

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

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

I would like to welcome members and staff to a regular meeting of the House of Assembly Management Commission meeting.

We will start off this morning, as we do at other meetings, and ask members if they would identify themselves for the benefit of those who might be watching, and I would ask the staff as well, starting to my immediate left with Ms Marshall.

**MS E. MARSHALL:** Yes, I am Beth Marshall, MHA for Topsail.

**MR. RIDEOUT:** Tom Rideout, MHA Baie Verte-Springdale.

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

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

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

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

**CLERK:** Bill MacKenzie, Clerk of the Assembly.

**MR. SPEAKER:** My name is Roger Fitzgerald, and being the Speaker would make me the automatic Chair of the Committee as well.

First, we will start by adopting the minutes has been written and circulated of the meeting of April 11, 2008. Those minutes were not distributed in a timely fashion. I think they were done this morning, but they are brief and if members would like a few minutes or a brief time to look through

them, than the adoption of the minutes will certainly be in order.

Ms Marshall.

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

CM208-020, we were referencing the leader of the third party. Is the expectation that the leader of the third party be sitting in the House of Assembly as an MHA? Is it possible that that could be interpreted as leader that has not been elected?

**MR. SPEAKER:** I think we may want to do that for clarification, if it is not clear, but that is certainly the interpretation of the minute as put forward, as I understand it. It would be the leader of the third party and the leader of the third party would have to be a sitting member in the House of Assembly.

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

**MR. SPEAKER:** That is the understanding of all other Commission members.

Ms Michael.

**MS MICHAEL:** (Inaudible) under the legislation, which we are, because these are regulations that are attached to the legislation. The legislation defines the third party as the party sitting in the House with the most number of seats after the Official Opposition.

**MR. SPEAKER:** Any other need for clarification, errors or omissions?

If not, it is moved by Mr. Rideout and seconded by Mr. Parsons that the minutes of the April 11, 2008 meeting be adopted as circulated.

On motion, minutes adopted as circulated.

**MR. SPEAKER:** Business arising from the minutes.

The Chair would like to bring forward the approval of the draft rule amendment which must be done according to our subordinate legislation, in order to bring about a change to the rules.

The approval that the Chair will put forward will be: subsection 15.(5) of the House of Assembly Accountability Integrity Administration Act, requires that rule amendments be considered by the Commission at two separate meetings and voted on at the second meeting before being gazetted as subordinate legislation. Therefore, the Commission should issue an explicit minute confirming its approval of the draft amendments as detailed in the approved minutes of the April 11, 2008 meeting. Therefore, I would like to seek a motion to this effect from the Commission so that the decision may be included in today's minutes which would fulfill the obligation of changing that particular rule.

It is moved by Mr. Parsons and seconded by Ms Michael, that the draft rule amendments be as approved at the April 11 meeting.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

On motion, amendments approved.

**MR. SPEAKER:** Is there any other clarification needed now, because I know it has been an issue. A lot of the members have been asking members of the Committee how those particular rules will be enacted. I think everybody is clear now that, after today, the rules will be circulated for members of the Commission to see them again in written form, and if there are no errors or omissions it will then go to be gazetted, and once it is gazetted it automatically becomes the rules and regulations that we live by.

Are we clear?

Is there any other business arising from the minutes? If not, then we can continue with our agenda.

The first item on the agenda would be Guidelines for Temporary Replacement of Constituency Assistants, as per rule 26(5). That would be under Tab 2, section 5.4 of our agenda.

Under the Green report members now would be allowed replacement of their constituency assistants if constituency assistants are off for any reason, be it sickness or vacation.

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

**MR. SPEAKER:** We are under Guidelines for Temporary Replacement of Constituency Assistants, I say to the hon. member. It is the last section before Tab 3 on the agenda, I say to the hon. member.

Is everybody okay?

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

**MR. SPEAKER:** This has been clearly stated. It has been stated, but it has been clearly stated. What we have done is put forward and try to implement a policy whereby everybody will know how they go about replacing their consistency assistant, the rate of pay that the constituency assistant would expect to receive.

We have also suggested, because it has been brought forward, that maybe when we hire a replacement for a constituency assistant, being a new person, they may need some training period in order to know what the assistants do.

We have put forward a suggestion here on what members might consider, and it is clearly written in item three. Members have had an opportunity to review the suggestion for the temporary replacement. I ask for members' opinions or thoughts on what we have put forward as a suggestion.

I think in the Green report it was talked about that the members themselves could hire the constituency assistant replacement and the House would reimburse the member. We did not think that was the proper way, and thought it might be a cumbersome way of dealing with it, so we were suggesting that the House of Assembly hire the replacement worker and everybody would get paid according to the PS04, I say to the Clerk.

