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# The Nova Scotia House of Assembly:
# On the Cusp of Change?

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and
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Series of Papers on Provincial and Territorial Legislatures

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**ON THE CUSP OF CHANGE?**

**Jennifer Smith and Lori Turnbull**[1]

"One suspects that the party fights will only increase in the future as the three of them are as firmly rooted in the province's tradition as the fishery."[i]

Agar Adamson could hardly have been more prescient as he penned the concluding sentence of his 1989 article on the Nova Scotia legislature. He was referring to the two old rivals, the Liberal party and the Progressive Conservative (PC) party, and the New Democratic Party (NDP), a later entrant on the provincial scene with hardly any elected members in the House of Assembly. At the time, Nova Scotia seemed to have the classic two and one-half party system: two competitive parties and a third or minor party perpetually in opposition.

However, the NDP had made a breakthrough in Halifax in 1981 with the election there of the leader, Alexa McDonough, and in the following years the party established a solid core of voter support in the metro area. This was the basis of Adamson's point about the likely intensification of competition among the three parties. And intensify it has. Since 1989 there have been five general elections in the province and only two majority governments. In 1998, 2003 and 2006, the voters returned minority governments, including the current PC government under Premier Rodney MacDonald.

Understandably, the dynamics of successive minority governments have wrought interesting changes in the House of Assembly. They include the need of the governing party to work with the leaders of the other political parties in order to gain the support of one or other or both of them for the government's legislative agenda; the enhanced role in the legislative process of legislative committees that feature more opposition than government members; and the increased importance of the elected member simply by virtue of the minority situation in the House.

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It would be unwise to predict that these changes are bound to endure. Certainly the election of a majority government would put paid to them in a hurry. Nevertheless, there is no sign in the opinion polls that Nova Scotians are especially unhappy with minority government and anxious to return a majority at the first available electoral occasion. That being so, the current experience of minority government marks an interesting opportunity to pause and evaluate the House of Assembly.

Following some introductory observations on the role of the House in the province's political history, we examine these topics: the socio-demographics of the members (MHAs); the services and facilities available to the individual members and the party caucuses; and the relationship between the government and the opposition, including the selection of the speaker, the legislative committees and the productivity of the legislature in the circumstances of minority government. We conclude with an appraisal of the overall strengths and weaknesses of the House of Assembly as a legislative institution in its own right and from the standpoint of the climate of democratic expectations that exists today.

**The House of Assembly in the Province's Democratic Political History**

Nova Scotia is the pioneer of parliamentary democracy in Canada. In 1758 an elected assembly was established in Halifax, the first in the British colonies that eventually would comprise Canada. Ninety years later Nova Scotia landed another first when it adopted the system of responsible government under which the government must maintain the support of the majority in the legislature in order to maintain office. It is always incumbent upon the House of Assembly to live up to the prestige of these events.

The establishment of an elected Assembly followed the decision by the British government to generate a serious British presence in the colony for military and commercial reasons. Prior to 1749 the colony was largely confined to some soldiers stationed at Annapolis and Canso, along with a few merchants and a small fishery. This changed in 1749 when the newly-appointed British Governor, Edward Cornwallis, arrived in Halifax with 2,546 settlers in tow. In the ensuing years the British authorities actively encouraged immigration from Britain, New England and Protestant European communities, the settlers from New England proving to be particularly adamant about the need for an elected legislature.

There were others present in the province who might have contributed to the development of the governmental institutions at this time, but such was not to be. In 1749, the robust Acadian community numbered some 10,000 souls, but they were brutally expelled from the colony in 1755. Meanwhile, the Mi'kmaq nation was headed for the fate of Aboriginal nations wherever they encountered emigrants to the "New World," namely, the ongoing expropriation of their lands and the restriction of the use of the resources. Effectively marginalized, the Mi'kmaq could not gain a toe-hold in the governance of the colony.[ii] Thus the elected legislature was bound to be the product of the Anglo-American elements of the political culture, as was responsible government.

In hindsight, responsible government seems an obvious solution to the inevitable friction posed by an appointed executive and an elected legislature. In the early decades of the 1800s it was not obvious at all. Leading Reformers such as Joseph Howe thought that the British model of a responsible ministry was unlikely to work in a little colony, and instead pinned their hopes on the election of the Legislative Council, the upper house of the colonial legislature. When the authorities nixed that idea, Howe converted to the responsible-ministry model, recommending it to the British Colonial Secretary in 1839.[iii] However, nearly a decade passed before the Reformers gained the objective following their success in the election of August 5, 1847, in which they won a majority of the seats in the legislature. In February, 1848, following several exchanges between the Governor of the colony and the British Colonial Secretary, the Governor asked Reformer J. B. Uniacke to form the first ministry responsible to the House, which he did.[iv] Characteristically Howe attributed the change entirely to the colonials. "We owe [the new constitution of responsible government] to no Colonial Secretary," he said; "we wrested it, step by step, against the prejudices and apprehensions of various Secretaries from 1837 to 1847."[v]

By contrast with the responsible-government epic, which included public debate of intellectual significance, the eventual move from a bicameral to a unicameral legislature sported touches of low comedy. Like many of the colonial legislatures of the day, Nova Scotia's was a two-house affair. Initially the upper house or Council of Twelve served both as a legislative body and an adviser of the Governor, and its members were appointed by the Governor. A powerful body dominated largely by the Halifax elites, it was the target of growing criticism in the early 1800s, criticism to which the British authorities eventually responded in 1837 by transforming it into a larger Legislative Council modeled on the House of Lords. As J. Murray Beck points out, hardly anyone in Nova Scotia thought the aristocratic principle a likely bet, but in the end it hardly mattered. The shift to responsible government had the effect of

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transforming the appointed upper house into a partisan body, successive governments filling vacancies with individuals sympathetic to their cause.[vi]

In the years following Confederation, political leaders of both parties tried to abolish the Legislative Council, but to no avail. By 1925, however, the Council glimpsed the writing on the wall, and accepted the Liberal government's offer of the substitution of 10-year appointments for life appointment and a suspensive veto over non-money and constitutional bills. But it was too little too late, and in the end the partisanship of the chamber proved to be the source of its demise. The Liberal party had governed Nova Scotia for 43 consecutive years from 1882 to 1925, a Canadian record. When the Conservatives finally gained office in 1925, there was only one of their number left in the Legislative Council.

It took the new Conservative government three years to get rid of the Council, during which time it deployed an unrelenting arsenal of tactics, including abolition bills, resort to the courts on constitutional niceties and new appointments of staunch Conservatives prepared to do their duty and vote for abolition.[vii] Worried that some of these newly-appointed councilors might develop an attachment to the chamber, it even planned a slim legislative session in 1928 that gave them little to do except abolish themselves. According to Beck, the finale was riotous, and he cites an account from one of the Halifax papers that is too good to pass over:

> It was said about the city that the old order of the Good Time, established at Port Royal so many centuries ago to while away the tedium, had been re-established and was set up in the Legislative Council Chamber and rooms adjoining. It was said that wine and wasail was [sic] the order of the day. That as the clock ticked solemnly away, every minute brought nearer the hour of its death, and the motto was adopted "let us eat and drink, for tomorrow we die."[viii]

On its legislative own since then, the House of Assembly is the elected cockpit of political life in the province. While some major struggles of parliamentary democracy might be behind it, however, they are hardly the end of the matter. A significant issue in recent years was the use of television in the House. One of the country's private broadcasters sought to film the proceedings of the House from the public gallery using its own equipment. The Speaker refused the request on the ground that the activity would interfere with the decorum and orderly conduct of the House. The broadcaster contested the

refusal in court, alleging it to be a violation of fundamental freedoms such as freedom of the press that are guaranteed in the Canadian Charter of Rights and Freedoms. Both the trial and appeal divisions of the Supreme Court of Nova Scotia sided with the broadcaster, at which point the Speaker appealed the decision to the Supreme Court of Canada. In the meantime the House authorized cameras under its own control to record the proceedings in a limited fashion, the feed being made available to the media for broadcast purposes.

