

# Rise Again

Nova Scotia's NDP  
on the Rocks

## Appendices



Howard Epstein

Empty Mirrors Press  
Halifax • Nova Scotia • Canada



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# Appendices

## Appendix 1

**Table 1: Provincial Election Results  
Nova Scotia: 2013–1920**

Elect	Date	GOV	Conservative		NDP*		Liberal		Other		Total Seats
			Seats	Vote (%)	Seats	Vote (%)	Seats	Vote (%)	Seats	Vote (%)	
39	Oct 8, 2013	LIB	11	26.3	7	26.8	<b>33</b>	<b>45.7</b>		1.2	51
38	June 9, 2009	NDP	10	24.5	<b>31</b>	<b>45.3</b>	11	27.2		3.0	52
37	June 13, 2006	PC	<b>23</b>	<b>39.6</b>	20	34.6	9	23.4		2.4	52
36	Aug 5, 2003	PC	<b>25</b>	<b>36.3</b>	15	31	12	31.5		1.2	52
35	July 27, 1999	PC	<b>30</b>	<b>39.2</b>	11	30	11	29.8		1.1	52
34	Mar 24, 1998	LIB	14	29.8	19	34.6	<b>19</b>	<b>35.3</b>		2.4	52
33	May 25, 1993	LIB	9	31.1	3	17.7	<b>40</b>	<b>49.7</b>		0.9	52
32	Sept 6, 1988	PC	<b>28</b>	<b>43.4</b>	2	15.8	21	39.6	1 <sup>1</sup>	1.1	52
31	Nov 6, 1984	PC	<b>42</b>	<b>50.6</b>	3	15.9	6	31.3	1 <sup>1</sup>	2.2	52
30	Oct 6, 1981	PC	<b>37</b>	<b>47.5</b>	1	18.1	13	33.2	1 <sup>1</sup>	1.2	52
29	Sept 19, 1978	PC	<b>31</b>	<b>45.8</b>	4	14.4	17	39.4		0.4	52
28	Apr 2, 1974	LIB	12	38.6	3	13.0	<b>31</b>	<b>47.9</b>		0.5	46
27	Oct 13, 1970	LIB	21	46.9	2	6.7	<b>23</b>	<b>46.1</b>		0.2	46
26	May 30, 1967	PC	<b>40</b>	<b>52.8</b>		5.2	6	41.8		0.2	46
25	Oct 8, 1963	PC	<b>39</b>	<b>56.2</b>		4.1	4	39.7		0.0	43
24	June 7, 1960	PC	<b>27</b>	<b>48.3</b>	1	8.9	15	42.6		0.2	43
23	Oct 30, 1956	PC	<b>24</b>	<b>48.6</b>	1	3.0	18	48.2		0.1	43
22	May 26, 1953	LIB	13	43.6	2	6.9	<b>22</b>	<b>49.0</b>		0.5	37
21	June 9, 1949	LIB	8	39.2	2	9.6	<b>27</b>	<b>51.0</b>		0.1	37
20	Oct 23, 1945	LIB	0	33.5	2	13.6	<b>28</b>	<b>52.7</b>		0.1	30
19	Oct 28, 1941	LIB	5	40.3	3	7.0	<b>22</b>	<b>52.7</b>			30
18	June 20, 1937	LIB	5	46.0		1.1	<b>25</b>	<b>52.9</b>			30
17	Aug 22, 1933	LIB	8	45.9		1.5	<b>22</b>	<b>52.6</b>			30
16	Oct 1, 1928	PC	<b>24</b>	<b>51.7</b>	1	1.1	18	47.2			43
15	June 25, 1925	PC	<b>40</b>	<b>60.9</b>		2.8	3	36.3			43
14	July 27, 1920	LIB	3	24.7	5	16.9	<b>29</b>	<b>44.4</b>	6 <sup>2</sup>	14.0	43

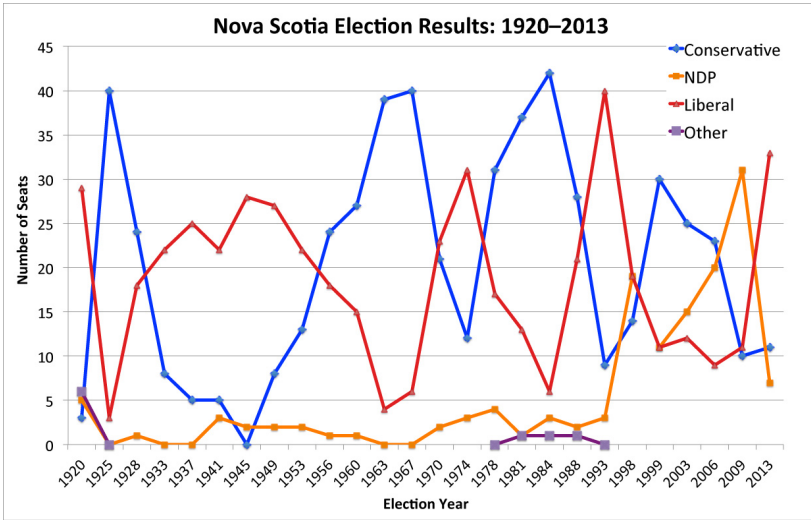
The number of seats and percentage of the popular vote of the winning party is indicated in boldface.

\* NDP totals include votes for the Co-operative Commonwealth Federation (CCF: 1933–1960) and Labour (Independent Labour Party: 1925–1933).

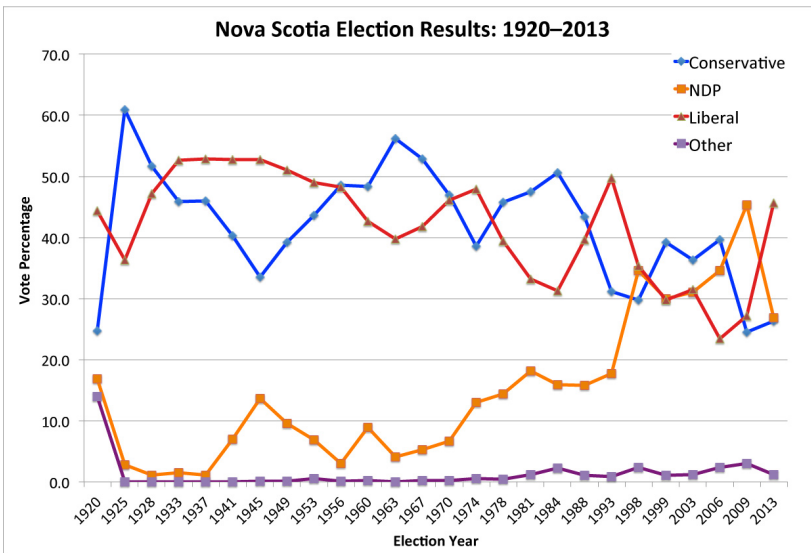
<sup>1</sup> The other party in the 1981, 1984, and 1988 elections was the Cape Breton Labour party.

<sup>2</sup> The other party in 1920 was the United Farmers Party.

**Figure 1: Nova Scotia Election Results: 1920–2013 – Number of Seats**



**Figure 2: Nova Scotia Election Results: 1920–2013 – Vote Percentage**



Data for this figures is taken from Table 1.

**Notes:**

What these figures illustrate is that while seat numbers from election to election have fluctuated widely, changes in percentage vote have been much more gradual. The contrast between these is illuminating in terms of the vicissitudes of the first-past-the-post electoral system, a salient argument for electoral reform and proportional representation in Nova Scotia.

What this graphic representation also reveals is the gradual and steady rise in popularity (as expressed by the vote percentage) of the NDP from 1963 to 2009, followed by a calamitous drop in 2013. Indeed this drop from 45.3 per cent in 2009 to 26.8 per cent in 2013 is the largest percentage drop (18.5 per cent) between successive elections in popular vote of any political party in Nova Scotia's history, a clear indicator of how dramatically the populace turned away from the Dexter government.

Similarly, the rise in popularity of the NDP between the 1993 election (17.7 per cent) and the 1998 election (34.6 per cent), i.e., 16.9 per cent, was the largest percentage increase between successive elections in popular vote of any political party in Nova Scotia since 1925 and until the increase in Liberal support from 2009 (27.2 per cent) to 2013 (45.7%) , i.e., 18.5 per cent; an indicator of how the public warmed to the message of Robert Chisholm's NDP.



Helen MacDonald

## Appendix 2

### Letter to Helen MacDonald

March 8, 2001

Helen MacDonald  
Leader Nova Scotia New Democratic Party  
NDP Caucus Office, 1001-1660 Hollis Street  
Halifax, Nova Scotia B3J 2Y3

Dear Helen:

This is a letter written at the same time as the memo to caucus concerning election prospects for the year 2003, but one I have held on to until after the by-election so as not to distract you with extra matters in the final days of your campaigning. It addresses some other, but associated, issues.

First, about the decision you took to refuse to allow me to canvass in your campaign. In case you are in any doubt, be clear that I found this to be very insulting. I hope you don't imagine that anyone would accept this sort of affront. The proposal that I telephone canvass, but identify myself as some anonymous "Howie" was just ludicrous. So long as I am a member of caucus, I am not interested in being hidden or denied. If you are interested in cooperation from me this is certainly not the way to go about it. I have had uniformly negative comment about your decision from those inside the Party who are aware of it. If it had become a public matter during the by-election, as indeed it nearly did since Parker Donham learned all the details, I cannot think that it would have reflected well on your campaign or leadership. I know that when I discussed it with the Halifax Chebucto constituency executive, they were outraged and I believe are writing to you about the matter.

As to the prayer issue in its entirety, I have heard suggestions that it came up as a way to attempt to sabotage your campaign. I am sure you know this is not the case. It came up because the Canadian Press reporter called about it and then the editors chose to play it up as front-

page news. Immediately after the interview I told Ron Sherrard [caucus press staffer] about it, but no-one in the office ever asked me about it or expressed concern. The story did not appear for several days after. None of this was my idea. But once it was out there, I think it was a mistake to compound it by attempting to back away, as indeed I told Dan when he said there was thought of issuing a press release. It was a mistake to extend the story as one of NDP internal divisions. Never mind that the line spun was inaccurate since there are members of caucus who agree with me completely, it was just not a good way to deal with the issue. The remarks to the press, designed to result in what was reported the next day, that, “the caucus does not agree,” is a nice example of skirting the truth. There is just one sense in which such a statement could be said to be accurate, and overall it is just meant to mislead the public. This sort of approach to politics is exactly what makes it disreputable and it is not what I am interested in at all.

Entirely apart from the prayer episode, I have a serious concern over drift inside the Party, and discontent among the membership. In part this was mentioned in the memo to caucus, but I see a trend that you have to take note of. A few weeks ago you and I missed the chance to have a meeting due to a health problem of my daughter. If we had met, that would have been the first time since last summer. I can't say that this long pause makes me feel very included. What stands out is that it took me canceling my PAC [Pre-authorized Contribution] to get your attention. I canceled my PAC for a couple of reasons. One was to let you know that I have been feeling very concerned about the overall direction of the Party. It seemed the clearest internal, i.e., non-public step that I could take to indicate my discontent. Another was the hope that it would get you thinking about the financial exposure of the Party as others decide as individuals to resign or to cancel their PACs. In Metro there is a lot of talk along these lines, and already several instances. I refer to a couple of them in the memo to caucus. But you should speak with people like Jane Wright, or Bill Grant. They were mightily put out by your handling of the prayer issue. But the discontent I see and hear is very widespread and comes from regular and repeated disappointments with the Party and predates your time of leadership. Please don't think it is just the prayer



episode. It is not. When you consider the financial base of the Party, it becomes obvious that there is no viability without solid support in the Metro area. As more members here leave the Party or cancel their PACs as protests, we will face a very serious problem.

What I suggested to you last summer about drift remains the general nature of my concerns. I should tell you that I have asked for a half-dozen bills to be drafted by the Legislative Counsel's office, primarily in my critic areas. I will bring the drafts to caucus for review. I ordered the drafts since there has been no discussion of our strategy for this next legislative session and it was appalling to me that only one or two bills were introduced by our caucus during the fall session. You will recall that I suggested some 42 bills that might be introduced, when the caucus met for retreat in September. Nothing happened. Perhaps more accurately, what happened is that the PCs as government were again allowed to take the position of appearing as an accepted fact, the natural state of affairs, and we took the role of a passive opposition with no agenda of its own.

This type of approach to our role can only be explained by a philosophy that assumes that the way to get elected as government is to wait around until it is your turn. This approach is also sometimes expressed as, "no-one wins elections-governments lose elections." Even in a two-party system this approach has its limitations- witness the long reign of the Tories in Ontario.

But in a three-party system where we are the third party, never having held a government here, it is a disaster. Not only is it an approach for which I have no taste, it just won't work. The 1999 election illustrates this, and I had thought that the lesson had been widely articulated and learned in the post-election analysis. Talk along these lines certainly was predominant in last year's leadership process. But apparently the lessons have not been learned. Helen, I am still waiting for signs of some dynamism or even just life in the Party. Not seeing many, I fully expect that this will be a time of no little internal debate. It is not just at the Federal level that there has to be change. I was a part of a discussion panel at the Young New Democrats meeting a couple of weeks ago. It was clear that the next generation is looking for serious change and are skeptical about the Party. Never mind the finances, we won't survive

without a new generation either.

With the results in Cape Breton North, you know my views about what you ought to do now, in the overall interests of the Party. This is a difficult time; good luck to us all.

Yours truly,

Howard Epstein, MLA

Halifax Chebucto

## Appendix 3

### Provincial Election 2003 – Comments

#### Memorandum

#### Confidential / Internal NDP Circulation Only

**To:** New Democrat Provincial Council & Executive; New Democrat Election Planning Committee; New Democrat Caucus

**From:** Howard Epstein

**Subject:** Provincial Election 2003 – Comments

**Date:** September 17th, 2003

This is to provide some comments regarding the 2003 provincial election. It is my hope that the internal party discussions of the election will be thorough and extended. A quick wrap-up that sees only success would be profoundly mistaken.

It is possible for this party to win the next election. But it was possible for us to win this election. A core problem, as set out below, is that the lessons learned in the post-1999 evaluation process were not applied in the intervening years, or in this election. A few steps could now be taken to set in motion the mechanism to win the next election:

- put the full party platform, and as much of our policies as possible, on the public record;
- recruit a constituency organizer with prime responsibility for building constituency organizations in the rural mainland;
- caucus should work to build credibility of the party on fiscal and economic issues;
- the party should try to identify early those issues, such as long term care and public auto insurance, which worked so well for us over the last year, which could form the basis of a successful election campaign;
- given the dynamics of a minority government, we should strive both to show ourselves as co-operative on some measures, and as distinct from the other parties on measures of importance or principle;
- we should build on the recruitment of candidates that was done this

year, to see if anyone is suitable as a candidate in the 2004 municipal or school board elections.

While it is necessary to look forward, the whole point of a post-election evaluation is to look at what has just occurred. I am somewhat concerned that a tone of self-congratulation is characterizing the mood and thought of the party. For reasons that follow, I want to suggest that a hard look at some of the facts would serve us better as we go forward.

### **1. Not a Success**

The 2003 campaign was not a success by the most basic of measures: we failed to win a government. Again. It has to be recalled that in 1999 the post-election analysis agreed that a victory was then achievable, but that various factors, mostly within our own control, had lost the election. It was agreed that the objective of government should remain our target for the next election. A successful strategy would include organizational development, a display of competence in the Legislature, control of the public policy agenda in a way so as to differentiate the NDP, and running a campaign that incorporated the lessons of 1999. At some point between then and now, the possibility of winning the 2003 election was eroded. Because the basic organizational development at the constituency level never took place. It was simply not in the cards. That we did better in terms of seats reflects a certain amount of sheer good luck in the campaign.

Two other measures of success are percentage of the popular vote, and whether there were improvements since 1999. In terms of percentage of the vote, we polled third, behind the Liberals. In terms of a comparison with 1999, we attracted fewer votes in total, i.e., 126,868 compared with 129,477. The numbers were also well below our 1998 total of 155,361. A third measure, of course, is total number of seats, and while 15 is an improvement on 11, it is not as great as the 1998 total of 19. [...] Another measure of success is positioning towards the next election. It is certainly an advantage for us to be the Opposition for the third time. But the most realistic likely outcome of the next election, as things now stand, is another Tory government, either majority or minority. Winning the next

election, with a majority, requires us to hold all 15 incumbent seats, and then win at least 12 more.