**CLERK:** Yes.

**MR. SPEAKER:** That way it would be a standard pay; everybody would receive the same pay. It would be done, and the individual would be put on the House of Assembly payroll. I do not think members should become employers. It could be all done in a timely fashion. In fact, I think we have been trying to implement this policy even up until now without this policy being accepted.

Ms Michael.

**MS MICHAEL:** Just a question.

With bullet two, with regard to on-the-job training, and also then it says the member should make best efforts to re-hire the same individual, is the intent that we try to identify somebody who might be a regular replacement and have that person brought up to speed prior to needing the person, and have on-the-job training? On-the-job training is not going to work if you are just going to get somebody suddenly, especially somebody who is outside, to get two days of training. Is that the intent of bullet two, to maybe have somebody identified as a possible replacement, to get them trained, so that when you do need them they are available to the degree that that is possible? Is that is what is intended?

**MR. SPEAKER:** I am not exactly sure of your question.

The intent would be, if we could have regular replacements then we would not be needing training, I suppose, every time that particular assistant needed to be replaced; but the intent of this suggestion - and it is only a suggestion, we welcome input from the Commission - is that, if a constituency assistant is going to be replaced out in the constituency, it is probably a greater challenge than replacing a constituency assistant within the office framework as it exist here, because other assistants are only a shout away, a walk away. If you are out in Burgeo & LaPoile, in a constituency office, it is a little bit different. There has been no budget of money for training of constituency assistants brought forward in this year's budget but we do recognize, and it has been brought forward, that there may be some training.

What we are suggesting is a two-day training period for constituent assistants in the constituency, and a one-day training period for constituency assistant replacements that exist here in Confederation Building, but it is only a proposal.

Mr. Parsons.

**MR. PARSONS:** Yes, Mr. Chair.

I raised the issue about some period of time; it does not matter if is one day, two days. I am hoping, in my case, it will not be necessary any more, because I have had the occasion where the staff person who is regular took vacation and we had arranged for the replacement to come in for the vacation; but, of course, when the permanent lady walked out the door for her vacation, the replacement walked in, and the replacement had no idea - I was out of town. I was in here, in the Confederation Building, working. The staff member was gone on vacation and the replacement was there; and, other than answering phones, she had no idea and no training as to what to do.

That is why I suggested it. If you could have a day or two training, at least the person who is coming in has some heads-up as to who is who, how the system works and so on. That is why I suggested that should be part of the guidelines.

Hopefully in my case, if I can get the same lady back repeatedly as a replacement, I won't ever have an issue with that again, but I thought it was a practical consideration that if anybody else does it at least there is some help. Because the way the rules are so specific these days, it is not practical if you don't have some kind of on-the-job training.

**MR. SPEAKER:** Mr. Rideout.

**MR. RIDEOUT:** Do we mean by training period that we – say in our constituencies outside of St. John's – we bring the person in to work with the person who is already there for, say, a two-day period?

**AN HON. MEMBER:** Yes.

**MR. RIDEOUT:** I think that is sensible.

**MR. SPEAKER:** That is correct. That is the intent.

Ms Marshall.

**MS E. MARSHALL:** Mr. Speaker, I don't have any problems with what is being recommended here. I just wanted the Clerk to check one thing, and that is, I was under the impression that employees had to sign a contract. Maybe the Clerk can check on that after the meeting.

**MR. SPEAKER:** The Clerk.

**CLERK:** Yes, I think - in fact, Marie and I were discussing that this morning. We did not include it in the policy but down at the very bottom, the last bullet, the replacement CA will start at step one, PSO4 scale. Perhaps we should include, sign the political support staff contract. It provides some protection for the worker as well. It

establishes the policies under which you work. So, with the Commission's agreement we could add that as part of the policy, that a contract should be signed.

**MR. SPEAKER:** Ms Michael.

**MS MICHAEL:** Then based on that discussion around bullet two, it would seem to me then that we are talking about paid training. I think that needs to be clear, because we are going to bring them in and whether they are outside or inside they are being paid while they are doing that training.

**MR. SPEAKER:** Yes, that is correct. They would be paid the same level as they would expect to receive when they came and replaced the assistant. They would be brought in two days, in the case of the constituency assistant being out in the district, and one day here at Confederation Building.

Ms Jones.