In 1993, in *New Brunswick Broadcasting Co. v. Nova Scotia (Speaker of the House of Assembly)*, otherwise known as *Donahoe* after the Speaker of the House, Arthur Donahoe, the court ruled that the legislature's privilege to control its own proceedings, or parliamentary privilege, remains part of the unwritten constitution. It found that the legislature's exercise of the historic privilege to exclude strangers from its midst enjoys constitutional status and therefore is beyond the reach of the Charter.[ix] As a result, the legislature continues to coordinate the broadcast and recording of its proceedings, making them available to the public and the media in a variety of formats.[x]

The broadcasting issue arose in the wake of the adoption of the Canadian Charter of Rights and Freedoms in 1982. So did the issue of the electoral boundaries. Like the rest of the country, Nova Scotia uses the single-member-plurality electoral system inherited from Britain, a system colloquially known as first-past-the-post – as in the horse race. The winning candidate in each electoral district is the one with the most votes cast in the district. Understandably, the configuration of the boundaries of the district is critical to the prospects of the candidates. For decades, the House of Assembly took charge of the boundaries, meaning that in the final analysis the governing party, and therefore the premier, was in control of the process and able to steer it to partisan advantage. Such was the first critical feature of the business of electoral boundaries, although to be fair, in this Nova Scotia followed the same practice as other jurisdictions across the country.

The second feature was the haphazard timing of the readjustment of the boundaries. The timing was a matter of partisan logic and opportunity as opposed to a routine review following, say, a decennial census. The third, and most interesting, was the principle of representation, itself. It was understood that the principle of representation by population prevails in a democratic system of government. Nevertheless, room was made for competing concepts, such as the tradition that each county get one seat in the Assembly, no matter the size of its population. Another was the use of dual-

member districts to attenuate the division between Catholics and Protestants. The political cleavage between the two denominations was as deep as the religious cleavage, Catholics invariably voting Liberal and Protestants invariably voting Conservative. In order to ensure a peaceful, fair and representative outcome, particularly in districts in which both denominations nearly split the population total, the dual-member technique was seen as a workable solution. It was used for decades, the last two dual districts being eliminated in 1981. The result of this relaxed attitude towards the principle of representation by population was an electoral map featuring wildly uneven population figures in the districts. By 1991, some districts (urban) had four times the population of other districts (rural).[xi]

It was only a matter of time before electoral maps of such caliber ran afoul of section 3 of the Charter that guarantees the democratic rights of citizens. The catalyst for Nova Scotia was a decision of the Saskatchewan Court of Appeal in March 1991, in which the court threw out both the legislative mandate given to Saskatchewan's boundaries commission and the proposed electoral map that the commission had produced.[xii] This put Nova Scotia's map in jeopardy. The new Conservative leader and premier, Donald Cameron, chose to reform the system by establishing an all-party committee of the legislature that was enjoined to produce terms of reference consistent with developing jurisprudence for the province's first independent boundaries commission.

The commission was instructed to give primary consideration to voter parity, or districts of similar population size, and also consider a number of non-population factors such as geography, community history, community interests, county boundaries and minority representation, including the representation of the Acadian, Black and Mi'kmaq peoples of the province. The size of the Assembly remained at 52 districts. In the event, the commission produced an electoral map in 1992 that was accepted by the House of Assembly, a map that introduced a greater measure of voter parity among the districts than had existed while at the same time making provision for the representation of the communities just noted.[xiii] Perhaps the key point was the successful establishment of the independent boundaries commission in place of partisan control of the boundaries. It brought Nova Scotia into line with similar developments in other provinces, to say nothing of Parliament, which had pioneered the institution through legislation adopted in 1964.

Speaking of partisanship, a final effort at democratic reform worth noting occurred during the administration of John Savage, premier and leader of a majority Liberal government from 1993 to 1998.

At considerable political cost, and not wholly successfully, he tackled the province's reputation for the heavy-handed resort to patronage appointments in the conduct of government by pursuing a system of merit-based appointments instead.[xiv] One notable innovation concerned appointments to the boards of government agencies, boards and commissions (ABCs), the staff-of-life of patronage.

Under the old system, decisions on such appointments were made behind the scenes at the discretion of the government, often (although not always) on the basis of partisan considerations. Indeed, the expectation of partisan-driven appointments as part of the "spoils system" was rooted in the political culture of the province. Under the Savage approach, for the first time openings on ABCs were advertised publicly and interested candidates invited to apply for the positions. As well, the rules of the Assembly were changed to enable the standing committee on human resources to vote on the nominees proposed by individual ministers or the cabinet. In other words, the standing committee is empowered to veto ministerial appointments, a practice that is unique in Canada and among the Westminster systems of parliamentary government.[xv]

We come back to the issue later under the heading of government and opposition. Suffice it to say at this point that the House of Assembly continues to occupy a pivotal position in the government and politics of the province. It is the democratic centre of the political process. It evolves in response to public expectations about the standards befitting the role of elected representatives. It adapts to technological change. And slowly, ever so slowly, the composition of the House is beginning to reflect the efforts of women to engage a career in political life. We turn now to the profile of the members of the House.

**Socio-Demographics of the Members of the House of Assembly**

Some 26 women have been elected to the Nova Scotia House of Assembly. Currently, nine of the 52 Members of the House of Assembly (MHAs) are women (17%) – an all-time high for the province. Only two provinces – Alberta and New Brunswick - rank lower on this score, but by just a few percentage points.[xvi] Three of the women elected in 2006 are Conservative cabinet ministers, five are New Democrats, and one is Liberal. A point of interest is that of the 26 women elected in Nova Scotia, 10 have been New Democrats. This is an impressive statistic, given that the party managed to elect only a handful of candidates in each election prior to its breakthrough in 1998.

The first woman to be elected to the House was Gladys Poirier, a Progressive Conservative, in 1960. The longest-serving female MHA was Alexa McDonough, who spent 14 years in the House (1981-1995).[xvii] She was chosen as the party's leader in 1980, resigned the post in 1994 and went on to win the federal NDP leadership contest the following year after Audrey McLaughlin resigned. McDonough spent her first three years in the Nova Scotia legislature as the only woman and the only NDP caucus member. The party's numbers did not improve significantly during McDonough's tenure: she never had more than two party colleagues.

