

The Committee met at 2:00 p.m. in the House of Assembly.

**MR. SPEAKER (Fitzgerald):** Good evening.

Welcome to a Management Commission meeting, one of our regular scheduled meetings, and I would like to welcome members of the Management Commission.

The full Management Commission is present today, and we will start off in our usual forum by asking members present to introduce themselves for the benefit of those that might be watching us by the medium of television.

I will start to my immediate left with Mr. Osborne.

**MR. T. OSBORNE:** Tom Osborne, MHA, St. John's South.

**MR. TAYLOR:** Trevor Taylor, MHA, The Straits & White Bay North.

**MS E. MARSHALL:** Beth Marshall, MHA, Topsail.

**MS BURKE:** Joan Burke, MHA, St. George's-Stephenville East.

**MS JONES:** Yvonne Jones, MHA, Cartwright-L'Anse au Clair.

**MR. KELVIN PARSONS:** Kelvin Parsons, MHA, Burgeo & LaPoile.

**MS MICHAEL:** Lorraine Michael, MHA, Signal Hill-Quidi Vidi.

**MS KEEFE:** Marie Keefe, Clerk's Office.

**CLERK:** Bill MacKenzie, Clerk.

**MR. SPEAKER:** I thank members and staff of the House of Assembly for making time to respond to our responsibilities as Commission members, and we will start the Commission meeting with the approval of

the minutes from our October 15, 2008 meeting.

If somebody would move that the minutes be adopted as circulated, then that motion is in order.

**MS E. MARSHALL:** So moved.

**MR. SPEAKER:** Moved by Ms Marshall, seconded by Ms Michael, that the minutes of the October 15, 2008 meeting – Mr. Clerk.

**CLERK:** We omitted to include Mr. Osborne in the list of attendees, and that was pointed out to us. So, along with Ms Lambe and Ms Keefe, we will have to add Mr. Osborne to the attendees, because he was at the October 15 meeting.

**MR. SPEAKER:** Thank you.

With the exception of that omission, and the correction, it is moved and seconded that the minutes be adopted as circulated.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

The minutes are carried as written.

The next item on the agenda would be Speaker's Report under Rule 18(4), and that is under Tab 1. This is the procedure that we use, and it is only a matter of reporting for Members' Resources and Allowances Rules.

Where the member was elected from Baie Verte-Springdale in a by-election, the member moved into the former member's constituency office and there was an amount needed there, just to change the name on a sign that advertised the particular office, for a total of \$60. The total annual cost now is \$12,060 and that will be for the complete contract rental of the office and facilities that go with it, and the services provided,

and the \$60 would be for the changes to the sign.

The next item on the agenda would be Rule amendment - Secondary Residences Property Taxes. This draft amendment has already been distributed to all Members of the House of Assembly and posted on the House of Assembly Web site. It is now brought back to the Commission for final approval, and then it will be Gazetted and become a change and an amendment to our rule.

The action is, "Pursuant to subsection 15(5) and section 64 of the House Of Assembly Accountability, Integrity and Administration Act the Commission hereby gives final approval to the following draft amendment of the Members' Resources and Allowances Rule:

"Subsection 41(2) of the Members' Resources and Allowances Rules is amended by adding immediately after paragraph (c) the following: (c.1) property taxes."

Any further comments?

If not, would somebody make a motion that we properly move and second the change to the Secondary Residences Resources and Allowances Rules to admit and to include property taxes?

Moved by Ms Jones; seconded by Mr. Taylor.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

The motion is carried.

Another change to the Members' Resources and Allowances Rules, here again the draft amendment has been distributed to all Members of the House of Assembly and

posted on the House of Assembly Web site. It now comes back to the Commission for final approval, and it reads, "Pursuant to subsection 15(5) and section 64 of the House of Assembly Accountability, Integrity and Administration Act the Commission hereby gives final approval to the following draft amendment of the Members' Resources and Allowances Rules:

"Section 42 of the Members' Resources and Allowances Rules is repealed and the following is substituted:

"Restriction on meal allowance

"42. Where a member makes a claim under subsection 46(3), relating to a meal expense, the member shall not claim a meal allowance under this part of that meal expense."

This particular issue has received, I think, ample debate and understanding here. If there is no further debate needed then a motion is in order.

Moved by Mr. Taylor, seconded by Ms Michael.

All those in favour?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** Restriction on meal allowance rules is adopted.

The next item on the agenda would be the contract for management certification process. This issue was brought forward at the last Management Commission meeting. Since the payment was in excess of 110 per cent of the approved contract amount that was put forward and supposedly paid out, or not supposedly paid out but to be paid out to Grant Thornton for doing a project to complete the Management Certification Process, there were some concerns raised. While the cost of the project was estimated to be \$53,393, however, the cost to date is some-\$121,000. Because of the change in

the scope of work and the amount of management time that was brought forward in order to carry out the scope of work that was required, there were some concerns raised and it was brought back now with some documentation to show exactly where those costs were incurred.

I open it up and ask members for their input or for their comments.

Ms Marshall.

**MS E. MARSHALL:** Mr. Speaker, I would like to comment on this item because when it was brought forward at the last meeting I did ask for certain documents. I wanted to review them before we decided what action we were going to take. So, I did receive the documents from officials, from your officials, and I had an opportunity to go through them. I wanted to indicate upfront that if this motion goes ahead today for a vote, that I would not be voting to support it.

I would also like to take this opportunity to let you know that when we move onto new business that I am going to put forward a notice of motion for the next meeting that we would consider having this contract referred to the Internal Audit group in the Comptroller General's office.

**MR. SPEAKER:** My apologies. Did you make a motion, Ms Marshall?

**MS E. MARSHALL:** No, I did not make a motion. I have served notice that when we get into new business I will be serving notice to have a motion brought forward at our next meeting, and that motion would be to have the Internal Audit group of the Comptroller General's office review the contract, the payments and events that happened once we entered into the contract.

I did have some questions and some issues identified, and my preference would be to have an internal audit function carried out on the contract and the payments.

**MR. SPEAKER:** Ms Michael.

**MS MICHAEL:** Thank you, Mr. Speaker.

First of all, I would like to thank the Clerk for getting all the documents to us that were requested by Ms Marshall. I have to say, I have read them very carefully and you know maybe the time then to do further discussion is when Ms Marshall puts her motion forward. I am glad to hear her. I did not know that she was doing this and I am glad she has done it because I am quite uncomfortable with a number of issues that have risen for me as I have gone through all of these documents as well. Perhaps this is not the place to do it, and maybe I will speak more to it when the motion comes forward unless, you know - I mean there is no reason why we cannot bring them forward here but I have questions. I have questions about how certain scores were done. I have questions about why there was not further, or what I would perceive to be a deeper analysis of the proposal that was accepted. There are just a whole lot of issues and questions for me, and I would assume that if we deal with this under the motion Ms Marshall is going to bring forward then the audit committee would go into a lot of those questions, but I would feel very uncomfortable at this moment passing what we have been asked to approve here today.

**MR. SPEAKER:** The Clerk.

**CLERK:** I do not know that it is necessary to wait until new business. I mean the matter is under discussion. We have looked at it at the last meeting. If there was a motion, I think it could be handled now.

**MR. SPEAKER:** Yes, I agree, and if Ms Marshall wants to put her suggestion or comments or concerns in the form of a motion then I think we can entertain it now if she is ready to make the motion.

Ms Marshall.

**MS E. MARSHALL:** Yes, I move that the contract relating to the certification process and related documents be forwarded to the internal audit group of the Comptroller General's Office for review. That would be my motion.

I would like to address one comment that Ms Michael made, that this is separate and distinct from the audit committee, that this matter has not been brought to the audit committee, that my motion arises from the fact that I am a member of the Commission. It arose out of a review of the documents. So, there has been no discussion with the audit committee at all.

**MR. SPEAKER:** Properly moved and seconded by Ms Michael that we refer this particular document to the internal audit division of the Comptroller General.

Mr. Clerk, would you like to have a comment?

**CLERK:** Just to make sure I have the wording here: Move that the contract and related documents be forwarded to Professional Services and Internal Audit Division for review.

Was it just for review?

**MS E. MARSHALL:** Yes, I think that is fine.

**MR. SPEAKER:** You would expect that to come back, then, to the Commission again once the review is completed, with their recommendations or what their concerns were.

**MS E. MARSHALL:** Yes, I would.

**MR. SPEAKER:** Okay.

Members have heard the motion properly moved and seconded.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

The motion is carried.

**MS JONES:** A point of order, Mr. Speaker.

**MR. SPEAKER:** Ms. Jones, on a point of order.

**MS JONES:** I am looking at the agenda under Tab 3, number 11, and there was a request that I had made to the Management Commission to invite Metrics EFG, who are the consultants of the report on caucus resources, to come in and do a presentation or at least to be available in a public setting of the Management Commission to answer questions or provide clarification on the recommendations that they have made in their report.

I would like to ask that number 11 be moved ahead on the agenda and dealt with prior to our discussion with regard to caucus resources, which is number 7.

**MR. SPEAKER:** The suggestion is that we move item 11 under Tab 3, which was a letter from Ms Jones requesting to invite Metrics EFG to attend a Commission meeting, move that particular item up to be discussed now, I guess.

**MS JONES:** Yes.

**MR. SPEAKER:** Have the discussion take place, and then have a vote take place if there is a problem around it.

Do members of the Commission have any problem with having that particular item moved ahead on the agenda?

Okay, members do not have any problem with that so the request is - and just allow me a minute to find Tab 3, number 11. I do not think there is any need of reading that particular letter, is there, Ms Jones, or would you like to have it read into the record?

**MS JONES:** I would like to have it at least noted in the record what the request is.

**MR. SPEAKER:** Would you like to do that?

**MS JONES:** Yes, sure, I can do that.

The letter was sent to the Management Commission following the last meeting in which we dealt with caucus resources, under which resources for the Official Opposition had been deferred. We were requesting that the Management Commission consider having Metrics EFG, who are the consultants for the House of Assembly and the Management Commission on caucus resources, to come to one of our meetings to answer any questions that we may have with regard to the recommendations they put forward, and to provide us with the rationale by which they reached some of the recommendations and why they felt they needed to be contained within the report.

That is the gist of what I am asking, and the request is being made to have them come forward to do that prior to any further discussion with regard to caucus resources which would be under number 7.

**MR. SPEAKER:** Are you putting that in the form of a motion now to allow that to happen?

**MS JONES:** No, the letter is making the request for them to come forward.

**MR. SPEAKER:** Yes.

**MS JONES:** If it is in agreement with the committee that they would allow the consultants to come in - and that would be in a public session of the Management Commission, not a closed session - if they are in agreement with that, then we would be satisfied to defer number 7, recommendation number 2, until after we have met with the consultants at a public meeting of the Management Commission.

**MR. SPEAKER:** Would you mind making that into a motion so that we can have it voted on, to see if the Commission agrees with having the Management Commission entertain another visit by the consultant who put forward the report on members' resources?

**MS JONES:** Certainly, I have no problem with moving a motion that would state that we would like to ask Metrics EFG consulting firm to come to a public session of the Management Commission to answer any questions around the recommendations that they have made, and the rationale for those recommendations, and that any further discussion or decisions around caucus resources for the Official Opposition, which is recommendation number 2 in the report, be deferred until after the public session with the consulting firm.

**MR. SPEAKER:** The motion is made by Ms Jones; seconded by Ms Michael.

All those in favour of the motion, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** Those against the motion, 'nay'.

**AN HON. MEMBER:** Nay.

**MR. KELVIN PARSONS:** Do we get to speak to the motion?

**MR. SPEAKER:** Do you want to speak to the motion before the vote, Mr. Parsons?

**MR. KELVIN PARSONS:** Yes, I would like an opportunity if I might.

**MR. SPEAKER:** By all means.

**MR. KELVIN PARSONS:** I would think the motion is a good motion for a number of reasons and, if I might, I would like to elaborate on why I think it is proper to have the consultants come in.

When we went through the election, we went through a very rushed process, shall we say, back in June 2007, Mr. Chairman, when we tried to accommodate the provisions of the Green Report prior to the election that we knew was coming in October 2007. In fact, the new accountability and House of Assembly Act and so on got passed here in the last sitting in June and we did it intentionally, deliberately, so that we would know that as soon as the election was over everybody would be functioning under the auspices of the Green Report and that new piece of legislation. I think everybody, certainly in the House, who is involved in any way with the parliamentary system in the Province, and the public, know that since Green we are operating on new turf. The environment on politics in this Province changed forever with the submission of the Green Report.

The Green Report didn't only deal with spending issues by MHAs. The Green Report dealt with a whole pile of things, as to how we as parliamentarians and MHAs should conduct ourselves on a go forward basis, and that is what we have tried to reflect, I believe, in the new House of Assembly Act.

The Chief Justice did make reference, amongst other things, to funding for various parties. That was one small part, in fact, of everything that Chief Justice Green said, but albeit it a very important part of what he said, including he had a session, for example, that the law changed how the Internal Economy Commission worked. It abolished it and set up this new commission that we are now part of today, so that we would function on a different basis on a go forward basis.

Once the election took place in October we found ourselves back here at a Management Meeting, and at that time the membership consisted of certain members who are here today, the Member for Topsail, the Member for Signal Hill-Quidi Vidi, myself, Ms Jones

and yourself as Chair. At that time it was Minister Rideout who was the Government House Leader who, by law, sits on the Commission, as does now Ms Burke who is here as Government House Leader. Also at that time it was Minister Marshall who I believe was the predecessor to Mr. Taylor.

We tried to grapple with this issue of resources based upon Green and based upon the new realities that existed in terms of numbers following the election in October 2007 when we had Opposition reduced to four persons, three for the Liberals and one of the NDP. We tried to grapple with this issue of the resources back in the fall of 2007. We didn't come to any consensus. In fact, if we want to be truthful with each other we found ourselves again - for whatever reasons, politics or partisan politics or whatever, we couldn't resolve the issue of what would be an adequate level of resourcing for the parties in the House, not just the Opposition parties but the government party.

We decided at that time, which I thought was a pretty admirable move - we all thought, and the Chair was in favour of it as well, that maybe the best thing to do was, let's not be perceived as being partisan at all. Let's go to someone outside, totally independent, who could examine every jurisdiction in Canada or elsewhere internationally, whatever, and give us some recommendations as to where and how we might proceed in the future; not only reflecting the Green Report, not only reflecting the party numbers that we had after October 2007, but also because anybody who had been around the House in previous years would know that we had a very ad hoc system before. We did not have any process or any formula, any rationale to figure out what funding should be given any circumstances. We decided at that time last fall that the best thing to do would be to get these outside consultants to give us some advice and recommendations based on looking at other jurisdictions and solid

understandings and reasons what we should do as a province on a go-forward basis.

