



PROVINCE OF NEWFOUNDLAND AND LABRADOR
HOUSE OF ASSEMBLY

HOUSE OF ASSEMBLY
MANAGEMENT COMMISSION

Sixty-seventh Meeting

Wednesday, May 16, 2018

HANSARD

Speaker: Honourable Perry Trimper, MHA

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

MR. SPEAKER (Trimper): I'd like to welcome everyone to the House of Assembly Management Commission meeting. Also, I understand we're now live on the broadcast.

First of all, my name is Perry Trimper. I'm the MHA for Lake Melville and the Chair of the Management Commission.

I'd like to ask the other Members of the Management Commission to introduce themselves. We also have staff and other technical support so I'll turn to my left.

MR. P. DAVIS: Thank you very much, Mr. Chair.

Paul Davis, MHA for Topsail - Paradise.

MR. HUTCHINGS: Keith Hutchings, MHA, Ferryland.

MS. MICHAEL: Lorraine Michael, MHA, 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: I'd also turn – we have them miked so I'll ask them to also introduce themselves to my right.

MR. CHAULK: Bruce Chaulk, Commissioner for Legislative Standards.

MS. HAWLEY GEORGE: Kim Hawley George, Law Clerk.

MR. SPEAKER: Thank you very much.

First of all, I'd like to refer everyone to Tab 1 and the minutes of our last meeting from April 18. I'm looking for any discussion around the minutes to ensure they're accurate, and then looking for a motion to approve those minutes.

MR. P. DAVIS: I move to accept the minutes.

MS. MICHAEL: I second it.

MR. SPEAKER: Thank you.

Moved by MHA Davis; seconded by MHA Michael.

All those in favour of the previous minutes?

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Against?

The motion is carried. The minutes are approved.

On motion, minutes adopted as circulated.

MR. SPEAKER: Over to Tab 2.

Tab 2 refers to amendments to the *Members' Resources and Allowances Rules* regarding preparation of the legalization of cannabis for non-medical purposes. We do have an information note that's been sent to all the Members of the Commission.

Essentially, it's to prepare in anticipation – perhaps I'll just read some of the comments that we have received, correspondence from the deputy minister of Justice and Public Safety regarding amendments which may be required to legislation administered by the House of Assembly as a result of the legalization for cannabis.

In response to this change by the Government of Canada the provincial government proposes a policy approach which would treat cannabis similar to smoking and/or alcohol. The staff completed a search of all provincial legislation that involved the words smoke, drug, alcohol, liquor or tobacco and we've identified two

instances where it's believed we should do an amendment, and it was around the word alcohol.

The Law Clerk has drafted a proposed amendment and that would be to our section 46 which would prohibit Members to having reimbursement of expenses associated with cannabis. As with alcohol, a Member would not be eligible to seek reimbursement for provision of cannabis.

We have text supporting that. There's also a timing piece that this, of course, would not be implemented until such time that the federal law is in place.

I'll turn now to the Commission for any discussion.

Any discussion or comments?

MR. P. DAVIS: I move we accept it here at the Commission.

MR. BROWNE: Seconded.

MR. SPEAKER: The motion has been moved by MHA Davis; seconded by MHA Browne.

All those in favour of the motion?

SOME HON. MEMBERS: Aye.

MR. SPEAKER: All those against?

The motion is approved.

Thank you very much.

On to Tab 3, this is a request from the Opposition caucus with regard to leader's travel allocation. Typically, in the budget for the Official Opposition is an item of \$42,100 for leader's travel. It's not a new budget item and the funds are already allocated under the budget for 2018-2019. While the funding is allocated to the leader, it can be utilized by caucus Members and caucus staff to travel when authorized by the leader.

As Mr. Ches Crosbie is the Leader of the Progressive Conservative caucus effective April 28, he's effectively the leader of the Official Opposition caucus. However, as Mr. Crosbie is a

non-elected Member, resources cannot be provided to him. When a leader of the caucus is unelected, mechanisms need to be found to allow the caucus to operate.

On a point of correction, since this briefing note was written, of course, it's now been recognized that Mr. Dave Brazil is now the parliamentary leader and administrative leader of the Official Opposition. Prior, it had been indicated as Mr. Paul Davis.

A request was sent to myself on April 30 from the Official Opposition caucus requesting the House of Assembly Management Commission to consider a policy change that would allow Members of the caucus and staff to access this funding. The proposed motion is that the Commission approves access to the leader's travel fund of \$42,100 under the Official Opposition caucus for Members of the caucus and staff as delegated by the Member designated as the leader of the Official Opposition caucus for administrative purposes.

I look for any discussion.

MHA Hutchings.

MR. HUTCHINGS: Thank you, Mr. Speaker.

As you have described, and as the request outlines, this is in particular to the current situation of the Parliament here in regard to the appointment of the leader of the Opposition. Obviously, the Loyal Opposition is the party with the second most seats in the Legislature. The leader of that party, as you indicated, is not elected and doesn't have a seat here in the Legislature. In the past, the activities of Opposition for the leader and for critic roles, in order to meet their obligations regarding being in Opposition, would have access to some of this travel and support that and support their activities.

With the changes and what you've described where we have a party leader, and also have appointed caucus leader here in the Parliament, that's not accessible under the current rules. Basically, we're looking for, from our caucus, a request for the Management Commission to consider that funding would be made available to the caucus of the Official Opposition.

MR. SPEAKER: Any further discussions?

MHA Parsons.

MR. A. PARSONS: If I could just ask a question here of the third point of the briefing note. It says that Mr. Crosbie is effectively the leader of the Official Opposition caucus. Wouldn't it be correct to say that Mr. Crosbie is the Leader of the PC Party?

He's not the leader of the Official Opposition caucus. That is Mr. Brazil, I understand.

MR. SPEAKER: I look to the Law Clerk for a comment.

MR. A. PARSONS: We can't say effectively the leader if that is not the case.

CLERK: This is one of these situations where the whole Westminster system is premised on the leader being elected, and then you're left to make it work when that's not the case. We're certainly not the first jurisdiction to have that. What we have different is the legislated framework with the *House of Assembly Accountability, Integrity and Administration Act*.

Essentially, the leader of the Official Opposition is the leader of the party with the second greatest number of seats in a Parliament. Essentially, what happens is that while he's the leader of the Official Opposition for parliamentary purposes, you need to designate somebody. Essentially they become the acting leader of Opposition. Right now, Mr. Brazil is acting as leader of the Official Opposition from both the parliamentary and the administrative because of our act purposes. Green doesn't contemplate anybody in an acting role. If I'm making myself clear.

So where Mr. Crosbie doesn't – he is not a public official because you either have to be elected or an employee to be a public official, signing authority, their entire – like their staffing, everything, has to be with an elected Member and because the act doesn't allow for leader or acting leader, we're in a bit of a bind in that Mr. Brazil can't sign any of the travel.

MR. A. PARSONS: Is this the first time it's ever happened?

CLERK: Since Green? It happened with the Third Party caucus.

MR. A. PARSONS: Did it not happen with –

MR. SPEAKER: You need to be identified.

MHA Parsons.

MR. A. PARSONS: I think at one point Kevin Aylward might have been leader of the Liberal –

CLERK: Oh, at one point Jim Bennett was leader of the Opposition. At another point Danny Williams was the leader of the Opposition. Ed Byrne was the acting leader. That all happened pre-Green.

MR. A. PARSONS: Not Kevin Aylward.

CLERK: I don't about Mr. Aylward, but we have had many circumstances where the leader hasn't been elected.

MR. A. PARSONS: (Inaudible.)

MR. SPEAKER: I'm going to go to MHA Michael, please.

MS. MICHAEL: Thank you, Mr. Speaker.

We were post-Green, and obviously it was when Earle McCurdy was our leader.

CLERK: Yes, right.

MS. MICHAEL: And Earle was in that position for two-and-a-half years.

CLERK: Mm-hmm.

MS. MICHAEL: And not one cent, of course, went to Earle. Our leader's travel money was not used while he was there. Our party paid for all his travel, et cetera. He was the leader of the party.

I was House Leader. Now, I know we weren't the Official Opposition but we are a party in the House. I was House Leader, so I couldn't access that travel money either. Any travel I did, I had to do it under my constituency.

So I find this rather confusing. I have a question about the first option. Where it says: “Approve the request from the Official Opposition Caucus to utilize the funding allocated for the Leader’s travel to allow caucus members and staff to travel on behalf of the Leader.” I’m assuming that means on behalf of Mr. Crosbie?

CLERK: Yes.

MS. MICHAEL: Well, for me that’s really problematic.

MR. SPEAKER: The Clerk, Sandra Barnes.

CLERK: If I may, Ms. Michael.

You’re correct. Mr. Crosbie is not able to access any funding, okay. But, as you’re aware, the travel allocation to the Leader is quite often used by other caucus Members and staff. It’s a case where, when the caucus funding allocations were set up, the travel was attached to the Leader, not to the caucus, but it’s always been used by all the staff and the caucus. It’s just it requires the Leader’s signature and nobody else’s signature, the way it established it.

It’s not unlike – it was set up to parallel the allocation in the minister’s office for ministerial travel, it can only be accessed by the minister. The difference in a department is, if for some reason it’s not being accessed, they can go under transfer of funds policy and have it transferred into another – they can ask for a transfer of funds, but we can’t do that, okay? I’m just trying to draw the –

MR. SPEAKER: MHA Hutchings, next.

MR. HUTCHINGS: Thank you, Mr. Speaker.

As you know, we’ve had some discussion with staff in the House in regard to this circumstance, in particular, too, the fact that our party holds the second most seats in the Legislature, so therefore we’ve been designated the official loyal Opposition.

The Leader of the party is not an elected official, as we know. Within caucus, we have designated someone now to be the leader of the Official Opposition and that person would carry out the duties and activities of that title. What I’ve

argued, I guess, is the funding and resources for that, in the parliamentary setting, is tied to that position and who sits in it.

What’s been ruled on this, and I respect the ruling and what the House has said, is that – I don’t agree with it – this person doesn’t get the funding and resources because there’s somebody outside who’s the leader of a party but yet is not elected here in the House.

