

The Committee met at 9:00 a.m. in the House of Assembly.

**MR. SPEAKER (Fitzgerald):** Order, please!

First of all, good morning, and I would like to welcome the Commission to our first meeting of the 46<sup>th</sup> General Assembly of Newfoundland and Labrador.

To start the Commission meeting, I will begin by asking each member to identify themselves. Some members are here as statute members and I would ask them that they recognize the position that they hold as well.

I will start off with the Deputy Speaker to my extreme left.

**MR. BYRNE:** Yes, Jack Byrne, the Member for Cape St. Francis and Deputy Speaker.

**MR. RIDEOUT:** Tom Rideout, MHA for Baie Verte-Springdale, and I am here as Government House Leader.

**MR. T. MARSHALL:** Tom Marshall, I am the MHA for Humber East. I am here in my capacity as the Minister of Finance and President of Treasury Board and the Minister Responsible for the Public Service Secretariat.

**MS E. MARSHALL:** My name is Beth Marshall, I am the Member for Topsail district and I am the government caucus representative.

**MS JONES:** My name is Yvonne Jones. I am the MHA for the District of Cartwright-L'Anse au Clair and the Leader of the Official Opposition.

**MR. PARSONS:** Kelvin Parsons, the Member for Burgeo & LaPoile and here as Opposition House Leader.

**MS MICHAEL:** Lorraine Michael, Member for Signal Hill-Quidi Vidi and representing the NDP caucus.

**MR. SPEAKER:** Sitting at the table, we have -

**CLERK (Mr. MacKenzie):** I am Bill MacKenzie. I am the Clerk of the House of the House of Assembly and a member of the Commission in a non-voting capacity.

**MS KEEFE:** My name is Marie Keefe. I am the Policy and Communications Officer for the House of Assembly.

**MR. SPEAKER:** My name is Roger Fitzgerald and by being the Speaker of the House of Assembly it automatically makes me the Chair of this Commission meeting as well.

I would also like to acknowledge the fact that the Deputy Speaker is a member of the Commission and can take part in debate and offer comments and support, but does not have a voting right when it comes to any votes that take place here at the Commission.

We will start the meeting this morning. We do have a very ambitious agenda. We have set the timeframes from 9:00 a.m. - we are a little late starting - until 1:00 p.m. If there is a need to continue before or after 1:00 p.m., and if members want the meeting to continue, then we can make arrangements with the Broadcast Centre and if nobody have booked any extra time, then we can certainly take the agenda further into the afternoon, if it fits with members schedules.

We plan on having a break at approximately 10:30 a.m. There is also an in camera session to deal with a budgetary item that will take place sometime before this meeting adjourns. That needs to be done at a time specific. That is the only housekeeping thing and the only directions that are going to be forthcoming from me right from the very beginning. We will start the meeting

by the approval of the minutes for the previous meeting.

Members will note that the previous meeting, the minutes are given more or less in bullet style. In decisions that were made, we felt that it was not necessary to say who said what or when they said it because with the structure of the Commission meetings now being held here in House of Assembly, everything that we said is recorded and also taped, and if members want a recording of who said what or if the general public would want a copy of that, then it is readily available through Hansard. I would hope that that meets with Commission members approvals, that the minutes would be structured and put forward in that way.

The hon. the Minister of Finance and President of Treasury Board.

**MR. T. MARSHALL:** Thank you, Mr. Chairman.

The only thing I would raise, Agenda Item 9, it is called: Clarification of Rules - Standard Office Allocation. This list of office furniture and office equipment that each MHA is entitled to, is that - this was a suggestion of the staff, is that where this list came from? This does not come from Green's Report action.

**MR. SPEAKER:** The hon. the Clerk.

**CLERK:** The Minister of Finance is referring to, in the minutes, the minute number 2007-005, Agenda Item 9: Clarification of Rules - Standard Office Allocation.

That was a collection of furniture, equipment and services that staff put together and brought to the August 29 meeting of the Commission. The rules said that a standard package would be compiled, but it was staff who put it together. Green did not get into the specifics at all. So, that was very much staff.

This went forward and was approved at the meeting, pretty much as presented. There was a change on telephone matters, which we will be looking at later on under rules again, but it was essentially as staff presented it.

**MR. T. MARSHALL:** Okay. I just wonder if - for those of us that are cabinet ministers or have positions other than positions just as MHAs, what about if there is duplication or overlap here in terms of the department, or the House of Assembly might provide - and you do not want an MHA to be entitled to four blackberries, for example.

**CLERK:** No, that is right.

**MR. T. MARSHALL:** So how do we ensure that we do not have this duplication.

**CLERK:** I think, for instance, on telephones, blackberries, cellphones, those sorts of things, if you put in a request with us - you should probably check with your department, I am not sure, Minister - through the Corporate Service Division, we try to ensure just getting one for you and one for your assistant, as it were.

There are some issues with telephones and there is not a consistent approach yet. Some ministers have it through departments, and in that case we do not see those bills and so on. We are looking at it now. What we may come to suggest - I am not putting this forward now - is that the House assume the cost of all forty-eight MHAs cellphones and blackberries, even if there is departmental work done on them. At least there is a consistent approach to the billing. We will receive the forty-eight bills and so on. Whichever way you work it, if the department is paying for that phone, none the less there is still constituency work being done with that phone. So whichever way you slice it, someone is helping to pay the cost a little bit, either the department or the House. Sometime this winter we may try to bring a more coordinated approach forward for Commission approval.

**MR. T. MARSHALL:** I also referred to things like photocopiers and facsimiles. Well, a minister would have that through a department.

**CLERK:** Yes.

**MR. T. MARSHALL:** If the minister would receive this as well for the House of Assembly, you would have a duplication that is not needed.

**CLERK:** No, that is right. We would certainly not want to duplicate. I guess it was structured on a sense of starting a constituency office from scratch, but if you have a sort of ministerial office outside the capital region – as I understand you do – then, yes, there was a potential for overlap there with your existing equipment.

For the sake of moving this along, I move the adoption of the minutes.

**MR. SPEAKER:** It is properly moved by the Minister of Finance and President of Treasury Board and by the Leader of the New Democratic Party that the minutes be adopted.

All those in favour, 'aye'.

**SOME HON MEMBERS:** Aye.

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

The minutes are adopted.

On motion, minutes adopted.

**MR. SPEAKER:** The next item would be business arising from the minutes.

The first proposed amendment to the act with business arising from the minutes would be a directive that came from the last Commission meeting in the Forty-fifth General Assembly regarding quorum of meetings and I think the quorum of meetings, as it was written in the Green

Report, suggested that in order for a quorum to be present and a meeting to proceed, there had to be half of the Commission and at least one member from the Official Opposition Party with no reference to one member from the government party and I think at that time that there was an agreement reached that we would make an amendment to that particular statement and say a quorum of the meeting should be at least one member from government and at least one member from Opposition.

Any comments?

It is being brought back – it was suggested at the last meeting and now brought back to this meeting – for acknowledgement and approval.

Any comments?

**CLERK :** If I might make just one comment, Mr. Speaker, please?

**MR. SPEAKER:** The hon. the Clerk.

**CLERK:** If you remember the discussion last time, we said we would change the part of the policy manual to cover it but there was also the request: well, we should amend the act, and this puts the proposed wording forward to capture this when the act is amended, but you will notice in the briefing note that I also mentioned there may be a number of other small amendments that will ultimately have to be done in the act. There are errors and omissions and so no, not substantive matters, so I suppose when the House next opens we can compile these into one bill. So, there is no thought of bringing this forward in the immediate future. We will wait until all the various matters that might need to be addressed are done, and do it in one bill. So, I guess we are looking at some time in 2008 before we would put this into effect. At this stage it is simply the Commission's approval of the draft wording. That is the only matter at this stage.

**MR. SPEAKER:** Is it necessary for the Chairperson to read the minute that we have proposed? Everybody has it in their binder; it is there for viewing. So, if members are in agreement?

The hon. the Member for Topsail.

**MS E. MARSHALL:** I am just referring back to the last meeting, and there were a couple of items there that we were going to do some follow-up on. I was just wondering if we have heard back regarding the legal opinion on the start-up allowance of \$1,000?

**MR. SPEAKER:** The hon. the Clerk.

**CLERK:** Oh, yes, that was the one whether it could be applied to members who were members of the Forty-fifth General Assembly coming forward?

**MS E. MARSHALL:** Yes, that is correct.

**CLERK:** No, it cannot.

The wording is clear. Even if it might be too stringent, the wording is clear. It says new members for the forty-sixth.

**MS E. MARSHALL:** Okay.

**CLERK:** So even if members of the forty-fifth did not have an office, that is immaterial. They are not new to the forty-sixth, so they don't qualify for the \$1,000 start-up.

**MS E. MARSHALL:** They are not entitled to any of it.

Would that legal opinion be available to members of the Commission if they wish to review it?

**CLERK:** I am not even sure if I got it in writing; I think it was more of a discussion with our solicitor.

**MS E. MARSHALL:** Okay.

**CLERK:** If you wanted one, I could try to just get a note done up on it.

**MS E. MARSHALL:** No, that's fine.

**CLERK:** Okay, very good.

**MR. SPEAKER:** The hon. the Leader of the New Democratic Party.

**MS MICHAEL:** A question further to that, then: If an MHA currently, who was elected before the forty-sixth, was part of the forty-fifth session, already has a constituency office in the Confederation Building but decides to move it out, the MHA does have all of that material in the office here. For example, you have everything that is needed for your constituency office. So, in the spirit of that, then it would seem to me that the furniture and everything that is required for the constituency office that we are already using in the House of Assembly, if it is feasible - certainly in the capital region would be feasible - if we decided to move our offices outside of the Confederation Building into our constituencies, wouldn't we be able to take the furniture and equipment that we already are using and have been using in the constituency office in the building?

**MR. SPEAKER:** The hon. Deputy Speaker.

**MR. BYRNE:** I was under the impression though, if you have a district within the capital region that you couldn't have an office outside in your district, it would be in Confederation Building. Am I wrong on that?

**MR. SPEAKER:** If the Chair understands correctly, I think what the member is referring to is if you are already an elected and if you already have this equipment in your office and you choose to have an office out in your constituency, then why don't you transfer that equipment rather than buy new. Is that what the hon. Leader of the New Democratic Party is suggesting?

**MS MICHAEL:** Yes, getting at the fact that we are not really starting up brand new. We have all of this in the office here, and an MHA in the capital region is permitted by the new legislation to have an office in the district like anybody else. Since it is only \$1,000 for start up, we are not really starting up because we have all of it. So, why couldn't it just be moved into the external office? That is what I am wondering.

**MR. SPEAKER:** The hon. Clerk.

**CLERK:** I suppose that is possible but then we have an empty office here in Confederation Building; the desk, the chairs and so on, moved out. We would simply have to replace them here. So, we are no further ahead, I guess. If there is a new office being added, such as one in your district, it would probably be just as simple to provide this furniture in a package. So, that package is available anyway. The only matter under contention, from Ms Marshall's question, was the \$1,000 start up.

**MS MICHAEL:** That's right.

**CLERK:** So, the equipment and furniture package is a given anyway for the start up of an office. The only matter in debate is the \$1,000 additional start up.

**MR. SPEAKER:** Are there any other comments?

If not, we will move to the second item under business arising from the minutes.

**CLERK:** Mr. Chair, just if I could?

**MR. SPEAKER:** The hon. the Clerk.

**CLERK:** I just want to be clear, had we approved this wording for the amendment? Because we want to have it in Hansard that we have a clear record that this wording was accepted.

**MR. SPEAKER:** My understanding is that we have approved it.

**MR. T. MARSHALL:** (Inaudible) any confusion, I move that wording - we are talking here about the subsection 18(8)?

**CLERK:** Yes, that's right, the quorum.

**MR. T. MARSHALL:** Well, I move that the wording contained in the briefing notes be adopted.

**MR. SPEAKER:** Properly moved and seconded that the wording in the proposed amendment to the quorum for meetings be adopted.

All those in favor, 'aye'.

**SOME HON MEMBERS:** Aye.

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

Carried unanimously.

The next proposed amendment to the Act is the reimbursement of expenses during the writ period.

As members will know, this was another item that was raised in the last, and the first meeting I guess, of the Commission under the new structure in the Forty-Fifth General Assembly. At that particular time, the Green Report had identified where members could separate constituency work and, I guess, look for reimbursement of doing constituency work during the writ period. Members of the Commission thought that was probably a little bit difficult to separate, and members in their wisdom decided not to have any particular reference to members being allowed to collect reimbursement from funds for doing constituency work during the writ period.

As a result of that, there was an amendment made as well, and that amendment reads: The Commission hereby approves the following proposed amendment the *House of Assembly Accountability, Integrity and Administration Act*.

Section 14(2) of the *House of Assembly Accountability, Integrity and Administration Act* is repealed and the following is substituted:

(2) Notwithstanding subsection (1), a member may not claim reimbursement of expenses under subsection 11(2) from and after the date an election is called until the date of the election provided that the member has been declared re-elected under the *Elections Act, 1991*.

Comments?

The hon. the Minister of Finance.

**MR. T. MARSHALL:** This amendment is proposed so that an incumbent MHA does not have some sort of an unfair advantage during the election period. That is my understanding of it.

Accordingly, I would move that this amendment be passed, so that an incumbent MHA will not be able to claim reimbursement of expenses during the election period, from the day the writ is dropped until the election.

**MR. SPEAKER:** Is there a seconder?

**MR. PARSONS:** Seconded.

**MR. SPEAKER:** Seconded by the hon. the Opposition House Leader.

All those in favor, 'aye'.

**SOME HON MEMBERS:** Aye.

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

The amendment is carried.

**MR. PARSONS:** Mr. Speaker.

**MR. SPEAKER:** I am sorry.

The hon. the Opposition House Leader.

**MR. PARSONS:** I guess I am speaking indirectly to the motion. I am supportive of course having seconded the motion.

Just a side issue: The expenses that were incurred, they, of course, have agreed that the members would be personally responsible for those. I understand there is some difficulty in actually getting verification from the House as to what those expenses were, because those MHAs, for example, albeit they agreed to pay for them themselves, they indeed need to know what it is they need to pay and reimburse the House for.

There has been several requests, I know, in my case, trying to track down that information, and I understand there has been some difficulty in finding it, so I was just wondering if it could be made a point that it would be followed up on so that someone in the finance piece could figure out what each MHA did indeed incur as an expense, because it has to be dealt with.

Members, for example, then have to deal with it under the Elections Act piece, and there is a three month time period on filing that stuff; so, I just bring that to the attention that maybe someone could follow up on it to make sure that all MHAs, all incumbents who ran in the last election for that period from September 18 until October 9 would indeed be given a copy of what those expenses were so that they can do what they have to do with it, and figure out what they need to reimburse the House for.

**MR. SPEAKER:** The hon. the Clerk.

**CLERK:** I have heard of one phone bill. We have not received the detailed phone bill, so it is hard to split out personal calls, constituency calls and so on. I have not heard of the others but I will check with our corporate members' services division. Could you give me a sense of what sort of bills?

**MR PARSONS:** It is my understanding that – well, the blackberry, for example.

**CLERK:** Yes.

**MR. PARSONS:** It was my understanding from the last meeting that it was agreed, yes, a member would continue to use it throughout, but that the period during the election, which was, I believe, September 18 to October 9, that the member would be personally responsible for it. Whether it was personal calls or constituency calls, it was agreed that the easiest way to deal with it would be for members to be personally responsible.

Under the Elections Act – say, for example, I kept using my blackberry during that election period, yes, the House is not going to be responsible but I have an obligation, then, under the Elections Act, to put any expenses that I incurred into my elections filings.

I am trying to find out from the House what that expense was, and I have not been able to get the information. I am wondering if maybe the other forty-seven MHAs might be in the same position.

So, there are two things I need to do. One, I need the information so I can comply with the Elections Act; and, number two, I need the information so I can reimburse the House. Because technically now, I understand, the House is going to pay for that blackberry for September 18 to October 9, which we already agreed would not be the case, so I need it for two reasons.

**MR. SPEAKER:** The hon. the Member for Topsail.

**MS E. MARSHALL:** Just to follow up now, on what Mr. Parsons is saying, has any MHA received their bills for that period of time?

**MR. SPEAKER:** The hon. the Clerk:

**CLERK:** This is the problem with phones: we are not getting detailed phone bills, and it wouldn't surprise me if some of you are also not receiving them. The detailed breakdown of calls is very hard to track down. Do you get it, for instance?

**MR. PARSONS:** I don't (inaudible).

**CLERK:** We don't get it. We can't even track down from Aliant where some of these calls go.

On the government side, for instance, there is an individual who is no longer with government caucus who used to receive, apparently, these phone bills a couple of years ago, who is still the name Aliant sends them to, but he is not receiving them. So, we have been in discussions with Aliant to say: Where are you sending the bills? Because the obvious people to receive those bills are not receiving them.

So, it is part of this whole phone issue. If we could co-ordinate it in the House we will be able to get these detailed bills, but now it is a huge effort to even find the detailed ones.

I should just correct one other thing from the Opposition House Leader. The House did agree, and I think this was accepted at the Commission, or it might have been an administrative interpretation we did, that we would maintain the basic charge during the election period. Cancelling that basic charge and starting it up October 9 would have served no purpose and just caused extra costs, so we said we would maintain the basic monthly charge and members would incur the per call costs, as it were. So that seemed to be preferable to us.

I will check on that to see what we can do with these bills to get them done in time to have you comply with the Elections Act.

**MR. SPEAKER:** Any other comments on that topic?

If not, we will move to the next item on business arising –

**CLERK:** (Inaudible).

**MR. SPEAKER:** The hon. the Clerk.

**CLERK:** We didn't quite complete the vote, I don't think, on the amendment about –

**AN HON. MEMBER:** (Inaudible).

**CLERK:** Yes.

**MR. SPEAKER:** All those in favour?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** Against?

The motion is carried.

The next item on the agenda is: Membership for the Audit Committee. Subsection 23.2 of the Accountability, Integrity and Administration Act states that there should be an Audit Committee appointed and the structure should be: two members of the Commission should be chosen by the Commission, at least one of whom shall not be a member of the government party, and two members shall be chosen by the Chief Justice of the Province who are not members but who are resident in the Province and have demonstrated knowledge and experience in financial matters.

The Chief Justice has put forward two names: Ms Janet Gardiner, CA and Mr. Donald Warr, CA. While there were two appointments in the Forty-fifth General Assembly, which were the hon. Opposition House Leader, Mr. Parsons, and the hon. Member for Topsail, Ms Marshall, I guess this being a new Assembly we need to have an election to put forward two names, or continue with the two names identified as members of the Audit Committee.

The Chair will entertain comments and nominations from the Commission.

The hon. the Minister of Finance.

**MR. T. MARSHALL:** Mr. Speaker, I move the nomination of Ms Elizabeth Marshall as the member of the Audit Committee representing the government party.

**MR. SPEAKER:** Does somebody second that motion?

**AN HON. MEMBER:** Seconded.

**MR. SPEAKER:** Moved and seconded that Ms Elizabeth Marshall, the Member for Topsail, will be the member on the Audit Committee representing government.

All those in favor?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** Those against?

Congratulations, Ms Marshall.

The hon. the Leader of the Opposition.

**MS JONES:** Mr. Speaker, I would like to move that Mr. Kelvin Parsons, the Opposition House Leader and the Member for Burgeo & LaPoile, would be the representative for the Opposition on the Audit Committee.

**MR. SPEAKER:** The hon. Leader of the New Democratic Party.

**MS MICHAEL:** I second that, but I have a general comment to make, Mr. Speaker.

I think, just for the sake of the record, we are asked for two members of the Commission, at least one of whom is from the - two members of the Commission chosen by the Commission, at least one of whom shall not be a member of the government party.



I think it is just sufficient to say, you know, who is being nominated. I don't think we need to be pointing out who is from Opposition or what party. I just think we need to recognize according to the rule, because of the non-partisan nature of the Commission. I would just like to make that comment.

**MR. SPEAKER:** I will be guided by your comments.

The other member of the Management Commission as put forward for nomination would be the hon. Opposition House Leader, Mr. Kelvin Parsons.

Properly moved and seconded.

All those in favor?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** Against?

Do you accept, Mr. Parsons?

**MR. PARSONS:** Yes.

**MR. SPEAKER:** Congratulations.

The hon. the Clerk.

**CLERK:** In light of Ms Michael's comments, we can simply draft the minute that Ms Marshall and Mr. Parsons were elected as members. We don't have to speak to the party affiliation and so on. We can just use the two names.

**MR. SPEAKER:** The next item of business arising from the minutes is the approval -

The hon. Minister of Finance and President of Treasury Board.

**MR. T. MARSHALL:** Just a point of clarification.

I don't recall the actual wording in the act. Do we have to confirm the appointments of

Ms Gardiner and Mr. Warr, or are they actually appointed by the Chief Justice?

**CLERK:** Yes, it is actually - he has the authority to do it himself.

**MR. T. MARSHALL:** Okay, thank you very much.

**MR. SPEAKER:** The hon. the Minister of Fisheries and Aquaculture.

**MR. RIDEOUT:** Just a question.

The two appointees by the Chief Justice, were they for the Forty-fifth Assembly and will they carry over to the forty-sixth?

**MR. SPEAKER:** The hon. Clerk.

**CLERK:** We have deemed it so. I mean, there may be a debate there but I don't think either Ms Gardiner or Mr. Warr would complain. They are not members of the Commission, so the Commission would have been reconstituted, and consequently we went ahead with the election of the two new members to the audit committee, but I think it is fair to say the audit committee and the outside members could continue, so we have not pursued that with the Chief Justice again.

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

The next item on the agenda for Business Arising from Minutes would be: Approval of Members' Resources and Allowances Rules Manual and Members' Handbook.

All members of the Commission plus all Members of the House of Assembly would be aware that there has been an Allowances Rules Manual and Members' Handbook that has been made available to all forty-eight members, and it is my understanding as well that the orientation sessions have all taken place for members and they have been all given the opportunity, and I would think that probably all members, I say, Mr. Clerk, have availed of that opportunity.

The Clerk and other members have also saw fit to provide the media with a briefing, which we thought should be done.

While those manuals have been brought forward, and while the orientations sessions have been completed, we now need to adopt the manuals.

Any comments on the Commission approving to adopt the October 2007 version of the Members' Resources and Allowances Rules Manual and Members' Handbook?

**MS MICHAEL:** (Inaudible).

**MR. SPEAKER:** A seconder?

Moved by the hon. the Leader of the New Democratic Party and seconded by the Member for Topsail, that the October 2007 version of the Members' Resources and Allowances Rules Manual and Members' Handbook be adopted.

All those in favour?

**SOME HON MEMBERS:** Aye.

**MR. SPEAKER:** Against?

The motion is carried.

Next, we move to the Speaker's Report under Rule 18.

As members will know - and here again stemming from the Green Report - from the Members' Resources and Allowances Rules, all members were allowed to have a constituency office located in their constituency.

In that particular section it also made reference to an allowance of \$7,000, which would break down to \$6,140 plus HST, for the office space that would be needed, should it go to public tender - I think it was 350 square feet - and all approvals under \$7,000 would be automatic. Any approvals

over \$7,000 would have to be brought back to the Commission, not for a vote or approval, but to recognize and to be made aware of approvals that were already done by the Speaker. Since the election, there have been three approvals by me, as the Speaker. One, for the hon. Member for Harbour Main where tenders had gone forward and proposals received. The amount approved was \$8,964, which was the lowest proposal submitted.

The other proposal was from the hon. Member for Burgeo & LaPoile. The amount approved was \$12,000, and it was the second lowest proposal. The lowest proposal was \$11,000, but the second lowest proposal was accepted because of a situation - where the lowest proposal was brought forward and offered, there was limited access to the office after hours and there were some air-quality issues at the location that this particular office had been identified. So the Chair and the Speaker approved the \$12,000 for office space for the hon. Member for Burgeo & LaPoile.

There was another proposal put forward by the hon. Member for Fortune Bay-Cape la Hune in the amount of \$9,228. It was the only proposal submitted from four proposals invited.

The Speaker has approved those three tenders or proposals that have come forward by the hon. members who have chosen to have a constituency office in their district. That is a report. It does not need to be voted on. It is just to bring members up to the understanding of what has been done, but it is certainly open for comment and suggestions.

The hon. the Leader of the New Democratic Party.

**MS MICHAEL:** Just a comment, Mr. Chairman.

It will be interesting to see as time goes on, because I would imagine there are going to

be more offices set up that have not yet been reported on.

I think the Management Commission, through the Speaker and the Clerk, should be responsible for assessing how many exemptions need to be approved, like when we get down the road - I think it is too early to do that yet - and if we find that what has been allowed as the maximum allowance has an excess number of exemptions being made, we may want to assess the feasibility of the \$7,000 - which, in actual fact, is only \$6,140 - which is a very, very small amount of money for the rental of the space that has been allowed for in the legislation, because we are talking about an office where the MHA has to have space, the assistant has to have separate space, there has to be adequate waiting room for the constituents, et cetera.

I think - just to put it out now, not for discussion but just the way my mind is working. I think if it turns out that you have to approve a lot of exemptions as time goes on, then we may want to look at language which talks about market value and recognition of the Public Tender Act because if it is market value and the MHA has to get three quotes, then I think we would know that that is within the spirit of not overspending. I do find, as a layperson - I do not work in the real estate world but we all rent properties or have rented and know market value - what has been allowed seems awfully low to me. If there are a lot of exemptions down the road, we will find out that it is too low. So that is just a comment for the moment.

**MR. SPEAKER:** The other thing I make members and the media as well, and the public aware of - and I welcome the media. I failed to do that in the beginning, but this meeting is open to the public and to the media and we welcome the presence of the media here.

The \$7,000 not only includes the rental space, it also includes utilities; it includes snow clearing, taxes. You are right, there

are not many properties out there available for \$7,000, whether it is in rural areas or in the urban area today when you look at the full package being worth - well, \$6,140 really when you back off HST.

**CLERK:** Mr. Chairman.

**MR. SPEAKER:** The hon. the Clerk.

**CLERK:** Yes, just a little bit further. So far we have had one which came in under the \$7,000. That was with a non-profit group. A development association actually, was the landlord in that case. All the other negotiations we are under, they are all over \$7,000. We will have to do something or every lease will be an exemption that the Speaker will have to report on; \$6,140 simply does not do it.

The complicating factor is, because it is a dollar figure in the rules, we have to go through the most elaborate of processes to change, which means it has to go back to the House of Assembly. So, we could not do it until the House was open.

The Speaker has the authority to deal with the exceptions, but you will be dealing with nothing but exceptions, \$6,140.

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

The hon. the Minister of Finance and President of Treasury Board.

**MR. T. MARSHALL:** My understanding, these are offices where space in government buildings is not available. Is that what we are talking about here?

**MR. SPEAKER:** The hon. the Clerk.

**CLERK:** Yes, in essence, because the first duty is sort of to see if there is space available in government owned buildings. If nothing there, then you go out to the commercial properties, yes. But, in these smaller towns there is not always a government building.

**MR. T. MARSHALL:** Yes, I understand that.

**CLERK:** And the language of the rules is, government-owned, the thought being, I guess, that government has already paid for the building and there would be space available. Government leases are another matter. Some department is already paying for that space, so it is not the same to just try to piggyback on leased space that government is paying for. That is a separate matter. So, the rules speak to government-owned buildings.

**MR. T. MARSHALL:** Thank you.

**MR. SPEAKER:** The next item on the agenda will be the status report on the implementation of the Green Report.

I am going to refer this section to the Clerk who will take us through the implementation of the Green Report and give us an update on the recommendations that have been adopted, the recommendations that haven't been adopted, and probably give us a quick overview of some of the reasons why.

The hon. the Clerk.

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

I won't belabour these. There are eighty recommendations in the report of the Review Commission on Constituency Allowances and Other Matters, but each of those eighty has subdivisions. When you start to look at the individual units I think it is in the range of 250, so I don't think I will belabour the Commission members by going through those.

Generally speaking, almost everything that can be enacted, I guess to date, has been. There are certain matters, like members' pensions, which require legislative amendments. There is nothing we could do with that. There are a couple of matters on audits which will come up later on the

Commission agenda. The Code of Conduct for members is not yet done, because that requires the Committee on Privileges and Elections to be appointed and so on and so forth.

Generally speaking, I think there has been good progress. I don't know if there are sort of any key ones to point out. I think we have made good progress. I guess, I should say, the recommendations that were put forward, saying the 250 including the sub-recommendations, merely passing the Act and the rules effectively accomplished half of them, because the recommendation would be, establish in legislation this element or that element. Passage of the Act June 14 effectively accomplished all those matters. By and large, I think we have made good progress.

I suppose we should keep this as an agenda item as a sort of update for the next couple of meetings, just to see how we are preparing. I don't know if there is anything that sort of jumps out that the Commission might want to discuss, but I am open if there are any questions.

**MR. SPEAKER:** The hon. the Member for Topsail.

**MS E. MARSHALL:** Yes, I have one question, and I guess it sort of relates to Recommendation 29 regarding the classification and remuneration for staff.

Would members of the Commission be able to get a copy of the organizational chart of the House of Assembly? Because there has been quite a number of changes.

**CLERK:** Yes, it is in the handbook.

**MS E. MARSHALL:** It is in the handbook? Okay.

**CLERK:** Section 2 of the Members' Handbook has that chart.

**MS E. MARSHALL:** Okay, perfect.

**CLERK:** Section 2 of the Members' Handbook includes that.

I should say as well, Mr. Speaker, we are working with a consultant so we are working through a lot of the recommendations of twenty-nine, and other matters concerning staffing in the House, but we have not got it finalized yet to bring to the Commission. We may have something for the next meeting of the Commission in a couple of weeks' time, if we meet before Christmas, but we just didn't have it ready for today.

**MS E. MARSHALL:** Perfect.

Thank you.

**MR. SPEAKER:** Any other comments on the status of the implementation of the Green Report?

Just for clarification and direction -

**MS MICHAEL:** (Inaudible).

**MR. SPEAKER:** The hon. the Leader of the New Democratic Party.

**MS MICHAEL:** I guess I would just like to know - the Clerk did refer to the issue of the pensions. I am looking through now and I cannot remember exactly the wording that was in Justice Green's report, and then as well in the legislation, but what is the plan at the moment with regard to the process? Because I think the Management Commission is supposed to be involved in that discussion about what we are looking at, et cetera. For the moment I just can't find the wording that I am looking for, so I don't want to say what I think the wording is. I would like to ask the Clerk to remind us of that.