It is not at all obvious on the numbers that this is achievable unless an enormous amount of basic organizational work is done in the interim.

## **2. Structural Weakness**

The 2003 election was lost, for a variety of reasons, primarily associated with failure to act upon the lessons learned in the 1999 campaign. The main points that emerged in the post-election analysis in 1999 were: too many constituencies had weak organizations; the campaign was too focused on an agenda of “fiscal responsibility” as Liberals and PCs would define it and not enough on core NDP values and priorities; the platform was not released early in the campaign but came out piece by piece; the campaign was too leader-oriented and failed to capitalize on the appeal of a team. All of this was repeated, with variations, in 2003, as if the 1999 election had not occurred and as if the 1999 post-election analysis had never taken place. Of these items, several were under our control during the 2003 campaign, but the weakness of too many constituency associations is a cumulative matter. The 2003 election was lost step by step each year from 1999 through now, as the opportunities to build the Party as an effective political organization were not taken up.

The fundamental structural weakness has been the failure to build constituency associations. The problems are widespread, including in incumbent constituencies. Memberships are small; constituency associations do not function on a regular basis; fundraising is minimal; policy development is absent; good rosters of credible potential candidates are not in place. All of this means big trouble at election time. The credible performance of MLAs in the Legislature is not sufficient to offset this underlying weakness. This message has been given to the Party and to party leaders without notable improvements. This must absolutely be a priority of the Party.

## **3. Not an NDP Campaign**

The campaign agenda was very peculiar and has had the effect of alienating supporters. Included here are a variety of items:

### **a) Tory Style**

The choice of presentation was in imitation of John Hamm's 1999 campaign, which was itself an imitation of Mike Harris's campaign in Ontario. The predominant color choice was blue. The Leader was dressed in a jacket with open-necked checked shirts. The backdrops look like the Tory backdrops.

### **b) Tory Slogan**

The "today's families" theme is the language of the right. Many people were just baffled by it, or were offended.

### **c) Omissions**

The seven commitments included nothing on poverty, homelessness and affordable housing, labour, the environment, arts and culture, job creation, the offshore, small business, transportation, or womens' issues.

### **d) Hidden Policies**

It is not that the Party does not have specific policies, or a record, on these items. Indeed there are a lot of written documents, from speeches in the Legislature, to bills introduced, to policies adopted by Convention. Most of the items listed had been written up in successive drafts of "Issue Sheets." The Issue Sheets were reviewed and revised by staff, the caucus and by the party's Election Planning Committee (EPC) prior to the election. But they were never made public. Why not? This left the impression that the party had no "plan for government." This was the jibe made by John Hamm in the televised debate that the NDP, "is offering platitudes – Nova Scotians deserve a better plan." This is a very potent point, since it was clear from the 1998 and 1999 elections, media scrutiny, and public opinion, that a credible party does need a full, "plan for government." The Issue Sheets were sent to the individual campaigns, with instructions not to release them except to individuals who specifically asked about one of the issues. Why this attempt to limit information about our policies? Why were the Issue Sheets not posted to the election website? When I became aware that this was the case, I was told by the Chief of Staff in an

email dated July 21st, “the issue sheets will go onto the web site later this week.” They never did.

### **e) No Platform**

One of the most important lessons of the 1999 campaign was that the party failed to show itself as a credible candidate for government, by choosing to release the platform in stages. The impression left was that the party had not prepared properly for the election, and was making up its platform as it went along. This was in contrast to a full PC platform document. In the interim [i.e., between 1999 and 2003], a lot of effort went into developing a platform for the 2003 election. [...] Covering memos with successive drafts made it clear that the document was intended for public release. Instead, the full platform document was never released during the campaign. Nor was it posted to the election website. And for some reason candidates were never told that the platform had become a non-document. Lest we forget, the fundamental problem with campaigning on a partial agenda is that if we form government it will be argued that we have no mandate to do anything other than what formed the focus of the campaign. Thus, hiding the full platform sets the stage for an NDP government that would feel impelled not to act on the offshore or the environment or on poverty or on arts & culture, etc. on the basis that it had not been elected to do so.

As I understand party history over the last few years, there was no authority, no discretion, for the central campaign to decide not to release the full platform. This was not a day-to-day question of tactics.

### **4. Tax Cuts Problem**

SMU professor Larry Haiven and others have written a focused memo on the party’s position on the Tory tax cut. I agree with what it says, and address this only to amplify what they say. In the spring, caucus spoke against the Tory budget, and voted against it, for all the reasons Haiven *et al.* say the tax cut is a bad idea. At the same time, there was recognition in the party that an election that was in effect a referendum on the tax cut would give the PCs an electoral advantage, and that we would be better off shifting the agenda to our preferred items; the way to do that was to

say that although we did not support the budget, once it was passed into law, it would stand, but that an NDP government would review all options and create its own Budget in 2004. Very much in line with this consensus thinking of caucus, the leader in speaking with the Halifax Chamber of Commerce said publicly that he would not tie his hands by committing not to raise taxes. But then early in the campaign speeches began to be made in which the Liberal position – which was to immediately reverse the tax cut before it took effect January 1, 2004, and was, therefore, a tax freeze position – was characterized as a tax increase. This was offensive on several grounds: it was just not true; it moved us from a flexible position to one that in effect gave the strong impression of supporting the Tory tax cut; it bolstered the Liberals’ position as campaigning to the left of us; it tends to undercut the preferred position of open options regarding taxation by positioning us in favor of tax cuts; it was an attack that was unnecessary (since the Liberal record on so many issues was a big weakness for them) and ran the risk of being counterproductive; it leaves us with positioning problems in the Legislature since the Liberals have been handed a theme they will no doubt continue to use; and it faces us with the dilemma of dealing with future Tory tax cuts given our now ambiguous record. [...]

### **5. Appeal to Self-Interest**

In the end, our campaign was structured around an appeal to self-interest rather than around an appeal to sense of community and how to build it. That is what is wrong with the theme of, “a real break.” That is what is wrong with supporting the 10 per cent personal income tax cut. That is what is wrong with making auto insurance the lead issue. I want to be clear that the seven commitments raised real issues, but without the support or context of a full platform, they portrayed the NDP as a party committed to middle-class pocketbook issues and little else. [...]

### **6. Questionable Policy Judgment**

For me, in addition to the examples cited earlier, two matters of questionable policy judgment were shown by those in charge of central campaign. One has to do with education, the other with the economy.



One of the seven commitments was to, “put more resources in the classroom.” This is a very important item, but it almost did not make it onto the list. In the process of developing a key commitments list, various iterations were put before Council and Caucus. At the last Caucus meeting held before the election, the list did not include education. During that meeting, both Bill Estabrooks as Education critic, and I raised its absence. We noted that we had been canvassing and that the issue kept coming up at the door. Our observations were endorsed by caucus but were met with tepid response from the Chief of Staff that its inclusion would be considered. The next day the Liberals announced an education agenda, which was promptly endorsed by *The Chronicle-Herald* editorial, which stated, “Mr. Graham has hit a home run.” Item five was then added to our list. So it was only when the Liberals moved and editorial opinion backed it that education became a part of our key commitments. Caucus judgment was not taken seriously.

An important reason the party was never taken seriously by editorial writers or opinion leaders as contenders for government was the absence of an agenda for the economy. Why was this ignored? I have never heard an explanation offered. It was the first question directed to Darrell during the leaders’ debate and he offered no direct answer. Either he had not been briefed on the topic, or there was a deliberate decision in the conduct of the central campaign to stay away from the issue. Danny Graham certainly made the points against us, and it was the implication of John Hamm’s comment that, “Nova Scotians deserve a plan.” Indeed, all three questions directed at Darrell by journalists during the debate had an economic or fiscal thrust:

- (i) What would an NDP government do about job creation and the economy?
- (ii) The NDP accepts the 10 per cent tax cut, but can we afford it?
- (iii) Is \$52 million the real cost of the NDP agenda?

None of the leaders really won the debate, but our real weakness, there and in the campaign, was the absence of a plan for economic activity. Health care and education remain the main expenditure side of provin-

cial government, but responsibility for economic stimulus, infrastructure, tax policy, small business, community economic development, land use policies, sustainability, forestry, agriculture, and so on are the essential corresponding side of political life. To stay away from these issues implies either that, like the PCs, we believe everything is in the hands of the private sector and government can do little, or that we have no expertise or opinions to offer. In neither case is the implication consistent with NDP policy. [...] The standard response we offered about affordability of new spending items – i.e., that “natural growth” in the economy would be sufficient to generate about \$200 million in new income each year – is not a safe hypothesis nor is it necessarily a desirable objective. If economic activity stagnates (which it well could in the next few years) we will have built our economic platform on an incorrect assumption, and at the same time precluded deficit financing as some kind of article of faith. Steady-state economics is the better approach, combined with a willingness to use Keynesian measures if necessary. This may be the squeeze the PCs find themselves in over the next few years. We would be serving the public interest better by preparing the public for this scenario rather than automatically assuming continued growth. Our friends at GPI Atlantic would certainly approve of the steady-state approach.

## **7. Consequences**

The result of all this is not only a failure to win government, but a weakening of the party. I have spoken with numerous people who have expressed their frustration with the party, their disappointment, their sadness, even their anger and sense of betrayal. They ask why they should volunteer their time for a party that does not campaign on the issues that are important to them. They ask why they should donate money to a party that behaves in a way that is undemocratic. They ask if their support is being taken for granted, and suggest that they will just place their efforts and money with NGOs rather than the NDP. If this is widespread, it means a stunting of the growth of the party, limited numbers of activists, limited fundraising potential, limited renewals and limited electoral potential.

# Appendix 4

## Co-op Housing Legislation

### Memorandum

**TO:** Hon Denise Peterson-Rafuse, Minister

**FROM:** Howard Epstein, Ministerial Assistant

**Subject:** Co-op Housing Legislation

**Date:** July 20, 2010

This is to outline the state-of-play on possible legislation governing co-op housing, including an exploration of some policy issues and some suggestions for next steps.

### Background

1. While the appointment of a Ministerial Assistant to the Minister of Community Services was for “housing” generally, a specific task was identified by the Premier having to do with co-op housing. He asked that consideration be given to whether co-op housing should be governed by a separate act, and in any event whether any changes are appropriate for the legislative framework. In addition, he identified a concern with co-ops in which the members were not so engaged as the co-op model contemplates, and he suggested consideration be given to whether privatization of units might be appropriate in those circumstances. In making the suggestion, he referenced his own experience as a co-op member in the past.

### Scoping

4. Activities to date have been undertaken with the objective of scoping the topic. They extend to research, meetings with DCS staff and meetings with some stakeholders.

[...]

8. Preliminary meetings stakeholder groups (the CHFC [Co-operative Housing Federation of Canada] and some co-ops in HRM) indicated a positive response to government focusing on them. All indicated they would participate in any public consultation, and asked that they specifically be advised when it goes ahead. As for issues, they raised the same range

as did staff, and were overwhelmingly negative when the possibility of privatization was raised. In this, the core issue is that they see such a step as reduction in the numbers co-ops rather than expansion, and see other ways to deal with dysfunctional co-ops or disengaged members.

9. What emerges from scoping of the issues is a basic rationale for the existence, and continued existence, of co-operative housing. Some points to be remembered are: there is community desire for co-ops; they represent one of a range of forms of affordable housing; they have shown themselves to be a training experience for residents in acquiring business and social skills: they have themselves to be a training experience for residents to become involved in other useful social activity; they can be associated with the development of other forms co-operatives enterprises such as credit unions and stores.

### **Existing Legislation**

10. The basic relevant statute in Nova Scotia is the *Co-operative Associations Act*. Broadly there are three forms of co-ops: producer's co-ops (e.g., Farmers' Dairy), consumer's co-ops (e.g., Co-op Atlantic grocery stores or Mountain Equipment Co-op) and housing co-ops. All of these are governed by the same statute.
13. Nova Scotia's *Act* was amended in 2001, basically to strengthen protections for the continued existence of housing co-ops. Section 61 A was added to the *Act*. It provides that, "a housing association that has received from the Government of Canada or the Province ... a subsidy or assistance that assisted with or reduced housing costs."
  - may not be converted to, "any other kind of association or cooperation;"
  - may not pay, "dividends on share capital or interest on share capital to its members;"
  - profits for sales of property, "shall be set aside as a reserve fund," or, "be donated ... to one or more local associations or groups with objectives of a benevolent or charitable nature" or to "non-profit housing associations;"
  - no member, "shall be entitled to a profit or capital gain," because of, "a transfer or termination of membership in the association;"
  - upon dissolution property remaining after payment of debts is to be distributed to charitable organizations or another housing co-op.

### **History of Co-op Housing in Nova Scotia**

14. Co-op housing evolved from an interest in other forms of co-ops, especially consumers co-ops; i.e., as replacements for company stores. The strongest interest was in eastern Nova Scotia, where more industrial activity was located. The first co-op store was established in Stellarton in 1861, followed by others in Reserve Mines in 1887 and Sydney Mines in 1906.
15. In the 1920's and 1930's the Antigonish Movement, based in St Francis Xavier University's Extension Department further promoted co-ops including credit unions, stores and housing.
  - 1934: Nova Scotia Housing Commission (NSHC) created; prepared to lend money at less than market rates for inexpensive housing.
  - 1936 – 1938: The Arnold Housing Corporation was started in Reserve Mines. The first building co-op in Canada, it was comprised of 11 units, single-family dwellings on one acre lots.
  - 1953: Canada Mortgage and Housing Corporation (CMHC) becomes the funder for 75 per cent of the mortgages.
  - 1960s: Provincial interest in the programme wanes, though it continues to make serviced lots available at cost.
  - 1991: CMHC programme ends. No new housing co-ops were created after this.

### **Nova Scotia Co-Op Housing Now**

18. There are approximately 1,780 units of co-op housing in Nova Scotia. Given that some 350,000 residential units exist in the province, co-ops clearly form just a small portion of overall housing. Even counting only rental units, those co-ops are still only approximately 1 per cent of those.
19. Dispersal is significant. Most towns and regional municipalities have some co-ops. The largest number (1,172) are in HRM. Cape Breton numbers are small (136). The balance (602) are on the mainland.

### **Issues**

20. In considering how next to proceed we should try to generate some issues for discussion, both internally and as part of the public consultation. The following seem to me to emerge from the existing legislation and the discussions held so far:

- (i) Should Nova Scotia adopt legislation governing housing co-ops, separate from the existing *Co-operative Association Act*? As an alternative, should all sections of the existing *Act* with a direct bearing on housing be rearranged so as to appear together?
- (ii) Does the idea or definition of a housing co-op need to be altered? In particular, should the idea of a housing co-op be elaborated to contemplate builders' co-ops?
- (iii) Should responsibility for housing co-ops now assigned to Service Nova Scotia and Municipal Relations be reassigned to the Department of Community Services?
- (iv) What assistance ought to be provided by the province to housing co-ops or to organizations that themselves support housing co-ops?
- (v) How wide-ranging should provincial government powers be for oversight of housing co-ops?
- (vi) Should housing co-ops be required to retain the services of professional managers?
- (vii) Should housing co-ops be required to set aside designated amounts as reserves towards renovations and repairs?
- (viii) While involvement of members in affairs of the co-op is of the essence, do conflict-of-interest rules need clarification?
- (ix) What events or process should trigger the wind-up of a housing co-op?
- (x) What are acceptable uses for any remaining balance after the liquidation of assets?
- (xi) Should wind-up of a housing co-op be allowed so as to convert ownership to private membership? If so, how should the equities of all previous residents be taken into account?
- (xii) Are the existing landlord/tenant laws appropriate for use in a housing co-op? If not, in what respect do they require change?
- (xiii) Should a housing co-op be able to sell any part of its real estate? If so, what restrictions, if any, should apply both to the decision and to use of the proceeds of sale?
- (ixx) Should units in a housing co-op be available for rental by their occupants? If so, what restrictions, if any, should apply?
- (xx) What circumstances should lead to amalgamation of co-ops?

cc: Ms. Judith Ferguson, Deputy Minister, Mr. Dave Ryan, Mr. Gary Porter, Mr. Dan Troke

# Appendix 5

## Electoral Boundaries Redistribution

### Memorandum

**To:** Caucus

**From:** Howard Epstein

**Subject:** Electoral Boundaries Redistribution

**Date:** August 10, 2010

Under the *House of Assembly Act*, the electoral boundaries are reconsidered every ten years. Because the schedule for this is tied to the national census (to take place in 2011) the process will occur in 2012 and will establish the constituencies for the 2013 or 2014 provincial election. This memo is to set out some aspects of the process we should consider or be aware of. Although the process will not start for almost two more years, it makes sense to begin now to think the issues through, and perhaps begin to raise some of the matters publicly. I served on the 2002 Select Committee of the Legislature to Establish an Electoral Boundaries Commission (EBC), and base the following observations on that experience plus a continuing monitoring of the associated issues.

