not actually ranking the applicants and saying who's best, but they are assuring the minister that every name the minister considers is a qualified candidate.

The minister then gets to choose who to appoint or recommend for appointment by the Governor in Council. Some of you would be familiar with legislation; sometimes it will say, the minister appoints; sometimes it will say Governor in Council appoints. They are slightly different processes, but all of our appointments do go to Cabinet and come to you for a review.

Once the minister has made a choice, the staff prepare the appropriate Cabinet document; it's either an R & R if it is a GIC appointment, or a ministerial appointment form, we call it, if it is a ministerial appointment. Attached to those documents are the HR Committee forms that we are required to complete for you, and those are the ones that you review.

Once Cabinet has reviewed and approved the appointment, then the packages get forwarded to you for review and approval before any further steps are taken. Then, of course, they come to you and you'll review the proposal. Provided you approve of the appointments, then we move on to the next step, which is to ensure that either an Order in Council or a ministerial appointment is issued. We do that, actually, at ECO. We either prepare the ministerial appointment document, which we forward to the department for signature, or we do the OIC that goes to the Lieutenant Governor for signature.

Departments are then responsible for forwarding copies of the appointment documents to the appointees, together with cover letters outlining their duties, etcetera. As I said, we track all of that information in our database. We do publish a list of appointments, published as a monthly list but it is actually refreshed daily, so any time you go on you can see what appointments have been made up to today - well I guess it would be up to yesterday because it takes a day to upload the information.

Most appointments are reviewed by the committee, not all. As you are probably aware, in Rule No. 60 there are a number of exceptions and I won't go through them in detail here, but there are some appointments that aren't required to come to you. Essentially, the rule is, if there are appointments that the minister or GIC are making that aren't discretionary - they have to make them because the person was recommended by a particular organization or a university or whatever, then there isn't really any need to review them because there isn't any real ministerial discretion being exercised.

The other group that falls outside your purview is the adjudicated appointments, and that's because that process is, in fact, more like an open competition and selection process. The whole process is a bit more rigorous. We have higher screening standards. The screening panels are made up of a different group of people, etcetera, and so that has

been in the past determined to be a competitive process; it doesn't require appointments to come here.

Just a couple of words about recent and upcoming changes. We have been relying much more on online and social media to advertise opportunities, and so we have been encouraging MLAs to reach out to their communities as well and to share Facebook posts, Linked-in posts, Twitter tweets, and we are finding that's been a pretty successful way of driving people to our website. We are hoping now that our website is able to accept electronic applications and - we actually are already seeing a bit of a bump, we think. We'll know in a month or so. We're quite excited about the possibilities of attracting new and younger applicants to our process.

We are also making further efforts to enhance diversity on all of our boards. This has been a real commitment over the last number of years to do that. We are doing it partly by trying to reach out to different communities through our advertising process, but now we are also looking at our selection process and how we actually support members of ABCs once they're appointed, to make sure they feel comfortable participating in those bodies.

There's lots of work to do, but I think we're heading in a good direction, and we're working at streamlining administrative processes, reducing the amount of paper we produce and circulate. I guess I would say - just to give you a little flag - I think we are going to come to you with a proposal sometime in the next year or two, to ensure you're receiving the information you want and continue to receive the information you want, but possibly in a slightly different format, that will make it administratively easier for us to produce the material for you. I'll keep you posted on that as we move forward.

So that's all I wanted to say today. If you had questions or comments, I'd be happy to take them.

MR. CHAIRMAN: I think we're just going to skip from one caucus to the next here - if you guys have any questions, just let me know. Suzanne?

MS. SUZANNE LOHNES-CROFT: I just had one about the online application? How confidential is that?

MS. BROWN: Well, we actually designed it with confidentiality front and centre, so we did an extensive privacy impact assessment before it was done. The front end piece, which is - what do they call it, the authentication piece - is part of the Nova Scotia online - oh gosh, I'm not a techie. (Laughter)

Service Nova Scotia is developing more services online and they're using Nova Scotia online - that's the piece that really protects people's privacy up front, and then from there they get transferred into our system. The authentication and the security piece, I think, has been well covered.

MS. LOHNES-CROFT: So, the public wouldn't be able to access personal information?

MS. BROWN: No, absolutely not. Even within government, they're only accessible by the people who need to see them. So the application for a particular board is seen by the staff in the department that are actually handling the screening, and the screening panel and the minister's office for that department.