**MR. SPEAKER:** The hon. the Clerk.

**CLERK:** Recommendation 78?

**MS MICHAEL:** Yes.

**CLERK:** The very last one.

The recommendation 78 (1) talks about the Management Commission, - this is way over on page 30 of 31 of the update package - "The House of Assembly Management Commission, assisted by the Department of Finance, should proceed to develop a proposed new pension structure...".

Now, that isn't precisely what showed up in the legislation. In the legislation, in each General Assembly, a Members' Compensation Review Committee is appointed. That appointment takes place in the House, so the House has to be sitting to appoint the Members' Compensation Review Committee. Then that committee, with the advice developed from Pensions Division, will put forward a proposal on pensions and other matters - salaries, allowances, severance pay; they are authorized to look at all of those issues - which then comes back to the Management Commission.

The Management Commission then alters it, amends it, accepts it, as it sees fit, refers it to the appropriate minister, and then the minister would cause the bill to be drafted to bring the pension information back into the House; perhaps the Minister of Finance, for instance.

So the act obviously takes precedence over the recommendations, and the process in the act, section 16 of the act, is just slightly different from this, but essentially what this Members' Compensation Review Committee recommends comes back to the Management Commission, and then the Management Commission will refer it to a minister to have a bill drafted. So it is essentially the same, just a minor variation.

**MS MICHAEL:** (Inaudible) set up that committee?

**CLERK:** Yes.

**MS MICHAEL:** That is what I was looking for.

**CLERK:** Yes, section 16 in the act, so it has to be appointed in the House by a resolution of the House.

**MS MICHAEL:** Okay, so you hope to have a certain amount of work done prior to the setting up of the committee so that there is something concrete for the committee to start dealing with? That is the idea?

**CLERK:** My understanding is that the Pensions Division of the Department of Finance has already being looking at a bunch of options.

**MS MICHAEL:** Okay.

Thank you.

**MR. SPEAKER:** Just for clarification.

I don't know if everybody gets intimidated by those big binders like I do, but, since this is a work in progress, do we need to bring back the full 240 recommendations each time we print a binder here, or should we only include what has not been adopted, or what has not been attended to, so members can ask questions on – I think if it has been attended to and it has been adopted, then that meets the requirements and meets our understanding of what should be done.

Would it be advisable that we would only, in the future, bring back the recommendations that have not been adopted so we could concentrate on that rather than having you look through thirty-one pages or read thirty-one pages? What are the members' thoughts on that, or would you like to see the full package?

The hon. Leader of the New Democratic Party.

**MS MICHAEL:** Your recommendation, Mr. Speaker, makes sense to me because

what we could then see is, we could reference the very first report we received, which was in August, and then every one we received after that is an amendment or whatever to the original report, so that we don't have to be repeating the paper either, because each time now, like yesterday.... We did have one draft with thirty-one pages and then that got updated, so even just for this meeting there were sixty-two pages of paper. I think that is a very good suggestion, personally.

**MR. SPEAKER:** What we can do as guidance, I guess, is - there are many, many factors, eighty recommendations, but there are something like 240 when you consider the sub-recommendations, so if there is any part of the recommendation not fully adopted then we can include the full recommendation rather than the sub-recommendation.

**CLERK:** Yes.

**MR. SPEAKER:** Any other comments on the implementation of the Green Report?

The next item on the agenda is caucus resources and it may take up a fairly lengthy discussion and maybe it will take up very little timeframe, but in the essence of making sure that we get the Special Warrant Implementation Costs passed at this particular meeting, with the approval of the Commission, maybe we can move item number 5 ahead of item number 4, or item number 7 ahead of item number 6, and have a quick in camera session to talk about the cost of the implementation of the Green Report.

The reason I say to members that we have an in camera session, any time we talk about budgetary matters, because of the sensitivity and because it has to go before Cabinet and it has to be approved and it is done and the Green Report makes special reference to this, it is done in camera. What in camera means is a private meeting for the Commission to look at the report, to pass the

report, and then come back into the public session again where we ratify the report on a go-forward basis.

If members are agreeable that we do the in camera session for the cost of the Green Report, we might do that now and then resume the Committee and move forward with the agenda as proposed.

Would that be acceptable?

**AN HON. MEMBER:** (Inaudible).

**MR. SPEAKER:** Okay.

So, if that is the case, and I thank the Commission for their agreement, what the Committee will do now is take a brief recess. We will go to the Speaker's boardroom, look at the cost of implementation of Green, and then we will come here and reconvene the Committee and pass that particular recommendation, or refuse it, whatever the Committee decides to do.

This Commission meeting is now in recess.

**Recess**

**MR. SPEAKER:** I welcome all members back from the in camera session that we just took part in.

For the information of the public that is viewing this meeting this morning, I just want to say that the activity that just happened here with the Management Commission is specifically referred to in the Green Report. The Report specifically says that all matters related to money that has to be done by going forward with a special warrant has to be done in an in camera session, which means it had to be done in private by the Commission. That is the activity that we just took part in.

While we will pass a directive here for the amount of money that was discussed, the amount will not be brought forward at this

time. What will happen, when the House of Assembly next meets, one of the first requirements of the House to attend to will be the passing of a special warrant, and the special warrant will clearly show the amount of money that the Commission brought forward to bring forward the amounts that was needed in order to implement the Green Report. At that particular time, when the special warrant is brought to the floor of the House of Assembly, every member will have an opportunity to speak according to the time limits clearly established by our Standing Orders. The amount of money will be clearly stated. Each member will have an opportunity, on camera, to talk about the Green Report, the amount of money implementing the Green Report. So what we are seeing today is just a delay in announcing the amount of money.

This was specifically referred to in the Green Report because of the sensitivity of bringing forward an amount of money by the Commission and having it go to Cabinet and in other directions where the possibility of it being changed or not exactly the amount that was recommended by the Commission, that when it is brought back to the House may change and what we have recommended here, as a Commission, may not be exactly the complete dollars and cents. So what we did, as we are doing here at the Commission meeting, was a process that was recommended in the Green Report. We followed that, and the Commission is now ready to consider an authorization. I will bring that forward now.

The directive will be that the Commission authorized the Speaker to bring forward to the appropriate minister for presentation to Cabinet a special warrant funding request to cover unbudgeted costs associated with the implementation of the recommendations of the Review Commission on constituency allowances and related matters.

As I stated earlier, this is specifically referred to in the Green Report. He also specifically refers to a special warrant,

because during the Budget process this amount of money could not be budgeted for when the House of Assembly did not know the amount of money that we were talking about in order to implement the report.

Are there any further comments or any further additions to what I just stated before we vote on the actual directive?

If not - if members are ready to vote on the directive, I ask all members to signify by saying aye.

**SOME HON MEMBERS:** Aye.

**MR. SPEAKER:** Against?

The directive is carried.

The next item up for discussion would be caucus resources.

As members will know, the landscape of the House of Assembly changed at the beginning of the Forty-Sixth General Assembly which took place on October 9. I thank members for their indulgence because we thought that the meeting might be able to take place earlier than it did. I know members have been struggling with trying to find out or understand what resources they would have in order to hire staff and to operate their offices. The time has come now for us to discuss caucus resources, and I ask hon. members for their indulgence and their participation in putting forward what they consider is fair and reasonable.

The hon. the Leader of the Opposition.

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

First of all, there is a letter in your binder that deals with the funding allocation for each caucus. This is for the purchase of miscellaneous items. Based on the formula that currently exists in the IEC minutes, I guess, the allocation would provide for \$62.50 per caucus member to be placed in an office fund, to be used, as I said, for

things like access to information requests, media transcripts, website registration, meeting space outside of Confederation Building and so on.

Because of the current size of our caucus, which is only three members in the official Opposition, we would receive \$187.50 per month to cover the cost of all of those expenditures. It is inadequate. Currently our monthly expenditures far exceed that amount.

Just to draw a comparison for you: The government members' office would be receiving \$2700.50 per month to cover off the same expenditures. So, if you want to look at it on an annual basis, government members would be receiving up to \$32,000 a year for those miscellaneous items in their offices while we, as the Opposition, who would have the same concurrent expenditures, would only receive \$2,240.

We are requesting that there be a base amount set with, I guess, a floor amount of \$500 per month that would be allowed to each caucus to provide for those expenditures. That would certainly be a benefit in cases where you have a small number of members elected to your caucus, as is the situation with us today.

So, that is the recommendation that we are bringing forward, and if there is any questions or discussion I would welcome that.

**MR. SPEAKER:** Maybe the Chair can receive some direction as well because this is part, as I understand, of the recommendations that are coming forward by hon. members to look at what they are suggesting might be reasonable for caucus funding. As a member brings forward - and there are several here for each caucus. Does the Commission want the Chair to allow debate on each item as it is brought forward and then wait until the end to vote on each item, or does the Commission want a vote



on each item as it is brought forward? I seek guidance.

The hon. the Minister of Finance.

**MR. T. MARSHALL:** Mr. Speaker, I just want to say, with respect to this particular request, this is slightly different from the second request from the Leader of the Opposition and a similar request by the Leader of the NDP for resources. So, I wonder if we could deal with this particular one, for something called miscellaneous purchases, if we could do that separately?

**MR. SPEAKER:** The hon. the Opposition Leader.

**MS JONES:** It is our preference that each request would be dealt with separately as they have been presented to the Commission.

**MR. SPEAKER:** The hon. Leader of the NDP, New Democratic Party.

**MS MICHAEL:** Yes. Certainly this request, I think, should be dealt with separately, and if I may, I would like to speak to it.

I am glad that the Leader of the Official Opposition brought forward this proposal because each caucus office does have expenses that have to be covered, and whether there is one member in a caucus office or four or ten, a request, for example, to the ATIPP for information costs the same for all caucuses. And, I can attest to the fact that I currently - and not just since October 9, but prior to October 9 - am paying for things out-of-pocket that are expenses of the caucus office. They are not constituency expenses so they cannot be charged to my constituency expense, and are legitimate expenses of the caucus office. So, I do support the proposal that is being put forward.

**MR. SPEAKER:** The hon. the Minister of Fisheries and Aquaculture.

**MR. RIDEOUT:** Thank you, Mr. Speaker.

Just two points, I concur that we ought to deal with those items as they come up, and in this particular case, deal with this particular item now before moving on to something else.

Having said that, I also concur with the position as outlined by the Leader of the Opposition on the base amount for the operation of the various caucus offices. Obviously, when numbers fall below a certain amount or a certain number then based on a per diem, the expenses do not necessarily reflect that. So, a basic monthly amount - and I think the figure of \$500 is reasonable. I would be prepared to support that and, of course, we could deal with that in that context.

**MR. SPEAKER:** The hon. the Minister of Finance and President of Treasury Board.

**MR. T. MARSHALL:** Mr. Speaker, in looking at this request, it refers to miscellaneous purchases. I am wondering if maybe some of the members who have been in this House a lot longer than I have can maybe give us some of the history of how this originated and how it may have evolved over the years to what it is now, so that we can deal with this request in context. The request seems reasonable to me but I would like to know some of the history and what the money is for. It is my understanding that ATIPP requests are not that expensive. So I would like to know what else the money is used for, just to have some background.

**MR. SPEAKER:** The hon. the Minister of Fisheries and Aquaculture.

**MR. RIDEOUT:** I can speak to that, and other members can who have been - perhaps not here as long as I have, but I have been here a significant number of years.

This amount per member per caucus goes back quite some time. It goes back years

and certainly was here from the late 1970s on. The idea of it was to provide a fund by which members could - I think they buy coffee for their offices out of it; they purchase newspapers. ATIPP requests are relatively new in one sense. They were not an expense because there was no ATIPP back thirty years ago. Since ATIPP became a reality, then that particular cost - I think there has been times when members had to travel on behalf of their caucus to some particular events and the House did not cover that travel expense than this particular fund was utilized in the past. Those are the kinds of miscellaneous items that I recall it being used for in my time, particularly in Opposition.

I am assuming government members - I have never resided in a government member's office. My time in government has been a minister, in recent years, but I would assume that government members use the fund for similar requests: newspaper subscriptions, coffee services, meeting requirements, that kind of thing, and I would assume that there is some process, if so wished, for those accounts to be audited.

**MR. SPEAKER:** The hon. the Leader of the Opposition.

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

I guess I can clarify for the Commission exactly what our money would be used for, because we have a budget that we follow, and unfortunately our budget does not allow us to use that money for the purchases of food or coffee for meetings. Our budget is going to be very much used up in the things I have indicated here.

To clarify, first of all, for the access to information request, while it only costs \$5 to make a request for information, the cost is actually in having the information provided. What happens: if I was to make a request for information regarding the Lower Churchill file and current activities of government, I would be told what the cost of photocopying

the document would be, what the cost of researching the information would be, and I would have to incur those costs in order to obtain that document. So, it may cost me \$500 to get that document, or \$5,000 to get that document, and if that is the case then obviously we won't have the information because our entire budget we are asking for is only \$6,000 for the year. So, it is a false impression to think that it is only \$5 to access freedom of information.

If you want to look at what the record is for the Official Opposition in making requests under the access to information, I am sure that is readily available. I don't have the figure in front of me now.

The other thing we use that for is the purchase of media transcripts. Oftentimes, there are going to be issues in the media that we are not able to listen to or follow on a daily basis simply because of other commitments, and oftentimes you have to order transcripts of those interviews or those copies so that we may be able to access the information and be able to see clearly what is being said in the media and respond to it appropriately, and that itself has a cost that is attached to it.

We also have to have a Web site, as an Opposition. We have to pay for the domain for that Web site, the server cost for that Web site, and if we don't have someone on staff with that ability we have to contract for the maintenance and upkeep of that particular Web site. That cost comes out of this fund. There is no other budget that covers any of those items within our office.

The other thing that is important to point out is that, under the access to information, this is not something that government members would have to use. Although government members will receive, you know, well over \$2,700 a month and over \$30,000 a year to do the same services that we are asking for \$6,000 to do, I think it is important to point out that government members have access to information through Cabinet ministers and

government departments in a way that Opposition members do not always have. Therefore, the number of times that we need to use the access to information is certainly greater than what a government caucus would be.

I hope that this clarifies what some of our expenses would be, and obviously that is the budget that we have prepared for ourselves. We feel that we can provide for this information in our offices with a budget of \$500 a month, and that is why we have made that request.

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

The hon. the Minister of Finance.

**MR. T. MARSHALL:** I thank the Leader of the Opposition for that clarification for what the money is being used for. I have difficulty with it being referred to as miscellaneous purchases when obviously it is clear what the money is for. Maybe there should be some sort of a budget item for that; but, on that basis and with that explanation - the money is for the purchase of media transcripts, it is for a Web site, and it is for ATIPP requests - I would support the proposal, the \$500 a month for both or all - is it all or...?

**MR. RIDEOUT:** It is a floor of \$500.

**MR. T. MARSHALL:** It is a floor of \$500, a minimum floor of \$500.

**MR. SPEAKER:** We are responding to a request by the Leader of the Official Opposition. I would ask the Minister of Finance if he could just clarify his last comment, please.

**MR. T. MARSHALL:** The proposal of the Leader of the Opposition is to see a floor amount for each caucus of \$500 per month, is that correct?

**MS JONES:** Yes.

**MR. T. MARSHALL:** I would support that. That is for the NDP caucus and for the Liberal caucus.

**MS JONES:** (Inaudible).

**MR. T. MARSHALL:** The general rule is - is it \$62.50 for each caucus member? Is that the general formula?

**MR. RIDEOUT:** That is the general formula.

**MR. T. MARSHALL:** That is the general formula, so that would stay in effect but there would be a floor of \$500 per caucus.

**MR. RIDEOUT:** Yes.

**MR. T. MARSHALL:** No one would go below \$500.

**MR. RIDEOUT:** Right.

**MR. SPEAKER:** The hon. the Leader of the Opposition.

**MS JONES:** Mr. Speaker, it seems like the concern for the Minister of Finance is with regard to the miscellaneous purchases under this fund. The reason that is indicated in the letter is because when I had discussions with the staff of the House of Assembly around this particular fund, I think that is the way it was stated. It wasn't necessarily identified as; these are the only items that you can use this for. I guess, what I have indicated is what we would be using it for in our office, and I think if there needs to be further clarification around that it might be something the minister would like to bring to the Commission to have dealt with at another meeting.

**MR. SPEAKER:** The hon. the Leader of the New Democratic Party.

**MS MICHAEL:** Just to add to that, Mr. Speaker, in terms of information, there are also costs that are part of the involvement of staff. For example, if my researcher needs

to go to a meeting that is part of issues that the researcher is working on, that is either going to mean a taxi – my researcher doesn't have a car, it means a taxi. If somebody does have a car, there are parking charges, for example. I don't think that staff should be paying those expenses out of pocket, but there is no place - I use right now the \$62.50. That is one of the things that I make sure there is money there for, if staff need money for that kind of thing.

Miscellaneous, I know, can be a term that people fear because you say: well, what is miscellaneous and are we spending money in the wrong way. I really appreciate that and I think there could be general terms that could be put down to describe what this money would be used for. If we get into every single specific, then you could miss a specific and somebody say: oh, you spent money on that, that is not part of the list. I think, if we want to get into a list, there should be general terminology.

As I said, I would rather, because of my salary, that that is being paid for from my pocket than somebody who is earning much less money than me, i.e. one of my staff. But it shouldn't be coming out of my pocket, I don't think.

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

The hon. the Member for Topsail.

**MS E. MARSHALL:** I will support the proposal also, Mr. Speaker.

**MR. SPEAKER:** The Speaker recognizes unanimous support.

Just to clarify, if the Speaker may, it is my understanding that the government members, each member, would continue to get \$62.50 per month. When Opposition offices go below the \$500 level that all caucuses would receive a minimum of \$500 a month for the purposes as put forward by the Commission.

Is the Commission ready for the question?

All those in favour of that recommendation?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** Against?

The recommendation is carried.

On motion, recommendation carried.

**MR. SPEAKER:** Continuing on with Caucus Resources.

The hon. the Leader of the Opposition.

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

In your binders there is a letter from the Official Opposition office that talks about what resources we require. It makes a request to the Commission that we be able to obtain funding for nine-point-five positions in the Opposition office. These positions would exclude the core staff now being provided to the Leader of the Official Opposition and would include making a part-time position that is now provided to the Opposition House Leader in support staff, increasing that to a full-time position and adding nine other positions that would be used for research, for policy analysis and for communications within our offices.

The reason that we are requesting those particular numbers at this time is because we did an analysis ourselves of what we feel are the necessary resources and support staff that we will require to carry out our work as an Opposition, both within the Legislature and outside of the Legislature. We did an analysis of the positions that were currently held in our offices and realized that there needed to be some reconfiguration and different skill sets added to our offices in order to do the work that was required. We realize that going from eleven members to three members certainly did not decrease the amount of work that is required on behalf of the Official Opposition, but, in reality, has

put more demands on us as the three remaining members.

I know that there is some supporting information being provided by the Clerk's Office with regard to salaries for these positions and potential amounts of money that would need to be budgeted. I have some concerns around it because the classifications are based on government service classifications and not on political support staff classifications. So I do not know how accurate of a guide it may be, but in our estimation when we looked at these positions we estimated that it would cost between \$450,000 and \$550,000 in extra funding to provide for those positions. That was based on the fact that we were looking at PS 2006, 2007 and 2008 level positions. They would not all be at entry levels. As you know, some of the people may have public service time that goes anywhere from ten to twenty years already, so they would be coming in at a different step in the formula. Therefore the salaries would vary, depending on the individuals that are being hired.

We also wanted the Commission to look at two options here. One is providing for the nine positions, identifying the positions and attaching salaries to them. The other option was to look at a block funding for the Opposition office. That would be in the vicinity of \$450,000 and it would allow the Opposition to identify the positions and the salaries in conjunction with the House of Assembly and hire individuals as we needed them.

There will be times in the year, as you can understand, that will require more staff. For example, when the House of Assembly is in session there are always more demands put on the existing employees in our office and ourselves. It is a time when we require the maximum amount of staff members to do the job that is required of us, but there are other times when the same staff complement is not required. So that would allow us to have some flexibility in the hiring in our

office and the durations of which people would be hired and things of that nature.

So, that is the request we have put forward. We are asking that the existing staff of the Leader of the Opposition be exempt at this time. Traditionally, there has always been a staff attached to the leader. The staff, although it says it is five positions, it is really only four. Maybe the Clerk would like to clarify that for us because I have realized that one of the staff positions being allocated to the leader is being referred to as my constituency assistant. As a member of the Legislature, unlike the other forty-seven members who are here, we are all entitled to a constituency assistant regardless of the other offices that we hold within government or within the House of Assembly and I think that the staff of the Leader of the Opposition should be treated in the same way.

I would ask, first of all, that the constituency assistant position provided to the leader be clarified, and maybe we can have some discussion around that, but the core request that we are making today is that there be nine positions allocated for research, policy analysis and communications to the Opposition Office or to look at a block funding arrangement in the vicinity of \$450,000.

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

The hon. the Clerk.

**CLERK:** Just in terms of the Leader of the Opposition's question. For some reason, back in 2004 a lot of these various caucus operational resources, funding for them were discussed at the IEC and the constituency assistant was classified as part of the Leader of the Opposition core staff. You could argue, I guess, whether that should or should not have been the case.

So, the Leader of the Opposition is right, each of the forty-eight members has a constituency assistant, but in the case of her

office it is considered part of the core staff. When we speak of a core staff of five, the IEC minute clearly indicates that that does include the constituency assistant. So I suppose one could argue it is a staff of four, plus the constituency assistant that every member gets. But the IEC minute was phrased: a core staff of five, including the constituency assistant.

**MR. SPEAKER:** The hon. the Minister of Fisheries and Aquaculture.

**MR. RIDEOUT:** Thank you, Mr. Speaker.

I would like to make a few comments on this matter. First of all, in terms of the constituency assistant, every member of this Legislature is entitled to a constituency assistant, and I do not think that that should reflect itself in the core staff associated with the Leader of the Official Opposition. It does not reflect itself in what the Premier is entitled to, or the Speaker is entitled to, or what I, as a Minister of the Crown is entitled to. We all, as ministers or as members, are entitled to one constituency assistant, and that position is funded obviously by the House, whether we hold any other office or whether we do not. I think that should be reflected on a go-forward basis, if it is not now, in a clear, consistent and concise manner.

Having said that, I certainly support a core staff allocation for the office of the Official Opposition. I think historically over the years that has evolved into a chief of staff, an executive assistant, a communications person, and perhaps another position, I am not sure. There is certainly a chief of staff, a communications director and an executive assistant. Oh, yes, and I guess the other position is a departmental type secretary, which is the fourth position.

Now, there may be people on this Commission chronologically beyond me, I don't know, but there is nobody here who has spent any longer time in this place than I have. I am not about to give any detailed

history lesson, but I think it is important that we contemplate for a moment or two the context of where we arrived at, or how we arrived at where we are today.

When I came in here in 1975, I came in as a caucus of sixteen. There were no constituency assistants. There was no office space. There was no telephone. We were all crowded into what was the Opposition common room up on what used to be the ninth floor of this building. We had no secretarial assistants. The Leader of the Opposition had a secretary, which we all tried to rob from time to time. I mean, that was the basics of what you had to operate on when we came in here.

Was it right? No, it certainly wasn't right. Was it adequate? No, it certainly wasn't. Did it impede your ability to do your job? Well, I don't know. We were Young Turks and full of vim and vinegar and we made it work and we all survived, and I suppose we represented our constituents reasonably well and did the job of the Opposition - because that is what I was then - reasonably well, because most of us were re-elected and went on to have relatively, some of us, long-term political careers from there. I only say that to put it in context.

Since then, we have come a long way. I mean, every member has a constituency assistant, and we should. If you hold down any other responsibility in this place, whether it is a minister or Leader of the Opposition, you have additional help, which we should. It allows you to perform your functions as a minister and allows somebody else, basically, to look out to the affairs of your constituency - that is what it is all about - and that has evolved over time to include many other things.

What I have noticed as well - and I contemplated a lot last night. Last night was not a nice night from a weather perspective, so it wasn't an easy night to sleep, but I had a lot of other things on my mind last night and this was one of them. It is about being

fair and objective and reasonable. I look back at the history here and what I have noticed is that, you know, every time, after every election since my time here since 1975, the elections that I have come back since 1975, every time there has been an increase in the number of members in the Opposition there has been a corresponding increase in the resources made available to the Opposition to, you know, help them do their job. Not the basics, but additional resources beyond the constituency assistant and so on.

I have never seen a situation - and I have seen Oppositions that, you know, back in the Peckford days there were forty-four members on the government and eight in the Opposition at one point, and it goes on from there - I have never seen a situation where you had the Opposition decrease in numbers of members elected but a significant increase in the number of support people. I haven't seen that. You know, I think we have to keep that in context. The Opposition has a job to do, a very important job to do, one that those of us who were there know what it was like to, you know, wrestle and work under those conditions, but at the same time I think there has to be a reasonable expectation of the amount of resources that are available to do that job.

You know, if you look at it in numbers, to expect nine additional positions in addition to the core of the staff in the Official Opposition office, or associate that in block numbers of \$450,000 or \$500,000, I think in terms of three members that is a pretty significant ask.

So, somewhere within the range, I think, of looking at three members and the resources that we need to do their job, vis-à-vis the reality of the request of nine additional staff or block funding of something equivalent to that is where we have to be looking. So I would think, from my experience here, that the request, as it is before us now, is pretty rich and I don't know how we could contemplate dealing with it as it currently

exists. Maybe other members have other views, but that is my view.

**MR. SPEAKER:** The hon. the Leader of the New Democratic Party.

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

It would be difficult for me to speak to the proposal from the Official Opposition without making some reference to the proposal from the NDP as the third party, so I will go back and forth, but I think what I want to speak to first is principles, not the details of the request. Some of it will follow on what the House Leader has just spoken to.

I think that every caucus office, and the two Opposition parties in particular - well, the two Opposition parties - need to have the resources to take full part in the House of Assembly, and all aspects of what that is.

In the spirit of the Green Report, particularly Chapter 12, I think that one thing that Chief Justice Green was trying to promote was equitable treatment of Opposition parties. From my perspective in particular, I was interested in the fact that he does talk about the need even for the third party, even if the third party is only one member, to receive adequate resources to do the work of that Opposition voice; and, of course, it is reasonable to expect that if a party only has one member in the House of Assembly, that one member is going to be the leader of that party and that individual carries extra responsibilities as leader of a party. I guess some of my comments, then, are in that context of Chief Justice Green's report, particularly Chapter 12.

I think that it is reasonable to expect that there are services that are required in the Opposition offices, no matter how many people are in that office, that there has to be administrative support for the office whether we are talking about it in terms of for the Leader or for the caucus office. Obviously, there has to be a service of communications.

The MHAs, one or more, have to have assistance in terms of being involved in the House of Assembly itself. Just tracking legislation, every new piece of legislation that comes to the table has a history, so even just the tracking of all the history of that piece of legislation requires work.

I think there are pieces that could be seen as core pieces, and I am not sure that I like that language but we will use it for now. I wouldn't want it written in stone, but there are services that are basic to the office.

Something else that is basic to the Opposition office is research and analysis. If the MHAs in Opposition are going to speak in the House of Assembly, then they have to have facts on which to base what they are saying. They have to have reasoned thought with regard to the issues that they are speaking to, and that requires research; that requires assistance in doing that research.

Now, we might get into a discussion, as this discussion goes on, over numbers and that kind of thing. I am not going to speak to numbers at this point. I am going to speak to the basic services that are needed in an Opposition office.

I think that, in doing that work, every MHA and Opposition has a responsibility when he or she stands on their feet to do so in a way that will bring enlightenment to the discussions that happen in the House of Assembly, and therefore we need resources to bring that enlightened discussion.

Now, members in the government, of course, those who speak mainly for the government, are the ministers, and, of course, ministers have an abundance of background. Obviously, they do. Parliamentary secretaries have access to all kinds of information. That makes sense. Just by the nature of being part of the government system, I would suspect - not having been one, but I would suspect - that backbenchers can access a lot of information

as well. So, obviously, just by the nature of being government, any government member, minister or not, non-minister, is going to have access to a lot of information.

Anybody in Opposition knows, well, that is not the same when you are in Opposition. As I said, the spirit of the Green Report is specifically that everybody who is in the House should have equitable treatment when it comes to basic services and basic needs, and that is the spirit in which I would like to see this discussion going, whether we are referring to the proposal from the Official Opposition or the proposal from the third party.

Obviously, there have to be discussions. If we agree on principles then there have to be discussions around the specific requests from both groups, but I would like also to put this in a broader context. The Leader of the House, of course, has put it in the context of our history here in this House of Assembly, in this Legislature. I would also like to put this discussion in the context of other experiences in Canada, and I haven't gone beyond Canada. I did write a letter to the Speaker and that letter was, I think, distributed to all members of the Commission with regard to this.

As the Leader of the House pointed out, if you go back thirty years ago there was an absolutely different spirit in this House of Assembly with regard to Opposition than there is now, and that is good. If you look at the history of other Legislatures, the same is true. Legislatures where, at times, when they had very, very small Oppositions, maybe where one party had only one person, sometimes the Official Opposition - I think New Brunswick is one case in point - the Official Opposition was one person from one party. That was the Official Opposition.

I mention these because I am speaking to situations that resemble where we are right now, with a very small Opposition: three members in the Official Opposition, one member in the third party. What we see



across the country, throughout the country, in different Legislatures is that there has been a change in spirit, and I think it is a more democratic spirit that is developing, that sees the necessity for the representative from a registered party, and a party that has established itself in a province - in particular in provinces that I have looked at, not the territories - a recognition that services are needed, so individuals from, in one case, a fourth party, getting substantial support for that person's voice in the House.

In going through the discussion that we are going to have, and we are going to have to get into the nitty-gritty, I would encourage us to have the discussion based on those principles: principles of supporting the democratic process, principles of trying to have some kind of equitable sharing for the Opposition voice in the House, recognizing that it will never be what we want, because we always want more - that is the nature of human beings, we will always feel that we should want more - but also ready to listen to the experience.