**MS JONES:** My question is around why it is only one day for members who have constituency offices here in Confederation Building as opposed to two days outside? Because not all of us have the benefit of a pool of other constituency assistants upon which a temporary worker can refer to for assistance or questioning if need be. I am just wondering why you deemed it was more appropriate to have two days for an individual outside as opposed to one day for someone in Confederation Building?

**MR. SPEAKER:** There were a couple of reasons. One was that, we talked about a week, we talked about other days, and since there was no money allotted or budgeted for, because this is new, that is the training part of it, we thought that a constituency assistant replacement here at the building would have access within almost arm's reach from other people. We did not see it being much of a difference on either floor or either office because - I guess the only one that could be challenged would be Ms Michael, being the

only member. We thought other constituent assistants would be there for them to rely on for information and for guidance and direction. That was the reason why we separated the two.

Further comments? If not, then would somebody move that the temporary replacements for constituency assistants be adopted as written in our agenda?

It is properly moved by Ms Marshall, seconded by Ms Michael, that we adopt those rules as policy. We will make sure that those get out to all individual members so that everybody can be operating, knowing full well what the policy is and what is acceptable.

The next item on the agenda is Delegated Travel under Ministerial Expense Reimbursement Policies. This issue has been raised in the past. We talked about, I guess, constituent assistants and executive assistants travelling on behalf of the Leader of the Opposition, I guess, as it refers here, or the Speaker, and have that as a reflection of what happens within the ministerial department.

The Commission was directed to have a look at the delegated travel and to report back. We have written a background note here and we have put forward an action as well. The action is that the Commission directs that a member or staff person may travel on behalf of those who are covered under Ministerial Expense Reimbursement Policies, with these policies to be applied to the expense claim and costs to be charged to the appropriate allocation.

What we are recommending is if Ms Jones or Ms Michael delegated somebody to travel on her behalf to do her book of business and to represent her, then what they would be allowed to be charged back to the department would reflect what the ministerial expenses is allowed to do as well. So, it would be exactly the same. That is what the Commission would adopt

as acceptable under the Commission rules for the Leader of the Opposition, the Speaker, and the Leader of the Third Party.

Comments?

Mr. Parsons.

**MR. PARSONS:** Yes, I would just like to comment, Mr. Speaker.

I had the experience in the recent past, as well. I think probably this is where this came from again. There are only three of us in the Official Opposition and although, as you say, there is no written policy, in the past apparently staff members or designates by the leaders were, in fact, travelling on the Leader of the Official Opposition's allowance that was there. I agree, you need to have it clarified and you need to have it specified.

What was happening, in our particular case, for example, the Official Leader of the Opposition, Ms Jones, had to be out of the city on matters that she had committed to and there were things that we had committed to as well as the Official Opposition here. So I had to come in from my district to be here to do certain things in her absence. That is where it came from. I agree, the Commission should have it clarified and have it actually written in those cases.

It is not only the case if somebody leaves the city to travel to somewhere, in that particular case it was me travelling into the city to do stuff because she was not here to do it. So, I think we need to have that clarified. The same thing happens with ministers, of course.

**MR. SPEAKER:** Further comments? Suggestions?

If not, a motion is in order to adopt –

**MS MICHAEL:** (Inaudible).

**MR. SPEAKER:** Ms Michael.

**MS MICHAEL:** Just to be clear then; based on what Mr. Parsons just said, the Commission directs that a member or staff – oh, I am sorry, that a member or staff person; got it. They are both there. Sorry!

**MR. SPEAKER:** That is fine.

If everything is acceptable there, then a motion is in order to accept the Travel and Ministerial Expense Reimbursement Policies as submitted in our agenda.

All those in favor, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

Reimbursement Policies will be considered adopted and, as I said, will be brought back, Mr. Clerk, to a further meeting. Or is this the second meeting?

**CLERK:** No, it is the second meeting. Because it is not an amendment to rules this is adequate. The decision is in effect now.

**MR. SPEAKER:** Okay.

The next item on the agenda is the Transparency and Accountability Act Requirements.

We have notified invited guests from the Transparency and Accountability Office if need be and if further questions need to be asked. As members will know, the Transparency and Accountability Act requires government entities to table plans in the House of Assembly and to report annually on their progress. In the process of doing that, there has to be another element plugged in here, and that is the categorization of those offices which would deem the extent of the report which they submit for approval.

There has been some discussion and concern about the categorization as put forward by a

couple of those statutory offices. We have had one meeting with members who had raised concerns and a couple of the statutory officers as well attended that particular meeting. We are bringing it forward here this morning and if there is some more concern about it rather than the knowledge that members already have we can certainly invite representatives from the office in for clarification, or we can deem ourselves that we have enough information to move forward on the categorization and allow the plans to be submitted as required.