From that, what we’re dealing with here is that to carry out the functions of Opposition, caucus at least needs the ability to entertain activities and functions that are related to their roles as critic in Opposition. I’ll state for record, I’m still a bit confused about the whole issue of pre- and post-Green.

My understanding is – what I had read – Green is almost silent on the issue of the situation where you have an elected party leader that’s outside and you have that same party Members who are sitting in the Legislature, have the second-most seats in the Legislature and therefore are designated as the Official Opposition, and if that group designates someone who is elected as the Official Opposition Leader, why those resources are not tied to him, I guess we’ve had that discussion, but the decision is under precedent or under parliament, it’s not to be done.

MR. SPEAKER: MHA Parsons.

MR. A. PARSONS: What I was suggesting is this is not an unprecedented situation. It’s happened in the Official Opposition before. It’s happened in the Third Party and there was no policy change made then as is being suggested now. I’m not sure why we would need to make a change.

I recall once where a non-elected leader couldn’t get an office upstairs. I know Ms. Michael said the same thing, this is not an unprecedented situation. This has happened. I don’t know why we would require a change to the rule now to allow taxpayers money to be spent differently than is –

MR. SPEAKER: MHA Michael.

MS. MICHAEL: Yes, I have a problem with the thing on behalf of the leader. The leader is the leader of the party. The Leader, at this moment, is not elected, just like we have for two-and-a-half years. I do not see the caucus, whether its Members or staff, officially representing the leader as caucus. They're there. They were elected. They're hired and they're there as Members and have staff doing their work and they are not doing anything on behalf of the leader of the party. I have a real problem with this.

It's extremely problematic because I agree with Mr. Parsons that when our Leader didn't get elected, we had to suck it up and we did suck it up. Believe me, it was sucking it up because we paid his salary, we paid his travel, everything because he did not have – while he worked with us in the caucus and he was very happy to have an office. He didn't have a government email address or anything, we all worked together, but he had no rights relating to the caucus. He was the Leader of our party.

It wouldn't even have come to me to ask for this kind of thing to happen. It's not because we didn't get it that I'm saying it, I just think it's really problematic because it's the responsibility of the party. It's their Leader. It was our Leader and we took care of our Leader. It wasn't his fault he didn't get elected. He worked hard for it, he didn't get elected, but it was the party's responsibility.

MR. SPEAKER: Thank you.

MHA Hutchings.

MR. HUTCHINGS: I think I'll provide a little clarity.

It's not our intention to suggest that an unelected individual would have access to any funds in the House of Assembly. We see an unelected official has no tie or access to the resources of the House of Assembly. That's not what this is asking.

This is saying because of the circumstance where you're telling us that the leader resourcing because he's a leader of a party who's not elected is not being – the person that we appointed to be the Official Opposition and sits

in that seat is not entitled to any resourcing at all.

What we're asking for is that in the past the Official Leader of the Opposition, when it was elected and that person was elected, there was a travel budget that could be used by that leader and could be used by Members of that caucus who are the Official Opposition to meet their obligations and duties as the Official Opposition.

What this asks for is that 42 – whatever the figure is – would be allocated to that current Member and caucus to carry out their functions of the elected officials as the Opposition. It has nothing to do with doing any duties or providing any services or resources to an unelected Member that now sits as leader of a particular party in the province.

MR. SPEAKER: MHA Parsons.

MR. A. PARSONS: I have to respectfully disagree with my colleague, Mr. Hutchings. I think this is exactly what this is and I don't see the need for the change for the policy here. We've seen previous situations like this where we did not change policy.

What we have is a leader of the party here. In order to become a Member of the House here, there are options that parties can take to allow that. We've seen that in the past where Members have given up seats to allow somebody else to run in their place. We've seen it here in this House before.

I would suggest that would be the best way to make the change there that's necessary, but making a policy change here on this is certainly not something I think I can be supportive of.

MR. SPEAKER: MHA Davis.

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

Mr. Speaker, I'm a Member of this House of Assembly, have been for many years now and until April 28, I was the leader of the Opposition and also leader of the PC Party of Newfoundland and Labrador. On April 28, our party chose a new Leader but I remained the leader of the Opposition until this week, when I

passed the reigns over to or our caucus chose Mr. Brazil to take over that function.

With all respect to staff, the options laid out here, I honestly believe do not reflect what we actually requested. The request from the Official Opposition reads as follows: Dear Management Commission, “As Members of the Official Opposition Caucus in the House of Assembly, we write to request that the funding provided for the travel of the Leader of the Official Opposition be transferred to the Official Opposition Caucus Fund.” Official Opposition caucus fund is for the use of caucus Members, caucus Members only.

We have many occasions in the past, when I was leader, up until April 28, have designated the use of those funds for travel by caucus Members, to travel I think only within the province to attend meetings or functions, or to attend and represent the Official Opposition at gatherings of municipal councils or stakeholder groups or what have you. That’s where that fund comes from.

We haven’t asked what Option 1 says: to allow the travel on behalf of the leader. Not the leader of party. We’ve asked that the funds be transferred to the Official Opposition caucus fund so it can continue to be used by elected Members as it has up until April 28.

With all due respect to Ms. Michael’s comments and what they chose to do with their unelected leader of their party, that was a decision they made. They could have come to this Management Commission and asked for the funds that were allotted to their Opposition or Third Party status in the House. What was allotted to them, they could have asked for the same thing. They choose not to do that. That was a decision they made.

We’re not asking for funds to be allotted for the travel of Mr. Crosbie, the Leader of the PC Party. We’re asking for the funds so that we can continue to do our work effectively as elected Members of the Official Opposition. That was the request that we made on April 30, which I don’t think is fairly –

MR. SPEAKER: Reflected.

MR. P. DAVIS: – articulated in the options that have been circulated by the House.

MR. SPEAKER: I am going to look to the Clerk just for any guidance on this.

MHA Davis is arguing the option we’ve presented to the Management Commission does not accurately reflect their request. Can we make that adjustment here or do we need to go back and bring it back before the Commission?

CLERK: I understand your argument. When we look at it, it’s exactly the same. Funding for the Official Opposition caucus is voted in that particular activity and the leader’s funding is under the Travel and Communications budget.

The money is there, the only issue is you can’t access it. The money is already in the caucus budget, it’s just access to it that policy prevents, okay? It’s probably splitting hairs to be quite honest.

MR. SPEAKER: MHA Parsons.

MR. A. PARSONS: I’ll go after.

MR. SPEAKER: MHA Davis.

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

Just to the comment by the Clerk, it’s still the same funds that would be accessed by elected Members of the House of Assembly to do their job as an Opposition. The detriment is – if the Management Commission decides not to approve this transfer – that the seven Members of the Official Opposition will no longer have access to those funds to travel the province to attend such things as municipalities conventions, or gatherings of Labrador leaders, as an example, or to attend districts around the province where there are gatherings of people who have matters of interest they want brought to the House of Assembly.

If the funding is not allowed for Members of the Official Opposition caucus to travel, then we will be restricted from doing our jobs as Members of the House of Assembly.

MR. SPEAKER: I’m going over to MHA Coady first and then MHA Michael.

MS. COADY: Thank you, Mr. Speaker.

I do want to weigh in and I wasn't planning to. I do want to weigh in because I think this is a little complicated. I just listened to my colleague, Mr. Davis, say they wouldn't be able to travel; they wouldn't be able to do any of their normal duties, which I believe to be incorrect.

This is the vote for the caucus funds and the vote for the leader of a party fund; they're two pots of money. What I understand we're trying to do is move the pot of money for the leader into the caucus funds.

MR. SPEAKER: I'll go to the Clerk for a comment.

CLERK: No, there's one activity: Official Opposition caucus. The funding for the leader is voted in Travel and Communications, like all travel funding under the Official Opposition caucus.

The issue is because Mr. Brazil is really acting leader and it requires the leader's signature then they can't access it. The only way that any of those funds are accessed is under the signature of the leader.

Members can travel on their I & E, but it has to be related to their constituency. For example, if a caucus Member was going to go to a budget consultation in an area of the province that none of the caucus represents, then the funding would come from that caucus travel amount, but it's authorized by the leader.

I know it's –

MR. SPEAKER: Cumbersome.

CLERK: – cumbersome, but we're bound by the financial and administration policies.

MR. SPEAKER: MHA Michael.

MS. MICHAEL: I have two questions; it goes back to what I asked before. When the Clerk says authorized by the leader, I remember that when Earle was leader, I maintained the signature because it had to be an elected person.

CLERK: That's right.

MS. MICHAEL: So I maintained the signature.

CLERK: The way Mr. Brazil does.

MS. MICHAEL: Yes.

So now Brazil has that.

CLERK: That's right.

MS. MICHAEL: So he can authorize that travel money for the leader then?

CLERK: No, you couldn't do it because Mr. McCurdy was the leader. Mr. Brazil is effectively the acting leader of the Official Opposition –

MS. MICHAEL: Right.

CLERK: – because the leader of the party is unelected.

MS. MICHAEL: But if he's the signer, which he is –

CLERK: He does (inaudible).

MS. MICHAEL: – and he's the acting leader, can't he, under his signature, access some of that money for caucus if they see there's somebody they really want to go to something?

CLERK: It needs to be approved by the Management Commission, because the Green act doesn't make any provision for acting capacity. That's the problem we've got.

MS. MICHAEL: Well, if I may continue speaking.

MR. SPEAKER: Please.

MS. MICHAEL: To me, that would be different and it's something that could be considered. But if we're going to say that this can happen as is being requested, that the travel money just go into this caucus fund, then I think we're talking about a policy change for everybody. That should be for the three caucuses, not just for the Official Opposition – if that change were to be made.

But if Mr. Brazil has the power as the leader of the Opposition here in the Assembly and it's his signature and he has that power to do that, to designate somebody to go to a meeting or himself to go to a meeting, then I don't understand this request.

AN HON. MEMBER: Does he have the authority?

MS. MICHAEL: Well, I'm asking that question: Does he have the authority?

