

HANSARD

NOVA SCOTIA HOUSE OF ASSEMBLY

COMMITTEE

ON

HUMAN RESOURCES

Tuesday, August 28, 2018

COMMITTEE ROOM

Appointments to Agencies, Boards and Commissions

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STANDING COMMITTEE ON HUMAN RESOURCES

Mr. Ben Jessome (Chairman)
Ms. Suzanne Lohnes-Croft (Vice-Chairman)
Hon. Chuck Porter
Mr. Bill Horne
Ms. Rafah DiCostanzo
Ms. Alana Paon
Mr. Brad Johns
Hon. David Wilson
Ms. Claudia Chender

[Mr. Brendan Maguire replaced Hon. Chuck Porter]
[Ms. Barbara Adams replaced Ms. Alana Paon]

In Attendance:

Ms. Judy Kavanagh
Legislative Committee Clerk

Mr. Gordon Hebb
Chief Legislative Counsel



House of Assembly
Nova Scotia

HALIFAX, TUESDAY, AUGUST 28, 2018

STANDING COMMITTEE ON HUMAN RESOURCES

10:00 A.M.

CHAIRMAN
Mr. Ben Jessome

MR. CHAIRMAN: Order, please. Good morning everybody. I'd like to call to order the Standing Committee on Human Resources this Tuesday, August 28, 2018. I'm Ben Jessome, MLA for Hammonds Plains-Lucasville, and I'll be your Chair this morning.

I'd like to begin with some introductions.

[The committee members introduced themselves.]

MR. CHAIRMAN: Thank you, members. To my right we have Gordon Hebb, he is our committee counsel. To my left is Ms. Kavanagh, the committee clerk.

A reminder to put phones on silent or vibrate, and I'll do the same.

Today we're going to be reviewing ABCs and we have a couple of different items on the agenda. I'll run through them as we go, if that's agreeable with committee members. Agendas are in front of you but we'll begin committee business today with appointments to agencies, boards and commissions.

I'd like to note right out of the gate that I received correspondence that I believe each one of you would have had eyes on, from three different ministers - Ministers Rankin, Kousoulis and Glavine - with respect to waiving the 10-day notice to appoint people to the Shubenacadie Canal board; the Acadia, NSCAD, and CBU Boards of Governors; and the Boxing Authority from CCH. We require unanimous consent of the committee to proceed.

I would also like to note that these appointments just cleared Cabinet, I believe last week, and that put it in a spot where it didn't meet our 10-day requirements. These groups, some of them, are unable to progress, are unable to conduct board business without quorum or without these appointments so I would encourage all members to consider that as we move forward. I do need a motion from the floor to waive the notice requirement for these three departments. May I have a motion, please? Ms. Lohnes-Croft.

MS. SUZANNE LOHNES-CROFT: I move that we waive notice for these appointments.

MR. CHAIRMAN: Is there any discussion on that motion?

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

[The motion is carried.]

MR. CHAIRMAN: Excellent, thank you.

I would also note there's a waiver document prepared by Ms. Kavanagh. There's three separate documents that require our signatures. I'll circulate these now and we will jump right into accepting motions for appointments. Do I have a motion from the floor, please and thank you? Mr. Maguire.

MR. BRENDAN MAGUIRE: Mr. Chairman, for the Department of Business, Develop Nova Scotia Board of Directors, I move that the appointment of Dale Godsoe as Chair be approved. For the Department of Communities, Culture and Heritage, Advisory Board of the Public Archives, I move the appointment of Marcelle Comeau for member, public at large.

MR. CHAIRMAN: If you don't mind, Mr. Maguire, we'll handle the different departments with different motions. So we'll just start with Develop Nova Scotia.

MR. MAGUIRE: So for Develop Nova Scotia Board of Directors, Dale Godsoe as Chair.

MR. CHAIRMAN: Is there any discussion? Mr. Johns.

MR. BRAD JOHNS: Just a couple of quick questions. I noted that Ms. Godsoe is currently the chair of Halifax Port, and that's a Crown Corporation, isn't it?

MR. CHAIRMAN: Develop Nova Scotia is the new Waterfront.

MR. JOHNS: I don't think Develop Nova Scotia exists yet, does it? There was a press release that went out on July 12th, and it says, "Legislation to formally create a new

Crown corporation is also expected in the fall.” I didn’t think the legislation to create Develop Nova Scotia has actually passed through the House yet.

MR. CHAIRMAN: We’ll defer to Mr. Hebb for a moment, please.

MR. GORDON HEBB: I believe that the Waterfront Development Corporation has had a name change to Develop Nova Scotia.