Now, I think they did a good job. I think the report was admirable. I think it reflected the proper rationale. I think it gave us that formula that we needed on a go-forward basis. It was certainly done without any partisan view. It was obviously very independent. In fact, you had one of the members here, Professor Dunn who advised the Metrics people, he was also a part of the Green Report. So, I thought we, as a group, were proceeding very fair, very equitably towards each other and where we needed to go to resolve this, what was, at many times, a thorny issue.

We find ourselves now in the predicament, everybody knows what happened at the last meeting and I think it does - I am not casting any aspersions here, unfortunately it came down, I think, again to partisan politics. All I am saying at this point and the reason I support this motion is because if that decision is going to be - and it may well stand, that is fine. If that happens, that is the democratic process as well. But, all I am saying is, I think everybody on the Commission ought to have the benefit and the full understanding of the logic and the rationale of where the consultants, why they said what they said. We are looking at their report - now with all due respect, and I do respect the Government House Leader here and Minister Taylor, they were not a party to the meetings that we had with EFG in the subcommittee. All I am saying is that in the interest of everybody being fully informed, fully understanding the rationale as to why all of these recommendations came about, I think it is best that they come to explain that so everybody, not only these two members, but any other concerns that have been raised by anyone here since that time. Ms Jones did not get the benefit of hearing them either, and we all had our reasons why we could not make it or whatever, but the bottom line is there are certain members of the Committee who could not make it and did not hear them.

For the public interest, what is wrong with having the very people who prepared this report come forward? Let us ask all the questions as to why they came up with the recommendations that they did. At the end of the day - this is a very important issue. This is not about making a decision and getting past it and putting it under the rug and moving on only. This is about adopting a system that is fair and is being seen to be fair and seen to be in line with everything that Green suggested.

If, at the end of the day when these consultants come forward and all of the questions are asked of them, they give their explanations, and if anybody on this Committee then, we all have to live with the decision but never then will it be able to be said that we all did not have all of the information. Right now, I believe that is a very essential piece of information that is missing and that is we are not hearing publicly, verbally, under questioning from the very consultants as to their logic and rationale they used to come up with these recommendations. If, at the end of the day, the decision turns out to be, and the Speaker votes on this and says: I am going to come down in favour of one side or the other, we all live with that decision. But, at least then we can all say we had the benefit of being completely informed, absolutely, and right now we all cannot say that.

**MR. SPEAKER:** Thank you, Mr. Parsons.

Any further comments?

Ms Burke.

**MS BURKE:** My only comment would be that, I guess there was a sub-committee set up for a reason and then it came to the whole committee as a report. As a member of the Management Commission I certainly read the report. I do not have any questions on it. I certainly understood, as I read through it, what their rationale was and what they were recommending. So I do not have any

particular questions for the consultants. I guess, my concern is, are we going to delay having to discuss this issue today to be able to move to the next agenda item because of this? The other thing is, if it is felt that some members cannot proceed without having that consultation as opposed to the full Management Commission, I think that if we are going to entertain having the consultants come in, that the members who have questions should have the opportunity to meet, as opposed to everyone, if some of us specifically understood the report and do not have any particular questions.

**MR. SPEAKER:** Any further comments?

Ms Michael.

**MS MICHAEL:** Thank you.

I have given a lot of thought to this and I understand what both the previous speakers have said clearly, but it seems to me that we are in a new situation as the Management Commission that we have not been in before, the House of Assembly has not been in before, certainly was not with the Internal Economy Commission. It certainly stuck me, actually the day of the meeting of the sub-committee with the consultants, when three members of the Commission were able to meet with the consultants along with the Chair of the Commission. It struck me when the meeting was over that the whole Commission should have heard what we heard, should have been part of it.

I think that as a sub-committee we probably did not think clearly enough when we asked to meet with them. At that point, we should have said, look, we think that the whole Management Commission should have met. I think that is very legitimate because, while the subcommittee itself, in doing the initial piece of work that had to be private – because, when you are asking, when you put out calls for proposals and you are getting proposals in, we all understand that process. Until final decisions are made, that process has to protect the confidentiality of the

people who are putting in proposals, and that is understandable, but once the report came, the report then, by nature of the rules governing the Management Commission, became a public document; and, because the report is a public document, I think, on reflection - and I think it is something for us to think about for the future, if we do something like this again - on reflection, because it was a public document, we should have had it tabled in front of the whole Commission. Then we could have decided as a Commission whether or not we wanted to meet with the consultants.

I think that would be the proper procedure in the future, by the way. I do not think that anything – even though a subcommittee may have worked on it, once the work is done it should become public at the moment it goes before the Commission.

Having said that, I therefore think we should try to step back and do what I think we should have done and bring the consultants in; not just for us, but for the public, because not everybody who watches is going to go on-line and read the whole report. We can say they should do it, but they are probably not going to do it. There are people who will watch what we are doing here, but will not go in and actually take a report.

This report, I would like to suggest, and we have all read it, I know, and I would hope – well, it doesn't matter whether we agree or not - my position is that it is a tremendous resource document. I am very pleased that, for a fairly reasonable amount of money, we got a document of this nature, because this document, especially in the appendices, especially Appendix C, outlines very, very well, very comprehensively, what is happening in the democratic world today - not just what is happening in our provinces, not just what is happening in Canada or even in the EU, but in the whole democratic world - what is happening with regard to trying to make legislatures truly democratic bodies.



I think, to have the consultants come in, to have the discussion with them on the report, would be for the public good, and it is for that reason that I will be supporting this proposal.

**MR. SPEAKER:** Mr. Taylor.

**MR. TAYLOR:** Mr. Chairman, I have read the report. I don't see where there is any great deal of value in having Metrics EFG come in here to do a presentation. I mean, the fact of the matter is: I read the report, I understand the logic, I just happen to disagree with it in a couple of instances.

I don't have any questions for Metrics. If Mr. Parsons or Ms Jones or Ms Michael or Ms Marshall have any questions for them, then I think there was ample time over the course of the past couple of weeks or month or whatever to have those questions answered. I am not going to engage in any further debate on it. I think people know my views, and I can tell you my views have not changed in the past month. Nor will they change if we wait another month.

**MR. SPEAKER:** Any further comments?

A final comment, Ms Jones.

**MS JONES:** Thank you, Mr. Speaker.

I would certainly like to support the suggestion that was made by Ms Michael, that in the future, when we deal with public documents that are being brought to the Management Commission, that we not have to require a motion to have them tabled or to have the consultants invited in for a public presentation or questioning. I think it should be an automatic piece that makes up the functioning of the Management Commission, in honesty.

In fact, we did have Derek Green in, in a public session, to talk about the recommendations in the Green Commission. We have had the Auditor General in, in a public session, to clarify information that

was provided in reports that he made in the Province. Yet, it seems like, on this particular document, which is something that we commissioned and paid for as a Management Commission, there is reluctance on behalf of government members to have the consultant come in simply because they have no questions. I don't think it is a fair process. In fact, I appreciate the suggestion that if I have questions I can go in the back room and ask them of the consultant; however, that is not a functional way to operate as a Management Commission. In fact, any documents that come before us should be debated fully in a public forum and questions should be asked in a public forum whereby people have the opportunity to not only hear concerns that we have but also to hear the rationale and response of the consulting firm.

Frankly, I am very disappointed that there are members of this committee that would not allow for such an open and transparent exchange of information, whether they have questions or not.

That would be my final comment, and I guess we will live with the result.

**MR. SPEAKER:** If there is no further comment, the motion is that the Commission invite the consultants, Metrics EFG, in to a public meeting of the Management Commission to seek further information and to have other concerns answered.

All those in favour of that particular motion, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

**SOME HON. MEMBERS:** Nay.

**MR. SPEAKER:** Could I see a show of hands?

Those for the motion?

Those against the motion?

Again, we have a tie vote. The situation being that I came here as Chairperson today to cast a vote, which I indicated at the last meeting. When we invited a proposal to have an outside consultant look at caucus resources, it was agreed by the Management Commission that we would have a subcommittee. The subcommittee consisted of: a representative from the government party, a representative from Her Majesty's Loyal Opposition, the member of the third party, along with me as Chairperson.

I would have thought that if the subcommittee would function as subcommittees do, that members would take the results of the report back and report it to their individual caucuses, and if there were concerns then they would have been brought forward at that particular time.

I do not need to have the consultants appear publicly any more. I have made my mind up how I am going to vote. I am hoping that the vote will take place here today. Once the vote takes place then I see no need to further engage the consultants, which in this particular case were EFG.

The consultants, it is my understanding, were hired, and part of the contract was to make one presentation to the subcommittee. That presentation was made. Any member of this Commission could have sat in on that particular meeting and could have asked whatever questions they wanted.

I vote against inviting the Metrics consulting group back into the Commission meeting. I think it is time that we had a vote to deal with the caucus resources, which has taken up a fair amount of the Commission's time. I know it is an important issue, but there are other things that the Commission needs to deal with as well.

I am prepared to cast my vote today in order to bring some conclusion to this particular

topic, so I vote against inviting the consultants, Metrics EFG, back, and I consider the motion lost.

The next item on the agenda would be the recommendations. At the last meeting there was a debate that took place on Recommendation 2 that Metrics EFG consultants put forward. There were seventeen recommendations and there were fourteen accepted. One of the recommendations that went before the members for a vote was a tie vote and I have come today prepared to cast my vote. I have studied the issue, I have looked at the numbers, I have given it fair consideration, and I have looked at other jurisdictions.

The debate has already taken place. If members want to add a comment prior to me casting my vote, then I will entertain it at this time. Considering that the vote has already taken place I will give members another opportunity to make some brief concluding remarks if they want to deal with this particular issue and with this particular vote and not reflect on votes that have happened in the past. Do members want to have any concluding remarks?

Ms Jones.

**MS JONES:** Thank you, Mr. Chairman.

I am not going to belabour the point because I think we have quite adequately stated our position right from the beginning. I could get into a lot of things here today. I could get into the job of an Opposition versus a government member, the amount of legislation we handle in the House and so on and so forth, but obviously those things have all been debated and outlined.

The only closing comment I would like to make is that sometimes we have to look past the positions that we hold today in order to ensure functional democracy within the Province. This is where I am. I guess, the decision I am looking at making today is not just because I today hold the position of

Leader of the Opposition, but there are going to be role reversals in our political future just like we have seen in our political history. There will always be other political parties that will occupy the different seats and different positions within the House of Assembly. If we are to have a functional democracy within this Province we need to be fair to all political parties and we need to be fair to the roles and responsibilities that each one of those has to carry out. I guess this is where we are sitting today and we are trying to look at it from that perspective, understanding the position that government is taking but also understanding the necessity of having proper resources to do your job as an Opposition office.

I don't think there is anything we can say to further enhance or explain the position that we have taken in the past, other than the fact that we took some faith in the process that was outlined by the Management Commission. That was back earlier in the fall when we went to an independent consultant to look at the resources. We did so in good faith, understanding that the recommendations that would be coming forward would not only be from an independent body but they would also be fair, they would come from fair analysis and understanding of the political process and that the recommendations would reflect what the need was for all people and the role they play within our democracy. As I said, we took a great deal of faith in that and we certainly never imagined that we would be at the juncture that we are today.

I think it is unfortunate that we are here but it is, again, part of the political process. Certainly, whatever the result is we will accept and live with the outcomes.

Thank you.

**MR. SPEAKER:** Thank you, Ms Jones.

Ms Michael, brief comments?

**MS MICHAEL:** Yes, it will be brief.

I want to say that I agree with everything that Ms Jones has just said, but I would like to point out one thing based on the discussion that happened at our last meeting and comments that have also been made in the public arena, and that is in reference to the Official Opposition.

If we look at Table C-1 in the report, we have the situation of all of the provinces. Now in the body of the report the consultants chose, for the sake of not saying definitively because they did not do everything that was there definitively, they chose only two provinces to put up when making comparisons but when you look at the ten provinces, there is something that stands out. I will go back to the comment that I have heard made.

The comment is that the base amount should be the same right across for all caucuses, because that is what the others have done. Well, the two provinces that were highlighted for sake of comparison, yes, but if you look at other provinces in the ten provinces, not all of them give the same base amount. As a matter of fact, in at least three cases - I actually think it is four when you put in Manitoba, I think this comes out - the Official Opposition has a larger base or added on monies over and above the government caucus office. So doing it here is, if we did the same thing, if we approved what is recommended in number 2 recommendation, if we did that, we would not be doing something that is not done elsewhere in Canada. It is done in P.E.I. Now I know that P.E.I. is different in other ways but on that one they give more to the Official Opposition. New Brunswick gives a larger base to the Official Opposition. Manitoba has an extra bit put in and so does B.C.

So all I want to say is for us to approve number 2, we are not doing something that is not done in other provinces. For some reason the consultants chose to do it this way. I said last month, and I will just say it

once more and it will be my final comment. I would have liked them to have given the same base because the majority seem to do it, but there is a large number who do not, but if they had given the same base then I think the same base would have had to have been higher.

That is my final comment, Mr. Speaker, and I will be voting for recommendation number 2.

**MR. SPEAKER:** Any further comments?

Ms Burke.

**MS BURKE:** I guess I just want to comment, building on some of the information just provided by Ms Michael, as I said in the last debate and I guess it is one of the fundamental principles that I think is extremely important here, is that I think there needs to be a quality if we are talking about a base across the board. That the third party, the Official Opposition and Government Members should receive the same base and right now that was set after the last election for funding for both the third party and the Official Opposition. At that time they were each given a base of \$100,000 that was not given to Government Members.

When I read the recommendation that we are going to be voting on, it says to increase the base funding for the Official Opposition caucus from the current to \$250,000 annually from the current level of \$100,000. I guess if we vote against this, that the current level of \$100,000 that was brought in after the last election when we gave both the Official Opposition and the third party \$100,000, that stays in effect, I take it, or do we need to do another recommendation following this if this one does not?

**MR. SPEAKER:** My understanding is that that was interim funding at the time. The \$100,000 was brought in place as interim funding leading up to the debate that we are having today. Once this recommendation is

voted on then it would be in order for somebody to make a recommendation, if it is in the negative, that the \$100,000 be - make a motion that the \$100,000 be provided to Her Majesty's Loyal Opposition as base funding.

**MS BURKE:** So the base that was put in after the last election for the \$100,000 is considered temporary?

**MR. SPEAKER:** Yes.

**MS BURKE:** Okay.

**MR. SPEAKER:** Mr. Parsons.

**MR. KELVIN PARSONS:** I did not intend to comment but, again, there is a misunderstanding I believe by Ms Burke as to how the \$100,000 came about. I think that was reflected in her comments at the last meeting and again here today. As I stated, she was not a member at the time.