Again, I won't go into detail but just to point out my own observation based on my own experience after one year as the Leader of the third party in this House of Assembly, that I think maybe some decisions in the past - I can't speak to any details, but the decision, for example, with the resources that this party had in the Forty-fifth Assembly, maybe to some people looked very generous - oh, look at what they got - but, in terms of what happens in the office of the third party, those resources were very inadequate, because basically the third party caucus office has two staff who are trying to perform all of the functions that I pointed out in the second letter that I sent, which went to the whole House: legislative assistants, executive assistants to the leader, administrative assistants, research, policy and analysis, communications - two staff trying to do all of that.

I did point out also that, because my own constituency assistant is in the caucus office,

which is the case for a number of us, that my constituency assistant, in actual fact, ends up doing caucus work simply because the job is there to be done and we don't have enough people to do it, and I want that to stop.

I won't go into any more detail about my own situation in our office, but I just wanted to put out some of my thoughts with regard to the principles on which I hope we will continue to have this discussion.

**MR. SPEAKER:** The hon. the Deputy Speaker.

**MR. BYRNE:** Thank you, Mr. Chair.

I want to comment on this request. Speaking of the democratic process, the people in the Province decided what the representation would be in this Legislature; not me, not the members here in the Legislature.

After the 1996 election I was here. I happened to be here with nine people, nine people in Opposition and I do not remember getting extra staff to do the work at that point in time, as the Minister of Fisheries alluded to, he mentioned a few minutes ago. And, you know, I did my own research. I did my own critic portfolio. I did my own research on that, plus I did the work for my constituents. I think we did a pretty good job in Opposition at that point in time, back in 1996 to 1999.

The Minister of Fisheries made some good points when he spoke a few minutes ago. So, I do not need to go into that or to reiterate it, but I do agree with what he said. I do not know if there is some other realistic figure that we could be looking at or numbers, or whatever the case may be, but I think this request at this point in time is really unrealistic.

Thank you.

**MR. SPEAKER:** The hon. the Leader of the Opposition.

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

I do not know if other members wanted to speak first before I responded to some of the comments that have been made.

First of all, I want to clarify a couple of things, not necessarily for the Commission but maybe for the people who do not understand to date how the staffing component works in offices like the Opposition office. Basically, what is being provided for today in the Opposition office, outside of the core staff for the leader and the constituency assistants of elected members - of which we have established that every elected member gets - there is an amount of \$20,000 per member that is assigned for staffing.

In the Opposition office, because the leader does not receive that \$20,000, it would be a budget of \$40,000 for the Official Opposition to conduct the work of research, policy and communications. It is really inadequate. It is draconian, in my mind, when you look at the fact that we have been reduced to three members of the Opposition.

I guess the point that I want to make is this. When the figure of \$20,000 per member was established, it was established through a minute of the IEC; a minute of which provides no justification for the \$20,000 figure. It was numbers that was provided for at the time by Mr. Loyola Sullivan, who I think was acting as the Minister of Finance, and there was no rationale anywhere in the IEC minutes to document why these figures were being allocated for staffing. It was put forward and adapted at a time when government controlled the decisions of the IEC, and I have a huge problem with that for one thing, with the fact that such minimal resources could have been allocated.

Did I think the budget and the staffing arrangement in the Official Opposition office in the last four years was adequate,

even under the regime of eleven members? No, I did not. I certainly did not. I always felt the staffing was inadequate to provide for the work and the responsibilities that we had to do as an Opposition office. Today I feel even more strongly, based upon the current formulas that exist on the books.

Now people may take the view that this is extravagant, and are certainly entitled to that, but I think you have to remember a couple of things here - and it gets back to what the Leader of the NDP was talking about - and that is the principles upon what we are making a decision on here. The people of the Province, no doubt, voted and they elected a majority government of forty-four members, but I do not think they elected a majority government at the expense of stifling all Opposition in the Province. I think that the people in this Province today expects that the Opposition parties in the House of Assembly will be there to raise the profile of issues that are of concern to them. I think they expect us to be able to challenge and strengthen the policies of government as they are implemented in the Legislature. I think they expect us to be able to do that job with the best possible resources that can be provided to us. I think that when you look at the principle of what we are asking for, we are asking for simply resources that we feel is necessary to carry out the roles and responsibilities that we have.

I have been in the House of Assembly for twelve years. Eight of those years I have spent in Opposition, and I know how the Opposition office works. I know what is required when it comes to doing your job. I, unlike any other member that was there before me, I did my research, I wrote my releases, I did my reports, I did my submissions, I prepared for the House of Assembly and I debated legislation. But, at the present time, we have three members in our caucus and we are expected, as the Official Opposition party in this Province, to be able to carry the ball when it comes to critic portfolios in eighteen government

departments, as well as maintaining input and profile on all the other issues that are out there in the public today. In order to do that, we need to have the support staff and the skill sets in our office to be able to do that.

Now I am going to make a comparison, because when you look at government members and government backbenchers - and I have been a government backbencher as well, and I know what it is and the access that you have to resources as a government backbencher. It is very different than those that you have access to as an Opposition member.

For example, when you have government members and parliamentary secretaries within government, they have access to information within government departments that are being prepared to develop government policy and strategy around, whether that is support documents or other information that is being provided to them to help them assist in debate in the House of Assembly, and that happens. I have seen it happen. I have been one of the people that have been involved in it. So, I know how that happens. That is not something that we can draw upon as an Opposition.

I do not think government departments are going to be releasing information to us that has been researched and prepared to provide for policy for the government. If it is, well, then it is a new rule and we will have access to information and sources of information that we certainly did not have access to before. I think it is fair to say that even though government members have a full complement of research staff upon which to provide those services in their own offices, they still have access to other information at a different level than we would have.

The other thing I want to point out is that in chapter 12 of the Green Report it looks at two sections. One is section 11 and the other one is section 12. When Green was doing his report he recognized that there

were inadequate resources being provided in the Opposition offices or for certain parties to do the work that they needed to do. He clarified in his report, and I will quote him, "...I believe it is time to review the funding arrangements for all Opposition parties to ensure that adequate arrangements are in place for them. It is essential that they have sufficient resources to be able to carry out their vital democratic functions. I have not been able, as part of the work of this enquiry, to do a cost analysis of what would be required. The House of Assembly Management Committee should, I believe, undertake such a study directed at determining appropriate funding levels, taking into account submissions from the caucuses concerned and the practices in other Canadian jurisdictions."

Obviously, based on his recommendation, he recognized that there were inadequate resources being provided in the Opposition offices to do the work that is necessary and I do not think what we are asking here today is out in left field by any stretch of the imagination. If you look at the resources that are available to government across eighteen government departments, the collective wisdom of thousands of government employees to draw upon in carrying out and conducting the work of the government and the business of the government, I do not think it is unfair or unrealistic that we would come to the Commission today asking for nine staff people for our office to conduct research, policy analysis and communications that is required of us as an Official Opposition.

I can only ask that the members of the Commission keep in mind that we're not in 1989, we're not in 1974, and we're not in 1996. We are in a very different timeframe and, as we progress through society, things change, and I think our democracy today places more demands and higher expectations upon all of us in the roles that we are in. I think that there is an expectation that we perform our duties in a

certain fashion, and in order to do that we need to have the support staff to do it.

We need to ensure that the information that we provide in debate is going to be accurate, it is going to be detailed, it is going to be analyzed, and it is going to be speaking to the issues directly in terms of strengthening and adapting to policy. If we do not have the staff to be able to do that, we cannot perform those duties in a fashion that I think is expected of us in today's society, and that is the reason we bring forward the proposal that we have today.

We could have come in here asking the Commission to look at funding fifteen additional people for the Opposition office, and provided probably the same arguments, but that was not what we felt we required. We didn't come in here inflating numbers so that we could have a bargaining tool or a negotiation. We came in here asking legitimately and sincerely for a configuration of staffing for our office that we feel is adequate and necessary. I can only ask that the Commission, while they draw upon their experiences from the past, that they look at it in terms of where we are today and what needs to be done, and the job that we are expected to do.

So, I will leave my comments there and I am certainly more than willing to listen to what other members have to say. If there are suggestions or alternatives or recommendations that any other member of the Commission would like to put forward, I would like to hear it; because, personally, I feel that just saying no, or just saying I think it is over exaggerated or insignificant - or insufficient, I should say - is not good enough. I would like to have some real rationale in terms of where people are coming from and what their recommendations to us would be on a configuration of staff.

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

The hon. the Member for Topsail.

**MS E. MARSHALL:** I will be brief. I did spend quite a bit of time going over the proposals, and looking at the proposal of the Leader of the Opposition. I won't repeat the comments of either the Minister of Fisheries or the Deputy Speaker, but I do feel that the amount being requested is too high.

What is being requested is seventeen staff members to support an Opposition of three members; and, also, the amount is almost \$1 million, so I do think that the request is too high.

**MR. SPEAKER:** The hon. Leader of the Opposition.

**MS JONES:** I would just like to ask for clarification on where you get the number of seventeen, because we are showing fourteen. It would be the four members that the Leader has as a core staff. We have established that my constituent assistant should not be part of a core staff. The fifth position would be increasing the half-time position for the Opposition House Leader to a full-time position, which would make five, and we would ask for nine additional staff members which would make fourteen.

I just wanted to clarify that.

**MS E. MARSHALL:** It is coming from the summary document.

**MR. SPEAKER:** The hon. Member for Topsail.

**MS E. MARSHALL:** Yes, Mr. Speaker, it is coming from the summary document.

**MS JONES:** To clarify again –

**MR. SPEAKER:** Maybe if the hon. member doesn't mind, we can allow a member to speak and then we can go back and you can refer to the total comments of the member.

The hon. Member for Topsail.

**MS E. MARSHALL:** Yes, thank you, Mr. Speaker.

There was a document that was prepared and obviously provided to us, and there was an analysis of the funding requested, and it shows a total of seventeen positions. In fact, it says: total positions, seventeen; total funding is \$895,000.

**MS JONES:** Mr. Speaker, if I may.

**MR. SPEAKER:** The hon. Leader of the Opposition.

**MS JONES:** I just wanted to clarify for my hon. colleague here that this formula includes all constituency assistants. That would include the assistant to the Member for Burgeo & LaPoile, the assistant to the Member for Port de Grave, and a constituency assistant to myself, which should not be entering into this formula of configured staff at all; because, if you want to look at that, then government members now have an additional forty-four staff members available to them in constituency assistants. So, I don't think that enters into the equation at all.

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

The hon. Opposition House Leader.

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

I will just make a couple of brief comments.

I am in support of the request, obviously, of the Leader of the Official Opposition. I appreciate the history lesson from the Minister of Fisheries, and it is always relevant, of course, to put things in context, and where we came from, and hopefully it will guide us as to where we ought to go. I think, from some of his comments, it is pretty obvious that it was draconian back in those days and you didn't have the resources that you ought to have, but I certainly don't

think we should be bound by the past, and precedent to the fact that we limit ourselves as to what we need to do in order to do a job properly.

For example, even the formula that exists now, the \$20,000 one - talk about history - that happened to be one of my first meetings, actually, of an IEC that I was ever on. It followed the change of government in 2003 and Ms Marshall, the Member for Topsail, was there as well. That figure, to this day, I don't know where it ever came from, other than the fact that Mr. Loyola Sullivan, who was the Minister of Finance at the time, popped across the table at a meeting: Well, I think \$20,000 a member is the relevant figure that we should use.

You multiply that by eleven, which was, at that time, twelve Opposition members less your Leader of the Opposition, you came up with a figure and you said use it.

Now, there is no rationale, no rhyme nor reason as to why the \$20,000 figure ever came about. Nobody ever agreed at the time that it was necessary - not even relevant, we didn't even know where it came from; but, as Ms Jones says, the IEC at that time operated under the premise of majority rules; it was government majority rule. The minister came up with the figure of \$20,000 and that is what everybody was forced to live with, but there is no explanation or rationale as to why that figure ever got used, or whether it would bear any relevance to who you could hire and what skills sets you could hire at the time.

The other thing we have to remember is, the context in which those initial meetings were made and decisions were made back in 2003 was, we were dealing with a new government who, if people remember only a few short years ago in the Budget of 2004, actually, when a lot of these things came to be discussed in the period of January or February of 2004, we were dealing with a government that was slash and burn, and that was the context again - the Minister of

Fisheries talks about the context of where stuff comes from. It came about at that time in a very, I would suggest, particular specific set of circumstances, but that doesn't explain or justify what we need to do on a go-forward basis.

Aside from the IEC of that day, and aside from us, who were members or government ministers in the last four years - and we can all talk about our experiences that we have had in one position or another - there was one person in all of this exercise who, from an independent point of view, looked at the system and said it's not right. That person was Chief Justice Green. He wasn't looking at it from the point of view of an Opposition member who could or could not do certain things, or a government minister who had certain resources available to them or not. He looked at it from someone totally outside, independently, and said: Is what is currently happening, the funding arrangements with the Opposition parties, adequate?

The Leader of the Opposition just read it. He was quite clear that it wasn't adequate. We are not talking about what we, as an Opposition, felt was or was not adequate, we are talking about what this independent person, Chief Justice Green, said: I believe it is time to review the funding arrangements for all Opposition parties to ensure that adequate arrangements are in place for them. He knew and accepted that it wasn't adequate, there was no rationale, there was no rhyme nor reason for it.

Now, he also says he didn't have time to do it himself. He didn't have time to do the cost analysis. Maybe it wasn't even his position to have to do it. But he suggested that it should be done by this Commission. Now, I don't know if it is going to take a separate study as he suggests in order to do that, or if it can be done as part of the compensation committee which this committee is expected to strike fairly soon to deal with MHAs' allowances and so on, on a go forward basis, but somewhere there

has to be an expectation, an understanding, by everybody who sits on this Commission on a go forward basis, that albeit we might look to the past for as to what happened or for some rationale as to what happened. It is understood and not to be accepted, that it is not acceptable, the status quo.

We need some formula, we need some assessment, so that when governments change you don't have to go through this exercise every time. What is a basic, acceptable formula so that you can look at it anytime and say, this is what would constitute an appropriate funding mechanism for Opposition purposes? That is all we are suggesting here.

Now, we don't have the benefit of this magic wand, no more than Chief Justice Green did, to be able to say that should be six bodies or seventeen bodies or ten bodies. All we could be expected to do in our current environment was to say, what do we believe our needs to be, relying upon our experience in Opposition and knowing what you have to do. We have concluded that we are going to need, in addition to the Leader's staff, nine bodies to do the research and the analysis that is required and we have also requested that the Opposition House Leader half time position be increased to full-time so that piece can be done.

Now, this is not, like you say, coming to a table, throwing out a number and hoping that you are going to go fishing and at the end of the day we can all cut a number here and walk off and everybody is happy; we didn't get what we asked but we didn't expect to get what we asked for. We fully expect to get what we ask for here, because it was based on rational thought that formulated this proposal. Now, if a commission later, a study or the compensation committee, comes back and says, we disagree with what you did and we don't think they should have it, this is the formula that you ought to use, fair be it, we would live with that. We would have to live with that, ought to live with that, but so far

here this morning we are looking at the former Auditor General, the member who sat on the IEC, who says, I disagree with the numbers; the Deputy Speaker who says, I disagree with the number of nine because I was in Opposition from 1996 to 1999 so I think that is not good enough; the Minister of Fisheries who says, nine is too rich. I don't think that is good enough. I haven't heard from the Minister of Finance yet, but I predict he is going to say it is a bit rich, too, and he disagrees with it.

All I am saying is that if nine is not the right number, maybe those people can give us some information and justification as to why it is not the right number, rather than just saying it is not the right number or it is too rich. What is too rich if it requires getting the job done properly?

I will give you another example - you talk about what is too rich - we have all been going through, in the last eighteen months, the experience with Chief Justice Green, the MHA constituency allowance piece and so on. We always functioned in here, at least since my time in 1999, for example, in the Speaker's office, for financial staff, two persons - for years. All of a sudden we have sixteen people today, at least sixteen that I know of, that are working in the back rooms of the Speaker's office to look after financial matters.

Now, we can go from two to sixteen, even though we have all kinds of new rules and everything else to say what you can and you cannot do, there is nothing loosey-goosey any more now, we have a piece of legislation that we passed here in June saying what all of the definitive rules are, and we now have an increase of staff for the Clerk and the Speaker's Office of two to sixteen, a fourteen person increase. Why? Because that is what is needed, in somebody's view, to do the job right.

Now, you might decide a year down the road that you only need twelve once all of the implementation is done, or you might

decide down the road that you need twenty-four, but that can only be decided with time. So I think to, willy-nilly, say nine is a wrong number without giving any explanations, I just don't think that is good enough.

I don't know if it is going to be the right number six months out. I know, for example - the electorate decided, as the Deputy Speaker says. The electorate certainly did decide. That was the whole purpose of having an election. That is one part of our democracy: that we pick a day and we have an election, and they decided to send back forty-four Conservative members to this government. That is their right to do, and we will respect it, but I don't think anywhere in that election process was there any referendum held on the fact that the Opposition members, because you only have three, you only have one, should be limited and not do your job. I lose the logic there somewhere in that. There has to be a better, a different, rationale in deciding what your resources ought to be to do your job.

I fully expect, as one of the three members of the Official Opposition, that my time is going to be very, very limited. Accept that. Because in the last House, for example, I was one of twelve, so when it came to my duties - besides all the stuff you do as an MHA. That is doing your basic job as an MHA. You had duties to do.

I do the job as an Opposition House Leader, keeping track of the legislation that is going forward in the House and the progress and the status and who is speaking on that and what and so on, but in addition to that you have your critic's duties; you have your media duties in response to that as well; you have your research to do. You just cannot stand up here in the House and respond and contribute to the discussion and the debate unless you have some idea - you ought to, at least - of what you are talking about.

Now, in the last House I was one of twelve bodies who could do that for the Official Opposition. I am not going to have the

benefit of doing that this time. I am going to be one of three. So, instead of being the critic for one department, such as Justice like the last time, I have to be a critic for six different departments. Now I do not mind reading, I do not mind studying, I do not mind whatever, doing your work, but there is no way possible that I am going to become intelligibility informed to be able to do a proper job for six departments if I do not have some assistance in doing it. That is the kind of rationale and thought that went into making this request.

I do not think that anything we do here today ought to be carved in stone that it can never be changed. If it is decided, build in some kind of evaluation formula. Make it mandatory that a study will be done or that this compensation committee will do that and come up with a formula, and if it is not fair, say what the evaluation process will be. Just don't say you cannot have it because we think it is too rich. All I am saying in favour of this motion is: I think it is fair. I think it is reasonable. If we want to be informed, if we want to be prepared, if we want to be factual and we want to be accurate, that is what is necessary to do the job.

I think the Leader of the Opposition has quite adequately outlined why we need it and we have attached to that - and we have said, by the way, there are two ways of doing this. If you want to take it and attach a body count to it and say it is nine bodies - that is one way of looking at it - or if you want to say no, build in the flexibility. Because we realize the way this job situation works. There are busy times of the year versus not so busy times. It is far busier - you cannot turn around when the House is in session. All we are saying is, if you want to deal with it in the course of block funding, do it that way and just attach the right numbers.

For example, we have to be practical. If the Opposition goes out, for example, and hires a researcher right off the street who has certain skill sets in research and you hire

that person as a first time entry into the system, we know in the public service of this Province there is a figure that that person plugs into, a certain categorization, classification with a level, but there is no understanding - probably not clear. There probably will not be a situation where we are going to hire everybody who is a first time employee. You may want to hire the person, for example, who was your researcher in the last sitting. You cannot bring that person in on a first level. You are required by law to bring that person in on their levels based upon the service they had. So, that is why there has to be some flexibility in the numbers.

That is all I have to say with it. I do not think this ought to be seen as an us against them scenario, government members versus Opposition members. I think it ought to be seen from a rational, practical approach, not being carved in stone and never subject to change again, but something that can be put in place - and, by the way, the election was almost two months ago now. We have been upstairs trying to do these jobs that I have talked about with two part-timers. That is why it is urgent that we do it today. If you do not do it today in this Commission meeting and make a decision - that is why timeliness is important here. You cannot possibly go through the recruitment process and the hiring and get it done even in time for the opening of the House in the spring if you do not act soon. So, it is timely and I think it needs to be factually based and argued.

I will give you an example, too. You talk about us, three persons in the Official Opposition trying to be adequately staffed to do a job. I will give you an example of what is adequate. Somebody, for example, deemed that in a department of government known as Aboriginal Affairs, that it justifies a director of communications and a public relations specialist. That is in one department.

**MS JONES:** And Labrador Affairs.



**MR. PARSONS:** And Labrador Affairs, too. Now, if you want to take that and multiply by eighteen government departments, we are talking, just in the case - and it is my understanding every department has a communications director and a public relations specialist now. Just in communications alone in this government - forget about the Premier's office, we will not even go there - just in departments alone, you have thirty-six communications people for -

**MS JONES:** As a minimum.

**MR. PARSONS:** As a minimum, for the government. That is a minimum. Forget about anybody else, executive assistants, or researchers, or advisors and here we are in Opposition asking for nine and they look up and tell you it is too rich. I think that says it all right there.

Anyway, that is all my comments, Mr. Speaker.

**MR. SPEAKER:** The hon. Minister of Finance and President of Treasury Board.

**MR. T. MARSHALL:** Thank you, Mr. Speaker.

I appreciate the debate here today on this particular issue. I know that when we come in here, we have an election every four years and the people of this Province elect MHAs for their districts, and all MHAs are equal. Some of the MHAs are invited to go into the Cabinet and that group is the government. The other MHAs divide themselves into two other groups. One of those groups is a group of MHAs who are a supporter of the government. They are not part of the government that is the Cabinet, but they are supporters of the government and they are known as government backbenchers. The other group is a group who are in opposition to the government, and they are known as the Opposition. There is a Leader of the Opposition and there are Opposition offices.

Now what we are seeing of course, or what we seen in recent years, is the Opposition, in turn, dividing into groups. Each of those groups is now seeking additional resources. As the Minister of Fisheries said, it is usual when members of the groups increase that there is a need for more resources. Here we are in a situation where the members of the Opposition are getting smaller and they are also seeking more resources in order to do the job that they feel they need to do.

I think it is helpful to review, just to clarify what presently exists. The Leader of the Opposition, the Opposition Leader's staff, there is a staff consisting of a chief of staff, a director of communications, an executive assistant, a secretary, office manager. I think that comes to \$276,000, apart from a constituency assistant.

The Leader of the Opposition and the other members of the Opposition each get a constituency assistant, as does every other MHA in the House. In addition to that, it appears that the Opposition receives, based on what I have heard today, \$20,000 per member, and I think all caucuses receive that money. So, for every MHA in each caucus, that caucus receives \$20,000 per member. In the previous House, the Liberal Opposition had - I guess it was twelve or eleven members, so therefore they received eleven or twelve times \$20,000. I assume the Leader of the Opposition didn't get the \$20,000. Is that correct?

**AN HON. MEMBER:** (Inaudible).

**MR. T. MARSHALL:** Okay.

So it is eleven times the \$20,000, so that would be \$220,000 over and above the core staff - what has been referred to as a core staff - in the leader's office. That \$220,000 is now reduced to \$40,000 as a result of the fact that the MHAs in the Liberal Party have been reduced from eleven to two, not counting the leader.

The Opposition House Leader, when he talked about the \$20,000, talked about a meeting of the IEC in which my predecessor, Mr. Sullivan - I get the impression from your comments that he kind of rammed down your throats this \$20,000, but I understand that before that, when your party was in power, there was no \$20,000 per member going to each of the members in each of the caucuses. Is that correct?

**AN HON. MEMBER:** (Inaudible).

**MR. T. MARSHALL:** I see; it was negotiated after each election.

So, we are told that in the IEC the then Minister of Finance put forward the sum of \$20,000. I can only assume, not being a member of the IEC at that time, that it was voted on and passed, that was what was agreed to. So that is the rule that is in effect now, and now it is being proposed that we move from that rule. Some are arguing no, that we keep things as they are, that was the rule and now you suffer the consequences; those that won more seats would get more and those that won less seats would get less.

I am going to propose something in between. As the Opposition House Leader said, nothing we do here is ever carved in stone. We have to, as Judge Green said, ensure that there are adequate resources, ensure that there are equitable resources, but obviously it is like, as politicians say, we have to find a balance. It is easy to say we find a balance, but where that number is, is, of course, subject to debate.

I do agree that the amount requested - for the Opposition to request an additional nine positions right now, but to request an additional \$450,000 to \$500,000 right now, I do think it is high; because, as the Opposition House Leader did say, when the decision on the \$20,000 was made it was under different financial circumstances, and tough financial circumstances. We also have to remember that what we are going through now is made in a time when the

population of the Province is concerned about how we, as Members of the House of Assembly, spend public monies. We are not spending our own money here. We are spending the monies of the public, and therefore there is an obligation on all of us, and all of us are well aware of the fact, that if we are going to spend public monies, we have to spend it carefully and prudently.

So, I am going to propose a compromise along the lines of what we did with what was called the miscellaneous purchase money. That also was based on a formula of \$62.50 per member. Now, if we had continued to apply that formula, the Official Opposition would get \$187.50 a month, or \$2,250 annually, and the NDP would get \$750 annually, or \$62.50 a month. So, we said there should be a floor and we agreed here earlier that each party would receive the \$62.50 per member but no party would receive less than a floor of \$500. So, I am going to suggest something in between: that, in addition to the Leader of the Opposition's core staff, and in addition to the \$20,000 per member -

**MR. RIDEOUT:** (Inaudible).

**MR. T. MARSHALL:** The Government House Leader says it is \$21,000 now. Is that correct?

**MR. RIDEOUT:** It's \$21,218.

**MR. T. MARSHALL:** It is \$21,218, he says. So, in addition to the \$21,218 that each MHA would receive, or the caucus would receive, that there be a floor of \$100,000. So, the Liberal Party would receive \$100,000 plus the \$21,218 for each member.

I would also recommend - I think the fact that the Opposition House Leader has a half-time person and the Government House Leader has a full-time person, I think that position for the Opposition House Leader should be a full-time position. So, I would suggest that as a compromise: that the

Liberal Party, the Official Opposition, receive its core, as it does now; that the legislative assistant to the Opposition House Leader become a full-time position; that the Liberal Opposition receive \$100,000 plus the \$21,118 per member, and I would suggest for the New Democratic Party as well that there be the floor of \$100,000 plus the \$21,118 for its member.

That would be my proposal to try to come up with an acceptable compromise that meets the needs for adequate resources.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Before I recognize the Leader of the New Democratic Party, maybe for clarification we can just touch on the \$20,000, and it is now \$21,118. Would that be to reflect the 3 per cent wage increase? Where did the \$21,118 come from versus the \$20,000?

**MR. RIDEOUT:** The Clerk can answer the question. The numbers came from your office, Mr. Speaker, so I am assuming it is grossed up for something or other.

**MR. SPEAKER:** I refer to the Clerk.

**CLERK:** I would have thought it was \$20,600, but at any rate because it is salary monies we will always be applying whatever salary increases are generally applied. We will try to keep pace with the salary increases. I am not sure why it would be \$21,000, but at any rate we do apply the salary increases to it.

**MR. SPEAKER:** In light of the fact, and I brought this up earlier at the beginning of the Commission meeting - it being 12:30, there is obviously a lot on the agenda to be discussed and I would think now we are going to go back and talk about the proposal as put forward by the Minister of Finance. I wonder if I can seek some guidance from the Commission: number one, if we should ask the Broadcast studio to extend us beyond one o'clock and if it is the wish of the

Commission maybe to take our dinner period now, reflect on what has been said and come back after one o'clock or at a time we can clearly set, whereby if we can book the broadcasting then we can do it at that time. Is that agreement? In the meantime, we can continue with our discussion here until we get notification from the Broadcast Centre.

The hon. the Leader of the New Democratic Party.

**MS MICHAEL:** Yes, I am not speaking to your suggestion. I would be for that suggestion actually. I did want to ask a question of clarification of the Minister of Finance in order to be sure of what it is we are thinking about.

**MR. SPEAKER:** Absolutely.

**MS MICHAEL:** Okay, if I could do that.

**MR. SPEAKER:** The hon. the Leader of the New Democratic Party.

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

My question of clarification has to do with the fact that the bottom line that the minister is suggesting is the \$100,000 plus the amount of money per MHA on top of that. I'm assuming, when you spoke with regard to the official Opposition, you meant aside from the support staff attached to the Leader. Because the NDP does not officially have support staff attached to the Leader, are you also assuming that we would recognize some support staff attached to the Leader, for example, an executive assistant or something of that nature, plus then the \$100,000, you know, the rest of the formula that you suggested? In the case of the official Opposition it would be four staff attached to the Leader then your formula. Would he be open to that suggestion from me?

**MR. SPEAKER:** Before I recognize the person to whom you have directed the

question, I need clear understanding from the Commission. Is it the pleasure of the Commission to continue to sit into the afternoon? The ministers have other things, commitments, that don't allow that to happen?

Maybe we can continue with our discussion here until the communications – Ms Keefe would call down and see if we can book the time and then we can judge ourselves up to the time that we want to set, or can I get some clear direction now? If we break at, say, 12:30 we would try to book the broadcasting time until what time? Three o'clock?

**MR. PARSONS:** (Inaudible).

**MR. SPEAKER:** I am sorry?

The hon. the Opposition House Leader.

**MR. PARSONS:** I would suggest that we have urgent business to do here and, you know, if we can't get it done in the time that we allotted and we can still have a quorum here, we continue.

**MR. SPEAKER:** What I am looking for now is some idea to book the air time, broadcasting time, because we need to know that.

**MR. PARSONS:** Sure, yes.

**MR. SPEAKER:** Until what time?

**MR. PARSONS:** Again, whatever it takes. I mean, it is at least three. I can't tell you either.

**MR. SPEAKER:** So, should we book it –

**AN HON. MEMBER:** Book it for the afternoon.

**MR. SPEAKER:** Book it for the afternoon?

**CLERK:** Yes, and use what we need.

**MR. SPEAKER:** And use what we need, okay. So we can continue with debate here, discussion I should say, and we will find out in due course if we can book the time for this afternoon.

To whom did you direct your question?

