

HANSARD

NOVA SCOTIA HOUSE OF ASSEMBLY

COMMITTEE

ON

HUMAN RESOURCES

Tuesday, September 25, 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. Hugh MacKay replaced Hon. Chuck Porter]
[Mr. Eddie Orrell replaced Mr. Brad Johns]

In Attendance:

Ms. Judy Kavanagh
Legislative Committee Clerk

Mr. Gordon Hebb
Chief Legislative Counsel



House of Assembly
Nova Scotia

HALIFAX, TUESDAY, SEPTEMBER 25, 2018

STANDING COMMITTEE ON HUMAN RESOURCES

10:00 A.M.

CHAIRMAN
Mr. Ben Jessome

MR. CHAIRMAN: Good morning folks. I'll call the Standing Committee on Human Resources to order on this Tuesday, September 25, 2018. Welcome everyone. My name is Ben Jessome, I will be your Chair for this morning's proceedings and we will begin with some introductions.

[The committee members introduced themselves.]

MR. CHAIRMAN: Thank you. To my left, we're joined by Judy Kavanagh who is our committee clerk, and to my right is Mr. Gordon Hebb, our committee counsel. I'll also note that David Wilson will be joining us briefly.

On to committee business. A couple of pieces of correspondence would have been circulated, coming from the Department of the Minister of Education and Early Childhood Development, the first having to do with a request for the waiver of the notice period required by the committee to appoint members to various boards. We're talking about our Provincial Advisory Council on Education. The second piece of correspondence had to do with the compensation levels for those board members and the board Chair.

Are there any questions or comments on those pieces of correspondence? Mr. Orrell.

MR. EDDIE ORRELL: They're looking to take out the 10-day rule to appoint people to the committee?

MR. CHAIRMAN: Yes.

MR. ORRELL: Why didn't this come to the committee before? This system was going to be eliminated in the Spring. They could have had a meeting, called an emergency meeting, or had a meeting last week or the week before, while we were here to deal with that. And now to take the 10-day waiting period away and not have the people vetted to be on there, I think that's criminal, I think it's wrong.

MR. CHAIRMAN: With respect, the process was all but completed. There's a requirement through our process for a physical signature versus an electronic signature. Given that our minister lives in Yarmouth, it was a challenge for him to sign the paperwork on time.

With respect, I would suggest that perhaps the process that we operate in could be contemplated and the 21st Century be realized and we don't need a physical signature to proceed, but that's another matter. I do appreciate your comments, and generally we should make every effort possible to ensure that the process is followed and that when possible the waiver notice is respected. I would say that you're right to say that it should happen like that generally, but given that we would like to see this group get started, we're asking for the committee's consent to move forward.

MR. ORRELL: With all due respect, we have been here for three weeks now. This is a 10-day period. You can't use the excuse that he's in Yarmouth and can't get here to make a signature on these things. He has been here for three weeks, the same as the rest of us.

I've had meetings with people that wanted meetings when I got here. I know he's a busy man, but to use the excuse that he's in Yarmouth and you can't get a signature on these papers?

MR. CHAIRMAN: Mr. Orrell, I will also comment that it was the government's commitment to appoint this board in the Fall of this year and that commitment would be delayed, keeping in mind with the Fall timeline that was presented, so we can either move forward or not. Ms. Chender.

MS. CLAUDIA CHENDER: With all due respect, I would just say that the school year began the first week of September; the application process for PACE closed August 13th - which I think was later than it needed to be, given that these changes were made in the Spring session; and we've had a Human Resources Committee meeting. I think I did bring up at that meeting that I thought it was inappropriate that that body was not going to be in place for the beginning of the school year. I just want to echo my colleague's concerns that this isn't happening in a timely manner.

MR. CHAIRMAN: That's fair. Ms. Paon.

MS. ALANA PAON: As I understand from what's being said here, the only reason that this has not gone through in a timely manner and when it's supposed to is simply because of an electronic signature not being accepted by government, and that Mr. Churchill was not available because he lives down in Yarmouth. I live in Cape Breton. Mr. Orrell here lives in Cape Breton. We all have our duties, obviously, to be able to follow through as members of the House of Assembly. Certainly, as a minister and with ministerial responsibilities, that is even that much more important.