MR. SPEAKER: I'm looking for further comment from anyone.

We will go to the Law Clerk, please. Kim Hawley George.

MS. HAWLEY GEORGE: I know it's complicated, and I appreciate that, but the way that I understand the request is consistent again with the fact that there's no provision in Green for an acting leader or any acting person, because the entire act contemplates somebody being elected. So everybody has to be a Member, that's the idea. I understand that the leader, previously, as Mr. Davis has said, authorized other caucus Members to travel in that context. So I think all this request is and what I understand the request to be is the caucus is asking that Mr. Brazil be that person authorized to allow that.

MR. SPEAKER: MHA Davis.

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

Just to Ms. Hawley George's comment, the only thing different before April 28 and post-28 was our party, which is not recognized here in the House, changed the leader. So when we spoke to the House of Assembly and officials, we had a number of discussions about what changes in the House, and one of the matters that was brought to our attention through the House of Assembly was that we would not be able to access the leader's fund and the process we're following is in consultation with officials in the House of Assembly.

I just want to reiterate two points if I may, Mr. Speaker. One is we're not requesting the funds be utilized for an unelected Member or an

unelected leader. We're not asking for that. We're asking that the funds be allowed to be used for travel by Members, the seven Members of the caucus who existed before April 28 and exist today after April 28. We're requesting that so we can do our job as the Official Opposition when need be.

The example used by the Clerk, I think, is a very valid one on budget consultations. Every budget consultation in the province, we had someone there, with the exception of one, which was in Labrador which had been postponed a couple of times and then when it was finally held, we couldn't attend. The rest of the budget consultations, we had a Member of our caucus in attendance. Under our intra-extra constituency travel, we would not be able to attend those meetings, very important pre-budget consultations if we didn't have this fund.

So our request is in keeping with the advice from the House of Assembly officials. If we're not permitted to access these funds, we're going to be restricted and obstructed from doing our own jobs that we're elected to do as an Opposition.

MR. SPEAKER: Before I go to Ms. Michael, I would like to remind the Members of the Commission that the proposed motion is the following: The Commission approves access to the leader's travel fund of \$42,100 under the Official Opposition caucus for Members of the caucus and staff, as delegated by the Member designated as leader of the Official Opposition caucus for administrative purposes.

MHA Michael, do you still want to speak?

MS. MICHAEL: Yes.

Where is that here? Because the option is not reading that way. We don't have that here in the note. I don't think it is legislative but if it is, then that would be complicated. If we were talking about saying that when there is a leader in the Assembly who is in place of the non-elected leader, I believe that person, if designated so, should have the signing authority to use that money. I mean, it just makes sense to me. I have a problem with the moving of the money totally over. I think it should be under the

leader who's the designated leader to approve or not approve how that money is spent.

I did that when I was leader. My assistant always came with me. My assistant was always paid out of the leader's travel. Times if I couldn't go somewhere, somebody else could go and I understand all that, but I have a problem – unless we do it for all three caucuses and make a change to how we're keeping the books – with just making this move.

I wouldn't have a problem saying let's make a change – let's broaden what Green said because Green didn't think of this circumstance.

MR. SPEAKER: MHA Parsons.

MR. A. PARSONS: A couple things.

I'm getting quite confused here because my understanding was that Mr. Brazil is the parliamentary leader of the Official Opposition. We've seen situations in the past; in fact, in 2013, where the leader of the Official Opposition stepped down during a leadership contest and Mr. Joyce took over as the leader and had signing authority.

The second part is – and I can put a motion forward to this effect – the request that came in, we're having a debate over whether the request that came in and the work that's done – we got this book 48 hours ago and we're hearing now at the meeting that there may be some difference as to what should be going on here.

I'm not prepared to entertain any motion right now where there's obviously some confusion that still exists out there. We're talking about changing Green based on – sorry, I can put a motion forward that if they want to defer this, that's fine, but otherwise, I'll be putting forward a motion not to accept.

CLERK: If I may.

There are no funds that need to be transferred anywhere. There is \$42,100 in the Travel and Communications vote under the Opposition caucus. So the funds are there. The issue is who can sign to access them. That's the issue. There's no transfer needed. The funds are where they need to be.

AN HON. MEMBER: (Inaudible.)

MR. SPEAKER: No, it doesn't.

CLERK: No, it doesn't.

MR. SPEAKER: Clerk, you can continue. Anything else further?

CLERK: No, I just want to be clear. There's no transfer needed. The funds are there, the same way they're in the Third Party. The government Members doesn't have funding for the leader because, of course, the Premier is the Leader and all those funds are voted in the Executive Branch.

MR. SPEAKER: MHA Coady.

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

There is clearly some confusion around this issue as to what the request is and what's the precedence. I always look back at the Management Commission and we've done a lot of work on making sure that we're consistent in the application of the rules.

What was done previously is done in the future so that we have consistency and there's no favouritism. There's no change. The rules are applied across the board. I've heard today that two other leaders who were outside the Legislature didn't have access to these funds but it might have been on the designated signature.

I think we need some clarity around exactly how the rules were applied in the past, because I'm hearing from MHA Michael that she had signing authority, not for someone outside the Legislature but certainly for her own team. I'm hearing that may be applied differently in this circumstance, I'm not sure about previous.

So I'd like to have some clarity on what the precedence has been in the application of the rules previously.

CLERK: May I?

MR. SPEAKER: Yes, please. Of course, yes.

CLERK: Since Green came in we've only had one situation where the leader has not been elected and that was the situation when Mr. McCurdy was the leader of the NDP. That's since Green.

SOME HON. MEMBERS: Oh, oh!

CLERK: After the general election.

MS. MICHAEL: He replaced Yvonne Jones.

MR. A. PARSONS: He replaced Yvonne that summer.

CLERK: He replaced Yvonne that summer, okay.

Well, in that case, I'll have to go back and look at that because the legal opinion we have goes back to February 2015, which would have been just before Mr. McCurdy was elected.

MR. SPEAKER: I'm going to take some leadership as a Chair.

CLERK: Okay.

MR. SPEAKER: I think I'm going to ask to seek the co-operation of the Commission to defer any further decision on this, allow us to come back to the Members with some direction consistent with what I heard.

MHA Hutchings.

MR. HUTCHINGS: When will that be —?

MR. SPEAKER: We're going to have to take to this immediately. I see it as a priority, so we'll come back.

Okay.

CLERK: We will check that out.

MR. SPEAKER: All right.

If I could ask the Members then, please, to turn to Tab 4.

CLERK: Put in a motion to defer?

MR. SPEAKER: I'm sorry. Yes, I do need to seek a motion to defer.

MS. MICHAEL: So moved.

MR. BROWNE: Seconded.

MR. SPEAKER: So moved by Ms. Michael, seconded by MHA Browne.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Okay. Thank you very much. We will come back as quickly as possible.

Tab 4, the item is entitled Harassment-Free Workplace Policy for Legislature & Code of Conduct. I'm going to read through a few key points, if I may, and then open it up for questioning.

Essentially, the Briefing Note that is provided to the Members and is available now to the public, it outlines the various legislative and policy provisions with respect to behaviour currently in place where Members of the House of Assembly, as well as employees of the House of Assembly service and staff offices, constituency assistants and political support staff in caucus offices.

As announced by the Executive Branch, a new Harassment-Free Workplace Policy for departmental employees will come into effect on the 1st of June this year.

On the 2nd of May, this House of Assembly did pass a private Member's motion which assigned responsibility to the Standing Committee on Privileges and Elections for the development of a Legislature-specific harassment policy. That entity has begun its work. As the parliamentary procedure dictates, passage of the motion constitutes an order of the House. So, as I say, it has started. Once its work is completed, this Committee will bring back its recommendations to the House for debate and a decision via a vote.

On the 3rd of May, I received a letter from the House Leader for the Official Opposition and the Leader of the Third Party asking that a meeting of this Management Commission be convened to discuss matters of harassment and intimidation and applicable policies and processes to address such allegations.

While policy matters related to the Legislature are typically under the mandate of the Management Commission, the PMR, from just two weeks ago today, approved unanimously in the House on May 2 does assign the responsibility for developing a Legislature-specific harassment policy to the Standing Committee on Privileges and Elections.

In terms of Impending Implementation of the Executive Branch policy; given this is coming into effect on the 1st of June and whether or not this should apply to elected Members, the Briefing Note outlines various implications and considerations for the application of this policy to the Members of this House of Assembly, including that it does not take into account the employment nature of elected officials, or that in application to elected officials the policy must co-exist with the provisions of the legislated Code of Conduct.

Basically, what that's saying is the principles can apply but the implementation as to how that harassment policy, which is how it would apply for elected officials, needs work. There are several aspects to it that would need to be considered, and an initial analysis has been provided, there would be significant work to do.

The Management Commission could – we could decide here – direct interim application of this Harassment-Free Workplace Policy – that will come into effect in a little over two weeks, the 1st of June – with the adjustments identified in Attachment 3. This would be such time until the House deals with the results, the recommendations from the Privileges and Elections Committee.

If this is what we decide to do, complaints related to harassment against Members could have the option of being addressed under the Harassment-Free Workplace Policy, that we would accommodate, or the Code of Conduct, or both.

As I say, the new Harassment-Free Workplace Policy of the Executive Branch will automatically apply to all employees – that includes the political staff that support us and the public service employees that work with us – of this Legislature, unless the Management Commission implements a Legislature-specific policy.

Should the House approve a policy affecting employees as a result of the recommendations of the Privileges and Elections Committee, these policy provisions will apply at that time.

So, if I may, we have a couple of options before us. One is we could direct an interim application of the Executive Branch Harassment-Free Workplace Policy, that will come into effect on the 1st of June, using equivalent processes as outlined in Attachment 2, in situations involving Members of this House of Assembly. The interim application will continue until such time as the House votes on the recommendations from the Privileges and Elections Committee.

It'll be sort of a stop-gap; it would be an accommodation until such time that the process that we started two weeks ago concludes its work and we've dealt with it here.

