

# **HANSARD**

## **NOVA SCOTIA HOUSE OF ASSEMBLY**

### **SPECIAL COMMITTEE TO REVIEW THE ESTIMATES OF THE AUDITOR GENERAL AND THE CHIEF ELECTORAL OFFICER**

**Tuesday, January 12, 2021**

**Via Video Conference**

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**SPECIAL COMMITTEE TO REVIEW  
THE ESTIMATES OF THE AUDITOR GENERAL  
AND THE CHIEF ELECTORAL OFFICER**

Hon. Kevin Murphy (Chair)

Hon. Chuck Porter

Hon. Geoff MacLellan

Brendan Maguire

Rafah DiCostanzo

Allan MacMaster

Karla MacFarlane

Claudia Chender

James Charlton, Chief Clerk of the House of Assembly (Non-Voting Member)

In Attendance:

Keith Bain

Chair

Public Accounts Committee

Gordon Hebb

Chief Legislative Counsel

Deborah Lusby

Director of Administration

Office of the Speaker

**WITNESSES**

Terry Spicer

Acting Auditor General

Dorothy Rice

Chief Financial Officer

Elections Nova Scotia



House of Assembly  
*Nova Scotia*

**HALIFAX, TUESDAY, JANUARY 12, 2021**

**SPECIAL COMMITTEE TO REVIEW  
THE ESTIMATES OF THE AUDITOR GENERAL  
AND THE CHIEF ELECTORAL OFFICER**

**4:00 P.M.**

CHAIR

Hon. Kevin Murphy

THE CHAIR: Order, please. Good afternoon, everybody and welcome to the meeting of the Special Committee for the House of Assembly Management Commission. My name is Kevin Murphy, MLA for Eastern Shore and the Speaker of the House, and I'll be the Chair for today's meeting.

Just before we get into our agenda, I do want to just take care of a couple of items of housekeeping. The formal name of today's committee meeting is the Special Committee to Review the Estimates of the Auditor General and the Chief Electoral Officer.

I want to remind everybody participating in our meeting today to keep your microphones muted until you're called upon to speak by the Chair. If you could wait until the Chair recognizes you to start your remarks and then unmute your microphone. We'll keep a close eye on that. If you start talking and we can't hear you, we'll get your attention, and if anybody wishes to speak, please do so by raising your hand in the screen, although on my screen we're spilled over onto two screens here, so if I do miss anybody, please speak up.

I want to remind everybody again to place your phones or any other devices that you have nearby on silent or vibrate just for the duration of the meeting. I'll ask our committee members who are here today when I call your name to introduce yourself and your constituency that you represent. We do have a couple of members participating via telephone here today due to some connectivity issues video-wise. When we get to them, we'll do that and then I'll ask the committee if they're okay with those two members participating via telephone instead of video link. We'll begin with Mr. MacLellan.

[The committee members introduced themselves.]

THE CHAIR: Just before I introduce the other folks on the line, before I forget, is it agreed by the committee that we're okay with Minister Porter and MLA Maguire to participate via telephone without the video link. Is it agreed?

It is agreed.

I just want to acknowledge, before we get into our agenda, we do have with us participating/observing the meeting today Keith Bain, the MLA who is the Chair of the Public Accounts Committee. Mr. Bain, as Chair, is entitled to join us today under Section 16 of the Auditor General Act and Section 19 of the Elections Act. Thank you, Mr. Bain, for joining us. It's nice to have you here.

I also want to acknowledge with us on the call today for the meeting our Chief Clerk, James Charlton; Gordon Hebb, the Chief Legislative Counsel; and Deborah Lusby, the Director of Administration for the Nova Scotia Legislature. All the caucuses have staff representation on the call. The agenda and the supporting documents have been circulated in advance.

Both the Auditor General's Office as well as Elections Nova Scotia have in advance requested a few minutes to provide remarks to the special committee. By way of process as Chair, I need to get the endorsement of the committee to allow them to have the opportunity to address the committee.

Is it agreed by the committee that we will have remarks from both of our presenters today?

It is agreed.

Without further ado, perhaps by way of alphabetical order, we'll turn it over to the Auditor General's Office and have Mr. Spicer provide us with a few remarks. Perhaps what we'll do - I'll just keep my eye on the clock. We'll try to keep it around five minutes. It won't be a hard five minutes because I think we have plenty of time. Go ahead, Mr. Spicer.