Ms Marshall.

**MS E. MARSHALL:** We have spent quite a bit of time as this and we did have the officials from the Accountability and Transparency Office come and give us a presentation. I spent quite a bit of time going through it, but my preference, Mr. Speaker, is that all offices be classified as Category 2. Right now, all the offices except the Child and Youth Advocate office are classified as a Category 3. The Child and Youth Advocate office is classified as Category 2. I would like to see all of the offices classified as Category 2. I understand from reading the briefing notes that that could probably be done for the new plans that cover the period 2008 to 2011.

The primary reason I would like to see them classified as Category 2 is, if you are classified as Category 2 you are required to provide more information than if you were classified as Category 3.

The final comment on it, Mr. Speaker, is that I do feel quite strongly about that. I will not have any other comments on it, but perhaps some other member of the Commission might want to speak to it.

**MR. SPEAKER:** Ms Michael.

**MS MICHAEL:** Thank you.

Yes, I agree with Ms Marshall, having had the meetings that we had, having met with

the representatives from the different bodies. We have had both severally, we had them together and also separately. I really agree with Ms Marshall, I think, not just for the reason that Ms Marshall gave, that we will get more information if they are all categorized as Category 2, but looking at the criteria for the categorization, it did not make sense to me why the others were not Category 2. The reasons why the office of the Youth and Child Advocate was Category 2, it seemed to me the same reasons were there for the other bodies as well. For that reason, added to what Ms Marshall said, I think they all should be Category 2 as well.

**MR. SPEAKER:** Ms Jones.

**MS JONES:** I would just like to support the views that have been put forward by Ms Marshall and Ms Michael. Again, after hearing the presentations and having the discussion with the t transparency and accountability people and the officers of the House, and especially in the understanding that was provided to us by the Child and Youth Advocate, in terms of the amount of detail that she would be reporting and the accountability measures that she was being asked to meet as a Category 2, I felt it was really only appropriate that the offices of the House should meet those same categorical standards. Therefore I would support what Ms Marshall is putting forward.

**MR. SPEAKER:** Since those categorizations were put forward by the statutory officers themselves, and if I recall it was the Child and Youth Advocate – I think there were three officers who appeared when we first met with the transparency and accountability people. I think there was the member for Legislative Standards, the Chief Electoral Officer, the Child and Youth Advocate and the Citizens' Representative, if I recall, who attended that particular meeting. It was more or less for general information. Would the Commission entertain having those officers come back to the Commission to put forward – since we

are talking about changing their categorization, should we give them an opportunity to each come here and tell us why they thought their plans should be submitted under Categorization 3 rather than Categorization 2 or 1?

Ms Marshall.

**MS E. MARSHALL:** The only comment I would make on that, Mr. Speaker, is that if our discussions could be conveyed back to the officers of the House and if they wish to meet with us, if they ask to meet with us, I think we should respond positively. I am thinking, based on discussions that we have had with at least one officer of the House who is presently categorized at level 3, I do not think that officer is going to have a problem. I do not think that we should automatically say, yes, come in and appear, but only if they would like to.

**MR. SPEAKER:** Acceptable?

**AN HON. MEMBER:** Yes.

**MR. SPEAKER:** The direction is that the Commission is recommending that the offices of the House would be categorized all in number 2 Category, and to provide the statutory officers an opportunity to appear before the Commission if they wish.

Mr. Clerk.

**CLERK:** Just a thought in case a number of officers took up the invitation or did want to meet, it is the Commission's ultimate responsibility and authority to decide the categorization, but if they were all to come forward it may be rather lengthy. The final decision will still have to be made at an open Commission meeting which is where we make decisions. Before we did that sort of technical briefing, if it would save the Commission's time, those who might want to speak to some Commission members we could try to do it just in a technical briefing matter as opposed to a full Commission meeting. I am just thinking if three or four

come forward it might be rather time consuming for the full Commission.

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

**MR. PARSONS:** I think we would cross that bridge when we get there. If they want to come back, we will decide the logistics then of how we go about it. If they do not want to come back, it is not an issue.

**MR. SPEAKER:** What we will do is we will put forward the intent that is raised here today and the suggestion and we will await further direction and bring it back to another meeting. I think maybe members might be aware when we speak of statutory officers, as well, we always think of the Auditor General's Office, but my understanding is that the Auditor General's Office is exempt from any categorization by the Act, and he would not be expected - although he has agreed to file a plan, there is no obligation for the Auditor General to file any plan or any categorization to the House of Assembly.

Ms Marshall.

