



PROVINCE OF NEWFOUNDLAND AND LABRADOR  
HOUSE OF ASSEMBLY

HOUSE OF ASSEMBLY  
MANAGEMENT COMMISSION

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Forty-Third Meeting

Wednesday, December 11, 2013

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**HANSARD**

Speaker: Honourable Ross Wiseman, MHA

The Management Commission met at 8:30 a.m. in the House of Assembly Chamber.

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

Welcome to the House of Assembly Management Commission meeting.

Before we start, for the proceedings of the broadcast, I will ask members to introduce themselves, starting with Ms Shea.

**MS SHEA:** Joan Shea, St. George's – Stephenville East.

**MR. KING:** Darin King, Grand Bank and Government House Leader.

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

**MR. BALL:** Dwight Ball, Humber Valley.

**MR. A. PARSONS:** Andrew Parsons, Burgeo – La Poile.

**MR. K. PARSONS:** Kevin Parsons, Cape St. Francis.

**CLERK:** Sandra Barnes, Clerk.

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

**MR. SPEAKER:** Thank you; and welcome, members.

Everybody has a copy of the agenda. There is one item I omitted from the agenda that as a formality we need to go through this morning. With the appointment of Mr. Parsons to the Management Commission and Mr. Granter's leaving, we now need a replacement for the Chair of the Audit Committee. So we will deal with that as an agenda item as well today.

Everybody has a copy of their agenda and the documents in preparation for the meeting. Also, as a part of our legislation that guides the activity of the Commission, we have to report a meeting of the Commission decisions that were made by in camera meetings. I want to read into

the record the information from the in camera meeting on December 4, 2013.

The House of Assembly Accountability, Integrity and Administration Act provides for the Commission to meet in camera on matters that are of a budgetary, personnel, or legal nature. On Wednesday, December 4, 2013 the Commission met in camera and made the following decisions.

The Commission approved the abolition of the position of Assistant Commissioner of the Office of the Information and Privacy Commissioner. The Commission also waived the two-day waiting period for a decision of confirmation to expedite the timely implementation of that decision. That is for information purposes and our obligation to report at a public meeting of the Commission.

Let's deal with the new item that I have added to the agenda. We will deal with the minutes of the last meeting first. We might as well do this in appropriate order.

The minutes of the meeting held on September 18, 2013, you have them in your binder. You had an opportunity to read them. I will entertain a motion to accept them as circulated.

**MS MICHAEL:** So moved.

**MR. SPEAKER:** Moved by Ms Michael; seconded by Mr. Parsons.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

Motion carried.

On motion, minutes adopted as circulated.

**MR. SPEAKER:** Mr. Parsons from Burgeo – La Poile. We have to make the distinction here now, don't we? When you are sitting next to each other, it further complicates it.

Let's deal with the item we have just added to the agenda. I indicated earlier that we needed to elect a new Chairperson of the Audit Committee to replace Mr. Granter. I will entertain a motion to nominate someone for that position.

Ms Shea.

**MS SHEA:** I nominate Kevin Parsons.

**MR. SPEAKER:** Seconded by Mr. King.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

Congratulations Mr. Parsons on your election to Chair of the Audit Committee; that is Mr. Parsons for Cape St. Francis.

The next item on the agenda is found under Tab 2 of your binder. The Audit Committee have made a recommendation to the Commission. You will see in a letter dated September 18, 2013 from Mr. Granter, the Chair of the Audit Committee, and this I will read into the record, "The Audit Committee have reviewed the financial information of the House of Assembly and Statutory Offices and the related audit report and recommendations of the auditor and recommend pursuant to paragraph 23(7)(d) of the House of Assembly Accountability, Integrity And Administration Act that the Commission approve and sign the financial information for the financial year ended 31 March 2013."

You will also note, "The Committee note that in the Management Letter dated September 4<sup>th</sup>, 2013 the Auditor General reported that no significant findings had come to his attention during the audit of the House of Assembly and Statutory Offices."

We will need a motion from the Commission to accept the recommendations of the Audit Committee. With that motion, and it seconded, if there is some discussion around the statements then we can have the discussion at that time. Is there a motion?

Moved by Mr. Ball; seconded by Ms Michael.

Are there any questions or discussion with respect to, before I call for the vote, the contents of the audited financial statements that are here?