Or, we could continue with the Code of Conduct provisions – and I brought them along, this is what we all swore an oath to in this room back on the 18th of December in 2015. We could continue with the Code of Conduct provisions for Members and the Executive Branch Harassment-Free Workplace Policy for employees until such time as the Privileges and Elections Committee has completed its work.

MHA Coady.

MS. COADY: Thank you, Mr. Speaker.

Thank you for the clarifications and the opportunity to speak today. I think it goes without saying, but I'll say it anyway: threats, intimidation, harassment, really violence of any kind, have no place in any workplace, in any home and in our society. We have a responsibility, I think, to beset the tone. As leaders in our communities, we have to set the right tone and the right model.

I'd like to speak to the Code of Conduct for Members of the House of Assembly. For those listening in, I'd like to just use a little preamble from that Code of Conduct: the Code is the standard by which all Members agree to govern themselves in carrying out their responsibilities as elected officials as part of the Oath of Office, to which you referenced, Mr. Speaker, all Members agree to follow this Code of Conduct before being permitted to take their seats. So everyone here in this House has to swear an oath of allegiance to the Code of Conduct.

Now, Mr. Speaker, I have a few questions, I guess, about your preamble and about the recommendation here. The Code of Conduct is the foundation by which we must conduct ourselves in our business of serving the people of this province. Nowhere have we really addressed the modernization of that Code of Conduct.

When I look at the Code of Conduct, and I have been through it thoroughly, it does need some modernization. The word harassment doesn't even appear, Mr. Speaker. It does, under number 10, talk about relationship between Members and government employees should be professional and based upon mutual respect. So it does allude to it, but it is not explicit. So, I believe, Mr. Speaker, we really do need to modernize, update and improve upon the Code of Conduct.

I think we're at a tipping point in our society as more people recognize bad behaviour is not acceptable; it never has been, but recognizing how important it is that we conduct ourselves in a professional manner in all of our dealings with human beings – interpersonal dealings.

So that's my first question: What mechanism do we, as a Management Commission, have to modernize, update and improve upon the Code of Conduct? So I'll park that, and I do have a second question, so it'll come to that.

We do have a mechanism now as part of the private Member's resolution. I supported it, all Members of the House supported the resolution of sending it to the Committee, the Privileges and Elections Committee, to which it belonged under Green and belongs today, and getting their

work done is very important, but I'm wondering about the mechanisms.

So we've sent it to the Privileges and Elections Committee, but what's the time frame for them to report? Do they have any time frames? Is there anyone considering that? How does the Management Commission get updates on any progress because there are a lot of things that I'm sure we'd all like to consider under the development of a harassment policy?

So how is the mechanism, is the question, of the Privileges and Elections Committee – what is that? Does it come back to the Management Commission? Does it come back to the House as a whole so that we can make an informed decision?

To me, the foundation of all this is on that Code of Conduct. We can have a great harassment policy, but if we're not, as elected officials, conducting ourselves in a manner that is professional and courteous to one another, then we should, we must ensure that we do and the only mechanism that we have to be able to do that is through the Code of Conduct. That's the first foundational piece of ensuring that we all recognize that it's important that we do so.

Thank you, Mr. Speaker.

MR. SPEAKER: Absolutely, and I would add that when you look across the country, this is only legislated Code of Conduct that exists in Canada. So as a result of Green and all that went on there and the recommendations of Justice Green, the Privileges and Elections Committee undertook to develop a Code of Conduct, as directed, that's what I have here beside me, that's what we all swore to. While certain words may not be there, and as you say, some modernization may be needed, I believe that the intent of the behaviour and so on is very clear. It's very clear in this document and the seriousness of it, and so on, I think is also a very solemn oath that I believe we need to remember and take responsibly.

In terms of the process that is started now with the Privileges and Elections Committee, they're looking at a policy.

AN HON. MEMBER: Of harassment.

MR. SPEAKER: Of dealing with anti-harassment and so on.

Wherever you look at situations of policy and legislation – I don't like to use the word trump – but in this situation the fact of the matter is the Code of Conduct is a legislative matter so it trumps the policy. So regardless of what's out there and what's happening right now, that Code of Conduct is a standard to which we need to all be very accountable to and adhere.

The work that's going to be undertaken by the Privileges and Elections Committee will review the policy, as the Executive has laid it out; work to see how we can bring it in to our own world of elected officials, but because of the relationship to the Code of Conduct, it will also inform that Committee's activities. They will need to come back to this House with recommendations on whatever changes to the Code would also need to be done.

Am I correct, as I look to my team?

CLERK: Yes.

MR. SPEAKER: I'll ask the Clerk to perhaps add and then I'll go back to you.

Clerk, please.

CLERK: I hate to use the word consequential amendments, but it's kind of similar to that and in doing the work on any policy, they would have to look at the Code of Conduct. The House can give specific direction to the Committee.

MS. COADY: The House Management Commission?

MR. SPEAKER: No, the House of Assembly.

CLERK: Well, the House – the only way – there are only two ways, either a private Member's resolution could come in, the same way the last one did giving an order, or the Management Commission could ask the Government House Leader to bring forward a resolution with whatever contact, directing the Privileges and Elections Committee to review the Code of Conduct or imposing or asking for a timeline, that sort of thing, because it's the House that gives the direction to its Committees.

MR. SPEAKER: Okay.

MHA Michael.

MS. MICHAEL: Thank you, Mr. Speaker.

I didn't read through it yet, but I have carefully studied, more than once, the – what's the word I want – graph that has been done, where we have three columns there and one deals with the Executive Council policy for the public service sector, the middle one is the Executive Council policy for the legislative staff and employees including constituency assistants et cetera and then the third one is a possible way to go if we choose the interim.

I'd like to speak to that because I do think we need an interim application. My concern would be that tonight we may not be able to totally approve the process that's here, because I have a lot of questions about the process in the third column.

We are dealing with a real situation in the province right now. We're here doing this because of things that have happened – I can't say in the Legislature because it didn't happen in the Legislature but has happened in the whole Assembly. The Commissioner for Legislative Standards for the first time is dealing with something that, publicly anyway, we have not seen dealt with before.

One of the questions that is coming up, and I'm getting it outside of the House, and I'm sure you've heard it publicly as well: What process is the Commissioner for Legislative Standards using? What I like in what has been outlined is that there is a process there.

It would seem to me that in the interim, barring no other complaints of this nature, and we have a current situation, I think we do need to have an interim process in place because of the fact that number one, people are questioning right now the situation, and if somebody else – I know there are some people who have even said publicly that they are hesitating to bring forward a complaint because they don't know what the process is going to be.

I think it's really important that we have something as an interim. The Executive Council

policy – the content of that – is excellent. We would have to make sure we were satisfied with the interim process that we would put in place dealing with MHAs. I think it's necessary. Like I said, I'm not sure that tonight I would be ready to approve every single word in the draft that's been presented to us, but I think we have an obligation to put something in place in the interim. I really believe that.

MR. SPEAKER: So I guess might speak, if I could, take my situation as the Chair.

But in terms of putting in a process, if there is a harassment complaint now the process is established, it's outlined. The gentleman, the Commissioner for Legislative Standards, is here now with us. There are different ways that he can be activated to pursue that allegation. He can do it on himself, the House can make a recommendation, a Member can go to him and say I've got an issue or the Premier can make a referral.

He is functioning under that context now. His office has dealt with three such referrals in recent time. That is there. In addition to that process and so on, Executive has decided to implement a policy, specifically as you may say modernizing around anti-harassment and so on. We've also now embarked on the Privileges and Elections Committee to look at that policy, to come back to this House and provide recommendations.

Anyway, perhaps I'm showing my cards. But I really feel that right now we have a process in place and I feel we should allow the committee to do its work, but anyway.

MS. MICHAEL: May I respond to that?

MR. SPEAKER: Sure. And then I'll go to MHA Davis.

MHA Michael, please.

MS. MICHAEL: Okay, thank you.

My response is that in this draft that was sent to us, to be part of this afternoon's discussion, in the third column we have the equivalent process for MHAs. And with all due respect, what

you've just outlined, the general public doesn't know all that.

MR. SPEAKER: Mm-hmm.

MS. MICHAEL: But what's outlined here is now public and anything we decide on would be publicly out there for people to see.

So the complaint gets submitted to the Commissioner for Legislative Standards. So if somebody has a complaint, they submit it to the Commissioner. The Commissioner assesses to determine if the complaint falls within scope of policy. The Commissioner acknowledges the complaint and schedules a meeting with the complainant to review the possible options of resolution. The Commissioner follows up with written communication to the complainant reiterating the resolution options and confirms selected option.

I mean all of these details here are excellent but the general public doesn't know that this process is here, even coming down to the report – the Commissioner will provide a report to the Standing Committee of Privileges and Elections, and the Privileges and Elections Committee would review the report and decide on what recommendations would go forward to the House of Assembly.

I mean, all of that is important information, and if we approve that – and some of it is in process now. I know that.

MR. SPEAKER: Mm-hmm.

MS. MICHAEL: But it's not lined out like this. People do not know this, and that's what I'm concerned about, is people understanding. If we say yes to what's been outlined here, then we have an interim process that's recognized publicly.

MR. SPEAKER: MHA Davis.

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

From my perspective, I think we may be a little ahead of ourselves, because Ms. Michael just made a very valid point that the public who, I'm sure, are watching some of this tonight, may not

fully understand and appreciate how we land up to where we are.

I'd like to acknowledge as well that Mr. Chaulk's joined us tonight, the Commissioner for Legislative Standards, who, on the request of the Premier, has been asked to look into certain matters that we at this point in time are not clear what they are. I intend to ask some questions of the Commissioner for Legislative Standards, Mr. Chaulk, while he's here tonight.

But first of all I'd just like to make some comments from a little bit of a background perspective. Justice Green wrote his report in 2007 and the report substantially deals with matters of financial management or financial mismanagement, use of constituency funds that existed at the time and so on. His report reflects that. As has been stated by some of my colleagues earlier, his report and the Code of Conduct, they don't deal with matters of harassment or bullying or intimidation and so on in the workplace, which is a very prevalent discussion in today's society, and I'd suggest back in 2007 it wasn't as prevalent as it is today.