Something as important as the Provincial Advisory Council on Education in this province, being that we are under a completely new governing system, it's all new ground to have to play by a different set of rules here. I would like to make a note to this committee that I'm extremely upset about the fact that it just seems that I, as an MLA, am supposed to adhere to certain guidelines, rules, and regulations. I don't think that a minister should be less accountable to his role and responsibilities to make certain that things are done in a timely manner, especially something of such great importance.

MR. CHAIRMAN: Respectfully, to suggest that there's less accountability because of a checkmark that needs to take place - I respect your opinion, but we're talking about a board that government felt, and I know that all members feel, it's extremely important so government took the time to make sure that we had a qualified list of individuals who were representative of all regions of this province and our commitment was that this would be done in the Fall, and we're sticking to that timeline.

Again, I'm going to move along and move to a motion. Can I ask for a motion to waive the notice requirement and move forward with this board that I think we can all agree is important to get started? Mr. MacKay.

MR. HUGH MACKAY: Before the motion I'll just say that it's quite admirable that given the interest in participation on this advisory council that so many Nova Scotians expressed interest in being part of this and welcoming the changes, the reforms, and improvements that were being made, the high number of applications that were made for this. I think it's admirable that the department moved quickly and made recommendations vetting these applications and moving them forward to recommendations as quickly as they could. I think we should note a word of thanks to the department for the good job they've done here. Thank you.

MR. CHAIRMAN: Thank you, Mr. MacKay. Mr. Orrell.

MR. ORRELL: Yes, all Nova Scotians think that this board, this committee, is important. Most Nova Scotians thought the school boards were important too, and they were eliminated with the stroke of a pen, without the due respect of the people who thought they should have stayed there. That was done according to the rules, this stuff should be done according to the rules, and it could have been done a lot earlier than it is today. If that

stuff had closed in August, you've already had an HR meeting and it hadn't happened and to bring that in here today and eliminate that without people being vetted and these people being committed or put on these boards, I think it's just another way of trying to get stuff out there without people having to see what's going on.

No one is disputing the fact that this committee, this education board, whatever you want to call it today, is going to do good work and it's important. As Mr. MacKay said, there have been a lot of people but this has happened long before this meeting today and it could have been done before this meeting today. To bring it in here and say that today, I think is just wrong. I'll say no more.

MR. CHAIRMAN: Your comments are noted. Ms. Paon, please.

MS. PAON: If I may, I received this letter at the eleventh hour prior to coming in here. I know it was distributed in advance of the meeting; however, this obviously has been known for quite some time. It would have been respectful of all those in the room, I think, to have been given a heads-up that this was going to occur today, with a bit more notice.

As much as I can agree that it's important to adhere to the deadline on making certain that the Provincial Advisory Council on Education is up and running, in whatever opinions we have and whether or not the school boards should have been dismantled or not, it's important to have representation obviously towards education in this province. But as much as it's important to adhere to deadlines, it's also just as important to adhere to the rules.

MR. CHAIRMAN: Okay, thank you, Ms. Paon, I appreciate that. So again, we'd like to make an effort to proceed. Can I ask for a motion from the floor? Ms. Lohnes-Croft.

MS. SUZANNE LOHNES-CROFT: I move that we go ahead and accept this exception to the 10-day rule, and accept what the . . .

MR. CHAIRMAN: The motion is to waive the notice period.

MS. LOHNES-CROFT: . . . waive the notice period and move forward with accepting the recommendations.

MR. CHAIRMAN: There's a motion on the floor. Mr. Orrell.

MR. ORRELL: Thank you, Mr. Chairman. I have to say that for a government that claims to be the most open and transparent government in the province and probably in all of Canada, in the history of Nova Scotia, I believe this is just the wrong way to go about this. Thank you, that's all I'm saying.

MR. CHAIRMAN: There is a motion on the floor. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

Given that we do not have unanimous consent of the committee, we will not proceed with making these appointments today and the work of this group will have to wait.

Moving on to our next agenda item here, we have a number of other appointments to proceed with and I would request motions from the floor for continued appointments. Mr. Horne.

MR. BILL HORNE: Mr. Chairman, under the Department of Agriculture, for the Nova Scotia Crop and Livestock Insurance Commission, I move that the appointment of Dr. Robert Prange as a member be approved.