The \$100,000 came about as an interim measure because the Commission could not decide, in the new environment of Green and in the new realities of the numbers count after the October 2007 election, what the figure should be. There was no discussion that it should be \$10 or \$100. Everybody was saying we wanted \$400,000, \$450,000. There was a whole batch of numbers tossed back and forth. We all agreed because we knew we could not come up with the numbers ourselves. We agreed that, let's take \$100,000 and give to the Opposition parties for now and go get the independent consultant's report. That is how it came about. It was no more scientific than that. It was not chosen as we are going to give you an increase. I read that in the public that we gave them an increase back in October of 2007. It was not put out there in October that we are going to set this as a new base for the Liberal Opposition, or Official Opposition and the Third Party. It was decided simply as a stop-gap measure that we put out there and said look, we know \$100,000 is a fare anyway you have to have,

so let's put the \$100,000 out there. In fact, it was Minister Marshall who put it out there and said look, until we get this resolved by someone outside let's use the \$100,000 figure on a go-forward basis and we said yes. That is how it came about. So I think there is some misunderstanding about what was given and that it was set in stone or whatever else, a gift of some kind.

**MR. SPEAKER:** Any further comments?

Ms Burke.

**MS BURKE:** What was said, that does clarify, I guess. My question was about the base, was it there regardless of the vote or is it something that we have to put there because it was brought in in 2007, and for how long was my question, and it has been clarified.

**MR. SPEAKER:** Ms Michael.

**MS MICHAEL:** No, I think, Ms Burke understood what Mr. Parsons was saying. I was just going to point out that the wording of the recommendation, in my reading, assumes that there is a level, and the level is \$100,000. The recommendation was to increase the base funding from the current level of, so if the increase is not approved there is a current level. That is my reading of the recommendation.

**MR. SPEAKER:** Any further comments?

Just for clarification, to make sure we are all on the same wavelength, it is still my understanding that we may need a motion in order to bring forward, with clarification, of what the funding will be because it is interim funding right now.

That being said, we have already entertained a vote and I do not think members, from what I am hearing, their votes have not changed. The Speaker can not vote and leave a tie vote and have the motion die by the fact that there is not a majority. I have indicated that I would vote and I vote

against recommendation 2, to: "Increase the base funding for the Official Opposition Caucus to \$250,000 annually, from the current level of \$100,000." That particular recommendation is defeated.

Next we move on to Recommendation 16, and that recommendation is, "Treat caucuses of any new registered parties the same as that of the Third Party."

Members expressed some concern at the last Management Commission meeting that this particular item needed to be strengthened. I am not 100 per cent certain where members were, but I have asked the Clerk if he would draw up a new Recommendation 16. His recommendation is that maybe, for clarification, it would read something like, "A caucus of a registered party shall be entitled to the same base funding allocation, Leader Allocation (if applicable), Variable (per Private Member) funding, and Operational Resources as the Third Party."

I did not read that with much clarification, but members all have a copy. Is that the spirit of the change that members were looking for, in clarification?

Mr. Taylor.

**MR. TAYLOR:** My concern, I suppose, with 17 and 16, was not how 16 is written on its own; it is how 16 is written in relation to number 17. What I am getting at is, if we have three caucuses here now, for the sake of argument, written the way it is now, if by chance somebody decided to leave one of the existing caucuses and sit as an independent member, what would prevent them from, just on a whim so to speak – I do not mean anybody would do these types of things on a whim, now – do we have a concern? I did. I thought we had a concern about somebody sitting as an independent and then affiliating themselves with a registered party just for the sake of getting the additional caucus resources; because, if you just sit as an independent you get what it says in number 17. If you become

affiliated with I don't know what party, but some party, then you can get the couple of hundred and fifty thousand dollars or whatever it is the Third Party gets.

Maybe I should not be concerned about that, but that was the way I understood the concern at our last meeting.

**MR. SPEAKER:** My understanding is that, if members want to refer to the Elections Act, 1991, section 278, it clearly states what a registered party is and how a party becomes registered. So, they would have to meet the test of the Elections Act regarding the registration of parties in order to be able to go forward and seek a leader's allocation or seek extra funding that is available to registered parties.

It is my understanding that four members cannot cross the floor today and ask the Speaker to become Her Majesty's Loyal Opposition because they have four members, and there are three members that sit presently in Her Majesty's Loyal Opposition, without first meeting the test of a registered party. So we would be protected; the Elections Act would overrule this particular concern as we have stated in item 16.

Mr. Taylor.

**MR. TAYLOR:** Well, that was my only concern. The test, obviously, is strong enough, so I don't really have any problem with it either in its former wording or in its present wording.

**MR. SPEAKER:** Yes, it is our own legislation and it is something that we abide by. If something happened, that would certainly overrule the concern that we would have here.

Anything further to add for section 16 with the wording that is put forward as a suggestion?

Ms Michael.

**MS MICHAEL:** I just do not see the need for the new wording. I think basically it only spells out what number 16 says. I would be quite ready to vote for number 16 as it is worded, because all that we have is sort of the details of the treatment of the Third Party, basically, and I do not think it is needed. It does not matter one way or the other; it is both saying the same thing.

**MR. SPEAKER:** So, is it the will of the Commission to leave number 16 as written, with the understanding now of the Elections Act? I will not ask for a vote because it is just a move forward with the recommendations as written.

The other recommendation that members had some concerns about was Recommendation 17.

Mr. Clerk.

**CLERK:** Mr. Speaker, did we just accept number 16?

**MR. SPEAKER:** Yes, we accepted number 16 as written. I do not think we need a vote because it is already there and it was only for clarification. We did not vote on it the last time. It was to bring it back for clarification.

Do members want to vote? Okay.

Well, it is in order to accept Recommendation 16, which reads, "Treat caucuses of any new registered parties the same as that of the Third Party."

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

The motion is carried.

The next recommendation is Recommendation 17. As it is written in the

consultant's report, it reads, "Provide Members not affiliated with a registered party with no additional funding beyond their normal Member entitlements."

Some members raised a concern of what normal member entitlements might be, and how new members or members who would want to go forward and access normal member entitlements should be more clearly written and know exactly what it is that they would expect to receive.

Here again there has been a recommendation for clarification in alternative wording, and it reads: Number 17 may now read, "Independent Members not affiliated with a registered political party shall be entitled to the Variable (per Private Member) funding of \$18,000 per fiscal year, subject to the approved salary adjustment formula, for the purpose of research and administration, and Operational Funding of \$100 per month for miscellaneous operational purposes, subject to the approved adjustment formula."

That again is, with the variable funding that is associated with each Member of the House of Assembly, all members, no matter where they sit, will receive \$18,000 in funding to go to that particular party. If a member sits as an independent then that \$18,000 would go with the member for research and what other caucuses use it for, in addition to his \$100 a month for miscellaneous purchases.

Is that the clarification that the Commission was looking for?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** So, the motion is made that we rewrite Recommendation 17 to reflect the wording that was just read into the record.

Motion made by Mr. Taylor; seconded by Ms Jones.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

Recommendation 17 is accepted.

The next item, moving into New Business under Tab 3 of our agenda, would be the letter from the Audit Committee for the 2007-2008 Financial Statements. Those are statements on which I would ask Ms Marshall to make some comments. This is the recommendation that comes from the Audit Committee, and it is the 2007-2008 Financial Statements. We have them here, and in order for them to become acceptable they have to be signed by two members of the Commission.

I think that I, as Chair, would be one signing member, and maybe I would recommend, with the Commission's indulgence, that it should be another member who is not a member of the Audit Committee, another member other than Ms Jones and Mr. Parsons to sign those audited statement.

Ms Marshall, is there any further comment that is needed?

**MS E. MARSHALL:** I would like to indicate to the Commission members that the Audit Committee, which, as you know, includes two members of the Commission and two outside members, Mr. Parsons sits on that committee with me. We met last month with the Auditor General's Office and we did a very thorough review of the financial statements that have been passed out. We also reviewed the management letter that was provided to the House of Assembly by the Auditor General, we went through all of the finding and recommendations in detail, and I have been asked by the Audit Committee to pursue some issues both relating to the financial statements as well as the management letter. So, I will be reporting further on those

issues at a later date. I have started to do some work on them. I spoke with the Comptroller General recently. I will be coming back at a later date to provide more information.

In the meantime, the financial statements on the House of Assembly for the year ended 31 March 2008 are being recommended for approval by the Commission.

**MR. SPEAKER:** Any other comments by members of the Commission or the Audit Committee?

If not, a motion is in order to accept the financial statements as put forward by the Audit Committee for years 2007-2008.

The motion is made by Ms Michael, seconded by Ms Burke.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

The motion is carried.

We might just as well sign this report now since it is required to be done and there is a timeframe in doing so.

We need one other member. Ms Michael?

[Signing of report]

**MR. SPEAKER:** The next item on the agenda under new business is Delegated Authority, and I would ask the Clerk if he would make his comments and give the Commission the information as required under the Delegated Authority section.

Mr. Clerk.

**CLERK:** Thank you, Mr. Speaker.

As Commission members know, it is a challenge sometimes to get a quorum for

meetings. Everybody is busy; everybody has other offices and so on. When urgent matters come up, when we need a Commission meeting, it is often a struggle to get the Commission together at times.

The act, under section 20(4) allows the Commission to delegate authority to the Speaker or the Clerk under certain conditions. When the Commission does delegate it – and this is pointed out in the note - you have to understand the Commission is still responsible, still accountable for the decisions as if the Commission had made it. That is the nature of delegation. You do not avoid the responsibility; you simply allowed someone else to exercise it on a given instance.

The proposal here that the Speaker and I have discussed is: Would the Commission be willing to delegate to the Speaker, following consultation with the two House Leaders, to make decisions on urgent matters when the Commission cannot achieve a quorum?

There are two tests: We would have to attempt to get a Commission meeting and be unsuccessful, within a certain time frame, and the matter itself would have to be urgent. I am sure the Speaker does not want to be dealing with trivial matters at any rate. If the Commission approves it, it will be the first of these. The Commission has not delegated in this sense in the past.

The issue arises whether the Commission could delegate to some sort of subcommittee, but I have discussed it with Ms Proudfoot, the Law Clerk, and what the act currently says is you can delegate to the Speaker or the Clerk and that is it. If the committee were the recommended means of delegation, we would have to amend the act to say that the Commission could delegate to a subcommittee, whereas currently it only says the Speaker or the Clerk.

Some of this follows Mr. Osborne's comments of the last meeting, you will



remember: Is there another way to deal with urgent matters without getting a full Commission meeting?

At any rate, we had a look at it and Ms Proudfoot and I came up with this.

I guess we will just turn it over for discussion, Mr. Speaker.

**MR. SPEAKER:** Mr. Parsons.

**MR. KELVIN PARSONS:** Mr. Chairman, the only comment I would make is that I have no problem with the delegation piece as outlined. I think it is practical. I would think, though, we should reflect at least the makeup of the Commission at this setting and the fact that it is under your watch that we are doing this.

I think, for expediency and for common sense, we should include there, where it says, "...in consultation with the Government House Leader and the Official Opposition Leader..." I think we should include the Leader of the Third Party. Because, anything you do like this, the Leader of the Third Party is going to have to be informed about it anyway and it is only the matter of another phone call. These things do not happen - it is not surreptitious type behaviours. You are only going to do this in the case of, like you say, an urgent matter.

So that everybody - at least the different bodies who are represented on this Commission - would be informed, I think it is just simply easier to include the Leader of the Third Party here, and we still accomplish what we want with that one extra phone call being made.

**MR. SPEAKER:** Ms Marshall.

**MS E. MARSHALL:** Thank you, Mr. Chair.

I am going to speak against it. I had the benefit of sitting on the old IEC, and what

seems to be recommended here now is almost like an executive committee structure. Given our history, my preference is that, if I am going to sit on the Commission and be responsible for the decisions, I would like to participate in the decisions.

One alternative I put forward is: If there is an issue that a decision has to be made on, on an urgent basis, could not the members be contacted by telephone?

I must say that, this suggestion here, I would vote against it.

Thank you.

**MR. SPEAKER:** Any further comments?

The Clerk.

**CLERK:** Just a quick clarification.

The Commission cannot meet by telephone; it is one of the burdens we labour under. Treasury Board can do it, other committees can do it, but we cannot. We have to be on camera, recorded and so on.

The only issue here was, the act already allowed this one particular delegation; but, as a Commission, no, we cannot meet and do a phone canvass. We have to come together physically.

**MR. SPEAKER:** My understanding is, what we are doing here is strengthening what the act states, and the act states that the Speaker can do it in consultation with the Clerk.

I think we are strengthening that by reaching out to include the Government House Leader, and to include the Leader of the Opposition, and I have no problem with including the Leader of the Third Party. Everything has to be brought back to the Commission to be in the forum of television and to be ratified. So, it is not like

something is being done that is going to be foreign or blinded to everybody else.

I think it strengthens the act and I, for one, would feel much more comfortable in dealing with –and we may never have to use it, but if it is an emergency situation or an urgent matter then I, for one, would feel much more comfortable knowing that the Government House Leader and the Opposition House Leader and the Third Party had given their ears and their understanding to something and it would give me and the Clerk direction, rather than just myself and the Clerk meeting, and I would certainly vote in favour – well, I would certainly support it.

Ms Marshall.

**MS E. MARSHALL:** The point is that it is effectively an executive committee then, and once the executive committee approves something, when it does come back to the full Commission, it is for ratification; the decision has been made by then.

**MR. SPEAKER:** The Clerk.

**CLERK:** The wording deliberately says, “in consultation with.” In fact, while there would be consultation with two or three others, the decision would be entirely the Speaker’s because that is what the Act says. It doesn’t say, for instance, there would be a vote of this two or three person committee acting as an executive committee. That wouldn’t be the case. So, the Speaker would consult, but in fact he would have retained the authority to decide entirely on his own, conceivably even against the advice received during the consultations. That is simply because the Act is structured that way, that the Commission could delegate to the Clerk or the Speaker. The sub-committee approach, we would have to amend the Act.

Once that delegation occurs under 20 (4) the decision is actually made, so the Speaker would come back and report. I am not sure

you would think of it as ratification in the traditional sense. The decision would have been made and put into effect. It is a stronger authority given to the Speaker than perhaps even you appreciate.

**MR. SPEAKER:** Any further comments?

If not, the recommendation is that the Commission delegates to the Speaker of the House of Assembly, in consultation with the Government House Leader, the Official Opposition House Leader and the Leader of the Third Party, the power to make decisions respecting financial matters relating to the administration of the House of Assembly and statutory offices provided that the decision is urgently required and the Commission is unable to meet on the matter in a timely manner. A decision made under this directive and reasons for it shall be recorded and reported back at the next regular meeting of the Commission.

