

HANSARD

NOVA SCOTIA HOUSE OF ASSEMBLY

COMMITTEE

ON

PUBLIC ACCOUNTS

Wednesday, May 17, 2023

COMMITTEE ROOM

**2023 Report of the Auditor General - Provincial Fire Safety Management:
Office of the Fire Marshal**

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Public Accounts Committee

Hon. Kelly Regan (Chair)
Nolan Young (Vice Chair)
John A. MacDonald
Melissa Sheehy-Richard
Tom Taggart
Kent Smith
Hon. Brendan Maguire
Susan Leblanc
Kendra Coombes

In Attendance:

Kim Langille
Legislative Committee Clerk

Gordon Hebb
Chief Legislative Counsel

Karen Kinley
Legislative Counsel

WITNESSES

Department of Municipal Affairs and Housing
Paul LaFleche - Deputy Minister
Valerie Pottie Bunge - Associate Deputy Minister
Paul Mason - Executive Director of the Emergency Management Office

Office of the Fire Marshal
Doug MacKenzie - Fire Marshal



HALIFAX, WEDNESDAY, MAY 17, 2023

STANDING COMMITTEE ON PUBLIC ACCOUNTS

9:00 A.M.

CHAIR
Hon. Kelly Regan

VICE CHAIR
Nolan Young

THE CHAIR: Order. I now call the Standing Committee on Public Accounts to order. My name is Kelly Regan. I am the MLA for Bedford Basin, and I am the Chair of the committee. Reminder to all of our participants here today to please place your phones on silent. I will ask committee members to introduce themselves, beginning with the member to my immediate left, Mr. Young.

[The committee members introduced themselves.]

THE CHAIR: On today's agenda we have officials with us from the Department of Municipal Affairs and Housing and the Office of the Fire Marshal with respect to the 2023 Report of the Auditor General, *Provincial Fire Safety Management: Office of the Fire Marshal*.

Normally I do this ahead of the meeting, but I was a little delayed in traffic this morning, so just a reminder to folks that I will call on you when it's time to speak. Until that happens, your mic won't be open, and you won't be able to be reflected on the record. Just a reminder about that.

I will now ask our witnesses to introduce themselves, beginning with Deputy Minister LaFleche.

[The witnesses introduced themselves.]

THE CHAIR: Deputy Minister LaFleche, you have up to five minutes for your opening statement.

PAUL LAFLECHE: Thank you for inviting us here to speak about the Auditor General's 2023 Report on the Office of the Fire Marshal.

I would like to begin by saying that we respect the findings and accept the recommendations provided in the report. Before we get into the details of the report, I want to assure Nova Scotians that staff in the Office of the Fire Marshal are professionals who are focused and dedicated to protecting people from fires, and ensuring that our buildings are safe.

I also want to point out that the audit period covered a time during the COVID-19 pandemic when access to buildings and travel throughout the province was restricted. During this period, key members of the senior management team were in acting roles due to secondments. This put additional demands on existing staff at that time. I'm pleased to see that we have a new senior management team in place, and we are continuing to work to address any staff vacancies that remain. Mr. MacKenzie has been the Fire Marshal for about a year now as a permanent appointment. He was acting for a while before that.

I think it is extremely important to point out, as the Auditor General noted in her report, that deputy fire marshals and fire inspectors understand their roles very well - that is key. They know what they're doing and are focused on their mandate.

Each year, Nova Scotia's deputy fire marshals visit more than 1,300 buildings, generating inspection reports and orders to take action, as well as documents and correspondence to promote and support fire and building safety throughout the province. The office also conducts training activities, reviews building plans, and responds to close to 200 requests a year from municipal fire departments and police for support, including more than 75 fire investigations annually.

What the report identified were some administrative issues and gaps in internal processes. Admittedly, they are not good, but they are being addressed. Fire safety is a shared responsibility under the Fire Safety Act. Municipalities are responsible to ensure that their legislatively mandated inspections are complete. As the Auditor General pointed out, we can do more to ensure that is happening. We will explore what those opportunities may look like.

Madam Chair, I want you and the committee to know that we take the Auditor General's Report very seriously. To demonstrate that point, I'm pleased to say that two out of the seven recommendations are already complete. Two others are almost done and will

be completed very soon. The remaining three are well under way. On that note, I can tell you without hesitation that both the minister and I have full confidence in the Office of the Fire Marshal and their work. With that, I think I've given you back the time I stole two weeks ago, so I'm happy to answer questions.

THE CHAIR: Thank you, deputy minister. In fact, I think you came in at about three minutes, so that is some of the time you stole a couple of weeks ago.

Just for folks who are making their first appearance here, we start off with rounds of questioning from each of the caucuses. It's 20 minutes for each caucus. Then there's a further round of questioning that depends on how much business we have at the end of the meeting and how long the opening statement was. We should have a good hefty period of time for our second round as well.

We will begin now with the Liberal caucus. MLA Maguire.

HON. BRENDAN MAGUIRE: Good morning, everyone. I'll just fire off a couple of quick questions. First, thank you to the deputy minister for a tie. Much appreciated.

Are there enough staff in the Office of the Fire Marshal to appropriately address the labour demand?

THE CHAIR: Deputy Minister LaFleche.

PAUL LAFLECHE: That's an amazing question. It's a good one. We ask that question about every service we provide in government. As those of you who here who have been in government and on the Department of Finance and Treasury Board know, it's always a difficult question. It's one of the most serious questions we have to address at budget time for any department.

In terms of the actual Office of the Fire Marshal, I will allow the Fire Marshal himself to address what he thinks the staffing levels should be.

THE CHAIR: Mr. MacKenzie.

DOUG MACKENZIE: As part of the Auditor General's Report, the department is committed to a review of our office and our legislative mandate, and I think that resources will be part of that full review.

BRENDAN MAGUIRE: The question was: Are there enough? - not, respectfully, if the Auditor General thinks there are enough or not. You guys are all on the ground. You know if there's enough staff or not. So the question is: Are there enough deputy fire marshals to carry out the inspections needed in a timely manner?

DOUG MACKENZIE: We experienced some staffing shortages over the last couple of years, actually. It's a competitive market that we're dealing with right now. A recent competition saw four individuals withdraw for compensation reasons. But we are looking forward to being fully staffed shortly. We have a posting out right now, and I believe we'll be able to fulfill the mandate on the inspection side in the coming years.

BRENDAN MAGUIRE: What's the starting salary for a deputy fire marshal?

DOUG MACKENZIE: It's about \$78,000. Now, these are highly technical positions, and the pool of candidates is limited. These are the subject matter experts in their field in several areas, whether it be building official, fire official, or certified fire investigator. The pool that we can draw from is limited. That's part of the rationale for having difficulty in filling positions.

There's also a requirement to have a number of years of experience in the field. We have had candidates who met the minimum requirements, but didn't have that depth of knowledge and experience that we would draw upon. They are the leaders the municipal inspectors to go to for clarification on the acts and regulations and to assist them in making decisions.

BRENDAN MAGUIRE: So 12 of the 30 properties are past their due date for inspections, which is a troubling thing. I'll ask the deputy minister: Could we get a regional breakdown? Can the location of those 12 that are past their due dates be provided? Could we have that sent to the committee?

THE CHAIR: Mr. LaFleche.

PAUL LAFLECHE: That was probably at the time of the report. I'll ask the Fire Marshal to address where we are now, and what data we can get by when.

THE CHAIR: Mr. MacKenzie.

DOUG MACKENZIE: We can get that data for you. I can confirm that, of those properties, there were no orders to take action issued when they were inspected. The maintenance staff in those properties were maintaining the buildings in a safe manner as part of our fire safety planning.

I can give you documentation today if you wish. I have a graph on that. We can provide that for you.

BRENDAN MAGUIRE: Madam Chair, I'm just asking that they table which of the 12 of the 30 properties are past their inspection date as of the Auditor General's Report. I ask that we send that out to the department and have that tabled for the committee.

There were also four large public housing units that were missing from the inspection list provided by the Office of the Fire Marshal to the Auditor General. What are those four large public housing units? Where are they?

DOUG MACKENZIE: Those were in the Halifax area. I don't have the exact names and locations with me. If you wish, I can get that for you. The issue with those units was that three of the buildings were actually being inspected by Halifax Regional Fire & Emergency under the MOU. That's where the confusion was. It wasn't part of our inventory list. The inventory list that the Office of the Fire Marshal has is only for the buildings that they inspect. Each municipal unit is responsible for maintaining their own list.

BRENDAN MAGUIRE: If we could get those four sites - those four housing units - tabled to the committee, that would be excellent.

Here's one of the things that the Auditor General really homed in on, which was 100 per cent of inspection files tested did not have the appropriate supporting evidence. If this was the Department of Health and Wellness, if this was the Department of Education and Early Childhood Development - well, if it was Justice, you'd be thrown out of the court.

My question is: How can we, the public, have confidence in these inspections? How can we rely on the integrity of these inspections if there's no evidence supporting it? My question is: Why did we get to that, how did we get to that, and did no one flag that in the department to say 100 per cent of the inspections have zero supporting evidence? It's a wide question.

DOUG MACKENZIE: It's a good question. The inspections are being done. The follow-up paperwork is being done. Every inspection that a deputy fire marshal does generates documentation and is in our software system, so whether that's a letter of compliance, or a housekeeping letter for them to take care of small items, or an order to take action.

