



PROVINCE OF NEWFOUNDLAND AND LABRADOR
HOUSE OF ASSEMBLY

HOUSE OF ASSEMBLY
MANAGEMENT COMMISSION

Fifty-Third Meeting

Wednesday, March 16, 2016

HANSARD

Speaker: Honourable Tom Osborne, MHA

The Management Commission met at approximately 5:30 p.m. in the House of Assembly Chamber.

MR. SPEAKER (Osborne): I believe we're live. Before we call the Management Commission meeting to order, I will ask individuals to identify or introduce themselves.

I'll start with the Member for Ferryland.

MR. HUTCHINGS: Keith Hutchings, MHA, Ferryland District.

MR. P. DAVIS: Paul Davis, MHA for Topsail – Paradise.

MR. BROWNE: Mark Browne, MHA, Placentia West – Bellevue.

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

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

MS. MICHAEL: Lorraine Michael, MHA, St. John's East – Quidi Vidi.

CLERK: Sandra Barnes, Clerk.

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

MR. SPEAKER: I'm Tom Osborne. I'm Chair of the Management Commission.

Okay, we'll get right to business.

Tab 1, approval of the minutes for September 22, 2015.

Are there any discussions, any questions?

Can I have a motion that the Commission approves the minutes for September 22?

Okay, the motion is made by Andrew Parsons; seconded by Lorraine Michael.

On motion, minutes adopted as circulated.

MR. SPEAKER: Tab 2 are reports including the Speaker's report for rulings on allowance use, the Speaker's report for long-term vehicle

rentals and the Clerk's report for authorizations on furniture and equipment. There are no decisions required. I'll simply read in, for these decisions were made. These are ordinary items that are done through the course of Members' business. For those who are viewing or for the record, I'll read into the record what these are.

The first report is rulings on allowance use. They're provided in accordance with the requirements of the *Members' Resources and Allowances Rules*, and it's for reporting purposes only. The report is the Speaker's approval of appeals of claims by Members, which the Speaker approved for payment after the 60-day filing period. The details of the approval are provided in your briefing materials. For the purpose of anybody who may be viewing, these are, generally, requests that otherwise would be approved but have gone beyond the 60-day time frame, so we saw fit to approve those.

The second report is on long-term vehicle rentals, which was provided in accordance with the reporting requirements and, again, is for reporting purposes only. This report includes an approval of the Speaker for long-term vehicle rentals in excess of 30 days, which must have the prior approval of the Clerk and the Speaker, and be reported at a subsequent meeting of the Commission. That's what we're doing here today.

The third report is the Clerk's report on the authorizations of furniture and equipment. This is a report on authorizations. The Commission has delegated authority to the Clerk to pre-approve expenditures to a maximum of \$500 for furniture and equipment other than that listed in the standard office allocation package. The Clerk is required to report all such approvals to the Commission, and that's what is happening at this meeting today.

Tab 3, financial information, which is April 1, 2015, to September 30, 2015, and April 1, 2015, to December 31, 2015; there is no decision required on this. It's for reporting purposes only. The *House of Assembly Accountability, Integrity and Administration Act* requires that financial information be reported to the Commission on a regular basis. This agenda item is for reporting purposes only and no decision required.

There are two sets of financial statements provided in the briefing package for the House of Assembly service, caucus offices and the statutory offices. Member accountability and disclosure reports outlining expenditures for each Member are provided for each period. The first statements are from April 1, 2015, to September 30, 2015.

I ask if there are any questions with respect to any of these statements before I carry on to what is next. Any Members' have questions or statements? Okay.

The second is for the period April 1, 2015, to December 31, 2015. Again, are there any questions or comments? Okay.

Tab 4, budget transfer request; this does require a decision. It's a transfer of funds to Government Members Caucus Grants and Subsidies to provide for operational funding for the period of November 30, 2015, to March 31, 2016. It's as a result of the changes in caucuses after the election and additional Members in the government caucus. Details and reasoning for the transfers are outlined in the package, which is essentially what I've just described.

Are there any questions or comments from any of the Members? Okay.

I would ask for a motion that the Commission approves the following transfer of funds from subdivision 1.1.07.10, Official Opposition Caucus – Grants and Subsidies \$900 to subdivision 1.1.06.10, Government Members Caucus – Grants and Subsidies \$900.

MR. HUTCHINGS: So moved.

MR. SPEAKER: Moved by the Member for Ferryland; seconded by the the parliamentary assistant to the Premier.

