



PROVINCE OF NEWFOUNDLAND AND LABRADOR
HOUSE OF ASSEMBLY

HOUSE OF ASSEMBLY
MANAGEMENT COMMISSION

Fifty-first Meeting

Monday, June 8, 2015

HANSARD

Speaker: Honourable Wade Verge, MHA

The Management Commission met at approximately 5:00 p.m. in the House of Assembly Chamber.

MR. SPEAKER (Verge): Good afternoon, ladies and gentlemen. Welcome to the Management Commission.

We will take a minute to introduce the members and we will get right to the business.

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

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

MR. HUTCHINGS: Keith Hutchings, MHA, Ferryland.

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

MR. LITTLEJOHN: Glenn Littlejohn, MHA, Port de Grave.

CLERK: Sandra Barnes, Clerk.

MS KEEFE: Marie Keefe, Clerk's Office.

MR. SPEAKER: I am Wade Verge, the Speaker of the House of Assembly and Chair of the Commission.

We met on May 26. At that time we looked at proposed changes that we were making to the House of Assembly Accountability, Integrity and Administration Act, and more particularly, members' allowances and rules. We needed to make these changes because of the changes or the anticipated changes that were coming to the electoral boundaries in the Province.

Of course we decided at that time – we went through the changes and the Commission agreed in principle with the way we were doing things, but we did not have the final report. The final report came down today and we now have all of the changes that are going to be coming before the House by way of a bill later this week.

There are a number of districts in the Province that have changed in name and changed in size. We needed to change certain parts of the

members' rules. In particular, we needed to change the section that dealt with the whole capital region piece. There were fifteen districts that were defined as being a part of the capital region piece and they are listed in the attachment that was sent out to you. Of course now these new names need to go into the Rules.

There were also six districts that are defined in the Rules as being in close proximity to the capital region and for those districts they have new names. There are also a dozen or so districts for which subsection 37.1(2) of the Rules applied, the districts that sort of live furthest from the capital region and for which there was an allowance or provision made that these districts, if a member is travelling, would have the provision to stay overnight while in transit.

Then there was the whole Schedule A which listed all of the districts in the Intra- and Extra-Constituency allowances that these districts had. Now of course we have forty new districts – or forty districts, some have stayed the same. We have to replace the old Schedule A with a new Schedule A.

This was all done with the understanding that the changes were interim, that we were making, and that it would be looked at in further detail when the next MCRC met. We moved a motion in the last meeting, if you recall, that the next MCRC should meet within six months of the next general election.

So what has been circulated to you is the new information. I will not go down through all of it because we did that last time, but if anybody has any question about anything in particular then feel free to ask.

Ms Michael.

MS MICHAEL: Yes, I did not ask this question when we first looked at the changes. It is more a piece of information than anything, but in the determination of the change in size of the districts that are going to have increases in their Intra-Constituency Travel, how was the extra size determined? For example, one district may be 200 kilometres bigger than it was – the new one is 200 kilometres bigger. What was used? Is that a straight line measurement? I am not

really sure, and I have been asked that, actually. How was that determined because it is not square kilometres?

MR. SPEAKER: We contacted the Department of Finance and Statistics and we have tabulated – I have a spreadsheet there actually – but what we asked them to do was to, first of all, give us the total number of roads, total amount of road in a district as it currently exists, and then give us the total amount of road in the new district.

MS MICHAEL: That is provincial road, is it?

MR. SPEAKER: Provincial road, yes, and highways.

CLERK: Whatever roads are in the district.

MS MICHAEL: Yes.

MR. SPEAKER: Whatever road the member would be expected to travel over, I guess, to get from point A to point B in his or her district. That information was provided to us by the Department of Finance and Statistics. Is that correct, Sandra?

CLERK: It is the Economic and Statistics Branch of the Department of Finance.

MR. SPEAKER: The Economic and Statistics Branch.

That is from which we made these projections. If a district increased by less than 100 then we did not make any allocation; 100 to 200 then we allotted an additional 2,000 kilometres travel, et cetera.

We applied that same principle – recognizing though, because we had considerable discussion about this as a staff, and the staff worked on it quite extensively – recognizing that the whole piece of Intra- and Extra-Constituency Allowance really needs another lens applied to it. That is why we felt that it should get a further and a deeper analysis when the MCRC next meets.

MS MICHAEL: Right.

Yes, actually I did speak to a couple of MHAs today – not from my own caucus because my

own caucus does not have any rural in it – just to get their response to it. One of them made a comment, I think, which was a good one, that obviously – and sort of we did it in a way when it came to responding to the Green report – we will probably need to test this and see if the analysis that is done is reflecting the travel for people. Maybe after a year or so we may need to look at it and say: Okay, did these calculations – were they valid? Are they really covering the travel that people are doing in these districts that are being affected?