The current House of Assembly is an eclectic mix in terms of the training, education and professional experience of the MHAs. Many of them report decades of volunteerism and several have experience in more than one line of work. More than a dozen are teachers or professors, almost 20% owned a business, five are trained in law, and three are fishermen.[xviii] One could say that things have not changed drastically on this front since 1989, when Adamson reported that 12 teachers and 12 businessmen were among the House's ranks.[xix] However, his description of it as a "white male bastion" needs qualification. There has never been a Mi'kmaq MHA. However, in 1993 Wayne Adams was elected, the province's first Black MHA. He was appointed a cabinet minister, serving first as Premier Savage's minister for supply and services and then as minister for the environment. Adams claimed victory in the freshly-drawn riding of Preston, which included a significant number of Black constituents. A *Globe and Mail* editorial rebuked the government for establishing what it called a "troubled riding," wrongly lamenting that "political leaders assumed a black MLA could only be elected by black voters."[xx] Given the record, it was not an unreasonable assumption. However, it must be stressed that the new riding of Preston was established by the province's first independent boundary commission, and at the time about one-third of the residents were Black. This number did not make the riding a "designated black seat," but was sufficient to give the community a "realistic opportunity" of electing a black member.[xxi] Adams lost his seat in 1998 to NDP Yvonne Atwell, the province's first female Black MHA.[xxii]

Percy Paris of Waverly-Fall River-Beaverbank is the only Black MHA in the current House of Assembly. In the early months of 2007, he made local headlines with the claim that he suffered "subtle and persistent" racism in the legislature.[xxiii] He said that when he rose to speak in the House, other members' heckling was intense enough to create an "oppressive atmosphere." Paris has not found much support for this description among his colleagues including fellow NDP member Leonard Preyra, an Indo-Canadian whom Paris supposed had also experienced discrimination. Speaker Cecil Clarke

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promised to review tapes of House debates in search of evidence of racism, but also suggested that the new MHA might need some time to adjust to the "cut and thrust" of legislative debate.[xxiv]

**Resources of the MHAs and Party Caucuses**

As of January 2007, members' base salary is $81,805. This is a significant step up from the previous year, when members earned only $65,556 and were the third-lowest paid provincial legislators in the country. In February 2006, Speaker Murray Scott appointed a three-member Commission of Inquiry to study the issue of MHAs' salaries and whether they should be adjusted. The group recommended an increase to put Nova Scotia's politicians on par with their counterparts in New Brunswick and Saskatchewan.[xxv] The Premier earns $83,682 on top of the base salary, cabinet ministers and the Official Opposition Leader an extra $44,963, and other party leaders an additional $22,481. [xxvi] Some members are entitled to compensation because they perform special roles within the legislature or as members of "recognized parties."[xxvii] Committee chairs receive $2000-$3000 on top of their regular salaries. Each of the House leaders of the recognized parties receives an additional $10,000 per year, as do the caucus chairs. Party whips are entitled to $5000. [xxviii]

Pay hikes for elected politicians are not likely to win them too many friends.  In a recent national survey, over 90% of respondents agreed that politicians are "paid very well," which suggests little support for a raise.[xxix] This attitude might be particularly prevalent in Nova Scotia, where in 2006 the House sat for 37 days, fewer than any other provincial legislature.[xxx] Putting the question of "what politicians are worth" to an independent commission, instead of leaving it to legislators themselves, is one way of legitimizing salary increases. It prevents people from accusing MHAs of "lining their own pockets." Perhaps more importantly, a competitive salary is necessary in order to attract desirable political candidates. All of this said, salaries are a significant component of legislative costs, which are spent not on programs and service delivery but on simply keeping the government running. [xxxi] In a cash-strapped province such as Nova Scotia, there is probably little tolerance for increasing this type of expenditure.

The Commission of Inquiry's proceedings revealed that in general Nova Scotians do not know very much about their representatives' salaries and did not take advantage of opportunities to learn more. The public consultations held by the group were sparsely attended, to put it mildly. At three of the six meetings, all well advertised in local media, there were no attendees at all. However, in her final

report, Commission Chairperson Barbara MacDougall wrote that the public input that was received (from mailed and electronic submissions) indicated a "deeply held conviction that 'perks' and pensions, however ill defined, are subject to widespread abuse."[xxxii] It is likely the case that while most politicians are honest, the public's suspicion that they are not is fueled by rare – and heavily publicized - incidents of abuse. For example, former federal Privacy Commissioner George Radwanski's extravagant trips and lunches, which he charged to the public's tab, made him the subject of both media scrutiny and RCMP charges of fraud and breach of trust.[xxxiii] Radwanksi's behaviour was the exception, not the rule, and as Mancuso and her colleagues point out, the "gifts and gains" of public office are not as luxurious as some people think.[xxxiv] To clarify the issue in Nova Scotia, the following paragraphs describe the parameters of the expense accounts of legislators as set out in the *Internal Economy Board Regulation*. As of January 2006, these were no longer tax-free.

Each member is entitled to receive $80 to cover expenses for each day he/she attends a session of the House. Outside members, meaning those who normally reside more than 25 miles from where the House sits,[xxxv] are entitled to additional reimbursement up to $85 a day to use for sleeping accommodation or for travel costs between the member's riding and the legislature. Alternatively, should outside members wish to move to the Halifax-Dartmouth area while the House sits, they are eligible to be reimbursed up to $1400 a month for leased accommodation.[xxxvi] The *Executive Council Act* allows the Premier and cabinet ministers to receive extra compensation on top of what they get as MHAs for "reasonable expenses incurred for traveling or otherwise in the discharge of [their] official duties."[xxxvii] The leaders of the non-governing parties are entitled to reimbursement for expenses incurred in performing their duties as party leaders. Eligible expenses include meals, transportation and accommodation, and are not to exceed $20,000 per year.[xxxviii]

Leaders of recognized parties and cabinet ministers are entitled to lease vehicles with public money.[xxxix] The use of the vehicle leasing policy by ministers has been a source of controversy for the MacDonald government due to media reports that ministers have not been choosing fuel-efficient, economy-class vehicles. The monthly bill for some of these leases comes to nearly $900.  So loud was the "public grumbling" over the issue that economic development minister, Richard Hurlburt, revamped the policy. To be fair, the new rules are likely more appealing to the environmentally-conscious than to the frugal. Cabinet ministers are allowed to lease cars with a maximum value of $35,000 — a $10,000 increase from the previous policy.[xl] However, ministers must choose their cars from the federal

government's list of "green vehicles." As an alternative to this arrangement, the new policy allows ministers to use their own cars for government business and be compensated by a $700 monthly car allowance and a gas card. The third option is for ministers to use their own vehicles and claim standard mileage for government business. The new policy will apply as the current leases expire, so it is not yet clear how ministers will respond to these choices.[xli]

All members are entitled to spend about $13,000 on travel within their constituencies, but this amount varies slightly depending on the riding's size. Members are entitled to $5,500 a month to cover expenses for office space and equipment, secretarial support, meeting rooms and telephone services.[xlii]

Each recognized party's caucus office is entitled to a base amount of $300,000 for support services, including staff positions. In addition, each party office receives an additional $42,300 multiplied by the number of caucus members it has in the legislature. To put this figure into perspective, the Liberal party currently has nine caucus members and therefore is entitled to an additional $380,000 on top of the base amount. The Conservatives elected 23 members in the last election and are entitled to an extra $972,900. This allotment does not include the budgets for party leaders' offices, which are discussed below.[xliii]

The rules for the distribution of party caucus resources serve to reinforce the status quo. The greater the party's electoral success in the previous election, the more money it gets to hire staff and conduct research with the goal of expanding its base of support. The caucus office is one of the most important resources at an MHA's disposal. The researchers in each office are instrumental in educating and informing caucus members about the issues before them in the House. This is essential to their effective performance on committees. Before committees meet, the members are given research packages that have been assembled by caucus researchers and clerks in the Legislative Library. The package helps members to understand the dimensions of the issue before the committee and enables them to question witnesses and advance their party's position effectively. The reliance of MHAs on caucus researchers is intensified by the fact that the Legislative Library has only two staff members in addition to the Legislative Librarian who are dedicated to working with committees. Library staff are nonpartisan, and none of them are employed as research *analysts*, which means that it is up to a caucus to put its "partisan spin" on the information it receives from the library.[xliv]