### A. Background

1. Under the *House of Assembly Act*, there is a two-step process. First, a Select Committee of the Legislature is established. Its job is to hold public hearings in order to scope the issues, and recommend terms of reference for the Electoral Boundaries Commission. The EBC, which is made up of persons who are not MLAs, is appointed by the House and holds its own public hearings to determine recommendations for any new boundaries.
2. The composition and terms of reference for the EBC are crucial.
3. In the most recent past, the EBC was chaired by Colin Dodds, President of St. Mary's University, and a person with close ties to the PCs. Other members also had ties to the PCs or other parties, expertise in demographics, or were representative of some interested community. Members were Anne L. Dillman (Musquodoboit Valley), Douglas James Hill (Lunenburg), John F. Kitz (Halifax), Ronald G. Landes (Dartmouth),

Hayden Landry (Tusket), Andrew Molloy (CBRM), Ian Spencer (Antigonish), and Candace Thomas (Dartmouth). Landes had also served on the 1992 EBC, as Chair.

4. Issues in the mandate of the EBC include: the number of seats; parity of voting power and acceptable variations; other factors to be considered in setting boundaries; special protected seats (Argyle, Clare, Richmond, Preston) for which greater variances from the norm might be acceptable. (Parity of voting power means that each constituency would have as close to the same number of voters as possible.)
5. The Supreme Court of Canada (SCC) has given guidance for factors to be considered in establishing electoral boundaries. This is because the “right to vote” is a *Charter*-protected right. The SCC has taken this to include methods of balloting and eligibility to vote, but also the setting of electoral boundaries. The 1991 Carter case is the leading case. There the Court said that the *Charter* right meant that a variety of factors in addition to exact parity of voting power could be taken into account. It said that the *Charter* guarantee is for, “effective representation,” of which the relative parity of voting power is the most important but not the only defining characteristic: boundaries could be drawn taking into account non-population factors such as geography, community history, minority representation, and community of interest.
6. It is important to note that the effect of *Charter* is: (i) to allow variations from parity of voting power, but not to require them; (ii) to allow for consideration of other factors, but not to require them; (iii) to set limits on how much variance from parity of voting power is allowable, though this could be quite a high number. (The point was not before the SCC, but the Saskatchewan Court of Appeal had approved a 50 per cent variance for the province’s two northern constituencies.) Carter is not the only court case dealing with electoral boundaries as a *Charter* matter. In a 1993 decision, *MacKinnon v PEI*, widely disproportionate constituencies in PEI were set aside as violating the *Charter*.
7. In Nova Scotia, the UARB has been requiring municipalities to set their ward boundaries to a variance of +/-10 per cent since 2004. What the Board has said is: “... the target variance for parity shall be +/- 10 per cent, provided community of interest issues are generally satisfied. Any variance in excess of the +/- 10 per cent must be justified in writing, and the more the variance exceeds +/- 10 per cent the greater and more detailed the written explanation that will be required.” (HRM Boundaries Decision, Paragraph 82)<sup>1</sup>.



8. In 2002, the House set the variance at +/-25 per cent; set 52 seats as the appropriate number; suggested following county lines if possible; and suggested minority representation for the Acadian and Black peoples be preserved. The actual terms of reference are attached.
9. The seats that resulted (even leaving aside the 4 special protected ones) show significant variances so far as population, and therefore voter parity, is concerned. Table 1–13 from the Elections Nova Scotia Statement of Votes and Statistics, Vol. 1, for the 2009 provincial election shows the variations. The average number of voters is 13,528. Thirty (26, without the protected four) of the 52 seats are not within the +/- 10 per cent range. The largest populations are in Halifax Clayton Park (19,200), Bedford-Birch-Cove (18,884) and Dartmouth South (18,269). The smallest (apart from the protected four) are Victoria (9,253), Guysborough (9,427), and Digby-Annapolis (9,817). These numbers illustrate the relative weighting of votes in the smaller constituencies: e.g., Digby has 9,383 fewer voters than Clayton Park, or 49 per cent fewer, thus making a vote in Clayton Park worth only about half of a vote in Digby. The smallest seats are beyond the -25 per cent range; the largest seats are beyond the +25 per cent range.
10. It is clear that there has been migration of population to HRM. The 2002 EBC Report<sup>2</sup> noted that in 1951 Halifax County had 25.2 per cent of the provincial population, which had grown to 33.1 per cent by 1971, to 36.3 per cent by 1991, and to 39.6 per cent by 2001. Estimates for 2011 are that HRM will represent 45 per cent of provincial population, with a likelihood of further increase in the following decade. These increases are being accompanied by absolute and also relative declines in most other areas.

## **B. Composition of EBC**

11. There will be a Select Committee of the Legislature struck to hold a first round of public hearings. Presumably the composition will reflect the makeup of the House as to political party. This will give the majority government the opportunity to determine the general trend of thinking for the Select Committee's report, especially on the terms of reference for the EBC. In general, the EBC should be seen as somewhat nonpartisan. There are no statutory restrictions on the composition of the EBC. But if it is to have any degree of credibility, then its members should be respected members of the community.

### C. Protected Seats

12. We should seriously consider eliminating at least three and possibly all four protected seats. There are several reasons. First is that they are either not needed or are problematic. The Acadian seats are a holdover from a time of prejudice that no longer prevails. An Acadian candidate is certainly able to run in any constituency without encountering prejudice. As for Preston, it is not the only locus of residency for the indigenous black population, and has not elected a black MLA since 1999. The second reason is that the voter population is so small in those seats: representation becomes over-representation. The third is that if they are eliminated, it will be easier to redraw boundaries overall.
13. In 2002, the EBC said: "The use of the term 'protected constituencies' in the 1992 redistribution and the current Commission's 'extraordinary circumstances clause' for minority representation has generated considerable comment. The Commission feels that this method of encouraging minority representation should be re-evaluated during the next electoral redistribution." (p. 37)
14. As an example of critical comment, see a column from the September 8, 2002 Daily News in which David Rodenhizer says: "The current method offers no guarantees. [...] A better, more equitable way to encourage diverse representation would be for the three political parties to make extra effort to nominate more blacks, Acadians, Asians, etc., and even women to run as candidates."
15. The factor of home language is relevant, even if an Acadian candidate would not encounter prejudice. The two existing constituencies with the greatest proportion of their population speaking French are Clare and Argyle, though the Acadian population is also dispersed. It would make sense to consider merging those two constituencies, the resulting population being at the provincial average.
16. The 2002 EBC noted that, "Nova Scotia's black population is spread more evenly throughout the province than is its Acadian population." (p. 36) It notes Guysborough, Halifax, and Digby counties as having from 3 per cent to 4 per cent of their populations as black, though, "in absolute terms ... 66 per cent of all black Nova Scotians (12,005 of 18,155) reside in Halifax County. Of these, about 2,500 reside within the Preston riding, with another 2,500 residing in the north end of the former city of Halifax in the Halifax Needham constituency. Given the absolute size of these two constituencies, (Preston 7,335 electors and Halifax Needham

15,847 electors) however, the percentage of black voters in Preston is considerably higher.” (p. 37) These numbers will have evolved over the last decade, but are probably not significantly different.

17. Dealing with the small voter population of Preston or trying to find alternative ways to ensure the fair representation of the black population are matters that could be left to the next redistribution. Its existence does not affect overall voter parity so much as continuing to maintain three small Acadian seats.

#### **D. Voter Parity**

18. One person-one vote or voter parity is being suggested here as the primary factor in electoral boundary redistribution. Absence of parity is known as vote dilution.
19. Obviously absolute equality is not possible to achieve, if only because people move, die, or are missed in enumeration. But parity can be the target. And as a practical matter, setting a guideline of +/-10 per cent seems to work well for achieving parity and also respecting community of interests. I suggest that the next EBC be given that mandate.
20. Federal seats are largely within the +/-10 per cent range. Some 85 per cent are in the +/-10 per cent range and 92 per cent are within a +/-15 per cent range.
21. In other provinces, the trend has been towards achieving a +/-10 per cent range. Only in Nova Scotia, Prince Edward Island, and Quebec are less than a majority of the seats within that range, and in all provinces except Nova Scotia and PEI there is a strong majority of seats within the +/-15 per cent range. We stand out. Even in Saskatchewan, which achieved the *Charter* case protection for its +/-50 per cent variance for rural seats, 95 per cent of the seats are within the +/- 10 per cent range and 97 per cent within a +/-15 per cent range. [See Figure 1 below.]
22. Vote dilution has had different consequences for the political parties. For example, after the 2002 redrawing and going into the 2003 provincial election, for the eleven seats we then held the average number of voters was at 110 per cent of the provincial average; for the Liberals’ nine seats they were at 91 per cent of the provincial average, and the PCs were even. This implies we had to get more votes to win those seats we were likely to be most competitive in. It also means that in Metro, still the core of NDP support, because of the under-representation of seats compared to population, we are likely missing out on winning a larger number of

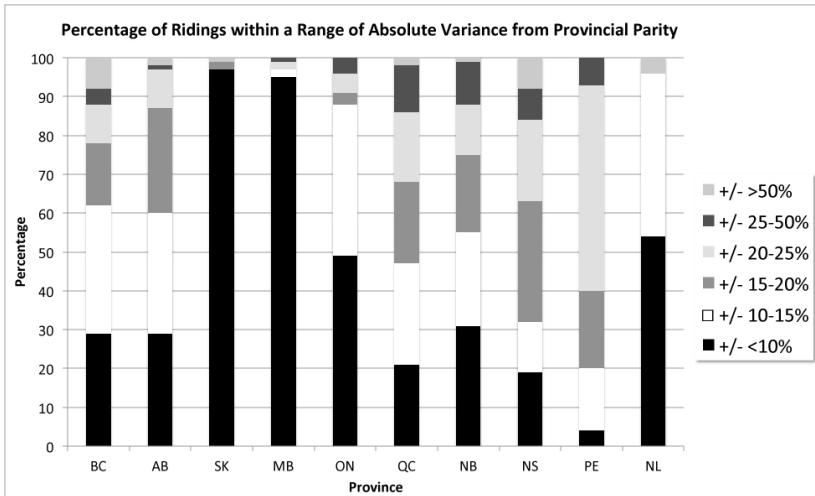
seats. In 2009 we won 14 of HRM's 18 seats (we now hold 13 because of Dartmouth North). If HRM had been given a more voter-parity based distribution in 2002, there would have been 21 seats. Looking ahead, if parity prevails, HRM would likely have 23 seats.

23. Regarding Metro as the ongoing strength of NDP support, note that we won 2 of 8 seats in Cape Breton (25 per cent), 16 of 26 in the Mainland (61 per cent), and 14 of the 18 in Metro (78 per cent). We have been stagnant in Cape Breton for a long time. The Mainland seats are volatile, and many are new to us. They were also generally won with smaller pluralities (e.g., Cumberland North, Kings North, Kings South, Lunenburg West).

### **E. Number of Seats; County Boundaries**

24. The number of seats in the Legislature has been 52 since 1981. In previous years, going back to 1960, there have been 50, 43, and 40 seats. There does not seem to be any compelling reason to seek a change in the number.
25. In addition to the 52 general seats that are geographically based, there is provision in the House of Assembly Act for the creation of a Mi'kmaq seat. The provision for this additional seat was first made in 1992. It has never been activated. I understand that the Mi'kmaq community has appreciated the gesture but may be more interested in ultimately achieving self-government. Because of ongoing talks among the Mi'kmaq, the Province, and the Federal government on a range of issues, there does not seem to be any point in reconsidering this provision at the moment.
26. County boundaries have often been taken as representing something like community of interest. One guideline sometimes adopted is that all counties should be represented in the Legislature with their own seat, regardless of population. Another way in which county lines are sometimes referred to is to suggest that county lines ought not to be crossed in the drawing of electoral boundaries. However, county boundaries have been treated in Nova Scotia as a secondary factor; i.e., parity of voting power is of paramount importance, connected with geography, community history and interests, and population growth projections. As said by the 1992 EBC, "the point of political representation is to represent people, not land." (p. 17) County boundaries are already crossed in six places. Still, the 2002 EBC said that it, "sought to limit the

### Range of absolute per cent variance from provincial parity



**Figure 1:** Provincial Electoral Boundaries: Percent of districts within a given range of absolute percent variance from provincial parity. This figure is adapted from information provided in Table 1 of Johnson (1994).<sup>1</sup>

crossing of county lines,” and that, “counties still serve as the basis for proposed electoral districts.” (p. 12)

## F. Proportional Representation

27. We should consider whether to engage with the issue of proportional representation (PR) during the electoral boundaries process.
28. If PR were adopted, depending on the variant, the drawing of constituency boundaries could become irrelevant or very different.
29. While it is comfortable to have won a majority through the first-past-the-post system, its vagaries are illustrated by the 1945 result here in which the PCs won 33.5 per cent of the vote but elected no MLAs at all. A mismatch between votes and seats affects all parties. For the NDP we have typically won a greater share of the vote than of the seats. Thus, in

1 David Johnson. 1994. Canadian Electoral Boundaries and the Courts: Practices, Principles, and Problems. *McGill Law Journal* 39: 224–247. Available from: <http://lawjournal.mcgill.ca/userfiles/other/1448357->

1963, 4 per cent of the vote and zero seats; 1967, 5.2 per cent and zero seats; in 1970, 6.6 per cent of the votes and 4 per cent of the seats; in 1974, 13 per cent of the vote and 6 per cent of the seats; in 1978, 14.4 per cent of the vote and 8 per cent of the seats; in 1981, 18 per cent of the vote and 2 per cent of the seats; in 1984, 16 per cent of the votes and 6 per cent of the seats; and 1988 we won 15 per cent of the votes and 4 per cent of the seats; in 1993 we won 18 per cent of the vote but only 5 per cent of the seats; 1999 we won 30 per cent of the votes, but only 21 per cent of the seats. In 1998, 2003 and 2006 the proportions were pretty well equal: in 1998 we won 35 per cent of the vote and 36 per cent of the seats; in 2003 we won 31 per cent of the votes and 29 per cent of the seats; in 2006 we won 35 per cent of the votes and 38 per cent of the seats. The exception was 2009 in which 45 per cent of the votes resulted in 60 per cent of the seats. But it would take a shift of only 3.5 per cent of the votes for the NDP to lose 15 of those seats.

30. There are various forms of PR. A great deal has been written about PR. Prince Edward Island and British Columbia have both studied PR in recent years, though neither adopted it. Prince Edward Island had an Electoral Reform Commission in 2003 and British Columbia held a Citizens Assembly that reported in 2004. The PEI Commission favoured the MMPR system and the British Columbia Assembly favoured the STV system. It is NDP policy, adopted in 1989, and in our Policy Book as G1.6, to support PR. The policy is attached. The particular form favoured in the policy is known as Mixed Member Proportional Representation.

cc. Dan O'Connor/Matt Hebb/Rick Williams

## Appendix 6

# A Quick Look Back – A Long Look Forward: Nova Scotia's NDP After Two Years in Power

### Memorandum

**To:** Caucus

**From:** Howard Epstein

**Subject:** A quick look back – A long look forward:  
Nova Scotia's NDP after two years in power

**Date:** June 21, 2011

Two years from the 2009 election that brought the NDP to power in Nova Scotia, and halfway to the likely 2013 next provincial election, it is opportune to examine the record, and to consider the prospects for the future. This analysis concludes that the record so far has been mixed, i.e. that along with some advances there have been missed opportunities and disappointing policy choices measured against traditional NDP policies, but also concludes that the likelihood is for a second NDP government to be elected, though probably as a minority. Various factors have to be examined.

