



PROVINCE OF NEWFOUNDLAND AND LABRADOR
HOUSE OF ASSEMBLY

HOUSE OF ASSEMBLY
MANAGEMENT COMMISSION

Forty-Forth Meeting

Thursday, March 13, 2014

HANSARD

Speaker: Honourable Ross Wiseman, MHA

The Management Commission met at 8:45 a.m. in the House of Assembly Chamber.

MR. SPEAKER (Wiseman): Good morning, everyone.

Welcome to the House of Assembly Management Commission meeting. My name is Ross Wiseman; I am the Chair of the Commission.

Before we start, we will do some introductions, starting with Mr. King.

MR. KING: Good morning.

Darin King, MHA for Grand Bank, and Government House Leader.

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

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

MR. POLLARD: Kevin Pollard, Baie Verte – Springdale district.

MR. BALL: Dwight Ball, District of Humber Valley.

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

MR. VERGE: Wade Verge, Lewisporte district.

MR. SPEAKER: Joining me at the table would be...

CLERK: Sandra Barnes, Clerk.

MS KEEFE: Marie Keefe, Clerk's Office.

MR. SPEAKER: Good morning, everyone.

Just for the benefit of the members as well, Mr. Pollard is here this morning. I have a letter from the Government caucus indicating that Mr. Pollard will be the newest member of the Commission representing the PC caucus.

The first order of business is under Tab 1. We have the approval of the minutes of the last couple of meetings of the Commission; one dated December 11, 2013. The minutes of that meeting are first behind Tab 1. You have had a chance to review them. I will entertain a motion to accept them as circulated.

MS MICHAEL: So moved.

MR. SPEAKER: Ms Michael.

A seconder?

Mr. King.

Are there any questions? There being none, they are approved as circulated.

On motion, minutes adopted as circulated.

MR. SPEAKER: The next one we have the minutes of the March 5, 2014 meeting. This would have been the minutes reflecting the in camera meeting of the Commission to deal with the budgetary items for the upcoming fiscal year starting April 1, 2014 through to March 31, 2015. There were two decisions that were made at that meeting and this public meeting of the Commission needs to ratify the decisions of the in camera meeting. I will entertain a motion to that effect.

Moved by Mr. King; seconded by Mr. Parsons.

Are there any questions or discussions? There being none, we will accept them as circulated.

On motion, minutes adopted as circulated.

MR. SPEAKER: The next item of business is the Categorization of Entities. I will provide a brief commentary. The details were provided in the notes that were circulated; but under the Transparency and Accountability Act, there is a requirement that all entities, which would include the House of Assembly service together with all the statutory offices, need to develop a plan every four years that will be tabled in the House outlining their strategy, their plan, and how they will operationalize and deliver on their

stated mandates in the coming four years. Then they report to the House of Assembly on an annual basis.

This process has been in place for – there has been two cycles. The first such plan was filed in 2008, which covered the period from 2008 to 2011, and the second four-year cycle was from 2011 up to and including 2014. All entities will need to file a new report, a new plan, by June of 2014 for the coming four-year period.

These plans are defined in terms of how they should be structured and what information needs to be supplied in them, but then that determination of how much detail is there and how you lay it out and the kind of information required comes about as a result of a grouping, a categorization, that takes place.

Having had two cycles completed already, in preparation for the upcoming cycle in June, each of the entities were asked to review their operations and review their experiences of the last two planning cycles and determine whether or not the categories that they were placed in back in 2008 accurately reflected the nature of their independent operations.

Having done that review, the entities are proposing some changes to their current categorization with the exception of one area. The Office of the Child Youth Advocate previously reported in one particular grouping referred to as a business category, and their recommendation is that they continue to report in that category. The other entities are recommending that they change their category to an activity category versus the previous business area, and that is what this note reflects.