MR. JOHNS: So it was just a name change that didn’t have to go to new legislation?

MR. HEBB: Not to change a name, no.

MR. CHAIRMAN: Is there anything further, Mr. Johns?

MR. JOHNS: I would like to follow up. Can perhaps the clerk or yourself, Mr. Chairman - that position, I’m assuming, has a pay that’s associated with it. I asked this the last time. Do we know what the pay per meeting is?

MR. CHAIRMAN: It’s \$150 per meeting.

MR. JOHNS: Do you know how many times they meet?

MS. JUDY KAVANAGH (Legislative Committee Clerk): It’s \$150 per day - that means per day of board work. So if one meeting lasted five days, they would be paid for the five days.

MR. JOHNS: I’m kind of confused. If the press release said that there had to be an actual new Crown Corporation that had to pass through legislation, how they just . . .

MR. MAGUIRE: It’s not new, it’s just renamed.

MR. JOHNS: There was a press release on July 12th saying it was going to be a new Crown Corporation.

MR. CHAIRMAN: Mr. Johns, would you mind tabling that for the benefit of the other committee members so we can get our eyes on it?

MR. JOHNS: If that’s the case - committee members seem to think that it’s just a name change and it doesn’t have to go through legislation - I’d like to confirm whether or not that’s the case. I know it has already been changed with the Registry of Joint Stocks, but I’d like to confirm whether or not it has to go through legislation.

MR. CHAIRMAN: With all due respect, we can seek to get the specific rationale behind why this is the case or not, but quite frankly, I'd defer to our legislative counsel. He says we're good to go so let's move forward, I would say.

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 our Department of Communities, Culture and Heritage. May I have a motion from the floor? Mr. Maguire.

MR. MAGUIRE: Mr. Chairman, I so move that Marcelle Comeau be appointed to the Advisory Board of the Public Archives as a member, public 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 Community Services - Ms. Lohnes-Croft.

MS. LOHNES-CROFT: Mr. Chairman, I so move that Tammy MacLaren be appointed to the Eastern Mainland Housing Authority as a provincial representative; for the Metropolitan Housing Authority, Michael Totten as provincial rep; and for the Western Region Housing Authority, Wendy McLean as provincial rep.

MR. CHAIRMAN: Is there any discussion on that motion? Mr. Johns.

MR. JOHNS: According to Joint Stocks with this one, I'm trying to confirm how many reps are supposed to be there and how many of those are supposed to be provincial, municipal, or tenant reps.

MR. CHAIRMAN: We're seeking clarification on that right now. Would that be for all of those individuals or each of those housing authorities separately?

MR. JOHNS: They all list the same thing. They show them as needing two provincial reps, two tenant reps, and a municipal rep. These are appointments of one provincial rep to each of those boards, then?

MR. CHAIRMAN: Just bear with us for a second, Mr. Johns.

I would note that there are two provincial reps on each of these boards, and one of them is to be filled today.

Ms. Adams.

MS. BARBARA ADAMS: This is my first time to this committee meeting. I just have a question. It's showing 15 vacancies - all the positions are vacant for all of these boards. Why are they all vacant, and why are we only appointing one person?

MR. CHAIRMAN: Quite frankly, I can't answer that question. That's a question that should be directed to a minister. I know we all endeavour to try to fill these positions. I know that there's a vested interest amongst all members on all sides of the House to fill these boards. I can't tell you why they're not being filled. I see them after they have come through the department to Cabinet to here.

MS. ADAMS: Were these positions filled in the past, and they have just become vacant? Or have they been vacant for a long period of time?

MR. CHAIRMAN: Ms. Kavanagh.

MS. KAVANAGH: The minister is responsible only for filling the provincial rep positions anyway. The others are appointed by other people. As for why they went with only one instead of the two, I don't know.

MS. ADAMS: But these other positions are all vacant as well. Have these provincial positions been vacant for a while?

MS. KAVANAGH: I have as much information as you have.

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 the Department of Health and Wellness. Ms. DiCostanzo.

MS. RAFAH DICOSTANZO: For the Nova Scotia Health Authority Board, I move that the appointment of John MacL. Rogers as a director be approved; and for the Nova Scotia Board of Examiners in Psychology, I move that the appointments of Francesca Carone, David Merrigan, and Sean Ponnambalam as members be approved.

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. Mr. Horne.

[10:15 a.m.]

MR. BILL HORNE: Mr. Chairman, under the Department of Justice, for the Law Foundation of Nova Scotia Board of Governors, I move that the appointments of Paulette Anderson, Meg Green, Kent Noseworthy, and Tokunbo Omisade as members be approved.