Any further comments?

Somebody make a motion that we make this particular action a motion?

Made by Mr. Parsons, seconded by Ms Michael.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

**SOME HON. MEMBERS:** Nay.

Can we have a show of hands?

All those in favour of the motion.

All those against the motion.

It being a tie vote, I vote in favour of the motion, that this action be written and be adhered to. I do that with the knowledge of seeking the wisdom of people, other than myself just making the decision.

The next item on the agenda is Purchasing Policy – Under \$200. This is a little bit of a move away from what we consider the normal purchasing within government, and we have had many situations whereby members become frustrated, and the House of Assembly Members' Resources and Allowances Committee have become frustrated in dealing with small items that members need to carry out their duties. We are talking about, sometimes, \$5 items, \$10 items, \$50 items, and we seem to think that we are being led down a road, that they are tying up valuable time as it relates to simple purchases; and, for the most part, when members have their constituency offices out in their district, in smaller towns, some of the services are only available from one source.

It has been brought to my attention many times, and because of that we have brought it back – and I think it has been discussed here at the Commission as well. There have never been any decisions made, so it was agreed to bring it back to the Commission to look at an action here, and it will read, “Pursuant to subsection 48(2) of the House of Assembly Accountability, Integrity and Administration Act the Commission approves and adopts the attached Purchasing Policy - Under \$200, dated November 2008, for the Members of the House of Assembly.

Chief Justice Green has recognized this fact and has indicated that such a motion might be needed and the House of Assembly could operate pretty well independently of the Public Tender Act and what is done in other departments.

The \$200 is a figure that we have put forward. If members are agreeable, that can change or we can not accept it. It is a proposal that I think is very worthwhile. I think it will allow members to do their work. I think it will free up a lot of time now that is taken up with members calling around and getting three prices for, sometimes, items

that we should not even be considering or putting our attention towards.

Comments?

Ms Michael.

**MS MICHAEL:** Just to say, Mr. Chair, that I was delighted to see it because of what you have already said: a lot of time going into things that are really eating up time and it should not be.

Also, one other thing to point out, I think it is good because there is a discrepancy right now between MHAs who have their constituency assistants in the House of Assembly and those who have offices outside, because in the House of Assembly – I forget what the language is for it in the business office – there is a standing approval of certain things, that the search has already been done and we already have approval. So, we don't have to worry about it, whereas, as you have pointed out, where the offices are outside and they are in rural areas this really puts an awful burden on them. I would like to see this happening. It also makes things more equal for all of us.

**MR. SPEAKER:** Any further comment?

If not, a motion is in order to allow members of the House of Assembly to purchase items less than \$200 with the action required as read into the record.

The motion is made by Mr. Taylor, seconded by Mr. Parsons.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

The motion is carried.

The next item on the agenda is under Tab 4, New Business: The proposed amendments to the House of Assembly Accountability,

Integrity and Administration Act, otherwise known as the Act, and it is the Act that we all govern ourselves by.

Ms Lorna Proudfoot, the Law Clerk, is going to join us now as we get into debate on the proposals that she has put forward for the Commission's perusal in order to submit to legislative counsel and executive counsel to have them written in the proper form and to be brought back to the House of Assembly to be considered as the amendments to the House of Assembly Accountability, Integrity and Administration Act.

I am certainly not going to read them all. Members have had a chance to review the twenty proposed changes as put forward to the Act. There might be others that members will want to recommend or there might be clarification of those that are existing.

It is open now for debate. Questions?

Mr. Parsons.

**MR. KELVIN PARSONS:** Thank you, Mr. Chairman.

I would personally like to go through each one of these. You said not to read them, but the reason I would like to go through them, I think, is very important. That is, again the Green Report is all about openness and accountability, and if we are going to be changing rules - and we have a substantial number of rules here, some of them minor things but some of them of some substance. I think the public process here is important again, to have an understanding of this. We have, as you say, twenty-odd pages of things and if it takes us a while to get through these I think it is in the best interest of all of us and the Commission that we do that, so that the public do not get the perception that we just took the act that we did last year, we come in with twenty pages of amendments and give it a flick in one brief motion. For my purposes - so I could have an

understanding as well because I read through the pages but like most times, everything I read is not correct either and my interpretation of what I read is not accurate. So I appreciate the give and take because what someone else sees in a section I might not see and that way we get to toss it about and make sure we all have the same understanding when we vote on it.

**MR. SPEAKER:** The Chair has no problem with that.

Ms Burke.

**MS BURKE:** Yes, I will just build on what Mr. Parsons said. Certainly, it would be helpful if we did that. As we look through it and as we go through this, although it looks like a lot in twenty pages there are only some that are probably really going to need clarification because some are very straightforward, just corrections or whatever in the spelling. So I think we should go through each one.

**MR. SPEAKER:** Ms Marshall.

**MS E. MARSHALL:** Yes, I agree with that, Mr. Chair. I would like to go through each one individually.

**MR. SPEAKER:** I take your comments. The reason I said that maybe we should not is because, as Ms Burke said, there are some where a comma has been put in the wrong place, there are others where the comma should be after the s rather than before in order to show the plurality of it, but there are certainly some changes here that need debate as well.

I will ask Ms Proudfoot, who is responsible for putting forward, writing and making those changes, if she would lead us through the twenty recommendations?

Ms Proudfoot.

**MS PROUDFOOT:** I think the best way to do it then might be to go down through the

issues column, so we will do it one at a time for each issue. There is no point in going through the existing legislation as it is.

Okay, the first amendment, does anyone have a problem with this? This is an issue that occurs because in one section of the act commissioner is actually meant to be the commissioner under the Public Inquiries Act but we have defined commissioner to be the Commissioner for Legislative Standards. So when you get to that section, because it is a defined term, it would have the wrong meaning. All that has been added to the actual definition is unless the context indicates otherwise so that when you get to that particular section you know which commissioner you are referring to.

Any problems with this? Okay.

The next is simply an incorrect citation. Subsection 43(5) should actually read subsection 43(6). It is paragraph 2(i).

Okay, jump right in there.

Throughout the act citizen's is spelled apostrophe s when it actually should be s apostrophe. This occurs later on as well. So is there any problem with this one?

Next one, there is a grammatical error in paragraph 3(g) and it is simply, it should not say "the responsibility of" it should say "responsibility for the". It is simply incorrect language.

The next, Speaker term of office; yes, the manner in which this is written, it would give the impression that the Speaker in office immediately after the House is dissolved is the Speaker that continues, but in actual fact, technically speaking, the Speaker is only the Speaker in office up until the point of dissolution because this section is the section that allows the Speaker to continue anyway. So instead of saying after dissolution, it should be either upon or immediately before dissolution. So the Speaker just before the House is dissolved

would continue in his position until there is a new Speaker.

This is an anomaly I think that we addressed once before at one of the Commission meetings. It says in paragraph 11(4)(b) relating to the amounts of expenses and so on that the Commission would allow by rule, it says that there is a maximum daily amount for meals or a basic amount per kilometre, which would have the effect that you could cross the Island, spend ten hours getting here and not eat or you could eat but not cross the Island but you could not do both. So "or" should actually be "and".

The next issue we have dealt with before, in 12(1)(g) there is an allocation for the Leader of the Third Party in terms of an additional salary, but the term recognized, as we all know, creates a large number of problems because it has a parliamentary meaning that is interpreted by the Speaker or the House of Assembly. It only appears in this section and it would be better to avoid confusion to simply take out the term "recognized". If we do that and we simply say that the Leader of the Third Party is entitled to the amount, then you could potentially have several leaders of third parties. You could have several third parties of one or several third parties of two, or so on. So the reason for qualifying it is that it would be the Leader of the Third Party who has obtained the greatest number of votes in the previous general election. This is open for comment, but that is the rationale for adding the qualification to the third party salary.

**MS BURKE:** I have a question on this one.

**MR. SPEAKER:** Ms Burke.

**MS BURKE:** Based on the report, the Metrics EFG report, and how we voted on, I think it was Recommendation 16, does that in any way impact what we are talking about here?

**MS PROUDFOOT:** It does not impact it, but at the time when this was done my

thinking was that this relates also to other resources and you have to be really clear as to who the third party is and who the Leader of the Third Party is. If you say that the Leader of the Third Party is the party that has obtained the greatest number of votes then, essentially, it is only one person who gets the added allowance and that is totally outside the allocation of resource issue.

**MR. SPEAKER:** Ms Marshall – Ms Burke, a continuation of the same question?

**MS BURKE:** Yes, just similar. So it would be the greatest number of votes across the Province. So that party would have –

**MS PROUDFOOT:** If you have, for instance, two third parties and they both elected one person, it would be the party that had the greatest number of votes in the previous general election.

**MS BURKE:** What about, say, in the same situation, where you could have the Labrador Party that could send two people to the House of Assembly and the NDP which would send one -

**MS PROUDFOOT:** Uh-huh.

**MS BURKE:** - but the NDP, because they ran candidates across a greater number of districts got more votes –

**MS PROUDFOOT:** Good point.

**MS BURKE:** - but there is two versus one?

**MS PROUDFOOT:** Yes, good point.

Maybe this needs to be qualified so that it is actually the Leader of the Third Party that has the greatest number of seats or in the case of an equality – oh, the third party is defined, that is right. The third party is defined as the party having the greatest number of seats. So if there is an equality of seats that is when you have the problem. This problem does not exist when you have

two people elected because they become the third party, by definition.

**MS BURKE:** But you could have two parties who just won and then you would go to the votes, is that it?

**MS PROUDFOOT:** No, no. The third party is defined as the second largest party sitting in the House of Assembly in opposition to the government. The largest party would be the Official Opposition. The second largest party would be the party that would have two seats. The problem occurs is when you have an equality of seats. So if you have two seats and then one seat, there is no question. The Leader of the Third Party is the party that has the two seats.

**MR. SPEAKER:** Mr. Parsons.

**MR. KELVIN PARSONS:** Another example would be the Labrador Party.

**MS PROUDFOOT:** Yes, exactly. That would be the Labrador Party.

It is only if you had the Labrador Party having one seat and the NDP having one seat. That is when the issue arises.

**MR. SPEAKER:** Further comments, Ms Burke?

**MS BURKE:** No, that is okay.

**MR. SPEAKER:** Ms Marshall.

**MS E. MARSHALL:** My comment is the same as Ms Burke's: I don't know if the number of votes should be the criteria that we are using, because the districts – like, the Labrador districts are really small and I know my district is very large. So, if you are going to give it to the person with the greatest number of votes, I don't know if that is the right (inaudible).

**MS PROUDFOOT:** Actually, this is not my decision; this is the Commission's decision, and essentially other jurisdictions

may do it different ways. It depends upon the jurisdiction. In Saskatchewan, the Speaker makes the decision.

The recognition is an issue where you have to have someone being the decision-maker as to what recognition is.

**MS E. MARSHALL:** Could I just follow up?

**MR. SPEAKER:** Yes, sure.

Ms Marshall.

**MS E. MARSHALL:** The phrase, “the greatest number of votes”, that refers to the leader, is it, the leader that has the greatest number of votes, or the party?

**MS PROUDFOOT:** No, the party that has the greatest number of votes.

**MR. SPEAKER:** Mr. Osborne.

**MR. T. OSBORNE:** I think we have addressed this earlier, by the parliamentary group. To be recognized as a parliamentary group in the House of Assembly you must be a registered party – the Labrador Party obviously would – but you must have contested two-thirds of the number of seats in the House of Assembly, which the Labrador Party obviously would not.

**MS PROUDFOOT:** This is the problem. This is not a rule; it is a recommendation, and this is what has caused this issue. We need to be clear as to who the true Leader of the Third Party is.

Now, there are other ways of doing it. You can say, as determined by the Speaker – the Leader of the Third Party, as determined by the Speaker – and that is not uncommon either, but this is a decision that has to be made. Or, you can leave it unqualified, in which case you would have more than one third party, possibly.

**MR. SPEAKER:** The Clerk.

**CLERK:** Thank you, Mr. Speaker.

I just wanted to make the point that Lorna just recently made. We have put this forward, in consultation with the Speaker, that we might only want to pay one salary to a party other than the Official Opposition.

There is no real basis for that and, as Ms Proudfoot said, as with the caucus resources, the Commission could decide that any leader of a registered party, for instance, in the House would be entitled to receive the same leaders’ salary.

The first decision, I guess, is: Do we want to restrict it to just one leader’s salary for a third party? If we do want to restrict it, then what means - votes or otherwise – would we use to restrict it?

The first decision is, do we want to restrict it or, like the caucus resources, do you want a certain equality of treatment for these third, fourth and fifth parties?

**MR. SPEAKER:** Mr. Taylor.

**MR. TAYLOR:** Bill just answered my question.

**MR. SPEAKER:** Ms Michael.

**MS MICHAEL:** I am just wondering why we would not say – because this is usually what we look at - rather than the number of votes, the greatest percentage of the popular vote in the previous General Election. If we are going to go for the third party, and leave it at just a third party, then why not the third party that has – well, it has to be in comparison to another one, because that is what you are trying to get at. Even this way, it is still not in comparison to another third party. The Leader of the Third Party that has obtained the greatest number of votes, but the greatest number of votes in comparison to whom, number one. Then, number two, if we are going to compare

then it would be better to say percentage of the popular vote.

It is complicated, the way it is written, because the greatest number of votes, well, the third party does not have the greatest number of votes when compared to the governing party or to the Official Opposition, probably, so –

**MS PROUDFOOT:** It would be the third party that has obtained the greatest number of votes, but Ms Marshall is right: there is such a discrepancy between the sizes of districts that a simple addition of votes does not necessarily do it either.

**MS MICHAEL:** Right, Ms Proudfoot, and that is why I am suggesting that, if we think this is reading all right in terms of “the third party that...”, then I think it should be the percentage of the popular vote, because that is usually what we look at. It is not the number of votes; it is the percentage of the popular vote.

**MS PROUDFOOT:** There is another way in which it has been done as well: when the Speaker has decided in other jurisdictions, it is not always by greatest percentage. It has been, at times, the incumbent party; so, just for argument’s sake, the Labrador Party, the New Democratic Party, because the New Democratic Party already was in office before an election, they would have been determined to be the correct party.

Anyway, tell me which way you would like to have it done.

**MR. SPEAKER:** Ms Jones.

**MS JONES:** I guess my question, too, is going to be around fourth parties, because there will be fourth parties, or there may be fourth parties, in the House of Assembly.

If the NDP, for example, is the third party and they have two seats and then there is another party with one seat and they are an official party, then they are a fourth party.

Where does that fit in, in terms of the extra monies that we pay out? Are they entitled to anything? Are they not? Because I thought that was part of the recommendations and the consultant’s report as well.