So you have each had a chance to read the note and get some sense of what we are trying to accomplish here. Maybe before we get into entertaining a motion, is there any particular question that we need to clarify with respect to this process in addition to what is already provided in the note?

Ms Michael.

MS MICHAEL: Just a question of clarification. In determining their categorization, each entity does their own analysis I am understanding from what I have here on the paper and from what you have just said.

Is the administration of the House of Assembly, yourself, the Clerk, or whatever, involved in working with the agencies and coming to their determination around the categorization?

MR. SPEAKER: There is a template that is laid out to guide the entities who go through this process.

In terms of the support, and I will ask Sandra, the Clerk, to comment on this, but other than provide some assistance in the interpretation of what the template might mean and refer to, not in terms of directing them to go in a particular direction, but more as a resource to provide interpretation of what might be in the template.

For a little more clarity or detail, I will ask Ms Barnes, if she would.

CLERK: Yes, there is a template provided to guide the assessment from the Transparency and Accountability Office that administers the legislation. Each office does complete their own, and we will work with them. Marie and Bobbie in particular will work with these offices as they work with them to help prepare their plans. We review it ourselves once it comes in and determine whether or not we agree with it, and ultimately the Speaker has to sign off on it.

MR. SPEAKER: Ms Michael.

MS MICHAEL: Just for a bit of clarification, what is before us today then is approving the end result of the process that they have been through now?

MR. SPEAKER: Exactly.

So what the Commission has been asked to consider today, on the back of the final page and the note that is found under Tab 2, is a table, a summation of the assessments. What we are asking the Commission to do is to approve the

recommendation that the entities would report as suggested in the table, which forms the last page of the note itself.

I will open the floor for a motion to that effect.

MS MICHAEL: So moved.

MR. SPEAKER: Moved by Ms Michael.

Is there a seconder for the motion?

MR. KING: Second.

MR. SPEAKER: Mr. King.

Any questions or further discussion?

MR. BALL: Just one question.

MR. SPEAKER: Mr. Ball.

MR. BALL: We have been through two cycles now and obviously certain entities have made a decision to actually change from where they fit before into the Business Plan section or the Activity Plan now. It was all in the Business Plan before.

I am just wondering if there were any questions through the whole process that might have been asked by any of the entities. Do these categories need to be changed a bit? It has been through two planning cycles and obviously they have decided to move from one category to another for some obvious reasons. I am just wondering in the broad strokes, in terms of the definition of each category, was that a problem for any of the groups at all?

MR. SPEAKER: From my understanding, the three groups themselves are pretty well defined, and the template that is provided provides some guidance and direction as to how you categorize yourself within those three groupings. The experience of the entities was not as much around the difficulties or any problem with the definitions of each of the categories. It was more the recognition as they went through these last two cycles that they realized the initial

exercise and categorization were probably not placed in the right area.

The realization they had was much more around how the problems get created when you do not categorize yourself accurately, then presents problems for you as you develop your four-year plans. It also presents problems for you as you report on an annual basis as to your progress.

It was not so much that there was any difficulty with the three categories and how they were set up, structured, and defined. It was much more a realization and a recognition of how important it was to position yourself in the right category if you are to achieve the result that you want, which is an appropriate plan being developed and reported in the appropriate fashion, and providing good information to the public.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Motion carried.

Under Tab 3, there is approval we need to transfer funding. All caucuses get an amount of \$100 per month for each member within that caucus. There have been some changes in the composition of each of the caucuses in recent past. As a result of that, we need to move money into those caucuses to reflect those changes.

This note is asking for permission to transfer money from one category to the other. That budget adjustment is requesting to transfer into the Official Opposition caucus under the Grants and Subsidies category \$700 and that gets transferred from the Administrative Support – Purchased Services provision within the Budget. The amount obviously is \$700, so it is transferring \$700 from one category to the other. It is the Commission that has the authority, and only the Commission has the authority to do that. We cannot do it administratively. The need to do it is described in the allowances provided to the caucuses and to members.

