



PROVINCE OF NEWFOUNDLAND AND LABRADOR  
HOUSE OF ASSEMBLY

HOUSE OF ASSEMBLY  
MANAGEMENT COMMISSION

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Sixty-fifth Meeting

Wednesday, March 14, 2018

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**HANSARD**

Speaker: Honourable Perry Trimper, MHA

The Management Commission met at 5:15 p.m. in the House of Assembly.

**MR. SPEAKER (Trimper):** I would like to welcome our viewing audience and the Members of the Management Commission to this meeting of the Management Commission.

First of all, my name is Perry Trimper. I'm the Speaker of the House and the Chair of the Commission. I would like to turn to fellow Members to introduce themselves, please, starting at my far left.

**MR. P. DAVIS:** Thank you, Mr. Speaker.

Paul Davis, Topsail – Paradise.

**MR. HUTCHINGS:** Keith Hutchings, Ferryland.

**MS. MICHAEL:** Lorraine Michael, St. John's East - Quidi Vidi.

**MR. BROWNE:** Mark Browne, Placentia West - Bellevue.

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

**MS. COADY:** Siobhan Coady, St. John's West.

**MR. WARR:** Brian Warr, Baie Verte - Green Bay.

**CLERK (Barnes):** Sandra Barnes, Clerk.

**MS. RUSSELL:** Bobbi Russell, Policy and Communications Officer.

**MR. SPEAKER:** Okay. Thank you all very much.

First of all, I'd like to read into the record the results of an in camera meeting. As required by the *House of Assembly Accountability, Integrity and Administration Act*, I would now report decisions made at an in camera meeting held on February 13, 2018, and subsequent to this meeting today.

The Commission, at an in camera meeting, approved the 2018-2019 Estimates for the Legislature to be forwarded to the Minister of

Finance for inclusion in the 2018 Estimates and voted on in the Legislature.

Okay, so that decision has been read into the record.

I will now turn to our agenda. I'd ask the Members to please go to Tab 2, that's the approval of the minutes from our previous meeting on February 1.

Do I have any comments or discussion on the minutes? They seem to be in order. I'd ask for a mover to accept them.

**MR. BROWNE:** So moved.

**MS. MICHAEL:** Seconded.

**MR. SPEAKER:** Mark Browne, and seconded by Lorraine Michael.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** The minutes are approved.

On motion, minutes adopted as circulated.

**MR. SPEAKER:** Right now I ask you to turn to Tab 3, and this is regarding a Speaker's report. In my capacity as Speaker, I'm able to rule on matters such as this one before us, which is rulings on an allowance use. MHA Osborne had submitted a claim. While it was over 60 days, it certainly was within the scope of what's eligible and allowable. I'm just reporting that decision, that I authorized the forwarding of some-\$30 to MHA Osborne.

Tab 4, these are the financial reports from April 1, 2017 to December 30, 2017. There's a great deal of detail here. They are summarized. I did ask earlier of staff if there was anything of particular note in terms of someone has exceeded and so on. While there are a couple of Members who are approaching their budget, they have not exceeded it yet. So I have those here. I don't believe we require a decision on those. It's just for information purposes.

Seeing no discussion, I'm going to – that's quite a substantial bit of documentation there. I will

now move on to Tab 5, and we have three items here. These are requests for appeals, and it is regarding expense claim appeals.

Given the first one relates to myself, I will recuse myself and ask the Deputy Chair of this Commission to please stand in for me.

**MR. SPEAKER (Warr):** Thank you.

The Member for Lake Melville is appealing the denial of payment by Corporate Members' Services Division of expenses incurred by the Member. The expenses were rejected because they were incurred more than 60 days prior to the claim for reimbursement as required under subsection 7(6) of the rules. The expenses submitted total \$490, and \$1,333.40 are permitted under the rules, but could not be approved for payment as per the provisions of subsection 7(6).

The expenditures include meals and accommodation expenses for house and session travel at \$490 and constituency related conference expenses at \$1,333.40. The Member for Lake Melville is appealing the decision and has made a request to the Management Commission in accordance with section 24 of the *House of Assembly Accountability, Integrity and Administration Act*.

