

# **HANSARD**

## **NOVA SCOTIA HOUSE OF ASSEMBLY**

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

**Tuesday, January 18, 2022**

**Via Video Conference**

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

Hon. Keith Bain (Chair)  
Angela Simmonds (Vice-Chair)  
Hon. Kim Masland  
Hon. Allan MacMaster  
Danielle Barkhouse  
Hon. Derek Mombourquette  
Hon. Keith Irving  
Claudia Chender  
James Charlton, Chief Clerk of the House of Assembly  
(Non-Voting Member)

In Attendance:

Hon. Kelly Regan,  
Chair, Public Accounts Committee

Gordon Hebb,  
Chief Legislative Counsel

Deborah Lusby,  
Director of Administration - Office of the Speaker

**WITNESSES**

Office of the Auditor General

Kim Adair,  
Auditor General

Morgan McWade,  
Assistant Auditor General

Elections Nova Scotia

Dorothy Rice,  
Chief Financial Officer

Richard Temporale,  
Chief Electoral Officer

Lindsay Rodenkirchen,  
Assistant Chief Electoral Officer



House of Assembly  
*Nova Scotia*

**HALIFAX, TUESDAY, JANUARY 18, 2022**

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

**3:42 P.M.**

**CHAIR**  
Keith Bain

**VICE-CHAIR**  
Angela Simmonds

ANGELA SIMMONDS: Good afternoon, everyone. Thanks for joining. I want to call the Special Committee of the House of Assembly to order.

As the Chair is unable to join us via video and is joining by phone, I just want to ask if the committee will give consent and be agreeable to that.

Is it agreed?

It is agreed.

Thank you. I'll now turn it over to the Chair, the Speaker of the House.

THE CHAIR: Thank you very much, Vice-Chair. I apologize, folks, for having to join you this way, but my Zoom was all totally mixed up today. Again, I apologize.

There are just a few reminders that everybody is familiar with, but we have to keep repeating them anyway. Keep your mic muted until you're called upon to speak and wait until after the Chair has recognized you to unmute your mic.

The last one is that you indicate you wish to speak by raising your hand. As I can't see your hand, you just have to say "Speaker" and we can go from there. Is everybody comfortable with that?

I'm not hearing anything different, so we're going to ask the members of the Special Committee to introduce themselves.

[The committee members introduced themselves.]

[3:45 p.m.]

THE CHAIR: I will also acknowledge the presence of the following persons at today's meeting: the honourable Kelly Regan, Chair of the Standing Committee on Public Accounts, who's entitled to attend under Section 16 of the Auditor General Act and Section 19 of the Elections Act; James Charlton, Chief Clerk; Gordon Hebb, Chief Legislative Counsel; and Deborah Lusby, Director of Administration.

The agenda and materials were circulated in advance of today's meeting. The representatives of the Office of the Auditor General and Elections Nova Scotia have each requested an opportunity to make brief opening remarks to the Special Committee before the Special Committee considers their estimates. Is everybody in agreement, that the opportunity will be provided?

It is agreed.

Minister MacMaster.

HON. ALLAN MACMASTER: Mr. Chair, I would certainly say yes to this, but I do have to mention that I have to recuse myself of the voting on this matter today because as Minister of Finance and Treasury Board, these budgets will be coming forth through the budgeting process as well - just to keep myself clean on that. Our Department of Finance and Treasury Board will be analyzing those budgets coming forth - they will also be going to Treasury and Policy Board. So that I'm not making decisions in two places, I do need to recuse myself.

In fact, I do apologize, but I have to actually leave right now because I'm in the midst of another budget meeting. I did want to be here for the start of this and let you know the situation that I'm in.

THE CHAIR: That is duly noted, minister. Thank you very much.

Moving on, we'll go with the recommendation of the Estimates of the Office of the Auditor General. We're going to invite the representatives of the Office of the Auditor

General to introduce themselves to the Special Committee and make their opening remarks. The floor is yours.

KIM ADAIR: Good afternoon and thank you to the committee this afternoon for taking time to review our budget request for the upcoming fiscal year. With me today also on the call is Morgan McWade, who is our Assistant Auditor General responsible for the financial audit practice of our office. He's going to assist me with any detailed questions, if needed.

This is my first time presenting my budget request before the committee, so I am open to take your lead to discuss any aspect of the operations of the office, if you have any questions.

We're proposing a status-quo budget, essentially. It's \$4.932 million for 2022-23 fiscal year. That is consistent with the target that we have been given from the Department of Finance and Treasury Board. The details of what we intend to accomplish for the fiscal year are outlined on Page 3 of the document that we have submitted. Essentially, it's the financial audits and performance audits - our work plan for the year.

That completes my opening comments, and I would be happy to take any questions you have.

THE CHAIR: Are there any questions or discussion from any of the members? If so, please indicate your wish to speak by saying, "Speaker."

I'm hearing silence. If that's the case, I'll ask for someone to move that the Special Committee approve the Estimates of the Office of the Auditor General for the 2022-23 fiscal year, and that the Chair recommend the Estimates to the Treasury Board for inclusion in the government's Estimates.

Do we have a mover for that motion?

HON. KIM MASLAND: I will move that, Mr. Chair.

THE CHAIR: Thank you. Do we have a seconder?

DANIELLE BARKHOUSE: I will second that.

THE CHAIR: The motion has been moved and seconded.

All those in favour? Contrary minded? Thank you.

The motion is carried.