I will entertain a motion to authorize that transfer.

MS SHEA: So moved

MR. SPEAKER: Ms Shea.

Second?

MR. A. PARSONS: Second.

MR. SPEAKER: Mr. Parsons.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

The next, Tab 4 –

OFFICIAL: Excuse me, Mr. Speaker, we need that transfer signed (inaudible).

MR. SPEAKER: I was just reminded I need that transfer signed or someone will not get their money. Before I forget it, I will just pass this along.

Mr. Parsons will sign it so his caucus can get the \$700.

Tab 4, Intra-Constituency Allowances; Mr. Ball, you might recall last year when we were going through the Budget exercise, a number of questions came up when we made some adjustments in some of the allowances for members. I think it was your suggestion that we would do a comprehensive analysis of those expense categories and allowances, particularly that the members had.

We have done that and there was one area under members' allowances, the intra-constituency provisions, where there is a block of money allocated to every district. That block of money is intended to cover the cost of travelling within that district and dealing with their constituency business. If there is any residual, then that

money can be used for travelling outside your district on behalf of your constituents.

The current allocations were set up initially in 2007. The information that was used by Justice Green at the time to establish that was based on much more historic data and utilization by that district in previous years. The block of money was set up to cover the cost of travel, accommodations, and meals. At that time certain assumptions were made and certain groupings were made.

We have done an analysis of that and we have come to the conclusion that there are a number of districts that have been using close to the limit on a continuous basis, so there is some pressure on those districts. There are four in particular.

You might recall last year we made some changes in the budget process when we looked at the helicopter allowance provisions. We made some adjustments in Fortune Bay – Cape La Hune, made some adjustments in St. Barbe, and increased the kilometres assigned to those districts to allow for the travel. We did that in the context of the discussion around the helicopter provision and we did not have the benefit of this more thorough analysis that has been done since last year.

As a result of that, what we are proposing – and when we looked at it, as well, those districts that were under pressure, it was obvious why they were under pressure: The amount of kilometres allocated to them was not consistent with the number of kilometres allocated to them compared to other districts of similar size. By similar size, I mean districts that had similar numbers of kilometres of road in their districts.

With that said, if we were to realign the kilometre allocation in these four districts to be more consistent with the neighbouring districts or other districts in the Province that had similar kilometres, it would do two things; one: create more equity; and secondly, it would then alleviate the pressures that they have been under and we would not see those districts nearing topping out at their allowances.

In addition to that, the Member for Baie Verte – Springdale had written the Commission, or written me as the Speaker, requesting the Commission consider his allowance because of the pieces I just stated; it has been under pressure. As it turns out that particular district is one of the four in question here. If the Commission were to approve the recommendation in this note, it would not only create the equities for those other three, but it would also respond to the issue raised by the Member for Baie Verte – Springdale. That is what this note is intended to do.

The flip side of that, there are four districts that, again, are not under pressure because it is extremely underutilized. The reason it is underutilized is that the number of kilometres assigned to those districts is well in excess of kilometres assigned to other districts of similar size, and again size is a reflection of the number of kilometres of road in that district.

What we are proposing in this note is to make the adjustments in the four districts that have the pressures on them and make them more in line with their similar size districts. As well, make an adjustment on the four districts that are on the other end where the utilization has been extremely low – and for good reason, they do not have a lot of kilometres in their district, and that, too, would make them more consistent with districts of similar kilometres. That is the intent of the note.

I remind the Member for Baie Verte – Springdale that because of the potential conflict he would not be able to vote as we vote on this particular resolution.

With that introduction – and you have had a chance to read the note – I will open the floor for a motion to accept the recommendation. If there is some discussion then after we get the motion on the floor, we can deal with it.

Moved by Mr. Parsons; seconded by Ms Michael.

Questions? Comments?

There being none, all those in favour, ‘aye’.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Against?

Motion carried.