The crux of the issue was this document here, which is a record of inspection that we utilized - it's a triplicate form - we did away with this as we were moving to doing our inspections digitally. We're going to be passing that out today. When we moved to go digital, we did away with that and we didn't adjust our inspection policy, so that was still contained within the policy. According to the Auditor General, we weren't following the policy and that document wasn't being completed. That's why the inspection records show 100 per cent. The inspections were done. All the records are being kept. All the information is there.

Since the AG's Report, our digital format hasn't worked out as we hoped, so I've re-instituted the triplicate form until such time as we implement our new software system, which will have the audit capabilities that the Auditor General is looking for.

BRENDAN MAGUIRE: You're saying there is supporting evidence on every single inspection that was done?

DOUG MACKENZIE: One hundred per cent.

BRENDAN MAGUIRE: I guess my question is: Why wasn't that made available to the Auditor General during her inspection, during her investigation and audit?

DOUG MACKENZIE: All the information was provided to the Auditor General. The Office of the Fire Marshal was as co-operative and as transparent as we could be.

BRENDAN MAGUIRE: I want to go back to the public housing part of this, because we do know that when it comes to public housing in particular, there are a lot of repairs that are in arrears, and that can lead to major issues. I have a large public housing unit in my community. We've had to beg and plead since I've been an MLA to get money - from all governments - to have roofs done, windows done, to have this done, have that done.

[9:15 a.m.]

It is a little troubling to me that the most vulnerable population that we have in, we'll say, some of the least-maintained public, government-owned properties are being left off the inspection. My question is: Do you prioritize some of these properties, especially the ones that are seeing deferred maintenance and seeing some of the most vulnerable population?

We have people in Greystone, for example. I spoke to a lady yesterday who's being moved out of her unit into an apartment building, and she has mobility issues. She said, if there's a fire, I'm done. Also, if you go to her unit, it's probably not the safest unit either. We have a lot of individuals with mobility issues. We have individuals with all kinds of different physical issues who are in these units. My question is: Do you prioritize it? Do we not see the troubling part of this report, where there were public housing units left off the inspections?

THE CHAIR: Mr. MacKenzie.

DOUG MACKENZIE: Again, the units were being inspected by Halifax Fire, the ones that were off the list. There was one building that we were responsible for that was not on our list. I believe it may have been with the changeover of all the housing authorities

where we missed that, but it has been inspected within 30 days of being notified it was on our list.

As for the maintenance, part of our program is that when our deputies are inspecting, to have the maintenance supervisor staff with them when they go around to do the inspection to educate them as to what we are looking for, and what their responsibilities are in maintaining the fire and life safety systems. When we do an inspection, we are only inspecting for fire and life safety systems. We're not inspecting for windows or whatever. That's the scope of our work.

BRENDAN MAGUIRE: Was the purchased hotel at Hogan Court inspected by the Office of the Fire Marshal before purchase?

DOUG MACKENZIE: No. We were not part of that conversation. We are working with our partners at the Department of Public Works, and they're developing a plan to convert the hotel to the needs of the proposed occupants, and we're waiting on the Department of Health and Wellness for that as well.

BRENDAN MAGUIRE: I just want to get this straight. Government spent \$30 million to \$40 million for that building at the time. I'm not asking about going forward. When I purchased my house, I had to have someone come in and inspect the house. That was part of it with the bank. There was water testing and safety, and all kinds of different things that had to be done. I'm not going to pretend like I know it all. Truthfully, my wife dealt with it all. She's better at that stuff than I am.

The truth is that this government just purchased a hotel for \$40 million and there was no fire inspection, there was nothing from the provincial Fire Marshal that was done pre-purchase - not post-purchase, but pre-purchase.

DOUG MACKENZIE: That's correct. The hotel was under a building permit with Halifax Fire, and the Halifax building official would be the authority having jurisdiction. The Office of the Fire Marshal doesn't have any authority under the Building Code Act for new construction, nor do we do inspections for post-purchase things. My assumption would be that Public Works, which is involved with this, would have been doing the inspections and would have followed up with the inspections completed by Halifax Building & Development.

BRENDAN MAGUIRE: Respectfully, this is not a new construction. They bought a building that was in a state of construction. It's not a new construction. A new construction would be a piece of land cleared and a build. This was a property that sat as is for years and should have been inspected by the province before the purchase. I understand going forward that this is a renovation, and I guess they could technically say it's a new build. It's not a new build. It's a renovation. There is a difference between the

two. This building sat in its current state for years. It is a little troubling to me that it wasn't inspected by the provincial Fire Marshal and that this thing was just rushed.

I want to quickly jump over to a different topic. There are 13,000 inspections province wide. We're going to divide that by 10 fire marshals. Each of those fire marshals is now responsible for 1,300 inspections annually. Excluding weekends and holidays - and I will tell you that I didn't do the math - someone better at math did this. There are roughly 269 standard working days for each deputy to complete these - 269 days by eight hours per day equates to 2,152 annual working hours. Considering that each inspection would be completed in about 1 hour and 40 minutes, including travel, paperwork, et cetera, in order for them to be completed on time and all 13,000 to be completed by those 10 deputies.

So one hour and 40 minutes for travel, paperwork, and inspection per. Those are the numbers. Those are the hard facts. Is that enough time to do an inspection, including travel and paperwork?

THE CHAIR: Four and a half minutes left in your time. Mr. MacKenzie.

DOUG MACKENZIE: The number was 1,300, not 13,000. (Interruption) Some inspections can be done - a site inspection, half an hour, so a couple of hours for an inspection. Other inspections may take a week. They vary. Some of the inspections completed are surprise pop-in inspections. If a deputy is driving by, he'll pop in, or if it's a property where we've been having some issues, it will be inspected more frequently.

BRENDAN MAGUIRE: When I saw the number 13,000, it explained to me in my head, maybe this is why they're not completing it. If it's 1,300, that's 130 inspections per year. Why are they not being completed? Why is the paperwork not being done? Why are we in the situation we're currently in right now? With the other numbers that I thought we had, it explained it to me. They are stretched thin. Not to say they're not doing a lot of work, but we've had some troubling things from the Auditor General. If it's 130 a year, why is this department failing on the Auditor General's report time after time?

DOUG MACKENZIE: It's a very good question. Part of that relates back to the fact that it's not just 1,300 inspections a year. There are upwards of 70 to 100 fire investigations a year completed, which can range anywhere from a day to a week at a time for multiple deputies. The deputies also provide training to fire departments, municipal fire inspectors. They also have some training requirements around their own personal training to maintain certification, and we also faced some significant staffing challenges over the course of the last few years - especially during the pandemic - where we were covering multiple territories with one deputy, so drive times were enhanced. The other thing was that it was during the period of COVID, when we were unable to get into buildings. We had to adapt our inspection process.

Staff were talking to the caretakers of these buildings by phone and email constantly. However, they did do some inspections virtually. When they had problem areas they wanted to see, they did live video with them, and staff adapted and covered off where they could. Again, when you only have X number of people and you're supposed to have 10, there are going to be shortcomings.

BRENDAN MAGUIRE: Respectfully, I'm going to ask you: What is the ideal situation for staffing? It just sounds to me like a resource issue. I'm not here to put the blame on anyone at this table. It does sound like this is a resource issue. We know that these are multiple requests and reports from the Auditor General. If you have a magic wand right now, how many deputy fire marshals would you have working for your department full-time?

DOUG MACKENZIE: That's a good question. We definitely need to look at what we need to accomplish in the next few years and put a proposal forward. It's not only deputies we would be looking at. It may be other staffing regarding the generational builds that we're involved with, our plans examination team as well. Currently, we are pivoting our resources to take care of the needs - the high-priority items - and we will catch up on the other items as we can.

THE CHAIR: Mr. Maguire, 10 seconds.

BRENDAN MAGUIRE: Just saying thank you. I know it's not an easy job. I know that those deputies go through a lot. I know all of you go through a lot. It's a lot on your shoulders.

THE CHAIR: Order. The time has elapsed for Liberal questioning. We will now move on to the NDP caucus. Ms. Coombes.

KENDRA COOMBES: There's something I want to clarify from the questioning of my colleague from the Liberals. Mr. MacKenzie, you stated that all the documents were available to the Auditor General. I'm assuming you mean also the digital, yet the AG found zero compliance regarding documents being completed, or not available. I'm trying to make sense of that. Can you explain why is there a difference between what the AG has said in the report, that the documentation she found was 100 per cent, all documentation not completed, and yet you said all the documents were there and available?

DOUG MACKENZIE: I think it centres around the Record of Inspection that we decided not to use as we moved forward, and we did not adjust our policy. I believe that's where the focus of that is. The records were provided. The audit team was given permission to enter into our FDM System - our File Data Management System - to view all the records. Every inspection creates a file or an inspection report out of that system, so the information was there. If there's confusion, you'd have to speak with the AG on that.

KENDRA COOMBES: I don't actually know who to give this question to, so hopefully we can figure this out when I ask the question, and that is: Mr. MacKenzie's statements to my colleague stated that they went digital and got rid of the triplicate documents. I know in my office, we can send in our digital copies to the Speaker's Office, for instance, but we have to hold on to our paper copies. I'm just wondering why is it that there's no longer a need for paper copies? Also, why was the policy not changed to reflect that there was no longer a need for that?