**MS MICHAEL:** My question was to the Minister of Finance based on the formula that he was suggesting and what I am suggesting back. I would be more specific: Is he, in what he is asking us to consider, agreeable to what I think is reasonable, which is support for the Leader of the third party? That would be in the form of – I said one before but I mean two, I didn't read all my notes – an executive assistant and an admin assistant, then his formula would come in, so that you have the same parallel as with the official Opposition which is four people attached to the Leader and then his formula. Is he meaning that, and if not, is he open to that and for us to think about?

**MR. SPEAKER:** The hon. the Minister of Finance.

**MR. T. MARSHALL:** Thank you.

No. I say to the Leader of the New Democratic Party, that my suggestion was that the core staff would be for the Official Opposition, the Official Opposition Leader, and for the Member for Signal Hill-Quidi Vidi and the New Democratic Party, that they would receive the \$21,118 but that there be a floor of an additional \$100,000 for that party.

**AN HON. MEMBER:** (Inaudible).

**MR. SPEAKER:** Order, please!

The hon. the Minister of Finance.

**MR. T. MARSHALL:** If we are going to give a complete core staffing to one person, we would have to give it to all. We do have an Official Leader of the Opposition and that person gets the core. I mean, the

Opposition is the Opposition and the core staff would be there. In order to give the NDP more resources than it is presently getting, more resources than the \$21,118, by having a floor that would give an additional \$100,000 to the NDP which appears to me to be a good compromise with just having the \$21,000.

The Liberal Party is asking for another \$477,000, the NDP is asking for an additional \$227,000. Bearing in mind the need to be prudent, this appears to me to be a good compromise between the status quo and what is being asked for here.

**MR. SPEAKER:** Just for understanding, that would be in addition to the constituency assistant for the Leader of the New Democratic Party?

**MR. T. MARSHALL:** Yes, the constituency assistant would be extra.

**MR. SPEAKER:** Okay, the hon. Leader of the New Democratic Party.

**MS MICHAEL:** I would like us to establish or offer for the discussion, that we are talking about caucus offices and that does not include the constituency assistant, so that we understand that. We are talking about caucus office, not constituency office. If we could agree on that language –

**AN HON. MEMBER:** (Inaudible).

**MR. SPEAKER:** The hon. the Leader of the New Democratic Party.

**MS MICHAEL:** First of all, I want to thank the Minister of Finance for coming up with something for us to think about, a compromise as he puts it. I think it is good that we have something else to think about, so that we can do further discussion on it. I think the Leader of the official Opposition did ask for some concrete suggestions and this helps us.

What I would ask all members of the Management Commission to consider though, as part of the compromise: Number one, as Leader of the third party I was not asking for exactly the same, the minister to consider the same support as leader that the Leader of the Official Opposition would be having with maintaining the core of four. I would ask the Management Commission to recognize that the leader of the third party is the leader of a party, and as leader of a party, has to do more than the work of an MHA.

The leader of the third party, because the third party, the NDP, is established in this Province firmly as a party, gets the same requests as a leader that the other leaders get for attendance at various things around the Province. That the leader of the party is expected by the public, by the media as well, to be the spokesperson for the party and has extra work because of that. In recognition, while the leader of the third party does not have the same responsibilities, level of responsibilities or amount as the Leader of the Official Opposition, but still has particular responsibilities as leader of the party.

For that reason, I would ask the Management Commission to consider the executive assistant and administrative assistant, plus the rest of the formula. I am saying that based on my experience of the last year. If we are considered only to have the second part of the formula, based on my experience of the past year, I know how overworked, on top of already being overworked that I have been, I and the couple of staff I would be able to hire would be. So, for that reason, I think the formula is adequate if the leader of the third party could also be seen as having some support, albeit not the same amount of support as the Leader of the Official Opposition.

**MR. SPEAKER:** Thank you.

I wonder if I could just interrupt again. I will be guided by the Commission again.

We do have broadcasting time booked for the afternoon. I will take guidance from the Commission whether we should break now for lunch and when we could come back or if we want to continue until 1:00 o'clock, it is certainly up to the Commission.

**MS JONES:** (Inaudible) break for lunch. We will reserve our comments until after lunch and before we get into a debate over the proposal put forward by the Minister of Finance.

**MR. SPEAKER:** We will break now for lunch and we will return, at what time?

**WITNESS:** (Inaudible).

**MR. SPEAKER:** At 1:15. Okay. The Commission meeting is in recess until 1:15.

**Recess**

**MR. SPEAKER:** Welcome back. We are ready to resume the business of the Commission.

I think the Leader of the Opposition was recognized before we took a recess for lunch.

The hon. the Leader of the Opposition.

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

Obviously, before we recessed, there was a motion put to the Table by the Minister of Finance. I don't know if you want to read back that motion for the record, so that it is fresh in our minds what the actual motion was. Then I would like to have some comments, please.

**MR. SPEAKER:** I will refer to the Clerk to read back that particular motion as put forward by the Minister of Finance.

**CLERK:** Okay.

There are a couple of matters for clarification, but essentially the Leader of

the Official Opposition would retain core staff. We will have to decide about constituency assistants, because there seemed to be a consensus that we should take that out of all of these deliberations. So, there would be a core staff for the Leader of the Opposition, there would be \$100,000 as a minimum for the Official Opposition plus \$20,000 per MHA, and the Opposition House Leader's assistant would go from half time to full time.

For the NDP there would also be \$100,000 plus the \$20,000 per MHA, but that would be it; there was no other staff associated in Minister Marshall's proposal.

**MS JONES:** (Inaudible) clarify that first.

**CLERK:** I am not sure - Minister Marshall, I don't want to put words in your mouth - I suppose the debate was somewhat freewheeling and we were searching for a compromise, but if you want to think of it as a motion....

**MR. SPEAKER:** The hon. the Minister of Finance.

**MR. T. MARSHALL:** Thank you, Mr. Speaker.

Yes, I put it forward, given the discussion that took place today, given - there seemed to be two bookends to this. One was that there would be no increase and that the status quo be maintained, and the other one was these requests or these asks from the Official Opposition and from the NDP.

The suggestion that I made was an attempt to reach a compromise which would not give either the Official Opposition or the NDP everything they were looking for, but there would be funds for additional resources. So, I do put it forward as a motion if that is acceptable and there is a seconder.

**MR. SPEAKER:** It is properly moved and seconded that the proposal as put forward by

the Minister of Finance would be in the form of a motion. We are not – I refer to the Clerk.

**CLERK:** I didn't quite finish what might be a clarification of Minister Marshall's motion.

What wasn't clear was: this \$100,000 base, that is only to the two parties, so none of your comments apply to the government party. The assumption would be that the \$20,000 or \$21,118 per member would continue for them and that would be all.

**MR. T. MARSHALL:** That is correct; there will be no \$100,000 for the government.

**CLERK:** No.

**MR. T. MARSHALL:** They would just get the \$21,112. What is it, 112 or 118?

**CLERK:** It's 118.

**MR. RIDEOUT:** I've got 218. Which is the right number?

**CLERK:** I will have to check on it; but what it is, is in anticipation of next year. So, it was 3 per cent July 1 and then there is another 3 per cent coming in for the next fiscal year.

**MR. RIDEOUT:** Okay.

**MR. SPEAKER:** The hon. Leader of the Opposition.

**MS JONES:** Thank you very much for those clarifications.

First of all, I want to say that I never operated under the premise that we were looking at basically no funding in terms of the status quo \$20,000, \$20,000. That certainly was never a premise upon which I had operated.

The other point that I want to make before I get into my comments is that when we

started out today I thought we had established a precedent here that we would deal with each issue individually, and that is the premise upon which I have been going along.

The fact that the minister has made a motion that deals with both caucuses really distracts from that agreement that we had agreed upon earlier. I would prefer - and I don't know how everybody else feels - to continue with the precedent that we have set in the beginning, and that is: we deal with each request as they come forward at the Commission table and that we not lump requests that we have not yet read or previewed in our meeting into motions.

I would like to throw that out there because it does distract from what we are doing and it does distract from the precedent that we have set.

I would like to have clarification on that before I speak to the motion, please.

**MR. SPEAKER:** The Chair has no problem with that whatsoever. In fact, you are right; there was clear direction given in the beginning. I think we got into a discussion whether it was going – whether it was a motion as presented by the Minister of Finance or whether it was a proposal or just something taking part as a discussion issue.

**MS JONES:** Yes.

**MR. SPEAKER:** The member is 100 per cent right. Maybe when we entertain the motion we could revert to that and we could entertain the motion as put forward for one party and not tie in both parties, and vote for them separately.

Is that what I am hearing from the hon. Leader of the Opposition?

**MS JONES:** That was the precedent that we agreed to -

**MR. SPEAKER:** Yes.

**MS JONES:** - at the beginning of the meeting, and one that I prefer to honour as this meeting follows through.

**MR. SPEAKER:** The Chair has no problem with that. That was clearly set from the beginning.

Anybody else with a comment?

I call upon the Leader of the Opposition.

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

I have several –

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

**MR. SPEAKER:** Order, please!

The hon. the Leader of the New Democratic Party, on a point of order.

**MS MICHAEL:** Yes, just some clarification again.

It is the right of any member, obviously, of the Management Commission to put a motion out, and it is there now and it is seconded, we are into a motion. Again, it is the right of any Commission member to do that. It seems to me that we had a whole brand new idea injected into the discussion before we even had a chance to discuss both proposals separately. Now if we do it, this is a motion and it is going to be a motion in relation to the Liberal proposal or the Official Opposition proposal, and then it is going to be a motion in connection to the third party proposal. Then we are into a whole different kind of discussion even before, for example, from my perspective, we have had a chance to discuss the third party proposal in a more unstructured way. I am really feeling uncomfortable with the way this has gone. I just need to put that out.

**MR. SPEAKER:** Okay. It is my understanding we can change whatever we want with the consensus of the Commission. It is my understanding now, that there has been a proposal or a motion put forward by the hon. Minister of Finance and really this proposal should be cut. He may want to make another proposal, because you are right it is lumped into the two parties with the proposal.

The Opposition House Leader has asked for clarification, and that she would want a proposal that she has put forward or the minister has put forward open for debate. Maybe by consensus, we can ask the Clerk to entertain only the part of the motion that was put forward or being remade by the Minister of Finance concerning the Official Opposition, and then we can open that up for debate or discussion and proceed in that direction.

Is that what I am hearing?

**MR. BYRNE:** What I would suggest at this point in time is that - it seems to be getting buried in a bit of red tape and logistics. I think what should happen is that an amended motion be made with respect to the original motion made by the Minister of Finance to deal with the Official Opposition first, deal with that issue, that request, and deal with another motion to deal with the third party after that has been dealt with. I would assume that is where we would go. That is what makes sense to me at this point in time.

**MR. SPEAKER:** That is what I am understanding that I had suggested, that if the hon. Minister of Finance wants to amend the motion that he put forward to deal only with his motion for the Official Opposition, then let's deal with that and we will move to the other part of the motion as a new motion after that motion is debated and voted on.

Are members agreeable with that?



**MR. BYRNE:** Well, that is up to him to make the amendment.

**MR. SPEAKER:** Okay. I will ask the Minister of Finance if he would put forward his motion, or the Clerk can reread it, excluding part of the motion that deals with the third party.

**MR. T. MARSHALL:** Mr. Speaker, I certainly do not want to make the Leader of the NDP uncomfortable. I certainly would not want to do that. So, I will amend the motion.

If there is unanimous consent that I have permission to amend the motion, which has been moved and seconded, the motion would be that the Official Opposition would continue to receive the core funding but that there be added to what they are receiving now, that the half-time secretarial position with the Opposition House Leader become a full-time position; that the Opposition continue to receive the \$21,218 per member that they get now, and got in the last session. In addition to that, they receive \$100,000 that I intend to move for both parties that normally sit on the other side.

**MR. SPEAKER:** Has that motion been seconded?

**MS E. MARSHALL:** I would like clarification (inaudible) that the Leader of the Opposition (inaudible).

**MR. SPEAKER:** The hon. the Member for Topsail.

**MS E. MARSHALL:** The \$20,000 per MHA, is that the \$20,000 for two MHAs, assuming that the third is in the five core positions?

**MR. T. MARSHALL:** Yes.

**MS E. MARSHALL:** Okay, I understand.

**MR. SPEAKER:** Does the hon. member's motion need a seconder? If so, is there a seconder for the motion?

**MR. RIDEOUT:** I seconded the original motion so I am happy to second the amendment.

**MR. SPEAKER:** Seconded by the hon. the Minister of Fisheries and Aquaculture.

The floor is now open for discussion on the motion as put forward by the Minister of Finance dealing with Her Majesty's Loyal Opposition.

The hon. the Leader of the Opposition.

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

I want to speak to the motion that has been put forward. First of all, I will say that the core funding for the leader's office certainly did not constitute any form of the proposal that we put forward here for additional staffing. We understood from the House of Assembly and from the Clerk's office that that was a core staff that accompanied the leader's staff and we were quite satisfied with that. Our request was directly related to increasing the half-time secretarial position of the Opposition House Leader to a full-time secretarial support position and also asking for permission to hire nine additional staff people to do research, communications, and policy analysis.

What the minister is, in essence, proposing is a funding allocation that will allow us to hire only three additional people to provide for the staffing in our offices, and I want to make sure that is clear.

I guess, for me, I am a little bit surprised about the ad hoc manner in which this offer is being proposed. You know, the \$100,000 floor that has been put out there in my mind should have been done with full justification and rationale behind that position, and I feel that it certainly has not been done that way. I think it is a very ad hoc approach to trying

to reach a consensus or a compromise here. Basically, it is not unlike what happened in 2003 and 2004, when the previous Minister of Finance, Mr. Loyola Sullivan, who sat on the IEC, was proposing ad hoc numbers in the middle of an IEC meeting of \$20,000 per member with no justification or rationale.

To me, the solution being put forward here is just a fly-by-night solution. I don't think it is good enough. We put a lot of work and a lot of effort into coming up with the numbers that we proposed today and I don't think coming in here and listening to debate and in shooting off a number off the top of your head as a means of resolution or compromise is good enough. In fact, I find it disrespectful and I find that it is not based on any rationale or argumentation and therefore cannot be justified.

We spent six weeks examining all of our options and our staffing compromises. We provided to this Commission this morning a full proposal based on what we felt we required based on our analysis. We supported our request with job descriptions, with details, with salary bases, with duties, and with responsibilities that we felt were adequate to meet the needs and responsibilities within our office. I absolutely feel slighted by the way that this is being proposed and dealt with here in our Commission today.

Our office operated not only on our own analysis, but also on the suggestions that were being put forward by Chief Justice Green. In his report, he made it quite clear, in chapter 12, sections 11 and 12 of his report, that the staffing in the Opposition offices needed to be reviewed and needed to be looked at in light of what was fair compensation or fair staffing for our offices. That is the premise upon which we have been operating. So far, we have waited seven weeks to get to a Commission meeting. We have been operating with no staff in our office, practically, while we have waited for members to be able to get together and to have a meeting to be able to

come to some resolution. This morning, or this afternoon, I am certainly feeling that a resolution, certainly one that is going to be acceptable to us, is not in our midst right now. I want to assure the members here, that while they may be of the opinion that we might be inflating numbers or looking for additional staff, I suggest that what we are looking for is factually based and well rationalized and justified.

I would recommend to the Commission, that in light of the fact that what is being proposed is a very inadequate offer - it is off the top of your head, it is just being thrown out as a means of resolution with no fact to base it on - that this Commission seriously needs to refer the matter to an independent individual to have a full review based upon the recommendation that was in Justice Green's report and have them report and make recommendations back to our Commission in terms of what is adequate and appropriate staffing for our office.

In the meantime, we still have to deal with the problem that we have, and that is we have no staff. In the meantime, we still have to deal with that problem. I would suggest to the Commission, that they look at restoring the salary attachment that was in the Opposition office prior to the election until such time that we can resolve the issue having it looked at and reviewed by an independent auditor.

So, I will make it quite clear this morning, I do not find any justification for the minister's recommendation. I think it is ad hoc. I think it is not unlike what was done in 2003-2004 by the IEC. It has not been justified or substantiated and I, for one, will not support it and find it disrespectful to the Opposition to make such an offer.

**MR. SPEAKER:** The hon. the Minister of Finance and President of Treasury Board.

**MR. T. MARSHALL:** I think it is amazing when someone makes a proposal to give

money to the Opposition and they find it disrespectful.

I have to comment on the hon. member's comment that we want what we feel was required. Well, everybody wants what they feel is required but there are a lot of people out there that want access to the public treasury and want access to public funding. You don't always get what you want, the Rolling Stones have said. We have a lot of people out there that have needs for money, and I will tell you one thing, that the people of this Province are not impressed with the Members of the House of Assembly when it comes to spending their money on ourselves.

What I said to you, in response to your request for another \$500,000 over and above what you were receiving, and over and above what certain members of this Commission suggested was all you are entitled to get, is that I suggested additional funding that would allow you to go at least some way towards meeting your needs, which you have outlined as being an Official Opposition, but this is the people's money and we have to spend the money wisely and we have to spend the money prudently.

By putting the proposal forward, it was meant as a compromise to address some of your concerns and not leave you where you were. It was not done disrespectfully, and I resent the fact that you said that. It was done bearing in mind that we have just gone through a process where the Auditor General and the people of this Province have lost confidence in us and in our ability to spend money, especially when we are spending it on ourselves. So, it was made as a compromise to try to come up with a solution. If it is not acceptable, then that is fine, you can vote against it, but you do not have to ascribe personal motives to me or to say that I am being disrespectful to you. It was offered up as an attempt to come up with a reasonable compromise to resolve an impasse that I saw here today, that was all.

**MR. SPEAKER:** The hon. the Opposition House Leader.

**MR. PARSONS:** Thank you, Mr. Speaker.

Just a couple of comments in that regard. First of all, I do not think it was intended to upset the Minister of Finance or there were any personal remarks made here. I think it was a very factual, legitimate remark in the sense that - and I appreciate he is, maybe, looking for a compromise and that is how it was proposed by him, as a compromise suggestion. But, please, we can't be so sensitive as to - we must still speak freely here.

The bottom line is, as the Leader of the Opposition has pointed out, we have been seven weeks trying to put this together. With all due respect, other than the comments we have heard today, I have not heard anything from the government members who sit on this Committee until we heard this compromise flipped out there. In fact, I haven't even heard today, contrary to what the minister said that we had established a two-goal post of: this is what the Opposition wanted and this is what the status quo was going to be. I never heard anybody here today suggest that what we worked under in 2003-2004 was established as a goal post to start with. It might be, because there has not been any change to it, but I don't think anybody stated that this morning that it ought to be.

The bottom line is we have a problem to resolve. We know how many numbers there are. The question is: What job needs to be done and what resources have to be given to the Opposition to do it? That piece is not complicated. The question is how we get there. I think it is not acceptable if we are supposed to be, as a Commission, informed about the decisions that we make to just flippantly - and I suggest it was flippant in that sense, not that it was not properly well intentioned but it is flippant to suggest that such a serious issue, you just pop numbers out of the top of your head and say this is a

compromise. This issue should be dealt with more seriously than that. I think that was recognized by Chief Justice Green when he made the comments that he made. We cannot accept one part of Chief Justice Green's report as we did and then pass the legislation here in June because we accepted it and then on the other hand say: Oh, well, we are not going to accept it. We are going to totally disregard his comments on another part.

The minister's comments about the people's money; we all know it is the people's money, whether it is put into an MHA's constituency fund that you use for your travel and your meals and whatever, which we all have a very comprehensive set of rules now that we have to live with on a go-forward basis. It is all public purse.

The Minister of Finance, I think that is part of the problem here. He is not seeing the issue we have and what we need to go to in terms of finding a reasonable, rational funding formula. He is seeing it strictly in terms of dollars and cents. What does he think, that whatever decision this board makes here on funding for Opposition parties so that you can do your job, that finds its way into the MHA's pocket and therefore we have somehow abused the public purse? How can anything be further from the truth? What is the difference in giving the Opposition Party or government members funds to do their job and then you have to tack on this caveat that if you give them too much they will be seen by the public as abusing the purse?

Well, I ask the minister: What about the ninety-plus persons that are currently employed in minister's offices to do their jobs? I would not suggest that that is robbing the Treasury. So, I think we are out of context here from the minister sometimes. You know, we talk about saving money on the one hand - now maybe that is his job to be prudent, and nobody disagrees with that, but there is a difference between being prudent when you are spending the public

monies than the other part of this valuable system that we are supposed to have, you allow people to have the proper resources to do the job they have to do. That is all we are suggesting here. Now, maybe nine is not the right number. Maybe three is not the right number, because if it was that easy we would have an agreement. We would not be looking at compromises here today.

So, we all agree that we cannot find the right number, whether it is in terms of bodies or whether it is in terms of the number of dollars we put in a pot. That is where we need to go. Now, the Chief Justice obviously recognized that and said we needed somebody to tell us. It is quite obvious that maybe we are not the ones to just make that decision based upon our own feelings, gut or research. Maybe we are all in a biased position here. The Opposition parties - give me twenty-five bodies because it makes my job easier. We have asked for nine.

So, we are biased I guess, no matter how we present this argument, as to what resources we need, because they are going to say: Oh, you are trying to either rob the public purse or you are asking for more than you need and you can justify. Neither of which, by the way, I have seen any indication of here today from a government member, that anything we have requested here is unjustified. Not one shred of information has come forward from any government member to say that it is not necessary, not a bit. How do we reach that figure or that number that ought to go into the pot? Whatever we ask for we are tainted because we are asking for too much - so the government is saying - you cannot justify it.

On the other hand, it is in the government's best interest, I could argue, the government members' best interest here to make sure that the Opposition does not have the resources. I mean you could get into that argument for days and days. We want, and it is unfair because it is going to make us do our job better. Government says: No, we

want to restrict what you have; because if we restrict them in the dollars that they have, in the bodies that they have, therefore they cannot be as well prepared, therefore they cannot be as effective as Opposition and that is in the government's best interest.

I guess we all have hidden agendas here if you want to take it down that road, but that still, at the end of the day, leaves us with having to make a decision. That is why I think the suggestion by Chief Justice Green bears merit when he says maybe we need someone outside to give us some guidance, someone who is independent and do not have a vested interest, who gets up on the floor of this House day after day and rows back and forth with each other; or are out in front of the media jostling for the camera, timing the media, timing to try to make a point, or to criticize government's policy or initiative on this and that. Maybe we do need somebody outside. I think we do, but in the meantime, we still have a problem as to what we do in the short term.

I think there is no reason why in thirty days - there is no reason why this Commission cannot have someone outside of a reputable - the same as Chief Justice Green was considered to be the reputable person who did the MHA piece, surely there is a person in this Province who can perform within thirty days a reasonable study and provide us with information as to what they feel is necessary so that we are not sitting here as he said, she said, Liberal versus NDP versus PC, what we think we need. Why don't we have some assistance from someone outside to give us that guidance? Are we going to say: No, we do not need that, we are going to entrust that to the Speaker? The Speaker is the Chair of this Committee, no doubt about it. I would not think, with all due respect - I know the gentleman quite well - he is the fountain of all knowledge either. The more information we all have the better.

We seem to be getting sidetracked here as to what is needed. I honestly cannot say today, beyond the nine - you cannot tell me why

we do not need the nine. I cannot say we need ten because, based on our analysis of it, we do not need ten or eleven, we need nine. If that figure is wrong, please, somebody, without telling me that I am robbing the public purse, without telling me that I am being greedy, tell me why we don't need them.

For example, what the minister has proposed here today would give the Official Opposition \$178,000 less today than we even had under the former regime. Just like that again - and the rationale seems to be: well, you only have three people now, instead of twelve, so therefore you need less bodies. Maybe that is, in fact, true. I suggest to you that, because you have less MHAs doesn't mean you need less resource capabilities. In fact, I would suggest the contrary is true. Because you have less MHA bodies to do the work, you need assistance in getting it done. Now, maybe I am wrong on that premise. If so, that is what that person can tell us as well. If they say, Mr. Parsons, you are absolutely wrong, that is not correct; there is no connection or correlation between the number of MHAs and the number of research persons that you need, and here is why - tell me. I would like to be guided by some informed, knowledgeable information here instead of this I want, you want, type of scenario.

If we're going to have this impasse - and I said earlier in my comments that we need to have some immediate resolution in the sense of giving us some staff - we can't do a job at all, right now, folks, with nobody up there. You have to have some staff. We are at an impasse here today. We all disagree - at least the Opposition members disagree - with what the Minister of Finance has proposed, for the reasons that we have outlined.

We all know, whether we want to admit it or not, as Chief Justice Green said, we need some guidance from outside and there ought to be a study done. So, why can't we get that done within thirty days and, in the

meantime, worst case scenario, leave the status quo, instead of putting suggestions out here again that may, at the end of the day when we get that information, be seen to be totally ludicrous again.

Now, that may not be satisfactory with the Leader of the NDP either, because I believe as well that she has some very legitimate concerns when it comes to having a basic core staff, as a person in opposition, but I don't think we ought to deal with this. I have been through that experience, with all due respect, in 2003, Mr. Minister of Finance. I was through that experience where we went to a meeting and again we didn't put the proper thought into it – agreed? – and it was dealt with as a - oh, this is what we are going to do: take \$20,000 and multiply it by the persons and that is what you've got.

If we look at that logic, for example - and you talk about a connection between resources and the needs that you have - look at the forty-four members that the government has. We could say: Okay, if you multiply \$20,000 a person times the forty-four persons that the government has, that is \$880,000 that is going to be sitting over a pot there, that – what? There are eighteen Cabinet ministers and so many parliamentary secretaries, so you are going to have almost \$900,000 sitting in a pot over there that is going to be used for the purpose of providing research, analysis and strategic planning and whatever preparation for the House stuff by twenty MHAs.

Now that is the same twenty MHAs, by the way, the government backbenchers, who are going to have access to all of these ninety persons already that the minister has, plus everybody else if needed. Where is the logic of that? We are asking for somewhere in the vicinity of \$450,000 to do a job as an Official Opposition and the minister says, no, you can't justify it. Yet, the government members over there have \$900,000 to look after information flow for twenty

backbenchers, not counting what all of the ministers have.

Now, maybe we don't have the answers, and I don't think we do if that is the case, Mr. Speaker, I think we need to get somebody to give us that guidance that we need to do this thing right. We don't need to have a repeat of the fiasco we had in 2003, with: take it or leave it, and that is the end of it.

Let's settle it, and settle it once and for all.

**MR. SPEAKER:** The hon. Minister of Fisheries and Aquaculture.

**MR. RIDEOUT:** Mr. Speaker, I want to make a couple of comments here.

We have tried our best here to be considerate, to give consideration to the situation that faces the Opposition, and to be reasonable and realistic. Not once did any one of us use the word greedy. Not once did any one of us accuse the Opposition of trying to pad their nests to make things better for themselves. We never used any of that language. Yet, that inflammatory language in this supposedly "non-partisan" forum has been kicked back and forth here now over the last hour or so with eyes rolling towards the press gallery hoping that it is going to be picked up on.

This language, Mr. Speaker, has been inflamed now to, oh, there is \$900,000 available to government backbenchers. That is not the case, Mr. Speaker. That is not the case, but I can say that until I am blue in the face, that is not the case, but if somebody wants the message to go out of here that it is the case, it is gone out and there is nothing I can do about it.

Now I happened to, this morning, when this issue was introduced, make some general comments about how I felt, as one member of this Commission, about the proposal that the Official Opposition made. I didn't denigrate it. I didn't say it wasn't necessary.

I said, in my opinion, I thought it was a bit rich. I never said it was greedy.

The Opposition House Leader spoke right after me, and accused me of not suggesting an alternative: If you're going to say it's rich, if you're going to say it's too much, if you're going to say we don't need it all, well, propose an alternative.

**MR. BYRNE:** We did.

**MR. RIDEOUT:** Well, the Minister of Finance did. He proposed an alternative that he thought was a reasonable compromise to the proposal put forward, and now there is something wrong with us for proposing that. It wasn't considered enough. It's flying by the seat of your pants. It's written on the back of a cigarette pack. There is no thought gone into it. There is no analysis.

**MR. BYRNE:** Disrespectful.

**MR. RIDEOUT:** It's disrespectful.

All right, if that is going to be the atmosphere, I guess that is going to be atmosphere and we will deal with it, and there will be a vote at the end of the day and whatever it is, it is.

We refer to Chief Justice Green in Chapters 11 and 12 of his report, when he made the observation that I believe it wasn't part of his mandate to comment on resources available to the Opposition but perhaps they should be reviewed. Well, perhaps they should. I have no difficulty with that. I have no difficulty whatsoever with an independent arm's-length person or group reviewing the resources made available to the Opposition, or to our caucus for that matter. Perhaps they will come back and say we got too much; perhaps they will come back and say we got too little. I have no objection to it being analyzed by an independent person.

What Justice Green didn't say, and what the implication is and the imputation is from

those speaking for the Opposition, what Justice Green didn't say is they don't have enough and there should be more. He said there should be a review, and that may lead to the conclusion that they don't have enough and there should be more, and it may lead to the conclusion that our caucus doesn't have enough and it should be more. It may lead to another conclusion, I don't know.

The point of the matter is, I think - the Opposition says they have done their analysis. I am sure they have. They say we haven't done any. Well, that is not true. The point of the matter, though, is, this is all subjective.

I don't have an objective basis to say that nine is the right number, or three is the right number, or six is the right number. All I know is that I have seen Oppositions in this Parliament, and that is the only one I can speak about, perform very, very well and be very, very effective Oppositions with less resources than is going to be available to this Opposition on a go-forward basis.

I remember the late Steve Neary in Opposition in his own right, with nobody only himself and his own contacts and his own hard work and his own research capability, bringing governments to their knees, and I have seen oppositions, some of which I have been a part of, that had all kinds of resources that were as ineffective as a wet noodle. So, is it resources that make an effective opposition? Partly maybe, but I don't think that is all of it. I think there is more to it than that.

My point is that this is a very subjective decision. The Opposition thinks, that based on their analysis of their situation they need a certain amount of additional resources. Some members of the other side, the government side, think that what they have right now is enough. I have heard that said to me; it is enough. Well, those of us who are trying to sit here and be objective don't think it is enough. We are prepared to offer

more and perhaps that is not enough. Therefore, we are prepared to accept the suggestion from Justice Green and put forward by the Leader of the Opposition, that, yes, let's get an independent group or person to have a look at it, look at the government members and the Opposition members, and tell us: Is this reasonable, is it in the ballpark? That, hopefully, will have some objectivity to it.