MR. CHAIRMAN: Is there any discussion on that motion?

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

The motion is carried.

The Municipal Boards of Police Commissioners, a motion from the floor, please. Mr. Horne.

MR. HORNE: Mr. Chairman, for the Municipal Boards of Police Commissioners, I move that the appointment of Dorothylane Hale as a member, Westville, be approved.

MR. CHAIRMAN: Is there any discussion on that motion?

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

The motion is carried.

Okay, we still have some outstanding - do we have to sign that waiver form first?

MS. KAVANAGH: It's probably a good idea. We did take a vote.

MR. CHAIRMAN: Does everybody have that list in front of them, of the boards that we waived notice for?

MS. KAVANAGH: Everybody has the list and the attached correspondence.

MR. CHAIRMAN: Excellent. I'll get us moving here while these things go around.

Back to the Department of Communities, Culture and Heritage for the Nova Scotia Boxing Authority Board. Is there a motion from the floor? Mr. Maguire.

MR. MAGUIRE: Mr. Chairman, I move that the following appointments be approved: Mickey MacDonald as Chair and member; Daniel McMillan as Secretary Treasurer; and Barry Bernard, Paul Douglas Carrigan, and Angela Sanford as members.

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

The motion is carried.

For the Department of Labour and Advanced Education, Mr. Maguire.

MR. MAGUIRE: Mr. Chairman, for the Acadia University Board of Governors, I move that the appointment of Bruce Phinney as a member be approved.

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

The motion is carried.

Mr. Maguire.

MR. MAGUIRE: Mr. Chairman, for the Nova Scotia College of Art and Design Board of Governors, I move that the appointments of Jim Horwich, Sean Kelly, and Dave van de Wetering as members be approved.

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

The motion is carried.

Mr. Maguire.

MR. MAGUIRE: Mr. Chairman, for the Cape Breton University Board of Governors, I move that the appointments of Jim Mustard and Darryl Poirier as members, Cape Breton, be approved.

MR. CHAIRMAN: Thank you, Mr. Maguire. Is there any discussion on that motion? Mr. Johns.

MR. JOHNS: I'm curious, so one of the justifications for bringing these forward today was for these committees to be able to meet quorum. Do we know what the quorum for Cape Breton University Board of Governors is?

MR. CHAIRMAN: Top of mind, no.

MR. JOHNS: I guess my point would be that currently my understanding is there are only two members who are currently there of 12, so that would leave 10 vacancies. We

are filling two today but that still leaves only four out of 12. I'd be curious to know what their quorum is and out of 12 potential members why we are filling only four of them.

MR. CHAIRMAN: Again, we can endeavour as a committee to reach out to the department and to the minister to ask that question and get back to you.

MR. JOHNS: Respectfully, Mr. Chairman, it's totally understandable when recommendations or the request comes forward for us to move things early so that committees can continue to do their work and meet quorum and do what needs to be done. If this isn't the case, I kind of wonder why we are bringing this one forward. I can't see four being a quorum. Typically, it's 50 per cent plus one or something like that. It would be nice to find out what the quorum is and why this one came forward if it's not meeting quorum.

MR. CHAIRMAN: That's a good question. We will reach out to the department to get an answer to that question. (Interruption) Mr. Johns, we'll get back to you on that.

Ms. Adams.

MS. ADAMS: I'm not sure if I'm clear on this. In terms of the number of people who applied for the Cape Breton University Board of Governors, it said there were seven vacancies and eight applicants, but we're only moving two forward. This isn't a case where there weren't applicants.

MR. CHAIRMAN: Bear with us for a moment here, please. I'm going to refer to Mr. Hebb here.

MR. HEBB: What it says with respect to quorum is "Subject to such conditions as to the representative composition of a quorum as may be prescribed in the by-laws adopted pursuant to subsection (4) of Section 3, ten members shall constitute a quorum of the Board."

MR. CHAIRMAN: Any further discussion? Ms. Adams.

MS. ADAMS: I guess I'm wondering why, if there were eight applicants, and you need 10 for quorum - four people on the board isn't going to be quorum at any time. What happened to the other applicants?

MR. CHAIRMAN: I'm referring to a comment from Ms. Kavanagh, who is referring to our package. It indicates that there are six members. There are five members listed, one has been re-appointed, and one is a new appointment.

MR. MAGUIRE: So they do have 10 members?

MR. CHAIRMAN: No. They would have six at present. (Interruptions)

Mr. Maguire.

MR. MAGUIRE: Clearly, the questions that they're asking, we don't have answers for . . .