PAUL LAFLECHE: I just want to separate two things there in the question. If you're asking if we got rid of all our paper copies from past inspections (Interruption) No. Okay, so you're talking about when we went forward and converted to electronic, why did we not also keep paper copies? Okay.

DOUG MACKENZIE: Our file data management system was approved by the file retention group for our records retention, so we no longer needed paper copies. We were moving to what we had hoped at the time was an on-site inspection format for the deputy to be able to complete the inspection via remote app. Unfortunately, the technology didn't support that, so we went back to just doing our regular inspections. We did not think to reinstitute the paper copy. We've done that. We're going to maintain that now until we have the technical support of the new system to support us.

[9:30 a.m.]

KENDRA COOMBES: I would agree. I would say that it is better to keep the copy papers until you know that the system is working before you get rid of the paper copies altogether, so that we can avoid situations such as this.

You mentioned a new system. When is that new system going to be coming into effect?

DOUG MACKENZIE: Some shortcomings were mentioned in the AG's Report regarding our ability to provide oversight. We couldn't effectively show that we were auditing the work all staff were doing in this system. There's no time stamp. It's an old, antiquated version of a system that's been around for quite a while.

We're exploring what options are available to us with the Nova Scotia Digital Service. We're also exploring with our current provider what their next-generation system looks like. The system that we are currently on, we've been notified, is going on end-of-life. We're on this system. It's different than most government systems because a lot of the fire services in Nova Scotia are on this system, and it allows them to provide us with the fire data and reporting that they're required to do under the legislation.

KENDRA COOMBES: In the meantime - if I'm hearing you correctly, and you can answer, what is the new system going to be? Is it going to be digital and paper or is it

paper? How are you maintaining your system now, and until you get the new system in place?

DOUG MACKENZIE: All our inspections are entered digitally into the system. The paper copy of the inspection report - we will leave a copy on site - will be the paper copy. Letters are generated out of this system. They are emailed and snail mailed to the recipients.

KENDRA COOMBES: Thank you. I'm going to switch off that now. Questions led into questions.

My colleague and I were discussing the reason regarding the late inspections. You mentioned COVID as one of the issues, and you alluded to the staffing shortage if I'm not mistaken. Are the late inspections due to the shortage in resources and staffing?

DOUG MACKENZIE: I would say it's a combination of everything. COVID impacted our ability to inspect some buildings. Some buildings we had to get to in a hurry afterwards, or when restrictions were lifted.

Staffing is an issue. Take Cape Breton County, for instance. We have three deputy fire marshals based out of the Sydney office. At one point, we only had one deputy fire marshal covering the entire island. Obviously, there were shortcomings there.

We do our best to fill the positions as quickly as possible, but for some, not only are they hard to fill but sometimes we're unable to fill them for a variety of reasons, and we have to absorb those inspections with other staff members. Everyone pitches in and we tackle the high-priority items first, and we get to the rest as soon as we can.

KENDRA COOMBES: Are there any inspections overdue at this time?

DOUG MACKENZIE: Yes. I had staff run a check yesterday or a couple of days ago. Staff are noting that they do have some overdue inspections.

One thing that I haven't mentioned in this discussion is that we also went through a period of deputies changing territories. I had the chessboard laid out, how I thought things were going to work, and somebody shook it up. We had some hand-off issues with retirements or people changing territories and the inspections not being assigned to them.

We're cleaning that up now, and we're going to have that complete in the next few months.

KENDRA COOMBES: How many are overdue at this time?

DOUG MACKENZIE: I don't have that number.

THE CHAIR: We will add that to the list. We send out a letter afterwards just to say information that we were looking for that wasn't able to be provided at the meeting. We will ensure that the clerk sends that to you after the meeting.

MLA Coombes.

KENDRA COOMBES: Thank you, that was going to be my next question. You said staff is going through this. How are they tracking it?

DOUG MACKENZIE: How are they tracking the inspections overdue? It's populated within our FDM system. They're notified of upcoming inspections and what's due. I would just like to point out one thing: With our system, there is a way that when deputies are entering the data, if they don't do it correctly, it can create a duplicate file. Sometimes that's creating some false data for us, and that's what we're cleaning up right now.

KENDRA COOMBES: With the FDM system, would we be able to get that number by the end of this meeting today?

DOUG MACKENZIE: I don't believe we could. I can have staff reach out and try. I'm not sure. I don't run the system. We have a staff member who is our statistician, and he runs the FDM system and can compile that information. I'm just not sure how quickly it's available.

KENDRA COOMBES: In your opinion, is the office receiving adequate funding?

THE CHAIR: Mr. MacKenzie, nine minutes.

DOUG MACKENZIE: Again, the department has agreed to do an overview of the office and its functions, and I believe that funding and resources are going to be part of that discussion.

KENDRA COOMBES: I will remind the deputy minister, since he is here, that in 2021, the budgeted amount was cut significantly. Amounts in the years prior had been relatively stagnant. I would say that it probably was not adequately funded. Has the office asked for additional funding over this period?

THE CHAIR: Deputy LaFleche.

PAUL LAFLECHE: Sorry. I'm still in a state of shock and crisis that somebody cut the budget.

I'm trying to figure out this budget cut thing. I'd have to check with - is that because we ran the volunteer fire department grants? It wasn't cut at all. We provided, in the last two years consecutively, \$10,000 to volunteer fire departments and Ground Search and Rescue. I think in the first year, it was run through our budget. In the second year, it was run through the department budget. It was just run a different way. There was no cut at all. That's just an accounting transaction. If anybody needs to see that, we can walk you - I'm not talking to you. I'm answering your question, but I'm talking to the people who are supposed to be in back of me, but I don't think they're there today.

They did come and see us yesterday and say they were coming with a lot of questions today. I don't know where they are. If they want to run through the numbers, they'll see there's been no dramatic cut. In fact, there's been a huge increase, which was the amount that you're speculating might have been cut. It was a huge increase.

THE CHAIR: If we can just cut down on the crosstalk here. Over to MLA Coombes.

KENDRA COOMBES: I would ask the deputy minister to please send us the budgets over the past five years regarding the department.

How did the funding or staff levels change when this office was moved from the former Department of Labour and Advanced Education?

PAUL LAFLECHE: I wish I had the the guy who stole my tie. He would know some of that, because he was the minister. I have no idea . . .

THE CHAIR: I was the minister.

PAUL LAFLECHE: You were the minister. Okay, can you answer the question for me?

THE CHAIR: No. That was nine or ten years ago.

PAUL LAFLECHE: We'll find out. What we'll do is we'll get a perspective of the budgets. I think the important thing here is that there are two different things being talked about in terms of resources and staffing. I appreciate it might be a little difficult to separate them out. One is, like with building inspectors - which we don't directly employ but municipalities do - we're having trouble recruiting in the fire marshal area, obviously. We employ those directly, as well as municipalities. That's because, as the Fire Marshal explained, there's only a small pool of people who are trained to a certain level available.

We're going to have to aggressively address that issue of recruitment in building inspectors. As you know, I've been here before. In fact, we're paying for courses to be put through rapidly to train building inspectors. We're breaking down the infamous Ontario-

Quebec-Alberta barrier where we somehow couldn't get certified, despite long careers. All of those things are being done.

You've heard the Premier speak about the professions and the how the government is moving forward with breaking the barriers down. We'll solve that problem. We've got a similar problem here on availability of people that we can recruit, so that's one issue. We have the money and the positions, but we don't have a great pool of people to hire from, so we're working on that, and we're going to have to look at ways we can improve that availability. Some of it will, of course, involve equity and diversity initiatives, et cetera.

THE CHAIR: Thank you . . .

PAUL LAFLECHE: The second thing . . .

THE CHAIR: Deputy . . .

PAUL LAFLECHE: I know she wants a question . . .

THE CHAIR: Yes, she does . . .

PAUL LAFLECHE: The second thing I'm pointing out is going forward, do we have enough resources? That's the question. That's under review as suggested by the Auditor General. Believe it or not, there's a deputy ministers of building code meeting on Friday, and all the national deputy ministers responsible for building code meet. The building code changes every three or so years, and . . .

THE CHAIR: Deputy LaFleche, thank you very much. I'm getting the side eye from MLA Coombes. Rightfully so, because she wants to ask another question. MLA Coombes.

KENDRA COOMBES: Thank you. Yes, that wasn't my question, but okay.

In Recommendation 1.4, the department has set a target date of this month. Can you provide an update on the progress, and can you table the updated inspection policy?

THE CHAIR: Mr. MacKenzie.

DOUG MACKENZIE: Sorry, I missed the first part of your question. Somebody was whispering in my ear. On your other question, we are trying to pull together the numbers for you. We should be able to have it today. It may not be a fully accurate number because we haven't done our cleanup yet, so just point of order.

The inspection policy will be tabled today. I'm sorry I missed the first part of your question.

KENDRA COOMBES: Recommendation 1.4, the department set a target date of this month. What's the progress on that?

DOUG MACKENZIE: The inspection policy has been updated, the triplicate form has been reinstituted, and we are complete on that. We are just waiting for everything to be entered into TAGR so we can move that up as an approved item.