What I say here today, other than my experience, has no objectivity and neither does what the Opposition says have any objectivity. It is subjective. We are doing our best, we are all trying to be reasonable and compromise and be understanding of each other. I can't say, based on objective criteria, that what I am saying is correct. That is the basis that the Minister of Finance proposed what he thought might be a necessary or a reasonable compromise.

I have no objection to it going out for further analysis to a person or a committee, whatever the management group here decides; no objection whatsoever. In the meantime, we have to start somewhere and this somewhere, I think, is a start, and we can move on, hopefully, from there.

**MR. SPEAKER:** Just a couple of comments. Obviously some language is being used here and people are sensitive from language being used from several individuals. I kind of look at the Commission as being a little bit different from the House, in that it is supposed to be a non-partisan committee that meets to look after the financial and administrative affairs of the House. I just remind members, if maybe they can not make some sensitive words the topic of debate but stick to the issue of what we are debating. If all members could keep that in mind, we could probably keep proceeding with this topic we are now presently discussing.

The hon. the Leader of the New Democratic Party.

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

I don't know if I have anything new to add, but I just have some thoughts that I want to say out loud.

I guess it is because of what you just said that I was sorry that the discussion had gone into the form of a formal motion, because I think that the compromise that was being suggested - I appreciate a compromise being suggested, but I don't think that the compromise that is being suggested is adequate. That is my problem. I don't think that we had sufficient discussion and, because of the proposal being put the way it is put, it has sort of taken away from this discussion, so that is why I want to put it out. I don't think that we had adequate or sufficient discussion with regard to: What are the needs of the Opposition, of the Official Opposition? Those needs would dictate, then, where you go with an amount of money.

It is quite possible - and on this point I am speaking totally third party to the proposal as it relates to the Official Opposition - that it is possible to look at what is being proposed and, even in the light of our not having a committee set up yet, which I think we should do, to assess what is happening in the House with regard to resources for the Opposition, we still could have made some proposals or asked some questions of the Official Opposition: Well, do you think you could have done with a couple less in one area, or a couple less in another area?

That wasn't even put to the Official Opposition, and I think that could have been put to them. I would have preferred if that is what we were coming to an agreement on, rather than what has been put out with regard to this floor with the MHAs' monies added to it.

I think we jumped into this before we explored sufficiently what was needed in the office of the Official Opposition, and that is why I am feeling uncomfortable with this



discussion. I would have liked more of that kind of discussion so that we could have come to a rational decision. At this point I think we are going to end up in a stalemate because of the resolution, and I have grave concern about that.

I think that, in the name of doing justice to the public who are watching us, to the electorate, and doing justice to ourselves, we should not be putting this kind of discussion in the context of the scandalous scandals that happened in the House of Assembly, because those scandals had to do with inappropriate use of funds, misuse of funds, misconduct with regard to funds and, in actual fact, in the case of four people, criminal charges being brought against them.

What we are talking about here is adequate money to do research, and to have the support for that research, and the support for the caucus offices so that all elected members can stand and be able to contribute positively to the discussion that happens in this House.

I know how much one person can do as a voice of Opposition. I know that because I have done it for eight weeks in the last session. I stood by myself. My predecessor for nine years did it, but I also know the stress that takes. I also know how much better it can be when you have the resources.

So, I would like us to again be putting the discussion in some of those contexts. We are not talking about stealing money from the public purse. I know the word steal wasn't used, so I am not attributing that to anybody - the implication. It could be that we fear that people out there are thinking that, but if people can see that we are having a reasoned discussion around how we staff the Opposition offices so that the MHAs on the Opposition side can take a professional position when they stand in the House of Assembly, I think the public will see that. What they want from us is transparency and accountability.

I feel quite comfortable with everything that I am saying here today, as I am sure all the rest of us on the Commission are, and I am quite comfortable with people hearing me say that I don't think what is being proposed is adequate for the Official Opposition office.

Now, what is that based on? It is not based on the fact that I am in that office. It is based on the fact that I know the expectations for the Official Opposition office are higher. It is not that they are higher; it is that, even in legislation, the role they play in the House of Assembly is specified: how they play that role, the amount of time they have to speak, their responsibility with responding to any proposal that comes from government.

I have the same responsibility as the leader of the third party, but we all know there is an extra responsibility on the Official Opposition, and I am sorry that we didn't take time to at least acknowledge that we needed to look at that, and what the basic resources might be. I think we have gone below the basic resources. That is all I have to say at the moment. For that reason, if we continue and this resolution goes to the floor for a vote, I cannot vote for it because I really do not think that we have taken time to think about: Is this adequate for what is needed in the caucus office of the Official Opposition?

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

The hon. the Leader of the Opposition.

**MS JONES:** Thank you.

I have certainly listened to what everyone has had to say. I guess my rationale at the very beginning for asking for clarification on the motion as to whether it was a motion or a recommendation was to see if we were going to have some discussion around this. I guess the fact that a motion has been put is certainly evident to us that no further

clarifications or suggestions would be posed at this time and I guess that is what I felt disrespectful about and that is why I was so offended.

**AN HON. MEMBER:** (Inaudible).

**MS JONES:** Oh, yes.

All we are trying to do here is seek fairness for the Opposition, and that is all we are doing. We are looking for fairness in terms of our staffing requirements and what is adequate. We are not looking at this because we have three members in particular now. What we are doing is we are looking at a core staff that should be there for the Official Opposition Party, whether that party has three members or twenty-three members.

I think the Minister of Fisheries indicated this morning, that every time the number of members in the Opposition have increased over the years they have always looked for increased budgets. Well I guess what we were proposing is a solution in which there is a core staff for research, for communications, for policy analysis in the Official Opposition offices, regardless of how many members are elected or non-elected, based on the fact that they are the Official Opposition in the Legislature.

Again, I just want to reiterate to you, Mr. Speaker, our support to having this looked at by an independent individual or group and to report back on recommendations as to what would be appropriate staffing for the Opposition and that we could consider it as a Commission. In the meantime, we still have to address the problem of staffing in our offices in the interim and what would be sufficient to carry us over if you were to proceed with having an independent study done and for what period of time.

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

**MR. BYRNE:** Yes.

**MR. SPEAKER:** The hon. the Deputy Speaker.

**MR. BYRNE:** Thank you, Mr. Speaker -

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

**M MR. SPEAKER:** The hon. the Leader of the New Democratic Party, on a point of order.

**MS MICHAEL:** I do this, not out of any disrespect for the Deputy Speaker, it is not a personal issue. I felt uncomfortable this morning and I did not have my legislation with me but my understanding from the legislation is that the Deputy Speaker is a member of the Commission in the absence of the Speaker. I really do have to question the Deputy Speaker having the right to speak in the Commission meetings because the Deputy Speaker, according to section 18(3)(a) a member of the Commission shall consist of the Speaker or in his or her absence the Deputy Speaker who shall be the chairperson. I certainly have no problem with the Deputy Speaker being present but I think the Deputy Speaker being a member of the government gives an extra voice to the government which is against the spirit of the Commission. I am really sorry to have to point this out but that's it.

**MR. SPEAKER:** No, that is fine, I say to the hon. Leader of the New Democratic Party. My understanding in reading that part of the legislation is that the Deputy Speaker could take part in debate the same as the Clerk could be called on to provide clarification. The only difference is that he would not have - him or her would not have a vote. I can refer to Ms Lorna Proudfoot, the law clerk here for a ruling on that if you need it before we proceed but that is my understanding of that particular article in the legislation.

**MS MICHAEL:** (Inaudible) clearly in my mind. I am not a lawyer. The Commission shall consist of the Speaker or in his or her

absence the Deputy Speaker who shall be the chairperson.

**MR. SPEAKER:** I refer to the hon. the Clerk.

**CLERK:** Yes, there is another section there, subsection (6), Ms Michael, which talks about the Deputy Speaker may nevertheless attend meetings. That is all it says and clearly, he is non-voting.

I had asked Ms Keefe to go out and get the policy manual because I thought we might have addressed something about other members of the House of Assembly addressing Commission meetings but I am not absolutely sure if we covered it in the draft policy manual. Perhaps Ms Proudfoot could comment. It does say that the Deputy Speaker can (inaudible).

**MR. SPEAKER:** Ms Proudfoot.

**MS PROUDFOOT:** The Deputy Speaker certainly can attend, and not in a voting capacity. It does not elaborate as to whether or not they can speak but people can speak before the Commission. It is certainly just not in a voting capacity.

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

The hon. the Deputy Speaker.

**MR. BYRNE:** Thank you, Mr. Chair.

I would make one comment on that, just the same. What is the point of attending a meeting if you can't speak at the meeting. To me, it is self evident, but in the meantime the ruling has been made.

With respect to the comments made by the Leader of the Opposition, she made a comment with respect to – because there is a motion on the table, now we know where we are going with this. She gave the impression that by putting the motion on the table you are almost curtailing debate on the issue, but to me, any meetings that I have attended or

any meetings that I have chaired, the very point of putting a motion forward is to debate the issue, not to curtail debate on the issue. If there are changes to be made, that is what amendments are for, to amend the motion.

I just wanted to make that comment just for the sake of the logistics and the purpose of the debate itself.

Thank you.

**MR. SPEAKER:** The hon. the Minister of Finance and President of Treasury Board.

**MR. T. MARSHALL:** The Deputy Speaker made comments that I want to make, but I would just like to emphasis them.

When I came here today, it is my understanding that the rule is, that each party would get \$20,218 per member. That was one parameter. That was one bookend. The Official Opposition has requested an additional \$477,000. To me, that was the other bookend. I then made a suggestion as a compromise that would go someway towards providing the Opposition with additional resources they need, that they would continue to keep, as under the current rule the \$20,218 per member but in addition receive \$100,000 extra, and that the Opposition House Leader secretarial position be increased to a full-time position. It was made in good faith in an attempt to provide a compromise.

It wasn't an ultimatum, it wasn't a demand and it wasn't something being forced upon you. There were two other proposals that I saw, the status quo and the \$477,000, and this was a compromise motion. It was a motion. A motion has to be moved, it has to be seconded, and then the motion is debated. This was not like – there was a reference to the previous Finance Minister who said, this is what you are going to get and that is it. At least, that is my understanding from the comments here, what he may have said. This was a motion, a motion that had to be

moved, it had to be seconded. It would be debated, it could be amended. It was not done to say, this is it, that this is the position. I am merely one member of this Commission like everyone else. I put it forward as a motion for discussion and for debate. It was not an ultimatum, and it is unfortunate it was treated as such.

That is all, Mr. Speaker.

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

Is the House ready for the question?

**AN HON. MEMBER:** Is there an amendment?

**MR. SPEAKER:** The Chair has not heard an amendment.

**MS MICHAEL:** If I may speak to that, Mr. Speaker?

**MR. SPEAKER:** The hon. Leader of the New Democratic Party.

**MS MICHAEL:** To make an amendment, I am not sure what the amendment would be. Would it be changing the bottom figure, et cetera, to do that? I don't want to do that off the cuff. I just don't want to do that off the cuff because I don't think adequate thought now has gone into this in light of the proposal that was made, because of what I have already said.

**MR. SPEAKER:** Is the Commission ready for the question?

I would ask the Clerk to read the motion.

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

I have one more point of clarification, because we really should be clear on this. We have talked about the core staff funding remaining for the Leader of the Official Opposition, but we have also talked about the constituency assistant not being considered part of core staff in the future. I

just want to be clear: When we say the core staff, that is, as we understand it now, with the five and the dollar figure that would attach to that.

**MR. SPEAKER:** The hon. the Minister of Finance.

**MR. T. MARSHALL:** The comments that have been made, as I understand it, with respect to the constituency assistant, is on the basis that the Leader of the Opposition would continue to receive a constituency assistant, as does every other MHA.

**MR. RIDEOUT:** Of course, but it is not counted as part of the core staff of the office.

**CLERK:** My point, then, is: Is that core staff now down to four positions, and the funding associated with that, plus the constituent assistant off to the side, or is it still the core funding of five positions and the constituency assistant is an extra?

**MR. SPEAKER:** The hon. Minister of Fisheries and Aquaculture.

**MR. RIDEOUT:** The Leader of the Opposition can speak to this and explain it, I am sure, but all I am trying to say here, and I guess we as members of the Commission are trying to say, is that the constituency assistant should never have been counted as part of the Opposition Leader's core staff. If it was, it was a mistake. Fix it.

If the Opposition is entitled to, and has had, five additional core staff before that person, well, it is five. If it was four, it is four. I don't know what it was, but the Leader of the Opposition, I am sure, knows.

When I was Leader of the Opposition, we didn't have the positions so I can't say what it was, but the constituency assistant is something that every single one of us, forty-eight, to a man and a woman, is entitled to, and you are entitled to it for no reason of any office that you hold except that you are elected as an MHA for a district.

So, any other staff that the Official Opposition is entitled to, whether it is four - because I think a chief of staff is one, a director of communications is two, an executive assistant is three, a departmental secretary - and the Opposition office is staffed up the same as the minister's office, so that position does exist in ministers' offices - is four, and the constituency assistant, if that was in the five, then it is over and above that.

That is all I am saying. I mean, this is no rocket science, I don't think. It is either four or five, and what was there previously.

**CLERK:** Mr. Speaker, I will continue then.

So, it is the existing -

**MR. SPEAKER:** Just a second.

Did the Leader of the Opposition want to respond to that before we reread the motion and get further clarification?

The hon. Leader of the Opposition.

**MS JONES:** It was my understanding, until recently, that the Leader of the Official Opposition would maintain five positions as part of the leader's office. When I went -

**MR. RIDEOUT:** What were they?

**MS JONES:** Okay, they were the chief of staff, the director of communications, the executive assistant, the departmental secretary/office manager, and a constituency secretary.

When I went to the Clerk's Office for clarification on the positions and to ensure that they indeed constituted the staff of the Leader of the Official Opposition, I was informed that one of these positions were to be my constituency assistant.

I only assume that the position titled here as constituency secretary would be that of my

constituency assistant. Therefore, I posed the argument as to why a constituency assistant would be considered one of the five of the leader's staff, as the House of Assembly rules provide for a constituency assistant for all forty-eight members, irregardless of other offices that they hold within the Assembly or within government.

I guess there was nothing - and the Clerk can speak to this - that fully clarified this in any of the IEC minutes or any other minutes in the Clerk's Office. The position was titled constituency secretary. It had a salary attached to it that was comparable to that of a secretarial staff, which was, I think, \$32,000, or a little more than \$32,000, whereas a constituency assistant is salaried at \$44,000.

The salary was not comparable to that of a constituency assistant, based on the information that we had been given, so I guess I am looking for clarification; because if, indeed, that position is supposed to be a constituency assistant position then the staff for the leader's office is really four people, not five. If it isn't, I will need some clarification on what a constituency secretary is and what their duties and responsibilities are as per the public service rules and regulations, I guess, or guidelines.

**MR. SPEAKER:** The hon. the Clerk.

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

**MR. SPEAKER:** Order, please!

The hon. Leader of the New Democratic Party.

**MS MICHAEL:** I think, as a point of order, I am unclear about what the status is if this motion is rejected. Does that mean there is no more discussion, it is all over? I am really not sure what is going on here.

**MR. SPEAKER:** You're talking about the motion that is put forward by the Minister of Finance?

**MS MICHAEL:** Yes.

**MR. SPEAKER:** In my understanding, the motion is put on the floor. If the motion is carried then the staffing levels would be to the extent that is put forward in the motion, on a go-forward basis. That is my understanding, and I refer to the Clerk for further clarification.

**CLERK:** That would be mine, and if it were rejected I assume it would revert to the existing caucus resource rules as the IEC established.

**MS MICHAEL:** Well, you see, there is where I have the question: Why wouldn't it revert to the proposal that has been put forward? Because that proposal was never discussed.

You see, this is the basis of my confusion. There was a proposal put forward. That proposal wasn't rejected or accepted; it was just this compromise that was put in, that we are voting on. I know that the proposal put forward wasn't put forward as a resolution. Well, that was because it was information and thinking and material that was put to the Commission for discussion, but it was never voted on. So, if voting one way or the other means that is it, it is all over, a decision is made, then that is really problematic to me.

**MR. SPEAKER:** Just a point of clarification, for my own understanding.

You are talking about the motion that was put forward in the Forty-fifth General Assembly, or are you talking about the motion that was put forward by the Minister of Finance?

**MS MICHAEL:** I am talking about the motion that we are voting on now -

**MR. SPEAKER:** Yes.

**MS MICHAEL:** - that, if this motion, if yea or nay means that is the end of the discussion with regard to the funding for the Official Opposition office then I have a problem, because there was a proposal put forward by the Official Opposition that I don't feel we fully discussed and fully explored.

It's all right for the other members of the Commission to say that an amendment can be made, but an amendment for me right now is something totally different. It is not an amendment. It would be not voting on what we have there, and doing something quite different. So, I am really concerned that a proposal that was put forward wasn't fully discussed, just as - and, why am I concerned? Number one: because of the Official Opposition and what they are asking. I am also concerned, then, about the fact the same thing will happen to proposals that we put forward. So, yes, I am feeling, really, more than uncomfortable.

**MR. SPEAKER:** Just for further comment, we set out in the beginning that we were going to have clear and concise decisions made here on one vote at a time. We went in a different direction and the Commission corrected the Chair and said: Bring it around because we only need to have one thing on the floor at a time before we vote.

If the Leader of the Opposition wanted her - I am not so sure if she put it forward as a motion or not, or if it was just for discussion purposes, but if she wanted to put forward her proposal for her funding then, by all means, lay it on the floor as a motion, have it properly seconded, and we can entertain both motions by a vote.

I have not heard a motion, and the Chair is confused as to how we deal with this because I have not heard a motion from the Opposition proposal. I heard a proposal; I have not heard a motion. The Chair is certainly willing to entertain a motion, and we can vote on one motion and then vote on

the other one, and do it in that kind of a manner, but we are going back again to deal with different issues at different times, and that is where the Chair is confused.

The hon. Leader of the Opposition.

**MS JONES:** Just for clarification, we have not put forward a motion. What we did was, we submitted to the Commission a request for discussion.

Again, I go back to when I came in after lunch. I asked for clarification as to whether it was a suggestion by the minister, or a motion, because we had discussed it over lunch, because we were unclear as to whether it was a suggestion or a motion.

The reason we have not proposed a motion yet is because we thought we would have some open discussion around the proposal that we had on the table, and I guess we had hoped that we would come to some consensus before we left here today on what was reasonable, or at least some consensus on how we were going to deal with the issue, and I still hope we can, but at the present time, there is a motion there, and I guess I want to pick up on the question that was just asked by the Leader of the NDP, a very legitimate question; what happens after we vote on this motion. Do we have the option to then propose other motions based around this same proposal that we've brought forward and to have further discussion, or does this conclude this part of our discussion? That is important because we need to know what our options are going to be.

**MR. SPEAKER:** It is my understanding that when the Minister of Finance and President of Treasury Board put forward a motion, the motion included debate on the whole issue of resource funding, and no member was restricted to exactly what was put forward by the Minister of Finance. It was broad, it was freewheeling, people talked about whatever they wanted to talk about, the Chair didn't interrupt. While we

weren't confined exactly to that motion, the hon. member's proposal was all part of that great debate. The Chair doesn't see the logic in voting for a motion that decides resources and then going back and entertaining another motion to decide on resources when it has already been established by voting aye or nay for the motion as put forward. And I take direction.

The hon. the Opposition House Leader.

**MR. PARSONS:** Thank you, Mr. Speaker.

**MR. SPEAKER:** Now, if there is an amendment to the motion, then there is no reason why an amendment can't be established and it would be entertained in dealing with the amendment and then the motion.

The hon. the Opposition House Leader.

**MR. PARSONS:** Mr. Chairman, again maybe we are all caught up here in the process so much of what are motions and what are suggestions and whatever that we might have lost focus of where we had all hoped to go. First of all, I think everybody here wants to have an open and frank discussion, and at the end of the day we will all come to our own conclusions as to why we do or do not agree to go a certain way. That is understood.

I thought it was equally understood, or I certainly made the point, that I think we ought not to box ourselves into having a specific motion without having all the information. The Minister of Finance, as he himself said, he threw it out as a compromise. He had two goalposts and he said, here is something in between to discuss. Now, that found its way into a concrete motion that if you vote on one way of the other has all kinds of consequences.

The bottom line is, if you take that approach there is still information that none of us here on this Commission have available, and that

is the information that I talked about when we talked about the study. That is what I am saying. Is the proposal that the Official Opposition put forward, is that legitimate? Is the Minister of Finance's proposal justifiable and supportable? Is the Leader of the NDP's proposal legitimate and supportable?

All I am saying is that we all have vested interest here to do that. So rather than anybody box themselves in and then we end up with a big racket on the go, why can't we agree - I do not know if you would call this an amendment or what you want to call it, but if we agree that we all do not have the information, or if we agree that we should at least have somebody independent give us some assistance here, why can't we agree to leave the status quo and have that information made available to us by the time of the next Commission meeting? What have we lost, other than the right to be informed?

So, leave the funding levels at what they were. We have lived with it for the last seven weeks and we are just basically saying leave it like it is until you can get that done and get back here again and we will at least be informed. Now, if at that time, once you got all of the information, if the Minister of Finance wants to put forward the same proposal, that is his right to do so, but at least we will be operating from a full basis with all the information available, rather than anybody walking away from here feeling that we have not dealt with the proposals properly; that we have not had an adequate opportunity to get that information; that the minister just threw the proposal out to elicit some discussion and here we find ourselves now into a hard and fast formula, or decision. That is all I am saying. So maybe we should back up a little bit and do this right.

**MR. SPEAKER:** The Chair can only entertain and take direction as it comes from the Commission. The Chair questioned the Commission right from the beginning about

making a motion. It was clear direction that that's where the Commission wanted to go.

Now, there is a motion on the floor properly moved and seconded by the Minister of Finance. One of two things has to happen, as I understand it, we either vote on that motion as it is put forward or the member that made the motion withdraws the motion. That is the only way that I can see that we can deal with this particular situation that the Opposition House Leader provides here, but it was clear direction from the Commission of what they wanted to do. The Chair is wide open. The Chair takes advice.

**MR. T. MARSHALL:** On a point of order, Mr. Speaker.

**MR. SPEAKER:** The hon. the Minister of Finance.

**MR. T. MARSHALL:** A point of order, Mr. Speaker.

You indicated there were two options here. One was we can proceed with the motion, which is already called. It was made and it was seconded, then I was asked to kind of carve it in half. We moved the motion again and it was seconded, a revised motion. We were asked whether there was going to be a motion. We made the motion because that is my understanding how debate takes place at a committee or Commission such as this, that if someone has a proposal they move a motion and they second it and then there is discussion, but you indicated that it had to be either voted on, that was the first choice, or number two, withdrawn. Isn't there a third option? Isn't it open for an amendment, Mr. Speaker?

**MR. SPEAKER:** Certainly. Yes, I say to the hon. minister, absolutely.

**MR. T. MARSHALL:** Okay, thank you.

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



The hon. the Opposition House Leader.

**MR. PARSONS:** Thank you, Mr. Speaker.

Maybe I am not being very clear either. That is why I was making the comments, was I am hoping there was some third option here of amendment whereby rather than put ourselves into concrete decision-making at this time, why can't we amend the motion put forward by the Minister of Finance such that the ultimate and final decision on resourcing for Oppositions will be withheld pending we get the study that was referenced by Chief Justice Green, which I submit should be done - could be done within thirty days or so. In the meantime, whatever the monetary amounts were that was in the Official Opposition pre October 9 would stay there for that period of time, and the same thing for the NDP.

Now if that takes four weeks to do that, I would submit, that is not the end of the world. At least we will all come back here then with the report from the independent person saying: Okay, where do we go? So I make that motion, that we amend the minister's motion to do that so we can get that information.

**MR. SPEAKER:** The Chair asked earlier, just to bring it all around, if there was an amendment and there was no comment. I say to the Opposition House Leader, that instead of making a motion I ask that he make an amendment. The Opposition House Leader has a right, as every other Commission member, to make an amendment, but not to make a motion to make an amendment. So if he wants to make an amendment to the motion, it is wide open to every other member of the Commission. Then the Commission will vote on the amendment and then we will vote on the main motion.

The hon. Leader of the NDP had indicated that she was not prepared to make an amendment when the Chair brought it forward because she did not feel like doing

it off the cuff without giving it some understanding and some time to decide what the amendment would be, but you certainly can make an amendment. We will vote on the amendment, then we will vote on the main motion, and that is the proper procedure.

**MS MICHAEL:** I second the amendment made by the Opposition House Leader.

**MR. SPEAKER:** The Chair has not heard an amendment.

**MS MICHAEL:** He made it. I heard it.

**MR. SPEAKER:** The Chair has not heard an amendment.

The hon. the Opposition House Leader.

**MR. PARSONS:** Mr. Speaker, for certainty, hopefully, I would like to suggest that we amend the motion put forward earlier by the Minister of Finance such that it be stayed pending the study referenced by Chief Justice Green being done, and we ask that it be done within thirty days. In the meantime, the monetary amounts that were allotted for the Opposition parties pre October 9 would stay in effect until such time as that study was done and came back here for further consideration by the Commission.

**MR. SPEAKER:** There is an amendment put forward by the hon. Opposition House Leader, seconded by the hon. Leader of the New Democratic Party.

I ask the Clerk if he would read back to the Commission the amendment as put forward by the Opposition House Leader.

**CLERK:** I will try.

The motion is that the motion under consideration now, moved by the Minister of Finance, be stayed until the study referenced by Chief Justice Green in section 12 of the report be completed and returned

for the Commission's deliberations, and in the interim, the existing resource levels that would have been in effect from October 9 forward be maintained until a final decision is made - along those lines. You might have to give a little bit of leeway for the law clerk and I to massage it, but that is the jest, I suppose.

**MR. SPEAKER:** The hon. the Minister of Fisheries and Aquaculture, speaking to the amendment.

**MR. RIDEOUT:** Mr. Speaker, I think - yes, I am speaking to the amendment. I think we will probably want to ask that there be a brief recess so that we can have an opportunity to cogitate on this for minute or so, but I want some direction as well.

You know, my understanding - and I do not profess to walk around with every iota and dot and tittle of green in my head. It is too big fortunately for that and my head just cannot hold it. But, my understanding of the Green Report and the subsequent legislation adopted by the House and therefore the law of the land, is that we have to - some time during the course of this Parliament we have to strike some kind of an outside independent arm's length committee that has a mandate of looking at members' remuneration and allowances and so on. That is the only piece that I know or that I recall that is legislated for this Management Committee to do during the course of this Parliament. If, in the course of doing that, we ask this group, whoever they might be, to review the matters referred to by Chief Justice Green in Chapter 11 or 12, or whatever it was, of his report regarding the necessity, perhaps, to review resources made available to the Opposition, fair enough, I have no problem with that, but I don't think that any of us should be under any illusions that is something that is going to be done and reported on in a thirty day period, for sure.

I don't know if there is something in the Green legislation that I am missing. Like I

said, I don't propose to have it all in my head - it is far too much for my little head to carry around - but perhaps somebody can give us some advice as to what we are supposed to do, vis-à-vis what we would like to do, or might like to do, as a result of the amendment put forward by the Opposition House Leader.

**MR. SPEAKER:** The hon. the Clerk.

**CLERK:** The Members' Compensation Review Committee is what you are referencing, once every General Assembly. That looks at the individual matters affecting individual members: salaries, allowances, severance payments and pensions. It is silent on the issue of caucus resources.

I think the Terms of Reference for the Chief Justice Green, they didn't really address that. It was the individual member's matters.

So, the matter that the Opposition House Leader is referring to is in a chapter of Green where he does suggest a study be done on caucus resources and simply says: It is not part of my mandate. I have no comment to offer on caucus resources. Maybe someone else should study it.

It wasn't part of his mandate and it doesn't show up in the act.

**MR. RIDEOUT:** Okay, so it is not legislated.

**CLERK:** So, the act is silent on that.

**MR. SPEAKER:** The hon. Leader of the New Democratic Party.

**MS MICHAEL:** The Clerk is correct, of course; it is in the report, and I would like to read from the report. It is Chapter 12, page 11, beginning at the bottom, and that is where he is referring to Opposition caucus funding. "Having said that, however, I believe it is time to review the funding arrangements for all opposition parties to

ensure that adequate arrangements are in place for them. It is essential that they have sufficient resources to be able to carry out their vital democratic functions. I have not been able, as part of the work of this inquiry, to do a cost analysis of what would be required. The House of Assembly Management Commission should, I believe, undertake such a study directed at determining appropriate funding levels, taking into account submissions from the caucuses concerned and the practices in other Canadian jurisdictions.”

**MR. SPEAKER:** If members want to refer to that, instead of looking through the Green Report, you can find some information as provided by the Official Opposition in Tab 4, page 3, second paragraph, that clearly states what Chief Justice Green said in his report.

The hon. the Opposition House Leader.

**MR. PARSONS:** Mr. Speaker, I read that citation, actually, into the record this morning when I referenced Justice Green.

The Minister of Fisheries is quite correct; that comment by Justice Green did not find its way into legislation. What found its way into legislation was his recommendation concerning the compensation committee that would be done over the next time period. So, there is no disagreement there. All I am suggesting here is that the issue of resources to the Opposition parties was at least considered by the Justice. Whether he gave any definitive comments on it, we know he didn't, but at least it was an issue that he looked at.

With all due respect to the Clerk's comment, I don't think the Chief Justice said at all that he wasn't allowed to look at it, or anything of the nature. He just very clearly says: I have not been able, as part of the work of this inquiry, to do a cost analysis of it. Not that he couldn't look at it, or wouldn't look at it, but he makes it clear that it is an issue because he raised it.

Now, like the minister said this morning, whether, as a result of that study, the Opposition would end up with more or less remains to be seen, but it is clear that he thinks, not through legislation and not through anything else, but is very clear that he says, “The House of Assembly Management Commission...” - this Commission – “...should, I believe, undertake such a study directed at determining appropriate funding levels...”, and that is exactly what we are about here today. All I am saying is, if we are grappling with the issue of what is an appropriate level of funding, why wouldn't we follow through on the suggestion that he is making here that it should be done, a study? It doesn't have to be part of the legislative compensation committee that might take two years to do. It is a study that he thinks ought to be done, and I think that is very clear.