The office of the Leader of the Official Opposition is entitled to funds for office space and equipment for its staff members. As well, provincial funds pay the salaries of two secretaries, a director of research, a research assistant and one senior assistant. Other recognized party leaders are entitled to a similar package, but with three salaried positions instead of five.[xlv]

This section is meant to give a sense of how legislative salaries and expense accounts in Nova Scotia have increased over the years, but not exactly at an alarming rate when compared to the federal scene and to some other provinces. From 1991 to 2006-07, MPs' salaries increased by 39%, while inflation rose by 32%. Provincial politicians in New Brunswick, Quebec, Ontario, Manitoba, and Saskatchewan all got raises of at least 30%. However, Nova Scotia MHAs saw their salaries increase by only 16% during this period.[xlvi] Even though they got a substantial pay hike in 2007 it is clear that historically, MHAs in Nova Scotia have not been as well compensated as their colleagues across the country.

**Relationship between Government and Opposition**

In the provincial election of 1970, the Liberals under the leadership of Gerald Regan formed the first minority government in the province's history. They won 23 of the 46 seats in the Assembly, while the Conservatives took 21 and the NDP took two. A year later they took a seat from the Conservatives in a by-election, thereby becoming a majority government. Until 1998, provincial elections continued to produce majority governments just as they had before 1970. The 1998 election signaled a shift in the political landscape that has had repercussions for the House of Assembly ever since. In particular, as noted at the outset of the paper, the province moved from a two-party to a three-party system.

The key to the shift is the NDP and here a bit of background is in order. Provincially, for many years the party had little to show for its efforts until the election of 1974, in which its share of the popular vote jumped to 13%, and improved thereafter, reaching 17.4% in the election of 1993. However, to that point the party's higher share of the popular vote never yielded more than four seats at any one election. Federally, the party actually polled better from the start, particularly between 1972 and 1993, when its vote shares ranged between 12% and 20%. However, the party never elected more than one member in Nova Scotia in any federal election between 1940 and 1993, and in 10 of them elected none. In the federal election of 1997, by contrast, it gained 30.4% of the popular vote and elected candidates in six of the province's 11 federal seats. This eye-popping success can be attributed

to several factors: the split on the right between the Reform Party, which ran on a neo-conservative agenda, and the Progressive Conservative party, that positioned itself to the left of the Liberals on social issues; and the vulnerability of the deficit-slaying federal Liberal government in a region anxious about high unemployment figures and cuts to social programs. If there was any carry over to the provincial election in 1998, it was not the split on the right. The Reform Party barely made a ripple in provincial politics. Rather, the carry-over was the concern about federal cuts to social programs at a time when the province's own finances were in disarray.

Under their new leader and premier, Russell MacLellan, the governing Liberals went into the 1998 election with 40 of the 52 seats in the Assembly and emerged with a mere 19. Their share of the popular vote dropped from 48.1% in 1993 to 35.3%. By contrast, the NDP soared from four to 19 seats and nearly doubled its share of the popular vote from 17.4% to 34.6%. The PCs gained 29.9% of the popular vote and increased their seat total from nine to 14. A year later the voters were back at the polls, and this time they returned a majority PC government under Premier John Hamm. The PCs gained 30 seats and the Liberals and the NDP tied at 11. The popular vote shares were interesting, showing each party with a significant base in the electorate, and the two opposition parties virtually tied: PCs – 39.3%; Liberals – 29.8%; NDP – 29.9%.

Premier Hamm's successful bid in 2000 proved a singular one, and the province has not reverted to the traditional pattern of successive majority governments – or a minority government like Premier Regan's that quickly made a successful bid to convert its status to a majority government. Instead, the elections of 2003 and 2006 have returned minority PC governments. Moreover, the NDP has not only maintained the gains made in 1998, but in the election of 2006, its popular vote share of 34.6% was 11 points ahead of the Liberals. Since the NDP shows no sign of returning to minor-party status, and no one thinks the Liberals are about to disappear, the three-party system prevails. Thus it is hardly surprising to find that the return of three minority governments in fewer than 10 years has made an impact on the House of Assembly in a number of ways, among them the selection of the Speaker of the House, the legislative committees and the approach of government and opposition to the business of the legislature.

*(i) The Speaker*

The MacLellan minority government of 1998 featured the first real election of the Speaker and the Deputy Speaker of the House of Assembly. On the opening day of the session, the Premier moved an amendment to the Rules and Forms of Procedure of the House of Assembly to establish a process to elect the two positions. Under the process, the winning candidate needs to gain a majority of the votes of the members present and voting. The nomination is made orally from the floor, and the nominee needs to accept or not on the spot. The vote is conducted by secret ballot. The new process was used immediately to fill the positions, and the result proved to be a surprise as well as a sign of the robust role of the opposition in minority legislatures. Premier MacLellan nominated a member of his caucus for Speaker and NDP leader Robert Chisholm nominated a Conservative member. In the vote that followed the winning Conservative candidate received the support of both opposition parties. The same pattern was repeated for Deputy Speaker, the premier again proposing his failed nominee for Speaker. This time PC leader John Hamm nominated an NDP member for the position, who won the contest handily with the support of the two opposition parties over the unfortunate Liberal nominee, now publicly repudiated twice.[xlvii]

On the next two occasions of minority governments in 2003 and 2006, the governing party clearly negotiated in advance an outcome that all three parties could support, thereby avoiding unwelcome surprises. At the outset of the minority government of Premier Hamm in 2003, the premier's nominee for the position of Speaker, Progressive Conservative Murray Scott, was seconded by the leaders of the two opposition parties, and no other individual was nominated, thus ensuring unanimous approval of the choice. There was simply no contest. The other shoe dropped in the selection of three (!) deputy speakers rather than the customary one. The premier and the other two party leaders each nominated an individual from his caucus for the position, and the three nominees sailed into office on the back of one uncontested motion, there being no other nominations from the floor.[xlviii]

In 2006, Premier Hamm retired from office and the Progressive Conservative party chose a new leader, Rodney MacDonald, who met the House in a brief session in March, at which he nominated a member of his caucus, Cecil Clarke, to serve as Speaker. Once again, there was evidence of advance negotiations among the political parties. The opposition leaders seconded the nomination, and there were no nominations from the floor.[xlix] At this point there was no election of a deputy speaker. The

House sat for a few days to clear up some business, and then the premier made his bid for a majority government by calling a general election for June. The bid failed, his party being returned with another minority. At the end of June, the new House met to determine the Speaker and, following the pattern now evidently established in minority circumstances, the event was smoothly orchestrated. Liberal leader Michel Samson nominated Cecil Clarke again, and he was elected to the office unopposed. Premier MacDonald nominated Liberal Wayne Gaudet for the position of Deputy Speaker, and he too was elected to the office unopposed. Both men were recorded as having received standing ovations.[l]

The change in the procedure to elect the Speaker and Deputy Speaker certainly is more democratic than before. On paper, the House has always elected these officials. However, in practice the premier made the choices and the leader of the opposition seconded the nomination. The nominees then were guaranteed confirmation by the House, not least because the premier commanded a majority there. Very rarely did the opposition oppose the premier's choice. The premier was in the driver's seat and consensus on the matter was prized by the members.[li] Under the new system, by contrast, the nominee of the premier of a majority government could face opposition in the form of a nomination from the floor. As Premier MacLellan's experience indicates, a minority premier needs to coordinate strategy with the opposition leaders, or face the embarrassment of a losing vote for his nominees. Finally, the record also indicates that under back-to-back minority governments, the party leaders have found a way to negotiate a set of choices that is approved without dissent.