KENDRA COOMBES: The AG reported, as we've discussed, the four public housing buildings missing from the office's internal list based on a small sample that was provided. Has the office audited the entire list to ensure that no others are missing?

DOUG MACKENZIE: Yes. We've received lists from our partners in government, all the agencies, and we did a project last Summer with a Summer student where she compiled the list and made sure that the buildings were matching up. As we move forward with the MOU with Halifax Regional Fire & Emergency, we're going to be having some meetings, and discussing making sure there are no buildings and clarifying each other's roles so that there's nothing missed in the future.

KENDRA COOMBES: Does that include the provincial housing authority, reviewing their list?

DOUG MACKENZIE: Yes, the provincial housing group has provided us with an up-to-date list. They have in the past, and we just keep - it's part of our yearly process.

KENDRA COOMBES: The building that this department was in charge of looking after, because you mentioned three were HRM, what was the age of that building?

DOUG MACKENZIE: I would have to go back and get that information. I wouldn't have that today.

KENDRA COOMBES: Was it never included on the list, or had it fallen off?

DOUG MACKENZIE: It wasn't on our list. I can't say whether or not it was on Halifax's list or not. It's not on their current list, so that's all I can say.

KENDRA COOMBES: When was the building last inspected?

DOUG MACKENZIE: It was inspected within 30 days of us being notified it was supposed to be on our list.

KENDRA COOMBES: How much longer? One minute?

The department has also committed to a May 2023 target to develop a building plan review policy. Can you provide an update on this?

DOUG MACKENZIE: That recommendation is complete, and we'll be tabling the documents today.

KENDRA COOMBES: Thank you. I probably have not too long, so . . .

THE CHAIR: You have 45 seconds.

KENDRA COOMBES: Forty-five seconds. Oh, wow. Okay.

KENDRA COOMBES: What was the reason that no annual reports were filed with the department for a four-year period? Did the department request these reports at any point?

DOUG MACKENZIE: The reports were generated. During that period, we went through a change in government. I believe we went through three ministers and four deputy ministers, so the documents had to be updated before they could be submitted.

They are all submitted now. The current year - I've submitted that. We're in the final stages. I'm about to submit it, I should say. I shouldn't have said I submitted it. I'm getting it proofread right now and then we'll be submitting it.

THE CHAIR: Order. Time for NDP questioning has elapsed.

We'll now move on to the PC caucus. We'll begin with Mr. MacDonald.

JOHN A. MACDONALD: Since that was actually a question I was going to ask, I will let Mr. MacKenzie finish, if there's anything - because he tried to rush out the answer to my colleague across the table.

THE CHAIR: Mr. MacKenzie.

DOUG MACKENZIE: All the reports have been submitted and are up to date, and the current year, for last fiscal - I had set a personal target of having it completed by the end of June. Staff have been able to compile the information, and I plan on hopefully submitting that to the minister within the next two weeks.

JOHN A. MACDONALD: I just wanted to also comment on the budget that the Auditor General gave us. It was actually 2017-18. The budget was \$2.4 million, and all four years after that it was \$2.5 million. So there wasn't a decrease, at least from the Auditor General's view.

This will be to Mr. MacKenzie, which will be: The Auditor General's job is to check policy versus what's getting done. Very clearly, you made a change in the checking of policy. Ten years of volunteer fire service - policy's policy. The point that it was changed, and she found an error, you guys have actually gone back to it, which is good - I don't see where, when it came in - if the policy says that and it's not there? I hate to tell you, but I agree with the Auditor General. It's a zero compliance.

If a volunteer fire service doesn't fill out their paperwork and they decide they don't need it, your department will say: you're zero compliance, because you don't have it. I just want to make that comment before I get into my questions.

The Auditor General discussed human resources challenges. Given the target of the Office of the Fire Marshal to address these issues within the year, what are the steps being done to ensure that they receive this during the deadline that the Office of the Fire Marshal gave the Auditor General?

DOUG MACKENZIE: I'm sorry. Could you repeat that?

JOHN A. MACDONALD: Given the target that the Office of the Fire Marshal is to address the issues of human resources challenges within the year, what are the first steps that the office will be taking to ensure that they achieve this deadline?

DOUG MACKENZIE: Again, the department committed to a review of the office. We will be working with senior management on that review and working toward any changes that need to be done.

JOHN A. MACDONALD: One thing that I just have to say is that these deficiencies haven't been here in the last three years, during which we had COVID. These are issues that have been raised for a while. I disagree when I hear, It's COVID, and this is where it was, because they've been here for a while. Previous Auditors General have done that. They've shown this.

I'm going to ask one more question and let it go to my other colleagues. Everyone should realize that I'm expecting the committee is going to want you guys back before the Auditor General does the review to see how all of these things that they've committed to are being done. Fire safety is a big deal.

The Department of Municipal Affairs and Housing and the Office of the Fire Marshal have committed to a review of the Office of the Fire Marshal, which you've raised. What methods do you intend to use to determine the office's current ability to realize these goals set for the future?

PAUL LAFLECHE: I'm going to start with that, and then I'll pass it over to the Fire Marshal. As I was saying at great length to MLA Coombes before, things change. The

building codes constantly change, the standards change, every three years or so we change building codes. We're now in the 2020, there's going to be a 2025, and that's what I'm going to talk about this week. There are new dimensions, new requirements, new things we have to do.

It's just like if you're in a municipality. There are new water and sewer regulations coming down from the federal government, so we always have to be up to date and see what our resources might be going forward. This review will hopefully not just get us to date, but also anticipate where we have to go in the future in terms of resources, not just with us, but where the municipalities have to be, is a greater responsibility. We will be looking at all of that as we go forward.

Now, what we're exactly going to do in this review, I'll turn it over to the Fire Marshal.

DOUG MACKENZIE: Obviously, we're going to be looking at the number of inspections that have to be completed, how we're tackling the fire investigation issues. We do have some problem areas within the province that we want to provide focus on, and we are looking at our training and outreach programs for fire safety. That's all going to be looked at and identified for what resources we would need to do, along with the new builds within the province.

THE CHAIR: I have received information from Mr. MacDonald that we will now move on to MLA Sheehy-Richard.

MELISSA SHEEHY-RICHARD: This is a really important topic. I have a husband who is a veteran firefighter of 23 years, and a father-in-law who was a fire inspector municipally who has a combined 52 years of service, and also was Captain of the Dartmouth Fire Department.

This stuff is really important to me, so I'm trying to understand the extensive paperwork I know that needs to be done in inspections, that is required when responding to a fire. Given the gaps identified in the fire incident reporting, can you explain how documentation from local departments is currently being utilized within the Office of the Fire Marshal, within your office?

DOUG MACKENZIE: Thank you, and please thank your family for their service.

The information that we gather from the Municipal Fire Service goes into our database, as well as our investigation component, and that is used to develop the statistics that we publish in the yearly Fire Marshal's annual report. We've also partnered with Statistics Canada and the Council of Canadian Fire Marshals and Fire Commissioners on a national fire incident database. We're looking at fire trends across the nation, as well as

locally, and that shapes the programming that we're going to need to be providing in the future.

We've had an issue. The online reporting system for the Fire Marshal's Office just came on board a few years ago; that was part of our upgrade. Before that, staff had to manually enter the information, so now we're all digital on that end, and we can pull those statistics better. Not all fire services in the province are reporting as per the legislation, and we're working with those folks to get that, and we're getting better numbers all the time.

We did make a requirement for the Emergency Service Provider Fund that anyone qualifying for it has to be current as of January 1, 2022. Departments this year are having to backdate their information for us. This time next year, we'll be able to pull some real-time, realistic data and get a better idea of what we're at, and we're up over 10,000 incidents just in the last little while over the last year.

MELISSA SHEEHY-RICHARD: The AG has also raised concerns with your operating system. I know we've talked about it somewhat, but it's very confusing because do you have the system? Are you putting in the new system? What are these systems? Can you describe how your current system is going to be better equipped to handle the needs of the office compared to this prior version?

DOUG MACKENZIE: Our current system - we use that for all our fire inspections, medals, training - all that information is captured in there. It can't currently support our fire investigation process. We have a separate method of dealing with that. The new system will - our hopes are, as we look to the future - combine all that information together. It will also allow us to continue to bring the online reporting from the fire departments and insurance industry into the system. Again, Nova Scotia has a security concern around outside providers bringing information in, so we have to be cognizant of that.

THE CHAIR: MLA Sheehy-Richard.

MELISSA SHEEHY-RICHARD: I just wanted to know: What was the timeline that you set, and do you feel optimistic that you're going to be able to reach that timeline?

DOUG MACKENZIE: We set a timeline for the new system for the end of fiscal 2026-27. We hope to have it before then. Again, that will be part of the review that the office is going to undergo. I'm not the technical person. I don't have my technical people here, but they will have to do the data transfer and the security checks. That will all be through the Department of Service Nova Scotia and Internal Services.

MELISSA SHEEHY-RICHARD: So that I have this all straight, in the meantime, you're going to go back to the triplicate form?

DOUG MACKENZIE: The triplicate form is in play. It is going to stay in play, and it will be the bane of my existence.

MELISSA SHEEHY-RICHARD: That is good to hear. I will pass it on to my colleague, MLA Young.

THE CHAIR: MLA Young.