**CLERK:** Mr. Warr, we have a question.

**MR. A. PARSONS:** Andrew Parsons.

**MR. SPEAKER:** The Chair recognizes Andrew Parsons.

**MR. A. PARSONS:** I understand these are expenses that would have been allowed had they have been filed in the same time. I'll certainly move that they be accepted, but if we could put a message to the Member for Lake Melville, I noticed in the last set of minutes he was also late then. So perhaps the Member can get it together so we don't have to be dealing with these matters all the time.

I'll certainly move that.

**MR. P. DAVIS:** Seconded.

**MR. SPEAKER:** Secunder Paul Davis.

Any further questions?

**MS. MICHAEL:** No, not a question, just a comment.

I thank the Member for giving good explanations for us because even though it's not required, I remember a long time ago my saying the explanations are helpful for us and they were good explanations.

**MR. SPEAKER:** Thank you.

All those in favour of the motion?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** The motion passed.

I will turn it back over to the Chair.

**MR. SPEAKER (Trimper):** Thank you very much, and my wife probably thanks you as well.

The next two regarding our appeals are actually around the same type of incident. It's the same situation. We have an appeal for the Member for Cape St. Francis. We can think of them as one at a time or in tandem, but the fact of the matter is it was around the same event.

It regarded an advertisement that was deemed by staff here – and they're just following the rules of the day. At the time the actual expense occurred within the time frame for which ads were to be of a business card size only. The situation here was that for both of these Members for Cape St. Francis and for Conception Bay East - Bell Island, they both exceeded that size. They had been rejected earlier and both of these Members have appealed.

I look for discussion.

**MR. P. DAVIS:** I just want to comment.

The provision changed, that was November 11. The provision changed in a couple days. It became effective just a couple of days –

**MR. SPEAKER:** One day later, actually.

**MR. P. DAVIS:** Yes, just after that.

If you want to do them separately, I would move approval of paying the advertising expenses totalled \$258.75 for the Member for Cape St. Francis.

**MR. SPEAKER:** Any discussion?

**MR. A. PARSONS:** The only question I would ask is we had a similar scenario, I think, with the Member for Exploits recently where we discussed it. I think we actually denied it.

What I want to make sure is was the reason for denial of that one the same as this one? Personally, I would like to approve all of them but I want to make sure that we're not changing. I can't remember when it was. Do you remember? It was a similar –

**MR. SPEAKER:** You have a good memory. That's exactly the case.

**MR. A. PARSONS:** That's where I am on this. I can remember because we had a lot of deliberation and talk about that. That Member fell into the same trap of certainly not intentionally trying to do anything, the same as these two Members here. They weren't trying to do anything. It's following the same rules; I don't fault them personally at all.

If we applied the standard then and voted against, where I am now is that we have to have, as the Member said, some consistency, unless there's something different. That's what I was looking for. Is there something different between why we turned that one down and why these two –

**MR. HUTCHINGS:** Mr. Speaker, do we have an example of that one that was referenced?

**MR. SPEAKER:** I can relate and I'll look to the Clerk.

**MR. A. PARSONS:** Okay.

Again, I would have no problem with deferring these so that we can look back at our previous decision to make sure that we're –

**MR. SPEAKER:** If I may try to offer some discussion point, from the staff's perspective who will review these matters, they're looking at

the rules at the time for advertising. Clearly, on all those situations we're discussing, it was beyond the rules that were in place at the time.

The situation for the gentleman for Exploits was, of course, that was his first time submitting an advertisement to the paper. He, for whatever reason, proceeded with an ad that was larger than was allowed.

In the situation with the two Members that we're talking about here, it was a recurring ad, as they indicate, that was going on each year. So while there are some different circumstances at the end of the day – and from a staff's perspective they're saying they could not approve it – the Management Commission can still decide what they would like to do.

Yes, Siobhan Coady.

**MS. COADY:** Thank you very much, Mr. Speaker.

I concur with my hon. colleague. My concern would be around fairness and making sure – and I look to your staff and to the Clerk to ensure we are treating one Member of this House.