**MR. SPEAKER:** The Clerk.

**CLERK:** Thank you, Mr. Speaker.

Yes, there are two items at work here. The salaries for the various office holders of the House, of course, are in legislation in our Act. That is where your salary and Ms Michael’s salary is and so on and so forth. The caucus resources are simply a policy decision.

You are right in that, based on the decision we made on caucus resources where we said a registered party would receive the same treatment as a third party, in theory the leader of the fourth party – we will use the term fourth party for convenience sake – would receive the leader’s allocation of caucus resources as per the policy we have just adopted, and the other caucus resources the same as the third party. Because the Act says there is only one third-party leader’s salary to be granted the leader of that fourth party would not get the salary.

The caucus resources would be there, the leader’s allocation for caucus resources would be there but there would be no salary for the individual. That is the issue, whether we want to restrict the leader’s salary to just the third party, or if, to use the term, fourth and fifth party leaders should also be entitled to a similar salary.

**MR. SPEAKER:** Ms Jones.

**MS JONES:** I guess the reason I am raising it is because, if you are going to make amendments to section 12, you know, is that something that we need to look at? I think if you look at the legislation in place for other parliaments they do incorporate provisions for a fourth party as well, I think, including the salary for leaders and so on.



That would be my question: If we are going to make amendments to the Act under that section, should we at least put on the agenda for some discussion whether we are going to add the salary component for the fourth party of not.

**MS PROUDFOOT:** The Act only dealt with the third party and that is why. It is not dealing with anything else. The Green recommendation was that there be an added amount for a third-party leader. The term “recognized”, it has been suggested that it come out and Chief Justice Green has actually suggested that it doesn’t belong there as well. Really, for our purposes I was basing it on what the Act recommended which was that the third party get a set amount.

All we are trying to do is bring clarity as to who the leader of that third party is if you have an equality of third parties. Officially, the third party, by definition, is the party which has the second greatest number of members in Opposition. Really it doesn’t entertain the concept of a fourth party, a fifty party or whatever.

**MR. SPEAKER:** Ms Michael.

**MS MICHAEL:** One way to go, if we do not want to get into the fourth and fifth parties, but if it turned out that we have two third parties that get the same number of seats, then leaders of both - if we go with that definition, the party that has the next number of seats after the Official Opposition, which is used somewhere else in the Act. Then if two parties get the next number of seats after the Official Opposition the two party leaders get salaries. I think that would be the logical way to do it.

**MS PROUDFOOT:** If we simply say Leader of the Third Party then that captures equality of third parties and you do not have go any further than that.

**MS MICHAEL:** Right.

**MS PROUDFOOT:** We are getting very remote in a jurisdiction this size to be talking about fourth and fifth equal parties.

**MS MICHAEL:** Right.

**MR. SPEAKER:** Just for clarification, Ms Michael, are you suggesting that we look at the number of seats in isolation and the number of votes?

**MS MICHAEL:** No, I am saying we do not look at the number of votes at all. Number one, as Ms Proudfoot is saying, we have our definition of third party in the Act and I think it says the party that has the next number of seats after the Official Opposition. Well, if it turned out that we ended up with two parties that were third and had the same number of seats, so two and two, for example, or one and one, then each of them is a third party in the definition and the leader of each would get salary. I think it would be very simple.

**MR. SPEAKER:** Salary would go with the Leader of the Third Party.

**MS MICHAEL:** Just say Leader of the Third Party.

**MR. SPEAKER:** Ms Proudfoot, does the recommendation reflect what members are putting forward?

**MS PROUDFOOT:** It is up to the members. Certainly, if we just say Leader of the Third Party, if there were four parties elected and there were two equal third parties they would both receive the salary.

**MR. SPEAKER:** Is that what members are suggesting?

**MS MICHAEL:** It makes sense.

**MR. SPEAKER:** Hearing nothing in the negative then we can move forward.

**MS PROUDFOOT:** Should we vote on that change then, so that we would know which way to go?

**MR. SPEAKER:** Maybe what we can do is include the change and we will vote on the complete package at the end instead of voting on each one individually, because we have not done it up until now and these are just recommendations.

**MS PROUDFOOT:** Sure.

**MR. SPEAKER:** Ms Michael.

**MS MICHAEL:** I think if we said Leader of a Third Party then it leaves it open in case there were two third parties instead of the third party.

**MS PROUDFOOT:** I would correct it of course.

**MS MICHAEL:** Okay, thank you.

**MR. SPEAKER:** Ms Proudfoot.

**MS PROUDFOOT:** The next one is a reference to paragraph (k). The hyphen is a typographical error, it should be a comma. No problem?

Time at duties, number 6 there: An issue has arisen in terms of the \$200 deduction if you are not in the House of Assembly. Now, ministers and certain other people with other duties are exempt from this, but if you are carrying out constituency duties as a Member of the House within the precincts of the House then this \$200 deduction does not apply. However, if you are required to be in your constituency to carry out a constituency duty then the \$200 deduction would apply.

This recommendation has been made to cover instances where the Speaker considers it to be a legitimate absence for constituency duties in your constituency. This would, I think, have more impact upon far-flung districts than it would on local districts, but anyway it is there for your debate.

**MR. SPEAKER:** Ms Burke.

**MS BURKE:** I have no particular problem with that recommendation but I do have a further recommendation for this section. I think I will wait and see if other members comment on the recommended change before I introduce what I wanted to add.

**MR. SPEAKER:** Any other comments?

Members are clear of the way this particular item is written now, whereas I think it is members from rural areas who are disadvantaged. If Mr. Parsons decides that he needs to meet with the Town of Port aux Basques or members or a delegation from there he can still be carrying out his duties as an MHA, but by the present rules he would be deducted \$200 because he is in his district doing constituency work rather than in the precincts of the House. This change will now reflect, that if the member is in his or her district carrying out the functions as a Member of the House of Assembly then that would be looked at and accepted as a reason to be absent from the House of Assembly.

Mr. Parsons.

**MR. KELVIN PARSONS:** Am I correct in assuming that if it goes through as suggested here, as you say if I had a meeting, for example, in Port aux Basques there would be no requirement for me to report to anybody what I did?

**MR. SPEAKER:** No, that is incorrect.

Somebody would have to know where members are in order to have the penalty assessed. It would be the duty of the member to notify, in this case we are recommending the Speaker, so that authority can be given just like authorization to travel or anything else for the member to carry out their business as an elected Member of the House of Assembly.

Mr. Parsons.

**MR. KELVIN PARSONS:** What is the difference then, between that and (g)? I mean, if I have to come to the Speaker anyway, why wouldn't I just come to you under subsection (g) and say, look, I have a function in Port aux Basques, I have to meet with the Town Council, it is very important, can I have permission to be absent from the House on such-and-such a day? You would say, yes, thank you? Well, that is the same as you are going to give me under the suggestion.

**MS PROUDFOOT:** I was the person who recommended that this change be made, mainly because it is a specific prohibition that you cannot be absent from the House except for a specific reason. The constituency duties, one in particular, says constituency duties within the precincts. If you are on the West Coast attending to constituency duties, the Speaker is now bound by a law that says constituency duties within the precincts only. I felt that it was not sufficient to just carry on and allow him the discretion, that it needed to be laid out.

**MR. SPEAKER:** The Act is quite clear in that ministers, by nature of being members of the executive, have every right to travel and carry out their business as being members of the executive. Other members of the House of Assembly, right now, can only be absent from the Chamber if they are having meetings outside the Chamber but within the precincts of the House. That means in your caucus room, in the lobby of Confederation Building, or somewhere within the space that we call the precincts of the House.

Right now, if you are out in your district having a meeting, carrying out your duties as an elected Member, then that is not an excusable absence from the House of Assembly, the way it is written in our legislation.

Mr. Parsons.

**MR. KELVIN PARSONS:** With all due respect, I beg to differ with that interpretation. I mean, the precincts of the House, as I understand it, is a definition we had that refers to a very specific geographic region, i.e. the Confederation Building, the East Block, the West Block or whatever.

**MR. SPEAKER:** Yes.

**MR. KELVIN PARSONS:** I do not think it is discriminatory in its sense as it is rural versus urban MHAs. I mean, the Member for Mount Pearl, for example, or the Member for St. John's South can not leave and go to a meeting anyway under this. Whether you are urban or you are rural, I think that is irrelevant under this section. You can not be off of what we Confederation Hill here to do constituency business.

That is why I think he put in subsection (g), to say unless there is something that you get approval from.

**MS PROUDFOOT:** I only mentioned the rural versus urban just because I said it would probably have more of an impact upon more far-flung districts. In fact, if a member for somewhere in Mount Pearl had to attend to constituency duties in Mount Pearl and they could not be here, I think this is relatively rare. I mean, there is no great absenteeism from the House, but the Speaker is bound by paragraph (e) which says that you have to attend to duties unless you were within the precincts of the House.

**MR. SPEAKER:** Just for clarification as well, where I mentioned the rural versus urban, a member for Mount Pearl could be here for Question Period and could leave and have a meeting in the District of Mount Pearl and be back here again before the House closed. So they would meet their qualification to have been present in the House of Assembly. Ms Jones would not be able to go to her district and be here for Question Period and be back here again the same day or even to be here at all the same

day. There is a divide between rural and urban members to meet the test of this particular piece of legislation.

**MR. KELVIN PARSONS:** Why wouldn't we just repeal subsection (e) altogether and leave it to subsection (g)? Why are we complicating it and having subsection (e) in there at all? If the constituency business piece is what is causing the hang up and then we get into geographic boundaries, whether it is 19.1 or 19.2 and putting in a 3.1, why don't we just get rid of it and say leave subsection (g) there; whatever the Speaker approves? Let's not put any criteria on whether it is constituency business or whatever - subject to the Speaker's approval.

**MR. SPEAKER:** Could be. I certainly have no problem with that. The only thing is, the only way the Speaker would give approval to be absent from the House would be to carry out constituency business.

Mr. Parsons.

**MR. KELVIN PARSONS:** I spoke to Justice Green specifically about this issue when we chatted. The concern was that you have an obligation to be in the House, if you are elected, when the House is open. That was the bottom line. Now, obviously you could not be so rigid that there are not circumstances when you should not be here. He just listed off a number of things, and you can obviously get out for this; bereavement. You can get out if somebody is sick and whatever. The bottom line: He said, look, there might be reasons I cannot even think about. So leave it to the Speaker to decide.

I do not think we need to complicate things by amending what is here. Just get rid of subsection (e). If subsection (e) is a problem, get rid of it and leave it to your discretion. I have to do it in writing to you, as you say, and you will let me know whether I can or cannot be absent for that particular reason. It is that simple.

**MR. SPEAKER:** Ms Marshall.

**MS E. MARSHALL:** I have no further comment.

**MR. SPEAKER:** Any further comments?

Ms Burke.

**MS BURKE:** I do on this section, but not on this topic.

**MR. SPEAKER:** I have no problem. I leave it up to Ms Proudfoot's legal mind to know how this should be written or how we should submit it, but the point that Mr. Parsons made, I have no problem with it whatsoever. We should not be any more restrictive than we have to be in allowing members to carry out their duties.

Is there a recommendation, Mr. Parsons, that you want to make here, further commentary on what you would like to see? Obviously members are comfortable with your suggestion.

**MR. KELVIN PARSONS:** In conclusion, I just think Ms Proudfoot is on the right path in clarifying what could be an issue here. I think the simple way to do it is repeal (e) and anybody absent from here comes back to your discretion being exercised. Leave (g) like it is, get rid of (e) and just renumber the alphabet on the ones you have left there, (f) and (g).

**MR. SPEAKER:** That sounds great, but the Speaker would like some guidance as well. I don't want to be putting myself into a situation where members are coming for anything other than constituency business. That is why I think we should include carrying out their duties, doing constituency work, in order to be absent from the House. I don't want to get myself involved in making decisions on something that would be removed from what members are elected to do when the House is open. It is not like this is a twelve-month thing. This is for the

fifty or the eighty days that the House is open only.

I would like to have some understanding and some guidance to; when Mr. Parsons comes to me it would be carrying out his duties as an elected official rather than doing something that would be on the realm of that particular duty. That is why I would like to see that included there and that was the reason I was comfortable with it.

Ms Marshall.

**MS E. MARSHALL:** I just have a general question. All of the amendments that are being proposed, what is the source of them? Is it that individual people make recommendations? I know there is one amendment there that came from the Audit Committee, but where would the other recommendations – would it be from individual members?

**MS PROUDFOOT:** Many of them were just from proofing, going through them and picking up the errors. Some are anomalies. We haven't gotten to it yet, but there is a section where the report says the Speaker will vote in the case of a tie, but the Act does not reflect that. There are many sources.

**MS E. MARSHALL:** This particular recommendation – I am not looking for names, I am just wondering what would have been the source. Would this have been an issue? My district is within the Capital region so I can't speak to it because I can't relate to it, but this is obviously a problem for some people. Is that why...

**MS PROUDFOOT:** I don't remember the source in terms of the actual – you know, there may be other constituency duties. Certainly, the qualification on it was mine. This is simply something that the Commission needs to make up its mind on.

**MS E. MARSHALL:** Thank you.

**MR. SPEAKER:** Further comments?

Members agree that we should have the recommendation reflect members being absent doing members' work, committee, and constituency business. I would like to have that there for my own comfort, if members would agree.

Agreed. So, we can proceed with that change, to leave as is.

Ms Burke, I think on the same –

**MS PROUDFOOT:** You had another -

**MS BURKE:** Yes, I wanted to speak on this for a reason, why a member may be away from the House. It is not reflected here but it is certainly very important, and that would be if a member gave birth and had a child. Would a member have to go day-by-day and get permission? Certainly, it is not considered an illness. I think we have come a long way since considering that, but what would a member do if they became a new parent during a sitting of the House?

**MS PROUDFOOT:** I actually have done a little bit of work on this. You are welcome to the opinion, but I think that comes under 'other circumstances' that may be approved by the Speaker. So I cannot see that not qualifying as in other circumstances –

**MS BURKE:** I have to say though, if somebody gives birth, I do not think they have to go and seek approval that they may get. I think that is something that we should recognize.

**MS PROUDFOOT:** Well, I think, then, the Commission should do a policy and I have no problem distributing what I –

**MS BURKE:** I have a problem that we do not have it recognized in our legislation.

**MR. SPEAKER:** Ms Burke, you raise a good point. Not only for a member giving

birth but a member who would adopt, the same situation.

**MS PROUDFOOT:** Oh, yes.

**MS BURKE:** I adopted last week and according to the policies of the House or being a minister or an MHA, you do not get a day off.