TERRY SPICER: I don't think we'll have any problem keeping it within the five minutes. I'll make this fairly short. First of all, thank you to the Special Committee for taking the time to review and look at our submission for our budget for next year. With me today is Mike MacPhee. He is our Deputy Auditor General. If there are any questions on the details, he will be able to help me respond to those.

We provided you with a package that outlines our request for our budget for next year. What we would like to do is request that the committee approve our proposed budget of \$4,825,000 for 2021-22, which is consistent with the budget target that's provided by the staff at the Department of Finance and Treasury Board to us and represents a status quo budget for us for this year. With that, I'll open it up to the Committee and we'll answer any questions that you have.

THE CHAIR: Thank you very much, Mr. Spicer. Are there any questions or comments on the proposal from the Auditor General's Office?

HON. GEOFF MACLELLAN: Mr. Speaker, it's Geoff here.

THE CHAIR: Go ahead, Mr. MacLellan.

GEOFF MACLELLAN: Just a quick one. Hi, Terry. Just for clarification, you and I have spoken many times in the past and there was a pretty standard request, I guess, from you directly and the office just around what your budgetary capacity was, and some of the things you've referenced were increased pressures and some outside-of-the-normal kind of roster of items and issues that you'd like to provide audits for.

Obviously, the status quo budget is fine. There are no complaints or concerns. Just out of curiosity, has anything changed, or is it because of one particular reason or another that you're okay to stay within the current budget now?

TERRY SPICER: Yes. As you know, last year, we did receive a budget increase that addressed some of the issues that we had at the time, so we certainly believe that we can live within the budget that we're going to be given this year. COVID has impacted the way we do our audits a fair bit, but not tremendously on our budget. Our travel budget is going to be, I think, less than what we expected, but we hope to get back to normal. Hopefully, we'll get back to normal in the Fall time frame.

Other than that, we don't have any huge pressures that we think are going to need special funding this year.

THE CHAIR: Any other questions or comments before I call for the motion? Hearing none, I'll ask for a motion to move that the Special Committee approve the estimates of the Office of the Auditor General for the 2021-22 fiscal year and the Chair

recommend the estimates to the Treasury Board for inclusion in the government's estimates. Do I have a mover?

GEOFF MACLELLAN: So moved.

THE CHAIR: Moved by Minister MacLellan. Seconded by Ms. DiCostanzo. Would all those in favour of the motion please raise your hand. Those on the phone, say Yea. Would those opposed to the motion please raise your hand. Those on the phone please say Nay.

The motion is carried.

We'll move on the next item of business, and we'll have some remarks from the representative from Elections Nova Scotia, Ms. Dorothy Rice, who is the Chief Financial Officer. Ms. Rice, go ahead.

DOROTHY RICE: Good afternoon and thank you for this opportunity to present our budget request.

As an independent, non-partisan agency, Elections Nova Scotia reports to the members of the House of Assembly through the Speaker. Our mission, to deliver provincial elections impartially and professionally, is drawn from the Elections Act. Our vision, to be trusted by all Nova Scotians to excel in the delivery of fair and inclusive elections, is founded on our independence from the Executive Branch of government.

We are one of the four independent offices of this House that are charged with upholding government accountability. Independence for election management bodies is a widely accepted international norm and is the single most important attribute of a credible electoral authority. You need not look any further than the recent electoral experiences of our neighbours to the south for a stark reminder of just how important this independence can be.

Just as I present our budget estimates to this special committee, nine of the 13 other election management bodies in this country do the same. The difference is each of those committees have some sort of statutory authority for the allocation of funding. Statutory authority enables electoral management bodies to be nimble and flexible in the delivery of their mandates. This advantage was made clear in 2020, when three provinces held elections during the COVID-19 pandemic and were able to fund, without budgetary restrictions, to purchase personal equipment required to protect their election workers, the training they needed to protect the in-person voters, and the additional communications plans they needed to inform voters of the safety measures they had employed to ensure the voting experience would be safe when they came to the polls. Just as independence and oversight go hand in hand, transparency and accountability to the members of the Assembly through this committee is why we are presenting to you today.

[4:15 p.m.]

While Elections Nova Scotia is always ready to deliver a by-election, general election planning and budgeting must be targeted to a date in advance of when the next election's likely to be called to ensure we are ready. As a result of the funding received last year, we are on target to be election-ready on April 1<sup>st</sup> of this year.

If the new Premier chooses not to call the general election this Spring, we will reset our next election readiness date to September 1<sup>st</sup> and use a portion of the funding we are requesting today to cover costs such as retraining of returning office staff and refreshing technology to be used in the field. If an election is not called by then, a second election readiness date of April 1, 2022 will be set to repeat the same.