NOLAN YOUNG: I have a question around the documentation again. I know we did bits and pieces, and there are pieces of the puzzle coming together. The Auditor General reports multiple failures in documentation within the Office of the Fire Marshal. Is it the position of the Office of the Fire Marshal that this framing of the record-keeping is accurate? If not - which I think I'm hearing - can you explain the process that you're using to document your responsibilities and why they were not included in the Auditor General Report?

DOUG MACKENZIE: The current system doesn't allow for any of the auditing that we do. The assistant fire marshal and I audit the tasks of the staff. When we go in and review a file, there's no timestamp or no documentation, and no way to trigger anything. There's no documentation to show that. That is some of the oversight that the Auditor General wants to be able to see and qualify. We have been doing it, but it's not documented. The hope is the new systems that we've been looking at have those features, and we'll be able to provide that in the future, should the AG want that.

NOLAN YOUNG: That would include inspectors lists and pending inspections, completed inspections, and all those criteria?

DOUG MACKENZIE: Yes, that would be correct.

NOLAN YOUNG: Can you share what the Office of the Fire Marshal's plan is to ensure the generational health care builds currently happening within the province are inspected and up to code?

DOUG MACKENZIE: We have a plans examiner and fire code coordinator and a building code coordinator. We've pivoted one of our deputies over to a special project for the health care builds who has a strong background in construction and fire code - he's a certified building official and fire inspector. We're pivoting his resources to a special project to oversee the health care builds.

NOLAN YOUNG: The period that the Office of the Auditor General audit covers is during the COVID-19 pandemic. In what ways did the pandemic affect the OFM's ability to conduct these activities?

DOUG MACKENZIE: It limited some of the buildings that we could physically inspect. It caused us to adapt and find new ways of confirming compliance. Sometimes staff would be discussing things with building maintenance people, and that may not have been entered into our data system as an inspection. They were speaking daily with folks.

There were some limitations around some travel. At one point during the pandemic, we actually hired a deputy fire marshal from Saskatchewan, I believe it was, who came on a term and drove down through the pandemic. He was on a term. He ended up leaving early, but it was a good six months with him.

[10:00 a.m.]

We were tasked with other unique things such as changes in a nursing home where they wanted to prepare an isolation ward. They wanted to make sure they were compliant with the fire regulations, so we'd be talking with staff on that. To the fact that we were dealing with fire departments that - as per the National Fire Protection Agency requirement of a new fire truck, it has to be delivered. It has to be driven from the manufacturer to the destination. They can't ship it. The borders were closed, so we had to have a coordination with everybody to do a hand-off at the border. There were a number of unique situations that came up.

The Office of the Fire Marshal tends to catch the stuff that nobody else can deal with from time to time. That presents some challenges too. COVID was a learning experience. I was Acting Fire Marshal for a major part of it. It was a challenge.

THE CHAIR: Mr. Young, five minutes.

NOLAN YOUNG: I will pass it to my colleague MLA Taggart.

THE CHAIR: MLA Taggart.

TOM TAGGART: Mr. MacKenzie, I want to say how much I respect your office. Volunteer fire service - I have 25 years myself, and there are 13 volunteer fire brigades in my district. They're the backbone of our communities.

But I have to ask this question. It may have been asked in some form before, but we've been all over the place here. In 2021, the Office of the Fire Marshal Annual Statistics Report 2020-21 stated that, "From within DMAH, and through other branches of government, the OFM is well supported with regards to . . . Information Technology." That seems to be where we're falling down right now, in my view. Whether the Auditor General wanted this, and you guys were doing that, whatever.

I think I've heard that you put in a new system when you got rid of the triplicate one, but that's not compatible with what the current volunteer fire brigades are putting in.

Will you clarify that for me? In 2021, whether it was you - and I understand that you were acting, and I understand that these are long-term challenges. This is not happening today. But in 2021, somebody did a report that said that this information technology was under control, and that, I believe, is our challenge right now. It's communications.

Could you give us a little information on that?

DOUG MACKENZIE: The system is the same system. We've had the same system since the early 1990s. There have been some upgrades done to it. We're looking to the future, to a new system, based on the Auditor General's recommendations as well as being notified by the supplier that it's going to be going on its end-of-life. So we still have the same system.

The system upgrade was supposed to be able to support us doing inspections remotely on an app. That didn't pan out. That's where the confusion relates to the paper copy of the record of inspection. Like I say, we did away with it, but we've brought it back.

As far as being adequately supported, we are adequately supported for that system. We have the staff. My staff and his counterparts support the system and do any corrections or fixes that we need.

TOM TAGGART: I spent 12 years in municipal government. They had their own fire inspector, and they do one thing, and you do the other. The Auditor General Report notes a lack of oversight from the Office of the Fire Marshal on the matter of municipally managed inspections.

Is there a difference in the training required to conduct municipal inspections compared to those conducted by your office? You might tie that into where the National Building Code of Canada fits with respect to fire safety. If so, are there ways that a lack of qualified personnel may be contributing to the volume of uninspected sites? I understand the difference between municipal - but can you speak to that a little bit for me?

THE CHAIR: Mr. MacKenzie, 45 seconds.

DOUG MACKENZIE: Under the Fire Safety Act, the municipal inspector and our deputies have the same powers. They also have the same requirements for training. The training can be from a number of key training suppliers. NFPA has training, the Fire Inspectors Association of Nova Scotia provides training to municipal inspectors and deputy fire marshals. They all have the same qualifications. Our deputies do have some extra qualifications when it comes to fire investigation, which is the key thing there.

Currently under the legislation, there's no requirement for any certification as a fire inspector, whereas a building official does have that under the Building Code Act.

THE CHAIR: Order. Nicely done, Mr. MacKenzie. You finished one second over. We will now move on to our second round of questioning. Each caucus will have 10 minutes. We'll begin first with the Liberal caucus. MLA Maguire.

BRENDAN MAGUIRE: Respectfully, there have been some softball, down-the-middle questions asked here in this committee. I'm not a great baseball player, but even I could have hit some of these out of the park. We do have some legit concerns from the Auditor General. Those concerns, whether the public knows it or not, directly impact them. Fire inspection and the Office of the Fire Marshal, while they go unnoticed until it's needed, are extremely important.

The real crux of this meeting is the Auditor General, in her words - I'm not going to say word for word - said that this was one of the probably most troubling reports she has ever done in her career. That says something because she's done a fair number of reports. The question is: When will these legislatively mandated fire inspections be done - done on time, done with information for the public to see? We need a time frame on this, and we need assurance from this department that this won't happen again, even though there's a history of it falling behind.

THE CHAIR: Deputy Minister LaFleche.

PAUL LAFLECHE: The MLA is quite correct - there's a long history here. It dates back to the first one reported in 2011. The Auditor General is quite rightly frustrated that we have not, since 2011, despite multiple opportunities and in-between reports - it seems that some of the original 2011 recommendations were not followed up to the extent that they should have been. I think we all know that. We've got an accumulation of a long history here.

I could tell you that as the deputy minister of today I'm going to fix it all, but I think there have been previous deputy ministers sitting here saying the same thing with previous ministers saying the same thing. All I can say is that Minister Lohr is committed to ensuring that this office has the resources it needs, that we are going to get the software we need. We are not the first department in government that's seen a software problem. In fact, it's probably the norm of all software purchases.

We do have a new digital service with new leadership, and as was mentioned by the Fire Marshal, we may have to look at some sort of a service that's specially built. We're looking in other areas, because maybe off-the-shelf stuff is not what we need anymore. I don't know. We're going to look at that. We're going to get the IT upgraded. We're going to make sure the resources are where they need to be after we do our review. We're going to have to look, as I said earlier, at the whole system around where we get fire marshals, how they're trained, how they go through the pipeline, so we can have adequate resources when we do have the right number of positions. We think we have the right number now, but who knows where we're going to be in five years? This is a moving target.

I'd love to give you the guarantee that everything is going to be great, and then you'll have a new deputy minister here in three years. I see there was 2026 up on the screen that the Fire Marshal mentioned. I hope I'm here in 2026. You never know, though. We're going to do all we can to get there.

THE CHAIR: MLA Maguire, six minutes.

BRENDAN MAGUIRE: Respectfully, I appreciate the answer, and I'm not sitting here pointing partisan fingers on this stuff. What I'm saying is that this is extremely important, and this can be a matter of life and death. It really can. The public and the Auditor General need assurance that this is going to be done, it's going to be done when it is legislatively mandated to be done, which has not been happening. The department is behind. When can we get a time frame here today on when the department will catch up on those inspections, and going forward, when we can see these inspections being done when they're legislated to be done?

PAUL LAFLECHE: I think we've got to separate the two things: the inspections themselves being done, which they are being done. There are a few that are late. We did have the COVID-19 period - we're not blaming everything on that. There's not a massive backlog of inspections that are not being done. We are working on the generational health builds, as was asked earlier. We have a person dedicated to that. We feel very confident that in terms of the actual inspections, we're going to be able to achieve that going forward.

BRENDAN MAGUIRE: Do you have a time frame?

PAUL LAFLECHE: Hopefully we're there today. Hopefully we're going to be there and get things done. There are certain things that slip through the cracks. As you know, we're also responsible for public housing. We've now got a list of the right buildings, same with the Department of Seniors and Long-term Care, same with the Department of Health and Wellness buildings. All those lists are being compiled and we'll know which buildings - and maybe nothing will slip through the cracks. There's always the question of municipal versus provincial. We're sorting that out with the municipality.