### 1. Provincial Finances

Dealing with a structural deficit very rapidly became the major policy preoccupation after the June 2009 election. It was correctly said that the Provincial books were not in balance, and that the PCs had built into core spending significant amounts of revenues from offshore royalties that were not expected to continue. This was problematic for several reasons: first, the party had promised in the campaign to balance the books within one year, and to do so without raising taxes; second, taking government in a time of fiscal problems tends to constrain the government from

acting to introduce new social programmes; third, the revenue decline coincided with general economic upheaval that increased unemployment, restricted private-sector activity and thus further constrained revenues.

While no doubt an important matter, the overwhelming impression has been that the focus on “Back To Balance” immediately became the main agenda item for the government, and any attempt to restructure Nova Scotia society was put aside, if indeed this remains of interest to the NDP in recent years. The situation also led to the first major attempt to mislead the public—the assertion that the NDP had no idea that the books were in such bad shape. This was not credible because the Budget documents of the PCs had made it clear that offshore revenues were about to decline.

Party activists, through the Canadian Centre for Policy Alternatives (CCPA), attempted to set out a way to get back to balance and also move ahead on a progressive social agenda; their Alternative Budget placed emphasis on raising revenues through a more graduated income tax system, rather than through increasing the sales tax (HST), which is a regressive tax (i.e., one that impacted lower-income persons more heavily than those better off). But the CCPA’s suggestions were not adopted. Instead, the Minister of Finance proposed a 2 per cent increase in the HST, raising it from 13 per cent to 15 per cent (which was called “restoring” the HST to its previous level) and also to cut \$3 from government expenditures for every \$1 in additional taxes. Bringing the budget into balance (i.e., eliminating the annual deficit) was proposed to take four years; a panel of economists was convened to generate this advice. At the same time, capital spending plans were adopted that mean the overall provincial debt (a combination of capital spending plus accumulated annual deficits) will increase by \$1.5 billion from \$13 billion to \$14.5 billion during that period, quite a high level on a per-capita basis. The increase in debt has allowed the opposition parties to attack the government’s fiscal management, and we have been slow to set out the virtue of capital spending which is that it can represent investment in useful infrastructure and be a stimulus during a time of general economic stagnation.



## 2. Other Priorities

It has been clear that the “Back To Balance” exercise has squeezed out any room for social policies almost completely. Party loyalist expectations had been that an NDP government would concentrate on : anti-poverty measures; pro-labour measures; a different agenda in health; a different agenda in economic development; and better attention to the environment. These expectations were based on the sort of priorities that traditionally characterize the NDP, on private members’ bills put forward when the party was the Opposition, on the backgrounds of some of the NDP MLAs, and on speeches made by NDP MLAs including the Leaders, over the years. Still, examination of election platforms would have suggested a significant trimming of traditional positions. Poverty was not campaigned on. The environment was not campaigned on. A measure such as a publicly-owned automobile insurance scheme was a part of the 2003 campaign, but dropped in the next two campaigns, not because it was not popular but because it made the party look too much as though it was prepared to be activist in the economy.

Trimming traditional positions was a deliberate electoral strategy to attempt to move the party to the perceived middle of the voting spectrum. But there is real vigour and potential public appeal in many traditional NDP policies. What would anti-poverty measures look like ? There is no shortage of possible measures, starting with an emphasis on affordable, especially supportive, housing, plus better income assistance. What would pro-labour measures look like ? They could include amendments to the *Trade Union Act* to allow for first-contract arbitration, better minimum wage rates, protection of public-sector jobs, improved protections for health and safety on the job, and better remuneration in the public-sector. What would a different agenda in health look like ? It could include more nurse-practitioners, more physicians on salary, more community health clinics, and resisting privatization of the health system. What would a different agenda in economic development look like ? It could include more emphasis on co-operatives, less emphasis on luring companies from elsewhere, more links with the research capacity of our

university system, more funding of small indigenous enterprises. What would a good environmental agenda look like? It could include taking sustainability seriously (including as a screen for economic development investments), protecting life support systems such as water and soil, and tackling climate change (moving away from burning fossil fuels).

### 3. Election Commitments

The 2009 election platform left the party in a difficult position. Most resonant with the public is that the two main promises have been broken. But it was also such a small platform that it was exhausted almost immediately. Removing the HST from essentials was a solid policy, and was put in place immediately. The two main promises were to balance the budget in the first year of government, and to do so with no increase in taxes. Both of those promises were immediately backed-away from after the election. But polls have shown that they are the main items the public recalls from the NDP platform in 2009.

Neither promise was realistic. They were made as “inoculation” i.e., to try to protect the NDP from being attacked as a “tax and spend” party. It is not clear these promises had to be made. In the 2003 or 2006 election, the Leader spoke at a Chamber of Commerce lunch in Halifax and was asked if he would promise not to raise taxes; quite sensibly he responded that he had no intention of tying his hands, that any government would have to have a hard look at the province’s fiscal situation. This response was seen as sensible – it provoked no adverse reaction. The problem has been that the party election-planners have internalized the criticism of the NDP that it knows nothing about public finances or the economy, and is just interested in spending tax dollars; that is, the party leadership seems to be very hesitant to state plainly traditional NDP economic analysis and prescriptions. In the event, making false promises has undermined credibility as to truthfulness, and built resentments among the public. As to the rest of the platform, the list was thin, and most of its items were dealt with by the end of the first year. In recognition of the absence of any vision of transformation that could carry the government through the next three years, a “Core Priorities” exercise was initiated

to try to generate those significant policies that the party could point to as its accomplishments for this first term. Running on a thin platform has brought out that the party seems interested only in the traditional politics of deal-making issue-by-issue (transactional politics) and is basically reactive, rather than interested in long-term agenda-setting or transformation of Nova Scotia society to a more egalitarian basis. For the most part, legislation has been generated on small housekeeping items, or uninteresting Departmental agendas, combined with a few traditional NDP policies (e.g., the uranium-mining ban). And ultimately, the Core Priorities exercise seems to have been abandoned; it never resulted in any set of policy priorities that has been articulated; and the prevailing direction is that all policies have to be related to cost-cutting. All that did result has been adoption of a series of slogans used in every press-release: “making life more affordable,” “making life better for today’s families,” “getting back to balance,” “better health care sooner.” Slogans are useful, but it is hard to say what the party stands for in its essence or to point to a visionary future being articulated for Nova Scotians.

#### **4. MLA Expenses**

One big item that hit during the first year was the Auditor General’s report on MLA expenses. This has been hugely messy, with a number of unfortunate consequences. The first has been an undermining of public trust in the Premier personally. This occurred because of his spending of money on an expensive camera, and the publicity around the disclosure that the government had been paying his Barristers’ Society fees, a previously undisclosed perk, followed by his decision to become a non-practicing member of the Bar Society, at a lower rate, when he had to pay his own fees. Party members had previously had their faith shaken when it was learned that he had purchased a very expensive suit for the election using party money. Given that the party had spent years campaigning on the down-to-earth character and integrity of the Leader, this represents a problem. The second problematic consequence was that the caucus leadership showed itself to be weak in the face of any public criticism. Thus, they brought in awkward rules regarding postage and mileage, and

also agreed on the spot to proposals for changes in spending rules on advertising brought forward by the Liberals that were not sensible, and represented inappropriate choices that hinder MLA effectiveness, and did so without consulting their colleagues. This weakness in the face of public criticism also showed itself in the flip-flopping over caucus office budgets when Karen Casey defected from the PCs to the Liberals. They also pushed MLAs to repay amounts for expenditures that might have been unusual but were allowed under the rules (e.g., Charlie Parker for a model of the ship Hector; John MacDonell for office furniture). All of this has generated discontent in caucus.

## 5. Political Indicators

Formal indicators of political presence have been mixed, but on the whole are negative. Of the five by-elections held so far, the NDP has won one (Antigonish). This happened within months of the June 2009 election and after the incumbent PC member resigned to retire. In the other four by-elections, the party has been thumped. Glace Bay and Yarmouth both became vacant as a result of the MLA Expense scandal. In Yarmouth the NDP percentage of the vote was so low we did not qualify for the public subsidy. Yarmouth is a seat the NDP has won in the past, albeit for a short period. No doubt the cancellation of the subsidy for the CAT ferry was a strong factor. In Glace Bay a big effort was made to win the seat since the candidate had placed a close second previously. But not only did the Liberals hold the seat, their numbers were at the level usual for a regular election, not a by-election, and the NDP candidate was some 1,500 votes behind, a serious loss of ground. Afterwards, it was said within the party that we had held neither seat in 2009, and so there was no point in being concerned. In Cumberland South, one year later, a seat opened for new PC leader Jamie Baillie by Murray Scott's resignation, the party again was completely rejected. The latest by-election rejection has just occurred in Cape Breton North, which was retained by the PCs, who received almost twice the NDP vote; we had a credible candidate who had run before but voters appear to have accepted the PC message on education, ER

closures, and taxes. Cumulatively, these by-election results have to be taken seriously.

Province-wide polling has shown the party slipping significantly after the initial 2009 election win, something quite usual and, within limits, not unexpected. But the polls have shown some serious potential problems. One result has been that voters remember the election promises that were broken. Another is that a delicate moment seems to have been reached, with voters not quite having decided not to re-elect the NDP but being anxious to see what the party can offer to define itself. Another is weakening in respect for the Premier. And most importantly, one of the most recent numbers put the Liberals ahead of the NDP in popularity. This last item is of no little importance since one of the main factors favouring the NDP going into the next election is a divided Opposition, with neither of the two other parties having established itself as a clear alternative to our government. After the May Federal election, the Liberals slipped significantly in provincial polling, but that may well be a temporary phenomenon. Whatever momentum the Liberals have is present even though they have not really defined themselves in terms of distinct or appealing policies, nor do they have a charismatic leader. This is equally true for the PCs. Baillie has failed to grab the public imagination, even given the not-very-subtle promotion he gets from *The Herald* newspaper. And his main complaint is that taxes are too high, which is hardly a visionary aura. McNeil has started to become adroit but he too is focused on not very much of substance. In the Legislature, the Liberals have attracted one PC member and so are the main Opposition party. Their taunts (“a bitter deal”) have not yet gained traction. But even with all that, they rival us in the polls, a serious reminder that there are still three viable parties struggling in Nova Scotia. On the plus side, the federal election showed strong support for the NDP and attempts to tag federal candidates with any criticism of the provincial party were not successful (inappropriately spun inside the party as an absence of serious criticism of the provincial party).

## 6. Advances

There have been some very useful policy and practical accomplishments. In Natural Resources, the early purchase of land to add to public holdings was a good move and well-received. Recent further purchases have improved the position, and even if apparently partially motivated by aid to struggling forestry companies they make sense. In Health, the performance of Maureen MacDonald as Minister has been an inspiration; she has been on top of her material, poised, and sensible. The Ross Report on Emergency Rooms was well-managed, especially given that it was another nonsensical election promise to claim that all rural ERs would remain open. The main virtue of the Ross Report, in addition to its management of concerns about rural ERs, has been that it can lead to some restructuring of the delivery of health-care services that involves community clinics. In Finance, fulfilling the promise of removing the HST from essentials is a good step. In Community Services, changes to the income assistance system plus taking advantage of the federal stimulus monies to improve the quality of public housing, have been welcome changes. In Transportation, the delivery of a Five-Year Road Plan has been a useful accomplishment; attempting to put road-building on something of a more principled basis is a historic first for Nova Scotia. In Agriculture, delivering a policy paper on agricultural lands was a good step, and has been well-received. Another initiative from Natural Resources was the work towards a Strategy (“A Natural Balance”), a document generated by credible panels and covering biodiversity, forestry, parks, and minerals. In Energy, moving ahead with exploration of Fundy tidal power, increasing the target for electricity from renewables, and exploratory talks with Nalcor for hydro-power from Labrador sources, and the legislated moratorium of exploration for oil and gas on George’s Bank, have all been good moves. Labour negotiations with the public service have, so far, been quite successful in terms of accomplishing restraint without serious workplace discontent. In Service Nova Scotia, amendments to the *Residential Tenancies Act* went some way to assist tenants. All of these have been complex experiences, and not all have been NDP initiatives. For example, the Natural Resources Strategy and Fundy tidal power research

were in the works prior to our formation of government. The Residential Tenancies Act changes are still something of a tepid set of amendments and needed to be seriously pushed-for by caucus, as did improvements to income assistance.

## 7. Emerging Issues

There are a variety of important issues that will have to be dealt with soon. It is not at all clear that the government is planning for them. We can identify education, the economy (including unemployment), electricity rates, and rural hollowing-out.

The only one that has become a focus of widespread public debate so far is the education system, including post-secondary education (PSE). Because of the restraint agenda, many of the school boards have become the locus of resistance, based on their mandate to promote quality in the education system. The handling of this issue has been messy. Back-and-forth on numbers (percentages) of reductions in the school board budgets, combined with debate over what the changes will mean, has alienated many families with children in the system, and again tended to undermine the government's credibility. In PSE the matter was better handled. For the most part, the universities are being left to manage their own adjustments, and tuition is being allowed to rise by 3 per cent, a manageable number that will keep undergraduate tuition in the province at or just below the national average. The criticism that under the PCs tuition was frozen and under the NDP it will rise 3 per cent, while technically true, omits from the account that in Opposition the NDP pushed for the tuition freeze in order to bring levels down to the national average. There is widespread disagreement with the assertion of the O'Neill Report that tuition levels do not discourage low-income students from attending PSE; the test for the government will be the quality of the student assistance system and whether it overcomes this barrier. There will continue to be political fallout in the schools portfolio over the next two years as restraint continues : schools will close, teaching assistants positions will be lost, and teachers will retire but not be replaced. In the economy, Nova Scotia continues to have a balanced position (no

excessive reliance on any one sector) but unemployment is high and there is built-in fragility. The offshore is in a period of complete doldrums (to the point that Exxon Mobil has moved its offices to Newfoundland; the proposed LNG plant for Goldboro has been cancelled); only the HRM employment scene with its significant reliance on public-sector employment including federal jobs, is good (though some 2000 federal jobs have left Nova Scotia for Ottawa over the last decade): the regions are in tough shape; the natural resources industries are vulnerable (forestry and agriculture especially); the fishery remains a bright spot, though the stocks are under pressure; mining has always been a weak activity here; the Port of Halifax has been struggling; exports are highly dependent on the USA economy which is an uncertain dynamic; stop-gap jobs that were developed in call centres through payroll subsidies are dwindling as the companies lose customers or restructure to send jobs to lower-wage countries. Electricity rates, something with a long history of being an important part of the public's resentment aimed at incumbent governments, have been rising significantly. Removing the provincial portion of the HST from electricity has helped, but not enough. Most of the public sees N.S. Power/Emera as profiting hugely from high rates, with little internal discipline, and frequent disruptions of service. Electricity rates played an important part in various provincial elections, e.g., as a main cause of the defeat of the Regan Liberals in 1978. As for the rural areas, their economies are not in good shape, and they are losing population overall and particularly young and young-adult population. They have traditionally been the strongholds of the other two parties, despite our recent gains: it is worth remembering that in the 2009 election the NDP won 78 per cent of the seats in HRM, only 25 per cent in Cape Breton, and 61 per cent in the rural mainland where many of the gains were with small pluralities. Expressed another way, it would take a shift of only 3.5 per cent of the vote for the NDP to lose 15 of the seats won in 2009. Departing Tory MLA Ronnie Chisholm warned that if the NDP won the election, "rural Nova Scotia can kiss its arse goodbye." Despite efforts to attract or support industries (e.g., Daewoo, NewPage) the best that can be said of the economy outside HRM is that it is steady-state. Many rural discontents will not have disappeared anytime soon



(the CAT, the location of the jail, economic weakness in pulp and paper, school closures, outmigration of youth, etc.)