There being none, all those in favour of the motion?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** Against?

Motion carried.

We also need as a part of this process – these statements require the signature of the Chair of the House of Assembly Management Commission together with another member of the Commission. These signatures need to be affixed at a public meeting of the Commission.

I will sign it as the Chair of the Commission. If you guys want to fight about which one of you will sign it, then I will just pass them to the nearest member. I ask Mr. King if he could sign those statements as a member of the Commission and that will dispose of that issue.

Under Tab 3 we have the financial statements of the House of the Legislature which includes all aspects of the Legislature including individual statements of members of the House for this period as well. Sometime late last night you would have received an e-mail from Ms Barnes attaching two that were missing from the original package. You no doubt have those this morning, I assume?

We do not need a motion to accept or to reject these. These are for information purposes. As we deal with this item, are there any questions or comments with respect to any of the information contained here?

There being none, we will move on to Tab 4. We have two letters of appeal from two members with respect to payment of claims. The first one is a letter received from the Member for the District of Port de Grave. The

note provides an explanation of the circumstance or the policy with respect to the issue at hand.

When members are advertising in any media or any form of advertising, whether it is in TV, radio, or print, it needs to have embedded in there a reference to the address of the member, contact information with respect to the member. Sometimes these may be congratulatory in nature and it may be an ad of some kind, and that is what this one was, of congratulatory nature.

This member had indicated that on many occasions he has done this in the past and the radio station would automatically embed that trailer, which says: The message on behalf of, identifying the member and their address. Because of a change of personnel at the radio station, this did not happen in this case.

The member has asked us to consider the claim as a legitimate one. In fact, this type of expense is a legitimate expense under the rules. Corporate and Members' Services were not able to pay for it because that trailer was not on the message indicating the address of the member. There was an oversight by the radio station and he asked us to reconsider on the basis that it was an error by the radio station and not consistent with his practice of providing that information.

**MS SHEA:** I have a question.

**MR. SPEAKER:** Ms Shea.

**MS SHEA:** How would the Management Commission know if that trailer was on the ad or not?

**MR. SPEAKER:** Corporate and Members' Services, you mean?

**MS SHEA:** Yes. Well, how would we know? This just seems new, but how would we ever know if it was on or not?

**MR. SPEAKER:** I am not sure. The radio ads are very different in that we do not get a copy – when the invoices are paid, as I understand it, you need to have a copy of the ad that you ran to

be attached to your statement so that Corporate and Members' Services will know the nature of the message and the nature of (inaudible).

**MS SHEA:** So you send in that link or whatever?

**MR. SPEAKER:** I am not sure if you would send in the link. I do not know if it is retained electronically. If it was a radio ad that ran yesterday on the radio, I do not know how long the radio station would retain that. I doubt very much if they would retain it for very long.

To your question, I am not sure how corporate services would have been aware that it was not there. My own experience has been that I attach a copy of the ad I used and submit to the radio station, which would include that on there. On the basis of that, corporate services would pay it.

**MS SHEA:** So you send in a written ad, like the words that were on the ad?

**MR. SPEAKER:** If I record a message, and I am just using mine to illustrate a point.

**MS SHEA:** Yes.

**MR. SPEAKER:** If I have recorded a message that I am using on a radio station, I have a text prepared to read into the record and that is what I submit with my claim.

**MS SHEA:** You would not read the trailer?

**MR. SPEAKER:** No, the trailer would be on there, but the radio station would use that.

**MS SHEA:** It would still be on there, okay. I just read it and I did not know how we would submit something like that.

**MR. SPEAKER:** Some members would do – this one was a congratulatory message to congratulate a group of people organizing a community event. Some members would do it at this time of the year to bring Christmas greetings in their district. So it would be a short thirty-second message. That would be an eligible expense, provided that at the end either

the member themselves or somebody at the radio station said this has been from x, y, z member and their contact information is, address and phone number.

**MS SHEA:** Radio stations would e-mail us, the member, and ask to do the ads and stuff.

**MR. SPEAKER:** Yes, that is typically how it would happen.

Ms Michael.

**MS MICHAEL:** Was it part of the very first policy that we put together or was it in addition to the policy? I really have no memory; I can remember when we had discussions over ads in booklets and that kind of thing but I have no memory of a discussion of radio ads. It is really interesting.