**MS E. MARSHALL:** Under what authority would that be, Mr. Speaker?

**MR. SPEAKER:** The Clerk.

**CLERK:** Yes, in discussions with the Transparency and Accountability Act they have gone through matters and they have said, the definition of statutory office in the House of Assembly Accountability Integrity and Administration Act excludes the Auditor General. When the Transparency and Accountability Act requirements were superimposed into the House Accountability Act it spoke to the statutory officers doing these plans, but by definition under our Act he is excluded from the statutory office. We have discussed it and we actually have a legal opinion saying that that is correct. He is not obligated to do this but he has ever intention of doing it.

In fact, to a certain extent it might provide him some freedom to do plans as he best wishes, and, of course, the Auditor General's Office has been doing these for a number of years. By being excluded from the provisions of that he could I guess design his planning and reporting process as he sees fit and would not have to fit into the current T and A requirements. But he has every intention to continue the planning and reporting.

**MR. SPEAKER:** Ms Marshall.

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

For that issue I would like to do some research myself, but in the meantime I do not think it would be a problem if we did convey to the Auditor General that we would like information along the lines of level 2 Categorization. Then we will just have to consider that his response is.

Thank you.

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

The Clerk.

**CLERK:** Just one, Mr. Speaker. We have the legal opinion on that so I can provide Ms Marshall with that which looked at both those acts.

**MR. SPEAKER:** Further comments?

Moving right along, we go to section 4 of the agenda under New Business, and the first item would be Guidelines for Providing Shared Secretarial Assistance according to Rule 23(2) of the Green Report again.

It was suggested and put forward in Green that members who had chosen to have their constituency office outside of the Confederation Building complex might be challenged in the fact that when the House is open, and the House bringing its own complexities and its own book of work, that

members might want to access a secretarial pool, I guess we would say, in order to carry out their duties as a Member of the House of Assembly and what is involved in the extra commitment to the House when it is open.

The Speaker, along with the staff, the Clerk and Ms Keefe, have put forward a suggestion here on what we would consider – put forward as a consideration for the Commission to look at - to see if the staff allocation as we have put forward would be acceptable. It is just a guideline that we have put forward.

What we are suggesting is that, for the number of members who would have their constituency office in their district, they would probably require a fair amount of allocation of staff. For one to three members there would be one additional person; for four to seven, two; and for eight to eleven, three.

We have also identified and said that we did not think the Premier, the Speaker, ministers, parliamentary secretaries, parliamentary assistants, Leader of the Official Opposition, Leader of the third party, and the Opposition House Leader, would need any extra help because members work with other help in their offices, so this would be strictly for people who would have no other access to any other help when the House of Assembly is open.

We also suggested that those replacements or those additional staff resources could be hired one week prior to the opening of the House of Assembly for the spring session, and one week prior to the opening of the Assembly in the fall session, and to continue one week after the closure of each session.

Those are suggestions, and we seek guidance from the Commission.

Any thoughts on what the suggestion put forward should be, how it should change, or if it is acceptable?

Ms Marshall.

**MS E. MARSHALL:** I don't have any problems with what is being proposed, Mr. Speaker. I was just curious as to how many outside constituency offices there are at the moment.

**MR. SPEAKER:** Counting ministers, or for members?

**MS E. MARSHALL:** For members, those who would be supported by this policy.

**MR. SPEAKER:** Does the Clerk have...? I can only guess.

**CLERK:** Roughly, counting ministers who are in government buildings outside Confederation Building, it is sixteen or seventeen, in that range.

**MR. SPEAKER:** But that is counting ministers as well.

**MS E. MARSHALL:** That is counting ministers.

**CLERK:** Yes.

Private members in leased space, it is seven or eight.

**MS E. MARSHALL:** Seven or eight, okay.

**MR. SPEAKER:** Seven or eight, I would say, yes.

**MR. RIDEOUT:** So, you would be looking at four to seven (inaudible).

**MS E. MARSHALL:** Yes.

**MR. SPEAKER:** Well, that could be different because it could be one to three in one office and it could be four to seven in another office, and that way it would change.

If, for instance, the Official Opposition had one member with a constituency office out

in their district, they would be entitled to one. If there was, say, on the government floor, four to seven, then they would be entitled to two. It could be three. It just depends where members find themselves.

Ms Michael.

**MS MICHAEL:** In the current situation we only have the one. My constituent assistant is in my office, and I am the Leader of the third party anyway, so we are not talking about a lot for this session, for sure, at the moment.