## **8. It's The Economy**

It is predictable that in the 2013 election the ballot question will not be how happy are you that the budget is balanced. Voters will be asking themselves whether they are better off overall than they were in 2008, and whether they are hopeful about their prospects for the coming years. It is not clear we have done enough to be on the winning side of that voter analysis. It would take very little for the NDP to lose ten or more seats. Establishing a Premier's Economic Advisory Council and the "jobsHere" document are having little impact. In particular, jobsHere is an embarrassment as an economic development plan. The less said about it the better. It is obvious that economic development continues, on the PC and Liberal model, to favour attracting outside companies by using payroll subsidies, to promote the largest corporations, and to make losing bets (e.g., Scanwood). While it is certainly an important part of the government's job to seek to build the economy, just how that is done is crucial. An alternative would be to emphasize the co-operative sector, to look to boost small indigenous companies (owned by people who live here because they want to, not those who move here for the handouts), to risk smaller amounts, to promote the arts and culture sector, to promote commercialization of university research, to seriously increase immigration. As overlays, a focus on sustainability in all economic development decisions, plus a determination of the social capital and social benefits, should be a hallmark of what we choose to do. And as a caution of prudence, we should be planning for the possibility of continued severe economic problems.

## **9. Planning for 2013**

The NDP won the 2009 election because the voters were ready to toss out the Rodney MacDonald Tories and the NDP had built up some credibility over long years in Opposition. Our first term shows little sign of resulting

in any advantageous position going into the next election. Various steps could be taken.

The party did not win because of organizational skills; it remains quite disorganized. Many constituency associations have rudimentary executives and tiny memberships, even in incumbent constituencies. Serious efforts should be made to build the constituency associations. Next, shifting seats to HRM, the NDP base, makes sense and the opportunity will arise to do that during the statutorily-required electoral boundaries review of 2012; this occurs every decade in the year following the census. Key to achieving a better chance to win seats will be a shift during the boundaries review to greater voter-parity (i.e., make all seats have close to the same number of voters). Third, a solid agenda based on traditional NDP policies needs to be articulated, and the sooner and oftener the better. It will simply not be sufficient to go to the electorate in 2013 with the central point being that the NDP balanced the budget. Most voters do not care. It would be especially important to develop new agenda items such as more and affordable daycare spaces, an expansive affordable housing plan, an expanded immigration plan, universal pharmacare, or a guaranteed annual income. Fourth, the next campaign will likely have a strong reliance on electronic communication. There has been little sign of advances in our skills at this or in planning for it. The networks need to be established very soon. Next, there has to be a serious search for credible replacement candidates. It is likely the case that a significant number of incumbents will not reoffer, for a variety of reasons (e.g., health, length of service). Last minute searches are problematic. Constituency associations should be encouraged to start at least preliminary searches now. Finally, though related, the party should take an interest in local government elections, by encouraging NDP or progressive candidates to run. The local level of government, meaning municipal councils and the school boards, are often the recruiting place for provincial (and federal) candidates. All local government elections will be held in October 2012, so it is opportune now to start to be involved. When this was proposed for the 2008 local elections, the party was not interested, something that is puzzling given the reliance we have had in recent years on recruiting provincial candidates with backgrounds there.

## 10. Other Priorities

Voters still look to the NDP to act differently than the other parties. The main reason is that for years, the party has claimed this to be the case. It is not only in Nova Scotia that such an attitude has been taken, but nationally. It is what the NDP has traditionally represented: an identification with the weakest members of society, a willingness to take the possibilities of government seriously. The manifestation of this in specific policies has linked the party to defending the public nature of health care, to maximizing equal opportunities especially through education, to defending human rights, to promoting peace, to seeking to advance labour whether organized or not, to promoting a fairer, progressive tax system, to speaking in favour of co-operatives as a vehicle for production, to viewing public ownership of essential services as reasonable, to defending the environment, to being honest. Not much of this agenda has been evident over the last number of years. Little wonder that some long-time party members have been resigning and publicly stating their discontent.

Just to give an example of a more traditional NDP approach to a topic, consider the health portfolio. So far we have made promises and been preoccupied with wait times, access to family physicians, emergency care, and mental health. All of these are important aspects of the health system, but are exactly the same points focused on by PC and Liberal governments. They are certainly not to be ignored, but a traditional NDP agenda in health would extend not just to better health care but to better health, and would involve defending the *Canada Health Act* (especially resisting privatization, in which case the continuation of support for the private Scotia Clinic was disappointing and puzzling), promoting the role of community-based clinics on the model of the North End Community Health Centre on Gottingen Street in Halifax, promoting the role of nurse-practitioners, seeking to move more physicians to a salary basis, pushing for a national pharmacare programme. Some of this has come up, but it was not campaigned on nor has it formed the main focus of public statements from the party while in power.

## 11. Some Particular Problems

Over the first two years of the term some particular problems have been in the news, and generally the government has not been supported in its choices by long-time party members. The offer of financial support for the Halifax Convention Centre proposal is the main example. But there are others. The decision to fold Voluntary Planning into the Treasury Board and the communication around it is another. The support for staff at the Trade Centre Ltd in light of the serious public discontent over the ‘cash-for-concerts’ scandal is another. Cumulatively such policy choices have resulted in a malaise. Fundamentally, the election planners have assumed that core NDP voters will continue to support the party, and have decided to seek support from soft supporters through moving ahead with their assumed priorities; in other words, to try to look like the other parties. This will be an error not just because it is objectionable but because it will not work. Traditional supporters will become further alienated, and soft supporters will find that they can vote for the other parties and get the same results. An alternative is to use these years in power to try to persuade the voters that traditional NDP policies are good for our province.

# Appendix 7

## Where We are at Year Three

### Memorandum

**To:** Caucus

**From:** Howard Epstein

**Subject:** Where We are at Year Three

**Date:** June 26, 2012

This is an update of the personal assessment of our Party in power at the two-year mark, called "A Quick Look Back," [*Appendix 6*] dated June, 2011, and circulated to caucus and some Party officials. This memo is still at a preliminary draft stage; comments and suggestions are welcome.

### A. Structural deficit, Version II – Our very own

- The structural deficit created by the Rodney MacDonald PCs was identified immediately after the 2009 election as the reason the Budget could not be balanced and as the reason for raising taxes and for seeking expenditure restraints. All major policy choices have been driven by the structural deficit. We have been constrained in adopting progressive policies due to a commitment to achieve a balanced budget within four years and to do so with \$3 of expenditure reductions for every \$1 of revenue increases. Are we going to be in any different position in 2013 than we were in 2009?
- The essence of the Tory structural deficit was dependence on revenues from oil and gas royalties, which were declining severely, to fund core needed expenditures. A secondary element was increases in expenditures that outpaced inflation. (The 2008 recession, which has become a long-term phenomenon, was an overlay that has certainly affected government revenues. But it is not what is meant by a structural deficit.)

- To deal with the Tory structural deficit, we increased the provincial portion of the HST from 8 per cent to 10 per cent, making the total HST 15 per cent. We also embarked upon an aggressive plan of spending restraint, including limiting public sector wage settlements, and reductions in Department spending. The result is a prediction that the 2013-14 Budget will be a balanced budget.
- This year's budget included a provision (in the *Financial Measures Act*) that the HST increase will be reversed, 1 per cent at a time, in 2014 and 2015, or earlier. This amounts to a legislated commitment to forego revenues of \$175 million in 2014 and then \$350 million in 2015.
- At the same time, royalties for the offshore have continued to decline.
- Further, following the negotiated/arbitrated wage settlement with NSGEU Local 42, the target wage changes of 1 per cent, 1 per cent, and 1 per cent in three-year collective agreements for everyone in the broad public sector, has been abandoned. We have been told that the cost to the Province as the new pattern spreads throughout the public sector will range from \$50 to \$150 million per year.
- So expenses continue to rise, offshore royalties are negligible, and we are foregoing the additional tax revenue that had been gained from the HST changes. No shifting of the foregone HST revenues to other taxes such as Income Tax has been announced, nor does it seem to be contemplated. In fact, the Minister of Finance also announced that the fifth income tax bracket introduced by the NDP in 2009 will be dropped in 2013, at an additional net loss of revenue of \$30 million.
- One way to understand this picture is that the cuts to services are permanent but the increases in tax revenues were temporary.
- Another way to understand this is that we are on track to create our very own NDP structural deficit.

- Very few factors could favorably impact this scenario. One would be very significant growth in the provincial GDP such as to generate additional revenues even without changes in taxation. But there is absolutely no reason to expect that. The worldwide economic fragility continues; Nova Scotia is now predicted to see GDP growth in 2012 of 1.6 per cent (per RBC) and 2.4 per cent in 2013 (per TD). Nor is our own budget projecting anything much different, which calls into question the basis on which balanced budgets are projected going forward. Overall, a 1 per cent increase in provincial GDP generates +/- \$40 million of revenues. This sum, especially in significant multiples, is not likely to materialize. A second factor would be a decrease in interest rates, such that the cost of servicing the Province's debt decreases. That scenario is even more unlikely than accelerated GDP growth. Interest rates have been at historic lows, and although there is no sign of any quick increase in rates, there is virtually no possibility of a decrease.
- The result is that in announcing now a reduction in HST revenues, with no replacement by restructuring other parts of the tax system, we are on track to recreate the structural deficit we inherited in 2009. Already there has been some public noticing of this possibility. The Liberal critic for Finance raised it once in the Legislature, and *Allnovascotia.com* has written about it. We can expect that there will be a more intense focus on this over the coming year.
- On the face of it, the projections for balanced budgets from 2013 on are not convincing. Even if the net result is a series of balanced budgets over the 2013-2016 term (which is what this year's Budget predicts for those future years, i.e., razor-thin surpluses), the foregone revenues will severely constrain our options as a government interested in new spending initiatives. Will we be able to afford to support expanded daycare, or better anti-poverty measures, or improvements to school education, or lower PSE tuition, or more thorough workplace safety inspections, or a better environmental-inspection regime, or new health initiatives?

- It is more likely that after 2013, balanced budgets will require further reductions in public sector spending. In 2014 the financial problem will look like this: -\$175M (HST); -\$30M (Income Tax top bracket); -\$50M (wages over 1 per cent); +\$100M (assume GDP growth of 2.5 per cent). Net -\$155M. That is, \$155M will have to be cut from Departments in 2014. In 2015 the financial problem will look like this: -\$175M (HST); +\$100M (assume GDP growth of 2.5 per cent). Net -\$75M. That is, another \$75M will have to be cut from Departments. For neither year has inflation been taken into account in these numbers, nor has the risk of reduced Federal Government transfers. The Department cuts will likely be greater, if balanced budgets are to be maintained.
- There is an additional problem associated with the HST tax choice made. There is no prospect of economic recovery. Indeed, the worldwide situation gives every sign of worsening. It is highly likely that the coming years will be years of recession, perhaps even of a Depression. In virtually any scenario, stagnation should be expected. In any of the cases, stimulus spending by governments will probably be necessary. We have just come out of two years of these measures, 2008-2010. We should not forget how crucial the public spending was. And even if the current economic turbulence turns out not to be a major fiscal crisis again, it is nonetheless prudent to plan for one. With such significant forgone revenues, either the government will not be able to afford the spending to deal with a crisis, or it will be accomplished through increasing public debt, which is generally not desirable given the \$13.7 billion of debt we already carry. (Note that in 2009 the province's net debt was \$12.3 billion.) This is not to say that the use of debt as an instrument of government policy is undesirable: it certainly can be useful. The point is just that this province needs more tax revenue, and cannot afford to give up \$380 million.
- While it is undoubtedly true that support for the shipyard secures jobs, this is always true of any government support for business. The



main problem is the enormous size of this financial offering. This sum will go right on the Province's debt. An associated, and electorally important problem is the obvious inequity in how the private sector has been treated compared with the public sector. There is widespread comment that there is a lavish approach to investment in the private sector while at the same time there are reductions in public sector spending.

- The entire story of our first term, i.e., the preoccupation with getting the Budget into balance, has flowed from the 2009 election commitment to balance the budget immediately and to do so without raising taxes. This was an unnecessary commitment, fiscally unrealistic, and not a desirable objective. It has not been desirable because of the negative impacts on the delivery of public services. Now, with the legislated commitment to reverse the HST increase, we are again making a commitment in advance of the next term, which will determine, by constraint, most policy choices.

## **B. Capital over Labour**

- One major fact about our government has now been extensively confirmed, namely that we are regularly preferring Capital over Labour. This is hardly the NDP brand, nor is it the position we traditionally took when in Opposition. The most obvious example is in the \$300 million forgivable loan (i.e., a grant) to the Irving Halifax Shipyard, compared with the unrelenting attempt to constrain wages in the public sector with contracts of 1 per cent, 1 per cent, and 1 per cent (i.e., below increases in cost of living).
- The shipyard support is one of a range of instances in which significant support (equity, loans, guarantees, payroll rebates) has been made available for companies. There are identifiable reasons for the financial support in all cases, and at the same time in all cases it is possible to identify reasons not to favour the expenditures or not to favour it at the level chosen. Reasons to invest can include regional

needs; reasons not to invest can include questions about whether the companies need the funds, and whether the investments are sound.

Here are some examples :

- |        |                         |  |
|--------|-------------------------|--|
| i.     | NewPage                 | \$5 million loan   |
| ii.    | Bowater (Resolute)      | closed; no investment \$ lost                                  |
| iii.   | Tech Link               |  |
| iv.    | Cape Breton Rail        |  |
| v.     | Scanwood                | \$5 million loan   |
| vi.    | Irving Shipyard         | \$300 million forgivable loan                                  |
| vii.   | Imperial Oil Refinery   | closed   |
| viii.  | Xerox                   |  |
| ix.    | MedMira                 |  |
| x.     | Marwood                 |  |
| xi.    | Daewoo (DSTN/DSME)      | \$60 million for 49 per cent equity; stalled; workers laid off |
| xii.   | Maritime Paper Products | \$2 million loan   |
| xiii.  | Oxford Frozen Foods     | \$5 million loan   |
| xiv.   | Cherubini               |  |
| xv.    | Frito-Lay               |  |
| xvi.   | Acadian Seaplants       |  |
| xvii.  | Bell Aliant             |  |
| xviii. | Ledwidge Lumber         | operating at half-capacity                                     |
| xix.   | Cooke Aquaculture       |  |

- As a result of public sector wage restraint, general relations of the Party with organized labour have become strained, particularly with Health sector unions. This is not a good state of affairs. Overall, the public sector labour negotiations have been well-handled, both in the sense of having initially achieved some acceptance of wage restraint, and then when it was clear that this would not work in the Health sector, agreeing to increases. But the process was tense, and the willingness to implement legislation was highly problematic. [As an associated point, it should be noted that we also have strained relations with traditional allies such as the Canadian Centre for

Policy Alternatives (over Budget issues) and the Ecology Action Centre (over forestry, aquaculture, and fracking)].

## C. Economy

- The heavy investment in private sector firms illustrates one very serious problem with our government's economic development strategy. This comes out clearly if we look at the Ships Start Here project. It is regularly said that the value of the contract is \$25 billion. Unfortunately, of that sum, only some \$5 billion will be spent in Nova Scotia. The rest, i.e., the bulk of the money, will be spent in the rest of Canada and outside, to procure electronics and other sophisticated equipment. In Nova Scotia we will do the welding and assembly work (which is necessary and highly valuable) but not the truly high-value work that is associated with advanced knowledge. On the one hand, we are investing heavily in traditional laboring industries (shipbuilding, pulp and paper), which have certainly evolved to become more sophisticated, but at the same time we are squeezing the entire Education enterprise, which is where advanced economies should be investing in order to reap real rewards.
- Now it appears that the Ships Start Here project is both behind expected schedule, and is at risk of being scaled down. This will diminish the weight voters will give to it as the centrepiece of economic hope for the Province. In fact, most of the economic advances we have heard featured in speeches by Cabinet members focus on *future* projects: Ships, the offshore, the Convention Centre, the Lower Churchill Falls project.
- And now with the loss of Bowater, the general folly of over-emphasis on resource-based enterprises is all too apparent.
- The point about investing in education can also be illustrated by considering the recent sale of the company Ocean Nutrition. This spin-off of Clearwater is based on the extraction of fish oils, a research

and knowledge-based enterprise. The company has just been sold for \$540 million, a hugely significant sum in the local context.