[10:15 a.m.]

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. Horne.

MR. HORNE: Mr. Chairman, for the Nova Scotia Veterinary Medical Association Council, I move that the appointment of Heather Rix 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.

Moving to the Department of Community Services - Ms. DiCostanzo.

MS. RAFAH DICOSTANZO: Under the Department of Community Services, for the Cape Breton Island Housing Authority, I move that the appointment of Allan Farrell as a provincial representative be approved.

MR. CHAIRMAN: Is there any discussion? Ms. Paon.

MS. PAON: I have a question. When we go through the process of vetting applicants to these agencies, boards and commissions - we have to sign a disclosure statement, obviously, as far as where we have our investments, if there's any conflict of interest, obviously, with any portfolios that we may be involved in. I'm curious to know, is the same thing done for anyone who is coming on agencies, boards and commissions -

as well as what their political Party affiliations would be? Is there any disclosure about that?

MR. CHAIRMAN: Yes, that is in the application, the application form in our packages that we receive prior to the meeting.

MS. PAON: Which parts exactly? I asked about three different things: political Party affiliation, I asked about any kind of conflict of interest with any portfolios or portfolios that they would be entering into as far as a member of a board, as well as any kind of investments that would be in conflict.

MR. CHAIRMAN: It's outlined as actual or perceived conflict of interest. I don't think it's as detailed as breaking it down by . . .

MS. PAON: They don't have to sign a disclosure statement of any sort, as we do as MLAs? I'm just curious.

MR. CHAIRMAN: I can endeavour to get you clarification on that. I'm not clear based on the information that I have presently, as to whether or not that information is broken down to that level. I would also note that I don't think we should discount people regardless of their political stripe.

MS. PAON: I don't think that we should discard people based on political stripe either, but I just want to see - I'm trying to get to information regarding who is being appointed to these agencies, boards and commissions when any particular - and I'm not talking just Liberal, Progressive Conservative, or NDP - when any majority government is in play and there are appointments being done.

Mr. Farrell, as incredible as I'm sure that he is and that he has a great CV, has donated quite a bit of money to the Liberal Party, and I want to know if the general public is cognizant of that.

MR. CHAIRMAN: That's fair, but again, I don't think we should discredit any Nova Scotian, regardless of where their political ties end up.

MS. PAON: I certainly would rather not see either - with all due respect - that we are in a situation where people feel the need that they have to contribute to a particular political Party in order to get positions on agencies, boards and commissions.

MR. CHAIRMAN: Your comments are noted.

There is a motion on the floor for the Cape Breton Island Housing Authority, Mr. Allan Farrell as a provincial representative.

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

The motion is carried.

Ms. DiCostanzo.

MS. DICOSTANZO: For the Metropolitan Housing Authority, I move that the appointments of Mo'min Alzyoud and Heather Rix as provincial representatives be approved.

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

The Western Region Housing Authority - Ms. DiCostanzo.

MS. DICOSTANZO: Mr. Chairman, for the Western Region Housing Authority, I move that the appointments of William Carroll and Wayne Hyson as provincial reps 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 Board of Management at the Kings Regional Rehabilitation Centre - Ms. DiCostanzo.

MS. DICOSTANZO: Mr. Chairman, for the Kings Regional Rehabilitation Centre Board of Management, I move that the appointment of Jennifer Collishaw 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.

A motion from the floor for the Preston Area Housing Fund Board of Directors - Ms. DiCostanzo.

MS. DICOSTANZO: Mr. Chairman, for the Preston Area Housing Fund Board of Directors, I move that the appointment of Rhonda Johnson 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.

The Department of Finance and Treasury Board, a motion from the floor for the Nova Scotia Liquor Corporation - Mr. MacKay.

MR. MACKAY: Mr. Chairman, for the Nova Scotia Liquor Corporation Board of Directors, I move that the appointments of Holly Bond and Richard Emberley as directors 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.

A motion from the floor for the Advisory Council on the Status of Women - Mr. MacKay.

MR. MACKAY: Mr. Chairman, for the Advisory Council on the Status of Women, I move that the appointments of Abshiro Abdille, Nadine Bernard, and Maura Ryan 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.

Thank you very much. Mr. Orrell.