In terms of the safety of the public and the actual inspections, that's not what we're worried about. We feel, going forward from today, we're good, and the public can feel confident and safe, including in the buildings you mentioned, and Mr. Young mentioned earlier. The paperwork, that's a different issue.

BRENDAN MAGUIRE: I only have a few minutes, so I just want to get to a few things. You said there is a backlog. What is the backlog? We need a quick answer. What is the backlog of units that have not been inspected as of today?

PAUL LAFLECHE: That's for the fire marshal.

DOUG MACKENZIE: As MLA Coombes asked that question earlier, we're gathering that information for you. We'll have it for you hopefully today.

Our friends at the Department of Seniors and Long-term Care and Department of Health and Wellness had a discussion with us yesterday. They did a scan of any short-term licences that they issue. They only issue those when there's a problem. They only issued nine in 2022-23 because the facility was working on recommendations from our office. Of the nine that they had those short-term licences on, we were late inspecting only one, and we were late by two days.

BRENDAN MAGUIRE: To the deputy minister, are you confident of the 1,300 units that your department is in charge of inspecting? Are you confident here today that they are all safe when it comes to inspections from the Office of the Fire Marshal? Can you confidently say that?

PAUL LAFLECHE: Obviously, I don't do the inspections myself, so you're putting me on the spot, but I'm confident that the Office of the Fire Marshal is completing those inspections as required, and the public can feel they are safe - as safe as one can be given the inspection regime.

Do you want to comment on that?

DOUG MACKENZIE: A key thing to remember is the majority of these types of buildings have additional fire and life safety systems built in, and they're being maintained by the operational staff. That raises the level of safety within those structures automatically.

BRENDAN MAGUIRE: When the issues are identified - in these public housing units, for example - how quickly are the finances released to the department to deal with these deficiencies in your 1,300 units? Let's say that tomorrow you find it's going to be \$5 million worth of upgrades that need to be done. How quickly is that turnover from failing to passing, from not safe to safety?

[10:15 a.m.]

PAUL LAFLECHE: As I think we said last time we were here, the government has allocated a significant and historical amount of tangible capital asset and operating money to maintenance and repair for the first time in decades - I'm going back decades, so you don't have to worry that's you - to public housing to do those repairs. Right now, we have the adequate capital resources to do that. It's been a long time, and I think if Mr. Ward were here - he's in charge of it, the executive director - he could tell you how happy he was because we haven't had those resources to come in. Yes, we can do that.

THE CHAIR: MLA Maguire, two seconds.

BRENDAN MAGUIRE: Thank you.

THE CHAIR: We'll now move on to the NDP caucus for questioning. MLA Leblanc.

SUSAN LEBLANC: I apologize for my lateness. I didn't get to hear all the introductions. I may ask a couple of things that have already been asked. I apologize for that. I just want to know, we've heard several times now that there are overdue inspections, and we will get the number of how many soon. In the Auditor General's Report, on Page 18, there is this beautiful chart about how many days over there were. There were several inspections that were many days over. We're talking about day cares, seniors' homes, group homes, and in one case a hospital facility, I believe. When those overdue inspections were completed, was there evidence of more work needed to bring things up to safety codes? Was it just as per usual, a fire extinguisher had to be replaced or whatever?

DOUG MACKENZIE: Of the 12 long-term care facilities that were mentioned in the report, none required an order to take action, half had a letter for housekeeping items to be taken care of, and the rest passed.

SUSAN LEBLANC: Can you also tell me, when the provincial Office of the Fire Marshal goes in to do an inspection of a provincial building, are you only looking at the fire and life safety systems, the sprinklers and the fire safety, or are you also looking at wiring, for instance, or windows that open and don't open, that kind of thing?

DOUG MACKENZIE: A fire inspection would encompass anything that relates to fire and life safety - blocked exits; heaters under desks in an office space; improper storage of chemicals or refuse; making sure that the sprinkler system and fire alarm systems are up to date and properly tested - there's a requirement for those to be tested yearly by an independent third party - that the monthly, weekly, and daily checks that the building staff are responsible for are being completed. It's also an opportunity for our staff to educate the maintenance staff on their roles and responsibilities and answer any questions that they may have. A deputy may spend an hour in a building doing the inspection, and he may spend an hour or two with the occupants educating them as well.

SUSAN LEBLANC: For those places that you do have to do follow-up or that there's an action required, is there a time frame for follow-up inspections? We know that in the Auditor General's Report there is an issue with follow-up inspections. How are those being managed? How many of those are overdue? We in the Public Accounts Committee understand about follow-up reports and how we have to keep track of things. I think I agree with my colleague that we will ask you folks to come back so that we can find out that things are progressing. In terms of the inspections on the ground, how are you keeping track of that?

DOUG MACKENZIE: Anytime an inspection is completed, if it's a housekeeping item, the deputy may issue a letter to that effect and give them a set timeline. That is at their preference. If an order to take action is issued, they can set the timeline. Again, generally it's a 30-day order to give people time to do things. Some things can be done immediately. We give verbal orders, and we also ask for things to be completed on site immediately as well.

The follow-up orders, the 30-days-later inspection, that would be captured in the overdue inspection number, if we weren't compliant. The onus, though, is on the building owner when an order is issued. They are legally responsible to comply with that order within the 30 days. We don't have to go back and inspect. The owner should have that work done, and if they don't, we are able to charge them at that point. We don't have to go back and inspect, but we generally do.

SUSAN LEBLANC: How would you know? If you don't go back and inspect, how do you know if they've completed it?

DOUG MACKENZIE: We do the follow-up inspections. It may not be on Day 30. It may be 45 days later. It may be something that the deputy just needs to pop in and have a quick look at, and he'll fit it into his or her schedule when it suits their daily work.

SUSAN LEBLANC: One of the issues that the AG brought up is that there are supposed to be meetings between the Department of Municipal Affairs and Housing and the Office of the Fire Marshal - biweekly check-in meetings. But the only evidence of the meetings they could find were those Outlook calendar invitation things.

Did those meetings happen? Are those meetings happening every two weeks the way they're supposed to? If so, where is the evidence of those meetings, aside from the calendar invites?

THE CHAIR: Mr. Mason.

PAUL MASON: That's really a management practice that I have. Basically I, of course, oversee the Office of the Fire Marshal, along with the Emergency Management Office. As a practice, I meet biweekly with my directors. I have biweekly meetings set up with the fire marshal.

Really, the intent of those meetings is just to touch base on regular business. They're not a formal staff meeting with an agenda and minutes, and so on and so forth. It's really just to make sure that various initiatives and what have you are moving forward. That's why there wasn't more documentation beyond that.

When I met with the Auditor General's Office toward the end of this process, they did ask about my engagement with the Office of the Fire Marshal. At that point. I noted

that I have regular biweekly meetings with the fire marshal to discuss those issues, and as evidence, I produced those. That's why there's not an agenda and minutes. They're not formalized to the level of a staff meeting. They're really a biweekly touch-base.

THE CHAIR: MLA Leblanc. I see you, Mr. LaFleche, but MLA Leblanc has indicated that she wishes to speak. She has three minutes.

SUSAN LEBLANC: Yes, I don't have much time.

Don't tell anyone, but on my calendar every week, there's canvassing. I'm supposed to go knocking on doors every single week, and let me tell you, folks, it doesn't happen. I often skip my canvassing. Don't tell anyone. It's a regular thing. It's in my calendar, and sometimes it gets done. I'm not calling your thing into question, but I'm wondering - since you don't have evidence of those meetings or official agendas or notes - how many meetings a year do you have where there is an official agenda, notes, minutes, and all that stuff?

PAUL MASON: First of all, I'd like to state that we do have those biweekly meetings. In a year, there'd be 26 of those. There may be one or two that get cancelled because of holidays and what have you, but Doug and I do have those meetings on a regular basis.

With regard to meetings with agendas and minutes, and so on and so forth, those would be larger meetings that the department has with all of our management team - the more formalized meetings, per se.

SUSAN LEBLANC: How often do those happen a year?

PAUL MASON: Generally, once a month.

SUSAN LEBLANC: Great. In terms of not having enough people, that we've got a staffing shortage, is there anything you can look at right now in terms of what that reason is? Is it wages? Is it the type of work? Are there exit interviews being done when people leave? Do we know the reasons why there's a staffing shortage? We know why there are shortages in nursing and doctors and paramedics. We know all that. Do we know this reason?

DOUG MACKENZIE: There are a number of reasons for the staffing shortages. Some of it is retirement. There are some other issues at play that we're dealing with. It's a small group of individuals, and it's a technical group. We're recruiting nationally and internationally. We're interviewing across Canada. We're trying to bring people here.

THE CHAIR: MLA Leblanc, one minute.

SUSAN LEBLANC: I'd love to hear more about the issues that you're dealing with. This is the Public Accounts Committee. We need to know. The thing is, if these inspections are not being done because of staff shortages, we need to know what the issues are with staff shortages. If you could expand on that, that would be great.