We have two options here that are presented in our documents provided to us, our binders; but, in all respect, options here are recommendations and we could have any motion, I would suggest, from the floor of the Management Commission here tonight or subsequent to today. We've got three members of this House who in one way or another have indicated that they do not support the process that's available to them today. Three members who've spoken out. And one of the primary considerations, when it comes to any matter of workplace harassment or respectful workplace, or harassment-free workplace, is to ensure that there's a process available to those who feel that they've not been treated appropriately and properly, and that there's a process available.

The process we have available today, under Justice Green, which was written about I suggest primarily financial matters, does give four ways for the Commissioner for Legislative Standards to conduct an investigation. Under section 36 of the *House of Assembly Accountability, Integrity and Administration Act* – which we sometimes refer to as the Green act – a member of the House who has reasonable grounds to believe

that another member is in contravention of the Code of Conduct, which has been referenced earlier, may request an investigation.

The second way is that the Commissioner, on his or her own initiative, may conduct an inquiry to determine whether a Member has failed to fulfill obligations under the Code of Conduct, where in the opinion of the Commissioner it's in the public interest to do so.

The third way that an investigation could be launched is through a resolution of the House of Assembly, which would mean that it'd be a debate here in the House, a resolution, and direction would be given. The fourth way is when the Premier may request the Commissioner give an opinion on a matter respecting the compliance of a Member with the Code of Conduct.

Based on a statement issued by the Premier as well as a statement issued by the Commissioner for Legislative Standards on May 2, where it said the Commissioner for Legislative Standards, on request of the Premier, will conduct two separate investigations into the conduct of MHA Joyce and MHA Kirby. Later in the release dated May 2, it indicates the report, once completed, will be submitted to the Premier and to the complainants. The Commissioner for Legislative Standards has the statutory responsibility to ensure the Members of the House of Assembly uphold the ethical standards outlined in their Code of Conduct.

Well, Mr. Speaker, I think it's very important to understand and to look a little bit deeper into those processes. Under section 38 of the same act, the *Accountability, Integrity and Administration Act*, it lays out under section 38, and I quote: "Where a request for an opinion is made under subsection 36 (1) or (3)," – which is when an MHA requests or the House does it on resolution – "or where the commissioner conducts an inquiry under subsection 36 (2)," – so that's where the Commissioner on his own initiative – "he or she" – being the Commissioner – "shall report his or her opinion to the commission" – being this Commission, the Management Commission – "which shall present the report to the House of Assembly within 15 sitting days of receiving it if it is in

session or, if not, within 15 days of the beginning of the next session.”

So that’s three of the four circumstances where the MHA requests it, the Commissioner does it on his own initiative, his or her own initiative – in this case his – the House does it by a resolution. The fourth one is where the Premier requests. And under section 38(2), “where the request for an opinion is made under subsection 36 (4), the commissioner shall report his or her opinion to the Premier and the member concerned.”

So, Mr. Speaker, under that particular provision, the report does not come to the Management Commission. It goes to the Premier and Members concerned. Just this very day in the House of Assembly in Question Period the Premier was asked if he was going to make the report public and his commentary – and I’m just going by memory here – was that he would do everything he can to release what he could potentially release publicly was his intention, was commentary to that effect. And I respect his answer.

However, what’s most important here as well – or I shouldn’t say most important, but very important here as well – is to read further into Green. Are there further implications to the outcomes? There are, Mr. Speaker.

Under section 39 it lays out penalties. It says: “Where the commissioner determines that a member has failed to fulfil an obligation under the code of conduct, he or she may recommend in the report under section 38” – and it has options under section 38 – “(a) that the member be reprimanded; (b) that the member make restitution or pay compensation; (c) that the member be suspended from the House of Assembly, with or without pay, for a period specified in the report; or (d) that the member’s seat be declared vacant.”

Mr. Speaker, section 38 is the one I just referred to where it lays out two things that could happen in the report. That’s what’s referenced under the penalty. Read section 40. Section 40 says: “A recommendation in a report of the commissioner shall not take effect unless the report is sent to the commission under subsection 38(1) and

concluded in by resolution of the House of Assembly.”

What that means is that if the report is filed under subsection 38(2), which is where the Premier had requested it, there’s no provision for those recommendations to come to the House of Assembly. The Premier is the person who’s going to hold the report, so there’s no way the House of Assembly can know what the recommendations were and there’s no provision in the act for those recommendations to come to the House of Assembly for penalties under section 39.

MR. SPEAKER: If I may, you’re absolutely correct.

That is why – and I think we could all turn to the Commissioner and ask him, but to date the interaction he’s had in terms of pursuing an allegation has been a referral by the Premier. Neither the Member has gone to him, this House has not passed a motion for him to investigate anything and he has not decided of his own accord to pursue it but, certainly, that option is there available to him.

If he were to do that, then you essentially have to – he would have to respond. Let’s just say an MHA does want to have him pursue that. He would need to go down that road; he would need to prepare a report. I would suggest it would not be a duplication of effort because it’s essentially the same matter. The second report would follow the process of coming to this House.

MR. P. DAVIS: Mr. Speaker, this is where I was going to ask some of the questions of the Commissioner because until you just mentioned a few minutes ago that there were three such referrals, I don’t know how many referrals were made.

If a Member of the House of Assembly today decides to file a complaint with the Commissioner, or tomorrow or next week – if next week a Member of the House wants to file a complaint against me, how are we to know if that’s going to be part of what the Premier had previously referred? We don’t know what the Premier has referred. How is that Member of the House to know if it will be separate from or independent, or does it fall under section 38(2)

because the Premier has already filed a referral on it?

MR. SPEAKER: Hold it. Shall we turn to the Commissioner?

MR. P. DAVIS: If I just may point out one more aspect before we go to him. I've also considered, and there's been some suggestion kicking around that as an Opposition we have some lack of confidence in the Commissioner. I want to say to the Commissioner that's not true.

We endorsed the resolution for the choice of Mr. Chaulk as Commissioner; we have no regrets on that. We continue to endorse the selection of Mr. Chaulk as Commissioner. We don't have any reason to have no confidence in the Commissioner. While no one has maybe said that directly, there was some innuendo or suggestion. I wanted to clarify that.

I also know – and this comes down to even the Premier's comments today about him deciding what releases publicly. If we look at other independent Officers of the House, they have the ability to release their reports and investigations publicly; for example, the Auditor General will release their reports publicly. It's not screened by government or by an Executive Branch of government before the reports are released. There is a process where they can respond and so on, but they can't determine what's going to be released publicly and what's not.

The Citizens' Representative, under section 44, has the right to make public reports, protecting the identity of people and information when necessary, not the Executive Branch of government. The Privacy Commissioner regularly releases reports on appeals and does so publicly, and I suggest as well, without input from the Executive Branch or the legislative branch.

Probably most importantly and applicable to this, I think about the Child and Youth Advocate, who quite often will conduct investigations on her own accord and previous predecessors have done so as well. Very sensitive, personal and private investigations, but yet the Child Advocate repeatedly has been able to issue reports where they protected the

identity and the integrity of the investigation repeatedly.

Where now we have a circumstance set up where we don't know – and that's where I'd like to go with these questions. If a person reports tomorrow, can the Commissioner investigate that, not being part of what the Premier has referred or not referred? How do we know that as members? We don't know what the Commissioner is investigating; we don't know what referrals have been made. What assurance can people of the House have that the investigation will be conducted and that a report could come through the House of Assembly process so that recommendations could be acted upon?

MR. SPEAKER: I believe I could answer all of those questions, but I think it's most appropriate to go to the Commissioner for a comment. If I may invite you, sir, to perhaps reflect on that and offer some insight.

MR. CHAULK: Certainly.

If any Member comes and files a request under the legislation, under 38(1) I think, then that report would go down through that mechanism. If they have evidence they just have to bring it to me. There could be multiple reports going on at the same time. That probably wouldn't be unusual.

I struggle with the – so much of this is out in the press at the moment. I would rather that Members come to me privately and then we work through a process of a complaint against another Member. At the end of the process is when, generally, we'd get out there what the nature of the investigation was about.

We've had previous reports. Generally, our office doesn't report on files that we're investigating because they may actually go nowhere, depending on the circumstances involved. That would be reported back to the person making the complaint and the person that was being accused. But if everybody wants a public report then they just have to come through and put it through that process and it would be a public report.

The way the legislation is written it's always the Premier's prerogative to ask for an opinion with respect to the conduct of any Member. It doesn't have to be on his side but of any Member of the Legislature. A Member on their own can still come to me and raise their concerns. I welcome that but I'm not going to tell you who I've received complaints from.

MR. SPEAKER: MHA Coady.

MS. COADY: Thank you.

I didn't know if that answered your question, Mr. Davis.

MR. P. DAVIS: I think I'm going to have several questions, but you can carry on.

MR. SPEAKER: MHA Coady.

MS. COADY: Thank you.

At this point in time, at this very moment, we are governed in this House as MHAs by our Code of Conduct. Through that, then through the Commissioner's office, the process is harassment complaints would go through the Commissioner's office. That's the process we have today.

The MHAs in the House have sent it already, have sent a request to the Privileges and Elections Committee to review the harassment policies, to review the process. So I think that is under review. The question before us today is whether or not we need an interim process while they're under the review.

I had a couple of questions about that earlier that I'd like to ask, that didn't get answered.

One is, if we're going to consider an interim process – and I listened intently to my honourable colleague – if we're going to have an interim process, what's the time frame for the report of the Privileges and Elections Committee? That to me is of concern. We've sent it to them. As a House, we've sent it to the Privileges and Elections Committee. We are grappling with the question: Do we need an interim process to fill in the gap?

And secondly then, I guess, the answer to the question is: Will they or will they not look at the Code of Conduct? I'm hopeful that they will, as part of the discourse that Mr. Speaker has said it would be congruous with the work that they're doing.