MR. ORRELL: Mr. Chairman, looking at this letter that came in here, the next committee meeting wouldn't be until October 30th. Is there any fault or harm in asking for the committee to have a meeting within the next 10-day period so this stuff can happen so this group can get on with their work, instead of waiting until October 30th?

If it's that important, we can do the 10-day vet, within 10 days have another meeting. We're going to be here another week or so that the period has ended. The 10 days would be up as of when? I don't know the day.

MR. CHAIRMAN: The 10-day period is three days away.

MR. ORRELL: Can we next week, have a quick emergency meeting to do that and then come around with that? We're here anyway, if there's committee time or if there's space available.

MR. CHAIRMAN: Ms. Lohnes-Croft.

MS. LOHNES-CROFT: Why couldn't it have been done today is what I'd like to know? Like we're ready to move . . .

MR. ORRELL: There are rules around it.

MS. LOHNES-CROFT: But we were asking to vet it . . . (Interruptions)

MR. ORRELL: There are rules around it. We want to make sure we get a chance to look at that before it gets - there are rules in place. We've done it before, we've had emergency meetings for certain . . .

MR. CHAIRMAN: A note for the record that the package was a day late but in the interest of getting these folks going, I think - and unless I'm mistaken, after the motion has been made in this meeting, we are required to - we can't conduct business that has been voted on in today's meeting.

The motion is on the floor to have a meeting. How much notice do we have a requirement to give in order to facilitate a meeting? Mr. Hebb.

MR. GORDON HEBB: There's no requirement, the committee can meet whenever they want.

MR. CHAIRMAN: Keeping in mind that the House is in session, is everybody comfortable that we meet before the end of the week, to respect our 10-day period?

MR. HEBB: It's a seven-day period.

MR. CHAIRMAN: Oh, excuse me.

MR. HEBB: The minister's letter says 10, it's actually seven.

MR. CHAIRMAN: It's actually seven days. Ms. Kavanagh.

MS. JUDY KAVANAGH (Legislative Committee Clerk): It is required that the information be given to members within seven days. The Executive Council Office has an in-house deadline of 10 days because they need to send it to me. I need to prepare the package to send it to you within seven days.

MR. HEBB: You don't need another seven days because you've already got them.

MR. CHAIRMAN: We're a day short right now.

MR. HEBB: You could have the meeting tomorrow.

MR. CHAIRMAN: I think we can all agree that we want to get going on this as soon as possible, so with the consent of the committee - I ask you to bring out your calendars right now so we can sort this out. Let's do Thursday morning, 10:00 a.m. That helps us meet our obligations. Welcome, Mr. Wilson, glad to see you're still in one piece. Ms. Lohnes-Croft.

MS. LOHNES-CROFT: I think we need to find out if our caucuses will - some people may have other commitments. We need to confer to find out if we have enough members to attend. I know I have a commitment already. I have a conference call at that time.

MR. CHAIRMAN: Mr. Orrell.

MR. ORRELL: Mr. Chairman, if this is that important that we wanted to supplement the rules to do this today, I'm sure the Liberal caucus can make four members available on Thursday - of the 27 members they have - to make sure that this happens on Thursday. If it's that important, let's do it. If it's not that important, let's hear the arguments of why we can't do it and then we'll move on.

MR. CHAIRMAN: I am going to call a quick recess before this gets off the rails.

MR. ORRELL: It's off the rails already.

[10:27 a.m. The committee recessed.]

[10:31 a.m. The committee reconvened.]

MR. CHAIRMAN: Order, please, folks. We're going to start back up here again. Thank you for the pause there.

It would be beneficial to the work of this committee if we could hold another meeting Thursday morning, preferably at 11 o'clock in the morning to deal with the business that was deferred - that was voted against today.

We have a group that is to work on the Provincial Advisory Council on Education. The information about those individuals was circulated six days prior to this meeting's convening today, in contravention of the seven days that are required.

The game plan, with the consent of the committee, will be to move forward on Thursday, September 27th, at 11:00 a.m. I'm not looking for a motion if we have the consent to do that.

Mr. MacKay.

MR. MACKAY: I would just like to speak to one of the comments made opposite that packages were not received until yesterday. In fact, the full package - other than the second letter, which spoke to compensation - was received last week. To use that as an excuse for delaying these important recommendations going forward is inappropriate to have been done. I would just like to say that the members opposite have unfortunately politicized this. It's something that does need to go forward. We appreciate the recess, and we're going to support the emergency meeting. (Interruptions)

Excuse me, Mr. Chairman. Do I have the floor or does the Opposition?