**MR. SPEAKER:** No.

**MS BURKE:** So, I certainly feel it, but I mean this is not about me either. I am thinking more specifically when the House opens. We will have somebody who is going to have a child within this mandate, no doubt, so we need to address it.

**MR. SPEAKER:** We raised the issue and we have done some research and, to be honest with you, we saw nothing from any other jurisdiction that we could put in writing and say, here is clear direction as to how to proceed. It was for most places, people or jurisdictions - just say that you are elected to the House of Assembly, there is no sick pay, there are no maternal benefits. You are either here or you are absent for explainable reasons. That is the way it has been just about right across the other jurisdictions. In fact, I think at one point we approached a couple of people that asked the question and asked if they were interested in making suggestions to me as Speaker, that I could bring forward to the Commission so that we could develop our own guidelines, if you would, on a go-forward basis, but up until now there has been nothing written. It would be entirely up to the member to explain his or her absence and it would certainly be acceptable to me as the Speaker of the House of Assembly.

Ms Burke.

**MS BURKE:** I guess my comment on that is because no other Assembly or legislature has done it, does not preclude us from being the leaders in blazing the trail in this area. How we want to approach it I guess will be

determined but I still think that for the purposes of this section of the act it should be recognized. I think it is extremely important, and I really do not think a member who gives birth needs to go to the Speaker to see if they may be absent for that day or for a period of time. I think, in all fairness, we have to recognize in this day and age that we do have women in our legislatures and we do have women who do become parents as they sit in their Legislature, and that needs to be recognized.

In fairness, to say: Well, we have asked. I know I have been approached and asked to comment on it or be part of a committee or make some recommendations. I personally felt that there may be perceived as some personal benefit to myself because of the process I was involved in at the time and I did not think it was appropriate to be setting the policies. It is almost like you are setting them for yourself. But, I do think that it needs to be recognized here and I do think in fairness we also have to have a policy, even if we are the first in Canada to come forward with it, but we need to recognize that we do have people who sit in our legislatures who do become parents during their mandate while they are there. I think that is extremely important.

**MR. SPEAKER:** Just for further understanding for myself, because I have a real problem with making recommendations or to do things on the fly that we think should be included and we not do and touch the fine points that we should. Is it something that maybe we should assign to a staff in the House of Assembly to bring back to the Commission with recommendations and to have the Commission look at them individually before they come back to be discussed in a forum like this for approval and recommendations?

The Clerk.

**CLERK:** Thank you, Mr. Speaker.

Just to say, if I understand Minister Burke, this would not be a long section. It would be similar to the (a), to (g) and so on. It would be one of the acceptable reasons for no attendance in the House. So, one sentence or phrase adequately done might capture it.

Ms Proudfoot thinks she could probably draft something to reference maternity, paternity, adoption and this would simply be another one on the list under 13 (3) which would be a valid reason for absence. So, it should not be that difficult to just write that one element. It would not be the whole larger policy issue. It would simply be the issue of attendance.

**MS BURKE:** It may be addressing attendance here in this legislation but there may be a broader policy issue for people who may not be able to attend the full session.

**MS PROUDFOOT:** This section is aimed at absence from the House when it is in session. I think that certainly it would be within the Commission's mandate to determine whether or not there is going to be a maternity, paternity adoptive leave policy, but that would be a policy done by a directive.

**MR. SPEAKER:** Further comments?

Ms Burke.

**MS BURKE:** I would not mind hearing if others had any problem with having that listed as a reason for absence from the House.

**MR. SPEAKER:** To have that listed in those recommended changes and to develop a policy as we go forward, is what you are -

**MS BURKE:** I see it as two separate issues. I think that if you become a parent and you need to be absent from the House I think you should not have to go and request permission. I think we should accept that.

Whether or not we develop a policy, I would like to see that happen but I do not know if we need to put that here today in this debate. Maybe we could look at it another time under human resource issues or something.

**MR. SPEAKER:** Ms Michael.

**MS MICHAEL:** Yes, thank you.

A couple of things; one, I totally agree with the issue that has been raised by Ms Burke and I am really glad to see it raised. I do not think it will be difficult at all to come up with a phrase. The language is out there. It may not be there in other legislations, which is a shame on them that they do not have the language, but it is very simple. It can be found, it is in collective agreements, et cetera. It is either parental obligations - parental would be the word that would cover. I think we need something broad enough that it would cover everything from giving birth and adopting, right through to if you had an emergency with a child. It may not be a serious illness but you can still have a very serious emergency. That is number one. So I think, yes, it should be in. I think the language is really easy to find. Forget the legislation, move outside the box and find our language where it exists.

The other one is - and I am really glad it has come up. You know, over the past two years since I have been elected there have been different times when I have heard the phrase a family, friendly Legislature and that is what we would like to be. I have used the phrase, I think the Premier has used the phrase, it has been used by different people in the House and this may be the moment for us to identify and to identify which committee of the House is the one to work on it, but I think it would be good for us to have a policy with regard to making the Legislature a family friendly workplace, which may cover more than just the MHAs, by the way. I am just saying yes, I support it. I think it is two issues. We deal with the short one today and table the other one, if

we do not want to make the decision today, who we should put it to.

**MR. SPEAKER:** Ms Jones.

**MS JONES:** I just wanted to certainly support the recommendation that the Government House Leader made, and that was to add the section in here that would indicate persons who are obligating parental responsibilities, whether that be adopting or having a child or whatever, that would be added to the act.

I also want to expand upon what Ms Michael is saying, and that is that we need to ensure that parental responsibility is not limited to that. In the case, if there is a family member who has a child who is ill or sick, and is required to be in attendance, then the same rules should apply and that it should be done, of course, in writing, to the Speaker, but not on a daily basis or monthly basis, whatever the time period is required.

The other piece, if we were to look at implementing regulations around maternity or parental benefits for Members in the House of Assembly then we might also want to look at implementing some kind of benefits or rules around sickness as well. To my knowledge, if there is an MHA who finds that they need to take leave from their job for a period of time there are no provisions within our legislation now that allow them to have relief staff or some kind of relief to be able to fill in and act in their office to take on that extra responsibility. I do not know if that is something else that we might want to look at as well.

**MR. SPEAKER:** Ms Proudfoot.

**MS PROUDFOOT:** The only thing I would have to say is that if we are going to say parental leave, which I think is very good, you may have to put parameters on it in accordance with directives of the Commission or whatever policies have been issued, because otherwise you are having the Speaker having to make decisions on a case-

by-case basis. I think it is a good idea to develop a policy that is set down on paper, and people would comply with it or not. Otherwise, it is just the Speaker's Office making a decision.

**MR. SPEAKER:** Ready to move ahead?

From what I am hearing, there will be a change made for a recommendation there to include parental absence, with the knowledge that we need to do and to have a policy brought forward in order to look after the issues as raised by Ms Burke and others here today.

**MS PROUDFOOT:** The next one in section 13 is simply a typo. It refers to section 19.1 of the House of Assembly Act, and it actually should be a reference to 19.2.

Okay, number 7. This is another one of these language things; it is an anomaly that occurred. The way it is worded now in terms of entitlements to allowances and so on, the entitlement would go to the day of the election; but a newly elected person, their entitlement starts that day. So, in actual fact, entitlements should go to the day before the election. Then the new person would start on the day of the election.

There is also a word – as you can see there, it says “day immediately before”. In actual fact, that should read “day immediately before the” for the correction.

The next amendment is one that was voted on some time ago by the Commission and delayed until such time as we could put the amendment before the House. It has to do with claiming no expenses at all during the time of dissolution. No problem?

The House of Assembly Management Commission is the next one, section 18. The first section is one I referred to before. Chief Justice Green's report states quite clearly that the Speaker will vote in the case of a tie, in terms of meetings of the Commission, and who will vote in the case



of a tie just does not show up in the act at all. So, I have just suggested that we make the amendment so that is reflected. No comments?

The next one down there at the bottom of the page with respect to membership on the Commission, there is a subsection that deals with when there is no third party an additional member from the Opposition would take that place.

We have dealt already with the Public Accounts Commission issue, where there is overlap, but if there was, for instance, one member in the Opposition, there is nothing to deal with that situation. In that case what has been put forward is that, notwithstanding the layout or the allocation of members that is indicated in subsection (3) where there are not enough members in the Official Opposition to serve then those members would come from the government.

**MR. SPEAKER:** Ms Michael.

**MS MICHAEL:** Thank you.

I really do not understand the rationale for this; because, in looking at what was being recommended for the Management Commission, which was three members from the Official Opposition and three people in Opposition, one of whom is the third party, if we had a situation where there was either one person in the Official Opposition - that is all that you had, in Opposition, one person - you would still have three members of government. I do not see the benefit of adding more members of government to the committee when you would have three government people and one person in Opposition. Even if you had two in Opposition it would still be three members of government and two, and I do not see the purpose of adding another government voice, so I do not understand the rationale.

I mean, there is nothing to say - it does say that the membership is three and three. For

me, that is where the other three exist, but it does not say the Commission is six, with three and three, I don't think. It says three, and then three from the Opposition side, so if it turns out that you have zero Opposition then you have three government members. If it turns out you have one Opposition, you have three government members. Two, you have three, but I see no reason whatsoever for putting more people on the committee if that is what the makeup of the committee is.

**MR. SPEAKER:** My only comment to that is, you are 100 per cent right, whether you sit there with one member in Opposition and three in government or vice versa. The only thing is, it maintains the membership at the present level and it creates a situation where somebody else's voice and somebody's ears and somebody's eyes are involved in the management of the Commission.

**MS MICHAEL:** Excuse me, Mr. Chair, if I may.

**MR. SPEAKER:** Sure.

**MS MICHAEL:** I am not sure that putting another set of government eyes in there makes it that different.

**MR. SPEAKER:** Ms Michael, when members sit on the Commission, when you come here, you are not supposed to come as government members or members of the New Democratic Party -

**MS MICHAEL:** You could have fooled me.

**MR. SPEAKER:** - or members of the Official Opposition. Members are supposed to come to the Commission in a non-partisan way. If we going to get into the partisanship, you are right, it cannot work no matter how many you have there, but it is wide open for members' suggestions.

In my thought, it was a way of maintaining membership to the present level and have

somebody else there for their comments and opinions.

**MS MICHAEL:** But, as I said, the rationale was not necessarily to have six. Six is what it is because of three and three, and to me the four and one, or three and one, what difference does it make? That is where I would be with it. Why do it just for the sake of having the six if your makeup happens to be three and one?

**MR. SPEAKER:** Open to suggestions. It is brought forward to the Commission for their opinions and take it to have it brought back and debated here in the House.

Ms Burke.

**MS BURKE:** I guess the scenario has happened before in other legislatures where there was not an Opposition of a total of three or four members, it was lower than that, but I also think that to have an Opposition of less than three, at one or two is probably a very rare situation and probably one that most legislatures do not encounter. In fairness, the three government members and the two from the Official Opposition, one from the third party is probably a fair balance for any legislature or particularly for our legislature.

Should the situation arise where there was no Official Opposition, or only one or two and we changed it, I tend to agree with the comments of the Speaker, that this is about the members, the elected members who oversee the management of the House of Assembly, and that if you are going to be working to manage the House of Assembly you certainly need the opinions and you certainly need the input from a number of members. You also need a quorum at any given time and you may not always have all your members present.

I think that we are dealing with a situation where I would not anticipate we are going to have many, or any legislatures ever without an Opposition of a minimum of three, which

would fill what we require here for this Management Commission. I think that, in all fairness, should we ever hit that point in the Province, that I still think the matters that come before this Commission need to have a number of members. There are forty-eight seats in this House and I think that we cannot let that go to a smaller number to be able to manage the affairs of the House. I think the number six, and that is what we are operating under now - I guess we could debate if that should go to eight or ten or be reduced but right now it is six. I think in all fairness, that looking at the number of members we have, we should keep it at six. If we get to a position where the other parties, Opposition cannot fill their role, the number that they would have on the Management Commission that logically issued default to the government side where they would have enough members to fill the Commission.

**MR. SPEAKER:** Ms Jones.

**MS JONES:** Thank you.

I do not think that the amendment is necessary. First of all, I do not think the number of six on the management committee was any magic number. I think it was designed that way to incorporate the roles that people play within the Legislature and to ensure that they had an opportunity to participate in that process.

If at some point those positions are not there, those individuals are not there to fill those roles, I do not see the merit of playing a numbers game just to fill up the number of seats that are there. I think those that need to be represented should be represented in the decision-making body of the House of Assembly, and if that is the case, then I do not think there is any need to be adding backbenchers from the government side just to play the numbers game. I do not think that is what the management committee is about. I think we all have an obligation, depending upon the caucuses that we represent here and the roles that we play, to

consult with those that we are responsible to, and to bring their views and opinions forward.

I do not think the motion is necessary, or the amendment is necessary. I think that if at some point in our history, and hopefully we never will find ourselves there, but if at some point we do, if the idea of a quorum is a concern, well that is something whoever the committee of the day is will have to deal with and the Speaker of the day will have to deal with. I do not think it is any complicated matter to be able to override that and make the change, but I certainly would not be voting for a motion that allowed the management committee to be stacked with government members in a case that their Oppositions do not have a complement of seats in the House of Assembly.

**MR. SPEAKER:** Do members want to make a suggestion or make a motion the way we rewrite this or put it forward? We are open to that.

Ms Jones.

**MS JONES:** I do have a question, and that is: Why would this even be brought forward as an amendment? We can go through the accountability and integrity act that we have in the House of Assembly and go through all the what ifs that could exist over the next ten years of parliamentary process in this Province and come up with hundreds of recommendations and amendments. Why would this even be brought forward? Why is it being highlighted as something that the committee feels they need to make a decision on or make a change on? I do not see the relevance of it at this time, and certainly, I do not see the necessity of it.

**MR. SPEAKER:** Mr. Clerk.

**CLERK:** Yes, thank you.

We certainly did not mean any offence to any of the Opposition parties by it, Ms

Jones. It was just one of those things that maybe we should have the act prepared for the eventuality. Remember the Public Accounts Committee membership and the overlap with the Commission? Because there could be no overlap, we were stuck and we had to rush that amendment through the House to allow that. So it was just trying to be proactive if we are ever faced with the situation, nothing more than that, really.

**MS JONES:** I think the Clerk's comments actually prove my point. If you find yourselves in a situation like that in the future it is easy to ratify it, and we did that in the case of the Public Accounts Committee.

**MR. SPEAKER:** So members are suggesting that we do not need this change. We will delete that recommendation altogether?

**MS JONES:** That is my suggestion.

**MR. SPEAKER:** Moving right along.

**MS PROUDFOOT:** Okay, in the next section there is a use – this is subsection 4. There is a use of the word, or: “Where there is no party, other than the government party or the official opposition party, having a member elected to the House of Assembly, the member chosen for the purpose of paragraph 3(g) shall be an additional member from the official opposition caucus.” There would never be an ‘or’. If there is no third party, it would be an ‘and’. There is no one other than the government and the Opposition.