Tab 5 is a reporting requirement that we have to provide the financial reports of all of the House of Assembly services, together with all MHA individual statements. The period we are reporting on here would be the period up to December 31, 2013; so it runs from April 1, 2013 to December 31, 2013. At the next Commission meeting – I am not sure if it is the next one or the one after, we will be able to have the final ones for the fiscal year. This takes us up to the end of the calendar year 2013 and our fiscal year ends, obviously, March 31 of 2014.

This was for reporting purposes to the Commission. There is no approval required, but at the same time the floor is open if there are some questions for clarification or if information is required.

Okay, I am not hearing any. We will move on to the Audit Committee.

Mr. Parsons has been replaced on this Committee permanently now by Mr. Pollard. Mr. Parsons was the Chairperson of the Audit Committee. We need a motion to replace Mr. Parsons as Chair of the Audit Committee.

MR. KING: So moved.

MR. SPEAKER: Mr. King.

A seconder for that motion?

Ms Shea.

All those in favour, ‘aye’.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Okay, Mr. Pollard, you are now the new Audit Chair.

Ms Barnes will provide some introduction for you and some orientation of what that might mean. I think there is an upcoming meeting in a matter of days – next week, Tuesday, so you have the weekend to prepare.

The next item under Tab 7 is two letters of appeal from two members. The first one, the Member for Mount Pearl South, is a circumstance where an expense claim was submitted beyond the sixty-day deadline. As you can see from the analysis by officials, the expenses covered in this claim would ordinarily be eligible for reimbursement had the claim been filed on time. In order to pay this claim, the Commission needs to authorize the House of Assembly services to waive the sixty-day deadline.

A motion to that effect, first?

Moved by Ms Shea; seconded by Mr. Parsons.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Motion carried.

We have a similar request from the Member for St. Barbe, the same issue. The expenses claimed were ineligible. The amount involved this time is \$100. I am looking for a motion for the recommendation to pay the claim and waive the sixty-day deadline.

Moved by Mr. Pollard; seconded by Mr. Parsons.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Carried.

The final item on the agenda, a couple of interesting questions have arisen as a result of a letter received from the Member for Placentia – St. Mary's. You recall in 2007 when the current arrangement for MHA compensation and expense reimbursement was initially structured

in the way we currently have it, there were a couple of groupings of MHAs depending on what your circumstance was: whether you lived in your district, if you lived in the capital region, or you lived in some other district and lived outside your district. There are a number of groupings like that.

One of those groupings, MHA1 as it is referred to, is an individual who lives in the capital region but their district is outside the capital region, which means the rules governing your travel are laid out for you in the same way as every other grouping is laid out. The core of the issue here is that the current arrangement does not make any provision for someone who is living in the capital region to actually get to their district to do their district work to then access the intra-extra constituency allowance. I mentioned earlier there is a category of expenditure, intra-constituency allowances, that provide for reimbursement for members who travel within their districts to do constituency work. Individuals who live in their district, getting to their district is obviously a non-issue but if you live outside your district or live in the capital region, as it is in this case, getting to your district is a question. Is that eligible for reimbursement?

There are two issues that have arisen, having had an analysis of the request and given consideration to the request and done an analysis of the policy. There are two issues at hand here. One is the definition of intra-extra constituency travel and should that be used – because there are two components. The intra-constituency provision is designed to assist you as you travel around your district.

The way that was set up was that is the primary reason you have the amount of money you have; that was the primary consideration in giving you that allowance. Should there be any left over, if there is any residual in your day-to-day business, then you can access that if you want to travel outside your district on constituency business. That is the first policy issue for consideration here.

The second policy issue for consideration is the one that deals with within sixty kilometres. Members who travel to and from work or members who travel less than sixty kilometres to get either to their office or to the constituency office or the Confederation Building do not get reimbursed at all. We have members who might live in Holyrood and drive in to the Confederation Building every day; there is no reimbursement for that. Someone might live up in Bay Bulls somewhere and they may travel fifty or sixty kilometres a day to get to the Confederation Building, their office; there is no reimbursement.