MR. SPEAKER: Anything else?

Mr. Ball.

MR. BALL: Mr. Speaker, the only question I had is if these changes are being made today – the legislation obviously has not been passed in the House of Assembly. I was not at the last meeting, but just a question about clarification on the process of this because it seems like now this will go through the Management Commission meeting in advance of the legislation being approved in the House of Assembly. Just an answer in response to how that works before the legislation is actually passed.

MR. SPEAKER: This is considered to be a consequential amendment. We needed to do this piece of work because this will go through with the House of Assembly – is it the House of Assembly Act that is being changed?

CLERK: Yes.

MR. SPEAKER: – with the House of Assembly Act. So this will actually be reflective in the new legislation that is being drafted for debate in the House.

MR. BALL: Okay.

MR. SPEAKER: Of course, anything that we are doing here is dependent on final passage in the House of Assembly.

MR. BALL: Okay. That is good.

MR. SPEAKER: Ms. Michael.

MS MICHAEL: I guess this is in relationship to that, but very specifically. All of this is happening extremely quickly. The report came out this morning. This afternoon, in the middle of being in the House of Assembly, we got the memo. It is only ten minutes ago that I saw something in the memo that I think needs to be discussed. It is all part of the speed.

Under required action in the memo, one of the actions required – there are two actions required. One is the approval of the appendix. The other action is the second bullet on the top of page 3, “The Commission waives the two day waiting period for decision confirmation to assist in having the proposed amendments prepared for the current sitting of the House.”

I have to say I am quite concerned by that. Bill 42 – and I did not have time to get it out to look at the exact wording, but my understanding, my memory of Bill 42, is that ten days were allowed in the legislation between the report coming out and legislation being in the House, that the Premier had ten days to make that happen. Now we have a bullet here that is pressuring us to give up our two-day waiting period. I remember when we had the discussion about process with regard to when we make a decision and making sure that we have time to assess a decision that we have made and the two-day waiting period would mean that there would be two days before action could be taken on anything we discuss here today – that is my memory.

That gives time to really read through it carefully. I know it looks like it is pretty straightforward, but we have passed pretty straightforward things before when we are rushed and errors get found, and I am not comfortable with our not having the two-day waiting period for a decision confirmation. I need to put that out there.

We will be within the ten days that are in the legislation. I assume that when the legislation was written – Bill 42 – when ten days was put in, it was put in for the sake of caution and for the sake of saying time has to be taken to write the new legislation. I can understand that some of the new legislation could have been written without the report, because there was so much of the report that was dictated, or so much of it would be dictated by the legislation so a

framework could be put together; but, nevertheless, we still have to make sure that everything is being done carefully, and everything is done accurately. I am not comfortable with our waiving the two-day waiting period.

I cannot say I have no problem – I would like to absolutely go through every single word of the appendix to make sure it is all perfectly accurate, and we are not being given that time. The report this morning, the memo in our hand this afternoon, make a decision, it is just not comfortable to me – and it goes against what we have. We set up those rules for a reason, and it is not even in the spirit of Bill 42, which became the amended act, because that allows for a ten-day period from the time the bill comes out until legislation gets put on the table in the House.

MR. SPEAKER: I can comment, unless someone else wants to comment first?

My understanding, first of all, is that the two-day provision is a provision the Management Commission imposed upon itself back in 2009. The impetus for it, if I recall correctly, is that we were dealing with the members’ rules and allowances and the Management Commission made a decision that once a decision was made at a meeting, it was circulated to members of the Management Commission. If we did not hear or if the staff had not heard from a member within two days, then it was deemed to be okay. Of course that was so that things would not be held up unnecessarily trying to wait for members to get back and confirm that they had received and that they were in agreement.

The other thing is that the Management Commission, in a previous time, did forego the two-day rule. The other thing I would add is that what we are doing here really is just making provision so that members who get elected at the next general election will be able to receive an Intra- and Extra-Constituency allowance to provide them with the assistance to do their work right after the election.

This has nothing to do with the electoral boundaries and the whole debate around electoral boundaries. What this does is saying if the boundaries are to be changed and if this passes, then we do not want for only members

who are identified in the present rules by the names that are there to be receiving an allowance for Intra- and Extra-Constituency travel and some other members not. So that is simply what this does.

I understand and I appreciate the point you are making, but I do not necessarily agree that there is any danger or anything in waiving the two-day rule here. We met last time as a Commission and we agreed. We looked at what was there and we looked at our rationale for proposing the numbers that we did. The Commission agreed in principle, and we decided that we would call a quick meeting.