As my hon. colleague just said, this is not about anyone trying to deliberately do anything against the rules, but you want to treat all Members equally and fairly. If we've made a decision in the past that mirrors the same circumstance, then we should at least apply the same lens.

I'll leave that until we get the information.

**MR. SPEAKER:** I have a motion on the floor to approve the payment of these two items and a seconder. If there's no further discussion, I guess I would ask for a vote on that motion.

**MS. MICHAEL:** I just need to look at the second –

**MR. SPEAKER:** Or do you want to defer? I would entertain a second motion.

**MR. P. DAVIS:** Mr. Speaker, I wouldn't be averse to deferring this to a future meeting so that we could compare the circumstances and also timelines.

**MR. A. PARSONS:** I don't think this is the first time or the last time it's going to come up. I think it's our job – these rules are different. I don't think any of the three instances were intentional. Maybe we could find a way to look at this decision but, more importantly, make sure we recommunicate to all MHAs and staff the new rules so that none of us falls into this. Nobody wants to be at this stuff or doing it.

If we could rescind the Member's motion, defer it to the next meeting and then get the information and come back at it.

**MR. SPEAKER:** There are two other elements, if I may introduce, just in my time sitting in the office and understanding how the process works. I would also suggest the precedent nature of this is also what is of concern.

I believe there are two aspects of that; one is that, oftentimes, Member's expenses are rejected and they don't appeal. Then, there are those that are appealing, as you just referenced one of them. I'm not sure if it's possible but I think it would be useful to understand how many were rejected and how many were rejected after they had appealed.

Is that a lot of work? Are we digging too big a hole?

**CLERK:** If they bring it forward and it's rejected, we don't necessarily keep a log. It would be anecdotal but it probably be – whenever they're rejected, we do advise Members that we're limited by the rules as well, but the appeal process is there. That's indicated to Members whenever there's –

**MR. A. PARSONS:** If we put it out to Members and somebody falls into that, I would suggest the duty is on them to come back and say I fell into this group. If they don't, I mean, without putting all the work on and going back through all this –

**MS. MICHAEL:** No, I don't think we should.

**CLERK:** At the Management Commission meeting in November is when that appeal came forward. So if you look at your – it's online. The expense actually occurred in May of 2017. The same thing, it was in a civic awards booklet. It

was bigger than the business card size that was allowed by the advertising policy at that time.

**MR. A. PARSONS:** I move the matter be deferred until the next meeting.

**AN HON. MEMBER:** I second it.

**MR. SPEAKER:** Fine, all in favour?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** We'll come back with additional information from which we can make a decision.

Thank you.

I'll ask us now to turn to Tab 6, and this is what is called the categorization under the *Transparency and Accountability Act*. Essentially, what is needed as this is a new Office of the Seniors' Advocate that we're referring to it was incumbent on Dr. Suzanne Brake to do an evaluation as per the criteria that are used to come up with what type of prediction or plan they need to develop.

Based on the scoring system that she's completed here and so on, she's deemed that the office is considered to be a Category 3. This type of matter needs to come before the Management Commission. That's why it's on the agenda here today. So I'm looking for –

Siobhan Coady.

**MS. COADY:** May I ask one question? Is this subject to change? Because the circumstances could change with this office as it's developed.

If I look at results expected, for example, she's indicated typically mandated to complete activities versus produce outputs. This is a new office. As the mandate grows, continues, I'm just wondering how long does this categorization stand and when will we see it again?

**MR. SPEAKER:** I'll turn to the Clerk.

**CLERK:** It has to be revisited.

**MS. COADY:** Yes.

**CLERK:** Yes. Actually, we had some change since they were initially established because we were dealing with very new legislation at the time and then there was a re-assessment done ...

**AN HON. MEMBER:** (Inaudible) 2012. So we have had changes, as offices have changed their mandates.

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

A recommended motion is that the Commission approves the Office of the Seniors' Advocate as a Category 3 entity for the purposes of applying the Transparency and Accountability Act as recommended in the categorization assessment form dated on March 1, 2018.

I'll need a mover and a seconder.