So timelines, Code of Conduct, and the third point here is we can be guided by some other jurisdictions on this. We've seen what Nova Scotia's done for example, which is a good process. We do need to make sure there's clarity, clear definitions in the harassment policy. We do need to understand the training process. We do have to determine how a harassment complaint has occurred and things of that nature. So, I guess, there are several questions here that actually the Commissioner may weigh in on as well.

First of all, we are established in our process currently. The process currently is we have a Code of Conduct. If I felt aggrieved, I could make a complaint to the Commissioner. The Commissioner would review that complaint, can bring in outside counsel, if required, to formalize that complaint process, but that's the process we're in today. We're looking at now a process for tomorrow.

My question is the timelines? Will they look at Code of Conduct? Then, finally, will they be doing a jurisdictional review? I just want to make sure that we have that on record that they will consider those matters.

Thank you.

MR. SPEAKER: I'll start with a couple.

First of all, the Chair of the Privileges and Elections Committee was in our office the morning after the PMR was passed. So they understand the urgency of it.

That said, there is not a timeline associated with when they will deliver the work, but they certainly understand and get the urgency, importance, priority and so on.

MS. COADY: (Inaudible) have a timeline?

CLERK: A resolution of the House giving (inaudible).

MS. COADY: Oh, a resolution of the House.

MR. SPEAKER: So a resolution of the House to answer the question could perhaps provide additional direction to the P and E.

MS. COADY: Okay, thank you.

MR. SPEAKER: In terms of a jurisdictional scan, we have completed that through the office, and so on, and we are guided by it. As I said in my opening remark, we have the only legislated Code of Conduct in the country because of Green and all that went on there. We have a very serious obligation. It is the law. Regardless of the wording, and whatever words you find or don't find in here, this is all about unethical behaviour and the need for us to – as you said in your opening remarks – reflect well and back on our districts and our constituents.

So we're all big people here. We understand the seriousness of this and while some may suggest you can find words that may or may not appear, and perhaps there was a gap that we've missed and maybe that's why we're hearing allegations of this type of behaviour, I suggest that is not the case at all. This oath was a very serious one. It's unique in the country. We took it seriously and we should take it seriously.

I go to the Commissioner now for comment.

MR. CHAULK: So I'm not sure what your question is.

MS. COADY: (Inaudible) if I may.

I guess to you in particular is the process is under review. So the current process is clearly laid out, we understand that and you have the opportunity to bring in independence, if required. But just your view on interim processes, your view on the Code of Conduct and your view on the whole movement towards a change in policy.

If you could just give me your view on that, that would be helpful.

MR. CHAULK: Generally, I'm the administrator of the legislation that's provided to me as opposed to usually commented on the legislation.

In my opinion, the Code of Conduct is certainly encompassing enough and quite a high enough standard that, in my opinion, clearly includes acts of harassment. You can go through that and find it under two or three different provisions.

My office, we do have the ability to bring in whatever expertise we need in order to handle specific complaints. I'll be the first to say that one person doesn't know everything and I certainly can't cover every base. My background is generally financial, but I think reading through the Code of Conduct, it would be obvious that they meant more than just financial in that.

MR. SPEAKER: MHA Hutchings.

MR. HUTCHINGS: Mr. Speaker, I just have a comment to make in regard to the current situation we face. I recognize my colleagues have talked about an interim process and long term when we go the Privileges and Elections Committee and review the policy.

My concern is that we have particular individuals have expressed alleged harassment and they've spoken to the lack of confidence in the process we now have. Now, whether that's a lack of – what Ms. Michael has alluded to – clarity in terms of what that process is or how we deal with that. I think that's significant because someone today that feels that they've been harassed in the workplace and don't feel comfortable coming forward, or someone we don't even know of, I think that's extremely important.

We need to find a way, whatever that is, to be able to instill that confidence. That's part and parcel of a safe workplace and maybe we could do it through this or some other way, but I just want to make that comment.

I think that's a challenge we face to instill that confidence.

MR. SPEAKER: Point noted.

I would like to, on behalf of the Speaker's Office though, explain to everyone here and those watching, that since we've encountered this issue in the last few weeks, we have repeatedly directed all inquiries from all MHAs

and the media and so on, to our Law Clerk, Kim Hawley George, who's very carefully laid out, in a fashion so that everyone can understand, the options that are available to them, the seriousness of the Code, how it is paired with the amazing powers of inquiry and subpoena that the Commissioner enjoys and how that process can unfold.

To date, he has received only a referral from the Premier to investigate on behalf of these two Members that we've talked about. He has not received – I can look to him – a request from any one of the MHAs to pursue this. The House has not passed a motion and he himself has not yet availed of the final option which is to, based on everything, initiate his own investigation.

So in terms of confidence, we've done our best to make sure that everyone can understand it and present it. It is in place and I would suggest it's the best in the country.

We are also – and further to the jurisdictional scan comments that MHA Coady wanted us to look at – looking at what's happening in other jurisdictions, and if you're watching the news, there are similar situations that are emerging.

What you'll find often in those other jurisdictions, and without going into any specific reference but I'll stay at a high level, often government is resulting in having to engage a third party to come and do a review of the allegation. The report comes back but there's no structure. There's no way that there are any kind of recommendation for recourse and so on, can be introduced back into a Legislature to actually be dealt with.

We do have a process in place and we're able to deal with that.

MHA Michael.

MS. MICHAEL: Thank you, Mr. Speaker.

I would back up what you're saying, but in terms of – and Ms. Coady did refer to it – Nova Scotia, for example, they do have quite a comprehensive policy that looks at all the different perambulations of who can complain, who they're complaining about, et cetera. The process is sort of different for each group, but

theirs does go all the way back to the House of Assembly because the report gets made to their internal economy committee, and then that committee has to report to the House of Assembly.

So any recommendations that come down the pipeline get back into the House of Assembly. I was really glad to see that. I am on the Privileges and Elections Committee, so I have started doing my own reading and homework and trying to get up on what's happening in other places.

The other thing I'd like to say, and this is very personal, I'm not sure if people really understand the seriousness of the position of a Commissioner, and in my experience, how the commissioners that I've dealt with understand the seriousness of their role. I would never have any doubt in confidentiality if I went to the Commissioner for Legislative Standards. Never.

With the former Commissioner, I did have a couple of things that I had to go to him about, and I knew with great confidence that nobody would ever know that that had happened.

I want to share that, for the public to understand that point, it's a very, very serious position. If I, as an MHA, go to the Commissioner, I absolutely know that nobody else is going to know about that.

MR. SPEAKER: I understand.

You did want to make a comment?

The Commissioner for Legislative Standards.

MR. CHAULK: Yes, most of my dealings with the Members is – 99 per cent of my dealings with Members is strictly confidential. No one would know what I've discussed with them because it's between me and the Member.

When reports become public, then that's when – that's the other part of the job, but the majority of the work that's done by the office is strictly confidential. If you read any of the Commissioner's annual reports online, it will only reference that there were discussions with Members. It won't say who the Members were, it will only say that there were discussions with the Members.

Publicly available reports are also listed there, but for the most part everything is privileged between the Commissioner and a Member.

MR. SPEAKER: MHA Coady.

MS. COADY: Thank you very much.

And I thank Ms. Michael for her intervention there. I thought that was important for the public to understand and for all of us to understand.

I do want to go back to Mr. Hutchings comments. I, too, am concerned when it's been expressed – and expressed so passionately – the concerns about the process and the independence of the process, and how the processes can unfold. I don't know if there's anything that we, as a Management Commission, can do about that. It is the process that is currently outlined.

I listened intently to the Commissioner, not only here in the House tonight and in the public discourse in the news, talking about independence, bringing in experts, making sure that this is handled appropriately, but how can we reassure our colleagues that have expressed concern about this? How can we reassure them? I think that is something I'd like to lay before the Commissioner, and you, Mr. Speaker, to say we really do need to support those that have brought forward complaints and work with them to understand the process as it currently exists. Then, hopefully, we'll have an improved process that will satisfy the requirements as we move forward.

Thank you.

MR. SPEAKER: Again, I would just reiterate, we've been doing our best to respond to all matter of inquiry, any level of concern that we receive to explain that process. It is legislated. There was a lot of thought went into it. It has a lot of ability to work independently, but also work in a manner consistent with the powers under the *Public Inquiries Act*.

This Commissioner has the ability to subpoena records, witnesses and so on. You will not find that in a third party that you could pick up off the street and say – they may have all the

expertise in the world, but they will not be able to get at some of these other matters.

Any further discussion?

MHA Davis.

MR. P. DAVIS: Thank you.

I appreciate the comments that have been made, and yours as well, Mr. Speaker, because you did make some commentary on efforts so everyone understands and has confidence in the process. So, in that line of thought, I have some questions I'd like to ask that maybe the Commissioner could answer.

MR. CHAULK: Sure.

MR. P. DAVIS: I'd like to have some idea, like if there was – you referenced three referrals. I think the Commissioner said there are two referrals. I wonder if we can get some clarity about how many investigations there are or how many MHAs have actually filed complaints. I don't want to know names. I'm not asking specifics of the details of the complaints, even though it probably would have been beneficial to know, but I respect the privacy of it.

How many complaints were made? How many complainants are there? How many people are subject of complaints? Maybe the Commissioner can give us some of that information.

MR. SPEAKER: Commissioner.

MR. CHAULK: I'll reluctantly say that I have received two formal complaints from Members. I won't say who. I have had discussions with others. So I expect that it will be more than two, but I won't identify them.

MR. DAVIS: Sure.

MR. CHAULK: And I do have other meetings scheduled.

MR. DAVIS: Let me ask the Commissioner to explain. So if an MHA is listening tonight on – and I know there are some here in the gallery actually that are attending tonight, which we don't normally see in a Management Commission meeting – but if an MHA sitting

and listening tonight is contemplating filing a complaint, and we've heard concerns regarding that the current referrals that the Premier has made will report to the Premier, and I've referenced that earlier.

I also referenced earlier that I acknowledge the Premier took steps to have this looked at, even though there's some complexities and challenges to those steps.