*(ii) Legislative Committees*

During the first session of each assembly, the House appoints a five-member striking committee to select the members of the standing committees. It chooses from lists submitted by the party caucuses.[lii] The *House of Assembly Act* gives committees the power to "command and compel" the appearance of any persons before them, as well as produce any documents or evidence deemed necessary for their work.[liii] The Legislative Committees Office works under the direction of the Speaker to provide administrative support to standing and select committees.[liv] In addition, there are the two staff members at the Legislative Library who assist the committees by lining up witnesses, conducting research and preparing information kits for members.

There are 10 standing committees in Nova Scotia: assembly matters, community services, economic development, human resources, internal affairs, law amendments, private and local bills,

public accounts, resources, and veteran affairs. Most committees have nine members and meet once a month, but some, such as the human resources and public accounts committees, meet more frequently. A unique and perhaps perplexing aspect of the Nova Scotia committee system is that cabinet ministers are eligible to be members of the committees whose role it is to scrutinize the government, and many are members of them. By contrast, in most Canadian legislatures, ministers are eligible as members but the norms preclude them from taking advantage of the fact. At the time of writing, the MacDonald cabinet has 17 ministers, 12 of whom serve on standing committees. Owing to the minority situation, most committees have opposition members as chairs, but there are a few exceptions. The rules of the House dictate that the Minister of Justice is to chair the law amendments committee, through which every public bill must pass before becoming law.[lv] The Speaker chairs the committee on assembly matters that establishes the rules and procedures of the House, and the Premier chairs the internal affairs committee that considers matters related to MHAs and the Legislative Library. [lvi]

A few committees perform special roles that are not made obvious by their titles, so in the following paragraphs we discuss briefly some of the functions of the human resources, public accounts and law amendments committees. First, as mentioned earlier in the paper, the human resources committee is responsible for reviewing and approving candidates for appointment to agencies, boards and commissions in the province. The rules are clear on the parameters of the committee's role in this process: it is simply to approve or reject candidates whose names are proposed by cabinet ministers. It does not include recommending alternatives. In reviewing candidates, the committee considers their qualifications, keeping in mind the goals of affirmative action policies and, in some cases, the need for regional representation on ABCs.[lvii] The committee's decisions on appointments are by majority vote.

How the appointments process works or, for that matter, whether it works at all, depends to a large extent on the configuration of party standings in the House. When the Savage government changed the procedure in 1993, its caucus held the majority of seats. Therefore, Liberals dominated the committee and were criticized for merely rubber-stamping the ministers' recommendations. No matter how noble the Premier's intentions, the process failed to set an example of transparency in government. The majority of appointments went to known Liberal supporters until 1998, when the Liberals were reduced to minority status. Opposition members then controlled the committee and, for a while, jammed up the appointments process by refusing to accept ministers' preferred candidates on the grounds that they were not merit-based recommendations.[lviii] After winning a majority in 1999, the

Hamm government brought its own reforms to the appointment process in the form of mandatory advisory committees appointed by the minister to identify a pool of qualified candidates from which the minister makes a choice. In 2002, the government implemented the rule that these advisory committees must consist of a human resource professional appointed by the Commissioner of the Public Service, two civil servants appointed by the minister responsible for the board receiving the appointment and two lay members appointed by the minister from the general public.[lix] These rules help to minimize the role of partisanship in the appointments process and ensure that ministers' recommendations for appointments are indeed merit-based, which makes it more difficult for opposition members on the human resources committee to oppose them.

The public accounts committee is charged with holding the government to account for its expenditure of public funds. The rules of the Assembly state that an opposition member, chosen by the Opposition House Leader, must serve as the committee's chair.[lx] In 2006, the public accounts committee provided a forum for MHAs to look into an alleged breach of trust. In March, the committee investigated the government's decision to grant an interest-free $250,000 loan to S & J Potato Farms.  The loan was controversial because the farm's owners leased land from Ernie Fage, the minister for economic development at the time. Fage had resigned his cabinet post in February of that year, acknowledging the conflict-of-interest situation but all the while insisting that he received no personal benefit from the grant to the farm.[lxi]

The committee's handling of the Fage incident demonstrated that even in a minority government situation when the numbers are in their favour, opposition members do not always cooperate to "gang up" on the government. In fall 2006, Liberal members on the public accounts committee voted with the government to delay writing a report on the circumstances surrounding the loan, which meant that the issue would not be dealt with by the time the fall sitting adjourned. NDP members accused the Liberals of helping the government protect Fage against the sanctions that the committee might have recommended in its report.[lxii]

To clarify, investigating allegations of conflicts-of-interest is not typically how the public accounts committee spends its time. Its ordinary workload is heavy enough to begin with. As mentioned above, the committee's primary responsibility is to examine and evaluate the provincial government's handling of the public's money. The committee's oversight extends to all government departments,

agencies and Crown corporations.[lxiii] The committee's work on the Fage incident is worth mentioning though, as it provides an example of how inter-party cooperation in minority government situations can affect the committee system.

The law amendments committee has the potential to affect every piece of public legislation that passes through the House of Assembly. The procedure for how bills become laws in the province is as follows. First, a member introduces the bill to the Assembly so that it can be read for the first time, and copies are printed and distributed to MHAs. At the second reading stage, the member explains the reasons for introducing the bill and then members have the opportunity to debate its purpose and principles. At this point, members may speak only once and no amendments are made. Once a bill is approved after second reading, it is referred to committee for "clause by clause consideration." Section 46 of the House rules dictates that public bills go to the law amendments committee and all others to the private and local bills committee.[lxiv] As part of its mandate, the law amendments committee hears testimony from interested persons or organizations from the general public regarding the contents of the bill before it. Upon completion of its work, the committee refers the bill back to the House either with or without amendments.[lxv] The committee of the whole House on bills is then permitted to debate the bill for no more than 20 hours. Any amendments made during the committee stage could be rejected at this time. After debate, the bill goes back to the House for third reading. It is possible to have further debate and amendment at this stage but usually approval is given fairly quickly, followed by Royal Assent.

Many bills contain a provision stating that the legislation, or a portion of it, comes into effect by *proclamation* by the cabinet on a specific date. If there is no such provision, a statute takes effect upon receiving Royal Assent. [lxvi] In recent years, the proclamation provision has been employed more frequently by the government in order to delay action on legislation that could be classified as "controversial." More specifically, this tends to happen when the government ends up moving forward on legislation that it does not truly support in response to pressure from the opposition or the public. In minority government situations, it becomes even more difficult for the government to ignore competing ideas and ideologies. However, the inclusion of a provision to enact the legislation at a later date gives the government the opportunity to postpone its realization indefinitely.

