

Written Submission on Bill No. 1, Bill No. 6 and Bill No. 12
Submitted by Janice Brown, Conquerall Bank, Lunenburg County, on March 16, 2025.

I understand the above-noted bills will be considered by the Committee on Monday, March 17, 2025,

By way of background, I was employed by the Province for almost 16 years before my retirement in 2019. After clerking with the Nova Scotia Court of Appeal, I was first employed as a solicitor with the Department of Justice from 2004 to 2007, where amongst other tasks, I coordinated the department's legislative agenda under the direction of the Honourable Michael Baker. In 2007, I moved back to Ottawa where my husband was working at the time, and spent two years employed as a policy advisor with the Crown Corporations Directorate of the Treasury Board Secretariat. In 2010, I returned to Nova Scotia and took up the role of Governance Advisor with Executive Council Office, where my primary role was providing advice and assistance in relation to the governance and accountability of Crown corporations and agencies. I also fulfilled the role of Acting Clerk to Executive Council, oversaw the administration of ABC appointments, assisted in the coordination of legislative initiatives and provided more general policy advice as directed.

Based on those experiences, I have the following comments and concerns with respect to the bills before you today.

Re Bill No. 1

I understand the government has already undertaken to withdraw proposed changes to the **Auditor General Act**, so I won't comment on them other than to say I'm glad the government has heeded the many concerns expressed by the Auditor General and others.

I'm sure proposed changes to the **FOIPOP Act** will be addressed in detail by those who have more expertise than I. However, I'm troubled by changes that would, practically speaking, give the heads of public bodies the largely unfettered authority to reject "frivolous and vexatious" requests. It strikes me such authority should only be conferred if the Review Officer is first given the power to order public bodies to respond when they determine requests aren't in fact frivolous or vexatious. Nova Scotians should not have to go to court to force public bodies to comply with an RO's findings.

My most significant concern around Bill No.1 relates to Clause 9, which would amend the **Civil Service Act** to allow the government to terminate the employment of non-unionized civil servants without cause. I hope this Committee understands that the purpose of the existing protection against termination without cause is *not* to give civil servants some unreasonable level of job security but rather to *protect the political neutrality of the civil service* - which is, in my view, an essential feature of any competent and effective democratic government.

As I understand it, draft regulations specifying the level of compensation civil servants will receive when terminated without cause have yet to be tabled, which raises the real risk compensation will be significantly less than courts would award. Should that prove to be the case, my fear is the proposed amendments will cast a substantial chill over the civil service, making it much more difficult for individual employees to provide the kind of frank, honest, and non-partisan advice governments of all political stripes require in order to govern competently.

Governments are most successful when they are supported by the skills, knowledge and insights of a professional and non-partisan civil service. We need only look to the awful

situation unfolding south of us to see what happens when politicians replace knowledgeable and experienced public servants with incompetent political sycophants. I suggest therefore that clause 9 be removed from the bill.

Re Bill No. 6

On this bill, I'd like to offer just two comments.

First, the Premier has said the changes respecting extractive industries such as fracking and uranium mining are needed to enable Nova Scotians to have "mature discussions" about the future of those industries in our province - which assertion strikes me as frankly ridiculous. There is nothing preventing the government from having mature discussions *before* lifting the protections previous generations of Nova Scotians fought so hard to establish.

Second, the proposal to remove the requirement for community consent to fracking is emblematic of a worrying trend in this government's approach to many issues. Time and again, Premier Houston has demonstrated he simply isn't interested in the perspectives or expertise of anyone whose views differ from his own. That attitude is reflected in the changes his government has made to the operation of this committee and to the governance of Crown corporations and agencies (for example, firing the board of the NSHA, and doing away with governing boards for major Crown corporations such as Build Nova Scotia and Invest Nova Scotia while failing to appoint promised advisory boards). It's also reflected in the Premier's failure to honour a campaign promise to reinstate elected school boards, the decision to do away with Communications Nova Scotia, and attempts to limit media access to decision makers - all of which have significantly undermined the ability of Nova Scotians to be informed about and engaged in the work of their public institutions.

To my mind, involving citizens in the work of governing is fundamental to maintaining robust democratic oversight of public institutions. The Houston government's tendency to minimize public involvement at every opportunity strikes at the democratic heart of Nova Scotia.

If fracking is to be pursued, maintaining a requirement that affected communities be properly consulted and consent to any project is entirely reasonable - particularly in a province as densely populated as Nova Scotia, where conflicting priorities are very likely to arise. I therefore ask that the proposed changes be withdrawn.

Re Bill No. 12

I have not had time to dig as deeply into the details of Bill No. 12 as I would like to. In principle, I'm not opposed to ensuring universities and colleges are held accountable for their use of public funds, or to ensuring that publicly funded research responds to the priorities of duly elected governments. It may also make sense to revisit the composition and appointment of their boards of directors in light of modern notions of good governance. However, in establishing new rules in relation to any such matters, academic freedom and the institutional independence of universities and colleges must remain paramount.

My chief criticism in relation to Bill No. 12 is that it appears the government is proposing to make significant changes to the governance and accountability of universities and colleges, without first consulting with those institutions - once again reflecting a tendency to dismiss any perspectives that don't align with its own. Given that, I urge the committee to recommend that the bill be tabled until such consultation has taken place.

Thank you for this opportunity to comment in this way. Should you have any questions regarding the above, I may be reached at the phone number or email address I provided to legislative committee staff for that purpose.