**MR. SPEAKER:** No, and that is why we identified, or suggested to members that we had identified, the ministers, the Opposition House Leader, the Leader of the Opposition, the Speaker, that we thought there were enough resources there from other staff members in order to carry out our duties that were required.

Mr. Parsons.

**MR. PARSONS:** Thank you.

Just to clarify. Yes, it is my understanding that right now, under the current set-up, there would be no additional staff for the third party because she operates her office in the Confederation Building.

In the case of the Liberal Party Opposition there would be none, because I am the Opposition House Leader so I get some assistance already for that role.

Ms Jones, being the Leader of the Official Opposition, does not qualify under this rule, so it would only be with respect to government members at this time until that configuration changes.

**MR. SPEAKER:** That is correct; or, if the Member for Port de Grave decided that he was going to have his constituency assistant out in his constituency then he would be entitled to one person upstairs a week before

the House opens and a week after the House closes.

Further comments?

If not, then a motion is in order to accept the recommendations as put forward in the minutes.

Recommended to be accepted by Ms Michael, and seconded by Mr. Rideout.

The next item on the agenda is the appointment of the Auditor for the 2007-2008 fiscal year. The Clerk might want to comment on this particular section.

**CLERK:** The Commission still has the authority to appoint the Auditor to do the annual audit of our accounts, but the Audit Committee is to recommend to the Commission who they think should do it and the Audit Committee, as referenced by the attached letter from Ms Marshall, has recommended that the Auditor General be appointed to conduct that.

**MR. SPEAKER:** Do we have a motion to appoint the Auditor General to look at the accounts of the House of Assembly and the statutory offices for the 2007-2008 fiscal year?

Ms Marshall.

**MS E. MARSHALL:** Mr. Parsons is on the Audit Committee, along with myself and two outside members. We have met with the Auditor General and he has indicated his willingness to be the Auditor for the House of Assembly.

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

We did vote on that, did we?

**CLERK:** No.

**MR. SPEAKER:** Would somebody make a motion that the Auditor General be appointed to look after the 2007-2008 fiscal

year for the House of Assembly, as suggested and put forward by the Chair of the Audit Committee, and the recommendation in the minutes as well?

Can somebody move that?

**MR. RIDEOUT:** So moved.

**MR. SPEAKER:** Mr. Rideout.

Seconded by Ms Jones.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

The motion is carried.

The next item on the agenda is the per diem amounts for eligible members of the Audit Committee. I ask the Clerk if he would go through this one as well. It is clearly outlined here, but he may have some further knowledge of it, and explain it with more knowledge than I have.

The Clerk.

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

On the Audit Committee there are two external members appointed, as you will remember, chosen by the Chief Justice. Those have been appointed and the Audit Committee has met.

Remuneration has to be decided for them. These are professional people giving their time. So we turn to the guidelines for rates for remuneration for boards, commissions and agencies, which is what is used throughout government generally. It categorizes members of these various boards – the expertise required, I suppose, is a better way of saying it – as level one, two or three. So, in looking at the requirements of these members, we have suggested that level two would be the appropriate level.

If you look at the summary of that level, in the briefing note, the members require professional credentials or expertise. In this case we want Certified Accountants, and we have two Chartered Accountants on the board. At level two, in government, you only get \$240 a day for your services. It is perhaps not as much as you would charge if you were billing directly for your professional services, but that is what government provides.

I discussed, with the Chair of the Audit Committee, going to level three, and that would provide remuneration a little closer to what they would earn professionally, but the description of level three, as judge or arbitration role, does not seem to quite fit with the professional advice of the Audit Committee, so we are recommending that the level two remuneration be applied to those two external members.

**MR. SPEAKER:** Further questions? Comments?

Now the motion is an order to adopt the payment level as put forward in our minutes.

**MS MICHAEL:** So moved.

**MR. SPEAKER:** It is moved by Ms Michael, seconded by Ms Marshall.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

The motion is carried.

I am going to refer the next item on the agenda to the Clerk, as well, the updated pre-commitment of funds for the management certification process.

The Clerk.

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

This was a matter we were hoping to bring to the Commission for the March 14 meeting which, you will remember, got cancelled. The management certification process is one of the central points of Green's report, and it also shows up in the act.

This is the general regime in which the CEO or CFO of, for instance, publicly-traded corporations certifies that an adequate system of internal controls has been put in place, and securities regulators now require this of publicly-traded companies and it is moving into the broader government not-for-profit sector.

We had this approved as part of the special warrant request that the Legislature put forward last fall to deal with the cost of implementing Green, but we did not get the RFP done in time. So, by the time we had an RFP and an accounting firm selected, we were into February. The work will not get completed, then, in the 2007-2008 year; it will go on into the current fiscal year 2008-2009.