Actually, there is a choice here. We can either replace ‘or’ with ‘and’ or we can just repeal and replace it with something which I think reads a little bit more clearly, is: Where there is no third party, the member chosen for the purposes of paragraph 3(g) shall be an additional member from the Official Opposition caucus. Do you have a

problem with that, or would you like to just replace the 'or' with 'and'?

**AN HON. MEMBER:** I would like to (inaudible).

**MS PROUDFOOT:** Okay.

Subsection 8 is the quorum that was recommended by the Commission at the beginning of the year. The way the act reads right now, it is a member representing a party in opposition to the government and the Speaker or the Deputy Speaker but no reference to the member representing the government. This is just putting into the statute what was requested by the Commission earlier in the year.

The next one is not needed because we have decided not to do 3.1.

The final one to section 18 is a recommendation that when the House dissolves that the Commission continues. This is something that is done in other parliaments. In particular, under the Parliament of Canada Act, the federal parliament does this but they do not do anything other than normal administration of the assembly offices and so on, business. It could crop up during the dissolution period that a decision may be necessary, so the Commission would continue until replaced.

On page 8, this is a drafting issue, and the way subsection 20(3) is written it simply implies that the Commission can, by directive, overrule government rules, and that is not really the way it would happen. It is: the Commission would have rules within the same sphere, and in the absence of those rules the government policies with respect to management and financial policies would apply. It is the same concept, but the wording is changed so that it is clear that there is no implication that the Commission is trying to vary government rules.

Okay, we will move on.

I believe the Auditor General expressed a concern here that the timeline with respect to doing these financial and compliance audits is such that within the 90 days it places them, I think, at July 1 or thereabouts – after the end of the fiscal year – and they did not think that was sufficient time, because some of the records they are only getting in the first week of July anyway. So they asked that the date be pushed to August 31.

**MR. SPEAKER:** Ms Marshall.

**MS E. MARSHALL:** I have a comment on that one.

The (b) part in the third column, I am familiar with that issue because it did come up at the Audit Committee on several occasions, but the (c) part regarding the compliance audits, to have them reported on before September 1, I am not aware of that issue.

**MS PROUDFOOT:** Yes.

**MS E. MARSHALL:** Has the Auditor General specifically requested that? Because that seems like a short timeframe in order to complete a compliance audit.

**MR. SPEAKER:** The Clerk.

**CLERK:** No. I asked him specifically if it mattered and he said for the compliance audit for the (c) part it is not as essential that they have that date. It was really just a matter of putting it in for convenience. If they had been working on that fiscal year, concluding the audit by August 31, they might want to do the compliance but it is not essential for them. They can live with it, but the compliance audit piece is not as essential as the financial statements.

**MS E. MARSHALL:** Yes. I would check that with him, because if that is a regular compliance audit that is a big audit. I would at least let him see the wording, to make sure that he can live within that timeframe.

**MS PROUDFOOT:** We did consult with him.

**MS E. MARSHALL:** He saw it, did he?

**CLERK:** He said, it is fine if you want to put it there.

**MS E. MARSHALL:** I am surprised.

**MS PROUDFOOT:** This was a request, I believe, that we state clearly - this is number 10 - that we state clearly that when the financial statements and audit report and so on, recommendations, are given to the Commission that the Audit Committee actually, where it considers it to be appropriate, recommend that the Commission sign the financial statements. I believe that you might have raised this.

**MS E. MARSHALL:** Could you also include a phrase (inaudible) that the Commission approve and sign the financial statements, because the signing is supposed to indicate their approval.

**MS PROUDFOOT:** Okay. Approved and signed?

**MS E. MARSHALL:** Yes.

**MS PROUDFOOT:** Yes, sure.

**MS E. MARSHALL:** Thank you.

**MS PROUDFOOT:** Advance rulings on allowance use, number 11, that is typographical error, simply a comma.

This is an amendment having to do with being able to, on appeal, reverse a decision which has been made by basically the House of Assembly staff which falls within the letter of the law but is probably patently unjust. The clearest example of this is where an expense has been filed, it is an allowed expense, it is within the allowance, everything is legitimate, but it is outside the timeline. The staff, under the rules, are

required to reject it but in actual fact the money is owed, it is legitimate. This would allow the power for the Commission to say, okay, they have not violated anything, it is just this issue here. Where it is unjust they could change the decision that has been made at a lower level.

So, no comment on this one? Okay.

The next one, number 12, there is a typo with respect to Citizens again, and then again in paragraph 32(2)(d) there is a reference to subsection 34(6). I am sorry, subsection 34(5). It should be a reference to 34(6).

Again, another typographical error in the next one. The word "by" was there and it should have been "that," I believe.

In number 14, when you look through sections 36 and 37 there are several ways in which an inquiry can occur, like at the request of various members; one of which is at the request of the commissioner himself or herself. The way it is worded then, when it comes to the powers that are given to the commissioner, it would imply that the only time we would have the powers under the Public Inquiries Act would be when it is the commissioner himself requesting an investigation, but an investigation can be instigated by other people. I don't think it was intended that it is only where the commissioner himself asks for the investigation. I think it is wherever an inquiry is conducted regardless of the reason for it being instigated. Wherever it is conducted, then the commissioner would have the powers under the Public Inquiries Act.

Number 15, improper retention of public money: When Chief Justice Green and the Auditor General were here before the Commission they both indicated that section 45.(7) should refer to the statutory offices as well as to the clerk, clerk assistant and so on.

Application of Acts, number 16: This is similar to the last comment with respect to not being able to change the rules of the government. In this case, the way the section is written it implies that the Commission would be able to change the Public Tender Act and the Conflict of Interest Act, and that is just not so. A body like the Commission could never change statutory law.

The intent of this section is that the Commission would be able to make – well the way the existing language is - make directives respecting the area of tendering and conflict of interest, but in the absence of those directives the Public Tender Act and the Conflict of Interest Act would apply. Now, we have already actually done rules with respect to this, so what I added is make rules or issue directives, because we also have directives on the same area.

**MS E. MARSHALL:** I do not like that because the existing legislation says that the Public Tender Act and the Conflict of Interest Act shall apply to the House of Assembly. What this does now, it effectively throws out the Public Tender Act and the Conflict of Interest Act and gives the House of Assembly the authority to make their own rules, but then if they do not make a rule relevant to an applicable section in the Act then the Act will kick in. I think that the overriding requirement should be that we comply with the Public Tender Act. This sort of reverses it around. We make our own rules.

**MS PROUDFOOT:** My objection to the existing language is that it implies that the Commission can actually override those acts. If you want the Public Tender Act or the Conflict of Interest Act alone to apply, I mean that is a Commission decision. That is not what the issue was. The issue was that the Commission cannot, as a body, override what legislation says.

**MS E. MARSHALL:** Right. So what we are doing is saying: Okay, so the Public

Tender Act does not have to apply to the House of Assembly.

**MS PROUDFOOT:** No. What we are saying is, in the absence of the Commission already having made rules on that specific area the Public Tender Act would apply. If you have covered the field the Public Tender Act, in that particular –

**MS E. MARSHALL:** Does not apply.

**MS PROUDFOOT:** It doesn't apply with respect to that particular issue. It does apply with all other issues.

**MS E. MARSHALL:** Right. But the House of Assembly, once this amendment goes through the House of Assembly, could go out and develop a whole new set of tendering rules, can't they?

**MS PROUDFOOT:** Well, yes, they could, but again, with the way the other one was worded, you cannot issue a directive. It is changing the actual statutory law. If you want the statutory law to apply that is a Commission decision. That has nothing to do with this issue.

**MS E. MARSHALL:** I think, for the Commission to approve an amendment to the legislation that throws out the Public Tender Act it is not going to look good for the House of Assembly, so I do have a problem with that one.

**MS PROUDFOOT:** That is not throwing out the Public Tender Act.

**MS E. MARSHALL:** No. What it says is that the House of Assembly will now have the ability to go out and make all of these rules on tender, but if there is something that we miss then the (inaudible).

**MS PROUDFOOT:** That is what the Act is already purporting to do.

**MS E. MARSHALL:** If that is what this is trying to solve I do not like that solution.

**MR. SPEAKER (Mr. Tom Osborne):** Ms Michael.

**MS MICHAEL:** I am just trying to read it, because when I read it the first time I did have questions about it. I have it marked, which meant that I have questions. I am still not sure that the way it is written is problematic so I just want to read it again. It seems okay to me.

**MR. SPEAKER:** The Clerk.

**THE CLERK:** Thank you, Mr. Speaker.

Ms Marshall and I discussed this briefly just before the meeting began at 2:00 and I guess we disagree on what the Act currently says.

The proposal that Ms Proudfoot and I put forward here, with the Speaker's, I guess, concurrence, is not seeking to change anything substantively. Chief Justice Green in 48(2) thought he was providing the House the authority, by directive, to avoid any element of the Public Tender Act it chose. The only problem is the wording, as Ms Proudfoot said, is somewhat unfortunate in that the directives that the Commission would use to apply whatever tendering process it thinks appropriate cannot amend Statutes, which is the way this was written.

The clear intention was that the House should have the authority to decide tendering processes. All Ms Proudfoot has done here is try to keep that intention and find a little clarity in the wording. The only substantive addition here was the word 'rules' because it previously said 'directives' which, as you will know, is a less formal and less structured means of the Commission giving direction, because a rule is subordinate legislation, it has that whole rule-making process and so on.

The reason we added 'rules' - and you will remember we did a revision of these two sheets - we have a draft review from the Government Purchasing Agency on our

constituency office leasing matters and in one of the earlier drafts the point was made that the rules, which are section 28, for leasing members' constituency offices, are rules. Consequently, section 48(2) is not addressed, because it only speaks to directives. Even though the rules around renting members' constituency offices is a much more rigorous process, because it is subordinate legislation, the Act currently says "directives". The legal advice the GPA received was, those rules are no good because only directives can be applied to tendering processes, even though directives is a much less rigorous process.

The only thing we have really done substantively is add 'rules' and then just tried to make it read a little better. What Ms Marshall is speaking to is a much broader issue and we were not trying to address that broad issue.

**MS E. MARSHALL:** I appreciate what Justice Green offered in that section 48(2), I appreciate what he was trying to do there, but my preference is that the Commission adopt the Public Tender Act as it's guidance for tendering practices. I think that as Members of the House of Assembly we have already passed the Public Tender Act to apply to everybody else who is being funded by the public purse. You know, to approve a special rule for the House of Assembly, I do have a problem with it.

**MR. SPEAKER:** Ms Michael.

**MS MICHAEL:** I thought I had this the first time I read it and I am rereading it and rereading it. What the issue seems to be, if I am hearing Ms Marshall correctly and I agree with her on this, is that we need to have language that says definitely that we are within the Public Tender Act and the Conflict of Interest Act, but it does not mean that we can go beyond it in terms of more stringency. I think that is the conflict that we have going on here.

I think that Ms Proudfoot was trying to deal with that second issue of, yes, we cannot amend the acts. It says, be modified by a directive, and that is not allowed. That is the issue we are trying to get at, we cannot do that. However, we live within the acts but we can also bring in rules or directives that may be greater than the acts but within the acts. Is it a matter of another go at the wording?

**MS PROUDFOOT:** It could be, but I have to say that this is fairly standard wording, this does occur in other legislation. I was not trying to address whether or not the Public Tender Act and the Conflict of Interest Act should be the only Statutes governing. That is not at all where this is intended to be. That is another issue for the Commission to decide, whether we do it here now or whether it is something that you think on. It was simply meant to address an anomaly that is just not valid. You just cannot use language like that.

**MR. SPEAKER:** Ms Marshall.

**MS E. MARSHALL:** I realize that what you are proposing, you know, sort of dovetails into what Justice Green tried to do in the original section of the Act, but I do not like it.

**MR. SPEAKER:** Mr. Parsons.

**MR. KELVIN PARSONS:** Yes, Mr. Speaker.

I disagree with the proposed amendment. I think we have done an absolute back flip on what Justice Green wanted. My understanding, with all due respect to the legislative drafting, is that the first rule is you give the true and accurate reading to what the words themselves say. That is the first rule. It is quite clear here that he said in 48(2), the Public Tender Act and the Conflict of Interest Act shall apply. That is the first rule, above everything else. Now, if you want to get out of that you can make some directives if you want concerning

public tendering. We have done the exact opposite. We have taken it and flipped it upside down and said the Commission can make rules regarding tendering and public conflicts, but if you don't then we will let the Public Tender Act apply.

That is not what Justice Green wanted. If he did, why wouldn't he write it the way it is now being suggested?

**MR. SPEAKER:** Ms Proudfoot.

**MS PROUDFOOT:** I don't think it would stand that you could modify a piece of legislation. I think it was a lack of understanding of how you would have to word this. That is all I was trying to do.

**MR. SPEAKER:** Some direction?

The Clerk.

**CLERK:** Just one more thing. Although this speaks to those two acts, the language also shows up with the financial and management polices of government. Remember, we have to follow those. In subsection 20(3) it says, "Notwithstanding paragraph 1(c)..." – and that is where we update our own polices – "...the financial and management polices of the government shall apply to the House of Assembly and statutory offices except to the extent that they may be modified by directive of the commission."

So, it is a similar concept that Green was doing. He was trying to allow certain independence to the House. Now, in the case of the financial management policies, he is not specifically addressing legislation like the Public Tender Act. The concept, I think, is, follow government policies but still retain the right to make amendments. The financial management policies one, subsection 20(3) is similar to subsection 48(2).

**MR. SPEAKER:** Ms Michael.



**MS MICHAEL:** I am just rereading again both column one and column two. In column two, Ms Proudfoot has said that the wording of subsection 48(2) implies that the Commission can modify the cited acts by directive.

Now my question is: Is that really what is meant by saying the application may be modified by directive? That is not changing the act. That is not modifying the act. It is modification of the application of the act.

**MR. SPEAKER:** Ms Proudfoot.

**MS PROUDFOOT:** In that case it would be even narrower. It would simply be saying, essentially, that the act would apply if you took that narrow interpretation. I think it was an attempt to say that you can occupy certain areas of this field, but where there is nothing you go back to the act. If you want to vary it, that is fine.

**MS MICHAEL:** I do not think it is implying changing the act, which is the concern that you seem to have had. I do not see that being recommended. That is not what it is saying.

**MR. SPEAKER:** Ms Marshall.

**MS E. MARSHALL:** I will just make one last comment on it. That subsection of existing legislation says: The Public Tender Act and the Conflict of Interest Act shall apply to the House of Assembly.