*(iii) Procedure for Bills*

There is no standard to speak of for the amount of time that bills usually remain in the hands of the law amendments committee. It all depends on how many members of the public want to make submissions and whether committee members want to make amendments. In some cases, neither of these sorts of requests materializes, which means that a bill can move through the committee in a matter of moments. For more controversial matters, the process can take weeks. Similarly, there are no hard and fast rules on the number of people that the committee is willing to hear as witnesses. This makes it possible for a bill to get held up in the committee for an extended period, as there is an opportunity for interest groups who oppose the bill to delay its progress by making repeated requests for public submission. Viewed in a more positive light, these hearings make it possible for the public to affect legislative outcomes, as committee members can recommend amendments to bills on the basis of what they hear from public presentations. This is not to imply that Nova Scotians are turning out in droves to speak to the law amendments committee, but the process provides at least the potential for an unmediated line of communication between legislators and their electors.

Before leaving the topic of legislative procedures, we call attention here to a notable deviation from the Westminster tradition. In parliamentary systems, there is a rule that private members are not permitted to propose bills that involve taxing or spending. Nova Scotia is no exception to this rule – at least not "on paper." Section 78 of the House rules says that the Legislative Counsel, as the "drafter" of all provincial bills, has the duty to inform the Speaker when a private member's bill is actually a "money bill," presumably because any such bill ought to be ruled out of order.[lxvii] In practice, private members have found a way to free themselves of this restriction by including the following clause in bills that could involve taxing or spending: "The moneys required for the purpose of this Act shall be paid out of moneys appropriated for that purpose by the Legislature."[lxviii] This insertion acts as a kind of "waiver" on the money issue.

What this means is that any member of the House can put forward an agenda for how public money should be raised and spent – an exercise long thought to be the exclusive authority of the cabinet. The implications of this are enormous, especially in a minority government situation. It could mean that the government loses control over the province's short-term financial future. In theory, a private member's "money bill" could pass with opposition support regardless of the government's position on it, and the re-allocation of resources necessary to implement the bill could thwart some of

the government's plans and campaign promises. All of this said, the government still has tools at its disposal to protect its agenda against counter-proposals from private members. Most importantly, the government controls the order paper. In the event that the cabinet does not support a private member's bill, it will not be called for second reading debate. The only time that the government does not control the order paper is on opposition days, when opposition parties get to set the agenda. However, even if a private member's bill was called for second reading debate on an opposition day, there would be no opportunity to call for a vote on this day.

*(iv) Minority Government: Workable and Productive*

Ideally, minority governments are both workable and productive. By workable is meant sufficiently cooperative so that the legislative business of the province is accomplished without undue partisan hostility marked by such actions as government invocation of closure to end debate. By productive is meant the record of legislative transactions, two obvious measures being the passage of the budget and the number of public bills that is passed each session – and by whom.

The election of the Hamm minority in 2003, not the 1998 MacLellan minority, marked the real need and effort of the government and opposition to cooperate for legislative purposes. Premier MacLellan's government lasted only 15 months, from March 1998 to July 1999. At the outset the premier took the attitude that his government was in charge, period, and he made no effort to develop lines of communication with the opposition parties prior to meeting the House, at least not according to the opposition-party leaders. As a result, he found himself dealing with the communications issue publicly on the heels of their complaints as voiced in press conferences and in the House.[lxix]

In the event, Premier MacLellan elected to work with the Conservatives, who were prepared to support him on the condition that his government produce a balanced budget. The Conservatives had campaigned loudly on the need for a balanced budget, while the NDP was focused on the state of social programs. The government proposed a balanced budget but wound up with a deficit. Frustrated, the Conservatives helped to pass it anyway. For a number of reasons, among them financial, they were not keen to precipitate another election too soon. Another sign of cooperation between the government and the Conservatives emerged in the fall session, when the House passed some Conservative bills. Nonetheless, in the end the budget issue proved to be the proverbial straw. The following spring, the government produced a "balanced" budget that did not include some $600 million earmarked for a

potentially innovative Health Investment Fund to be paid for by revenues from offshore petroleum resources. The Conservatives joined with the NDP to vote it down, thereby triggering an election that produced Premier Hamm's first (and only) majority government.

In the 2003 election, Premier Hamm wound up with a minority of 25 seats in the 52-seat House, the NDP at 15 and the Liberals at 12. Perhaps the short-lived MacLellan minority was still on many minds. Perhaps the performance of the NDP, now showing resilience, indicated to people that the three-party system had longer legs than they had supposed. Whatever the reasons, public sentiment following the election, at least as interpreted by the media and by the politicians, urged the desirability of making minority government work. On election night, for example, a disappointed Premier Hamm asked MHAs "to set an example for the rest of Canada on how a minority government can work."[lxx] He even said how, explaining that the politicians could act on the policies on which they agreed and talk about those on which they disagreed. "'All it takes,' he said, 'is courtesy, leadership and respect.'"[lxxi] The other party leaders also vowed to adopt a constructive approach in order to make the new House work.

The new House did work remarkably well, and lasted longer than most observers expected it to do. Many credited the result to Premier Hamm and NDP leader Darrell Dexter. Liberal leader Danny Graham had signaled his desire to cooperate on election night along with the other leaders, but he was denied the opportunity to act much on the intention. Elected Liberal leader in April 2002, he won his first seat in the legislature in the election of 2003, and then resigned the leadership in December of the same year for personal family reasons. Wayne Gaudet served as interim leader until October 2004, when the Liberals elected Francis MacKenzie as the next leader. MacKenzie did not have a seat in the House, and in fact never got one, losing his bid for one in the election in 2006. In sum, the Liberal party and caucus necessarily were focused on internal party politics. From the Premier's point of view, the NDP and leader Darrell Dexter were the more reliable bet, and this they proved to be.

At the opening of the brief fall session in 2003, the government used the throne speech to comment on the need for consultation, compromise and cooperation for the successful conduct of minority government. The other party leaders made similar noises. Dexter, notably, congratulated the Premier on his election win, remarked on his fairness and good judgment in the previous (majority) House, and looked forward to working with him.[lxxii] Only eight bills were passed by the House, all of them sponsored by the government. In spring 2004, however, two opposition-sponsored public bills -

one NDP and one Liberal - made the grade as well, marking a trend that intensified in successive sessions. In the fall, the pace of business rose. The House passed 17 government bills and eight private members' public bills – two PC, four NDP and two Liberal. The number of private members' public bills is remarkably high, both by Nova Scotia standards and the record of legislatures elsewhere in the country, and testifies to the careful, collegial approach of the Hamm minority government.[lxxiii] At the outset the government clearly was feeling its way in the unaccustomed minority environment.

In the 2005 spring session, the House passed 26 government bills and six private members' public bills – three NDP and three Liberal. In the case of the government's Bill No. 174, the Auditor General Act, Justice Minister Michael Baker made a point of thanking the members of the all-party committee that worked with him on the selection of the new Auditor General and remarked on the cooperative environment in which the committee conducted its work.[lxxiv] In the fall session, there were 24 government bills, and four private members' public bills were passed – two PC and two NDP.

By the time the House opened in spring 2006, the Conservatives had elected a new leader and premier, Rodney MacDonald. There were two brief sessions, and the government presented a budget to the House. However, it was clear to everyone that Premier MacDonald would call an election in an effort to capitalize on poll numbers that indicated a majority was within reach. He did, but failed in his purpose. The election results put his party at 23 seats, the Liberals at nine (a loss of three) and the NDP at 20 (a gain of five). Thus the minority government continues.