- Overall, the economy is in the doldrums. Affordability of life necessities is a problem for many. Unemployment remains stubbornly at ~ 9 per cent, with serious regional variations, especially in Cape Breton. Despite the relative success in HRM, the province's economy is a sluggish performer. With outmigration from rural and small-town Nova Scotia, with resource-based undertakings requiring fewer workers because of mechanization, with some resource activities encountering global weaknesses or global competition, Nova Scotia is looking somewhat like Newfoundland: with a vibrant capital and not a lot else outside the capital except seasonally.
- Linking business investments with education is essential to considering economic development. While education is not the only economic development strategy we should be pursuing, it is the most important. (Other initiatives such as serious community economic development consultation processes such as we now see in Queens/Lunenburg following the closure of Bowater, should have been started throughout the province several years ago.) Once the link is made to education, it is apparent that several policy choices are possible: only funding education; funding education and funding some businesses; funding businesses and cutting education. Of these, the worst choice is the third, but that is the one we have been pursuing. This is profoundly mistaken.
- In fact, the whole approach to education, especially for the schools, has been mishandled. Respect for education is a core Nova Scotian value. People see it as the way forward for themselves, for their children, for their communities, and for the province. But the initial messages to the public from this government were that there was a fiscal need to reduce education spending, and that the demographics demanded it also. This told the public that education was just another cost centre. It was only after that message was delivered that the government

began to speak about specific education issues (small schools, class sizes, school boards, reading, math, cyber-bullying). The message to the public has been that building a quality education system was an afterthought. It is virtually impossible to recover from this unless something significant happens in the education portfolio this year.

## D. Electoral Boundaries

- A crucial part of the Party's strategy for success in the next election is a shift in electoral boundaries so that there is greater voter parity, i.e., more equal numbers of voters per constituency. This would have the effect of shifting seats to HRM where NDP strength is greatest.
- In an August 2010 memo, and again one year ago I pointed out that we would have to develop terms of reference for the Electoral Boundaries Commission (EBC) that would produce such a result, and to choose members who commanded public credibility and who would create new constituencies as appropriate.
- This has now blown up in our faces. The EBC ignored its terms of reference and proposed retention of the four very small 'protected' constituencies (Clare, Argyle, Richmond, Preston). This would have several very negative consequences: it would limit the number of seats that could and should shift to HRM; it has given the Opposition parties an opportunity to portray the NDP as anti-rural; it has allowed the Opposition to claim the NDP is anti-Acadian or anti-African Nova Scotian; it could provoke a legal crisis if the EBC has to be replaced. There is little indication that the EBC members are prepared to listen to legal advice about their mandate and it is hard to imagine this turning out any way except very messy. Even if the +/-25 per cent rule is adhered to in the final report, there is reason to expect the EBC to draw lines that will favour the other parties. Because this overall process takes place only every ten years, the new constituencies will control boundaries for the next three elections.

- Part of the problem seems to have been inadequate vetting of the persons appointed to the EBC. At this stage it is not clear if the members of the EBC will resign, or have to be discharged, or will deliver a satisfactory report.

## **E. Election 2013**

- It is suggested to us that our electoral strategy in 2013 will be a combination of: having the best leader; a record of accomplishments; inspiring hope for the future; pointing out we have a range of plans; asking for more time to get on with the good work that has been started. These are powerful messages and do amount to serious positioning.
- It can be expected that the next election will be hard-fought. The likely failure of the EBC process to shift three or four seats to HRM will be something of a missed opportunity, and perhaps a handicap. The Opposition parties can be expected to campaign on:
  - \* High electricity rates;
  - \* High taxes;
  - \* Education cuts;
  - \* Ongoing problems in health;
  - \* Anti-rural bias of the NDP;
  - \* NDP ties to unionized labour;
  - \* Broken promises;
  - \* A stagnant economy;
  - \* Wasteful/ineffective financial supports for some businesses.

These, too, are powerful messages.

- Attacks on the PCs are possible through tying them to the unpopular federal Harper government. And Baillie has not made any particularly positive impression on the public. It is more difficult to attack the Liberals. Their big attack on us in the Legislature has been over power rates. An attempt at a counter-attack on this has not had

much success. In Question Period on May 16 the Premier challenged Stephen McNeil to deny that he would increase power rates by putting back the 10 per cent provincial HST component; unfortunately, that is what he did. He said: “Not only would we not reverse the HST cut on electricity bills, we would take off the NDP electricity tax and put it squarely on the backs of the shareholders.”<sup>1</sup>

- As we focus seat-by-seat (and even given that we do not yet know the results of the EBC process) it seems highly likely that we stand at risk of losing about seven seats won by the NDP in 2009. I have in mind the following (showing the 2009 plurality and the party likely to win in 2013): Cumberland North/1011/PC (note that the PC candidate and ex-PC Independent together took 348 more votes than the NDP winner); Pictou Centre /131/PC; Guysborough /871/PC; Kings North /456/PC; Dartmouth North /1,737/Liberal; Dartmouth South /2,627/Liberal; Queens /2,076/PC; Shelburne /2,207/PC; Lunenburg West /555/PC.
- Even though the NDP has done best in HRM, there is no reason to assume that we will sweep the seats here. The Liberals already hold Dartmouth North and Preston and Clayton Park. Mayor-presumptive Mike Savage is using his political influence to recruit Liberal candidates in HRM for the provincial election. They will be serious contenders in Halifax Atlantic, Halifax Chebucto, Halifax Citadel, Halifax Fairview, and in some of any new suburban seats created.
- Having two Opposition parties remains a significant electoral advantage for us. This is true even though current polling shows that the Liberals more than the PCs have emerged as the leading alternative choice. The PCs have been out of office only since 2009, while the Liberals have been in opposition since 1999; this may be long enough by the 2013 election for the voters to be willing to

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1 Nova Scotia Legislature. Hansard. May 16, 2012. Available from: [http://nslegislature.ca/index.php/proceedings/hansard/C89/house\\_12may16/#HPage2322](http://nslegislature.ca/index.php/proceedings/hansard/C89/house_12may16/#HPage2322)

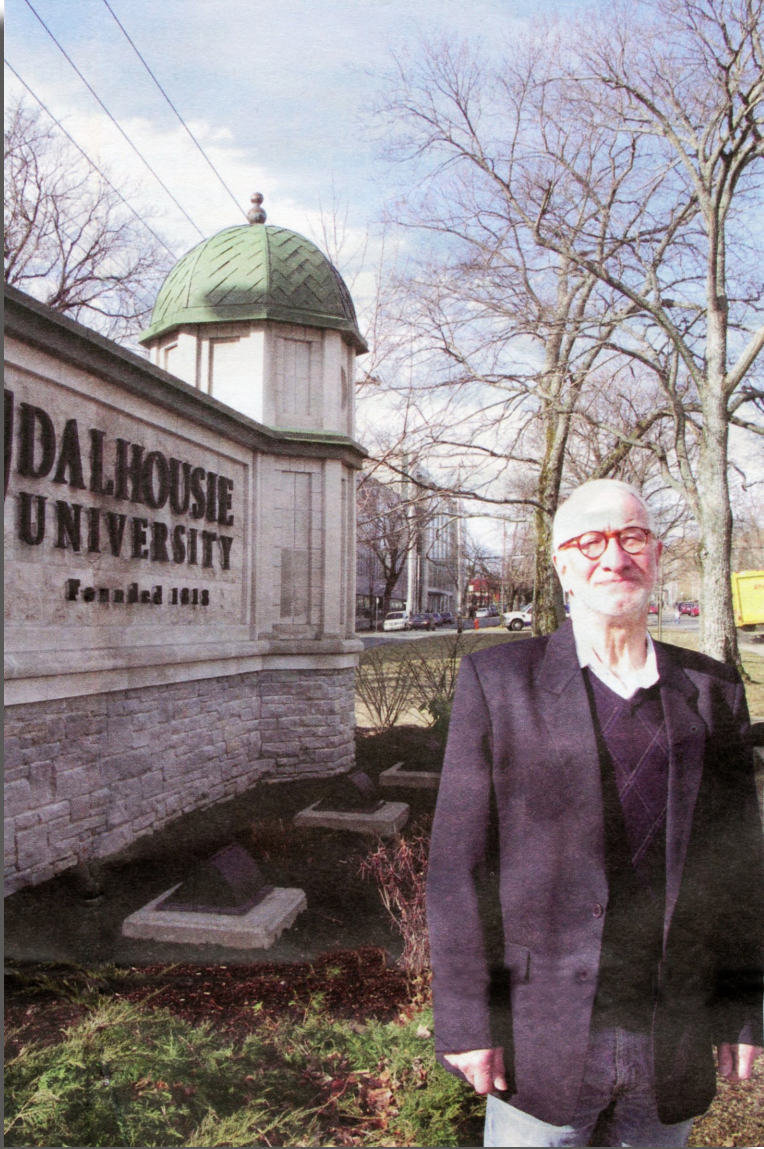
switch to them or increase their standing. At the same time, there is reason to think that a significant number of NDP incumbents with names familiar to voters may not reoffer. We have already had the announcement of Graham Steele and Bill Estabrooks. There is every reason to believe that more members of Cabinet will not reoffer. This could well affect the dynamics of some individual seats, including some not listed above. It should be recalled that Nova Scotia has not elected back-to-back majority governments in 20 years.

- The dynamics of the 2013 election will differ significantly from those of the 2009 election. In 2009 we had the advantages of running against a weak and unpopular government, and of possessing credibility that had been built up over long years as the Opposition. Now we are the incumbents, and our record will be the main issue. The factors of fear and hope are at work. The economy remains stagnant, and as recent polling confirms this is a major issue for voters. Health has been well-handled overall, but is not a vote-winner (it operates as a potential vote-loser). Education, commented on above, is crucial, and is tied to the economy. We cannot take our 'core supporters' for granted. We have offended many. While they are unlikely to vote for other parties, they may stay home or not volunteer or make donations. And the "soft supporters" and "those undecided" show signs of moving to the Liberals. We face the problems of featuring some central, important accomplishments and also convincing voters they will be better off after another term of an NDP government. This comes down to convincing them we have made a difference. But as the section above on the economy suggested, this will be a hard sell. And, as one MLA said at the recent retreat, "we are not seen as being for the little guy anymore."
- The recent letter to all NDP MLAs from some 50 Party supporters criticizing our record in office illustrates the problem we face. The responses that list accomplishments by the NDP are useful. They are reminders of steps taken that would probably not have been taken by the Liberals or PCs. And yet on the core concerns of jobs and the



economy, education, and Back To Balance, we are left with weak responses. This will make for a very difficult election for us.

- Overall, I see us at serious risk of declining to circa 22-24 seats, a minority.



# Appendix 8

## E-minus One Year

### Memorandum

**To:** Caucus

**From:** Howard Epstein

**Subject:** E-minus one year

**Date:** October 1, 2012

This is an update of the personal memo dated June 26, called "Where We Are at Year Three." [Appendix 7] It also emanates from the discussions at the most recent caucus retreat. I shall not be in the province on October 3, and thus will not be available for the discussion set for that day at caucus. This memo is meant as a contribution to the discussion.

### Some Preliminary Points

- We are very significantly behind in the polls;
- There is a limited amount of time to change the situation;
- We can probably still win the next election, but it will require immediate actions;
- Voters expect some specific things from us : change; hope; standing up for the little person and the middle class;
- The electoral boundaries changes and the process for getting there, are probably a slight advantage for the Opposition parties (e.g., Argyle, Clare, and Yarmouth are now probably solid against us; merger of Queens and Shelburne is problematic ), although there is some increased chance of winning Richmond, and the shift of two seats to HRM may help. The core problem is that the non-urban areas are still over-represented;
- Although there are problems with our communications, it is entirely inadequate to blame poor communications for the poll numbers;
- We do have strengths to emphasize;
- Getting the budget Back To Balance is not seen as important, i.e. it is

not seen as a positive by voters. Along with that, the issue of a “broken promise” on taxes is not important either, i.e. it is not seen as a negative by voters. They are both neutral factors.

## Overview

It is predictable that there will be a set number of leading issues central to the next election : jobs and the economy; education; electricity rates.

Associated with these focus topics are a host of matters. The details are important.

To take jobs and the economy first. There is no serious economy issue in HRM where the unemployment rate is 6 per cent. The economy is a problem outside HRM. Unemployment is a chronic 16 per cent in Cape Breton. Population has migrated out of small town and rural Nova Scotia, leading to a greying, a loss of young adults with children, and ultimately questions of viability. In general we have failed to deliver on actual jobs for rural Nova Scotia. We have failed to deliver on a visioning process for rural Nova Scotia. Most measures are either for projects that are in the future (e.g., the benefits of dredging of Sydney Harbour; the Maritime Link; a ferry for Yarmouth) or are for projects that have failed (Bowater; Daewoo) or are to protect existing jobs rather than new ones (NewPage). In addition, there has not been sufficient emphasis on community economic development processes, or on co-ops, or on small-scale businesses especially ones rooted in local strengths and people. For the most part, we are widely seen as closely associated with the spending of large sums that benefit companies that do not need the money (Irving) or are in enterprises that are shaky (pulp and paper) or are controversial (Cooke). This alienates core NDP supporters, and undermines our brand. It also undermines our claim to fiscal responsibility through balancing the budget since the debt is being driven up. And for people who do not mind deficits or increased debt, there are doubts about whether the new debt has been acquired for projects of any real worth. There is also an inconsistency between lavish investment in private companies while restraint has been the requirement in the education and advanced education portfolios. So for voters asking themselves whether they are

better off after four years of the NDP, there is little to show they are, in raw terms of employment. For those who look forward, the case for hope has yet to be made.

Education is a matter closely linked to jobs and the economy. We got off on the wrong foot by initially addressing education as a fiscal and a demographic matter. This gave the public the impression we were interested in education only for money-saving reasons. This offends a core Nova Scotia value system, which respects education as a way forward. There is a useful contrast with the health portfolio where money savings have also been sought, but where the initial approach was to emphasize policy planning, and the establishing of a context that set direction. When this occurred later in education, it was too late to undo the impression that it was just after the fact rationalization. Likewise for post-secondary education, the reductions in funding, including especially the financial squeeze on NSCAD, have sent the message that advanced education is not sufficiently valued, despite the fact that the skills of post-secondary education (PSE) graduates and the research activities are a hugely valuable economic resource. This message is especially a potential problem in HRM.

For Nova Scotia Power (NSPI) and electricity rates, we are under attack by the Liberals, and to a lesser extent by the PCs. Most importantly, we are losing. The response so far has been to try to emphasize accomplishments such as the move to more renewables, to try to distance ourselves from rate issues by invoking the UARB, and to design a campaign tagging the Liberals as irresponsible by associating them with “deregulation” which has been a problem in other jurisdictions. This is a mistaken analysis of the problem. It deals with it as a matter of communication, rather than a matter of substance. The substance is that we have been outbid. In 2009 we offered customers \$28 million by taking the provincial portion of the HST off electricity bills. Now the Liberals have promised to maintain that, and have offered customers a further \$42 million reduction by promising to transfer responsibility for the funding of Efficiency Nova Scotia to shareholders of NSPI. In eight months, we have said not one word about that. So we have effectively been outbid. The changes announced last week by the Energy Minister are for tiny amounts and the news sank

without a trace.

Issues not central to the next election are rural roads, health, and leadership, except in very limited ways. The unpopularity of the Premier just reflects the policy choices made by the government over the last three years. This decline could be offset by recovering the ground of defender of the little person, which has been abandoned by us. The problem is not Darrel Dexter, but the overall direction of the government. It is entirely possible for him to recover the image that was cultivated while we were in Opposition. Health is not generally a vote-winner; it has serious potential to be a vote-loser if the portfolio is not well-handled. But we have been very fortunate in Maureen's handling of the department, and there is very little negativity associated with it. As for rural roads, this is a constant irritant for voters, and there have been problems during our administration. The shift to a needs-based priority system has left out the political element to the extent of "unwisdom." This will expose incumbents in Pictou East and Kings South to problems.

The NDP moved from Opposition to government in 2009 by maintaining strength in the HRM base, and then achieving gains in the small-town and rural mainland (not in Cape Breton where there was no increase in seats). New seats were Antigonish, Lunenburg and Lunenburg West, Chester–St Margaret's, Kings North, Truro, Musquodoboit Valley, Kings South, Guysborough, Shelburne, and Cumberland North. Not one of those seats is safe, though I have listed them in order of declining likelihood of being lost. Even in HRM, several seats will be in play.

## Emergency Measures

There are a number of measures that have to be taken virtually immediately to begin to turn the next election around.