The estimates I presented last year included funding to meet a readiness state of April 1, 2021, outside legal counsel, and the pressures for one by-election. Your committee recommended our budget request without alteration to the Department of Finance and Treasury Board. The election readiness funding that we received was approximately \$250,000 lower than requested and no funding was included for a by-election or legal counsel. The costs of two by-elections coupled with unanticipated COVID-19 spending pushed us over budget to the tune of \$975,000 in this year.

The report you have before you includes \$1.2 million funding for the two additional election readiness dates I have mentioned above, funding for one by-election, outside legal counsel as in the past, plus the funding required to restore our service delivery budget to its historical levels.

For transparency purposes, we have segregated the amounts included for each of these initiatives for two reasons. The first is to ensure you are fully informed on precisely what we intend to spend these funds on. The second is to ensure you know the amounts we intend to return to the General Revenue Fund should the new Premier call an election in advance of our need to spend certain funds.

To ensure complete transparency, should the Department of Finance and Treasury Board and the Treasury and Policy Board significantly alter the amounts you recommend today, we would suggest that this committee reconvene to be apprised of the impact of those changes on our preparations. If that proves untenable, we commit to filing a report with each member present outlining the same.

I respectfully request that you accept our budget as presented and recommend it without alteration to the Department of Finance and Treasury Board and the Treasury and Policy Board. Thank you for the opportunity to speak today.

THE CHAIR: We'll open it up for any questions or comments.

Ms. Chender.

CLAUDIA CHENDER: I've had the opportunity to have some conversations with Ms. Rice and Mr. Temporale, which many of us have, I think, about some ongoing challenges.

I'm glad that this one in particular was raised because it raises a question for me which I would like to put to the Clerk, which is: what exactly is the responsibility of this Special Committee? As Ms. Rice outlined, this committee a year ago approved the budget put forward by Elections Nova Scotia.

I noted the language in the motion just now forwarding the Auditor General's estimate said that we would recommend it to Treasury for inclusion in the Estimates. Presumably, we recommended the amount requested for inclusion in the Estimates. However, that amount was not included in the Estimates. A different amount was included in the Estimates that was about \$250,000 shy of what we recommended.

Given that, I guess my question is: what is our role and does it make sense as requested here for the Department of Finance and Treasury Board to, at the very least, report back to this committee if they're going to change substantially the amount that we put forward to be included in the Estimates?

THE CHAIR: Mr. Charlton.

JAMES CHARLTON: The role of the committee is it accepts the estimates from the Office of the Auditor General and Elections Nova Scotia and the committee has the opportunity to alter those estimates if it wants. It can either increase them or decrease them. That's provided for under the Auditor General Act and the Elections Act.

Once the committee has made its decision - either accepting the estimates or altering them - then the committee recommends them to Treasury Board. Of course, they themselves can make decisions relating to that. However, the estimates ultimately do come back to the House in the Supply process and that's the opportunity for members of the House of Assembly to deal with that.

THE CHAIR: Are there any other questions or comments? Ms. Chender.

CLAUDIA CHENDER: Just one more, which relates to the proclamation of Bill No. 225, which incorporates a number of changes that I know Elections Nova Scotia has been asking for a long time. Do Ms. Rice or Mr. Temporale have any information around when that will be proclaimed, subsequent to the report provided to us last week?

DOROTHY RICE: I would have suggested Richard respond to that question, but we don't have any word at this point as to when that will be proclaimed.



THE CHAIR: Mr. MacMaster.

ALLAN MACMASTER: Just wondering if any other members of the Committee who were at the meeting last year where we did approve the budgets, specifically for Elections Nova Scotia, if there was any reason that they became aware of that the Treasury Board chose not to agree with the recommendation that we had put forth to approve the budget as presented by Elections Nova Scotia.

GEOFF MACLELLAN: I can take that question, being in the position on this committee as well as a Treasury Board member. I don't recall the exact deliberations. I don't know what the rationale was for that. Just like every other line-by-line we go through, and on the advice from Committee members and on the advice from the Department of Finance and Treasury Board, we make decisions that we see fit with the information in front of us.

I can't really give any detail on what exactly happened last year. I don't recall what the specific directive was, but obviously with this process, we have the opportunity to take it back and do it again. That's as much as I can provide in terms of context.

