

HANSARD

NOVA SCOTIA HOUSE OF ASSEMBLY

COMMITTEE

ON

HUMAN RESOURCES

Thursday, September 27, 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]

In Attendance:

Ms. Judy Kavanagh
Legislative Committee Clerk

Mr. Gordon Hebb
Chief Legislative Counsel



House of Assembly
Nova Scotia

HALIFAX, THURSDAY, SEPTEMBER 27, 2018

STANDING COMMITTEE ON HUMAN RESOURCES

11:00 A.M.

CHAIRMAN

Mr. Ben Jessome

MR. CHAIRMAN: Good morning everybody. Welcome to today's meeting of the Standing Committee on Human Resources. My name is Benjamin Jessome and I'll be your chairman this morning.

We'll do a lap around the table here to introduce the members who are present.

[The committee members introduced themselves.]

MR. CHAIRMAN: Thank you, everyone. To my left we have our committee clerk, Ms. Judy Kavanagh. To my right we have our counsel, Mr. Gordon Hebb.

Today's business is to deal with agencies, boards and commissions appointments. We have one board on the docket as a follow-up to our meeting on Tuesday. At this point I would like to ask for a motion from the floor.

Ms. DiCostanzo, please.

MS. RAFAH DICOSTANZO: I'd like to make a motion for the Department of Education and Early Childhood Development, the Provincial Advisory Council on Education and I'd like to read the names: Archy Beals as a member; Michael Drew as a member, Christopher Gilham as a member; Suzy Hansen as a member; Nastasya Kennedy as a member; Lynn Levatte as a member; Margaret "Joan" MacDonnell as a member; Brent Noiles as a member; Stephen Parsons; Maura Ryan as a member; and Hendrika "Hetty" van Gurp as a member; and Gin Yee as a member.

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

Mr. Johns, please.

MR. BRAD JOHNS: Thank you, Mr. Chairman. We're wondering, instead of moving as a slate if we could vote on each individual individually - I had my hand up, he just recognized somebody else first.

MR. CHAIRMAN: We are required to get unanimous consent of the committee in order to withdraw the motion that is on the floor, and there would have to be separate motions made subsequently, following the motion that is on the floor presently. I guess I'll call for unanimous consent, or not, to deal with the motion that is on the floor.

To be clear, does the committee have unanimous consent to withdraw the motion that is before us to deal with the Provincial Advisory Council on Education as a slate?

There is a motion on the floor to deal with the Provincial Advisory Council on Education. Is there any discussion on the motion?

Ms. Paon.

MS. ALANA PAON: Mr. Jessome, thank you very much for giving me the floor. Again, I would like to bring up, because it's a delicate situation as far as what we can and cannot discuss without violating anyone's privacy or human rights as it seems, which are extremely important, obviously, to everyone in this room and to every Canadian and Nova Scotian.

However, as I mentioned last time around, I also think that it's really important for Nova Scotians to know who they are voting on to these boards, agencies, and commissions. I have been receiving a great deal of questions from my constituents in Cape Breton-Richmond. They have absolutely no idea who these people are who are going to be representing them.

It's a Provincial Advisory Council now. There's no regional representation with regard to school boards any longer. Basically, parents of students used to be able to go to their local representative and discuss, obviously, things on the ground with them. They usually knew these people because they elected them.

They don't know who these people are. They have no idea, and they're very concerned that there's no information that has been given to them to know how these people have even been selected. I don't even know myself the selection matrix that would have been utilized to select these people.

So, without being able to disclose certain information about certain individuals in certain regions, for which I have concern, I would ask that not only this committee, but the government in general and everyone who is here present today, look at enacting some sort of system where we do let the general public know who their appointed representatives are going to be, what they represent. As well as that, they should be signing a disclosure statement in some way. Again, I'm a big believer in being able to try and give as much information as possible when such important decisions are being made at such a high level in a very centralized way now. I would very much like for some sort of - I don't want to use the word "reform" but just to make the system better, improve the system by trying to disclose information to try and take out the fear that is going on right now on many levels, and certainly in my constituency about who is representing whom now at the provincial level for the children who are in our school system.

MR. CHAIRMAN: I appreciate the comments, Ms. Paon. I will add, just as a note, that it is part of the mandate of this committee to make these appointments. We have an opportunity, coming from different areas across the province, to deliberate over those appointments. We have all been elected here by people in our respective communities and have the privilege of sitting at this table. Again, it is the mandate of this committee to make those selections.

Mr. Johns.

MR. JOHNS: If I could make a comment on the motion that's on the floor, it would be this, this is a provincial advisory board. Of 133 applicants who came forward, I think our caucus is very pleased to see that it does seem to be that there's gender equality there; there seems to be regional equality, and so we seem to be very happy with that.

What we would like to suggest, and I do believe that it's probably even in the best interest of the current government - although I don't want to help you guys out - given the public outcry and discussion around the solution and dissolving of the school boards, is that this committee be viewed as non-partisan as possible.

One individual whom we kind of have a bit of a problem with who has been suggested here is Michael Drew. We did some research on that person, and numerous times there have been some past political contributions to the Minister of Education and Early Childhood Development during election time. The optics of that particular appointment probably are not the best, particularly given the fact that there were more than adequate applications, 133 of them is my understanding, that came in.

So, we don't really have any issues with all the members who are on that slate except for the position of Michael Drew. So, I guess if I could, and the solicitor will tell me whether or not I'm out of order on this, but are we able to make a motion to amend the current motion that is on the floor to withdraw Michael Drew from that slate and approve all the other members. You know, I think our caucus would be okay with approving all the members that are on that slate, with the exception of Mr. Drew, and perhaps another person can come forward at another point in time. That's the one that seems to be the standout based on the contributions to the minister's campaign. So, it may be in the best interest publicly for the government as well.