MR. CHAIRMAN: Mr. Maguire, respectfully, we do have the answer right here.

MR. MAGUIRE: Why the 10 members are not - why only two are put forward.

MR. CHAIRMAN: There are 10 spots on the board, and there are presently six there.

MR. MAGUIRE: But we can't answer why the other four . . .

MR. CHAIRMAN: With these two appointments, that will give them quorum. It gives them six. There are five here. One would be a reappointment, so that totals five. There's an additional one to make six. (Interruptions)

What I would say is that this is a request from the university to carry out their business that we're trying to comply with. I would say we'll seek clarification on this. Is there any reason why we should not move forward with appointing these people?

Right now, we'll move forward with the motion on the floor and endeavour to get some clarification on your question there.

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

The motion is carried.

Mr. Maguire.

MR. MAGUIRE: For the Department of Lands and Forestry, the Shubenacadie Canal Commission, I move Willian McIntyre as Chair and member, Katie MacLellan as member for Colchester, Sylvain Allaire as member, Vishal Bhardwaj as member, Barry Hurndall as member, Carolyn Johnson as a member, and Judith Richardson as a member.

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

The motion is carried.

I think that's a wrap for now. Just to clarify, Mr. Johns and Ms. Adams, we'll refer to our transcript here and get you some answers, okay?

A couple of other pieces here that we are to deal with. We had a discussion last meeting about the format perhaps of the documents that we receive from our Executive Council Office. We, as a Liberal caucus, have said that we are fine - we'll say we are fine with the way they are right now. There is a summary page at the start of each one of those applications that does have as much information as possible.

I know it was noted in the last meeting that we'd like to try to pull out some more information, such as the gender of the applicants. From what I've gathered, that's not always offered as part of an application process. So, when it is possible for that information to be known in advance, it is included as part of the summary document but not the case for every single application.

I would just say to the NDP and Progressive Conservative caucuses that if there are specific items you'd like to see harvested from those applications to try and improve the way we do business here, if you haven't put that list together feel free to do so and we'll bring it up again at the next meeting. On the Liberal caucus side, I think we're content with where the package stands today.

Any discussion? Mr. Johns, please.

MR. JOHNS: We did briefly touch on this last Wednesday at our caucus meeting. The intention is to have a more in-depth discussion tomorrow so we'll forward anything to Ms. Kavanagh if that's okay.

I do note that it would be the same kind of things we discussed last time: gender, when possible; whether or not they are a new appointment or a reappointment; how much a day the position pays, whether it's per day, per meeting or over an amount of time; what the quorums are for each committee. Some of that is there but it's stuff along those lines.

MR. CHAIRMAN: Okay. Mr. Maguire.

MR. MAGUIRE: I'll be quick on the gender issue. The first list, over 50 per cent identify as female. One of the things that we're seeing more and more of is, people don't necessarily want to identify their gender. We're seeing municipalities and provinces listening to the LGBTQI community on that. We've seen in the media recently people judged based on their gender.

I don't think necessarily, unless there's a big uproar, that gender is necessarily a marker we should be using. If you are concerned about male and female, I mean you can just kind of look at the list but there are people who don't identify as male and they don't identify as female and they don't feel comfortable identifying as male or female so I don't know if that's necessarily a good way to go.

I think we could, if you want to talk about pay, if you are concerned about the \$100 that somebody is getting for doing this then that's fine but I don't think that's necessarily

- that could potentially push people from wanting to be on these boards if they have to identify with a certain gender.

MR. CHAIRMAN: A fair comment. Ms. Chender.

[10:30 a.m.]

MS. CLAUDIA CHENDER: I appreciate the point that my colleague Mr. Maguire is making. On the other hand I don't think it pushes anyone away to invite people to identify their gender and their racialized makeup, if they wish. I do think that having that information is helpful. I think we know our provincial government does not reflect the broader Nova Scotian community and I would suspect that our agencies, boards and commissions also do not reflect the kind of gender and racial makeup of our Nova Scotian communities.

I do think it's important that we move in that direction and I think while there are a lot of minefields around identification, which obviously I understand and sympathize with, I think you don't make anything mandatory and you give people an option. For instance, we've been pushing on the IDs that you could just say "other". It doesn't have to be a binary, you don't have to say I'm male or female, you don't have to say I'm Caucasian or Black or whatever. But if you give people the opportunity to identify, you just get valuable information. I think that information can't be anything but valuable for those people who are comfortable identifying and they can help us make a move to have a more diverse representation on all these agencies, boards and commissions.

MR. CHAIRMAN: Mr. Maguire.