Now, we are hoping, we have asked people to indicate if they would be interested in being appointed to a different board, if they're not selected for the one to which they have applied. What will happen if they indicate that they are, and we think they may be a likely candidate, we will contact them personally and ask them if we may share their personal information with the other department. So we're very conscious of those issues.

MS. LOHNES-CROFT: Thank you.

MR. SPEAKER: Ms. Smith-McCrossin.

MS. ELIZABETH SMITH-MCCROSSIN: I'm just curious, as there's little or no remuneration, if someone's travelling from, say, Yarmouth or Cape Breton, or Amherst, would there be any remuneration for travel?

MS. BROWN: Yes, we reimburse for expenses for almost all the boards; I can't think of one that doesn't. There are travel expenses and for meals if they're in town for a meeting or whatever. In terms of remuneration, less than half of our boards remunerate their members. It's kind of surprising sometimes, some of the boards that aren't remunerated at all. Even the ones that are, often it's a pretty nominal amount. For people who give up a day of work to come to a meeting in Halifax or there's travel time and whatnot, it really isn't much. We rely on volunteers and they're extraordinary.

MS. SMITH-MCCROSSIN: And is there any policy in place, or anything, to ensure that there's representation from the whole province on our provincial boards?

MS. BROWN: It's certainly an issue when the appointments go forward to Cabinet, and departments are asked to comment on the regional composition of the board as it currently stands and how the new appointment will affect that. It's not always possible to get full regional representation but it is one of those - it's not diversity in the traditional sense, but it's certainly one of those aspects that we take into account when ministers are making their recommendations.

MR. CHAIRMAN: I see no more further questions, so thank you Ms. Brown.

We're going to move onto Mr. Hebb here.

MR. GORDON HEBB: Thank you, Mr. Chairman. Because there are several new MLAs, I'm going to say a few words about my office and about committees generally. But I want to make a couple of points about this committee in particular first.

I wanted to mention about one of the things that this committee is entitled to do, and one of the things this committee is not entitled to do. One of the things you can do is interview prospective appointments - it's never happened in all the years that I've been here. One of the things you can't do though, since the issue has come up, is that you're not entitled to look at who the candidates are that the minister or the government counsel are not recommending. You're not entitled to know who those other candidates are who may not have been considered. Your sole job is to look at whether this is an appropriate candidate or not - this particular person for that particular job. That's the role of committee.

The second thing I wanted to mention, was the confidentiality of the information you have about the candidates. In all the packages, this is the first page of all those, I believe. In the case of someone who's remunerated \$100 or more a day, the resume is made public, but not anybody who is not paid or paid less than that.

It is highly recommended that you not give that out even in that case that, if someone is looking for that information it comes from the Executive Council for two reasons. One, you may not know whether or not the process has been completed and this person is actually appointed and secondly, you may be wrong about the amount of money and then give out information you shouldn't have given out. You or somebody who's looking for that information, refer them to the Executive Council.

That's all I have to say about the process. I wanted to very briefly talk about my office. There is me and four other lawyers, plus support staff. If you're looking to find us we're on the 8<sup>th</sup> floor of the CIBC building. We're the legal counsel to the House, including this committee. We're totally non-partisan, we provide legal and procedural advice for the Chair, the committee and committee staff. We can provide you with assistance in preparing motions that you may wish to present to the committee and we can give general advice to members of the committee and to caucus staff assisting the committee.

I have something which some of you have seen if you were on the Public Accounts Committee, that I've labelled Committees: The Basics, which I will give out. I'm not going to go over it all, but I just wanted to highlight a couple of issues that come up occasionally, because things in this committee are a little different than things you may have seen elsewhere.

One of the ones I see all the time is, motions do not require a seconder. You don't require notice. Another unusual thing here is that the Chair has a vote in the first instance in the committee and then if there's a tie, the Chair can vote a second time. That doesn't happen in too many other places.



You can raise points of order and you can raise points of privilege but, they can be raised here, but the Chair can't rule on them and the only way they get decided on is if the committee as a whole decides to send a report back to the House and then the House of Assembly decides on them. Because your Chair - and I said this at the Public Accounts Committee - asked me what the difference between a point of order and a point of privilege was, I thought I would give a better answer than I gave the other day.