**MR. HUTCHINGS:** So moved.

**MS. MICHAEL:** Seconded.

**MR. SPEAKER:** Moved by Keith Hutchings, seconded by Lorraine Michael.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

That motion is also carried. That decision is carried.

Turning to Tab 7, please. Further to my own particular interest in this matter, and I would suggest the interest of all in the room, that of enhanced security, and in particular constituency offices. Following up on a survey that we've completed of concerns and aspects around security amongst all of the constituency offices, it is recommended, or it has been developed before you to consider the installation of this additional security measure. It's been assessed with some-23 offices that this would apply to with a current estimated cost at approximately \$3,000 each. We have an item here before us to consider for approval.

Mr. Browne.

**MR. BROWNE:** In the cost estimate, was there any consideration or evaluation done that by purchasing 23, would there be a lower cost or does this represent – if I were to go buy one, would it be \$3,000?

**CLERK:** We'd have to do them all individually because most of them are independent leases. So it has to be done as a leasehold improvement (inaudible) deal with a landlord.

**MR. BROWNE:** (Inaudible) change the purchases?

**CLERK:** No, no, we're not able to do that. We did go out and solicit quotes just to get an idea of what kind of costs we were looking at, but we have had a couple of – we're dealing with people working alone for the most part, and we have had incidents where the assistant has been bullied or threatened because of various circumstances.

**MR. SPEAKER:** Yes.

Lorraine Michael.

**MS. MICHAEL:** I'm very happy to see it actually. Our constituency offices are here in this building and our constituency assistants are safe because of that.

I remember when I first came into the House back in 2006, we did not have the security that we have now and we did have incidents prior to my being the MHA. Maryann was the assistant for Jack Harris. Very angry constituents making it up to the office and there was always somebody else around but, still, it used to happen. Sometimes it could be someone who had mental health problems. It was various things. We now have that security here. I think every constituency assistant should be in a safe place and we should make sure they are safe.

**MR. SPEAKER:** I completely agree. I did bring along – Sandra prepared this, Sandra Barnes. This describes the sort of situation of each of the offices. We have 23 that we'd like to move on enhancing the security.

If there's no further discussion, I'll look for a – yes, Sir.

Mr. Davis.

**MR. P. DAVIS:** Mr. Speaker, I just wanted to echo the comments by Ms. Michael as well.

It is absolutely necessary to ensure safety and security of staff, especially if they're working alone, which is most often the case and quite often the case with constituency offices. By the very nature, sometimes of circumstances that citizens find themselves in would sometimes lead to reactions and upset that can be a little bit unsettling for staff. We just have to make sure they are safe.

I agree with this addition. The only question I have is – I know that technology continues to evolve and improve and so on, and I'm just wondering from a process perspective, did we go out and ask for quotes specifically for this or did we give any consideration to what other technologies that may be available to include in such an installation, such as, for example, a panic button or call button, a distress button or a way that a constituency assistant who is in a circumstance could call for help or assistance very easily if it was needed?

**MR. SPEAKER:** I'm going to start with a response to that and I'll turn to the Clerk for a follow-up.

There are actually a variety of mitigation measures that have been suggested and proposed through discussions that I've been a part of and some of the other feedback we've had. Regardless though, this is to address who that CA would allow to come into the space. Things like a panic button and so on, these are additional features which still could be needed at some point and given the circumstances, but this is that basic, do I open the door or not requirement and to have this kind of security we thought was at least the first level of protection.

**MR. P. DAVIS:** I respect that. Just my thought is when we asked for quotes, did we consider – because sometimes the equipment can do multiple things that, for little or no additional cost with a small modification, could have a multifunction.

I know like in technology today, for example, I can set up a smartphone in a location and if it

detects motion, feed it to another smartphone anywhere in the world instantly. Technology has evolved and it's free; free services that do those kinds of things.

You know the technology is there. I am just wondering when we do the quotes, maybe just if we included when we're securing contractors for this installation, that we give consideration to what else may be available that might be able to enhance security and safety.

**CLERK:** As the Speaker indicated, we did go out with a risk assessment to the constituency assistants and they've responded. That's being evaluated right now. We did have some immediate circumstances that we wanted to respond to right away.