ALLAN MACMASTER: I wonder, Mr. MacLellan, if you would indulge me in another question, and that just being on the ones that were just asked to Elections Nova Scotia. Can the government give an update on their intention of whether or not they'll be proclaiming the changes made to the Elections Act last February?

GEOFF MACLELLAN: I don't have anything to provide on that. To be honest with you, I haven't been part of those conversations recently, so I don't know where the proclamation schedule is or what exactly the program is. I can certainly ask, but I'm not sure what definitive answer I can get back here.

If I can get anything fruitful, I'd be happy to provide it to you directly, but as a function and an exercise of this committee, I can't be directed to go and try to get it and come back. I'd love to, but that's just not how it's going to roll. I'll certainly ask. I have no issue trying to get that information, but I'm not sure I'll be given anything that will provide any direction for Dorothy and Richard at this point.

THE CHAIR: Are there any other questions or comments before I call for the motion? Hearing none, I'm going to ask for a motion that the Special Committee approve the estimates of Elections Nova Scotia for the 2021-22 fiscal year and that the Chair recommend the estimates to Treasury Board for inclusion in the government's Estimates.

Moved by Mr. MacMaster. Seconded by Ms. Chender.

Would all those in favour of the motion please signify by putting your hand up or saying Yea for those on the phone. Contrary minded, please signify by raising your hand or for those members on the phone by stating Nay.

The motion is carried.

That concludes our business for the day.

CLAUDIA CHENDER: Mr. Speaker? Mr. Speaker? Before we conclude?

THE CHAIR: Ms. Chender?

CLAUDIA CHENDER: I'd like to put forward a motion on behalf of the NDP Caucus.

THE CHAIR: Mr. Charlton, are we entertaining motions today? Or Mr. Hebb?

JAMES CHARLTON: Well, we didn't have anything on the agenda but certainly a motion could be in order.

THE CHAIR: Okay. Go ahead, Ms. Chender.

CLAUDIA CHENDER: Thanks. So I'll just offer a few introductory remarks and then I'll move my motion. Further to the comment I made about the proclamation of Bill No. 225, we know that after months and months of lobbying and research and meetings, Bill No. 225 finally came to the floor of the House in March, which I'll remind everyone was the last time we were all on the floor of the Legislature, and it was passed. And this provided a number of updates and changes to the Elections Act, some of which have been talked about a great deal and others which haven't been discussed as much.

One of the ones which I think is of particular importance is that Bill No. 225 broadens campaign expenses, so campaign expenses under the new legislation could include elder care, child care, accessibility. We've heard a lot about how we want to diversify our office holders and in our party, we've done a lot to work on that. But as we continue to insist, there are systemic changes we can make that open up new horizons for folks who want to offer, and this is certainly one of them. It also allows for electors to note their preferred gender, which is a modernization that's been a long time coming. There were administrative changes that address issues that have arisen in elections, including the power to take candidates off a ballot when they are no longer offering, which we know has been an issue recently.

Given how close we are to an election – I mean, who knows how close we are, but we're at least within a year, give or take. Many think sooner. We have not been offered any explanation about why this act has not been proclaimed. And so my motion, therefore,

is: be it resolved that the Chief Clerk write to the minister responsible for the Elections Act on behalf of the House of Assembly Management Commission to request an update on when Bill No. 225 will be proclaimed.

THE CHAIR: So as Chair, and I'll look to the Clerk and Legislative Counsel to provide advice on this, but I don't think we're able to entertain that motion as this is not the House of Assembly Management Commission. This is a Special Committee of the House of Assembly Management Commission. It happens to have the same people, but I think the scope and the mandate of this committee is extremely narrow and its sole purpose in life is to accept the estimates of the Auditor General's Office and Elections Nova Scotia. I would suggest that the appropriate spot to bring that motion forward would be at the regular meeting of the House of Assembly Management Commission. Am I correct in that, Chief Clerk and/or Legislative Counsel?

GORDON HEBB: Yes. You are correct, Mr. Chair.

THE CHAIR: Okay. So I'm not going to allow that particular motion but I would welcome you to bring that forward as a potential motion at our upcoming regular meeting of the House of Assembly Management Commission.

CLAUDIA CHENDER: I will look forward to it, Mr. Chair.

THE CHAIR: Okay. Thank you. Are there any other – I guess there are no other comments, so as Chair, I'll bring the meeting to a conclusion and declare us adjourned. Thanks, everybody, for participating today and thank you to our guests for making the time to participate today. The meeting is adjourned.

[The committee adjourned at 4:30 p.m.]