A point of order relates to procedure, a breach or ignoring of the rules or other precedents. A point of privilege relates to a violation of the privileges of the Assembly and its members, i.e. the peculiar rights of the Assembly, its members needed to discharge its functions. For example, freedom of speech. A breach of privilege is a contempt of the Assembly and there are other contempts as well; for example, interrupting the proceedings.

There is one other thing you sometimes hear about is, someone rises on a point of personal privilege. It has nothing to do with privilege and it's not really a valid point at all, but it's something that's an indulgence that the Speaker will grant to someone to explain something of a personal nature. You're concerned because somebody said something and it was wrong or whatever. It's up to the Speaker whether he will listen to you.

That's all I have to say unless you have some questions.

MR. CHAIRMAN: Any questions?

MS. CLAUDIA CHENDER: Just to clarify because I'm new. When you talk about confidentiality, like with regards to the information around people, I'm assuming that would not include our own staff and our caucus staff?

MR. HEBB: I think it is spelled out here. This is in bold:

It is only for the use of members of the committee and is not to be shared with any other person except as permitted by this policy. It may not be copied electronically except for the committee use of the member. It may be printed and shared with another MLA who will be attending the meeting at which it is to be considered instead of the member. It may be printed and shared with a member of the staff of the member's caucus if, and as required, to support the work of the members of the committee.

MS. CHENDER: Thank you.

MR. HEBB: That's all in that front page that is with the material each time you're sent.

MR. CHAIRMAN: Any further questions for Mr. Hebb? Hearing none, thank you sir, appreciate it.

Moving right along, we have a list of appointments for agencies, boards and commissions that we are going to need to move through at this point. We all have a list of the people who are going to be put forward today. I will just call for nominations at this point in time.

The Department of Agriculture, Weed Control Advisory Committee. Mr. Porter.

MR. CHUCK PORTER: Mr. Chairman, I move that James (Jim) Baillie from the Nova Scotia Federation of Agriculture, Peter Burgess from Perennia, and L. Dawn Miller from the Department of Agriculture be appointed as members.

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

The motion is carried.

The Department of Communities, Culture and Heritage. Mr. Horne.

MR. BILL HORNE: I move that Michael (Mickey) MacDonald be approved as chairman and member, and that Barry Bernard, Paul Douglas Carrigan, Tom Davis, Daniel McMillan, Angela Sanford, and Darrell W. Smith be approved as members to the Nova Scotia Boxing Authority Board.

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

The motion is carried.

Moving on to the Gaelic College Foundation Board of Governors. Ms. Lohnes-Croft.

MS. SUZANNE LOHNES-CROFT: I move that Tonya Lundrigan Frye be approved as governor.

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

The motion is carried.

The Advisory Council on Heritage Property. Ms. DiCostanzo, please.

MS. RAFAH DICOSTANZO: I move that Peter Newbould and Sandra Nowlan be approved as members.

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

The motion is carried.

The Cape Breton Regional Library Board. Mr. Porter.

MR. PORTER: Mr. Chairman, I would so move Kenneth MacDonald as a member.

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

The motion is carried.

Pictou/Antigonish Regional Library Board, please. Ms. Lohnes-Croft.

MS. LOHNES-CROFT: I move John D. Blackwell and Tammy MacLaren be approved as members.

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

The motion is carried.

Western Counties Regional Library Board. Mr. Horne, please.

MR. HORNE: I move Pamela Maher be approved as a member.

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

The motion is carried.

Finance & Treasury Board, Nova Scotia Liquor Corporation. Mr. Porter.

MR. PORTER: I move that John M. MacKinnon be approved as director, and George M. McLellan be approved as chairman and director.

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

The motion is carried.

Department of Justice, Municipal Boards of Police Commissioners, please. Ms. Dicostanzo.

MS. DICOSTANZO: I move that Joseph Gillis be approved as member for Cape Breton.

MR. CHAIRMAN: Is there any further 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, Cape Breton University Board of Governors, please. Ms. Lohnes-Croft.

MS. LOHNES-CROFT: I move that Dannie Hanson, Stephen Parsons, and Terry D. Kelly be approved as members.

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

The motion is carried.

Mount Saint Vincent University Board of Governors, please. Mr. Horne.

MR. HORNE: I move that Judith Sullivan-Corney be approved as governor.

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

The motion is carried.

Université Sainte-Anne Board of Governors, please. Ms. Lohnes-Croft.