If a person wanted to have the complaint they feel compelled they want to make, Commissioner what would you say to them about the complaint if it's parallel or recognized or associated in some way with what the Premier has already referred? What assurance can you give them that their complaint will come to the Management Commission versus just going to the Premier?

MR. CHAULK: My response to that would be is if they file their complaint under 38.1, which is the Member to Member –

MR. DAVIS: 36.1.

MR. CHAULK: – 36.1, whichever the particular section is, that I will follow that process.

MR. DAVIS: The reporting process under 38 and 39 and 40, as I referenced earlier –

MR. CHAULK: Yeah.

MR. P. DAVIS: – which says: a request and opinion is made under 36.1, where an MHA requests, then the Commissioner shall report his or her opinion to the Commission which shall present it to the House of Assembly.

MR. CHAULK: Yes.

MR. DAVIS: Okay. So you're giving them assurance that if they did that, even though the Premier may have already made a referral on the same matter or –

MR. CHAULK: Yeah, because his report as well.

The one thing I'll say is that while this was occurring in the Legislature, I was looking

directly myself to coming in on my own, because it's hard to argue that it's not in the public interest if it's being debated in the Legislature during Question Period for days on end. But I would rather be invited in, than to impose myself into the process.

MR. DAVIS: I actually have it in my notes to ask if you'd be willing to come in and have a discussion, like maybe meet with our caucus and have a full discussion from that regard.

MR. CHAULK: I will meet with anybody individually or in a group. That is my job and my responsibility to come in and speak to you at any time.

MR. SPEAKER: MHA Michael next.

MS. MICHAEL: Just a question for the Commissioner.

It's not clear to me when you make a report to the House of Assembly – obviously if there's a recommendation that has to do with the behaviour of a MHA, that's going to be publicly known, but will there be confidentiality with regard to the complainant in your report?

MR. CHAULK: This is one of these where we're trying to get to the report when we haven't even done the investigations yet. I sometimes think it might be a bit premature to – the person has to know who the – the parties involved will know who's in there.

MS. MICHAEL: Oh, yes.

MR. CHAULK: Whether the report at the end of the day includes the name of the complainant or not, you know, I haven't gotten to that part yet and I would certainly take that in consideration with the person making the complaint and their concerns about it. But I don't want to get to the end before we've even started the process.

MR. SPEAKER: MHA Davis.

MR. P. DAVIS: Back to me already.

MR. SPEAKER: Yeah, I'll go back to you.

MR. P. DAVIS: All right. Thank you.

Commissioner, I just want to go back to your comment earlier on the Code of Conduct, because I believe that Justice Green was essentially silent in his report on matters of harassment and bullying. But you referenced earlier that you believe the Code of Conduct will fit that – or the Code of Conduct in some way does reference that.

So I just want to get some assurance from you that the wording and application of the Code of conduct would be relevant to the matters that you're aware of so far or have heard public discussion on.

MR. SPEAKER: Commissioner.

MR. CHAULK: Without looking at the specific document, I would say yes. I have no hesitation that harassment clearly falls within the code.

MR. P. DAVIS: You have no hesitation?

MR. CHAULK: No hesitation whatsoever.

MR. P. DAVIS: Because I know harassment comes in many forms. While it doesn't reference it there, there is reference in the Code of Conduct to operating yourselves with integrity and fairness, treating Members of the House equally and those types of references there.

MR. CHAULK: And to that end, I would also say that if you try to specifically narrow down a code of conduct, that you try to create exceptions to it; and that it's broad and lofty lends itself more to being all-encompassing and that it's easy to say harassment is in there, even though it's overtly not put there.

MR. SPEAKER: If I may just interject, it's interesting – I mean, we constantly as politicians in this province hear about the *House of Assembly Accountability, Integrity, and Administration Act*, the Green act; but if you look at the long title of this act, it's quite interesting and actually informative: An Act Respecting the Effective Administration of the House of Assembly, the Standards of Conduct of Elected Members, and their Ethical and Accountable Behaviour.

That's the title.

MR. CHAULK: And if I may add, if you look at number four in the code, it specifically says we will treat colleagues, Members and the public with courtesy and respect. What we're talking about is respectful workplaces, so obviously it would be in there.

MR. SPEAKER: MHA Michael.

MS. MICHAEL: I'd like to go back to the Commissioner with regard to my last question.

Commissioner, if the complainant says that he or she wants to maintain confidentiality with regard to their complaint, I'm assuming that that would be honoured. When it comes to harassment, it's one of the very basic principles, is confidentiality, and if it were to be broken, that it would be because the complainant is in agreement with that happening.

MR. CHAULK: And I would agree with you on that. If a Member comes forward and wants to be not identified, the person who the complaint is about is obviously going to know who it is.

MS. MICHAEL: Oh, yes.

MR. CHAULK: That's a given.

MS. MICHAEL: That is a given.

MR. CHAULK: But I can't control that person, as to what they do at the end of the day.

MS. MICHAEL: No, but you in your work, with the complainant, would maintain that confidentiality, unless that person said I'd like this report to be public, I'd like myself to be known publicly.

MR. CHAULK: Yes. That could be Member A –

MS. MICHAEL: Right.

MR. CHAULK: – or Member B.

MS. MICHAEL: I think that's really important for people to hear.

Thank you.

MR. SPEAKER: I wonder – okay, MHA Davis.

MR. P. DAVIS: Just a couple of questions before we consider the motion.

Two areas – one is: What is the intent of Option 1, as far as effective date or any retroactivity to that? It references the Harassment-Free Workplace Policy of the Executive Branch which becomes effective June 1. But is the intention of Option 1 to apply to matters that are currently being investigated, or to become effective for future matters that complaints are filed?

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

CLERK: There were statements made that the policy would apply to Members. If it's going to apply to Members, we have to take a policy that's already been developed and find a way for application to work. The Executive Branch has indicated that that policy will have effect as of June 1. If we follow that policy, then that's the effective date. So there's no retroactivity.

MR. P. DAVIS: Okay.

So just again for clarification: Does that mean if somebody files a complaint on June 1 of something that happened on May 30, the new policy applies, or would the policy that was in effect at that time or the date of the event or the concern – so, for example, we suspect or believe that there are Members of the House who are reluctant to file complaints today. If they waited until June 1 to file a complaint versus filing it today, would they have a different process to follow?

CLERK: I will have to go back to the Executive Branch and ask them how the application of that policy works, because all we've done is look at it in terms of how it might apply to the House. We didn't look at it in any way, shape or form in terms of retroactivity, so I will have that discussion with Human Resource Secretariat.

MR. P. DAVIS: Okay.

MR. SPEAKER: Thank you.

MHA Michael.

MS. MICHAEL: I want to check on what we're meaning by retroactivity. If you go to court, for example, and you're complaining about something that happened two years ago, that may be in the past but your complaint is in the present –

CLERK: That's why I need (inaudible).

MS. MICHAEL: – and I would assume, I would hope, that it's exactly the same thing. That it's the moment of the complaint that would be what would be dealt with and would be under whatever is in place, not when the event happened. I mean, I would assume that. I'm not a lawyer, but my experience tells me that's the way it would be.

MR. SPEAKER: MHA Davis.

MR. P. DAVIS: Actually if a complaint is made regarding something that happened previous, the charge is laid based on the date and the law that was in place on that date is what applies.

MS. MICHAEL: But this is a bit different I would think. We need to have it checked out obviously.

MS. HAWLEY GEORGE: If I might just (inaudible) –

MR. SPEAKER: The Law Clerk.

MS. HAWLEY GEORGE: As the Clerk has said, we have simply suggested this tonight as a stopgap measure if Members feel they need something – there's something that needs to be in place in addition to the Code of Conduct.

We've plugged in all of the ideas in the Executive Branch policy. In order to answer these questions – and I appreciate the question is a very valid question – we would go back to HRS and see how they are applying theirs, make sure we're consistent because that's the idea here.

MR. SPEAKER: Any further questions or comments?

MR. P. DAVIS: This is in addition to the Code of Conduct process that currently exists. Would there then be an option come June 1 for a

Member of the House to decide which process they want to follow this through?

MR. SPEAKER: As I indicated in my remarks, should we suggest there needs to be another process in the interim before the Privileges and Elections Committee does its work and comes back with the recommendations? Yes, this would be essentially a second way to pursue a harassment allegation.

I'll go to the Law Clerk, please.

MS. HAWLEY GEORGE: If I might just add again, it's complicated.

You have a Code of Conduct process in place which is statutorily based and then we're adding the idea, if Members feel that's necessary, of a policy process. Adding the policy process will not negate the Code of Conduct statutory process. It will have to work together somehow. As we go forward we'd have to figure that out.

MR. SPEAKER: MHA Coady.

MS. COADY: Thank you.

I think there are some questions to be answered. I understand from Ms. Michael she still wanted to review this kind of interim policy. We're here; we have to come back for item 3 in any event. We could take it under advisement, talk to our caucuses and see if this interim is a required step and consider it when we meet again in short order to address item 3.

Is that a satisfactory resolution?

MR. SPEAKER: I'll look for a motion to defer.

MHA Davis.

MR. P. DAVIS: There's one other area that I haven't broached yet, but before we consider the motion I'd like to know some of the information.

My inquiry is on the status of the current Members, or the Member for Humber - Bay of Islands and Mount Scio. Can you give us an explanation of what their status actually is right now?

MR. SPEAKER: These two Members are no longer affiliated with the government caucus. They are sitting as independents in this House of Assembly. They have both written to me seeking my approval to grant their absence from this House of Assembly while we're sitting.

Under the abilities that I have there are a variety of criteria that one can cite in terms of sickness, personal reasons and so on, and then the final one is at the discretion of the Speaker. I have decided that given everything – I'm going to be very careful what I say, but in consultation with the staff and so on we felt it best to grant the approval for them to be absent at this time. There's no time limit on it but there were circumstances that we felt it would be best.

MR. P. DAVIS: I appreciate that. I only ask because some people have asked me what it means – I think the term you used was personal leave. I think it might have been a term you used before. Some people asked me what that meant and I didn't know. Effectively, you've excused them from sitting in the House until the end of the session this year is what it sounds like.