All I am suggesting, by way of my amendment, is that we do that. He is not mandating that it be done, but he is making a suggestion to the Commission that we should do it. All I am saying is, why don't we do it so that we can have it done?

Now, we might not be able to get it done in four weeks. Maybe one month won't do it. Maybe it is going to take two to do it, but I think we would all be more reasonable if we said: Yes, he said it. Yes, it is a reasonable suggestion. Yes, we would all be more informed once it was done, and let's get on about doing it.

The second part of my amendment was just to deal with the issue of, what do we do in the interim?

I think that is a reasonable resolution and suggestion that we - a matter of proceeding right now.

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

The hon. the Minister of Fisheries and Aquaculture.

**MR. RIDEOUT:** That is (inaudible). I need a break anyway.

**MR. SPEAKER:** Does the Commission agree that we will take a brief recess of five or ten minutes and report back again at probably 3:00 o'clock? If I see the time correct, it is 2:45 p.m. We will report back at 3:00 o'clock?

**AN HON. MEMBER:** Yes.

**MR. SPEAKER:** This Commission is now recessed.

**Recess**

**MR. SPEAKER:** Welcome back after the brief recess.

The Commission is ready to proceed with the business of the day.

The hon. Minister of Fisheries and Aquaculture.

**MR. RIDEOUT:** Thank you, Mr. Speaker.

As I understand it, there is an amendment before the Commission. From our perspective we would be prepared to deal with the amendment and then see where we are after that.

**MR. SPEAKER:** Does the Commission need to hear the amendment read again?

**MS MICHAEL:** I would like to hear it.

**MR. SPEAKER:** Okay, we will refer to the Clerk to read the amendment.

**CLERK:** If you will grant me a little bit of editorial license, essentially this was the motion put forward by the Opposition House Leader, saying that the motion put forward by Minister Marshall respecting caucus resource funding proposal be held in

abeyance and not addressed until a study, as recommended by Chief Justice Green in section 12 of his report, is presented back to this Commission for its review, and in the interim the existing caucus resource formula continue to apply.

**MR. SPEAKER:** The hon. Member for Topsail.

**MS E. MARSHALL:** So, the existing formula would be the resources that were in place prior to the election?

**CLERK:** That is not what I have said. I will have to read that. This says \$20,000 times two –

**MR. PARSONS:** Multiple the \$20,000 times two.

**CLERK:** Yes. So, you would want to say the caucus resources as they existed prior to September 7.

**MS MICHAEL:** Yes.

**MR. T. MARSHALL:** Yes.

**MR. SPEAKER:** In the effort of making everything right we will hear the amendment again.

**CLERK:** That the motion put forward by Minister Marshall respecting caucus resources funding proposal be held in abeyance and not addressed until a study, as recommended by Chief Justice Green in section 12 of his report, is presented back to the Commission for its review, and in the interim the caucus resource formula, as it existed prior to the dissolution of the Forty-Fifth General Assembly, be applied.

**MR. SPEAKER:** Is the amendment clear?

Is the Commission ready for the question?

All those in favor of the amendment, signify by saying, 'aye'

**SOME HON MEMBERS:** Aye.

**MR. SPEAKER:** Against?

**SOME HON MEMBERS:** Nay.

**MR. SPEAKER:** We need to have a vote. The Chair does not have a clear understanding of the vote so I would ask for a raising of hands and the Clerk will count.

All those in favor of the amendment?

**CLERK:** Three.

**MR. SPEAKER:** All those against the amendment?

**CLERK:** Three. So the deciding vote is yours, Mr. Speaker.

**MR. SPEAKER:** So the deciding vote rests with me as Speaker. The Speaker votes against the amendment.

The Chair deems the amendment to be lost.

**WITNESS:** (Inaudible).

**MR. SPEAKER:** The Chair will now call the original motion of the Minister of Finance.

**MS E. MARSHALL:** I would like to propose an amendment to the initial motion, and that is that the study that was –

**MR. SPEAKER:** One second now, please. The hon. Member for Topsail, I understand that you are going to propose another amendment to the original motion?

**MS E. MARSHALL:** Yes.

**MR. SPEAKER:** The hon. Member for Topsail.

**MS E. MARSHALL:** Yes, I would like to propose that we have the study carried out that was recommended by Justice Green regarding the resources for the Opposition

offices, in addition to the motion of the Minister of Finance.

**MR. SPEAKER:** Is the amendment completed?

**MS E. MARSHALL:** Yes.

**CLERK:** Perhaps I could just seek a little clarification.

**MR. SPEAKER:** Okay, we can read the amendment before we get a seconder.

**CLERK:** The caucus funding formula that Minister Marshall proposed in the main motion, that would continue in your amendment?

**MS E. MARSHALL:** Right.

**CLERK:** We would do a study

**MR. T. MARSHALL:** Add to it ‘also’. I mean, that is the main motion (inaudible).

**CLERK:** Also conduct a study as recommended by Chief Justice Green.

**MS E. MARSHALL:** Yes.

**CLERK:** And then bring it back to the Commission. Yes, okay.

**MS MICHAEL:** Could I just add (inaudible)?

**MR. SPEAKER:** Yes, the hon. Leader of the New Democratic Party.

**MS MICHAEL:** Would you want to put any kind of rider on that indicating that we should do that as soon- you know, we should get it set up as soon as possible?

**MS E. MARSHALL:** That would go without saying. (Inaudible).

**MR. SPEAKER:** Is there a seconder for the amendment as put forward by the hon. Member for Topsail?

**MR. T. MARSHALL:** I second that.

**MR. SPEAKER:** The hon. Minister of Finance and President of Treasury Board seconds that amendment.

We will just give the Clerk a little time here to write the amendment so it can be read back to the Commission and everybody can be clear on exactly what the amendment is and what we are voting on.

The hon. the Clerk.

**CLERK:** I will try.

A caucus funding formula for the Official Opposition only, to consist of the following: the existing core staff funding - and I will quote the dollar level that we have now for those positions. That is part (a). Part (b): the halftime assistant position for the Official Opposition House Leader will become a full-time position. The current per member allocation of \$20,000 plus the salary increases would be applied to the two private members, the two members other than the leader. And (d): There would be a \$100,000 additional base amount applied for the Official Opposition. In addition, the study of caucus resources as recommended by Chief Justice Green in chapter 12 of his report be conducted and brought back for the Commission's consideration as soon as possible.

**AN HON. MEMBER:** (Inaudible).

**CLERK:** Independent study or -

**AN HON. MEMBER:** (Inaudible).

**CLERK:** Yes.

Is that fine, Mr. Speaker?

**MR. SPEAKER:** Is everybody clear with the amendment?

The hon. the Opposition House Leader.

**MR. PARSONS:** I have no difficulty with the wording of the amended motion. I would just like, for the record, to make it clear that albeit one might vote in favour of the amended motion at this time, it does not suggest in any manner, shape or form that I agree with the funding formula that was put forward by the Minister of Finance; just for the record. It may be an interim solution I see we are looking at here, to get the study to make a final definitive decision. That is how I am reading this amendment. If that is the intent of that amendment, I would vote for it.

**MR. SPEAKER:** The hon. the Leader of the Opposition.

**MS JONES:** I just want to get clarification, that first you will call the amendment which is to have an independent commission look at the salary and staffing component for the caucus offices and report back to the Management Commission. I understand that is the first thing we will vote on, is that amendment. Okay, and then we will vote on either the motion or the motion as amended. Okay, I just wanted to clarify that.

**MR. SPEAKER:** Yes, that is correct. First we will vote on the amendment. If the amendment passes then we will vote on the resolution as amended.

Any further discussion? Is the Commission ready for the question?

The Commission has heard the amendment as put forward by the hon. Member for Topsail and seconded by the Minister of Finance.

All those in favour of the amendment signify by saying 'aye'.

**SOME HON MEMBERS:** Aye.

**MR. SPEAKER:** Against?

The motion is carried unanimously.

Shall the motion, as amended, carry?

All those in favour?

**SOME HON MEMBERS:** Aye.

**MR. SPEAKER:** Those against?

The motion, as amended, carried.

**CLERK:** If I could, Mr. Speaker, I do not know - I think the Commission is probably aware of it but just to make the point.

When Mr. Marshall's motion got divided - and as I said when I read the amended motion, as it were, we were only dealing with the Official Opposition.

**MR. SPEAKER:** The hon. the Minister of Finance and President of Treasury Board.

**MR. T. MARSHALL:** I would like to make a new motion now that we have dealt with the Official Opposition.

I would like to move a motion that the NDP continue to receive the \$21,218 that they are receiving for caucus resources and, in addition, receive an additional \$100,000, and that the resources that would go to the NDP also be referred to the Commission as recommended by Chief Justice Green.

**MR. SPEAKER:** The motion has been clearly heard. Is there a seconder for that motion?

**MR. RIDEOUT:** Seconded.

**MR. SPEAKER:** Seconded by the hon. Minister of Fisheries and Aquaculture.

Shall the motion as put forward by the hon. Minister of Finance and President of Treasury Board carry?

All those in favour?

**MS MICHAEL:** (Inaudible).

**MR. SPEAKER:** The hon. the Leader of the New Democratic Party.

**MS MICHAEL:** I just want to make a point, probably similar to the Opposition House Leader's point, except I will put it this way. I look forward to the discussion that will happen because I am not satisfied that there was any discussion of the proposal that I put to the House. I spoke to it indirectly while speaking to the discussion of the Opposition's proposal. I think that I put forward a very cogent case for the basic requirements for a caucus office to run and I think that is definitely within the spirit of what Chief Justice Green was talking about in his report.

I think that the five areas that I laid out are essential for any caucus office. The numbers of people to fulfill those would differ, I think, according to the size of a caucus office. At least I am satisfied at the moment that by setting up the study we will get a full discussion of the things that were put forward by the Official Opposition and the things that I have put forward in the proposal that I brought to the floor.

Having said that, I accept what is being proposed as an interim solution, but what is being proposed, from my perspective, is not adequate for the needs of any single office. I will continue until that report comes in our office. We will continue, for example, having nobody designated for doing admin support, and admin support, when it comes to any office, anyone of us knows how important administrative support is. I did ask the minister if he would consider that in the formula that he put forward, and he did not.

I think I am going to actually make a motion and see if we can get a discussion on it because I feel that we did not have an adequate discussion. I would like to see this amended to include the \$100,000 as well as funding for an administrative

officer/receptionist. I move that. I hope I have a seconder for it.

**MR. SPEAKER:** The Chair needs some guidance again. We are voting on a motion as put forward by the -

**MR. T. MARSHALL:** On a point of order, Mr. Speaker.

**MR. SPEAKER:** The hon. the Minister of Finance and President of Treasury Board, on a point of order.

**MR. T. MARSHALL:** You indicated we were voting. With respect to the NDP, we have moved the motion and it has been seconded.

**MR. SPEAKER:** Yes.

**MR. T. MARSHALL:** So it is now open for discussion.

The Leader of the NDP has just spoken and she suggested an amendment.

**MS MICHAEL:** (Inaudible) to the point of order because, Mr. Speaker, I pointed out I wanted discussion. You had not allowed for a discussion and that is what I was asking for. Then I did what the minister has just said, yes.

**MR. SPEAKER:** Absolutely! The motion is on the floor and it is open now for discussion, and the member can have whatever time she deems necessary in order to take part in that discussion. We haven't been running a time here today and that will continue. I might add, at the end of that discussion if you want to move an amendment, then you have every right to do that as well.

The hon. the Minister of Finance and President of Treasury Board, on a point of order.

**MR. T. MARSHALL:** Yes. Legally, the NDP has moved an amendment, but I didn't

hear a seconder. I don't know if there has been a seconder.

**MS MICHAEL:** Yes, there was a seconder.

**MR. T. MARSHALL:** There is a seconder. So now we have debate on the amendment?

**MR. SPEAKER:** On the amendment.

The hon. the Clerk.

**CLERK (Mr. MacKenzie):** I didn't get all the details of the amendment, Ms Michael, if you could just repeat it.

**MS MICHAEL:** The amendment was, that after \$1,000 – I think that was the last part of the motion.

**CLERK:** Yes, \$100,000.

**MS MICHAEL:** And funds for an administrative assistant/receptionist.

**CLERK:** And funds for an admin assistant/receptionist.

**MS MICHAEL:** And I am putting it in the general way, because it would be according to classification and we don't have the actual amount of money that would be.

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

Is the Commission ready for the –

**MR. RIDEOUT:** Mr. Speaker.

**MR. SPEAKER:** The hon. the Minister of Fisheries and Aquaculture.

**MR. RIDEOUT:** I am trying to put a bit of a context around the amendment moved by my friend, the Member for Signal Hill-Quidi Vidi. As I understand it, we are proposing that, very similar to what happened in the previous motion dealing with the Official Opposition, that in an interim period between now and an independent arm's-length review being carried out by some



person or group as recommended by Chief Justice Green, that certain resources be provided to the third party, that being the basic member allotment of \$21,000 and change plus the floor of \$100,000, and that this study be carried out, or this review be carried out.

As I understand the comments – and they were read into the record a couple of times today, at least once by the Member for Signal Hill-Quidi Vidi – is that all aspects of opposition resource, or resources to opposition parties, would be considered by this review group or person, so that the Member for Signal Hill-Quidi Vidi as well as the Leader of the Opposition and others will be able to make their pitch to this group when the time comes.

I don't want to be picky here. I don't know if it is necessary to outline in the amendment what this person or group must consider, whether it is an admin/receptionist or whether it is a greater global budget so that the people involved can make their own decisions, or whether it should be two positions rather than one. I think the spirit and intent of the recommendation from Chief Justice Green was that somebody outside of ourselves look at it. We are prepared to support that and have indicated we would support it. I do not know whether it is necessary to spell it out any further than that. That is my only point and I am not making it for the sake of being picky.

**MR. SPEAKER:** Just a point of clarification for myself. My understanding was, in listening to the Member for Signal Hill-Quidi Vidi and Leader of the New Democratic Party, that she was making this amendment to reflect what the Minister of Finance had put forward, that would be the NDP allocation while we are waiting for the Committee to report, not to give direction to the Committee after it reports.

I ask the hon. leader if she would qualify that.

**MR. RIDEOUT:** (Inaudible) I apologize.

**MR. SPEAKER:** The hon. Leader of the New Democratic Party.

**MS MICHAEL:** I meant it the way that you explained, Mr. Speaker, yes. I guess it is reflecting the concern that I had put out earlier today. I know that we are looking at having the study done, and I know that we were talking about what was in place in terms of the study. We were saying the study being done and things. If you go by the spirit of the motion that was made, that things are, I would say, the same as prior to September. Because of the fact that I do believe we need admin assistants, not from my constituency assistant but in the form of another person, I am putting the proposal of that, that we add that to the resolution, actually add that position to the resolution. I put it to the floor for discussion.

**MR. SPEAKER:** The hon. Opposition House Leader.

**MR. PARSONS:** Mr. Speaker, again, just so we understand what we are voting on, or I want to understand what I am voting on anyway, I am somewhat lost, as is the Minister of Fisheries, if that is the case. Because what I understood was we started, since we resumed here, with the basic motion that was put forward by the Minister of Finance for the Official Opposition, and he had a basic motion that he was going to put forward, which he has done, for the third party. Attached to that, when we dealt with the Official Opposition piece we basically compromised, if that is the right word, by saying we would go with what the minister suggested and we would add the study piece. Then, we went to the next step. Again, we took what the minister had and we were going to add to it the study piece for the third party. What the Leader of the NDP has done here is tacked on to the minister's motion an extra funding element. I am not saying that I necessarily disagree with that, but that is what she has done.

**MS MICHAEL:** That is what I am doing, yes.

**MR. PARSONS:** The only question I ask is - I thought that was the whole purpose of the study, to find out what it is we actually need. Now if each of us, as an Opposition party, are going to get into saying, tack this on or tack that on or tack something else on – it is not that I disagree that she needs the person, but I think we have to understand that I thought the purpose of the study, to set up an internal formula based upon what the Minister of Finance had suggested. Let's get the study done and if the study comes back and says that the Leader of the third party, the NDP in this case, needs \$500,000, then we will have to consider that at that time. That is my understanding.

**MR. SPEAKER:** The hon. the Opposition House Leader is right, but the member has every right to move an amendment.

**MR. PARSONS:** Oh, yes, I have no problem with that.

**MR. SPEAKER:** The amendment is moved and the amendment will be put before the Commission and the Commission has every right to accept it or to vote in the negative, and that will be the next step. Is there any further discussion on the amendment as put forward by the hon. the Leader of the New Democratic Party?

Is the Commission ready for the question?

All those in favour of the amendment as put forward by the Leader of the New Democratic Party signify by saying, 'aye'.

**MR. RIDEOUT:** Could you read the amendment, please?

**MR. SPEAKER:** The amendment needs to be read.

**CLERK:** The amendment would be something like - give me some editorial licence – that the words “and funds for an

administrative assistant/receptionist” be added immediately after the word, annually. I have concluded the main motion with the word, annually, following \$100,000. That would be the amendment.

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

All those in favour of the amendment as put forward by the Leader of the New Democratic Party signify by saying, 'aye'.

**SOME HON MEMBERS:** 'Aye'.

**MR. SPEAKER:** Those against.

**SOME HON MEMBERS:** Nay.

**MR. SPEAKER:** Can the Chairperson have a show of hands?

All those in favour of the motion as put forward by the New Democratic Party, please raise your hand.

All those against the motion as put forward by the New Democratic Party, please raise your hand.

**CLERK:** Three-three.

**MR. SPEAKER:** The Chair has the deciding vote.

The Chair votes against the amendment as put forward by the Leader of the New Democratic Party.

Motion defeated.

**MR. SPEAKER:** All those in favour of the main motion as put forward by the Minister of Finance and President of Treasury Board signify by saying, 'aye'.

**SOME HON MEMBERS:** Aye.

**MR. SPEAKER:** All those against.

The motion is carried.

Motion carried.

On our ambitious schedule here the Clerk has asked me, in the essence of time, to move from Tab 6, which would be item 9, to Tab 7, which needs to be attended to as soon as possible: Members' Resources and Allowances Rules.

I am going to refer this to the Clerk and ask him to comment on each item as it relates to numbers 1 through 3, with all the subordinates along the way.

The hon. the Clerk.

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

We have had a number of issues with the rules. Those of you who were present for the August 29 meeting know we clarified six or seven of them. There are some others that still require clarification. There is either ambiguity in the rules as they exist or there is what we think are obvious omissions and so on. So, all of the notes, the issues we have brought forward here, are ones which we brought forward from the House administration.

The Chief Financial Officer and I have looked at them and felt that we have to bring these forward for various reasons. These are not matters that individual members necessarily have said to bring forward. I want to make that clear. There may be other matters which some members want to bring forward, but these are ones which simply, or by and large, at least, the Chief Financial Officer and I have looked at and felt we should bring forward.

They get into a little bit of arcane legal language, so it takes a bit of concentration, and the first thing I would like to go over is rule making by the Commission. You will remember on August 29 we did a lot of matters by directive, and section 20 of the act permits the Commission to issue directives interpreting, clarifying or amplifying the rules. So, that is what we did

on August 29 for six or seven matters in the rules.

At least two of the matters we are bringing forward today are not matters which can be clarified by interpretive directives. They are matters which must be addressed by rule making or amendments to rules. That is a departure from what we did earlier, and it is because of the nature of the particular issue, and I will try to address that nature item by item, but we asked Ms Proudfoot, the Law Clerk, to do a summary of how rules are made to sort of outline this so that when those two issues come up you will know what it means to make rules. It is rather complicated in our act.

I have passed out Ms Proudfoot's summary at the beginning of the meeting today, if you wanted to insert that just at the front of page 7. It is a two page summary entitled: Legal Opinion for Commission, November 28.

I think I have an older version. Is that still the title, Lorna?

**MS PROUDFOOT:** It says: Legal opinions (inaudible).

**CLERK:** Okay, mine still says (inaudible).

Three different means or processes of the Commission making rules – thank you, this is the identical one.

If you are changing allowances and expense amounts – that is, you are increasing any of the dollar amounts or allocations, numbers of nights and trips and so on - the interpretation of that, that we have had from our lawyers, is that has to go back to the House of Assembly. So the Commission can address it, approve whatever increase it would like, but it ultimately goes into the House of Assembly on matters if you are increasing allocations, numbers of trips, numbers of nights, and so on and so forth. That is what we will call the first level. It has to go to the House of Assembly for confirmation before the decision is confirmed.

There is a second level, and halfway down the page you will see the addition of taxis as a mode of travel, and there is a separate briefing note to this further on. While that is not increasing allocations or allowances, it is clearly amending a rule and it is adding an element to an allowance or an allocation or an expense. Since taxis were not there, we are actually adding something to an expense item.

In our lawyer's view, that requires a different approach for the Commission's approval. It requires that it be brought to a Commission meeting, the draft prepared - and we have one of those here on adding taxis - the Commission addresses it, approves the draft, we circulate it to members of the House, put it on the Web site, so on and so forth, and then at the next meeting of the Commission, the Commission would again vote on that draft and that would be the final confirmation. So, it takes two Commission meetings to add taxis to that rule, modes of transport. So that is a different process from going to the House where we are increasing the allowances and so on.

There is yet a third means, according to our legal opinion, that we can use to make rules, and that is, you will see, on the middle of the second page: change of constituency office location. This matter comes up later, and there is a separate note, but I would like to just read Ms Proudfoot's paragraph there, "A legal opinion has been provided respecting the amendment of section 20..." - that is concerning constituency office allowances - "...of the Members' Resources and Allowances Rules to allow the locating of a constituency office of a member outside his or her own district or constituency." We will come to the particulars of this later on. A change like that "...does not involve changes to any expense amounts or allowances or anything else that is financially related."

The essence of that particular issue is, where are you permitted to set up a district office. There is no matter of adding things like taxis to a list of eligible expenses or so on. The office allowance is there, it is not being changed. The provision for office accommodations doesn't change. The essence of this issue is, where are you permitted to set up that office.

In that issue, it is our determination that the Commission can make a rule, or amend that rule, I should say, at one meeting. It does not require the test of bringing back to a second meeting where you would be adding expense items, and it clearly doesn't have to be brought into the House as if you were increasing allowances or allocations.

The view is that there are three separate processes depending on the type of rule making or rule amending we are about to undertake. We wanted to put this out first because it comes up in the separate briefing notes afterwards.

If you will excuse me just a minute. I will ask Ms Proudfoot, if she would, Mr. Speaker, to say a few words.

**MR. SPEAKER:** Ms Proudfoot.

**MS PROUDFOOT:** The only thing I would add is, the first scenario where it has to go to the House of Assembly it actually has to go before the Commission twice. You would vote on it, then at the next meeting after it has been given out to all MHAs or presented to the House of Assembly it would be voted on by the Commission again, assuming it was approved. At that point, it would go before the House.

**CLERK:** Okay. I might mention, Minister Marshall, you and I talked about this rule making matter some time before, and this is essentially we have had the legal opinion that that is why it seems to read differently in different sections of the Act. It is applied to different purposes.

If I could then, Mr. Speaker, I will go through these various briefing notes that are in Tab 7. The first one, reimbursement rates for constituency assistants, it is a rather straightforward issue, whatever the Commission decides on it. The constituency assistants are eligible to incur expenses on behalf of a member. There is an issue, though, in terms of the per diem they would receive for meals. Constituency assistants sign a political support services contract, or whatever it is, which says that they follow the various personnel administration policies in the HR Policy Manual and so on. That is what it states in their contract.

As the second bullet says, it is not clear that that was added to cover really specific matters like per diems, but simply to ensure the political staff had a range of HR matters which applied to them in the absence of the contract which was relatively sparse. Having having written that into the contract, the personnel administration procedures and the HR policy manual set a daily rate for meals for \$36.50. However, members get the \$50 which is HST inclusive, of course. So, the question still comes up for the Commission: Would you like constituency assistants to receive the \$50 you receive or would you prefer that they receive the \$36.50 that is suggested in the HR policy manual?

Ms Lambe, have I missed anything on that point?

**MR. SPEAKER:** The hon. Chief Financial Officer.

**MS LAMBE:** We are looking at also the meals and accommodations instead of, you know, the actual reimbursement of expenditures for accommodations; that they would receive the \$125 that members receive and the same for travel, like the same rules that apply to members for travel would apply to the constituency assistants.

**MR. SPEAKER:** Just further clarification, Mr. Clerk, should those directives be voted

on here today? Have they been brought to the House before and now we are back for the second time, or do they need to come back?

**CLERK:** No, they do not need to. These are -

**MR. SPEAKER:** So we don't need direction as to where we go, which would be done by a vote?

**CLERK:** It is our view this would be an interpretive directive, which we are allowed to do at one meeting.

**MR. SPEAKER:** The hon. the Member for Topsail.

**MS E. MARSHALL:** Mr. Speaker, I had two comments on it. One was, seeing what is stipulated in the contracts of the individuals we are speaking about, like what is the impetus behind doing this? That is my first question. And, the second question I had is, I would like to see a list of exactly what is going to change. I would like to see the meal allowance, the accommodations, the mileage and have your two columns that would show what would they be entitled to under the personnel administration procedures, plus what they would be entitled to under the MHA allowances so that we would know what the implications are of the changes before we agree to them.

**MR. SPEAKER:** The hon. the Clerk.

**CLERK:** We could do that now verbally. There is only two items that changed, as I understand it. The meals would be \$36.50 under the HR policy manual per day versus \$50, and the accommodations under HR policy manual, as for all civil servants, are actual costs incurred; whereas if you are doing it under members' rules you have the \$125 maximum.

**MS E. MARSHALL:** Okay.

**CLERK:** So, \$109.65 plus HST. So, those were the only two things that would change, are they?

**MS E. MARSHALL:** Only two things?

**MR. SPEAKER:** The hon. Member for Topsail.

**CLERK:** Mileage would be the same.

**MS E. MARSHALL:** And mileage is the same. So it is not three things that would change, it is two things that would change?

**MS LAMBE:** Yes, there is only two that would be changed but I guess what this would mean, that is if the rules for travel change for the members so it would change for the constituency assistant.

**MS E. MARSHALL:** Yes.

**MR. SPEAKER:** The hon. Member for Topsail.

**MS E. MARSHALL:** Yes, I would like to make one final comment.

There is some concern about the rate of \$125 a night. I do not use that rate myself because my constituency is in the capital region, but I understand that for some MHAs the limit of \$125 a night is problem and so, of course, it could be a problem also for people representing the MHAs.

**CLERK:** Yes.

**MS E. MARSHALL:** So in one case the rate will go up and in the other instance the rate will go down.

**MR. SPEAKER:** The hon. the Clerk.

**CLERK:** Yes, really just a matter of clarity. I do not know that we have any particular strong feeling, but right now we have conflicting. They can travel and do business on behalf of the member, under the member's resources and allowance rules,

which would suggest they would follow those dollar limits, but their contract says they use the HR policy manual. So I do not think we have strong feelings, we just want clarity for processing claims.

**MS E. MARSHALL:** I think I may have missed Ms Lambe's response, but what was the impetus behind this recommendation coming in?

**MR. SPEAKER:** The hon. Chief Financial Officer.

**MS LAMBE:** It was just - as the Clerk mentioned - clarity for processing claims. I guess, since the reimbursement of their expenditures does fall under the members' rules, then we recommended going with the members' rules because it seemed to be more appropriate.

**MS E. MARSHALL:** But if they already have a contract that stipulates that their rules are as stipulated in the personnel procedures and they have signed a contract to that effect, would we have the authority to change that?

**MS LAMBE:** It seemed to be in the contract that it was just saying if it does not fall somewhere in the current contract then look at the rules. I do not know if it is even clear. It talks about an old policy manual in the new rules. I do not think it was quite clear and we have had difficulties if it does not fall under the contract; if a certain item does not fall under, in trying to interpret it, where it should fall.

**MR. SPEAKER:** The hon. the Leader of the New Democratic Party.

**MS MICHAEL:** Another question of clarification. I do not know if you have the answer.

In the public sector, is there a different rate, for example, for assistants to ministers than there is to other public sector workers, or do they all receive the same?

**MS LAMBE:** They would all receive the same. The rates depend on - there are different rates for executive ministers and then the rest of the public service, basically.

**MS MICHAEL:** Right. So, an executive assistant to a minister would not get what the minister would get?

**MS LAMBE:** It is my understanding that they wouldn't. I can't be 100 per cent sure, but that is my understanding.

**MR. SPEAKER:** Any further comments? If not, I guess we are ready for the question.

The directive is that the Commission follow the directive as in paragraph 20(6)(b)(i). "Pursuant to paragraph 20(6)(b)(i) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission directs that Constituency Assistants be reimbursed at rates for travel, meals and accommodations (private and temporary) consistent with the rates provided for Members."

All those in favour of that directive?

**SOME HON MEMBERS:** Aye.

**MR. SPEAKER:** Those against?

The directive is carried.

The hon. the Clerk.

**CLERK:** Thank you.

The next one we have put in is phone lines in private residences. This is one that happened to get mentioned earlier, when we looked at the minutes of the August 29 meeting, and Minister Marshall asked about the standard equipment, furniture and services package.

The House administration had brought forward a recommendation that a business phone line be placed in members' residences

and constituent assistants' residences and the Commission rejected that, so we took that out of the services package provided to members. Since then, when we have talked to new members and other members, a number of them have expressed concern about that. For instance, there is no provision in the rules for reimbursing these business calls on their own private phone lines at home. If they are making these calls at night, we will not reimburse them. They will swallow that cost if they are making it on their own residential phone lines.

We have had at least one member who doesn't have cell phone coverage in his home, he cannot use a cell phone, and we have others who say they have poor coverage.

The various options that I think we might have looked at, as alternatives to having a business phone line paid by the House in your residence, were: well, use your cell phones. For some members, they don't have coverage. The Member for Bellevue, for instance, has to go to the end of his driveway and stand by his garbage box to use his cell phone. Another alternative is: well, use a calling card. While that can be done, if you are making twenty or thirty calls a night - if a member travels all day, comes home at night and he has twenty phone messages to return, you have now added the thirteen or fourteen numbers every time you dial this long distance call. You have to remember, for some members almost every community in their district would be a long distance call from their home community, if it is one of the larger rural districts.

