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N.S. finance deputy may be in contempt

By KEITH DOUCETTE The Canadian Press
 Tue, Apr 7 - 10:15 PM



Nova Scotia's deputy minister of finance may be in contempt of the legislature, according to a legal opinion provided to an all-party committee.

Vicki Harnish drew the ire of opposition members of the economic development committee during a March 24 appearance for refusing to answer questions about the province's finances.

Vicki Harnish, Nova Scotia's deputy finance minister, may be in contempt of the legislature, according to Province House's chief legislative counsel. The issue arose after Ms. Harnish refused to answer an all-party committee's questions on March 24. (OUR STAFF / File)

In a letter tabled before the committee on Tuesday, chief legislative counsel Gordon Hebb said it was clear that a witness before a committee of the House of Assembly is "bound to answer all questions" and that refusal of a witness to answer questions "may constitute contempt."

"There are no specific rules governing the nature of questions which may be put to witnesses appearing before committees, beyond the general requirement of relevance to the issue before the committee," Hebb wrote. "Witnesses must answer all questions which the committee puts to them."

Hebb added while the committee couldn't make a finding of contempt it could make a recommendation to the legislature, which is the only body that can decide the matter.

The committee decided to give Harnish and Finance Minister Jamie Muir one week to respond to the legal opinion and to provide answers as to whether Harnish was under instruction not to answer specific questions.

"This is an opportunity of due process to give her a chance to respond and hopefully to indicate to us why it is she was not prepared to adhere to the rules and provide answers to the questions put to her," said Liberal member Michel Samson.

Samson also wants Harnish to apologize for comments following her March appearance in which she accused the committee of "political foolishness."

"I've heard reactions from many of my constituents who took great offence to see a senior public servant . . . make such an arrogant remark regarding the committee's work," he said.

New Democrat Clarrie MacKinnon said the committee needs to ask Harnish and Muir more questions before making any recommendation to the house on the issue of contempt.

"It's a very delicate situation because we aren't sure at this point whether we're dealing with a deputy minister in contempt or whether it's a continuation of the trend of a government in hiding," said MacKinnon.

However, that question appeared to be answered in a second letter tabled to the committee by Liberal chair Keith Colwell.

The letter dated April 1 is from Muir, who had previously referred to the committee's run-in

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with Harnish as "a disgrace" and nothing but "political pandering."

In the letter, Muir made it clear the government had no intention of letting Harnish disclose any information surrounding the government's books.

"However, it is my position that it is not in the public's interest at this time to disclose the confidential advice provided by the Department of Finance to me and to the cabinet . . .," said Muir. "In light of my position, my instructions to the deputy are and continue to be that the information is confidential and immune from public disclosure at this point in time."

Muir further stated he believed Harnish had answered all questions "to the extent possible" and that he was invoking his privilege as a cabinet minister and was willing to defend his actions in the legislature.

The government, which tabled a fiscal update in mid-December, has been adamant that it won't provide another until the 2009-10 budget is presented in the house.

Although the legislature resumes April 30, a date for the tabling of the budget still hasn't been set.

Meanwhile, the committee will decide its next step once it receives a reply from finance officials.

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COMMENTS  (36)

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horse man wrote:

Fire Her!!! any one else would be gone! This government beginning to look like a crime family.

JacobinHalifax wrote:

So was she instructed by the Minister of Finance not to speak? What gives? Just what the Hell is Rodney MacDonald doing over there anyway???

ClanMother wrote:

Government: of the people, by the people, for the people!

holysmokes wrote:

this government has shown less accountability than any high school student body. they are immune to any common sense and will be voted out in due time. In any other province, the opposition would be furious..this goes to show how inept our total political system is here in la la land

Dak wrote:

She didn't answer because she didn't know the answers. She should know the answers but she doesn't. Keep in mind that they just lost an experienced Cabinet Minister, and may need some time to get up-to-speed. I suspect that Ms. Harnish runs the show, not the Minister, so she should know the answers.

phily wrote:

Vicki Harnish was just a pawn with instructions to be ignorant, leave her alone. Put Muir and Rodney in the hot seat.

LOL wrote:

Oh let me see the answer will be "oh I didn't know", like letting someone drive your taxpayers paid car.

Barton J Cutten wrote:

And while we are at it, why not publically whip the family members or our MLA's as retribution for our grievances. Contempt or not, it's unacceptable for our elected officials to draw public servants into a highly charged political environment. The committee should have issued a subpoena to have the Minister of Finance speak, not a public servant. If I was Vicki Harnish I wouldn't be saying a thing to the committee as well, it's a no win situation and quite frankly unfair as anything she would say would be used as political fodder. Keep the politics with in the realm elected officials.

CapeHalifax wrote:

The procedure here is elusive. Why is a junior member of the portfolio being questioned in the first place ? It would seem that the Minister should be the one on the hot-seat. As I see it, the deputy minister is only answerable to the Minister - how is the committee doing an end-run around the Minister here ?