DOUG MACKENZIE: Some of the staff shortages are due to HR issues, so I can't get into that. As I said, we've had some retirements, we've had some illnesses, so some of the shortages may not be that we don't have people - it's just they're not in the workplace. We've had some staff off with medical procedures, things of that nature.

SUSAN LEBLANC: Deputy Minister LaFleche, when can we see the upgraded building code happen in Nova Scotia? The National Building Code of Canada 2020, when will that be implemented, and will there be changes to the building code to recognize efficiency in buildings?

THE CHAIR: Order. The time for NDP questioning has elapsed. We'll now move on to PC caucus. Mr. Smith.

KENT SMITH: I just have one quick question. It was noted in the AG Report that there was a conflict of interest. I'm just curious if we can discuss that for a second and find out why that wasn't disclosed properly, and what we've done since the report to address the issue?

PAUL LAFLECHE: I think it's not fair to have Mr. MacKenzie answer that because he's the subject of the conflict of interest. I'm going to go through a little history. If you want to go to the bathroom, you can.

Mr. MacKenzie came on around 2011, I think, from Cape Breton. He was hired as a deputy fire marshal, who is under the assistant fire marshal, who is under the fire marshal. At that time, he had been on a board of a fire marshal association, which deals with training in the area. He had been on this board in his Cape Breton job since 2005. There was a person who was the CEO, if I call it that - I may not get the titles right - who was a head of that association since at least 2011, and Mr. MacKenzie was on the board. He remained on the board with us, but he was not the fire marshal, nor even the assistant fire marshal - he was a deputy fire marshal.

There was no apparent conflict of interest at the time. The person had already been hired. Mr. MacKenzie did not participate in the hiring. He had nothing to do with it, and did not even know the person, really, to any great extent.

Years passed. Mr. MacKenzie worked his way up through hard work and grittiness and so on, and the ability to answer hour-and-a-half questions of Public Accounts Committee, to the assistant fire marshal. Then the fire marshal left. He became acting fire marshal a couple of years ago, and then a year ago, he became fire marshal.

When he became acting fire marshal, he probably should have sent a letter in that we provide funding to some extent to this organization through the Office of the Fire Marshal. He should have sent a letter to the Conflict of Interest Commissioner - I think it was Joe Kennedy at that time, and it still is - and he should have documented. How about: It was verbal, and I always believe in a letter. So there's no evidence, and it came late.

The real error here was - I've missed the part where five years ago he and this person who has the organization got together. I missed that part. When that happened, when he became acting fire marshal, he should have talked to the - immediately, which he didn't do right away, he did a little later. Then he should have documented it in a letter. It didn't happen.

As you know, we've had some other issues with public housing also of this nature, so we are going through the organization, as every deputy minister does, and making sure all these things happen. The public can be assured that there was no malfeasance, and we basically missed the paperwork on this one too. This one only has to be single, not triplicate.

I don't want to make light of it because we did do a slippage, and we'll correct that, but the end result is he is living with the person who's the CEO of this organization, and he has declared the conflict.

THE CHAIR: Anything else? Mr. Taggart.

TOM TAGGART: I just want to say, this is a fairly serious conversation we're having here. The Auditor General indicated that it was very serious.

[10:30 a.m.]

When the honourable colleague across the way came back after leaving the room while everybody else asked questions, and commented that we were asking softball questions, I'm not sure how he could have been aware, having not been in the room. However, I guess he could have watched it on TV. I don't see any of these as softball questions.

As my colleagues in the room would know, the former Minister of Municipal Affairs and the former Minister of Labour and Advanced Education would know, there have been insufficient actions taken to address the previous reports spanning decades. As a result, this current report from the AG asserts that the Office of the Fire Marshal is failing to adequately protect the public from fire safety risks.

This is to Deputy Minister LaFleche: What is the current position of the department with respect to the safety of Nova Scotians on this matter?

PAUL LAFLECHE: We can ensure the public is protected. That's the commitment of the minister and the government. We can ensure there are adequate resources. The public does not have to worry going forward, in terms of the public buildings and in terms of our liaison with municipalities, that they have any reason to be concerned.

Do you want to add something to that?

THE CHAIR: ADM Pottie Bunge.

VALERIE POTTIE BUNGE: Correct. That's really good. A lot of people struggle with that last name.

I think it's important to note as well that two of the seven recommendations are already complete. That's Recommendation 4 and Recommendation 6. Mr. MacKenzie has documentation to that effect that he is tabling today.

Also, we have two recommendations that are almost complete, looking at that process that's been set up to update the list. The letter is going to be going out in May to deputy ministers and other heads of agencies to ensure that that list remains complete. Also, with regard to Recommendation 7, we've contacted the Conflict of Interest Commissioner. We are compliant with the policy. The one step left to take there is to look at remaining boards, and we are going to be doing that next month, in June.

The other three are under way. We have instituted a performance review policy. The office is now in line with the provincial policy when it comes to performance standards. Performance standards have been shared. There is clarity there. There is a process now in place to follow that provincial policy, and targets have been set.

We are also going to be looking at and updating our policy with the Halifax Regional Fire & Emergency, and updating that MOU.

I think it's fair to say that we are taking these recommendations very seriously. There were 21 of the 24 from previous years which were complete, and we will remain committed to getting that work done.

THE CHAIR: Thank you, Ms. Pottie Bunge. Mr. Taggart, do you have anything else to add?

TOM TAGGART: I'm not sure who this is for. I know the deputy minister wasn't in this position at that time, but did the previous minister, in 2021, ever indicate his concern to you that the Office of the Fire Marshal was not doing its job? To any member - anybody who was in that position at that time.

PAUL LAFLECHE: You're correct, I wasn't there. What I have to do is refer to either the executive director or the acting fire marshal himself.

THE CHAIR: Mr. Mason.

PAUL MASON: The Office of the Fire Marshal really began reporting through me in December 2019, basically. That's when I began overseeing, at that time, the previous fire marshal's work. We were aware and focused on continuing to try to move forward with the outstanding recommendations from the 2011 report. We take the Auditor General's reports extremely seriously.

At that time, and as the ADM mentioned a moment ago, 21 of 25 of those recommendations had been implemented. We are working on the database system that the fire marshal has been referencing at numerous points today - continuing to get the signoffs around privacy and data integrity and what have you - with the intent of being able to utilize it for the inspections, as he noted.

Really, what intervened with the progress on executing those remaining four outstanding recommendations from the 2011 report was really the challenges that came about as a result of COVID-19. As our fire marshal noted, that significantly impacted the ability to conduct inspections. The fire marshal's office was very innovative in trying to find ways to conduct inspections under the restraints in place at that time, but that certainly impacted it. It was on the radar. We were trying to move things forward, but events intervened to an extent, and we've seen some of those issues highlighted in this Auditor General's Report which, as we've noted, will certainly be moving ahead as a high priority project.

THE CHAIR: Thank you, Mr. Mason. Nine seconds, Mr. Taggart.

TOM TAGGART: I take that to mean the minister never expressed his concern.

THE CHAIR: Order. The time for questioning has elapsed. Would the deputy minister like to make any closing remarks?

PAUL LAFLECHE: Yes. First of all, thank you for this. This is a very serious item. Someone mentioned earlier that the Auditor General may feel this is one of her most serious reports, and we take that to heart. We're doing everything we can to ensure that the public is protected. I do want to ensure that if there was any insinuation here in any of the questions or answers that there are public buildings that are not safe, we are going to do everything we can immediately to make them safe, and the government has the resources.

We will be tabling six documents today, and the clerk, Kim Langille, will get them. I've got a list of them, just so you know: The Plan Review Policy, The Inspection Policy and Process For Record Retention, The Fire Investigation And File Management

Procedure, the Deputy Minister's - my letter - to the Conflict Of Interest Commissioner, Joe Kennedy, and the Fire Marshal's Letter To The Conflict Of Interest Commissioner. Those will be tabled today, and they can be available to the public to see.

THE CHAIR: Folks, you are now free to go out. The media may want to speak to you, but we would just like to thank you for coming today and for answering questions.

We will now move on to committee business. Perhaps we'll just take a two-minute recess to let folks leave.

[10:37 a.m. The committee recessed.]

[10:40 a.m. The committee reconvened.]

THE CHAIR: Order. I will now call the committee back to order.

We have a couple of items of correspondence to deal with. The Department of Public Works provided information from the April 12th meeting, and the Department of Education and Early Childhood Development - we had requested information from the October 26th meeting. Is there any discussion on that correspondence? MLA Leblanc.

SUSAN LEBLANC: I have comments for each of those pieces of correspondence. The first one I'd like to take is the Public Works one. In the letter that we received, there were something like 100 public buildings identified as possible sites for small-scale wood heat, but the letter says that the Natural Resources and Renewables small-scale wood heat initiative is on hold pending allocation of capital. That's disappointing to hear. It's not clear exactly what's going on there, but it's disappointing because this was a program that was identified in the Lahey report, and it's part of the forestry transition process.

I would like to make a motion that the Public Accounts Committee write a letter to the Department of Natural Resources and Renewables asking for a timeline of when the pilot will continue.

THE CHAIR: Any discussion? Hearing none (Interruption) I was waiting.

The motion was that the Public Accounts Committee write a letter to the Department of Natural Resources and Renewables asking for a timeline of this particular program - continuation of the pilot on the wood heat system installation pilot. Any discussion?