When we did an analysis of this request and we gave consideration to the policy itself, the origin of the policy, the expressed intent of Justice Green when he framed it the way he did and looked at if we were to make changes, does it impact other districts and will it create any inequity in any way. So, we gave consideration to those factors.

We came to the conclusion that adjusting the definition of intra-extra constituency allowances to provide for a person to travel to their district, with a change in definition, would not necessarily be contrary to the spirit of extra-constituency travel nor would it create any negative impact or inequities in terms of other members in other districts. That component of it was a change in the interpretation could be accommodated without a tremendous amount of difficulty and no inequities being created.

The second policy under consideration, though, is very different. Now we would be into giving consideration to compensating somebody for travelling less than sixty kilometres to their district which would be quite contrary to the provisions of the sixty-kilometre rule that is already in the piece.

The note that you have before you has two issues that are summarized for you; one, dealing with the policy change to deal with the definition of extra-constituency travel; and the second request that we are asking is would the Commission wish the House of Assembly services to do a broader analysis and look at the

broader implications of that sixty-kilometre rule. That seemed to be well embedded by Green. Rather than spend a whole lot of time doing a detailed analysis if there is no real appetite to stray from it in the first place, the House of Assembly services is looking for some direction from the Commission.

Ms Shea.

MS SHEA: I have some comments on this. Having been around when the Green report was done and probably being on Management Commission – I guess there might have been a time I have not been on it, but being on it since it started basically – any rule changes I think really need to go back to our Committee that we set up after the general election where this information can be seen. I know over the years we have seen many requests come in. A lot of them make very good sense that we should do it.

Just based on the Green report and going back to the seriousness of that report and how rules were established, how we accepted them here in the House of Assembly, and the fact that we have a review Commission that is set up all the time for rules and anomalies and a chance to make your case, have the analysis done, my opinion would be as much as I understand this issue I think that this is an issue that really needs to be referred to the next Commission.

MR. SPEAKER: Any other comment?

MS SHEA: When they do the review of allowances. A review committee or whatever they call it.

MR. SPEAKER: Mr. King has his hand up.

Mr. King, then Mr. Ball.

MR. KING: Yes, I do not disagree with Ms Shea's commentary on whether we ought to do it here or refer it. I am not sure whether referring it out to the next Commission puts it off too far or not.

I do want to speak to what I think is the validity of the claim. I say it does not affect me

personally at this point, but it may have at one point. The allowance for resources, the principle as I understand it, is to ensure members have the ability to serve their constituents and to move back and forth between the capital and their district; but it makes a very, very fundamental assumption that all members reside in their district, and that is the principle on which most of the rules are based.

So, for example, a member who resides in their district is provided twenty trips a year to conduct district business, back and forth between the capital and their own district. Outside of that, they are also paid, in addition, weekly when the House sits, which if you do the math on the number of weeks the House sits and the time of the year, it seems fairly adequate to carry off. If a member chooses – I should not say chooses. If a member does not reside in their district – and I do not, personally; my permanent residence happens to be in there, and there are any number of members, and if you are not sitting in Cabinet where there are some other travel allowances, it puts you in a very strong predicament.

I think fundamentally it needs to be looked at because if we are not prepared to entertain that, then we are almost going down the road of saying that if you do not live in the electoral district that you are elected in, then you are going to incur travel expenses at your own peril if you get elected as an MHA. I do not believe that is the philosophy behind which the Province of Newfoundland and Labrador wants to operate.

While I am not sure that we ought to do it here, as Ms Shea said, I do strongly believe this rule needs to be looked at.

MR. SPEAKER: Mr. Ball.