Following the June election, the House sat through the first part of the summer and passed 11 government bills and no private members' public bills.[lxxv] This was more than made up for in the fall sitting, which was highly productive in terms of the volume of legislative business. The House passed 28 government bills and 10 private members' public bills, the partisan ratio of which revealed a shift in alliances under the MacDonald regime. Of the 10 bills, eight were sponsored by Liberal members and only two by the NDP. There followed a short winter session in which only one government bill was passed – the contentious changes to the regulations governing the financing of political parties both in and between elections. In the spring 2007 session, there were 17 government bills and two private members' public bills – one Liberal and one NDP.

The budgets have not proven to be problematic either. In the period of minority governments under discussion, there have been four budgets, two in the Hamm minority and two in the current MacDonald minority. There was never any doubt they would pass. Indeed, Premier MacDonald was so anxious to call an election for June 2006 that he did so before the House passed his first budget, thereby angering the opposition parties, both of which were quite happy to support it.[lxxvi]

It is important to stress that the functioning minority governments just described are not governments of saints. They feature disagreements among the political parties about important public policy issues – and not just the kind to be expected, such health care, where the opposition members routinely demand that the government spend more than it does. A good example is automobile insurance. The Conservatives prefer that the private sector supply the service, and therefore responded to growing public consternation about the cost of insurance by developing a plan to reduce insurance rates by capping the payouts that the companies need to make for minor injuries.[lxxvii] By contrast, the NDP is a strong supporter of the public model of automobile insurance and undoubtedly would consider introducing such a model were it to win government.[lxxviii]

**Conclusion**

The House of Assembly has weathered the storm of minority governments better than many might have expected it to do. The members have not conducted themselves in an uncivil manner and in this respect compare rather well with their federal counterparts in the current minority Parliament, who have been roundly criticized for pugnacious and juvenile behaviour towards one another. For example, reporter Campbell Clark referred to the "confrontational tactics in the Commons" in May 2007, when the Conservatives elected to shut down the Standing Committee on Official Languages after opposition members voted out its Conservative chair, Guy Lauzon. The Conservatives then refused to allow any of their other members to take the role, so the committee's work had to stop. They eventually allowed the committee to start up again, but only after three full weeks of stalemate, by agreeing its members could run for chair.[lxxix] By contrast, Nova Scotia MHAs have maintained a reasonable level of courtesy in their dealings with one another and produced a decent legislative record. During the period of minority government beginning in 2003 and still underway at the time of writing, there have been no opposition filibusters and therefore no government efforts to choke off debate. In the conduct of minority government, then, it is fair to say that the House has met the expectations of Nova Scotians that the business of the province be done without undue fuss. What about their democratic expectations?

24

One existing democratic strength of the House is the law amendments committee discussed above. Unique to the province, this committee marks a stage in the legislative process at which members of the public – individuals and interest groups – can make their voices heard on the bills under consideration by members of the committee. Cynics might comment that such a democratic opportunity is possible only because of the small size of the province, which has fewer than a million people. However that may be, the opportunity is there. Another mark on the positive side of the democratic ledger is the new procedure for the election of the Speaker by the members of the House, clearly an advance on the previous procedure, which essentially amounted to the choice of the premier. And the negative side of the ledger? In a word, the answer is representation.

As noted earlier, the province made a leap forward under Premier Donald Cameron when the House established an independent boundaries commission to adjust periodically the boundaries of the districts. However, the overrepresentation of rural residents in the House remains. In the context of a relatively stagnant population, the inexorable demographic trend is the movement of population from rural Nova Scotia to the Halifax Regional Municipality. The trend has been in place for a long time. Yet the boundaries of the legislative districts do not sufficiently reflect it. The population shift always seems to outpace the boundaries, which were adjusted under the independent system first in 1992 and again in 2002. The achievement of a closer approximation of the principle of representation by population would enhance the democratic credentials of the House of Assembly.

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NOTES

[i] Agar Adamson, "Nova Scotia: The wisdom of their ancestors is its foundation," in Gary Levy and Graham White, eds., *Provincial and Territorial Legislatures in Canada* (Toronto, Buffalo and London: University of Toronto Press, 1989), 139.
[ii] Dwight A. Dorey, *Aboriginal Self Government for the Mi'kmaq People of Nova Scotia: Essential Features of a Workable Model* (Truro: Native Council of Nova Scotia, 1994), 8-12.
[iii] See Joseph Howe's fourth open letter to the British colonial secretary at the time, Lord John Russell, written in 1839, in W. P. M. Kennedy, ed., *Statutes, Treaties and Documents of the Canadian Constitution, 1713-1929,* 2nd edition (Toronto: Oxford University Press, 1930), 404-14.
[iv] J. Murray Beck, *The Government of Nova Scotia* (Toronto: University of Toronto Press, 1957), 76-85.
[v] J. A Chisholm, *Speeches and Public Letters of Joseph Howe*, II (Halifax, 1909), 53.
[vi] Beck, 105.
[vii] Advocates of the abolition of the Canadian Senate might well take note of the epic saga in Nova Scotia.
[viii] *Halifax Chronicle*, March 28, 1929, cited in Beck, 252.
[ix] [1993] 1 S.C.R. 319.
[x] <http://www.gov.ns.ca/LEGISLATURE/house_business/legislative_tv.html, 3 February 2007, p. 1>

[xi] Jennifer Smith and Ronald G. Landes, "Entitlement versus Variance Models in the Determination of Canadian Electoral Boundaries," *International Journal of Canadian Studies* 17 (Spring 1998), 22.

[xii] *Reference Re Electoral Boundaries Commission Act (Sask) (*1991*), 78 D.L.R. (4th) 449.*

[xiii] Smith and Landes, 24-31.

[xiv] Jeffrey MacLeod, "Nova Scotia Politics: Clientelism and John Savage," *Canadian Journal of Political Science* 39:3 (September 2006), 553-570.

[xv] Peter Aucoin and Elizabeth Goodyear-Grant, "Designing a merit-based process for appointment boards of ABCs: Lessons from the Nova Scotia reform experience," *Canadian Public Administration* 45: 3 (Fall 2002), 302-05.

[xvi] Nova Scotia Advisory Council on the Status of Women, "Women's Political Representation in Canada," April 2007, http://www.gov.ns.ca/staw/politicalwomen.htm (accessed May 10, 2007).

[xvii] Government of Nova Scotia, "Nova Scotia Women MLAs," http://www.gov.ns.ca/legislature/Facts/WomenMLAs.html (accessed May 10, 2007).

[xviii] Government of Nova Scotia, "Members of the Legislative Assembly," June 2006, www.gov.ns.ca/legislature/members/directory/alpha.html (accessed May 10, 2007).

[xix] Adamson in Levy and White, 152.

[xx] Editorial, *The Globe and Mail*, May 27, 1993.

[xxi] Smith and Landes, 22.

[xxii] "Nova Scotia elects its first black MLA," CBC News Archives, May 25, 1993, http://archives.cbc.ca/IDC-1-73-2225-13357-11/on_this_day/politics_economy/twt (accessed May 12, 2007).

[xxiii] Richard Dooley, "Paris says Nova Scotia at critical point for handling racial diversity", *The Daily News*, February 23, 2007, http://www.hfxnews.ca/index.cfm?sid=13103&sc=89 (accessed May 12, 2007).

[xxiv] "Black MLA alleges discrimination at house," CBC News, January 16, 2007, http://www.cbc.ca/canada/nova-scotia/story/2007/01/16/paris-racism.html (accessed May 12, 2007).