That constitutes a pre-commitment. We have entered into an agreement during the 2007-2008 year, February, for work which will not be completed and paid for until the 2008-2009 fiscal year. Under the Financial Administration Act that constitutes a pre-commitment and you need prior approval.

We were hoping to get that at the March 14 meeting, but did not make it because the meeting was cancelled, so the agreement has been entered into with the public accounting firm. I bring it to the Commission's attention more that it may be a matter that the Auditor or Comptroller General might raise.

If there is fault, it is not the Commission's, because the Financial Administration Act places responsibility on the deputy minister or the officer who administers that head of expenditure. Because there was not

technically authority for this pre-commitment to enter into the contract, it technically could be viewed as a violation of the FAA. It would not surprise me if the Auditor or the Comptroller General commented on the Clerk agreeing to this contract.

It is really more for information purposes for the Commission, if the Auditor or the Comptroller General brings it up.

**MR. SPEAKER:** Comments or questions?

Ms Marshall.

**MS E. MARSHALL:** Are the funds committed now?

**CLERK:** Well, we have verbally entered into the contract. We have not signed the contract but, in essence, the verbal awarding means it has been committed, yes.

**MS E. MARSHALL:** So, have the funds been committed in Interim Supply?

**CLERK:** Well, I do not know specifically, but I suppose they could be considered since it would be professional services, and whatever percentage of professional services we would take could be applied to this, yes.

**MS E. MARSHALL:** Okay.

I would check that with the Comptroller General to make sure that we have it done properly.

**CLERK:** Yes.

**MR. SPEAKER:** Further comments?

That particular topic was for information only.

Moving right along, the next item on the agenda is several letters of appeal, actually, from members.

The way the House of Assembly pays for advertising now has changed a little bit from what it was. Members are still allowed to advertise, but the one stipulation is that in advertising there must also be some information conveyed, if you are going to advertise - not only the member's district and the wish, if it is Christmas wish or if it is a congratulatory message.

In order for advertising to be paid for by the House of Assembly, the advertisement must include either the member's e-mail address, the member's telephone number, or the member's postal address. There has to be some information conveyed to show contact, or how contact can be made, with the individual member.

Like all new rules and regulations, and all new policies, it takes a little bit of time for everybody to absorb exactly what was meant by them, and to accept them and to fall into practice.

There have been several situations where members went forward and did some advertising, which they were totally allowed to do, but failed to put in and complete the piece about the contact or the telephone number.

Several members have written the Commission to ask for consideration of payment for this particular advertising. The members' names are included in the manual. I think there are about three requests here.

I bring it forward for the Commission's thoughts, and to see if the Commission is willing to make payment to those particular members for the advertising which they were allowed to do; it is just that there was a small oversight there as far as the information that was contained in the advertising.

I do not think we have had any correspondence from any member any time recently, because members now know full well what is required and what needs to be

done. So, I do not think you are going to see this coming forward on a regular basis from here on.

For understanding purposes, the Clerk.

**CLERK:** If I could, just to add to the Speaker's remarks, part of the problem here is that the manual that we put together was somewhat ambiguous, so the members do have a certain legitimate argument, and one of the letters of appeal here, the one from the Minister of Health and Community Services, does make that point.

Our manual, at one point, talks about: the advertising message may include –

**MR. SPEAKER:** May.

**CLERK:** - constituency hours and so on and so forth. Then at a further point it makes a more explicit statement that it must, but it was confusing. There were two separate matters. So part of the blame is ours, in that the manual was not clear.

**MR. SPEAKER:** Ms Michael.

**MS MICHAEL:** Yes, mine is a question of clarification, not so much with regard to what needed to be included, but the fact that the Christmas messages were done. Because the section, paragraph 24(i) - it is a minor point but I think we need to clear it up - says that the message is: notices of constituency meetings, advertising messages of welcome or congratulations. I actually did not do a Christmas message this year because I was advised that a Christmas message was not welcome or congratulations. So, I would like to have that cleared up as well.

**MR. SPEAKER:** It is my understanding that a Christmas message was certainly acceptable but the message, whether it was in paper form or if it was advertised, the message should still contain the information that must be provided here and as long as that was done, the Christmas message could

have been implemented in putting forward the contact information.

The Clerk.

**CLERK:** I do not know, Ms Michael, did we advise you that we would not accept the Christmas ones?

**MS MICHAEL:** Yes, that is my memory from my office, and I did not do one for that reason because I had done one the year before.