MS. LOHNES-CROFT: I move that Lisa Doucet be approved as a member.

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

The motion is carried.

Moving to Service Nova Scotia, and the Film Classification Board. Mr. Porter.

MR. PORTER: I move that Sharon Blais, Robert W. Cullen, Robert D. Curley, Judy Hiltz, Randy Hume, Patricia Moulaison, Sherry Norton-Brunelle, Colleen Prentice, Arthur J. Surette, and Sharon Neda Taylor-Schnare be approved as members.

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

The motion is carried.

Next, I'm just going to open a discussion on our regular meeting days and times. Go ahead, Mr. Porter, please.

MR. PORTER: I know it's morning, first meeting, 9:00 a.m. I've sat on this committee and probably chaired it a few items over the years, too. It has bounced around a bit. I would suggest keeping it in the morning, but I wouldn't mind moving it out to 10:00 a.m. until noon if that was a little bit better. Some of us who drive in from outside the city, it's a little bit easier from the traffic side of things and allows us to get into our constituency also, as we do most mornings, prior to coming in to town.

I don't know if that's reasonable or not, but I would certainly open the discussion on it and would be more than content with 10:00 a.m. until noon.

Looking at the calendar as well, Mr. Chairman, I would almost suggest that the last Tuesday probably remains about the only Tuesday, as members are on multiple committees on all three caucuses, I would assume.

MR. CHAIRMAN: Mr. Porter is suggesting the last Tuesday of the month at 10:00 a.m. Is there any other discussion? Mr. Dunn.

HON. PAT DUNN: Mr. Chairman, I would like to agree with my colleague, Mr. Porter, with regard to that time and the time of the month.

MR. CHAIRMAN: Super. Let it be so.

Hearing that, the last Tuesday of December is actually Boxing Day. As we're all aware, the committee is required to meet monthly. Do we have a suggestion for an alternative day? Mr. Porter.

MR. PORTER: That's probably reasonable, but could we not leave it with the Chair and your assistant, the Clerk, to decide on a day? There's lots of notice here. You could look at some time when we're not conflicting with another committee, perhaps the week before or the day before to make an arrangement for that. It's plenty of notice.

MR. CHAIRMAN: Is everybody comfortable with that?

MR. PORTER: That works.

MR. CHAIRMAN: I'm just looking at the NDP Caucus. Are you guys good with that? Awesome, thank you. We'll look after that. That's December. March Break shouldn't be impacted.

When the House is sitting, I guess it has been the typical practice of this committee to simply move through appointments of ABCs rather than including witnesses as part of scheduled agendas. Are we comfortable continuing that practice? Is there any discussion on procedure when the House is sitting? Mr. Porter

MR. PORTER: I would just say that's fine. Having said that, as the previous chairman, I don't quite recall where we're at with witnesses on the list and what their availability was; Judith probably would know. I'm not sure where the House will be this time next month. I would assume we'll probably be sitting three or four months. I really have no idea. Anyway, we're fine with that.

MR. CHAIRMAN: Okay, sounds good. We'll continue the practice of leaving witnesses for times when the House is not in session.

Our next meeting will be October 31<sup>st</sup>. The common practice has been that submission for witnesses reflects the representation in the House: Specifically, three to the Liberal Caucus, two to the Official Opposition, and one to the New Democratic Party. I just wanted to see if there is any discussion on that, or can we continue to carry on that practice?

HON. DAVID WILSON: Don't look at me. (Laughter) I say we get three, but the will of the committee will be fine.

MR. CHAIRMAN: Do we need a motion? Ms. Lohnes-Croft.

MS. SUZANNE LOHNES-CROFT: I so move.

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

The motion is carried.

Just as a note, with respect to timing, please make every effort possible to submit your witnesses at least two weeks before the 31<sup>st</sup> of October, which is October 17<sup>th</sup>. So no later than October 17<sup>th</sup>, folks, please? Ms. Kavanagh will send out an email reminding us. Mr. Porter?

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MR. PORTER: Just for clarity, you're asking that all caucuses submit for discussion in October about future witnesses. Is that the plan here?

MR. CHAIRMAN: Yes, please.

MR. PORTER: Okay, thank you.

MR. CHAIRMAN: Our next meeting will be October 31<sup>st</sup>, at 10:00 a.m., and if there is no other committee business, we will adjourn. Thank you.

[The committee adjourned at 9:30 a.m.]