**MR. SPEAKER:** I think, my recollection of it was the original – because remember after the Green report it was not intended to allow donations to charitable organizations. Sometimes you would put an ad in a minor hockey booklet congratulating somebody on organizing a hockey tournament. That way if you were not promoting your office and contact information for you, it could be seen as a donation. How you would actually see this as an ad versus a donation, the distinguishing characteristic was your address, contact information.

If you strictly gave a donation to an organization and they put an acknowledgement in a booklet for you, then that would be considered a donation and it would not be eligible. If, however, you are promoting how to contact you, as an MHA, and looking to how you would let people in your constituency know how they might contact you, that is where the address is the trigger piece.

**MS MICHAEL:** I am just wondering, was it part of the very original policy, or did we add it at some point and somehow it eluded me?

**MR. SPEAKER:** Mr. King.

**MR. KING:** Just a couple of comments to Ms Michael's comment. I think it was there from the very beginning, my recollection, yes. I am not sure so much about the urban MHAs, but I think most rural MHAs are aware and would use that form of advertising.

Specific to this, my view is that we should pay it, because I go through the same experiences, and I am certain there would have been no malicious intent on the member's part. It seems clear it was an error on the radio station's part. It seems to be a one-off. Unless we are going to put in another mechanism now where the radio station tapes the ad and e-mails the vocal ad to the Commission, it seems to me it would simply be an error on the radio station's part and we ought not penalize the member who followed the procedure and submitted the ad the way it ought to have been done.

**MR. SPEAKER:** Mr. Ball.

**MR. BALL:** I have no problem supporting Mr. King there and the comments about this. This, indeed, is an oversight from the radio station in this particular case. One question I would have, if the member tried to recover it based on the fact they did not really deliver the message that he wanted delivered. Part of all this was, in this case, for the member to supply information to his constituents, which is one of the reasons why this is an ineligible expense. So that did not happen on behalf of the radio station.

I am just wondering if the member went back to the radio station and tried to recover this cost simply because it was an oversight and obviously a mistake on their part. I do not know if that happened or not. It does not say in the letter if it did and they refused to do it, but I agree with supporting the member and reimbursing this expense. I would ask the question, if he went back looking for a refund?

**MR. SPEAKER:** I do not really know. Actually, I did not ask the question. I would not be able to answer that for you. Is it the desire of the –

Mr. King.

**MR. KING:** An interesting comment, Mr. Ball's comment there. It might be worth, in light of this oversight, corporate services exploring whether or not members ought to be placed in the middle of this, because it is a business transaction. The member is simply the one who asked for the ad. The cash flow puts the member right in the middle of a business transaction, when in actual fact corporate services maybe should be the ones dealing directly with the station. If the service is not provided to the member the way it is asked for, then let corporate services deal with the radio station.

I am not suggesting for this incident, but maybe on a go-forward basis because I suspect all of us are in the same boat. We get placed in the middle sometimes of a transaction where we do not really need to be there. All we are doing is simply authorizing that we want this particular ad to play. The actual transaction is between the government and the business. This is just a thought.

**MR. SPEAKER:** Ms Michael.

**MS MICHAEL:** I am not speaking against reimbursing; I just want to get clarification where I really had not thought about the issue before so I think it brings something up to us to discuss. I certainly would not be against reimbursing Mr. Littlejohn.

To come back to what Mr. King was just saying, I am not sure it would be the responsibility of corporate services. I think more that it would be the constituency assistant. When I do an ad in one of the papers in St. John's, for example, *The Scope* – it does not exist anymore. I always had my ad in *The Scope* with my information every month. I do not do that; my consistency assistant does it. So if *The Scope* made a mistake, I would expect my consistency assistant to deal with it because that is who takes care of that kind of thing for me. I would think it would be more on that level rather than the corporate services. I am open to discussion, but I think it is a good discussion to be had though.

**MR. SPEAKER:** Mr. King.

**MR. KING:** Just for clarification. I may have misunderstood a little bit what we are doing here with this incident because in my experiences with a radio station, government is directly billed. I use radio ads all the time. I never pay for them and get reimbursed.