MR. BALL: I can understand both arguments and I could support Mr. King in saying that the flexibility for MHAs who actually get in their districts and actually provide the services that they are elected to do on behalf of their constituents. I do support Ms Shea's argument of the fact that there is already a process that is well laid out and MHAs are given the

opportunity to engage in the process when they have questions and want to suggest changes to be made.

Personally, I do not believe the decision belongs with any Management Commission. We come and go and we make changes. I could write a letter today and resign and it could be someone else there and the person who comes behind me on this Management Commission may feel very differently about this. I believe we need to stick to the current process and, unfortunately, that will be out after the next general elections right now, but I know the spirit. I do not think there is any ill intent in any of this. I believe in the flexibility of getting MHAs in their districts and not that it should be costing them, personally, any money.

There is a process that has been laid out and I do not think to change a process is really something that is in the jurisdiction of this Management Commission. So in my opinion, I will be waiting, let the process all unfold and, fortunately, that would have to be after the next general election, in my opinion.

MR. SPEAKER: If I could just before I acknowledge Ms Michael, just to speak to Mr. Ball and Ms Shea's commentary, you may recall the last time the review was done by Judge Brazil. She was quite clear in her commentary, but she was also critical of the past Commission's actions because the Commission, in her mind, had reneged on their responsibility in making such decisions. In fact, it was very clear in that the Management Commission does have the authority to make changes in the rules between the reviews.

She made reference to Green's report and how it was framed. In her view in her commentary at the time, it was never the intent to defer all policy decisions to the review that occurred after every election. She was clear in two things: clear in her criticism of past Commissions for not having done it; and she was also clear in her commentary that the Commission does in fact have the authority to make decisions such as this one between elections. Those two things came out in the last review.

I am not suggesting that the Commission should defer a decision to the review. That is the decision of the Commission, and the Commission has the authority to do that, obviously; but the notion that the Commission does not have the authority, she clarified that point in her criticism of the past Commissions for not having done things and deferred it out to the review. It did not serve MHAs well when an anomaly came and a problem arose, and that is in Justice Green's commentary about being flexible and recognizing that members would have opportunity to make requests to the Commission and the Commission would have the authority to change policy if it was deemed to be appropriate and after, obviously, a due analysis and a public discussion like we are having here about the issue.

I just wanted to speak to the point that the Commission does in fact have the authority to make policy decisions such as this. Judge Brazil was pretty clear in providing that understanding for us, but also pretty clear in her criticism for not having done it in the past. Having said that, though, I want to be clear as well, the Commission in any issue that comes before it, if it does not want to make a decision or feels that it would be better done in another way, then obviously the Commission can do that, but I would not want the Commission to think that it has to do it because it does not have the authority to do otherwise.

Ms Michael.

MS MICHAEL: Thank you.

Actually, the point you have made is one of the points I wanted to speak to because I remembered the commissioner's, not admonition, but strong language to us with regard to taking on our responsibility. Before even wanting to make a decision whether or not it should go to the next Commission, I cannot remember right off the top of my head what it says in the legislation about what the Commission covers. If this is something we have jurisdiction over, I think we have to keep our responsibility to do that based on what the last commissioner said to us as a Commission.

So I would want that checked. I cannot remember the language in the legislation with regard to the setting up of the review commission.

The other point I would like to make is I absolutely agree with Mr. King with regard to everything, resources, being in place to make sure that MHAs can do their job. I have no problem with that; I absolutely believe in that. However, it is the second issue that is raised in the briefing note that I have a real concern about, and that is the whole issue of paying for commuting. I do believe the principle in the recommendations of the Green commission, the warning with regard to not covering commuting distance for members, would be something outside of the norm, which I think is what Chief Justice Green tried to deal with.

In looking at travel of MHAs, we would not be treating MHAs differently, for example, than public service sector workers. There are many public service sector workers who commute distances daily to and from their work in the name of the government, and they do it in different ways. Sometimes it is to an office in the Confederation Building or in other parts outside of the region where they have to do their work.