- Stop large corporate supports;
- Reaffirm the class size cap, make sure some new teachers aids are hired, and protect small rural schools. To a serious extent this has been addressed by the announcement just made by the Minister that some \$2.8 million will be put back into the system this year;

- Match the Liberal promise about Efficiency Nova Scotia;
- Exceed the Liberal promise for an affordability benefit for ratepayers;
- Grant NSCAD enough money for its capital debt to put it on a sound basis;
- Announce a policy context for aquaculture;
- Announce a policy context for mining especially gold mining;
- Nix the contracting-out of the SAP (Systems, Applications, and Products in Data Processing) function.

Each of these could be elaborated. Each suggests further useful measures. But if all steps are taken, we would be able to counteract much of the negatives of the past three years. It is still absolutely necessary to articulate a convincing vision for the future that is based on the traditional NDP brand in order to convince voters to give the party a second term. It is insufficient to look back and claim, “we did what we said we would do,” or point out that we have come through a very difficult economic crisis, though it is necessary to say these things to try to offset the negatives of the last three years.

What would a new vision that re-invokes our traditional brand look like? It could be a promise to put in place a Guaranteed Annual Income (GAI). It could be re-nationalization of the grid (but not the generating plants) of Nova Scotia Power Inc. It could be cancellation of student debt. It could be a commitment to a good, affordable system of day care. It could be reintroduction of MSI payments for children’s dental care. It could be free Wi-Fi. None of these should have an immediate timetable, but they should be put into play and be irrevocably associated with the NDP.

Essentially we should start the election campaign now, by starting to adopt these various measures and announcing the vision for the next term.





Howard Epstein presenting the Duke of Edinburgh's Award to Julia Morrison.



## Appendix 9

### Farewell Speech to the Legislature<sup>1</sup>

April 29, 2013

**MR. SPEAKER:** The Honourable Member for Halifax Chebucto.

**MR. HOWARD EPSTEIN:** One of the very many things that I do not know is whether this is the last time I will get the opportunity to address this House; I rather think it isn't. I know, for example, that I have a resolution that I'm going to bring forward and I suspect that there will be some bills that I might want to comment on. However, those are very focused opportunities, and as we know, the tradition, when it comes to Address in Reply to the Speech from the Throne, is that there is great flexibility and an opportunity, therefore, for members to talk on a variety of themes.

One of the reasons I think this might be close to the last time, is that there is wide speculation that there may be an election. This is something that is not an item on which I have any particular knowledge, the decision maker is the Premier on something like that, and indeed whether the Premier has even decided is far from clear. But if it turns out there is an election, I have decided that I'm not running again; this was publicly announced.

I thought therefore that I might take this opportunity to reminisce a bit with my colleagues here. I have to say that you should be prepared, it may take some time, it turns out that there is a lot more of the past now than there used to be. I'm aware that many of you may think of me as being a person who is youthful in appearance and vigorous, and of course this is all true.

The fact of the matter, the hard fact of the matter is that I'm now 64 years of age and I have been a lawyer for 40 years, I started early, but I've been a lawyer for 40 years and there is a lot that has happened. As my

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1 Howard Epstein. 2013. Farewell Speech to the Legislature. April 29, 2013. Nova Scotia Legislature. Available from: [http://nslegislature.ca/index.php/proceedings/hansard/C90/house\\_13apr29/#HPage1614](http://nslegislature.ca/index.php/proceedings/hansard/C90/house_13apr29/#HPage1614)

late father used to say, it's not just the years, it's the mileage, and I think this is something that we can all identify with.

Let me tell you a little bit about what it's like to turn 64, apart from the fact that when you wake up in the morning you feel grateful – surprised also – but grateful just to open your eyes in the morning. The other thing is that Service Canada sends you a notice shortly after your 64th birthday in which they invite you to consider whether you would like to put in the paperwork early for your old age pension. I have to say that our federal counterparts really should rethink the name of the old age pension, but nonetheless there is that.

Well between age and frankly having been, in my opinion, slightly underemployed for the last few years, I decided that I wouldn't run again. It may seem perhaps odd, I guess, to begin to introduce myself to my colleagues here through reminiscence at this very late stage. I am, nonetheless, going to do it. It's more often the kind of thing that people do when they first speak in the Legislature.

Although many of you, and I know members of the public tend to think of me as a politician, in my 40 years in fact I had a whole career – several careers of varying sorts that had nothing to do, really, with electoral politics. I've been in this Legislature for 15 years and before that I was about four years on city council, but really those 19 years are the minority of the 40 years in which I've been a lawyer. The 21 years that I spent before gave me quite a variety of things to do, and I want to talk a little bit about those.

Before I do, I might say just a bit about my future plans. Many people have asked me about my future plans, and of course it's hard to have plans, really. As we all know, many of us do make plans, but God laughs at our plans and something entirely different happens in life. But I'm thinking about various scenarios and I probably will have a bit of time to undertake some things – at least after I finish ghost-writing the memoirs for my colleague the member for Halifax Fairview. (Laughter) When I do that, I think that there are at least a couple of things that are on my mind. One is – and I really have to confess this right away because it's in some ways an intriguing and sort of terrible thing – I'm actually in the middle of building an addition on the back of my house. The reason I'm in the

middle of building an addition on the back of my house is I'm going to have two offices to clear out – one is my constituency office and the other the office I maintain with the rest of my colleagues in the caucus just down the street, and both of these offices are full of papers and books – many of them purchased with my own money.

This is, in fact, something I'm going to have to deal with and I'm building an addition on the back of my house so that I'll have a place to put all of these items, so the undertaking I assure you is a serious, difficult and time-consuming one and, like many of our enterprises, it looks like it's going to take a lot longer than anyone thinks and cost a lot more than anyone anticipated in the first place. That's just a general lesson of life, especially so in politics – that's the way of it. So I am doing that.

The other thing is I've actually been asked several times whether I might be interested in moving to federal politics. I've served at the two other levels, municipal and now provincial, and the suggestion was made that I might look at federal policies, but of course there's no vacancy. We have a wonderful Member of Parliament through Megan Leslie in Halifax, and I don't anticipate any change in that at all, which I suppose would leave the Senate, but of course this is what I'm thinking about that, and here's what it is that I think everyone should keep in mind. There's a possible scenario – I don't promote it, I don't suggest that it's a good scenario, but it is just possible that our good colleagues and friends in Quebec might decide at some point to leave Canada. This is a possibility and I know that our federal counterparts have had some criticism for their views on what the *Clarity Act* should look like and that it might just take 50 per cent plus one, in a vote.

I have to say that I think that criticism of our federal counterparts is entirely mistaken because the issue isn't what it would take for Quebec to leave – the issue is what will it take to keep Quebec in Canada. That is where the focus should be and that is where I think the focus of our Party is, at both levels. But it is entirely possible that this terrible scenario might come to pass and if this scenario does come to pass, then there is going to be an East Canada and a West Canada and what are we going to do? Those of us who are here in the East will have to face up to a number of possibilities. We are going to have to say to ourselves, what do we do

here? Because the odds are that West Canada might not want us and it is awkward to run a country when you've got East and West, the equivalent of East and West Pakistan before, of course, they emerged as two other countries.

What are our options? We could be four countries of our own. We could merge and be one country. We could sell ourselves to the Chinese or the Europeans – that's always a possibility – or we could join the United States. If we join the United States, then at that point I'm going to run for the U.S. Senate, so that is the scenario that I have in mind. (Laughter) Apart from that, unless that comes to pass, I don't know that this is something that is necessarily on the agenda of the Prime Minister, to put me in the Senate, so perhaps that is the only scenario that might get me into some senate somewhere.

I am actually going to take you back a long, long way. I ran into a friend of mine from when I was about four or five years old, not long ago. On the street where I grew up in Halifax, on Edward Street, there were a few of us who were little boys together, baby boomers obviously. David Lacusta, the fellow I ran into, Teddy Mitchell, myself, and Johnny Weagle used to play together a lot. It turned out that David Lacusta actually had the invitation that he was sent to my 5th or 6th birthday party and he very kindly sent it to me in the mail about a month or two ago. I was thrilled to see this, mostly because it was in the handwriting of my late mother, and it was nice to see that turn up after all these years.

We all had great fun growing as little boys in Halifax, playing around together. Probably one of the more memorable events I had was stepping on a piece of wood that had a nail sticking through it, when we were playing in someone's backyard, I think it was in Johnny Weagle's backyard, and it went right through my sneaker into my foot. These other boys put me into one of those little red carts that we all had – they pulled it out first, they pulled the nail and the board out first, and I was yelling and screaming – and they trundled me down the street to home, where I was taken care of and, of course, taken over to the children's hospital for an anti-tetanus shot.

I have to say I spent a lot of my youth in the emergency ward of the

children's hospital, we were an adventurous bunch. In my recollection I actually spent the whole of the rest of the summer sitting, with my foot bandaged up, on the front porch of my house. It was probably a couple of weeks but it certainly felt like the whole of the summer. It was great. All of us are still alive, amazingly, and still see each other around town and it's a great thing to do.

Growing up here in Halifax has, of course, been a real treat. I'm not going to give you every episode, you'll be happy to hear, but here's another one, just jumping forward from age four or five to when I was about 11 or 12. When I was 11 or 12 I travelled with my mother and with the late Muriel Duckworth, who many of us will know, together in a car up to the Thinkers Lodge, in Pugwash. We went because the first cosmonaut, Yuri Gagarin, was visiting Nova Scotia and he was at the Thinkers Lodge, and my mother, who was in the Voice of Women with Muriel Duckworth, was invited to go to this event and I tagged along with them.

I was thrilled to actually make the acquaintance of Yuri Gagarin as we wandered around on the grounds of the Thinkers Lodge. He was drinking a glass of Coke and he was taken off to the formal ceremonies inside the lodge itself. As he did that, he put down his glass of Coke, which I immediately swiped, I have to say. I not only swiped it, I actually drank his Coke and I took the glass as a souvenir. (Laughter) So this is one of my prized possessions, Mr. Speaker, and was kind of a highlight of my young years here.

Many of us are in the papers and in the press from time to time. I had an early appearance in the local newspaper in about 1961, maybe 1962, for the following reason. There used to be a column on the kind of all-purpose pages they had where we now see games of Sudoku and other crossword puzzles and so on. I think this column was called "Tell me why" and it was aimed at children. The newspaper had a little contest in which they invited their young readers to explain what was the most important subject that could be studied in school. I wrote an essay in which I explained that the most important subject was science.

Now for some reason I won this contest and had to appear at the offices of the newspaper, which used to be just up the street on Argyle Street, now a big hole in the ground, to collect the prize which was an

item that I don't have but my children have – it was a set of the Britannica Junior Encyclopedia. They took my picture and put it in the paper and I think that was my first appearance in the newspaper that I'm aware of, although later on I appeared in some sports columns because I was a member of the track and field team and had some success with races in different places around the province.

Despite the fact that I at some point thought that science was the subject that was the most important, I didn't go into science. I had something of a science mind, but for many long years I thought that I was going to be a professor of English literature. I had a taste for reading and I pursued that and went to graduate school in English literature, before finally deciding that, no, probably being a professor of English wasn't for me and maybe going to law school, and not having any other definite plans, might be the thing.

One of my fondest memories of this House is of a photograph that was taken and published of myself and the member for Timberlea-Prospect. This was when we were in the Opposition - which we were for many long years – and we sat together through many long and, I have to admit, tedious debates from time to time. We both read a lot and we both had books in front of us on our laps and we were kind of sitting there beside each other, eyes rolling but at least managing to keep ourselves entertained with a book to read.

Many of us have a fondness for reading, but it was ultimately law that was my interest. I had this long career, as I said, before finally coming into electoral politics. It started with quite an interesting class at law school. Members may know that the honourable member for Antigonish, now our Minister of Transportation and Infrastructure Renewal, was one of my classmates at law school, that famous class of 1973. There was even a moment in this Assembly in which there were three members of the class of 1973 who were all here together, because Rod MacArthur, our former Clerk, was also a member of that class, so we found ourselves together.

Of course there were some very distinguished members of our class, the Honourable Mr. Justice Jamie Saunders of the Nova Scotia Court of Appeal; other members here may well know Paul Pettipas, who is

a builder in the area. And there are others who are dead or who have spent time in jail and are perhaps not so distinguished, but it was an interesting class. I have to confess that I probably spent most of my time either debating or playing bridge - it's a wonder, given that I spent so much time doing both of those, that I found myself an adjunct professor at the Dalhousie Law School and have been for the last 20 years.

In fact, on the subject of debating, the honourable member for Antigonish will probably remember my partner, Geoff Fulton. Geoff was a wonderful debater, unlike myself, and because he was so good we actually won the debating championship three years in a row when we were at law school, and managed to amuse ourselves doing that.

After law school, I articulated with a firm in Dartmouth which turned out to be exactly the same firm that the honourable Premier articulated with, and that he stayed and practised with. So we had an interesting overlap at least in our histories. We weren't there at the same time, but certainly found ourselves working and interested to be working in a law firm that was main-street Dartmouth, meaning Portland Street. That was a firm that had people in it like Richard Weldon, who had been a member of city council for Dartmouth and who later was a Progressive Conservative MLA and who was interested in municipal politics, and we had examples like that in front of us.

I didn't stay with the private practice of law, at least at that moment. I made the choice to go to Ottawa to work for the federal Department of Justice, which I did for three years. The federal Department of Justice does a variety of very interesting things. One of the things it does is it assigns lawyers to be the in-house legal counsel for other government departments. I was assigned by the Department of Justice to be an in-house legal counsel for the Solicitor General's Department. These were the days when Warren Almond was the federal Solicitor General - this was 1974, 1975, 1976. These were interesting years.

The Solicitor General federally is responsible for the penitentiaries, the parole board, the RCMP and for, in those days, the antecedent agency to what is now CSIS. My work was quite interesting; we had security clearance for quite a variety of things. My own security clearance was top secret, that is I was able to deal with documents up to that. You'll

be interested to know, if you don't know, that along with confidential, secret, and top secret, there are actually other classifications - but I'm not actually supposed to tell you what they are, so I'm not going to tell you what they are.

I had quite an interesting three years working with the federal Department of Justice and I'm hugely grateful I should say to a man who has now passed on, Jack Hollies, who was my director in the legal branch at the Solicitor General's Department. Colonel Hollies had been in the military and in the Judge Advocate General's branch before being recruited to be in charge of the legal services at the Solicitor General's Department.

Most of my work was on penitentiaries and was therefore kind of an obscure part of the criminal law. Some of you who might have attended recently at the estimates when we dealt with the Department of Justice may have heard me reminisce a bit about the capital case files that I had superintendence of at that time. In those years Canada had not yet abolished capital punishment entirely; it was still available if a person had murdered a police officer or a prison guard. There were actually 12 people who were under sentence of death at that time, and I was in charge of those capital case files. It was my job to make sure that their appeals went forward in different courts around the country and that different dates of execution were set by the judges. Most importantly, what I had to do was assemble all the materials that were going to go into a brief that would go to Cabinet on the question of whether the sentence should be commuted to one of life imprisonment.

In order to do that there were rules and guidelines that had to be followed, and that included hiring two psychiatrists to write reports on these individuals. It included getting statements from the defence counsel, the prosecuting counsel, reading the trial transcript, getting statements from the trial judge, talking to anyone else who might have had anything to do with the case, seeing if the jury had any recommendations. I have to say that of those 12 people, if it had turned out that capital punishment had not been abolished in the Fall of 1976 by Parliament, there were probably three or four of them who you couldn't say a lot for. It was pretty difficult. It was an interesting time, and something that was important,



and I look back upon it with gratitude.

Although I was in Ottawa working for those three years, it was never my intention to become an Upper Canadian. I always thought of myself as a Nova Scotian, someone who was keen to return here, but at that moment it wasn't quite the right moment for me to do that. I thought what I would do was go to Toronto for a couple of years, which I did, in order to teach. So I taught law at Osgoode Hall Law School, which is part of York University. At that point, I guess, that was the second university where I'd been teaching. It turned out to be five universities, ultimately. The first one had been Carleton University in Ottawa, where I taught a course part time while I was working with the Department of Justice.