MR. SPEAKER: I have not put a time limit on it.

MR. P. DAVIS: Okay, but they're still MHAs.

MR. SPEAKER: Absolutely.

MR. P. DAVIS: Okay.

MR. SPEAKER: Any further questions or comments?

I believe we almost had a motion there. I seek to MHA Coady.

MS. COADY: Thank you.

I'm sensing a will, a motion to defer that item so that we can have further discussions and get some answers to the questions. That process was just laid before us and I think I'm hearing from my colleagues that we'd like to have some time to consider whether or not an interim process is required.

MR. SPEAKER: Do I have a seconder?

MHA Michael.

All those in favour of that motion?

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Against?

The item is deferred until our next meeting.

MR. HUTCHINGS: Mr. Speaker.

MR. SPEAKER: Yes.

MR. HUTCHINGS: We'll meet briefly before this (inaudible).

MR. SPEAKER: I will –

MR. HUTCHINGS: I just inquired whether we'd reconvene before this parliamentary session concludes.

MS. COADY: That's up to the Management Commission.

MR. HUTCHINGS: I think we should, yes.

MS. MICHAEL: I think we have to.

MR. SPEAKER: If that's what we want to do, yes.

MS. MICHAEL: Yes, we have to.

MR. HUTCHINGS: Yeah.

MR. SPEAKER: Okay, so noted.

I'll turn now to the final tab.

MHA Michael.

MS. MICHAEL: Mr. Speaker, I have a question with regard to Tab 4. We have here this document in Tab 4, the application of the Executive Branch Harassment-Free Workplace Policy. I think the process for the Executive Branch policy for the public service sector is quite clear because that's all laid out in the policy.

But there is a process here, the equivalent, for HOAS employees, caucus office staff and

constituency assistants. If we're not discussing this tonight – because that's separate from the MHAs – when can we ask questions about this? I have some questions about it.

CLERK: You can ask questions now.

We always work under the premise that if there's no specific decision made, the policies of the Executive Branch apply and we just make, as I said, the appropriate adjustments. So the deputy minister becomes the Clerk, that sort of thing.

MS. MICHAEL: But I need some clarification on one or two points in it.

CLERK: Sure.

MS. MICHAEL: Will we do that now?

CLERK: Sure.

MS. MICHAEL: Okay.

Everybody knows the documents I'm talking about?

MR. SPEAKER: You're referring to the harassment policy?

MS. MICHAEL: I'm referring to –

MR. SPEAKER: You're certainly referring to this analysis in terms of –

MS. MICHAEL: That's right, yes.

CLERK: Yeah.

MR. SPEAKER: But I'm just thinking that the harassment policy itself has been generated by the Executive Branch.

MS. MICHAEL: No, this is the work that's been done by the Clerk in trying to do the parallel process for the –

MR. SPEAKER: Okay. Fine, yeah, you have the people here.

MS. MICHAEL: Thank you very much.

I'm on the second page and the second bullet says that the Clerk in the Executive Council – that would be a DM. The Clerk schedules a meeting between the Harassment-Free Workplace manager, the House of Assembly rep assigned by the Clerk and respondent.

I'm wondering about the HOA rep. Would that be somebody from Human Resources or the person in charge of Human Resources and Payroll Administration? It just says assigned by the Clerk.

CLERK: That would typically be the Human Resources manager, unless the complaint was against the Human Resources manager and you'd have to find an alternative way.

MS. MICHAEL: Okay.

So then when we come to page 3 – and that's fine because on page 4 it does refer to the Human Resources manager being the equivalent of the Human Resource Secretariat, so that's fine. On page 3, in the Informal – Management Intervention – so I'm looking over on the left-hand side, the Informal – Management Intervention – in the Executive Council policy, that second bullet: "If the complaint is against Manager, intervention may be requested by the next level of management." You have two bullets there under the Informal – Management.

When you go over to the Equivalent Process for the HOAS staff, et cetera, it says: Same. Does that mean same with regard to the two bullets that are there? Because if it doesn't, it doesn't indicate that thing about if the complaint is against a manager. So, for example, if my assistant complains to me about something that's happened, that's fine, but what if it's me who's the bully? What if it's the chief of staff who's the bully?

CLERK: That's the issue, it doesn't apply. Right now, it wouldn't apply to Members.

MS. MICHAEL: No, that's not –

CLERK: To a complaint against the Member.

MS. MICHAEL: No, well, even that. Let's forget I said me. Let's look at the caucus office staff.

CLERK: Mm-hmm.

MS. MICHAEL: They would complain to the manager, but if it's the caucus chief of staff who's doing the bullying, who do they go to?

CLERK: Well, if that circumstance arose we would have to identify another person in the caucus office. That's the same way – for example, in the Executive Branch, they haven't specifically addressed deputy ministers or the Clerk of the Executive Council because they would have to find a process.

Now, in the situation with the Clerk of the House, if the complaint was there, we said well the best place to put that one would be to the Commissioner for Legislative Standards –

MS. MICHAEL: Right.

CLERK: – because we have that body. For the caucus office staff, if the person being complained about was the chief of staff –

MS. MICHAEL: Right.

CLERK: – because that is the senior manager in a caucus office.

MS. MICHAEL: That's right.

CLERK: Then I think we would have to probably work with the Leader of the caucus and find a way around that.

MS. MICHAEL: I think something needs to be indicated about that then here. Because when it comes to the Executive Branch policy, it says if the complaint is against manager, intervention maybe requested by next level of management.

CLERK: Yes.

MS. MICHAEL: So we need to have something like that in that column.

MR. SPEAKER: And frankly, if I may, that's just an example of the cumbersomeness –

MS. MICHAEL: Yes.

MR. SPEAKER: – and complexity of trying to take what's intended for staff –

MS. MICHAEL: Exactly.

MR. SPEAKER: – versus the elected Members and their structures.

MS. MICHAEL: That's right.

Okay, I think that's it.

So if somebody were complaining, like if my assistant were complaining about me, the assistant goes to the Commissioner?

CLERK: Only if you adopt the interim –

MS. MICHAEL: That's what I mean, I'm looking at if that's possible.

CLERK: Yes.

MS. MICHAEL: Okay, all my questions are answered on that point.

MR. SPEAKER: Okay, are we good?

I'm going to move on to Tab 5.

This is relating to a suggestion that additional training should be now considered mandatory for elected officials. So let me just go through some of my notes here quick.

Following recent events, the Minister of Finance requested myself, the Speaker, that the Management Commission consider mandatory training for all MHAs on harassment. Section 22 of the Green act assigns responsibility to myself, assisted by the Clerk, for the development and delivery of appropriate training and orientation programs for MHAs, Members of the Management Commission and officers and staff of House of Assembly service.

While the Act makes it mandatory for the Speaker to ensure appropriate training and orientation is delivered, it does not make attendance mandatory. So that's the question before us. Attendance at any training or information session is at the discretion of the individual MHA.

I would like to remind – if the Commissioner has the Code of Conduct – in Principle 1 of the

Code of Conduct, it states the following: “Members shall inform themselves of and shall conduct themselves in accordance with the provisions and spirit of the Standing Orders of the House of Assembly, the *House of Assembly Accountability, Integrity and Administration Act*, the *Members' Resources and Allowances Rules*, the *Elections Act, 1991*, the *House of Assembly Act* and this Code of Conduct and shall ensure that their conduct does not bring the integrity of their office or the House of Assembly into disrepute.”

So in order to make attendance at training sessions mandatory for MHAs, House officials advise that an amendment to section 22 of the act would be necessary to give it back to this. So that's what the Commission is being asked to consider, is whether or not we should make that training mandatory.

MS. MICHAEL: Just that training, or all the rest of the training as well? Because I took it to mean all of the training.

CLERK: It would be training in general.

MS. MICHAEL: I think there's a slight, I won't say problem, but if you've been in the House 10 years, for example, I don't need to go to hear about the travel, living and constituency allowance, I don't.

MR. SPEAKER: Uh-huh.

MS. MICHAEL: So if you make it mandatory, without taking into consideration some of that kind of thing, then I'll have to go and waste maybe an hour. Unless it were something brand new being brought in.

MR. SPEAKER: MHA Davis.

MR. P. DAVIS: I think it's a relevant and important consideration to make.

We just saw in our last Management Commission, we had a discussion about advertising, and some Members were aware of the change, some Members were not aware of the change. For the amount of time it takes to go

through training, as painful as it might be for some of us to sit and then probably have 99 or 98 per cent of it repeated from what we already know, I don't think is a bad thing.

I find the rules – I quite often refer – my office quite often refer back to the rules or will call the House for input, and for a couple of hours, I don't think it's a bad thing.

The other thing too, Mr. Speaker, I would say, is that this training would likely happen after a general election, as an example, and it would be beneficial to new MHAs to have veteran MHAs there with them who sometimes could say I remember when or to share their own experiences. I think it would be a good thing to do.

MR. SPEAKER: MHA Browne.

MR. BROWNE: I agree; I certainly agree with Mr. Davis and Ms. Michael that it would be beneficial to have – I know as a new MHA, I sat through the training and having people around me who were veteran and senior to me to impart their knowledge on us, I think it was beneficial.

So I move to accept this recommendation to have mandatory training.

MR. SPEAKER: Let me just, if I may, read the actual option of what would be before us.

“Direct the Law Clerk to draft amendments to section 22 of the *House of Assembly Accountability, Integrity and Administration Act* that would make attendance at training mandatory for MHAs, with the draft amendments to be brought forward at a future meeting for approval.”

So that's essentially your motion.

Do we have seconder for that?

MS. MICHAEL: I second.

MR. SPEAKER: Seconded by MHA Michael.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

The motion is carried.

MR. SPEAKER: I now would seek a motion to adjourn.

MR. P. DAVIS: So moved.

MR. SPEAKER: Moved my MHA Davis.

MR. HUTCHINGS: Seconded.

MR. SPEAKER: Seconded my MHA Hutchings.

Thank you very much, and I thank those watching on the broadcast.

On motion, meeting adjourned.