Moving on, we'll go to the recommendation of the Estimates of the Chief Electoral Officer. Again, I'll invite the representatives of Elections Nova Scotia to introduce themselves to the Special Committee and make their opening remarks. The floor is yours.

DOROTHY RICE: Thank you very much. My name is Dorothy Rice, and I'm the CFO at Elections Nova Scotia. With me today, we have Richard Temporale who is the CEO, and Lindsay Rodenkirchen who is the ACEO.

Thank you very much 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 Nova Scotia's government.

We are one of the four independent offices of this House who 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.

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 form 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 and 2021, when three of the four provinces that held general elections during the COVID-19 pandemic were able to fund the additional requirements without budgetary restrictions.

In the fourth, Nova Scotia, the unforeseen incremental costs incurred as a result of the pandemic - as we prepared for the general election call - had to be requested and approved by the Department of Finance and Treasury Board, and Policy Board in advance. In the end, the election was delivered safely, but the ability of our organization to respond quickly to the changing circumstances added undue uncertainty, pressure, and strain on our team.

Just as independence and oversight go hand in hand, our presentation here today to the Special Committee provides a necessary measure of transparency and accountability to the members of the Assembly. While Elections Nova Scotia is always ready to deliver a by-election, the change in legislation to a fixed election date will provide an opportunity to better plan and budget, which will result in cost savings over the four-year cycle leading up to the July 2025 PGE.

The estimates I presented last year included funding to meet two readiness dates of September 2021 and April 2022, COVID-19-related costs, outside legal council, and

pressures for one by-election. Your committee recommended our budget request without alteration to the Department of Finance and Treasury Board, and Policy 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 outside legal council.

The report you have before you today includes \$480,000 of additional funding needed to fulfil our mandate, compared to the budget targets received to date. This includes funding for projects presented and approved by this committee in last year's budget, where the e-voting mandate, legislated in the Elections Act, wasn't proclaimed until May of 2021. These projects were deferred because of the call of the general election in July 2021. It also includes funding for one by-election and outside legal council, plus the incremental funding required by law for registered party payments to be made as a result of the increase in votes cast in the August 17<sup>th</sup> election.

For transparency purposes, we have segregated the amounts included for each of these initiatives to ensure you are fully informed of precisely what we intend to spend these funds on.

To ensure complete transparency, should the Department of Finance and Treasury Board, and Policy Board significantly alter the amounts you recommend to them today, we would suggest that this committee reconvene to be apprised of the impact of those changes in our preparations. If that proves untenable, we will commit to file a report with each member 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 Policy Board. Thank you for the opportunity to speak today.

THE CHAIR: Thank you very much. Are there any questions or discussion?

MLA Chender.

CLAUDIA CHENDER: Thank you, Ms. Rice, for the presentation. I too was mystified and somewhat irritated both at the length of time it took to proclaim the Act and that the Department of Finance and Treasury Board determined not to agree with the finding of this committee that this budget should be approved in its full form last year.

In particular, I wonder whether you could speak to the request for outside legal counsel. I know that there were some questions when Elections Nova Scotia spoke in favour at Law Amendments Committee of fixed election dates. Some folks wondered whether Elections Nova Scotia was truly independent. I wonder if outside legal counsel would help in making certain that people understood that independence.

DOROTHY RICE: We do have legal counsel who provide ongoing support for us from Justice. On normal matters, that is not a problem at all.

Periodically, there are items that come up where we're dealing with a complaint or an issue that could be perceived as or is a conflict of interest. In those cases, we feel strongly that we should be able to engage with outside counsel to avoid any perception or reality of conflict of interest. That's what that line item is for - we would maintain the support from Justice, as we have now, but this is for those circumstances.

CLAUDIA CHENDER: Thank you for that. Just a couple of smaller questions. One is the increase in budget for service delivery and development. Is that entirely around this development of e-voting and the things that were put on hold because of the general election call?

DOROTHY RICE: Yes, that's largely the contributing factor.

CLAUDIA CHENDER: It looks like there are no COVID-related expenses estimated for this fiscal. Is that accurate? If so, in the case of a by-election, is it reasonable to assume we might need some of those?

DOROTHY RICE: Should we come to a point where we are conducting a by-election, it would be looked to as a by-election cost. The \$250,000 that we're estimating would cover some of those expenses. We still have some leftover supplies from the last general election, but we don't have any plans to procure any additional protection equipment in this fiscal year other than for the by-election.

CLAUDIA CHENDER: Thank you.

THE CHAIR: Are there any further questions or discussion from any other members of the committee?

Hearing none, I'll ask that someone move that the Special Committee approve the estimates of the Chief Electoral Officer for the 2022-23 fiscal year and that the Chair recommend the estimates to the Treasury Board for inclusion in the government's estimates.

Do we have somebody to move that motion?

CLAUDIA CHENDER: I'll move the motion.

THE CHAIR: Do we have a seconder?

ANGELA SIMMONDS: I can second the motion.



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THE CHAIR: Moved and seconded. All those in favour? Contrary minded? Thank you.

The motion is carried.

That pretty much completes the agenda of the Special Committee, and the meeting will conclude. Just a reminder to the members of the Special Committee that a meeting of the House of Assembly Management Commission will be conducted after a very brief pause. I request that you remain signed into Zoom for that meeting.

With that, we'll adjourn the meeting of the Special Committee, and we will do the House of Assembly Management Commission in one minute.

[The committee adjourned at 4:00 p.m.]