I think the definition that was in the Green Report, and that is the sixty-kilometre commuting distance, was determined based on what seemed to be an average. I think they did an analysis of what an average was with regard to commuting. I would not be able to approve an MHA being paid for the 'kilometrage' within that commuter distance, whether it is going from here out to the district or from the district back. The commuting distance is the commuting distance, and I just think we have to listen carefully to what Chief Justice Green said about that, and that is in the briefing note, a reminder to us of that. I would have a real problem with it.

So I would want more analysis. I am not even willing to agree to getting paid for a commuting distance. I just do not think it is right because nobody else gets paid for that in the work world

that I am aware of, and certainly not within the public service sector. So that piece I do not even see entertaining. That is my position.

Whether or not the whole issue should be sent to the next Commission, again, I would like us to be careful about that. As you have told us, Mr. Speaker, we do have the responsibility to change rules if that is something that needs to be done. Let us not be afraid of acting on that responsibility.

I think the first issue that has been raised seems non-problematic. I am willing to – if somebody else sees it as problematic, but it does not seem to be problematic. It would be amendments to the rules and it would be fair. It is not getting into inequities with respect to the application of the rules as has been indicated.

With the second one, the commuting distance was thought out fairly carefully by Chief Justice Green and his team. In actual fact, I think they were being pretty lenient – or I do not know if lenient is the word. I actually think people are travelling a lot more than sixty kilometres to commute daily. I am not suggesting a change to that. I think the principle of paying for commuting distances is just wrong. I just cannot go with it.

MR. SPEAKER: Any further comments?

Mr. King.

MR. KING: I am just seeking a little clarification here. Issue two on the commuting distance, is that directly tied in to the request for the Member for Placentia – St. Mary's, or is that one that is arising out of his request that you want us to consider?

MR. SPEAKER: The request from the member would have – obviously the end result being sought here was to have additional compensation for that travel. When we did the analysis of it, we realized policy one that we had to consider was the definition and policy around the extra-constituency travel. That was the core policy. There is no other category to charge this

to, so that was the appropriate expense category to consider.

When we did that piece of work, we came to the conclusion and the recommendation we brought forward that would not create any inequity. It is not a huge stretch to take extra-constituency because it is outside the district. By definition you are outside your district when you are travelling. It does not create an inequity and it is block funding.

When the money is gone, whether the member spends it in extra-constituency or intra-constituency, it does not matter; it is a block of money. The only factor when we dealt with the other one, you recall, we looked at kilometres in your district. The consideration of how much money you get is only based on the kilometres in your district. If you happen to consume it all by being outside, then no one gains anything by spending all of their money on extras. Really, at the end of the day, it was not a huge issue to make that policy decision, or at least a recommendation to bring forth to the Commission.

Then, when we looked at that, would that actually solve the problem raised? If the policy were changed and that happened, it still would not be any benefit to the member in question because the distance between his residence and the boundary of his district is within that sixty kilometres.

In effect, the consideration of the Commission is on issue number one, to amend the policy. If the Commission were to do that today, it still would not benefit the member in question here. It would be a benefit to some members potentially and it may give a broader definition for future members to use, but for the issue at hand, the issue raised by the member himself in this instance, it would not have any real benefit because of the other piece. Therefore, when we looked at the other piece, in order to provide an appropriate response to the member's actual request, we needed to bring that to the Commission and get some direction from the Commission.

If the Commission, in theory, decided it was okay to amend the definition of extra-constituency, and we implemented that policy and then did not do anything else, then the response to the member would be that we amended a policy and should you ever move your principle residence in theory it might apply to you. Today, you are barred from making a claim because of another provision in the regulations and that provision is a little more problematic.