BoswellsJohnson wrote:

I suspect Harnish was acting under orders from those running the government--not Muir and not MacDonald, but the conservative backroom boys. Go after them.

honker wrote:

Please people, this is only ---- politics, nothing more. Politicians speak, bureaucrats do not. The opposition are despicable in trying to force a civil servant to betray her boss. Vicki has a fiduciary duty to the Minister and Premier, thats it.

Just the truth please wrote:

ELECTION PLEASE. ELECTION PLEASE.

a former resident of HRM wrote:

All I have to say is if this Deputy Minister who gets paid an Exorbitant salary does not know then nobody does. That being said this Deputy Minister should be Fired. It's your job to know.I know the late Michael Baker would have known, and I also agree that the two Finance Ministers after Mr Baker were only put there for Show, as both are not Capable running this provinces Finances.Now before any of Rodney's Buddies go aboard me, I agree it is not the Minister's job to know all this but it Damn well is Her's considering the Circumstances. Oh I know Deputy Minister,it is the Assistant Deputy Minister's job, another overpaid Bureaucrat,or shall we try for the Assistant,Assistant etc. We wonder where some of our Tax dollars are Wasted at, now we see where some go. So Rodney you are not impressing me with your talk of Balanced Budgets and Savings you have no Idea how Screwed up we are, your Chief Cook and Bottle washer told me as Money come on Rodney I hear Heather Foley-Melvin needs help changing Light Bulbs,I think Vicki Harnish would be Great at it, not too much to know there,but then again it seems like Her light bulb is burned out and she can't change it,Oh well sorry Rodney I tried.

mikenorthyork wrote:

The Government is Contempt of the voters.

a4goneconclusion wrote:

Are there any other ways one government could be so arrogant. They could not spell the word accountable. Politics in NS is a joke and Rodney is the lead joker. Lets face the facts the Deputy Minister was put in a terrible position by Muir and Rodney. Her choices tell the truth and be fired or lie and be charged with contempt. It is time for the Premier to come before the court of public opinion and get fired. How much longer do we have to put up with such incompetence and disrespect? I am ready to vote for change!

daniel wrote:

if you think N.S. is looney check out Alberta. I have heard news said there are only 2 types of Tories...suppository and lavatory. They both deal with ----.

vulcan09 wrote:

In Canada, if a person, including a civil servant, refuses to testify before, or produce documents to a governing parliament, or legislature, or to a committee of parliament or legislature, they can be held in contempt. Federal deputy ministers, departmental staff and the heads and staff of government bodies are regularly called to testify before committees. To me, this is not about playing politics. It is about following the rules and cooperating with our governing bodies.

Here wrote:

Who is the Economic Development Committee? Did the legislature set it up with power to question a witness about the matter at hand? If it did then she has decided that she works for the PC party and Mr MacDonald, not the province. But this is Nova Scotia, and MacDonald's Tory government, so it is quite possible that she has no idea what is going on and no answer might be best as any other would just confuse the issue. Besides you can't find a person in contempt if they are simply incompetent or ignorant.

Spartacus79 wrote:

I agree that the opposition parties are out of line going after this person. I also feel that the Conservatives have left this woman out to dry.

Heatherdee wrote:

LOL Daniel. I've had a bit to think on this and conclude that Vicki is doing what she's paid to do - she's protecting her minister and the Premier. That being said, the only thing that this gov't is consistent with is avoiding responsibility and their duty to consult with the opposition - they are a minority gov't acting unilaterally on too many issues. Soon they will be in the hotseat, and then we can all tell them how we really feel. ABC - check!

duff wrote:

Having heard her comments after the meeting, I found her to a bit of a showoff. She was there to give information to the committee and she should have. Change of power and she's GONE.

M. Raymond Sheppard wrote:

Shouldn't they all be in contempt?

fran46k wrote:

Surely it is not unreasonable to want to know what is _____ with our taxpayer dollars?

gwr wrote:

Well, here we go again. Another day in Nova Scotia politics. Every time I pick up a paper or turn on the news what do I here. You got it, more BS from our elected officials. If it's not one thing it's another and Rodney says Nova Scotians don't want a spring election. Well guess what Rodney and listen close...YES WE DO AND AS SOON AS POSSIBLE. The people of this province deserve better than this corrupt government. Far too much secrecy and wasting tax payer's money on travel and consultant reports just to name a couple. There is not _____ to write down what is wrong with this so called government. Election please. The whole _____ ernment is in contempt.

scorned wrote:

With the loss of Mr. Baker, and neither the current minister nor previous acting minister have been on that job very long, Ms. Harnish sure seems like the best person to ask for information given her position and the length of time she's spent in it. Her refusal to answer questions from our elected officials is outrageous. She should be fired. She already encouraged the waste of \$15,000 on a personal income tax matter which angered the tax payers, and these are just the blunders that made the news. She has more reason to be offering up her resignation than the Justice minister, and that resignation should be accepted.