The other option, I guess, is, you can - well, those would be the two options: your own phone line, using a calling card. The problem with that is, you are tying up the family phone, the household phone, so other family members, if you only have the one personal line, don't get to use the family phone all night. Even if you do have a cellphone, you have a cellphone stuck on to

your shoulder all night long while you are trying to take messages.

In short, as we talk to new members in particular about this, they said: Couldn't we just get a business phone in our residence? So, Marlene and I discussed it and we agreed we would bring this back once again for the Commission's review. The cost would probably be in the order of \$35 a month for the basic phone; you are adding a phone line with a couple of services like message manager or call display, whatever it may be. If you add long-distance then that does add quite an additional cost if you have a long-distance package. If you have long-distance calls to make, you will be paying for them through some means. You will be paying on your cellphone bill or you will be paying with your calling card, or you will be paying with a long-distance package attached to an additional business line. So, somehow, long-distance calls will be paid for. The incremental cost might just be the cost of a line and whatever services, such as call waiting or message manager, you would add to it.

At any rate, I didn't think it was extravagant to bring forward but I acknowledge the Commission has already turned this down once, so it is me bringing it back a second time. Mr. Speaker.

**MR. SPEAKER:** The hon. Leader of the Opposition.

**MS JONES:** Yes, I would like to speak to this recommendation put forward by the Clerk's office.

Certainly, I am one of the MHAs impacted by the fact that there is no resident phone in my house for work. I will just give you an example. Prior to this, I always had a phone line in my home that I use for constituency business. It was not used by my family. It was just for me, for my work. The reason for that was because I don't have cellphone coverage in my district. I have only two communities where I can pick up cell

service, and I have to be right in that community in order to do so. So, for the rest of my district I cannot get any cell coverage.

I am sure most people understand that in my district it is long-distance to call from my hometown to almost every other community in my constituency, so obviously there was a need for a phone at my residence to do my district work when I was in Labrador. I don't have a district office. I don't have a constituency office in my district or in my hometown. Therefore, I did not have another option in terms of being able to outreach my constituency, other than having that dedicated phone line. I guess since September I have been incurring those expenses myself in being able to do the work of my constituency.

The other purpose for the phone line - it served two reasons - was as a fax line, because when I was in Labrador I was finding I was having to have faxes sent into council offices, development offices, business places, from my office in St. John's, whether it revolved around committees I was a part of, or it revolved around constituency business. It was very inconvenient and it was a hassle. The phone line served a dual purpose in being able to do the work I was required to do.

Actually, in the time period that the rule did change I have found it very difficult. I didn't disconnect the line, of course, because I just continued to pay for it myself, but obviously when you go home on the weekends from the House of Assembly your work as an MHA does not stop. Your constituency work is seven days a week, and it is almost twenty-four hours a day.

It has been a while since someone has called me at 3:00 o'clock in the morning, but it hasn't been very long since someone has called me at 11:00 o'clock in the night, so obviously there is always a requirement in our job to have access to a telephone, to a fax machine, no matter where we are or what day of the week it is.



I certainly support this request. I wasn't aware that it had been raised by other members, actually, until I had seen it in the briefing book, but I was pleased that you had brought it forward. It is certainly something I understand the need for and would support.

**MR. SPEAKER:** Further comments?

The hon. Member for Topsail.

**MS E. MARSHALL:** I spoke to this item when it came before the Commission the last time, so I won't take up too much time but I do feel that there is a need to separate work and home, and I really don't feel comfortable with claiming expenditures that I am incurring within my residence. At the time it came forward at the last meeting I did vote against it, so I would like to indicate that I will be voting against it again.

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

The hon. Opposition House Leader.

**MR. PARSONS:** Just a point of clarification, if I might, to the Clerk.

We are deciding here on this telephone issue in your residence and you have given us an estimated cost of what it might be: \$35 basic, plus whatever long-distance charges, versus – if the Member for Cartwright-L'Anse au Clair, for example, wanted to say I am going to have a constituency office, which she doesn't, she could get all of that, the telephone plus the office package and everything else, at a cost of thousands of dollars, just to get a telephone.

If we are not supposed to be into these games, which the Chief Justice's report was aimed at getting around, here we have a situation where we are going to say, no, we don't think you should have a phone in your residence to do your business at whatever - \$100 a month - but that same member could, quite legitimately, under these rules that we

have now, Chief Justice Green, go get an office package, pay \$10,000 or \$12,000 for rentals, get phone lines, blackberries, blueberries, everything else in it, rather than getting a phone.

**MS JONES:** Laptops, computers.

**MR. PARSONS:** Laptops, computers, and whatever else.

Am I understanding this correctly, that we are down to this kind of Catch-22 type situation?

**CLERK:** Well, certainly any member is free to set up an office, yes. I guess there is a little difference when it is a private residence, but clearly, yes, any member is free to set up an office with all of the equipment, furniture and services.

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

The hon. Member for Topsail.

**MS E. MARSHALL:** Just one question. Is there any estimate done up? There is no estimate done up as to what all of this – if each member had this put into their homes? What is the total cost to the Treasury? Is there an estimate?

**MR. SPEAKER:** The hon. the Clerk.

**CLERK:** No, we haven't done an estimate and it is not at all clear how many may need to avail of this. Clearly, you don't see the need. No member in the capital region, one assumes, would see the need. It is hard to know how many would actually need it. Some members may be very content just using their cellphone and so on. We sort of had suggested we would put it forward just on an as-request basis, but we don't know how many may respond to it.

**MR. SPEAKER:** The hon. Leader of the Opposition.

**MS JONES:** Mr. Speaker, I think it is important to point out that I don't think this is something that would be required by all forty-eight members. If I was a member in the St. John's region, the Mount Pearl region, or the Corner Brook region, or any area where I didn't have to make any long-distance calls to my constituency from my residence it wouldn't necessarily be the same issue for me.

The reason I can see it as being an issue for other members, because if they find themselves in the situation that I am in, in order to call almost anyone outside of your home community in your district it is a long-distance call at a charge to you. I know, on any given weekend, I am making twenty or thirty long-distance calls. I think the House of Assembly has phone bills going back to that phone that I have used as a work phone in my house for the past five or six years, and you can look and see exactly how many calls I make on any weekend or any day I am in my constituency and know what it costs. So, I certainly understand it as being a legitimate expenditure to doing your work.

Now, I realize I have the option to have a constituency office in my constituency. For a number of reasons I have chosen not to take that particular option, and I operate my constituency office from St. John's, as I have for the past twelve years, but in that time I have always had the option to be able to have access to fax and phone when I have been in my district, to connect with the people that I represent.

I certainly see the challenges here. I don't think it is a requirement for all forty-eight members, and I don't think it should be costed on that basis. I can also see why it may not be a requirement for people who have district offices in their constituency because they can go into an office and use that facility while they are in their district or in their hometown, but obviously, for people who don't have the option for cellphone coverage and have to continue to make long-distance calls in order to respond to their

constituency, I can see it as a necessary tool to do the job.

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

Just as a point of clarification, I would like to ask: We are talking about one residence, Mr. Clerk? - because we are not looking at primary residence and secondary residence - and, would it be up to the member to decide, if they wanted to access the business telephone line, that it would go in either their primary or secondary? Because some members have their primary residence in their district; other members have their secondary residence in the district and are living in the capital city. Any distinction between the two?

**CLERK:** My thinking had only been primary residence. I don't know if Ms Lambe had other thoughts. We were thinking the primary residence only.

If you are in your secondary residence, by definition, you are on travel status, so you are either attending sessions of the House, you are staying in secondary residence, you have gone to your district, staying in secondary residence. I guess we hadn't looked at that. We were thinking the primary residence, which is where the bulk of your calls would be made.

**MR. SPEAKER:** And it would be one telephone line.

**CLERK:** Yes.

**MR. SPEAKER:** It wouldn't be two.

**CLERK:** No.

**MR. SPEAKER:** Is the House ready for the question?

Pursuant to subsection 25 (1) of the Members' Resources and Allowance Rules, the Commission hereby authorizes and directs that the standard office allocation include a telephone package for the

member's residence to be used for constituency business only. The telephone package will include message manager, call display, and a long-distance plan if applicable.

All those in favour of that directive, signify by saying 'aye'.

**SOME HON MEMBERS:** Aye.

**MR. SPEAKER:** Those against?

The motion is carried.

The hon. the Clerk.

**CLERK:** Commuting Distance: This has been a very difficult issue since October 9, as members have come to read this, and we have analyzed it from a number of perspectives. We think there is an anomaly in the rules and when the commuting distance issue was applied it was applied inappropriately to too broad an area. I don't think we are disagreeing with Chief Justice Green in the draft rules, I think there was a problem when they drafted it. I will go through the logic of it and we will see if the Commission agrees.

If you look at the second bullet of that note, under subsection 29(1) of the rules, a member may claim for travel and living allowance only where the one-way distance traveled is greater than the commuting distance of sixty kilometers, and then we quote subsection 29(1), outside of commuting distance of the member's permanent residence, and that is the sixty kilometers.

It means you have to travel greater than sixty kilometers before you are eligible to claim private vehicle mileage. If the distance is greater than sixty, that is if it is sixty-one kilometers, you can claim it all. If it is fifty-nine kilometers, you can't claim any.

The problem with section 29(1) is that it shows up under the rules in this section called General principles. It has to, in our view, since it is a general principle under the travel and living allowances, apply to all forms of travel and allowances including the intra and extra-constituency travel. As a result, for members traveling on constituency business within his or her district, under the intra-constituency allowance, this would still apply and you would have to travel sixty-one kilometers before you would be eligible for reimbursement. There are other factors in the rules, other issues in the rules, that seem to indicate that was not the case at all and that there is a conflict here in the rules.

On the next page, you will see those two sections which make us believe that that application, as a general principle, was never intended. The first of those is subsection 40(4) of the rules which states, that a member, for instance, who has a constituency in the capital region and travels by his or her own vehicle may claim reimbursement for mileage. So, if you represent a district in the capital region, you are going about your constituency business within your very small district, you can still claim mileage. That is what 40(4) says. How could you do that if there was a sixty kilometer minimum? Some of these districts in St. John's are only a few miles across.

The second item, number 2, is the allocation for, for instance, members in the capital region, many of whom are allocated \$7,500 for their intra-constituency and extra-constituency travel. That, in fact, is outlined in Appendix 10.3 of Green - and that is in the appendices volume - where he suggests that many of these members will travel 7,500 kilometres within their district on intra-constituency travel and part of their intra-constituency budget is made to cover mileage.

That also could not happen if you rigorously applied the sixty kilometre commuting distance to all their mileage claims. So, I

think two issues got merged here. In this next bullet it strikes us - and Ms Lambe and I have discussed this at length. The principle of not being paid to go to your workplace from wherever you choose to have your residence is clear, and that is what is applied to civil servants. If I choose to live in Conception Bay South, nobody pays me to drive to Confederation Building. So we all understand that principle. I think that is more what the Commission was trying to get at.

Where you have your permanent residence, driving to the House for sessions of the House or to and from the capital region for constituency business when the House is not in session, that is one matter, or if you choose to live outside your electoral district. There are a couple of instances where people live just outside the boundaries of their electoral district and we do not believe Green felt you should be paid for that distance, to hit the boundary of your district if you have chosen to live outside your electoral district.

So, we see the logic in those sessions but we do not see it when it is applied to the intra-constituency and extra constituency travel. Hence, the recommended directive is that we include that limitation of 29(1)(b) outside commuting distance of the member's permanent residence from the intra-constituency and extra-constituency travel allocations.

Ms Lambe, have I covered it?

**MS LAMBE:** (Inaudible).

**CLERK:** Nothing I missed. Okay.

**MR. SPEAKER:** Comments?

The hon. the Leader of the New Democratic Party.

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

The explanation was very clear and I thank the Clerk for that.

I think for MHAs who live particularly in the capital region, this is a fair thing to propose. It is very easy, even though you are in the capital region, to clock 100 kilometres or more a week just doing your constituency work. That is wear and tear on a person's vehicle and that is the reason for kilometrage. Yes, you know, not to personalize it, I am only using it as an example because I think we all need to think about these things in the broader example.

My own district, actually it is quite a long district, and while it is not sixty kilometers, if I do two or three things in a district, even in one day, but each trip is separate - I could do sixty kilometres but I have to claim each trip separately. It is the wear and tear on the vehicle is the purpose for kilometrage, so I think this is quite logical.

As is pointed out in the explanation for MHAs in the capital region, this is the only expense that they claim because I am never going to have accommodations in Signal Hill-Quidi Vidi or have to pay for a meal or anything. So, the only thing I can claim under the \$7,500 is the kilometrage for the car, which does get wear and tear. And believe me, with the streets in St. John's sometimes it is wear and tear.

**MR. SPEAKER:** The hon. the Member for Topsail.

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

I am always a little bit apprehensive now when we are talking about making some changes and some amendments. So, just for clarification - and I will use my own district, Topsail, as an example - would this allow reimbursement for travel from the district into Confederation Building? Is that what you are saying?

**CLERK:** No, only for the intra-constituency travel you might do. This extra-constituency travel sort of gets tied into the intra-constituency, but it is mainly the intra-constituency travel we are talking about.

**MS E. MARSHALL:** Okay. All right, that is fine.

**MR. SPEAKER:** I might add, this is not only for the Members of the House of Assembly who live in urban areas because it is very real in the district that I represent and every other member as well. You can get up and travel fifty-nine kilometres to a community in your district to do your duty as a Member of the House of Assembly and you get reimbursed absolutely nothing. So, really, it affects all members.

Further comments?

The hon. the Deputy Speaker.

**MR. BYRNE:** Thank you, Mr. Speaker.

Just, again, to make the point with respect to clarification on this. I have one of the larger districts in the capital region, geographically. I can leave my house in Outer Cove and go to Pouch Cove and put forty or fifty kilometres on that car ten times a week, and go to Flatrock and Bauline. It adds up pretty quickly and I cannot claim it. Therefore, to me, I think it is a fair and reasonable solution to the problem.

**CKERK:** Yes.

**MR. SPEAKER:** Is the House ready for the question?

The directive is: "Pursuant to subsection 20(6)(b)(i) of the House of Assembly Accountability, Integrity and Administration Act, the Commission directs that intra-constituency travel and extra-constituency travel are excluded from the commuting distance limitation of paragraph 29(1)(b) of the Members' Resources and Allowances Rules, effective October 9, 2007."

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

The directive is carried.

The hon. the Clerk.

**CLERK:** The next issue is Modes of Travel. This is one I touched on briefly at the beginning.

If you look at the first bullet, it quotes subsection 40(1), "A Member may travel by means of..." and it lists five different modes of travel. As we looked at this, and with Ms Proudfoot's advice, we think it is actually a rule that would be required to add taxis to this. I think this was probably just an inadvertent omission not to have taxis there. It would not be sensible that a member would fly into St. John's and, because he can't get a taxi, would actually have to resort to a rental vehicle which is permitted.

I think it was simply inadvertent. Even though it may be a simple matter, to follow the rule-making process as we understand it, we feel we are adding an issue to an expense field, a different means of travel, and we should take the two-stage process of adding taxis to it.

So, as Ms Proudfoot has suggested in her memo, we prepare a draft amendment now for the Commission's review. Upon your approval, we send it to all members of the House and we will post it on the Web site, and then at the next meeting we would have the final vote on this draft amendment, which is shown on the next page, which ultimately would simply add the letter (f) and the word "taxis" to the list of acceptable modes of travel.

**MR. SPEAKER:** This directive would ordinarily go to the House of Assembly, if the House of Assembly was open, but the

process, as the Clerk explained, with the House of Assembly not being open, it has to be posted, go to each individual member, and brought back for a further meeting.

Any further comments?

The hon. Leader of the Opposition.

**MS JONES:** I would like to ask for some clarification, seeing we are discussing subsection 40 of the Members' Resources and Allowances Rules. They omit to identify snowmobile rental under the modes of transportation. I know it doesn't have anything to do with the taxi piece, but it is a concern for me and I am sure it would be a concern for the Member for Torngat Mountains as well. Both of us have constituencies in which we are required to travel by snowmobile to get into certain communities within our constituency, and oftentimes that is through snowmobile rental and guide services. I don't see snowmobile listed as a mode of transportation, and I am wondering if that could be added when an amendment is being brought forward to the House of Assembly, and the Commission would consider that at this time?

**MR. SPEAKER:** The Chief Financial Officer, Ms Lambe.

**MS LAMBE:** Yes, snowmobile coverage is allowed under the intra-constituency travel. It specifically allows it under section 38 of the rules.

**MS JONES:** Okay.

**MS LAMBE:** So, it does consider all-terrain vehicles, boats, snowmobiles and helicopters. It added those for intra-constituency travel only.

**MS JONES:** Okay.

I guess it is not necessary under section 40. Is that what you are telling me?

**MS LAMBE:** That is right.

**MS JONES:** Okay.

Thank you for the clarification.

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

The directive is: The Commission hereby approves the following draft amendment to subsection 40(1) of the Members' Resources and Allowance Rules: (a) at paragraph (d) by deleting the word "and"; (b) at paragraph (e) by deleting the period and substituting a semicolon and the word "and"; and (c) by adding immediately after paragraph (e) the following "(f) taxis."

All those in favour?

**SOME HON MEMBERS:** Aye.

**MR. SPEAKER:** Those contra-minded?

The directive is carried.

The hon. the Clerk.

**CLERK:** Promotional Items for Members.

The new rules state that the House will provide various promotional items to members. These are not charged off to any allowance or allocation. This is something - the House will incur the cost and pass it on to members, and there is no sort of assignment to them and they don't need to buy these matters themselves. The only issue here is, rather than bringing a number of matters to the Commission for approval on the various designs for pins, numbers of pins, types of flags, sizes of flags, design matters on certificates and folders and so on, once we started looking at it, we wondered if it would be better to just delegate the authority to the Clerk and staff of corporate members' services rather than having to bring a long list of suggested minutes in here, discussing lapel pins and flags and certificates.

We have had a number of discussions with members already. I think we know what they need, we know the sorts of volumes, so if the Commission were willing just to leave it with staff I think we can handle it adequately. If members start complaining, well, you can instantly pull the authority from me.

I am finished, Mr. Speaker.

**MR. SPEAKER:** The hon. the Minister of Finance.

**MR. T. MARSHALL:** Thank you, Mr. Speaker.

The whole idea of pins and flags has caused a lot of difficulty to MHAs over the years. I am just wondering if it is appropriate that MHAs be the ones handing this out, because you get into questions of - you know, a team comes and they are going on a trip and they want pins and you have to make rules to determine how many pins are appropriate, because the cost of them does add up. They are what, fifty cents each?

**CLERK:** Probably in bulk, yes.

**MR. T. MARSHALL:** It is my own view that probably tourism or culture or recreation, that they are the ones who should be dealing with this particular issue. I don't know if we have given that any thought, that there should be a program with criteria so that everybody, every Newfoundlander and Labradorian, can apply and if they meet the criteria would be entitled to so many pins. Is it really something that we should be giving out as MHAs?

**MR. SPEAKER:** The hon. the Clerk.

**CLERK:** I guess it is difficult for me to speak to that, except to say that the rules do say that it is permissible for members and so on. Whether that is the best approach, I don't think I would want to pass comment on, Minister.

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

The hon. the Minister of Fisheries and Aquaculture.

**MR. RIDEOUT:** Well, as the Clerk said, it is permissible for the House to provide those items to members for them to use during the course of their constituency business. We also have to be, I think, sensible and realistic. You can't live in a perfect bubble here. If you go to Ottawa, members of Parliament have Canadian flag pins and Canadian flags, and, you know, they are passing them out to school groups as they visit, groups in their constituency.

All of us, I suppose, at some time or another during the course of our parliamentary careers have attended parliamentary conferences in other jurisdictions. Every parliamentary conference that I have ever attended, the members of the Manitoba Legislature or the Quebec Legislature or the Ontario Legislature, whoever they are, have provincial pins, their favourite flower pin, their official bird pin. These are things that we do as human beings. I have constituents who call up saying: We are taking a group of students to Ottawa and there are twelve in the group, can we have 100 pins to take with us and a couple of Newfoundland flags?

Now, we have done away with donations. That is another issue I am not going to make any further comment on. We can do away with it all, do away with everything, but it seems to me that there are some things that are appropriate. Justice Green has considered this and it is one of the few things that he has probably agreed to leave there. So, I see nothing wrong with it personally but I am an old fogey, I am old-fashioned. Somebody will take a potshot at me I am sure for wanting to retain something of the status quo.

**MR. SPEAKER:** The hon. the Opposition House Leader.

**MR. PARSONS:** Mr. Speaker, again, there has been a lot of commentary in the public in the last number of months concerning issues of this type. However, I would agree with the Minister of Fisheries that Chief Justice Green saw fit that this should remain there. He thought there should be certain parameters established and I think that is a reasonable suggestion by the Clerk, that there be a process established to determine what and how it is distributed to the members. But, I had to disagree with the Minister of Finance, regardless of whether it is done under the auspices and guidance of the Clerk of the House, or done through the Minister of Tourism and Culture, it is still public taxpayers' money.

The question here is: Is it a viable thing to be doing, a legitimate thing to be doing, and how do you monitor and control it when you do it? I think leaving it in the hands of the Clerk to monitor is certainly appropriate. I mean if we are going to be truly strong, proud and determined, I think this is an acceptable piece of business and I do not think it necessarily needs to be done through a government ministerial office. We can all be proud, we can all be determined, and we do not have to do it through the Minister of Tourism. I think each MHA at least should have the dignity, if you want to present a flag to someone in your district, provided it is properly documented, that MHA ought to have the right to do that.

**MR. SPEAKER:** The hon. the Member for Topsail.

**MS E. MARSHALL:** Yes, Mr. Speaker, I have no problem with the recommendation that - you know, Justice Green had no problem with issues regarding the pins. I think also he talked about the folders, the certificates of congratulations, that this be sort of centralized and be consistent. I think that will also be covered by your new procedures and also some issues relating to stationary. So, I have no problems with the recommendation.

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

The hon. the Minister of Finance and President of Treasury Board.

**MR. T. MARSHALL:** I just have a comment on the Opposition House Leader's remarks that we have to be concerned about what and how. I think we also have to be concerned about how many, so that there is an appropriate number. When you are giving out these pins and these promotional things, there should be policies on limits; how many members are entitled to give out. I think that is very important. If it is going to be done in the House, if it is going to be done by the Clerk, then I think all members should be given the appropriate policies. I notice that the recommendation does call for that in terms of the amounts given out.

**MR. SPEAKER:** Is the House ready for the question?

The directive is: "The Clerk is authorized to develop appropriate policies and processes for the selection, allocation and distribution of the promotional materials identified in Subsection 27(1)(c) of the Members' Resources and Allowances Rules."

All those in favour?

**SOME HON. MEMBERS:** 'Aye.'

**MR. SPEAKER:** Those against?

The directive is carried.

The hon. the Clerk.

**CLERK:** Extra Constituency Allowance. The Extra Constituency Allowance - I think all members will be aware - is a component, one could say the residual component of your intra-constituency allowance. It is the same pot of funds, but beyond your intra-constituency duties there are other duties you can undertake as part of an extra constituency allowance from the same pot of funds.



There is an interpretive problem with the way that is described in two sections of the rules. The issue comes up in that some members think the extra constituency allowance allows additional trips, or could be used to cover the cost of additional trips to the capital region. We do not think it does but we acknowledge that there is a problem with the way it is worded and that it could be seen as somewhat ambiguous. This note is to get a directive to attempt to clarify the interpretation of that matter.

If I could start at the second bullet there, you will see Subsection 39(1) of the rules. "A Member may be reimbursed in accordance with this section..." that is extra constituency section "...for reasonable travel, accommodation and meal expenses incurred with respect to circumstances referred to in paragraph 30(d), (e), (f) and (g)."

So, 39 is the extra constituency allowance section and it refers you back to section 30 to read paragraphs (d), (e), (f) and (g).

In the next bullet, if you will see 30(d), that is the wording which is causing trouble. So that it reads: "(d) between his or her constituency or the capital region and another constituency outside the capital region in relation to matters affecting his or her constituency." There are two possible ways you could read that, two possible interpretations. Depending on how you choose to read it, it may or may not permit additional trips using your extra constituency allocation to the capital region. I hope I have explained adequately. I will go through it, what these two readings are, although it is a little difficult to capture.

The bullet at the bottom of the page says: "It appears that 30(d) should be read as between either the constituency or the capital region, on the one hand, and "another constituency outside the capital region" on the other hand. The effect of this reading is that extra-

constituency funds could not be used to provide for travel to the capital region."

What I am trying to say there is whether it is the constituency or the capital region, you take that as your starting point for this comparison and another constituency outside the capital region. What it is clearly stating is it only applies when you are going outside the capital region. That is what we think Green probably intended, which is why he had the words 'capital region' inserted there, as well as in the next part of the phrase the words 'outside the capital region'.

However, at the top of the next page some members have been reading this as if it says: "...between the capital region, on the one hand, and another constituency outside the capital region." That is, you ignore the first part of the constituency, his or her constituency, ignore that and read: the capital region and another constituency outside the capital region, which would imply that on a return trip you could use extra constituency money to come to the capital region.

It appears Green did not intend that, and we base that on his precise limitation of number of trips to the capital region; that he had twenty trips to the capital region when the House is not in session and so on. That seems to support the interpretation that he did not have other pots of funds, such as intra/extra-constituency to be used for travel to St. John's. So, that is how we have chosen to interpret it but because it is somewhat ambiguous and some members view it the other way, we thought we would bring it to the Commission for an interpretative directive.

The one thing that perhaps does though require a trip to the capital region is the eligible conferences and training courses which are listed as an eligible expense under extra-constituency. It did not seem logical to say you could only go to conferences and training courses if they were outside St.

John's, because so many of them are here. So, hence, what we are suggesting is that interpretative directive which says that extra-constituency travel does not apply for trips from outside the capital region to the capital region, except for attendance at conference or training courses.

**MR. SPEAKER:** Any comments?

The hon. the Leader of the Opposition.

**MS JONES:** I have some comments but I have a question, I guess, first of all.

You are recommending that the extra constituency allowance be permitted to be used to travel from your district to the capital city only if there is a meeting or a conference - not a meeting, but a conference or a training course.

What happens in the case of - say, for example, last week I had to come to St. John's for two constituency appeals from my district. Where does that fit in, into this? Because almost all my workers' comp appeals, student loan appeals, tax court appeals, are in the capital region or in the Corner Brook region, for my area. What pot of money do I travel under to do that business? It is not clear to me.

Personally, I can't remember ever coming to St. John's for a training course, as an MHA. I have to be honest with you; I don't expect I am going to do a lot of them in the next four years, so that part becomes almost irrelevant to me. For conferences, obviously, I can see that; there are a number of conferences that go on in the capital city that affect constituencies all over the Province.

I guess my point of clarification is: If I don't use my intra extra constituency fund to travel here to do the business of my constituency when it is required, how is that paid for?

**MR. SPEAKER:** The hon. the Clerk.

**CLERK:** I think the way the rules are structured is, when the House is in session, of course, you have one trip a week from your principal residence to St. John's for the House, so you would be in St. John's anyway if hearings were to take place then. Then, when the House is not in session, you are back to your twenty trips for the balance of that year, to come to the capital region for constituency business.

I am not sure whether that is adequate or not, and a lot of members think it might not be adequate, but the way the rules are structured seems that clearly there was a limitation on the number of those trips when the House is not in session. That is part of the reason we believe he probably did not intend this intra extra constituency money to be used for travel to the capital region, because he provided the other pool of twenty trips to come to the capital region.

**MR. SPEAKER:** The hon. Leader of the Opposition.

**MS JONES:** Just to finish my point, I am sure every year is going to be different. This year is probably an exceptional year, but I am going to use this year as an example.

We are looking at a span of ten months between when the House of Assembly closed in June of last year, early June, until it reopens in March of this year, nine months, whatever the calculation is. During that period of time, I am only permitted to make twenty trips to St. John's. Each time I come here, I am only permitted to stay an average, I think, of one point five nights, however I figure that out - two sometimes, one some other times, based on the calculation that is there. It takes me a day to get here; it takes me another full day to get back to my constituency. Lorraine talked earlier and she didn't want to personalize it, but it is hard not to when you know your own situation so much better than the other cases, I suppose.

I guess my question becomes - obviously, there is not enough money being permitted under that other formula to meet what the need is going to be, and I guess I thought that the intra extra constituency allocation would permit us to be able to cover off those other trips providing they were directly related to constituency business.

I am sure I am not the only person who is in this situation. I know that on the Northern Peninsula, of course, it is a similar situation where most appeals are being done through either Corner Brook or St. John's, or even Gander, in some cases, it happens.

My concern is that restricting the use of this fund directly to conferences is definitely going to have an impact in terms of how we are able to provide for certain other services on behalf of our constituents. I don't know if any other people see this as an issue or not, but I would be interested in hearing what they have to say.

**MR. SPEAKER:** The hon. the Minister of Finance.

**MR. T. MARSHALL:** Thank you, Mr. Speaker.

This particular one, I find it troublesome as well. I know, in the case of the Leader of the Opposition, the rules as stated - and I agree with your interpretation. I think your interpretation is correct. I wish it wasn't, but it is. Based on these rules, the Leader of the Opposition could come to Corner Brook and do the appeal and get covered, but not to St. John's, which is a bit strange.

The other inequity in these rules is: If you take an MHA who lives in St. John's but represents a district outside of St. John's, when that person uses the twenty trips and the thirty-five nights to go to his or her district outside the capital, they can then, once they are in the district, use this extra fund or intra-constituency fund to stay extra nights and pay for the expenses.

**CLERK:** Yes.

**MR. T. MARSHALL:** A member who lives outside the capital and uses the thirty-five nights and the twenty trips to come into St. John's does not have this intra-constituency fund to spend a few extra nights in St. John's. So, there is an inequity there which we may want to resolve through an amendment to the act.

**CLERK:** Mr. Speaker, if I could?

**MR. SPEAKER:** The hon. the Clerk.

**CLERK:** We have had a number of issues, and later on in the agenda package, whether we get to it, the Member for Burgeo & LaPoile has an issue with the number of nights in there as well. There are a number of these issues, and I guess we will need a little bit of experience to see how they work, but these are all matters which, while the Commission could address them, they will still have to go to the House. So, to go thirty-five nights to more nights, that is another matter that will have to go to the House and so on. So, in all these matters there is a very rigid process we would have to follow to change them.