The note from House of Assembly services is seeking some direction from the Commission because on one part we would bring forth a recommendation for your consideration to change the policy or not, really. On the second part we are bringing forth a request if you want to not entertain the notion at all, then we stop doing work on it; if you think it has merit and needs to be explored further, then we will do a much more in-depth analysis and bring you back a different profile to have it to look at and what it might mean. Core to that piece was the issue that Ms Michael had raised and that is why we wanted to seek some direction.

Mr. King.

MR. KING: Okay.

I am not sure, really, what I am going to recommend here. I look to some of my colleagues for guidance. I do feel strongly on the first part that I spoke to, that fundamentally when an individual gets elected their primary job is to serve their constituents. Some of us have secondary jobs, whether it is Cabinet, leader positions, and so on, and that brings us to St. John's.

The basis of the current rule is that you are expected to live in your district. If you live in your district that does not work out too bad because you get your twenty trips plus a weekly trip when the House is in session, which I am not sure of the math, but it would probably get you back and forth between the capital and your district as high as thirty-five or thirty-seven times a year, plus some other provisions. If you are the reverse and live in the capital region, as

some people do, it does not get you back and forth to your district as much. So your core job or your core base of people you are trying to work with, you are only provided resources to get there twenty times a year.

On principle I agree that I really do strongly think we need to look at that. I am not sure I am there today to approve a change. I think I personally would probably like to see if members support this, if you come back with the actual wording of what that change is going to look like, because I am conscious of the environment we are in. While I am trying to underscore how seriously I do support, I think we need to look at that because there are lots of examples where people live in St. John's who represent rural districts and it puts them at a real disadvantage unless they are in a position, such as Cabinet or otherwise, where there are other mechanisms to pay for your travel.

The second issue, like Ms Michael, I have some broader concerns with. I want to see another piece of work, I think, before I would be prepared to support that.

I invite my colleagues to speak because I am not quite sure if everybody understands what I am saying. I am not sure what I am saying myself, perhaps, in general.

MR. SPEAKER: Mr. Parsons.

MR. A. PARSONS: Just for the record, I do agree with what Mr. King said, especially on point one. On point two, I have no problem with analysis. I think detailed analysis gives us a better ability to make a more informed decision. I would look forward to seeing that before we were to proceed.

MR. SPEAKER: If I am hearing anything, and I ask for direction whether we have a motion, but if I am interpreting what I am hearing correctly, then it might be of value to defer a decision until further analysis is done, then leave the full discussion when the analysis is done on the second part, and defer a decision on the first recommendation until the analysis is done on the

second piece. Is that a reasonable approach? Is that what I am hearing from the Table?

Mr. King.

MR. KING: Yes, I am fine with that, but what I would like to see, I think, when you come back on issue number one, if we are going to move in that direction and if I am going to support it, I would like for you to actually be able to lay out for me what the wording looks like and what the new rules will read like. Right now there is text which says you are an MHA category 1, I think, category 2, and so on.

MR. SPEAKER: There is, yes.

MR. KING: I would like to see what that text would actually look like, so we are not actually saying go away and change it and we are good with it. Here is what it is going to read like and then some of us may feel substantially different when we read that. We might say: Do you know what? That makes a lot of sense. I think I would like to see the specific wording that you are suggesting on that.

MR. SPEAKER: Okay.

Ms Michael.

MS MICHAEL: I agree with what Minister King is saying because other times when we have voted on something like this, we have actually had very specific wording of what the change would be inside of whatever document it relates to, basically a rule. So I would have to see the exact wording of the change that we would be making and what the implications of that wording are. I would not be ready to vote on anything before then.

MR. SPEAKER: So we will record that the Commission has deferred the decision on this item on the agenda until further analysis is done and additional information is brought back to the Commission. If that is the consensus, then we will treat it as that and we will bring it back to the next Commission meeting.

All right, then. That concludes the business for today.

A motion for adjournment.

MR. A. PARSONS: So moved.

MR. SPEAKER: Mr. Parsons.

Thank you very much, folks. We will see you in the House this afternoon at 1:30.

On motion, meeting adjourned.