AndrewH wrote:

This "news story" is a perfect example and underscores the public's lack of understanding of how their own government works! As a Senior Public Servant (Deputy Minister) and NOT a politician (Minister) she as a Public Servant is BOUND by confidentiality regarding the discussions between her and the Minister as a condition of her continued employment and unbiased position serving the public as a public servant. Even if she wanted to disclose her discussions with the Minister, SHE CANNOT as they are confidential or she jeopardizes not only her professional integrity as a servant of the public, but also her employment status!!! Her even being called before the committee is a JOKE and is unnecessarily involving a public servant, which by definition is an unbiased and apolitical employee, in what is nothing more than political wrangling & fighting between politicians, unacceptable!

Henry J wrote:

Yes fire her, enough government corruption. Time for an election.

o'dempsey wrote:

This Premier and his Finance Minister refused to attend and answer questions -- unlike the former Premiers who agreed to appear before a standing committee of the legislature. Rodney holds himself to a lower standard of conduct. MLAs are exempt from a subpoena, so the Deputy Minister is the most senior person who could be compelled to attend and answer factual questions -- I don't think there were any questions about confidential discussions. It is all about Rodney MacDonald's brain wave that if he doesn't answer any questions, he's good with Nova Scotians.

gackerman66 wrote:

Rodney has dozens of funding announcements ready to sprinkle around before he calls the election. That's why the budget details are secret. This looks like Harper's work. It's our money. Why not show us our books?

DisillusionedVoter wrote:

I've continually read comments calling for an election and stating that the Tories will be thrown out of office. That may be the result, but just watch and see how many Nova Scotians will still vote for them. Corruption and patronage have always been and always will be the name of the game in Nova Scotia. It runs deep in the fabric of our society and NOT just in big 'P' politics. Others simply have a 'we and they' mentality and will vote one way regardless of how bad they (politicians) screw things up or how incompetent they show themselves to be. Just pick the MLAs you love to hate and watch how many votes they get in the next election. None of them will have THAT many relatives, especially Rodney and Cecil.

centrist wrote:

AndrewH wrote: This "news story" is a perfect example scores the public's lack of understanding of how their own government works! ...I ndrew, like when Harper called the LPC/NDP/Bloc coalition unconstitutional. Of course it not. Where do we get these guys?

LIFE SUCKS wrote:

the powers that be will always hire some poor boob, then when things get hot there, they throw them to the wolves, which would be us, the voters. yes, she is being used as a Judas goat, someone expendable, and with a lot of perks behind the veil of secrecy, which is what this gov. does best. as to the NDP not saying anything, would you, they know that all they have to do, is sit and wait. the top jobs will be handed to them, and personally, I am glad they are not making a lot of noise. let the public do it for them, right now. they will voice their concerns at a very opportune time, which I think, before the end of May. they are herding up for the final showdown with this inept gov. and want everything to be right before they demand an across the board election. not just here, but all over. a coalition looks good right about now. I bet you think, don't need one, NDP majority all the way to the top. those who think not, are more than likely the biggest part of this problem. and remember, Bob Rae is with the Libs. so you cannot elect them, or the same will happen as some say in Ontario, but that was due in fact to previous gov. before he even got there, much like N.S. is today, and has been for over one hundred years.

R.U.Kidding wrote:

The deputy Minister has a fiduciary responsibility to people of this Province aka the taxpayers. It is time that government be returned to the people not willy nillies like Rodney and his rag tag band.

She as is the Premier and all members answerable to our elected reps who form the legislature. Her arrogance and disrespect for the democratic process was galling and unacceptable. Time for them to all go!!

johnfromhalifax wrote:

AndrewH, one of the things revealed here is your lack of understanding about how government works. The Deputy Minister is a Public Service job... m hey work for and are paid by the public. The Job of Deputy Minister specifically is called permanent secretary in the UK and that title accurately reflects the role... to be the ongoing cons s of the government department even as Ministers, governments and political parties come and here is no one who would be expected to know more and have more accountability than the Deputy Minister... it is not a junior position in any sense. She is WAY off side. And for her to say that she is following the instructions of one politician or political party over the rules of order put her even further off side. However, the people calling for her job and/or for a change in government should note that this story is really about the unprecedented power that has accumulated in the hands of an unaccountable, unfireable, unrepentant civil service that seems to be neither civ in our service. This incident is understandable in one sense. The amount these people are payed and the rarefied, palaces of power in which they operate are so wildly far outside the mainstream of thought and life in Nova Scotia that they would be very hard pressed to even hear about the issues facing average Nova Scotians let alone understand them.

engraver wrote:

Hi Folk's, Confusing for all??? While Deputy Min. Harnish is at an enquiry, there seems to be confusion here, like the school boards. One person say there are no set rules to the line of questioning, Yet!!! , The Deputy. Min. is in contempt for not following the rules. Why in HELL is the opposition so worried about spending, when the Liberals were turfed for overspending, and the NDP , probably will never be given a chance to run the province further into a lost cause. Set down a set of rules for the line of questioning, even, John A., on a drunken binge, would have ordered, a proper line of questioning. While Harnish, may be toungue-tied, she as a Canadian still has her rights. engraver.

Chronicles2008 wrote:

I think they should fire everybody and put the Chronicle Herald comment section in charge. Clearly far more intelligent and informed than anyone currently there... Perhaps one or two should step up and run in the next provincial election. Except that would mean having to DO something. Pathetic.

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