MR. MAGUIRE: I don't have an issue with that. I would just say that as a committee, we should keep an eye on it to see if there's any way to measure it because I'm sure that even if it's an optional choice, I'm sure some people will feel uncomfortable even being part of a process that asked for gender.

I don't know if there's a way we can review it or even consult with some of the not-for-profit groups and some of the organizations that represent the different communities. Before we move forward with this, if we could potentially maybe consult with some of these groups to see what the best way forward is, I would have no problem with that.

MR. CHAIRMAN: Before we move to Mr. Johns, I would just remind members that there is an opportunity to disclose that information in the applications. What I was suggesting was that not everybody does. The information we receive through these application processes is summarized in an initial one-pager, having to do with things like the number of slots on the board, the composition, the remuneration, et cetera.

If I can offer something to the committee - as you go back to your caucuses, can we try to identify something that is not already presented in our package that would enhance what we're doing here? Respectfully, Executive Council does take the time to put these packages together for us and there is a great deal of information there when we look at it. If there are additional items that we think there may be value in considering as a committee, I would suggest that each caucus has that focus when having that discussion, respectfully.

Mr. Johns, did you want to add anything?

MR. JOHNS: I do kind of echo what Ms. Chender is saying in regard to - I don't think we can force people to identify, that's not what I'm saying. I do believe it does enhance the decision making when we know as much information as we can. I'll use the example - I believe Dale Godsoe, our first appointment, is Ms. Godsoe. Staff in our department didn't realize that and I met her previously so I knew that.

I think anything that provides us with more information to ensure that we have strong committees that are diverse and represent as many people in our population as possible, I think that's beneficial and being able to make those decisions. So by no means forcing anybody but I do think that when identified that it needs to be communicated to members. Thank you.

MR. CHAIRMAN: And we will endeavour to do that. Mr. Maguire.

MR. MAGUIRE: I'm just trying to clear this up, so the purpose is so that caucuses can track and keep records of statistics and percentages that are, what - male, female, gender-based?

MR. CHAIRMAN: I think what we're trying to do is make the committee's business a little more - have a broader scope around who and how we're including people on these committees, come selection time.

MR. MAGUIRE: My question is, are they just asking for male and female - that's it?

MR. CHAIRMAN: That's what I have suggested that . . .

MR. MAGUIRE: That's what I'm trying to get my head around.

MR. CHAIRMAN: We have X number of pieces of information that are included in our packages. My humble suggestion as the Chair of the committee is that when we're having these discussions with caucuses, we try to pick out additional components that may help us foster a better committee structure throughout the province.

MR. MAGUIRE: I'm not trying to be difficult. Sorry if it comes across that way. I'm just trying to figure out what we're trying to identify.

MR. CHAIRMAN: Mr. Maguire, I don't think we know that today.

Mr. Johns.

MR. JOHNS: It's not that we're trying to identify anything specific. We're trying to be able to have as much information as possible to ensure that we have the best and the most diverse committees possible. The more information we have, the better chance we have of being able to ensure that. It's way more than just gender.

MR. MAGUIRE: I get it.

MR. CHAIRMAN: Okay, so we'll see that item again at our next meeting.

Just an FYI item here: our annual report is almost finished. It will be circulated to members in the next few weeks. It includes ABC statistics, so that may be good timing to identify some of the items that are in there and to move forward with new items that we may want to consider in the next year. It's going to be brought to the meeting for signatures when it's done, more likely in October. If the House is still sitting when the report is signed, the Chair will table the report in the House. If not, the clerk will file it with the Chief Clerk's Office. Comprehend? Any discussion on that? Cool.

Our next meeting is going to be Tuesday, September 25th, at 11:00 a.m. for ABC appointments. Is there any further discussion or committee business? Ms. Chender.

MS. CHENDER: I want to thank the Chair for alerting me that hopefully at our next meeting, we'll consider appointments to the Provincial Advisory Council on Education. But I would like to register my disappointment that when I take my children to school next Thursday, there will not be an existing Provincial Advisory Council on Education. Given that the application process for that closed on August 13th, I was very much hoping to see that package before the committee today.

MR. CHAIRMAN: Thank you, Ms. Chender. That is noted.

Is there any further discussion or committee business? Ms. DiCostanzo.

MS. DICOSTANZO: I would just like to make a correction. You said 11:00 a.m., and the meeting is at 10:00 a.m.

MR. CHAIRMAN: Thank you, Ms. DiCostanzo. Let the record reflect that the start time is 10:00 a.m.

Any further committee business?

We are adjourned. Thank you, folks.

[The committee adjourned at 10:39 a.m.]