This says now that section is being repealed, and nowhere in there does it say overriding criteria that we have to comply with the Public Tender Act

I think that it gives the Commission too much leeway to make too many changes to the tendering.

**MR. SPEAKER:** Ms Michael.

**MS MICHAEL:** I think the original writing is fine as it stands.

**MR. SPEAKER:** The Clerk.

**CLERK:** Just to Ms Marshall's part: I don't know, Ms Marshall, if you see it, the conclusion of the proposal on the top of the next page, it does say that; but, leaving that aside, the current 48(2) only says directive. What the Government Purchasing Agency is going to recommend with respect to our constituency office is rules.

So, at the very least, even if we go with existing language, we should insert "rules and", because that is what GPA is going to say, our existing leasing practices for constituency offices are in rules, so it would have to be rules that we would modify.

**MR. SPEAKER:** Ms Michael.

**MS MICHAEL:** I heard you say that earlier and I was going to put up my hand then and say: Well, why didn't we just put in rules and directives, or directives and rules of the Commission, in 48(2)? That would be sufficient to meet that need.

**MR. SPEAKER:** Am I hearing that members have some problem with item number 16 as it is presently submitted, and the change would be – would somebody relate the change that they would like to see, or if there is any change to be comfortable with? This is our legislation, and members have every right to bring forward their suggestions and concerns. It is better for us to do it here than have it come back to the House of Assembly, whereby we have given our eyes to it and have more problems with it.

I would suggest that if there is a suggestion to be made, that we might feel more comfortable with this, or to have it deleted all together, than by all means make known your thoughts.

Ms Michael.

**MS MICHAEL:** That was what I was doing, Mr. Chair. I was suggesting that 48(2), as it is in the act, that we keep it but with one addition: that the application may be modified by a directive or rule of the Commission.

That gets at the issue that Mr. MacKenzie was raising.

**MR. SPEAKER:** Are members comfortable with that proposal?

Ms Marshall.

**MS E. MARSHALL:** If Ms Proudfoot can redraft something, I would like to look at it.

**MS PROUDFOOT:** That would simply be an amendment that says: Subsection 48(2) of the act is amended by adding immediately after “modified by a...” the words “rule or....”

**MS E. MARSHALL:** Okay.

**MS PROUDFOOT:** That is all.

**MR. SPEAKER:** Would that be fine, Ms Marshall?

**MS E. MARSHALL:** Yes.

**MR. SPEAKER:** Thank you.

Ms Proudfoot.

**MS PROUDFOOT:** Number 17 is a typographical error, and that has been corrected. It is just a misplaced comma, I believe.

Interpretation, number 18, this is a request that came from the Citizens’ Representative. The typo there has been corrected, but in subsection 54(2) the Citizens’ Representative has asked that he be able to have the carriage of an investigation before the Labour Relations Board. This would be in the case where someone has disclosed information and then they are reprimanded,

lose their job or whatever, then they appeal it and the Labour Relations Board would be the tribunal that would hear the appeal on the actual dismissal or so on.

The Citizens’ Rep, because they would investigate at the early stages, felt that he would be more in a position to actually have the carriage of this, or to be there, because many of these individuals might not have the wherewithal to be getting the representation and carrying it forward.

I do have to say that this may, in fact, be an issue with respect to government proposed disclosure legislation. I am proposing this simply because right now it is a part of our legislation and I am not making any comment on whatever else may be out there.

**MR. SPEAKER:** Any comments?

Ms Proudfoot.

**MS PROUDFOOT:** That is actually the same issue in the next one.

The one before that is an incorrect citation that has been corrected. The last one would be the commencement date, and my suggestion was that it be retroactive to the date that the original act came into force, with the exception of 18(2) which is that the Speaker shall vote in the event of a tie. In the absence of absolute knowledge as to whether or not the Speaker has voted only in the event of a tie for the Commission in all cases, I would not want to affect past decisions. That one would be on a go-forward basis.

**MR. SPEAKER:** Any further comments on the suggestions put forward by the changes in the House of Assembly Accountability and Integrity Act? If not, I guess a motion is in order that we present those changes and those recommendations to the legislative –

**MS PROUDFOOT:** To Executive Council.

**MR. SPEAKER:** - to Executive Council for whatever changes they deem that need to be done with some of the things that we have put forward and have it brought forward as an approval by the Commission. Somebody make that -

The Clerk.

**CLERK:** Yes, just to remind members that the various amendments that we have talked about here, we will put out the decision documents within a couple of days. So you will have that time to compare with the existing ones here to see if it matches. We would not send it to Executive Council until that two-day time period has passed and you have had a chance to look at them.

**MR. SPEAKER:** And if members have a problem with it, then by all means, raise them and let's have them either changed or deleted to reflect what the thought was brought forward here at the meeting today.

Somebody make a motion that we submit the recommendations on our Accountability and Integrity Act.

Moved by Ms Marshall, seconded by Ms Michael.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

The motion is carried.

Thank you, Ms Proudfoot.

It being 4:49 and there is one other item under new business, which is financial reports, I take direction from the committee if we want to proceed into financial reports. It is not something that is pressing or that we need to deal with today. We can bring it forward at another meeting or we can deal with it now and go beyond on our time scheduled. Members sometimes complain

that our meetings are too long and that we always overrun the time that we slotted in. Maybe it is important that we try to keep a better schedule and not be as ambitious about our agenda.

The Clerk informs me that the satellite is booked until 5 o'clock. So if members want to-

Ms Michael.

**MS MICHAEL:** Point of order, Mr. Speaker.

We had to make a decision with regard to the Official Opposition and the \$100,000 base, we need a motion. I am happy to move that - I could move \$250,000 but that is not going to go anywhere is it? I would like to move the same language - if we can find it - that is in the report, the same language that is there for the Official Opposition and the third party. I do not need to move it. I pass over the speaking to Ms Jones.

**MR. SPEAKER:** The proposal, as I understand it, is the motion would be to provide the Official Opposition caucus an annual base of \$100,000.

Ms Jones.

**MS JONES:** Thank you, Mr. Speaker.

I was just about to move that motion and make that point when Ms Michael graciously offered her support for it as well.

The motion that we were to make is that - because as you know, right now, today, the Opposition Office has no budget, technically. I do not want to have to go up this afternoon and give layoff notices to every staff in my office. What I would like to do is move a motion that the \$100,000 base funding that was allocated for this fiscal year be maintained and that our budget be reviewed in the next fiscal year. That is my motion.

**MR. SPEAKER:** Members have heard the motion. Is there a seconder to that motion?

**AN HON. MEMBER:** Seconded.

**MR. SPEAKER:** Debate?

Ms. Burke.

**MS BURKE:** I guess I have a question based on what Ms Jones just said, because all we are talking about, I assume, is the base funding. Saying there is no budget right now, I would think that the funding that is in place for the support staff for the Leader of the Official Opposition and the Opposition House Leader, the \$302,600 and the \$18,000 per member plus the \$800 a month for the Official Opposition, all that would be in place. I am assuming this is only about the base funding.

**MS JONES:** That is not what we are discussing.

**MS BURKE:** No, but when you said there was no budget, I was just wondering do we have to do everything or just in relation to Recommendation 2?

**MR. SPEAKER:** My understanding, and I stand to be corrected, is the only thing that needs to be voted on here is the base funding of \$100,000. The remainder funding is already in place with the recommendations that have been made and accepted here and voted on in the past. The only thing that we need to vote on now is the core funding of \$100,000. I stand to be corrected, that is my understanding.

Ms Jones.

**MS JONES:** My motion, I thought, was very clear. I move that the \$100,000 base funding be maintained for the Official Opposition party and that our budget be reviewed in the next fiscal year. That was my motion. The numbers were in the motion.

**MR. SPEAKER:** Can somebody second that particular motion?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay'.

The motion is carried.

It being 4:54 of the clock, the next item on the agenda would be to set a time specific for our next meeting. I would like to remind hon. members that the Commission is probably going to be fairly busy over the next number of months and that there was some concern raised in the past with the way budgets were procured and the ability of members to be present and to have time to fully review the budgets that were brought forward, not only by the House of Assembly but by the statutory offices as well. So over the next number of months we are going to be needing probably seven, eight meetings of the Commission in order to deal with that issue. Most of them will be in-camera meetings because they are going to be budgetary meetings.

The next meeting is slated for the twelfth. Ms Burke has a problem with that particular date. She has indicated to me that Fridays are not a good date for her. In the past we have had a real problem with meetings because Friday was the only day that we could meet, and Members of the Opposition did not want to meet when the House of Assembly was open because of the fact of preparing for the House and the time frame that would be involved in dealing with committee meetings, especially when you are dealing with budgetary items. In the past we agreed that Friday was acceptable to the Commission. Now we have an issue where all members cannot make it for Friday meetings.

We have been – and I guess part of this is my fault, and maybe it is all my fault. I

have been trying to get full membership of the Commission in order to have a meeting. While we have stated in the past, and it has been agreeable in the past, that a quorum is a quorum. If there are items – every member is going to be provided with the agenda, and if there are items on that particular agenda that a member has an issue with, than all it takes is a call to me and I can bring it forward here at the meeting. The Commission have already agreed, if it is items of a contentious nature, it will be removed from that particular meeting and be dealt with when there is a full membership.

I ask members for their suggestions and opinions on a go-forward basis. Maybe there is another time slot that we can use. We talked about night time. We talked about – well, night time is the only other option. Members did not want to meet night time, and I know that members have busy schedules but we have to make commitments that the Management Commission is an important function of the House of Assembly, and in order to be members we have to carry out and be responsible for due diligence to Commission business.

I am open for suggestions, proposals, on a go-forward basis.

Ms Jones.

**MS JONES:** First of all, I think that the policies or the regulations around our committee which constitute a quorum are very clear. I don't think, as long as there is a quorum, that we need to be rescheduling meetings all of the time to meet everybody else's agenda. We are all busy. We all have commitments, both in our districts and throughout the Province. It is the nature of the business that we are in.

I also don't agree with the Commission or the Chairman being selective in terms of what items end up on an agenda because of who cannot attend. I think an agenda is outlined. If there is a quorum for that

meeting, then that agenda should be dealt with based on the quorum. If Yvonne Jones cannot attend, but it is an issue for the Opposition, that is my problem. I don't think it should be postponed from the Commission agenda. I think fair is fair; if there is a quorum, the agenda gets dealt with. That is personally how I feel; however, when the House is in session, Kelvin and I have discussed it and we will make some time available on Wednesday's after the House closes – at least an hour or up to two hours, if required – to deal with the business that needs to be dealt with, because we certainly do not want to have interruptions in the committee simply based on our House schedule. We have looked at it and that is probably the only time we feel that we could be accommodating, but we are prepared to do that.

Any Wednesday, as long as we are given notice, when the House closes at 5:00 p.m., we can make ourselves available immediately after the House to meet for an hour, or an hour-and-a-half, whatever it takes to deal with some of the business of the Management Commission.

I don't know how others feel about it, but if doing that is accommodating to the Government House Leader and other members then we are certainly prepared to do that.

**MR. SPEAKER:** Ms Michael.

**MS MICHAEL:** It is the first time I am hearing that, and I like it. I would be willing to do that, because that is the only possibility. If Friday is not possible when the House is open then that is the only possibility, because there is no way that we can give up a minute of the mornings in preparation for the House.

**MR. SPEAKER:** Friday is a troublesome day and I understand when members say it is, especially rural members. When the House of Assembly is open, members are here Sunday, Monday, Tuesday, Wednesday

and Thursday, and it is a time to do constituency business and to tend to family affairs.

If we could get our regular meetings - and I am not talking about the in camera meetings dealing with the budget; I think those will happen outside of the House of Assembly being open - the next meeting is slated for December 12. Does any member have any problem with meeting? If we could get our regular meetings then it would only take an hour. It would not take two hours or three hours and we could be time specific and say that we meet from 5:30 p.m. to 6:30 p.m. on the Wednesday that the meeting is proposed, and those might only be two Wednesdays while the House is open. It is not every Wednesday.

If members want to consider that, then we can change our next meeting on the twelfth and have it reflect to a Wednesday meeting, I would suggest to the Clerk.

Ms Burke.

**MS BURKE:** That would be fine with me, to have it on a Wednesday evening as opposed to a Friday, because Friday is the day I work out of my district so I would not be able to attend meetings here on Fridays; but the suggestion of Wednesday evening, if we roll December 12 back to December 10, that would be fine.

**MR. SPEAKER:** So, maybe we can set our next regular meeting for December 10 at 5:30 p.m. to 6:30 p.m.?

The Clerk.

**CLERK:** If I may, rather than the more marathon meetings, if we are going to meet Wednesday at 5:30 p.m., we want to finish in an hour, an hour-and-a-half, maybe we should book, as you said, the two Wednesdays, which would be December 3 and December 10, for an hour, an hour-and-a-half, rather than trying to jam it all into one short meeting. We could do one hour,

one-and-a-half hours, on December 3 and December 10.

**MR. SPEAKER:** I think we should keep it to December 10 for now, if members are agreeable with that. I am not aware of any book of business where we would need to have two meetings, two Wednesdays in a row.

**CLERK:** But we never know. The financial statements, for instance; I can see Ms Marshall now, with all the projected savings, going over that.

**MR. SPEAKER:** That is the other thing: I think the onus would be on us to keep the meeting short. Sometimes we have allowed having second and third comments on everything that we bring forward. I think we should set, with members' permission, December 10 and let's proceed in that direction.

Mr. Parsons.

**MR. KELVIN PARSONS:** I am not trying to be difficult, Mr. Speaker, but why would we not just do the cautious thing and set it for December 3, Wednesday night, and if we do need the extra date then we do have December 10 to fall back on; whereas, if we go with December 10 we have nothing to fall back on then, probably.

**MR. SPEAKER:** I am at your pleasure, so we will set the meetings for December 3 and December 10, if we need them; December 10 being the one - if we need it on December 3 we will be in touch with members to let them know in ample time and get the book of the agenda to them.

**MR. KELVIN PARSONS:** I am assuming, Mr. Speaker - I realize you have publication deadlines and notifications and so on, but - the House normally closes at least by a quarter to five or 5:00 p.m. on Wednesdays -

**MR. SPEAKER:** Depending on the issue.

**MR. KELVIN PARSONS:** - and rather than wait necessarily to 5:30 p.m., whenever it is ready, when the House closes, we will all be ready to go.

**MR. SPEAKER:** By all means. We can book the time frame. When we book it for the House of Assembly, we can just book it through.

Any further comments, realizing that members' comments are only going to be heard in the Chamber right now? If not, an adjournment is in order.

I thank members for their participation and their comments.

It is moved by Ms Michael, seconded by Ms Marshall, that this meeting do now adjourn.

Thank you.