MR. CHAIRMAN: With all due respect, as the chairman of this committee, both sides are kind of getting into this back and forth here. We have a job to do here. I think we can all put it aside for 10 minutes. We have a meeting that we can do at 11:00 a.m. on Thursday. I'm asking for all committee members to please enable us to do that so that we can all move forward with a group of people that I think we're all on board with moving forward. Please.

Do I have the consent of the committee? Thank you very much. So 11:00 a.m. Thursday. Perfect. Everybody loves everybody. (Laughter)

MS. PAON: Mr. Jessome, if I may?

MR. CHAIRMAN: Can we wait until the end of . . .

MS. PAON: No, we cannot. We're going to do it right now, because you're going to do a . . .

MR. CHAIRMAN: With all due respect, we have more committee business to take care of, and we . . .

MS. PAON: Mr. Chairman, if there is a cannon shot across the bow, I'm going to respond.

MR. CHAIRMAN: Okay. Ms. Paon, please.

MS. PAON: As I mentioned, if there is a cannon shot across the bow, I will respond. I certainly did not mean that the entire package was not made available to our Party last week. I was making reference to the letter dated September 24th, Mr. MacKay, for clarification.

I certainly am not trying to politicize this. I'm trying to clarify and play by the rules. We should all be trying to play by the rules.

MR. CHAIRMAN: Thank you. That's noted for the record.

Ms. Chender.

MS. CHENDER: Similarly, I'll just point out that this committee has far more Liberal members, as does every committee, and as does the Legislature. So I think we do deserve a little bit of airtime in the Opposition.

I'll just say that as to "politicizing" the process, that is absurd. This is a political place that we're in. The reality is that the government saw fit to do away with the transparently elected school boards in favour of a non-transparent, politically-appointed advisory committee.

We did not have due notice of that committee. We still don't know what that committee's going to do. We don't know if it will meet in public. We don't know if it will have any power at all, but we have been assured continually since March 9th, when that Act came into force, that we were going to see this committee and that it was going to be the great holy saviour of education.

With all due respect, to cast aspersions on the Opposition for politicizing this process is a little rich. I don't want to get into this back and forth. I think we can leave it. I'm happy to go on with the rest of the business. I just think it was a cheap shot, and I can't let it stand.

If we want to get into this in the Legislature, if we want to get into this in any of the other forums, we can. I'm happy to talk about the merits of that particular comment. But I would just ask our Liberal colleagues to be a little bit generous and kind with your Opposition colleagues who, as you know, are frustrated with the situation in education altogether and do deserve the due process that is required by this committee and the time to vet and understand what's going on.

MR. CHAIRMAN: Thank you. We will move on to the next order of business before us today.

We have a draft annual report that was circulated to committee members. In my view, it's important to report on the work that this committee has conducted over the course of the year. Given that the House was prorogued, we're not required to do that. What I'm suggesting to the committee, with your consent, is that we proceed with providing our clerk some feedback on the report to date and proceed with putting it together as intended to date. Is that cool? Wonderful. We'll move ahead with that.

We had some conversation in previous meetings, I think the past two meetings, around the information that we receive, how it's presented, and the process around our appointments. I know we have a new member to the committee. I think it's worth considering bringing our Executive Council Office back to answer some questions. I don't

know whether there's still an interest in doing that. I think we can proceed with that as planned, with the consent of the committee.

Our final piece here is we have an agenda-setting meeting next month, the 30th of October. That's Tuesday morning, as per the regularly scheduled program. Please submit proposed topics to Ms. Kavanagh, our clerk, by Tuesday, October 16th.

Is there any other business for today's meeting?

Our next meeting date is Tuesday, October 30th. (Interruptions)

Right. Excuse me. We have another meeting scheduled to deal with the appointment of the Provincial Advisory Council on Education on Thursday morning, September 27th, at 11:00 a.m. Our next regular meeting date is Tuesday, October 30th, at 10:00 a.m., where we will deal with appointments and agenda setting.

This meeting is adjourned.

[The committee adjourned at 10:41 a.m.]