If you remember correctly I initially said does the Commission feel comfortable and the Speaker just making the name changes and that and making the changes according to the principles that we had already agreed on. The Commission was not comfortable with that. So we said we would come back quickly – because once the report comes in, then the House will be debating this. We will come back quickly and look at the changes that they had proposed since their last draft report and move from there. That would be my comment on that.

Ms Michael.

MS MICHAEL: I am not disputing your comment, and I appreciate we have a different position. It was not said at that last meeting that we would have to be making a decision about waiving the waiting period. I certainly still thought there was a ten-day allowance in the legislation from the time the report comes until legislation gets put in. I am questioning the speed with which all this is happening. I know we are not dealing with the full piece of legislation, but I feel like we are being pressured. The two-day waiting period is the norm, even if once we did make a decision not to do that.

I am not comfortable with it. If I vote against the action, it is not that I am voting against the changes. I am obviously not voting against that, but I do not like what is happening here. This was not something that was presented when we said we would come and meet quickly.

We came and met quickly to make the decisions, but that did not mean quickly meant that tomorrow we could have the legislation in front of us. I am not saying it is going to be tomorrow, but you said it is going to be this week.

So I am just saying doing it following our rule would still allow the legislation to come into the House within the ten days allowed by legislation. That is my point.

MR. SPEAKER: First of all, if I said it was coming this week, then I misspoke because I do not know when the legislation is coming. I know that notice was given today that it is coming, which means it may be given first reading tomorrow. I do not know what government will decide to do in that regard. So if I said that, I misspoke.

Mr. Ball.

MR. BALL: Yes, just to get some more information and clarification on the comments and the discussion.

What is the consequence of not agreeing – or if we do not waive the two-day window waiting period, what would be the consequence given the Wednesday is a PMR day anyway so this legislation will not be on the floor of the House of Assembly on Wednesday? If tomorrow it gets introduced, in all likelihood when you look at the normal progression of bills, it will probably be Thursday. So if I look at the two-day window it seems like it really does not matter if it was waived or not, but I would just like to get some feedback and an answer and a response, I guess, to that scenario.

MR. SPEAKER: Go ahead.

CLERK: We have to forward any of our proposed changes to Legislative Council so that they can draft and include them in the bill. As the Speaker mentioned earlier, they are consequential amendments. The whole idea of timing is to make sure it is included in the scope of the amendments coming forward to change the boundaries and any others that the Premier, I think, alluded to today.

If they do not get included, the only option is to go with a separate act and hope it gets through the House. Because if the House does not sit before the next general election, as the Speaker said, we will not have any authority to pay allowances, I&E allowances to about half of the members in the new districts.

MR. BALL: Okay, just for timelines again. If this was passed today, the two day waiting period was waived, this will automatically then go or quickly go to legislative –

CLERK: They have to incorporate it into the amending bill that they are drafting.

MR. BALL: Exactly. Which means that if we do not do it, this cannot be introduced tomorrow, right?

CLERK: Well, we either hold up the bill or they go without us.

MR. BALL: Okay, because by the time they had the opportunity, or government had an opportunity to advance the bill it would be into Thursday anyway, so the two day waiting period would not be an issue then it seems.

CLERK: They have to incorporate it in the bill and they have to have the bill printed.

MR. BALL: Well, they cannot distribute. That was my question; that is where I am trying to get. So tomorrow you would not be able to table this bill.

MR. SPEAKER: Not unless this is incorporated in there.

MR. BALL: That is where I thought it was going. That is where I thought this was going, and that is the reason why I wanted some clarification on that.

MR. SPEAKER: Any further discussion?

Questions?

Okay. We have two actions that we are looking – two items we need action on. The first one, I am going to read this and if somebody would like to make this motion, then please indicate.

“Pursuant to Section 64 of the House of Assembly Accountability, Integrity and Administration Act, the Commission hereby gives approval to the attached proposed amendments to the Members’ Resources and Allowances Rules, subject to final wording by the Office of the Legislative Counsel and approval of the House of Assembly.”

Moved by Ms. Michael, seconded by Mr. Hutchings.

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Contra-minded, ‘nay.’

It is carried.

The other item we are looking for action on is, “The Commission waives the two day waiting period for decision confirmation to assist in having the proposed amendments prepared for the current sitting of the House.”

Do I have somebody who is willing to make that motion?

MR. HUTCHINGS: So moved.

MR. SPEAKER: Moved by Mr. Hutchings, seconded by Mr. Parsons.

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Contra-minded, ‘nay.’

SOME HON. MEMBERS: Nay.

MR. SPEAKER: The motion is carried.

I would entertain a motion for adjournment.

Moved by Ms Michael, seconded by Mr. Parsons.

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Contra-minded, ‘nay.’

Carried.

Thank you, ladies and gentlemen.

On motion, meeting adjourned.