After two years, however, and now having been five years away from home, I thought it was about time I moved back to Nova Scotia. I was by this time, I think, 28 or 29 years old. I moved here and set up a private practice of law, really as a sole practitioner, although I had article clerks over that time, and each of my two article clerks stayed on and briefly practised with me. I really ended up practising for only three years. I practised from 1978 to 1981. Here's where my law practice was, Mr. Speaker – it was right across Granville Street, where One Government Place is now.

Of course, in those days One Government Place did not exist. What did exist was a small walk-up office building of about three or four stories that was owned by the late Grover Cleveland, who owned some real estate in downtown. On the ground floor was the Tasty restaurant, which was a family-run enterprise and was a popular spot in downtown Halifax. One floor above the Tasty was the well-known law firm of Pace, MacIntosh and Donahoe, and then above that was my law firm. The Pace, MacIntosh and Donahoe law firm was well known because Len Pace, the senior partner, became the Attorney General of Nova Scotia, I believe at one time, and later a judge on the Court of Appeal. The storied Charlie MacIntosh is probably Nova Scotia's leading real estate lawyer. Many of you will have noted that just recently Ben McCrea of the Armour Group died. Charlie MacIntosh has been Ben McCrea's lawyer for probably 50 years, and it's a partnership that is fascinating. Charlie MacIntosh, as I said, probably remains the leading real estate lawyer in Nova Scotia.

And of course, all the Donahoes. The senior Donahoe was Richard Donahoe, also an Attorney General of Nova Scotia, and his two sons, Art and Terry – Arthur Donahoe being one of your predecessors, Mr. Speaker, in that Chair, and Terry Donahoe having been the Minister of Education for the Province of Nova Scotia. I suppose there was sort of something in the air of that building that flowed upward and made me seriously interested in the possibility of politics in some form.

It wasn't only that example of those lawyers that did it. I actually had a fascinating law practice, in a way. I practised what is clearly middle-class law in order to support my real interest, but here is what middle-class law is: middle-class law is what is now a little on the expensive side but is necessary for the middle class to go about our lives. People want wills and they want to buy and sell houses, and every once in a while someone dies and you have to probate an estate, then also every once in a while someone is hauled up for drunk driving and you have to deal with that, and then finally, of course, they all want to divorce each other. That's the essence of middle-class law.

I did a huge amount of all of that. I mean I have done hundreds of real estate transactions, hundreds of divorces, hundreds of wills; it just went on and on. But my real interest was in labour law and in municipal law, and I became something of a labour lawyer representing the union side. I had some specialist clients and I also became involved with cases that had to do with land-use planning, the subject I've been teaching now for many years at the law school.

I should really take this opportunity to express my gratitude to my two secretaries who suffered along with me – or suffered me – during their time there: Sheilagh Henry and Rose Alphonse. The Alphonse name will be familiar for any of you in Halifax who know the musical tradition of the Alphonse family. One of my strongest memories is one morning when Rose Alphonse arrived in the office, looked at the desk where she was supposed to sit down to work, rolled her eyes and said, "Oh my God I really don't want to be here," and she turned around and left. Now who has not had that experience when arriving at the office in the morning? Fortunately she was back the next day and on we got with our work.

What was probably most important for me in the time I spend in my private law practice across the street was the fact that I charged so little and barely made a living. The benefit of that was that, although I didn't have a Photostat machine because I couldn't afford one, I used to come across to use the Photostat machine that the Legislative Library had, and I would pay the Legislative Library for the use of its Photostat machine. These were the days when Shirley Elliott was the Chief Legislative Librarian. Her photograph, I think, is now to be found in the Legislative Library. The real attraction was the Deputy Legislative Librarian and the very beautiful and talented Ilga Leja, later the mother of our two children, Hannah and Noah. So the opportunity to nip across the street and try to make time with the Deputy Legislative Librarian was probably the main attraction of having a law practice across the street. As I said the law practice went on only for three years and I then moved on to something else.

This is where I moved on to a more intensive use of my labour law interests and my nascent political interests. I was retained to the executive director of an organization known as NSCUFA, which is the Nova Scotia Confederation of University Faculty Associations. On each campus on our universities there is a faculty association and each of these faculty associations belonged to this provincial confederation and the main function, along with giving advice in the negotiation of their collective agreements, was politicking with the provincial government, so I had occasions to meet with Terry Donohue in his capacity as Minister of Education, and work to try to establish something of the role of faculty members in the political life of our province. It led me to a profound appreciation of what a wonderful system we are blessed with when it comes to our universities and our other post-secondary education institutions in Nova Scotia.

So I did that for about three years, and then I was back to Ontario. The equivalent organization in Ontario, the OCUFA, the Ontario Confederation of University Faculty Associations, was looking for an executive director, and I was hired to do that. Now that's a big system, that's 40 per cent of the university students and 40 per cent of the university faculty members in Canada work in Ontario. And I did that for four years, from 1984 to 1988

and I learned something very interesting about politics during that time, which is that you have to seek an opportunity when it presents itself. Let me just tell you about something that I can actually claim credit for, and I find quite fascinating to look back upon.

In those days, there was a time when the Liberal Party was a minority government in Ontario. They were coming up to an election year, and they were getting ready to go into this election. The university system was not getting quite as much money as it had hoped, and I devised a little advertising campaign that went like this: we placed ads in all of the foreign language ethnic press in Ontario. That meant that these ads were in Italian, and they were in Chinese, and they were in Portuguese, and they were in German; they were in every language where there was a community, a sizeable community in the Toronto area that was present and for whom English was not their first language.

Here's what the ad said: Congratulations. You've done a wonderful job in coming to this country and in establishing yourself as a businessperson, and in taking care of your family. But what about the future of your children? Those children will have to build their future on the basis of education. Did you know that the Government of Ontario was planning on reducing the number of places in the university system by 10,000 next year?

Well, Greg Sorbara, the Minister of Advanced Education, hit the roof. He hit the roof because we were playing in his backyard. He regarded the ethnic community in the Greater Toronto Area as the preserve of the Ontario Liberal Party. However, the immediate consequence was that the Liberal Government came up with an extra \$30 million or \$35 million dollars for the university system right away before the election. So at that point, I felt I was kind of accumulating some useful experience on how it is that the political system worked. But I was to learn more.

After four years at OCUFA, I decided to move back again to Nova Scotia – again, as I said, not being my long-range plan to be an Upper-Canadian. Many of us in the Maritimes find ourselves living elsewhere for periods of time because there's interesting work or there's opportunity to make a bit more money, and so it was with me, but I always wanted to move back. What I found myself moving back to, when I came here, was no job,

but fairly soon I did find one. I became executive director of the Medical Society of Nova Scotia. This was not a long time, I was there for about a year, and it was in that capacity that I first met John Hamm.

John Hamm was not the president of the Medical Society in those days, but he was a past president of the Medical Society. And the Medical Society was in the process of building its headquarters in the Burnside Industrial Park, in the business park portion of it on Spectacle Lake Road. So one of the things John Hamm and I did together was we built that building. There is a lovely building over there and any of you who have had close dealings with the Medical Society or its successor – it has a successor name that escapes me at the moment – Doctors Nova Scotia, I think – who have had the chance to visit that building will probably understand that a lot of work went into that and it was enjoyable doing it and we ended up with quite an interesting structure.

From there I moved to be the executive director of the Ecology Action Centre (EAC). Well, the Ecology Action Centre is an entity that has achieved over the more than 40 years of its existence a huge amount of credibility and political heft in our province. I'm very proud to have had really a 40-year association with the EAC. It wasn't just the three, maybe four years – three years, I think – that I spent as the executive director of the Ecology Action Centre, during which time I became, in the minds of many people, very closely associated with it; in fact, I think at some point in this House I've been referred to, instead of the member for Halifax Chebucto, as the member for the Ecology Action Centre (EAC). I remember one of the other Parties saying that.

My association with the EAC goes back to around 1973, which was just after it was founded. I was a volunteer article clerk or lawyer with the EAC; that is I did some volunteer legal work with it. It was started by friends of mine, Brian Gifford who is still here in Halifax, Cliff White, Kathleen Flanagan, and David Reynolds. These people have put a huge amount of effort into organizing something that has been an enduring organization here.

As I said, the chief virtue of the centre is the achievement of its public credibility. It has public credibility for a variety of reasons - one is that in all of its public utterances no one has ever said that it was wrong about

its facts. People might differ and argue about the policies that might flow from the facts or the policies that might be adopted, but no one has ever said that the facts were trimmed or stated inaccurately. That has never happened in 40 years. The other is that the centre has maintained really financial independence during all that time. It has been primarily dependent on the donations of its members, small-time fundraising activities and the occasional grant. That has meant that for a long time the centre was extremely poor. I have to say that in the three years or so that I was the director, I think I was paid only half the time - there just wasn't enough money.

The point is, though, that this does lead to the independence and credibility that the centre has amassed during the time that it has endured. I think this is something we should all admire. In fact some of my time at the Ecology Action Centre as the director led to what I think is my first legislative provision that I can claim some credit for. You may recall that in 1992 the government of the day, the Progressive Conservative Government, decided to sell off Nova Scotia Power, essentially privatize it. There was a bill that went through the Legislature, the *Nova Scotia Power Privatization Act*, and if you look at Section 8, I think it is of this bill, you will find that there is a prohibition on Nova Scotia Power owning or operating a nuclear-powered electricity generating station.

This provision is in the bill not because it was there at the wish of the government or of the company, it was introduced after Law Amendments Committee, and it was introduced because I went to Law Amendments Committee on behalf of the Ecology Action Centre and made a number of suggestions for changes to the bill – and this was the only one that was accepted. But I'm happy to say that it was accepted, and I'm happy to say that we find ourselves with some protection from having nuclear power in our province as a result of that initiative.

Of course, there were many other issues that, as director of the Ecology Action Centre, I was deeply involved with. You may recall that there was a proposal at the time to build an incinerator of sorts to deal with the sewage coming from Halifax. There was a proposal to deal with the Halifax Harbour by essentially building an artificial island and collecting

all the sewage there and making an oil-from-waste, oil-from-sludge plant there. This, I'm happy to say, was ultimately headed off.

There was another proposal for a hazardous waste incinerator, another for a solid waste incinerator – the engineers really were mad keen on incinerators in those days – and many of those proposals were headed off and we found ourselves with different systems. I can't claim to be entirely thrilled with the sewage system that we have in Halifax but, nonetheless, it is certainly better than what was proposed in those days.

Ultimately, I decided there was a moment to turn to electoral politics after excursions that flirted around public policy and the elected world in the way that I've described. I decided to run, in 1994, for city council. Where I lived in the city, the member was Nick Meagher. Nick Meagher ran a pharmacy on Quinpool Road for a huge number of years and he had been on city council for 30 years. There was no point in running against Nick Meagher. First, of course, you couldn't beat him; and, secondly, there was no point in beating him because he was a wonderful member of city council. He just did a great job.

But in 1994 he decided he wasn't going to run again and that opened up his seat on city council and I decided to run. In fact, I think about six or seven people decided to run – only three of us were serious candidates – and these are numbers I want to point out to you because it's important, especially over here, since they illustrate a way in which a person whose politics are perhaps on the left, as mine are – I tend to regard them as both red and green – but this is the way a person in my situation sometimes gets elected.

Of the three serious candidates to replace Nick Meagher, the final results were that two of the candidates, who were perhaps more on the right of the political spectrum, each got about 32 per cent and I got 33 or 34 per cent, so I got elected. But having just squeaked in, I found ways, during my time on city council, to cultivate the constituency and when the provincial government surprised all of us by announcing amalgamation and, therefore, the creation of Halifax Regional Municipality, HRM, and calling a special election, when that happened, I ran for election and got 68 per cent of the vote, because during the intervening two years, people in the constituency had been watching what was going on at city

council and decided that perhaps I was doing the kind of job they were interested in.

One of main things I did was I consulted with them and informed them. I put out a newsletter that was full of facts; that was informative; that invited engagement; that laid out details about the tax structure, for example, of the city; that laid out the issues around solid waste, if that was an issue, as indeed it was in those days; that told people things that they needed to know - and they responded to that very positively, not just in contacts, but ultimately in terms of electoral support.

Looking back on political accomplishments and trying to weigh them up, I find very difficult. I find that it is often hard to point to something and decide that this is an advance, and this is not surprising in politics since politics is a long-range undertaking. Many things inherently just take many years and are complicated and need a lot of attention, but there are things I do want to note that did come forward when I was on city council, and that I can take at least some degree of responsibility for. I can claim some credit for them.

The first one was to reopen negotiations over Africville. This is something that had languished at that point to the disgrace of the city for many years. We all know the story of the removal of that community at the north end of the peninsula and we live today with some of the consequences of that and really this is something that had not ever really been moved on in any satisfactory way in the intervening years. One of the first speeches I made at city council, this is prior to amalgamation, was to put out the issue of Africville and to note for my colleagues that this remained unfinished business that had to be addressed again. Ultimately it was; it took a long time, but I got the ball rolling and I'm very proud to have gotten the ball rolling at the moment I did. (Applause) I have mentioned already the solid waste and the liquid waste that is the sewage treatment and the garbage systems. Those are things that got started during my time on city council and that we advanced on ultimately, again, like many things it took a lot longer than one had hoped for. Another thing that I got started was the issue of an anti-pesticide bylaw, that was also something that took a long time ultimately to come to fruition, and indeed overlapped with my time in the Legislature because



HRM really couldn't move ahead, it felt, with an anti-pesticide bylaw until the *Municipal Government Act* passed through this House and included provisions that facilitated that. But again, it's an item that I look back on and I look back upon it with no little feeling of accomplishment.

After four years on city council I decided it was perhaps the moment to move into provincial politics and I was nominated late in 1997 to be a candidate for the election that ultimately took place in March 1998. All will remember, certainly over here we remember, that date of March 24, 1998. That was the election in which the NDP made its leap forward, moving from having only a small handful of members to having 19 members in the House; and six of us, I think, who were first elected in those days are still here in our caucus and recently actually had a small dinner together to chat and reminisce.

But here is something that I remember the best about that election, it was the next morning. It was the next morning March 25, 1998, and I remember walking down Spring Garden Road and going to City Hall, I was going to work. As I passed by two of the cafés or restaurant that had glass in their fronts and that were immediately adjacent to the street – it happened at two different places, as I walked by people in the restaurant or the café got up and applauded. Now in all the years of being in politics that still puts a shiver through me because I remember that, it was an extraordinary moment and what was extraordinary was the fact that voters in Nova Scotia had placed their hopes for the future in the NDP. I didn't take the applause as something personal to me, I took it as something as an expression of hope for the future that the voters of Nova Scotia saw as being appropriate for the NDP and it has been a long time since then.

We worked hard and it has been many long years in the Opposition and now we finally had the chance to form a government. I have to say, having worked on this side of the House in the shadow of the portrait of Joseph Howe, it has been fascinating. I've had the opportunity to work together with you, my colleagues, and I'm very grateful for the opportunity to have done that. As you all know, all of us in this House know that no one in electoral politics does anything alone. We all have teams who are associated with us.

I know that I've had three very wonderful people who were my constituency assistants: first Cliff White, then Donna Parker, now Scott Gillard. Along with our constituency assistants, there are the people who are heads of our constituency associations. The late Sue Klabunde, who died very tragically at age 43, was president of my constituency association for a while. We all have our families who work with us, volunteers. I want to thank my long-term partner, Mary Evans MacLachlan, and the dog Maddie, the NDP dog who campaigned so often with me with an orange scarf around her neck.

There have been great moments here – trying moments, difficult moments, interesting moments. I think about the hours we spent arguing over Bill No. 68 and the times when, in Opposition, we had to speak for an hour under the tutelage of the great John Holm, who taught us how to do that, when we had to speak in Opposition when the hours of the House were 24 hours. That was hard to do. I think of items like my little heart-to-heart chats with the Auditor General. I think of my comments about prayer in the Legislature. I think about time on the Law Amendments Committee, which I have to say is a great feature of the legislative process here in this Assembly.

We have all had the opportunity to work together for a long time. I'm going to be departing, but many of you will have the opportunity to continue on together. Some of you won't – it will be a surprise, but the nature of this House will undoubtedly change, come the next election.

Mr. Speaker, I have certainly been proud to have had the chance to have participated in some small way over the last number of years with it, so may I therefore offer my thanks to everyone who I have had the chance to work with over the years. I would like to adjourn debate. Thank you very much.

(Standing Ovation)

## Appendix 10

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