**MS MICHAEL:** (Inaudible) minister.

**MR. KING:** No, as an MHA, not as minister. You cannot avail of this as a minister. This is MHAs' allowances. As an MHA, if I use the VOCM radio in Marystown and I do advertisement, I simply provide the text of the radio ad and the rest of the business transaction is between corporate services and VOCM. I am simply a middleman in the transaction. Now, in this case I am reading that he paid for it and did not get reimbursed.

**MR. SPEAKER:** That is right.

**MR. KING:** Okay, that is a little different scenario than what I was describing. I was thinking in terms of my own experiences that the business transaction is between the government and the vender, VOCM, and we just happen to be the middlemen as MHAs.

**MR. SPEAKER:** Just to speak to that point for a moment. There are some members with newspapers and with other media outlets that run ads regularly; they have POs issued directly to the outlet involved. That way, the payment is directly made by corporate services. Some members decide to pay it themselves then submit a claim, so there are two methods of having it done.

**MR. KING:** Okay.

**MR. SPEAKER:** Both are legitimate; it is just the preference of the members as to how they want to have it managed.

I have a couple of comments that suggest that people are okay with doing this, but just for clarity, would someone be prepared to make a motion whether we make it embedding something that Mr. Ball suggested? What is the

wish of the group? I will entertain a motion to dispose of this in some fashion.

Mr. King.

**MR. KING:** I am certainly prepared to make a motion that we reimburse the member for this particular expense, if there is a seconder. Not to link the two together, but I do not want to attach anything to the motion because it appears there might be some further discussion on the other issues Mr. Ball, Ms Michael, and I raised. I am prepared to entertain that discussion, but in terms of disposing of this issue I am prepared to make a motion that we reimburse the MHA.

**MR. SPEAKER:** Is there a seconder for that motion?

**MS MICHAEL:** Seconded.

**MR. SPEAKER:** Ms Michael.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** Motion carried.

Thank you.

I will raise the issue with the member involved and advise him of the decision of the Commission, obviously, but I would also inquire as to whether or not he has made any representation to the media outlet involved with respect to a reimbursement based on the error that had been made.

Ms Michael.

**MS MICHAEL:** Just to add for our discussions, it is not for decision-making purposes, but for me that would be a normal thing to do. For example, again, if a mistake is made in the paper, and it happens more often – I should not say more often than not, but it does happen – we always go back. My constituency assistant will go back, or if it is in my role as leader my personal assistant will go back and either try to

get reimbursement or another ad put in to make up for the mistake that was made.

That is a normal business way to do things and I think it would be a good practice for MHAs to be aware. If this kind of thing happens, I think we should go back and say: Well, you made a mistake, so you have to make it up to us in one form or another either by not charging or doing another ad. I just put that out for thought.

**MR. SPEAKER:** Mr. King.

**MR. KING:** I respect, certainly, what Ms Michael has said. Just to offer maybe a little defence without knowing anything about what happened here, I do know in my own experiences with VOXM you have to pay upfront. There is no such thing as saying: You did not provide the service, so I am not going to pay you for it. You have to pay upfront before these ads are done.

I suspect what happened, if the member paid himself, is he sent the advertisement in, they required a Visa if he paid it himself, he would have had to make the payment, and then the ad ran. He would not have known about the mistake until after the business transaction had closed, just for clarity. I do not think it was a case that he would have provided any –

**MS MICHAEL:** I am not talking about this case; I am talking as a general rule.

**MR. KING:** Thank you.

**MR. SPEAKER:** Thank you.

The second item here is an appeal from the Member for the District of Terra Nova and this has to do with a couple of claims: one in the amount of \$122.27; the other in the amount of \$72.94. Both of these claims were legitimate claims in terms of the expenses being claimed, and were eligible for reimbursement. The difficulty that corporate services had was that it had been submitted beyond the sixty-day deadline and that is the reason they rejected the claim. The member is asking us to wave the sixty-day submission deadline and authorize the

payment of both claims because of the sixty-day deadline.

Could I have a motion to that effect?

Moved by Mr. Ball; seconded by Mr. Parsons.

Thank you very much, members; this concludes the agenda for today. I want to thank each and every one of you for your commitment to the Commission over the last year and wish you and your families the very best of Christmas season, enjoy yourselves, and see you in the New Year.

Thank you.

On motion, meeting adjourned.