Just to Ms Jones comments: This intra-constituency, extra-constituency fund could allow you to go to Corner Brook and Gander and so on, as Minister Marshall says. The problem is the capital region. That is sort of set apart. You have trips when the House is in session to the capital region and the twenty trips when it is not in session, but that seems to be it. It is this pool of funds which would allow you to go to Corner Brook or Gander or elsewhere to conduct hearings and appeals and so on, but the capital region is somehow set apart.

**MR. SPEAKER:** Order, please!

The hon. the Opposition House Leader.

**MR. PARSONS:** I agree with the Minister of Finance, that I think the Clerk has the

interpretation right, but I certainly wouldn't be prepared to accept his recommendation. I think the problem here – I don't think we need to take the step that, okay, this is what I think it is, now I recommend because of that interpretation we have to do such. I think the bottom line here is we have a situation where, albeit it might be his correct interpretation it is not an adequate rule to be applicable to the members. I think we need to go to the situation of what is fair to the members.

There were a whole pile of new rules, as their should be, that were put forward by Chief Justice Green, and there is no doubt it is going to take some time for everybody to familiarize themselves with the rules, get them implemented and follow them. Each situation is obviously only going to be made known as we encounter it. I am sure there are examples right now that I am going to find out in the next year in terms of what I can and can't do that I am not aware of right at this moment.

We can't lose sight of the overarching theme of the Chief Justice's report, that MHAs have a job to do and they should be adequately funded in doing it. Now, despite all of the specifics and rules and everything that he put around that, that was his overarching theme. Don't take away the right and the ability to do your job and to have the resources to do it.

It is quite obvious, I think, given what his overarching theme was, that there is something wrong if the Member for Cartwright-L'Anse au Clair can go to Corner Brook and do an appeal but can't go to St. John's and do an appeal. That, to me, is not common sense, and if Judge Green has anything he has common sense. So, there is obviously an anomaly here that need not and should not exist. How we get past it is the problem, and it is like these number of nights. You are allowed twenty trips per year when the House is not in session, thirty-five nights. Now, how the Chief Justice came up with that, whether it is

appropriate to go back and ask him as to why he chose those figures, why those numbers are magic, did he just do those figures of twenty and thirty-five so he could have something to tie the cost factor to and do a cost analysis? Is that the rationale with which he came up with those figures? Because, we are going to have to revisit that.

I had a letter done today which might be a bit premature now, given our understanding of how the rules ought to be changed. We know they have to go back and go through a different process, but even that concept of the number of days and nights, for example, has to be looked at in terms of practicality.

For example, if you have a meeting here today in St. John's, in my case, in order for me to get here for a meeting at 10:00 o'clock this morning, I would have to leave home at 3:30 in the morning; because, forget about moose on the road, forget about the fact that you are travelling in the middle of the night, all those personal safety issues, I have to do that right now because, if I come in the night before, I have used up one of my thirty-five nights, just so that I am there in time for the meeting today. We don't have round trip service without me getting up at 3:00 o'clock in the morning from Port aux Basques to here.

Those are little practical things that I am sure the Chief Justice maybe never thought about when he drafted these rules and came up with these figures, and we need to go there.

Another thing is the twenty nights, for example. If the House of Assembly had been in session this fall, much of the business that I would have to do, I would be able to squeeze it in when I am in here on my House of Assembly business. You get an appeal, you try to get it done when you are in here in the mornings, for example, because you are here, you are justified, then, under the rules because you are here in a sessional piece, so I am not using up one of my thirty-five nights. I never had the

benefit of that this fall, because the government decided not to open the House until later. So, anything I have done since the election up until March, I have no choice but use up the thirty-five nights. That is just because the House wasn't open. That is one factor that I am sure the Chief Justice never thought about. He probably thought about the usual calendar of the House, you are open in the fall, you are open in the spring, but right away we got ruled out of just about two months in the fall because of that scenario.

The other issue is, we talked earlier about resources in doing the job. Where there are only three of us, I can't sit in Port aux Basques, which my hometown and within my district, and do the work that I am required to do as an Opposition member. I would like to. I wish I could do everything by cellphone; I wish I could do everything by computer. I would prefer to be home but I can't be, so I, by necessity, because there are only three of us and you are not spreading the load around, I have to be in here more often to do that work.

Again, there are practicalities. How does all of this tie in with the Chief Justice's use of the twenty trips, thirty-five nights, thing, with the member's ability to do his or her job?

Some people, I am sure, in the public might think, well, they are talking about pots of money. There is a pot of money for intra-district travel, there is a pot of money for extra district travel. My understanding is, there is just one pot of money. Your extra constituency pot is whatever is left over that you didn't use in your intra-constituency pot. We are not talking about two different pots of money. The bottom line was, the Chief Justice said: Here is an amount of money that I think you need, Member for Burgeo & LaPoile, to do your job. He came up with a calculated figure in my case, and there it is.

All I am saying is, if the member has to use the money to do the job, wherein lies the problem? Why are there limitations which prevent you from doing your job? Because that is contrary to what the Chief Justice wanted, too.

I cannot, right now - and I have a letter here on file today before the Commission, saying that under the current rules I am going to be down to two nights by the time Christmas - out of my annual allocation, so that means that the Member for Burgeo & LaPoile, regardless of what happens from January 1 up to when the House opens next spring, I am only permitted to come into the capital region two nights.

**MS JONES:** One trip, basically.

**MR. PARSONS:** One trip.

Now, it could be an appeal on anything. I could have to meet with a minister who is preparing a budget and I want to talk to him about my priorities and looking for money. It could be anything. I am only allowed to come from my hometown into here once over that three month period.

Now, there is something wrong with that. That is not doing your job, and that is where I direct my comments. It is not a case that you want more money. I just want to know: What are the rules going to be that make it practical and possible to do your job? Right now, some of these anomalies exist.

**MR. SPEAKER:** Just a point of clarification.

While the hon. Opposition House Leader raises the concern and raises the point (inaudible) had, that this is relevant to all rural members, not just one member or just to the Opposition or just to government. All rural members have to live by the same rules and the same regulations.

The hon. Minister of Finance and President of Treasury Board.

**MR. T. MARSHALL:** This is one area where I do agree with the Opposition House Leader. It doesn't happen too often.

Basically, the Chief Justice, in his report and his recommendation, which has been adopted in law by this House, is that, when the House of Assembly is in session, the members of the House are reimbursed for their travel expenses to go from their districts into the House - that is if their home is in their constituency - every week or part of a week that the House of Assembly is sitting. Obviously, the Chief Justice expected, as we all do, that an MHA will come to the House when the House is in session, so that is not a problem. The issue is when the House of Assembly is not in session.

As the Opposition House Leader indicated, obviously there are times when an MHA who does not live in St. John's, who lives in his or her constituency, has to come into the capital region when the House is not in session for various matters, including those that have been mentioned: meeting with other ministers, meeting with government officials, doing work that is required.

Now, Chief Justice Green and the Commission obviously looked at this carefully and determined that an MHA would be reimbursed for their travel expenses; an MHA who lives outside of St. John's would be reimbursed the cost of their travel expenses to the capital for twenty trips a year and thirty-five nights a year. I believe that those of us who do live outside the capital - Mr. Speaker has confirmed it as well - don't feel that is necessarily enough.

The other thing that the Chief Justice made clear is that, although he has given us a set of rules - he has given us some legislation and he has given us the rules; he actually drafted the rules, the subordinate legislation to the main act - he has clearly said that it is a role of this body, the House of Assembly Management Commission, to make changes

in these rules as we determine are in the best interest of our members and of the people of this Province.

To do that, however, the one thing he has made very clear is that he wants the discussion as to why those changes are necessary to take place in public, with full transparency and accountability, and the people who are watching see that here today, but he also would want any change in the rules to be in the form of legislation that would be passed or not passed through the full House of Assembly.

The interesting thing he said is that the vote on all three stages of the bill would have to take place on three separate days. That is to ensure that people would be aware of what their MHAs are doing in terms of spending money.

There appears to be a strong view, I think a consensus from members who live outside of St. John's, that the twenty trips and the thirty-five nights is not enough. So, the question is, what this Commission is prepared to recommend or how we determine what should be the correct amount, and whether it is something we should do or whether it is something we seek direction on?

We did get direction from the Chief Justice of Newfoundland who felt that, apart from when the House of Assembly was in session, that an MHA could go into St. John's, twenty trips, thirty-five nights. As the Leader of the Opposition said, that is one-point-five nights per trip, which is very interesting. So, I just want to make those comments and I am interested to see what other members of this Commission might suggest.

**MR. SPEAKER:** Just to further clarify and to lay on the table as well, that Chief Justice Green recognized that there would be changes. In fact, he went as far as to suggest that a committee be struck to look after members' compensation and allowances and

to be done in the next general assembly, which is the Forty-Sixth General Assembly, the one that we are in now, to look at exactly those matters. So, whether the Commission would want to get involved in providing some direction now or allow the committee to be struck and look at it in that way, it is at the discretion of the Commission.

The hon. the Minister of Finance.

**MR. T. MARSHALL:** Mr. Speaker, I just want to add to my previous remarks, is that the problem also applies to an MHA who lives in the capital region and represents a district outside the capital region. That MHA gets reimbursed for visits to his constituency by the same number of trips and the same number of nights. So, it is equally a problem for an MHA who lives in St. John's and represents a district outside, who feels that he or she is not going to be able to get to their district enough, and if they do not do that, they are not going to be an MHA for very long.

**MR. SPEAKER:** The hon. the Opposition House Leader.

**MR. PARSONS:** Just in response to the comments by the Minister of Finance. I definitely think it needs to be reviewed. Based on the current circumstances at least, the twenty trips, thirty-five nights will not be adequate for this particular member up to March of this year. Now, I also realize that you cannot change it before March because there is a process which the Chief Justice laid out as well as to how to change it. But, he made provisions in other rules, for example, that allowed flexibility, and he used the word flexibility quite a number of times throughout the report as well.

For example, when he talked about attendance in the House, a member could be - if you did not attend the House without reason you lose \$200 a day, but he built in there a safeguard or some provision as to how you could be out of the House. That was, he left it, I do believe, to the discretion

of the Speaker. You had to ask permission, number one. You had to give a reason to the Speaker of why you could not be here and the Speaker gives you permission to be absent. Then, that is okay, but he did not build in any kind of (inaudible) here.

He also built in, for example - in terms of travel, if I leave here to travel home to my district tonight, or today, and I get caught in a snowstorm, under the current rules if I get caught because there is a storm and I cannot get past Grand Falls, I have to call and track down the Clerk of the House, wherever he may be, before I can bed down for the night. I am not permitted, under the rules - if I am going back to my district from here today and get caught in a snowstorm - to book a hotel room. I have to track down the Clerk and get his permission, or the Speaker and get his permission to do that.

All I am suggesting is if we trust the Speaker to give us discretion to be out of the House, if we trust the Speaker to tell us you can have a hotel room in an emergency situation, why can't there - I am talking about down the road now, when you look at any alteration or amendment or whatever of that twenty, thirty-five scenario. Why couldn't there be some kind of safeguard or provision put in there as well that if you need to exceed the numbers put forth by the Chief Justice, which is now enshrined in the legislation, there be some way to do it, for example, such as get permission of the Speaker, explain your case to the Speaker of why you have to go in and exceed the numbers and then somebody, for example, the Speaker or whomever got to approve it. I think that might be one suggestion.

**MR. SPEAKER:** The hon. the Leader of the New Democratic Party.

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

We are going a bit further a field in our discussion than what is here, of course, but since we are flagging some of the areas of concern around it maybe the approach was

the one that was wrong because if you get into a number of trips, what becomes the benchmark for coming up with that? I think, number one, the Committee does need to be set up. Number two, I think one of the things that needs to be looked at is why is it that one is coming into the city? So, you have the reasons for coming into the city and you legitimize the travel for coming in. If it is direct constituency related work, if it is House of Assembly, and then not try to come up with numbers of trips because if somebody has to do one trip over, they have to do one trip over. I think it should be the reasons of what legitimately brings you in and then you get covered for that.

With regard to - I am going to go far a field now - the point that the Opposition House Leader made with regard to travel, if you have to do a night's accommodations because of a situation, I do not think that you even should have to be - you do not call up looking for permission from the Clerk or the Speaker of the House. I absolutely think that is ridiculous. So, there are a number of things that the Committee needs to look at.

I hope that we make a decision either at this meeting or the next one around getting that committee set up.

**MR. SPEAKER:** The Chair is going to read the directive to ask for the vote on that particular directive. The Chair clearly hears the comments as being put forward and the concerns as well.

The time of the evening is getting close to the magic time when we are going to have to say goodbye. There are a couple of things that need to be done. I am going to read that directive and get a vote. The Clerk wants to bring forward one other item there. I think, very quickly before we adjourn, is maybe the Commission should give the table some thoughts on an earlier motion whereby we struck a committee to look at Opposition members' allowances. While we struck the committee, we did not give any parameters and any direction of where we go with that

particular committee; if we bring it back to the table again, who is going to strike the committee, what timeframes, and I know we are not going to get into all that this afternoon, but maybe it would be enough to say to authorize the Clerk to bring something back to the table for a further meeting. So, just keep that in mind while we do the next couple of items.

The directive reads: Pursuant to Standing Order number 20(6)(b)(i), the Commission directs that subsection 39(1) of the Members' Resources and Allowances Rules does not permit travel from a constituency outside of the capital region to the capital region, except for the purpose of attendance at a conference or training course, as described in Subsection 30(e) of the Rules.

Shall the directive carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against.

The directive is carried.

The hon. the Clerk.

**CLERK:** I was just speaking to the Speaker, I would like to get this one done. I know we are running short on the broadcast time, but this particular issue I would rather not wait another two weeks or however long it takes for us to get another meeting on.

The Member for Bay of Islands wants to set up his constituency office in the City of Corner Brook. The office would be in either Humber East or Humber West. If you know the Bay of Islands, it goes down two sides of the bay, north side and south side, but the City of Corner Brook is the sort of central part. They both feed into it.

**MR. T. MARSHALL:** (Inaudible).

**CLERK:** Yes.



**MR. T. MARSHALL:** (Inaudible) part of his district does take in the City of Corner Brook.

**CLERK:** Along the waterfront there, is it?

**MR. T. MARSHALL:** But it may not be the part that he wants to put his office in.

**CLERK:** It is downtown where the Fortis tower is, I guess.

**MR. T. MARSHALL:** Oh, I see.

**CLERK:** It just goes right along the waterfront, does it? Rings the harbour?

**MR. T. MARSHALL:** No, no, it takes in a bit of Curling.

**CLERK:** A bit of Curling.

**MR. T. MARSHALL:** But I think he wants to have an office in a more central location where people from both sides of the district can -

**CLERK:** Yes, that is right.

So, in our rules, subsection 2(5) and the whole subsection of 20(4) talking about offices, speaks to it being in the member's constituency. There is no grey on this. That is where you would have an office. So every time it talks about these it is in the member's constituency, which is quite understandable. You would not think of anomalous situations such as the Bay of Islands, which is essentially bifurcated to an extent by the City of Corner Brook.

This is the issue I mentioned earlier, based on Ms Proudfoot's advice, that this probably requires a rule. We cannot interpret within a member's constituency to mean something else. There is no other way to interpret that, but she does feel because it is not addressing allowances or anything else, it is addressing the location, that it is a rule that can be made at a single meeting of the Commission and

does not require those other two processes I described which address allowances or so on. So, the memo that Ms Proudfoot has written here discusses the two or three alternatives which she considered and rejected. Such as using section 24, which talks about the Speaker making advance rulings, or subsection 20(6) which would have the Commission interpreting what it means to be in a member's constituency.

So, the recourse, as the memo says, seems to be through making a rule. At the bottom of that second page, the suggested wording is listed where we would - the rule would authorize the Speaker, upon the written request of a member, to approve it outside of the constituency under certain conditions. If it is in a constituency adjacent to the member's constituency and if that requested office space results in it being more accessible to a majority of the member's constituents and that - this is, to some extent, driven by the situation in Bay of Islands where if you go into the City of Corner Brook, you will be in the middle of that district.

Now, rules that we make are subordinate legislation under our act. So there is a process whereby the Legislative Counsel will have a look at our drafting and then will ultimately have it gazetted before it comes into effect. So it is not immediately in effect following the Commission's decision, but we could put it in effect within a few days following the work of Legislative Counsel. If it were approved, then we could go back to Mr. Loder and he could get on with the business of setting up a constituency office even though it is not in his Bay of Islands constituency. If it is not approved, we will have to go back to him and say: Your location is not acceptable. You will have to pick some community, one side of the bay or the other, in your district to set up your constituency office.

That is it, Mr. Speaker.

**MR. SPEAKER:** Comments?

The hon. the Minister of Finance.

**MR. T. MARSHALL:** Thank you, Mr. Speaker.

I believe the same section of the Act gives a member the option to have the constituency office in his or her own home.

**CLERK:** Yes.

**MR. T. MARSHALL:** But if it is in his or her own home it does not have to be within the constituency. I believe, if I recall correctly, that the wording is: If the home is in or near the constituency. Now, that might be the solution, a very simple solution, to that particular problem.

If you permit an MHA to have a constituency office in his home, if it is in or near the constituency, why not allow an MHA to have his or her constituency office in a building that is in or near the constituency?

**MR. SPEAKER:** The hon. the Clerk.

**CLERK:** Just to confirm Minister Marshall's point, yes, you are right. This is in 20(5)(c): Subject to the limitations in subsection 20(1)(2), that is self-rentals, operate an office in his or her residence in or within commuting distance of the constituency. But that is in the residence. All the other references to a member's constituency office say within the constituency.

If I could, I could just ask the Law Clerk if she thinks there is any assistance there, rather than making the rule.

**MS PROUDFOOT:** He would have to have it in his home.

**CLERK:** That is all. It wouldn't apply to a rental space.

While the principle seems to be established, we couldn't actually use this. So, we have a principle established, as you suggest, that it can be outside but we would probably still need to make the rule to confirm it.

**MR. SPEAKER:** The hon. the Minister of Finance.

**MR. T. MARSHALL:** The suggested wording in the amendment that I am reading here, the first part says, located in a constituency that is adjacent to the member's constituency, and then the second part is that the requested office space is more accessible to a majority of the member's constituents than would be an office within the member's constituency. I think you could probably get into a debate about that.

**CLERK:** This just arose, I guess, earlier this week, Minister, if I could, so we are sort of in a rush to assist him in getting his office set up. The Office of the Legislative Counsel will work with us in sort of smoothing and polishing this, so to speak, because it does have to be gazetted as subordinate legislation. If the Commission would give some leeway to both the Clerk and Office of the Legislative Counsel, we could attempt to find the words which would give effect to this intent. Even if these were not the precise words here, we may still need room to deal with substantially these in the form approved by the Commission, but not precisely these. If the Commission would grant that leeway, that would give us room to not box ourselves in, as you say.

**MR. SPEAKER:** The hon. Member for Topsail.

**MS E. MARSHALL:** So, that would still require the approval of the Speaker, would it? Because that is the way.... It says, "... the Speaker may, upon the written request of a member..." It would still have to go to the Speaker, would it?

**CLERK:** That is what we were suggesting, so it wouldn't be automatic that this is just granted, but upon request to the Speaker explain the situation and the Speaker could authorize this.

**MS E. MARSHALL:** That is fine.

**MR. SPEAKER:** Is the Commission ready for the directive?

“Section 20 of the Members’ Resources and Allowances Rules is amended by adding immediately after subsection (5) the following: (5.1) Notwithstanding paragraph (5)(a), the Speaker may, upon the written request of a member, approve the locating of that member’s constituency office space within a constituency that is not a constituency of that member provided that (a) the requested office space is located in a constituency that is adjacent to the member’s constituency; and (b) the requested office space is more accessible to a majority of the member’s constituents than would be an office space within the member’s constituency.”

What we are doing here, I guess, is the approval to bring this amendment forward to the Legislative Counsel for the correct wording to be brought back to this – I ask the Clerk, would it have to be brought back to the Commission again?

**CLERK:** I would rather if the minute - as Ms Proudfoot’s memo says, if you could agree that it would be substantially in the form we just looked at, and leave the leeway to us in Legislative Counsel, that way we could get it done within a few days instead of waiting for the next meeting of the Commission.

**MR. SPEAKER:** All those in favour?

**MR. T. MARSHALL:** (Inaudible) Mr. Speaker.

**MR. SPEAKER:** The hon. the Minister of Finance.

**MR. T. MARSHALL:** I am wondering if I could suggest that part (b) of that be eliminated. I don't see the necessity for part (b). If it is in the adjacent constituency, if it is more accessible or not, I mean, that it going to be argumentative.

**CLERK:** I guess it was providing a few parameters for the Speaker to use, but it still requires the member to make an argument and present it to the Speaker for approval. So in that sense, I guess, it is probably not essential that it be there. We were just trying to put, I guess, some parameters around when you could apply this interpretation, but perhaps we don't need it. Ms Proudfoot seems to think we can do without it?

**MS PROUDFOOT:** (Inaudible).

**CLERK:** It would still be something the member would have to argue to the Speaker, so perhaps that would be adequate.

**MR. T. MARSHALL:** Maybe, instead of saying more accessible, say equally accessible. That is another alternative.

**CLERK:** Again, if the Commission would grant a little bit of leeway in the drafting of it between us and Legislative Counsel, if we know generally the intent to allow members to set up an office under certain situations and certain conditions in an adjacent constituency, if we could take that as the principle that the Commission has agreed upon and let us work with the wording we might come up with something acceptable.

**MR. SPEAKER:** I think that would be the right way to go. That way, we can let Legislative Counsel determine what the proper wording is and, if need be, if members have a problem, we could even get the directive back to the Commission members and, if there is a problem, to make contact with the Clerk and echo your thoughts on it at that time.

All those in favour?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** Those against?

The directive is carried.

My understanding is that we are still on television, even though it is 5:04 p.m., that we have extended the broadcasting time. Do members want to deal with a couple of quick items now and adjourn the Commission? I wait for members –

**AN HON. MEMBER:** (Inaudible). I missed it.

**MR. SPEAKER:** My understanding is that we've still got broadcasting time. I take directive from the Commission to see if we need to continue going or if we need to clue up - it being after 5:00 o'clock in the day – and set a date specific for the next meeting, to talk about and to give the Table some directive as to the structure of the Committee and what the Commission would expect back when we next meet regarding the motion that was put forward by the hon. Minister of Finance. I seek permission.

The hon. Minister of Fisheries and Aquaculture.

**MR. RIDEOUT:** Mr. Speaker, I think we need to look at cluing up business for today. It has been a long day and an intense day, and some of us have public business in another hour or so in some other forum, so we need to get home and freshen up a bit and prepare for that.

I have had no opportunity - I assume nobody else has - to wrap their minds around what form this committee or commission or reference person or persons ought to be. There is a reference to it in Chief Justice Green's report, to review matters related to resources for Opposition offices. I have given no thought to anything other than to say that we are prepared to do that, and we

indicated that in our votes here today, and do it as quickly as possible, but I haven't given any thought – I don't know if any of our members have - as to advising you, Your Honour, as to who it should be, whether it should be a committee or a commission of one person, whether it should be a three person group, or who they ought to be. I am certainly prepared to address that quickly, but I cannot address it this afternoon.

**MR. SPEAKER:** The hon. Leader of the Opposition.

**MS JONES:** I support the Minister of Fisheries in what he is proposed there. We certainly would prefer to defer it and deal with it at another meeting.

**MR. SPEAKER:** The Chair is only looking for direction because I didn't want to leave it hanging, knowing what would happen, and to be questioned as to where it went. That certainly satisfies the Chair's mind.

The hon. Leader of the Opposition.

**MS JONES:** I know it is late in the day and people are anxious to conclude, but there was one other item that was raised by an individual member, the Member for Port de Grave, that did not get dealt with today. I don't know if we could take a few minutes to look at what that member had been proposing, simply because I know it is impacting the way he is conducting his district work at the present time, and also in light of the fact that we have not set a date for our next meeting so I don't know how long the timeframe would be.

I think he spoke to the Clerk on this matter. I don't know if you would like to give us a brief explanation.

**MR. SPEAKER:** The hon. the Clerk.

**CLERK:** That letter from the Member for the District of Port de Grave, that is at the very end of Tab 7 or, if you flip to Tab 8, it

is the last couple of sheets just before you hit Tab 8.

If I could, Mr. Speaker, this also would be an increase in allowance, even though Mr. Butler argues there may be a savings of dollars, and it seems clear there would be, but it would nonetheless be an increase in the number of return trips between the capital region and his district when the House is not in session.

So, even though he argues it might save money, it would be increasing the return trips per week from one current return trip per week when the House is open, or the twenty per year when it is not, to four trips per week when the House is in session. So, even though it looks like it may save money, it would still be an increase in an allocation which means it probably has to go to the House to be addressed, just like the numbers of nights. It would be the same issue.

**MS JONES:** Just to look for clarification, would you, under the direction of the Commission, draft something that would come to the House in the form on an amendment that we would get an opportunity to look at?

**CLERK:** Yes.

**MS JONES:** Because I think, in reading what he has proposed to us here, it is obviously showing that under the new rules of the House of Assembly he would not be permitted to commute from St. John's to his district in Port de Grave on a daily basis but rather would be permitted to get a hotel room to overnight in St. John's and to have the House of Assembly incur those costs which would be much greater than going home to his constituency.

**CLERK:** That is correct.

**MS JONES:** I am sure that the Member for Port de Grave is not the only member who is in this particular situation, but I think it is evident to note that at 5:00 o'clock in the

evening most members want to return to their constituency and to their homes if they can, to have dinner with their families and to attend to business of their constituency in the evenings.

I think Mr. Butler feels that under these rules he is not being permitted to do that, but rather he has been told that you can go get a hotel room downtown, we will cover all the costs and you can stay here for four nights a week as opposed to allowing you to drive home. It does not make sense to him. It certainly does not make sense to me as well. So, I do not know, I seek direction I guess from the Chair in terms of how the Commission would deal with this issue and what is required to be - what actions would be required for our evaluation.

**MR. SPEAKER:** My understanding in looking at the letter, and I refer to a member, I am not so sure if we should get into naming member's names when we bring forward letters and that sort of thing. I think maybe we would be much better served if we just mention a request from a member, but I certainly take direction from the Commission on that as well.

While we do have a letter from a member, we do not have - we have a letter stating a concern but we do not have a letter stating a request. The Commission understands what I am saying. There is nothing clearly stated on what this individual feels should be and a request of what a change should be. The letter is expressing a concern. My understanding as well, in order to make changes to a request such as this, that it would go through a meeting of the Commission, if not two meetings of the Commission, Mr. Clerk?

**CLERK:** Yes.

**MR. SPEAKER:** Two meetings of the Commission, and if the Commission approved the request then it would go to the House of Assembly. If the Commission did not approve the request then it would die at

the Commission stage of putting forward the request. That's my understanding.

The Clerk.

**CLERK:** Yes, if I could. There may be any number of rule amendments we will want to bring into the House in the spring. I mean the numbers of nights we talked about earlier and this and so on. I am not sure there is a particular urgency to deciding what we draft and what we say. We probably have January and February to work over which ones we want to bring forward.

I know other members, there are a number of issues where people would like to amend the rules, so probably a better approach is we seek input from the members and we compile all these various matters and bring them to the Commission for its deliberation as opposed to just saying do this one and that one and so on. I mean, it will not get lost. It will have to be addressed just like the numbers of nights and all the other matters, but because it does require this increase, I do not think there is anything we can do for the member at the current time until it is brought to the House.

**MS JONES:** Okay.

**CLERK:** Even though it may seem illogical and expensive, I think that is what we have to do.

**MR. SPEAKER:** It being 5:13 p.m. on Wednesday, there is still a fair amount of business that has not been attended to. I think Chief Justice Green suggested that the Commission should meet at least six times a year. Members, myself, as the Chair, feel that we should meet some time very soon in order to get through the remaining business and the business that may arise from here until a time specific in December to get the Order Paper cleared going into the new year. Maybe we can look at some time in the middle of December to set a time when the Commission would next meet and probably at that particular meeting, maybe

set a calendar for regular meetings of the Commission so that all members would know clearly when a Commission meeting would take place and to arrange their schedules around that particular date.

The Chair is open to suggestions for the next Commission meeting. Hopefully, we should look at some time around the middle of December. Comments?

The hon. the Member for Topsail.

**MS E. MARSHALL:** Yes, Mr. Speaker, I would be agreeable to that. There is still a fair amount of material to go through, so I think that we should tidy that up before Christmas.

**MR. SPEAKER:** Do members have a suggested date when the next Commission meeting should take place?

The hon. the Opposition House Leader.

**MR. PARSONS:** I am just looking here, I do not know if the week of the seventeenth is acceptable to people. The seventeenth maybe?

**MR. SPEAKER:** The recommendation from the Opposition House Leader is December 17, which would be a Monday.

The hon. the Minister of Fisheries and Aquaculture.

**MR. RIDEOUT:** Mr. Speaker, it appears to my colleague here and I - I am not close enough to speak to my colleague from Topsail, but the seventeenth appears to be an open day that we could consider at the moment.

**MR. SPEAKER:** It is agreeable that the Commission will meet. Will we meet at 9:00 a.m.?

The Commission will next meet at 9:00 a.m., December 17.

With that being said, the hon. the Opposition House Leader.

**MR. PARSONS:** I just thought there was a comment made earlier by yourself, Mr. Chair, earlier today, that maybe 9:30 a.m. will be a more appropriate time to commence the actual Commission meeting.

**MR. SPEAKER:** The Chair is wide open for suggestions; 9:30 would be fine.

**MR. PARSONS:** Based on your earlier comments.

**MR. SPEAKER:** Okay, we will set the next Commission meeting for 9:30 a.m., December 17.

With that, I guess adjournment is in order.

I thank the Commission. I thank the members of the Commission, the members of the staff for doing due diligence and providing information, and for all members actively taking part in a good day's work.

Thank you very much.

Motion to adjourn is in order.

Moved by the -

**AN HON. MEMBER:** (Inaudible).

**MR. SPEAKER:** We are going to have a motion, I say to the member now, because I have asked for one.

I thank the Member for Signal Hill-Quidi Vidi, the Leader of the New Democratic Party, with the motion to adjourn.

This Commission is now adjourned.

On motion, Commission adjourned.