[xxv] Barbara MacDougall, "Report: Commission of Inquiry on the Remuneration of Elected Provincial Officials," Nova Scotia House of Assembly, September 2006, 3-4, http://www.gov.ns.ca/legislature/MLA_Commission/index.html (accessed May 9, 2007).

[xxvi] Government of Nova Scotia, "MLA Remuneration," January 2007, http://www.gov.ns.ca/legislature/members/MLARemuneration20070101.pdf (accessed May 9, 2007).

[xxvii] To qualify for this distinction, a party must: elect at least two members to the legislature, meet Elections Canada's qualifications for "recognized party" status, run candidates in at least three-quarters of the provincial ridings and receive at least 10% of the popular vote in the last election.

[xxviii] Government of Nova Scotia, "Legislature Internal Economy Board Regulation 2006," 3-5, http://www.gov.ns.ca/legislature/legc/liebreg.pdf (accessed May 7, 2007).

[xxix] Maureen Mancuso, Michael Atkinson, André Blais, Ian Greene, Neil Nevitte, *A Question of Ethics* (Don Mills, Ontario: Oxford University Press, 2006), 122.

[xxx] Parliament of Canada, "Sitting Days of the Provincial and Territorial Legislatures By Calendar Year," http://www2.parl.gc.ca/Parlinfo/compilations/ProvinceTerritory/SittingDays.aspx (accessed: May 14, 2007).

[xxxi] Robert Sheppard, "The Rising cost of an elected politician," CBC News In Depth: Canadian Government, May 7, 2007, www.cbc.ca/news/background/cdngovernment/mp-cost.html (accessed May 14, 2007).

[xxxii] MacDougall, 19.

[xxxiii] "Timeline: The George Radwanski file," CBC News Online, March 15, 2006, http://www.cbc.ca/news/background/radwanski/ (accessed may 14, 2007).

[xxxiv] Mancuso, 96.

[xxxv] *R.S. (1992 Supp.), c. 1, s. 6.*

[xxxvi] Legislature Internal Economy Board Regulation, 3.

[xxxvii] *Executive Council Act. R.S., c. 155, s. 1.*

[xxxviii] Legislature Internal Economy Board Regulation, 6.

[xxxix] *Ibid.*, 7.

[xl] Editorial, "The greening of ministers' leasing," *The Daily News*, April 25, 2007.

[xli] Government of Nova Scotia, "Press Release: New Policy for Ministers and Government Vehicles," Department of Economic Development, April 24, 2007, http://www.gov.ns.ca/econ/news/nr_view.asp?id=20070424006 (accessed May 10, 2007).

[xlii] Legislative Internal Economy Board Regulation 2006, 9-10.

[xliii] *Ibid*., 5-6.

[xliv] The Legislative Library currently has six full-time staff members, including three permanent professional librarians, a contract professional librarian, a permanent library technician and a permanent library assistant. With the exception of the Legislative Librarian and the contract librarian, all these positions are included in the Nova Scotia Government Employees Union. The Legislative Librarian is appointed by the Governor in Council. When one of the unionized positions becomes vacant, it is advertised internally first through the Public Service Commission and then externally if no suitable candidate applies. Candidates are interviewed by the Legislative Librarian and the library assistant. The successful candidate receives an offer of employment from the Legislative Librarian.

[xlv] *R.S. (1992 Supp.), c. 1, s. 43.*

[xlvi] Sheppard.

[xlvii] http://www.gov.ns.ca/legislature/hansard/han57-1/h98May21.htm#, 1-2, 20.

[xlviii] http://www.gov.ns.ca/legislature/hansard/han59-1/house_03sep04.htm#117, 1-2.

[xlix] http://www.gov.ns.ca/legislature/hansard/han59-1/house_06mar03.htm#H, 9961.

[l] http://www.gov.ns.ca/legislature/hansard/han60-1/house_06Jne29.htm#H, 2-3.

[li] Beck, *The Government of Nova Scotia*, 274.

[lii] Government of Nova Scotia, "Rules and Forms of Procedure of the House of Assembly" (Halifax: Office of the Legislative Counsel, 1998.

[liii] House of Assembly Act. *R.S. (1992 Supp.), c. 1, s. 1.*

[liv] Government of Nova Scotia, "Committees" Nova Scotia Legislature, http://www.gov.ns.ca/legislature/COMMITTEES/index.html#SC (accessed May 21, 2007).

[lv] Rules and Forms of Procedure of the House of Assembly.

[lvi] Government of Nova Scotia, "Committees," http://www.gov.ns.ca/legislature/COMMITTEES/index.html (accessed May 27, 2007).

[lvii] Rules and Forms of Procedure of the House of Assembly.

[lviii] Government of New Brunswick, "Directions: Appointments to Agencies, Boards and Commissions," Presentation to Commission on Legislative Democracy, August 2004 http://www.gnb.ca/0100/ppt/PDF/DecisionMakingABCs2-e.pdf (accessed June 7, 2007).

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[lx] Government of Nova Scotia, "Committees: Operating Principles/Practices," http://www.gov.ns.ca/legislature/COMMITTEES/operatepa.html (accessed May 28, 2007).

[lxi] "Fage resigns over potato loan", CBC News, February 16, 2006 http://www.cbc.ca/canada/nova-scotia/story/2006/02/16/ns-fage-resign20060216.html (accessed May 22, 2007).

[lxii] Brian Flinn, "NDP accuse Liberals of helping delay Fage report," *The Daily News*, November 1, 2006 http://www.grahamsteele.ca/main.html?http://www.grahamsteele.ca/gs_critic_pac.html (accessed May 22, 2007).

[lxiii] Government of Nova Scotia, "Mandate of the Public Accounts Committee," http://www.gov.ns.ca/legislature/COMMITTEES/addmandatepa.html (accessed July 13, 2007).

[lxiv] Rules and Forms of Procedure of the House of Assembly. To clarify, "public" bills include taxing and/or spending measures and matters of public policy within the jurisdiction of the province. By contrast, "private and local" bills deal with particular, non-financial matters, like the incorporation of a new charity or the naming of a sports facility in a small town.

[lxv] Government of Nova Scotia, "House Business: Bills of the House," http://www.gov.ns.ca/LEGISLATURE/HOUSE_BUSINESS/bills.html (accessed May 28, 2007).

[lxvi] *Ibid.*

[lxvii] *Ibid.*

[lxviii] As an example, see private member's bill no. 36, the *Senior Home Medication Review Act*, introduced by Liberal member Stephen MacNeil, July 5, 2006 http://www.nsliberalcaucus.com/bills.asp?Bid=27 (accessed June 7, 2007).

[lxix] http://www.gov.ns.ca/legislature/hansard/han57-1/h98may21.htm#, 96-8, 105.
[lxx] Kevin Cox and Shawna Richer, "Voters hand PCs minority in N.S.," *The Globe and Mail*, Toronto, August 6, 2003, A1.
[lxxi] *Ibid.*
[lxxii] http://www.gov.ns.ca/legislature/hansard/han59-1/house_03sep25.htm, 28.
[lxxiii] David C. Docherty, *Legislatures* (Vancouver: UBC Press, 2005), 110-14.
[lxxiv] http://www.gov.ns.ca/legislature/hansard/han59-1/house_05may19.htm#H, 8005.
[lxxv] http://www/gov.ns.ca/legislature/hansard/han60-1/house_06jul14.htm,629.
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[lxxviii] http://www.gov.ns.ca/legislature/hansard/han59-1/house_03oct27.htm#H,_1686.
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