

March 18, 2025

Public Bills Committee
Nova Scotia House of Assembly
Province House

Re: Clause 15 of Bill 1 (salaries for ministerial assistants)

Dear Committee members:

I would like to draw your attention to why the proposal to provide a stipend for ministerial assistants in Bill 1 (An Act Respecting Government Organization and Administration) should be amended. As proposed, Clause 15(2) would enshrine in law that:

(2) There shall be paid to every ministerial assistant in addition to the amounts to which the ministerial assistant is entitled under the House of Assembly Act an annual salary in the amount determined pursuant to Section 45A of that Act.

Principle Underpinning Parliamentary Democracy in Nova Scotia:

Our system of government is built on the principle that the executive branch must be accountable to the legislative branch. To govern, appointed members of the executive must maintain the confidence of a majority of elected members of the legislature. Members of Nova Scotia's Legislative Assembly (MLAs) must be able to represent their constituents and advocate on their behalf. All non-Cabinet members must be able to hold the executive accountable for its proposals and decisions. MLAs must push back against bills that, if passed, would limit further their independence from the executive branch.

Bill 1's Risk to the Principle:

While not part of Cabinet, ministerial assistants are assigned to support a designated Cabinet minister. Ministerial assistants are expected to be loyal to the executive branch because they need to carry out duties on behalf of a minister (e.g. fielding questions about government, attending public events, granting media interviews, and acting as a liaison with backbenchers). Since they represent the minister, ministerial assistants effectively represent the Cabinet, and thus the executive. Although they are MLAs with one foot in each branch of government, they tend to behave as though they are part of the executive.

Clause 15(2) of Bill 1 would see all ministerial assistants receive remuneration. In the governing party's caucus, there are currently 21 members of the Cabinet, one serves as the Speaker, and the remaining 21 MLAs are ministerial assistants. Granting title without remuneration is symbolic; doing so with remuneration constitutes a contractual arrangement to be loyal to the executive. Clause 15(2) of Bill 1 is a case of "executive creep," namely the encroachment of the executive over the legislative branch.¹ Allowing Clause 15(2) to proceed as worded would aggrandize the power of the Premier's Office and undermine the principle of responsible government, and democracy itself.

Recommendation:

Ministerial assistants warrant additional remuneration – this is a broadly accepted principle for extra duties. To mitigate risk to representative democracy, I recommend that Clause 15(2) be amended to state: "the maximum number of ministerial assistants shall be less than the number of Cabinet members." In the immediate term, this amendment would require the current government to streamline the number of MLAs appointed to these roles. In the long term, however, the amendment would guarantee that all governing party caucuses have a subset of MLAs serving as more arms-length private members, helping to maintain a healthier level of autonomy within the caucus and possessing a greater ability to advocate for the people who elected them.

Thank you for considering my opinion.

Sincerely,



Alex Marland, PhD

Professor & Jarislowsky Chair in Trust and Political Leadership
Department of Politics, Acadia University

¹ Executive creep is "the tendency of executives to erode legislative independence by appointing backbenchers to quasi-executive positions or cabinet committees...Moreover, these changes serve to strengthen the power of first ministers relative to their cabinets." Paul E.J. Thomas and J.P. Lewis, "Executive Creep in Canadian Provincial Legislatures," *Canadian Journal of Political Science*, 2019.