I would so move. Thank you.

MR. CHAIRMAN: So, Mr. Johns, admittedly I tried to have this conversation before - I'm not trying to make a big to-do about it, and if you wish to proceed with your amendment to the motion you're more than welcome to, but what you're suggesting is discriminatory based on someone's political affiliations and it's against the Human Rights Act. So you're welcome to proceed, but I'm just - you can't disqualify someone based on their political affiliations.

Mr. Johns.

MR. JOHNS: Yes, so I guess if I could then, by removing Mr. Drew from the slate perhaps the Executive Council or Cabinet could - I'm assuming that these have come forward from Cabinet, so perhaps Cabinet could relook at that particular individual and, if they still would like to bring the name forward, it could come back at our next meeting. Cabinet may choose that there is an alternate or a better person. So, I'd let that sit.

MR. CHAIRMAN: All right. So, there is an amendment to the initial motion to approve the slate as a whole from the Progressive Conservative caucus, the amendment being to presumably accept the slate, minus Michael Drew - is there any discussion on that motion?

Would all those in favour of the amendment to the motion please say Aye. Contrary minded, Nay - and I'll be a Nay as well.

So, back to the initial motion - is there any further discussion on that motion?

Ms. Chender, please.

MS. CLAUDIA CHENDER: Can I ask for a point of clarification just because I know you did try to deal with some things before the meeting but I wasn't privy to that conversation. I understand that we don't want to discriminate against people based on their political affiliation; however, we do know that campaign finance is thankfully relatively transparent at the provincial level, and if there were a case among these candidates where

one had donated a substantial amount of money to the minister whom they were meant to be advising, that might seem to trigger a different concern than political affiliation.

There are lots of Liberals on this slate and that's fine. I mean, they're presumably good professional people and that's fine, but it does seem to engage a different issue when you're talking about someone who seems to be directly connected to and supportive of the minister to whom they're supposed to be offering impartial advice.

So, I'm just curious. I'm not raising a motion or anything like that, but I wonder if you could just give me - if that's a valid concern to raise in this case or if that's also protected and something we aren't able to discuss here.

MR. CHAIRMAN: Mr. Hebb is here to deal with counsel respective to the legislative process. I won't speak for him, but it may require some further consideration outside of committee. Is that fair to say?

Mr. Hebb.

MR. GORDON HEBB: I don't think I can contribute anything to the debate. Ms. Chender has made her point. Without further looking into it, I don't think I'd have anything to add to the debate. Thanks.

MR. CHAIRMAN: Mr. MacKay.

[11:15 a.m.]

MR. HUGH MACKAY: With respect to Ms. Chender's point, I think Nova Scotia has some of the strictest campaign donation rules in the country and I think that so long as an applicant is well within those, I think that it would be inappropriate for us to disqualify somebody who is completely following a legal process. Thank you, Mr. Chairman.

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

MR. JOHNS: Thank you and, respectfully, I guess what I would suggest, following up on Ms. Chender's comments, would be in our research, similarly to what Ms. Chender suggested, Gin Yee has also made some contributions. We're not raising that one because they seemed relatively insignificant, but the one by Mr. Drew - the reality is that optics and perception are reality and if the government and the government members who are here today are comfortable with this, well I guess it's the government and the people who are here who answer for it. Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Johns. I think we've heard enough discussion at this point and we'll call for the vote. So, to appoint to the Provincial Advisory Council

on Education, the names as presented, would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried. Thank you very much.

We have no further business before the committee. Our next meeting date is - Mr. Johns, please.

MR. JOHNS: If I could, Mr. Chairman, I note on the agenda that our next meeting will be appointments to agencies, boards and commissions but also agenda setting.

I'm not quite sure if this committee has the same - I know my caucus was not really comfortable with what happened yesterday at the Public Accounts Committee. Is this committee set up the same way as that? Is there going to be an agenda that we all vote on and we all - how does this go? If the government already has an agenda in place and our votes aren't going to matter, I just want to know whether or not it's worth my coming or not to the next meeting.

MR. CHAIRMAN: The committee business is dealt with separately. The process that was pointed towards yesterday at Public Accounts would be separate from the work of this committee and we'll proceed with the regularly scheduled agenda-setting process.

MR. JOHNS: I'm sorry, maybe I wasn't clear. Are the agendas set the same way here as they are in PAC or is it different? I just want clarification.

MR. CHAIRMAN: Okay, fair enough, I'm being advised that there is some difference. Perhaps Ms. Kavanagh can provide some information.

MS. JUDY KAVANAGH (Legislative Committee Clerk): I'm not fully familiar with the process in PAC but I know that the process they use is a little bit different than ours. They have a subcommittee that discusses agenda items before it goes to the full committee. We don't do that, we simply discuss it as a group and we're directed to . . .

MR. CHAIRMAN: And then once it gets to that point it goes - once it gets to the full committee, though, it's the same process.

MS. KAVANAGH: Yes, in Public Accounts, as the chairman has reminded me, the subcommittee looks at it first but once it goes to the full committee it's . . .

MR. JOHNS: Up to us to approve it.

MS. KAVANAGH: Yes.

MR. JOHNS: All right, thank you very much for the clarification, Ms. Kavanagh. Thank you, Mr. Chairman.

MR. CHAIRMAN: The next meeting date is the 30th of October, at 10:00 a.m., ABCs and agenda setting.

Today's meeting is adjourned. Thank you.

[The committee adjourned at 11:19 a.m.]