As we develop our leases, we change them to meet current circumstances. An example of that would be, the original leases for constituency offices provided for an office for the MHA and a reception-waiting room area, the constituency assistant would be there and receive visitors, but, of course, with the privacy requirements now, that wasn't workable anymore. So we had to amend the template for the lease to have two offices and a reception area to ensure that constituents were afforded the privacy they should have.

As we move forward, when we evaluate the results of the responses, we'll also look at the leases and everything and see what needs to be built into that.

As I said, we did have some kind of urgent circumstances that we wanted to address right away. We have to work through existing leases. It's add-ons after the fact.

**MR. P. DAVIS:** Yes.

**MR. SPEAKER:** So a possible motion – I see no further questions or discussion – would be that the Commission approves the expenditure to install video security intercoms with door releases for the constituency offices located in leased premises.

**MR. P. DAVIS:** So moved.

**MR. SPEAKER:** The motion is moved by Paul Davis; seconded by Mark Browne.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** The motion is approved.

Finally, Tab 8, this is regarding correspondence from MHA Lane who's asking for some consideration to the Management Commission for Members to have alternates identified. If in the event that a Management Commission Member is not able to attend, an alternate could attend in their place.

The staff have done, I would say, quite a bit of work by the way, just in responding and preparing to this. I hope you had a chance to read it and I look for any discussion.

Lorraine Michael.

**MS. MICHAEL:** Yes, I did read it carefully and I thank the staff for the briefing note because they gave us both the sort of legal information that we needed and the other information.

First of all, I have been loathed to do anything that changes a recommendation from the MCRC, and I'm still loathed to do that. I think the MCRC put a lot thought into this. The issue around the quorum was not a recommendation on its own, connected to that was the recommendation, as has been point out in the briefing note as well. The recommendation with regard to having a calendar in place so that we can all make sure we're giving priority to the Commission meeting. We have that responsibility. I believe, as individuals, we know what our responsibility is. Then also, the policy provisions of the Commission that are also pointed out in the briefing note.

Both of those points I thought of and then I come to the briefing note and they're both there, that is the having the calendar so we know our meetings well in advance. The fact that we can use telephone, and we've had that happen a number of times now and the ability of the Member to submit written commentary.

All of this we've done, and I think, excepting the fact that we have responsibility, I don't see having alternates, and for the reason that's laid out here in the briefing note, I had that same thought, you need continuity and continuity gets lost, and then the time that would have to go into, like in my caucus there's only two of us. So if I couldn't go and they said I could have an alternate, then I would have to make sure that the Member for St. John's Centre is up on everything. So I think there's a continuity issue.

The other thing for me is that we don't do it for other Committees. For example, the Public Accounts Committee, we don't have alternates for the Public Accounts Committee. It's not a practice, and in that case too, it's because, I think, of the need for the continuity.

So I would not be approving what's been proposed.

**MR. SPEAKER:** Siobhan Coady, you had your hand up.

**MS. COADY:** Certainly, I can speak to this as well.

I support what Ms. Michael has laid before us. It also opens up a question of if your focus, as an alternate, would be then acting as a proxy or would they be then acting as themselves.

I think it has some challenges with opening this up to alternates, including legislative change requirement. So I'm supportive of the direction that Ms. Michael has laid before us to not approve.

**MR. SPEAKER:** I believe I'm seeing a similar agreement in the room.

A suggested motion would be the Commission does not approve the request from the Member for Mount Pearl - Southlands to allow replacement Members for meetings of the Management Commission. The current provisions of the *House of Assembly Accountability, Integrity and Administration Act* prohibiting alternate Members will continue.

I'm looking for a motion.

**MS. MICHAEL:** So moved.



**MR. SPEAKER:** Lorraine Michael; seconded by Andrew Parsons.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

The motion is carried.

This concludes our agenda. I would like to thank all the Members for their participation.

I need a motion to adjourn.

**MR. A. PARSONS:** So moved.

**MR. SPEAKER:** Andrew Parsons and seconded by Paul Davis.

Thank you all very much, and thank you for tuning in.

On motion, meeting adjourned.