AN HON. MEMBER: Can we take a two-minute recess?

THE CHAIR: Yes, the committee will go into recess for two minutes.

[10:42 a.m. The committee recessed.]

[10:45 a.m. The committee reconvened.]

THE CHAIR: (Inaudible) not the Department of Natural Resources and Renewables, but in fact Public Works it would be.

Any discussion? All those in favour? Contrary minded? Thank you.

The motion is carried.

We also have a letter, which I believe Ms. Leblanc would like to speak to about education.

SUSAN LEBLANC: I just wanted to express our disappointment in the letter - that the department won't be introducing a school food program without federal funding and direction. That's all. I don't want to make a motion, I just wanted to express the NDP caucus' disappointment, and that it took so long to get the letter back.

THE CHAIR: Any further discussion on this particular letter? May 10th, committee decisions. At the May 10th meeting in camera, several decisions were made relative to the committee's upcoming meeting schedule. It was agreed at that time to make those decisions public. For the record, the following decisions were made: It was agreed the Office of the Auditor General host an informal meeting with committee members on May 24th. Breakfast would be served at 8:30 a.m. and discussion would occur from 9:00 a.m. to 11:00 a.m. The meeting subject is a discussion with the Office of the Auditor General on the Public Accounts Committee trial process, which is under way from January to May 2023, and the path forward.

On May 31st, the committee will meet in camera to then discuss formally how it would like to proceed. The other motion was that the meeting not be scheduled on Wednesday the 28th, our final meeting of the season, but Friday, June 23rd. It was moved by Mr. Young and the motion was carried. That's because of high school graduations. We're just going to meet on the Friday instead of the following Wednesday.

As well, today we need to deal with the endorsement of the Auditor General recommendations, the 2023 Report of the Auditor General - Provincial Fire Safety Management: Office of the Fire Marshal. The committee's practice is to endorse the recommendations made by the Auditor General that have been accepted by departments. I'll now open the floor for discussion. MLA Coombes.

KENDRA COOMBES: To make this formal, I move that the Public Accounts Committee formally accept and endorse the recommendations contained in the 2023 Report of the Auditor General - Provincial Fire Safety Management: Office of the Fire Marshal,

that have been accepted by the audited departments or agencies and ask that those departments and agencies commit to take responsibility for full and timely implementation of the recommendations accepted by those departments and agencies.

THE CHAIR: Any further discussion?

All those in favour? Contrary minded? Thank you.

The motion is carried.

Members have been provided with the record of decision from the May 3rd subcommittee meeting. Time ran out with the May 3rd PAC meeting and all items were not dealt with. There was a motion and amendment left on the floor as follows, the motion was:

“The other motion would be for the 2023 Report of the Auditor General Follow-up of 2018, 2019, and 2020 Performance Audit Recommendations regarding Diversity and Inclusion in the Public Service. I would like to add witnesses” - I’m quoting here - “related to the focus of the report: Department of Agriculture, Department of Community Services, Department of Justice, and the Public Service Commission.”

That was moved by Mr. Young.

The amendment that arose from that was moved by the honourable Brendan Maguire, and the amendment was:

“that we work together as a committee to find somebody. If the committee cannot fully agree on the Premier’s deputy minister to come in, that the committee meet a half hour before the next meeting, to sit down and have a discussion on who in the public service we can bring in who oversees the most senior management hirings in the public sector, so that we have actual input as a Public Accounts Committee on how these decisions are made, and that we have proper representation.”

We ran out of time before we could finish discussing and vote on that amendment, so I now open the floor for discussion on the amendment.

NOLAN YOUNG: Just following up on last week’s conversation. We’ll stick to the witnesses that we have, the original witnesses that were recommended by the Auditor General. We have representation from the Public Service Commission and people there who are well versed to speak on this topic. It’s our intent to stick with the original witnesses recommended by the Auditor General.

THE CHAIR: MLA Tilley. I was all messed up there for a second. MLA Tilley.

FRED TILLEY: I'm just going to put "Brendan" down.

I'm coming with new eyes into this particular topic, so I hope you'll bear with me on this one. Realizing that diversity and inclusion in the public sector is a major issue that affects many, many different groups of people, and when we look at the Premier's Office or the Executive Council, at that particular area, they have the biggest impact when it comes to hiring across the system.

I think having a witness from that area is important because they can bring the perspective of the overall face of government, as opposed to specific departments. They may have information that's worked in other areas, in other departments, or in other jurisdictions that some of the folks in these areas may not have. I think it's important for the Public Accounts Committee to have that opportunity to ask those questions and to get clarifications when needed.

Whether the Premier's deputy minister is acceptable or not, I think the intent of the motion is that we can sit down and have a collaborative discussion to figure out who an appropriate witness would be. I personally think that's a pretty reasonable ask for a committee like this - to sit down and chat about it.

Our colleagues still have the majority, so nothing is going to get pushed through there without their vote. I think at least opening up to that half an hour or hour conversation would be a nice gesture of co-operation and collaboration.

THE CHAIR: Any further discussion? MLA Leblanc.

SUSAN LEBLANC: I just wanted to clarify, because on the record of decision, it says the Premier's deputy minister is already on there. If we're going to be voting for this recommendation, then we're voting for the Premier's deputy minister to be (Interruption) Then how come it's on the witness list? I just don't understand what we're . . .

THE CHAIR: It had been refused to call the Premier's deputy minister. Is that correct?

I'm going to ask the clerk for clarification, because this was a while ago.

The clerk.

KIM LANGILLE: The record of decision that you have here - this is how it came forward from subcommittee. That's why it shows all of them. Then Mr. Young brought forward a motion that is different from what came forward.

THE CHAIR: Any further discussion on the amendment?

All those in favour? Contrary minded? Thank you.

The motion is defeated.

Now we move back to the original motion, which reads that:

“The other motion would be for the 2023 Report of the Auditor General Follow-up of 2018, 2019, and 2020 Performance Audit Recommendations regarding Diversity and Inclusion in the Public Service. I would like to add witnesses related to the focus of the report: Department of Agriculture, Department of Community Services, Department of Justice, and the Public Service Commission.”

Any further discussion?

All those in favour? Contrary minded? Thank you.

The motion is carried.

In terms of the 2023 Report of the Auditor General Follow-up of 2018, 2019, and 2020 Performance Audit Recommendations re 2018 correctional facilities and current issues in the justice system, the Department of Justice was suggested as a witness. Does anyone want to make a motion on that?

SUSAN LEBLANC: I move that there be a meeting dedicated to the 2023 Report of the Auditor General re 2018 correctional facilities and current issues in the justice system, and the witness be the Department of Justice.

THE CHAIR: MLA Young.

NOLAN YOUNG: When this topic came forward, it was the 2023 Report of the Auditor General Follow-up of 2018, 2019, and 2020 Performance Audit Recommendations, and then it was shifted a bit and added: and to include current issues within the justice system - would have been added at a later time. My recommendation would be: We could look at this while we're doing an agenda setting, or as the Department of Justice is coming in a previous motion, that could be part of the questioning around that Auditor General report. Just to simplify this, it appears that we're adding a whole new topic based on part of an Auditor General Report and other current issues. As Justice is already here within diversity, if there are any questions pertaining to the Auditor General reports, there would be time to ask them then.

SUSAN LEBLANC: I don't think there is time to ask the questions that need to be asked of the Department of Justice at that meeting. There are too many other things being talked about. That meeting, which you've just referenced, is about diversity and inclusion in the public service. There's a lot to ask in Justice, and it does come directly from a follow-up report of the Auditor General, so I think it's very appropriate that we schedule a meeting based on an Auditor General report now, and not wait for the regular agenda-setting. I stand by my motion.

THE CHAIR: MLA MacDonald.

JOHN A. MACDONALD: Just for clarity - I missed that - thank you for catching that, MLA Young, "and current issues in the justice system." The report is on 2018, 2019, 2020. We're looking at an Auditor General's report, and basically bringing them in and asking them about current issues. I'm trying to get where we are with it. That's where I see the disconnect. I'll leave my comments at that.

THE CHAIR: Folks, we are coming up to 11:00 a.m. I'm looking for agreement to extend this meeting by five minutes. I do not have unanimity, so we will continue on. Any further discussion about this particular issue?

SUSAN LEBLANC: Fine. Just call it 2018 Correctional Facilities. Can we do that? The fact is we're going to ask questions about current issues in the justice system anyway. It doesn't have to be in the title. I call the question on this. I'm happy to retract the "current issues in the justice system." Strike it out.

THE CHAIR: In order to do that, I would have to have unanimity for you to take that off.

SUSAN LEBLANC: I don't think it was my motion originally anyway.

THE CHAIR: I'm going to call the question - or do you have further discussion?

NOLAN YOUNG: I have a question. The motion that you're calling the question on, could you repeat the motion?

THE CHAIR: 2023 Report of the Auditor General Follow-up of 2018, 2019, and 2020 Performance Audit Recommendations, that we call the Department of Justice re 2018 correctional facilities and current issues in the justice system.

All those in favour? Contrary minded? Thank you.

The motion is defeated.

[11:00 a.m.]

We have now reached 11:00 a.m. Our next meeting is May 31st in camera: Office of the Auditor General Review of the Trial Process. That's it, folks. Thanks very much.

[The committee adjourned at 11:00 a.m.]