**CLERK:** I will say that we did not get a lot of guidance from the rules on this matter and if you read the rules, Ms Michael is right. It talks about welcome or congratulations. There had been a standard practice of the Christmas greetings and we looked at this and did an interpretation within the administrative section saying it is not really much different from a welcome or congratulations to say Merry Christmas.

So, in our view, if I could just go on a bit with advertising, I think the Chief Justice's restrictions on advertising were to avoid it being used as backdoor donations. You remember that we discussed this at an earlier meeting of the Commission. So, as long as it was reasonable expense through ordinary commercial matters it was not being used to provide donations through an alternative means, we assumed that there was nothing that made a message of welcome or congratulations any more meritorious than a Christmas greeting, so we said we will accept Christmas greetings just as we would of welcome messages. But, we do not have a lot of clarity in the rules on this point.

**MR. SPEAKER:** Ms Michael, are you completed with your -

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

Because if we are going to understand that and it gets documented that we include Christmas greetings that will be fine.

**CLERK:** Sure.

**MR. SPEAKER:** Ms. Marshall.

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

I think that we should review the wording of the rules because I know there was some confusion in the past but I am still getting a lot of inquiries from some of our caucus members. One of the areas that is confusing to them is advertising in booklets. For example, like some sports group or some community group. So, you are trying to consider it in terms of whether it would be considered a donation through the back door. I would like to see a little bit more direction given to the members in this area. So, I would like to put forward that suggestion.

**MR. SPEAKER:** For your information, what we have used as a guideline, and I think the corporate offices have been using it as well, we all get requests to advertise and put congratulatory ads and best wishes in many publications, but what we have been using as a guideline is the local newspaper publication. *The Shoreline*, in your area, or *The Packet* in mine, or *The Pilot* or *The Coaster*, or whatever. We have been using those advertisement prices as guidelines of what we would pay to put in other publications. If *The Shoreline* costs you \$15 an advertisement to put forward your name, your telephone numbers, and all the office information that you need in its publication throughout the district, then we consider that as a template of what you might want to consider payment for advertising in other publications.

Mr. Parsons.

**MR. PARSONS:** Mr. Speaker, I would recommend that we deal with the issue here today regarding these approvals and that for our next meeting the Clerk would bring back, as part of the agenda, a specific topic which would deal with these issues of may

versus shall so we can get some direction on that as to what goes in the ad. Also, the issue of Christmas cards will be included, and also the issue about the advertisements. We bring it back and we will deal with it as a separate heading and give it the proper consideration and make our rulings accordingly so that we are very definitive then.

**AN HON. MEMBER:** What kind of Christmas card?

**MR. PARSONS:** Christmas greetings that we send out.

**MR. SPEAKER:** Okay.

Would you want to put a cost on advertising as well, or would that be -

**MR. PARSONS:** Well, at least some more specific direction. We are talking about three different, four different issues here in this one topic.

**MR. SPEAKER:** Yes.

**MR. PARSONS:** I just think we need to be very specific about what is going to be permissible. We need to do that in a separate meeting when we are all on the same page and have the same information in front of us and then it is properly documented.

**MR. SPEAKER:** Thank you.

Is everybody in agreement with that? In the meantime, before we -

**CLERK:** Mr. Speaker?

**MR. SPEAKER:** The Clerk.

**CLERK:** Just to point out, that we have added a second part to the actual recommended minute on appeals, and that we do confirm you always would have to have the contact information. So if you look at the suggested minute, we are saying,

okay, we will address the appeals that were presented but we confirm that at least contact information is needed.

Having said that, we can still review the other matters that Mr. Parsons brought up.

**MR. SPEAKER:** Before we move off the topic, is the Commission ready today to make a motion to either accept or not accept the request as put forward by six members to be reimbursed for their advertising, in consideration of the misunderstanding of the rules that has been brought forward from an earlier date?

Mr. Parsons.

**MR. PARSONS:** I would move that their request be approved.

**MR. SPEAKER:** Seconder?

**MS MICHAEL:** Seconded.

**MR. SPEAKER:** Seconded by Ms Michael.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

The motion is carried, that the six members be reimbursed for their advertising with the bills that they have submitted.

That concludes the agenda for today's meeting. I thank all members for their participation and making an effort to stay behind to attend the meeting. There is a book of business here that needs to be done, and continued to be done.

My understanding is that we will meet again on Wednesday at 5 o'clock on April 30, the next regular meeting of the House of Assembly Management Commission meeting.

All agreeable with the date that we have set as a date to meet, April 30 at 5 o'clock in the afternoon?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All agreed.

With that, this meeting is now adjourned.