MR. P. DAVIS: (Inaudible) I just wanted to ask a question to the Management Commission. Is this something that's done, then, on a regular basis after the fact, or is it usually done before the quarter? What happens after April 1?

MR. SPEAKER: This is reporting and, again, it's as a result of change in the composition of

one caucus to the change in the composition of another caucus and funds had to be transferred.

I will ask Sandra Barnes to elaborate.

MR. P. DAVIS: This will be part of your budget for April.

CLERK: The Commission has delegated authority for certain transfers to the Clerk and the chief financial officer; however, any transfers from grants have to be approved by the Management Commission. We don't have that level of authority. So we need the approval before we can do the transfer. Even though it seems like housekeeping post-election, we still need to have the authority of the Management Commission in order to –

MR. P. DAVIS: Okay, that's –

CLERK: Okay.

MR. SPEAKER: Any other questions or comments?

Tab 5, the Appointment of a Chair and Member for the Audit Committee, and this does require a decision of the Management Commission. The Audit Committee is established under the authority of section 23 of the *House of Assembly Accountability, Integrity and Administration Act*, which requires the Commission to appoint two members of the Commission to the Audit Committee and to designate the Chair of the Audit Committee.

As the Commission has been reconstituted for the Forty-Eighth General Assembly, the Commission must appoint two members and a Chair to that Committee. So there are two proposed motions that I will ask somebody to put forward. One is that the Commission appoints each of the two members to the Audit Committee effective immediately. We'll deal with that.

Do we have any motions?

MR. A. PARSONS: I nominate Mr. Browne to be a member of the Audit Committee.

MR. SPEAKER: Okay. Any other appointments?

AN HON. MEMBER: Yes, I nominate Mr. Hutchings as a member of the Audit Committee.

MR. SPEAKER: Okay. The Commission appoints Mr. Browne and Mr. Hutchings as members of the Audit Committee effective immediately.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Anybody against?

Motion carried.

The Commission also has to appoint a Chair of the Audit Committee effectively immediately. I'll ask for motions.

Mr. Parsons.

MR. A. PARSONS: Mr. Browne as Chair of the Audit Committee.

MR. SPEAKER: Mr. Browne.

Any other appointments?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

Item 6, Report on the Transfer of Constituency Assistants to the House of Assembly Payroll.

Just to give some background, prior to this the constituency assistants of ministers were paid through the departments that they worked in. There's no decision required here, but we are reporting. Since the accountability and integrity act was put into place, it was recommended that the constituency assistants be paid for out of the House of Assembly. That's what is happening here.

Since 2009, consultations and ongoing discussions between the Executive Branch and the House have been held to determine the implications of transferring these positions from

departmental payrolls to the House of Assembly. As a result, the transfer of all constituency assistants to the House of Assembly payroll became effective December 1, 2015. This agenda item is for reporting purposes only and there is no decision.

MR. BROWNE: Mr. Speaker, can I ask a question?

MR. SPEAKER: Yes, absolutely.

MR. BROWNE: What was the rationale for having constituency assistants on the payrolls of departments as opposed to the House of Assembly?

MR. SPEAKER: I think that was the situation for decades. When Justice Green put forward the legislation, the accountability and integrity act, it was his recommendation that those positions be moved from departments to the House of Assembly.

It's taken some time to carry out that recommendation. It's probably one of the last recommendations that needed to be carried out from that report, is my guess. I'm not sure what the rationale was that they be paid out of departments. They were always really employees of the House or should have been employees of the House, especially since the accountability and integrity act. We've now made that official.

MR. BROWNE: Thank you.

MR. SPEAKER: Tab 7 – before we get to that actually, the *House of Assembly Accountability, Integrity and Administration Act* requires that the substance of any decisions made at an in-camera meeting be reported at the next public meeting of the Commission.

On November 2, 2015, the Commission held an in-camera meeting to discuss a personnel issue. There was no decision made at that meeting.

Again on November 6, 2015, the Commission held an in-camera meeting to discuss a proposal for a new organizational structure for the Office of the Information and Privacy Commissioner and additional financial resources to implement the new structure. The following decisions were

made at that meeting: CM 2015-037 was a Management Commission decision.

The Commission at its in-camera meeting of November 6, 2015, approved the proposed organizational structure dated November 3, 2015, of the Office of the Information and Privacy Commissioner. To give effect to the above, the Commission approved the following: that the Commission approved the creation of the position of assistant commissioner at a pay scale and level to be determined by the House of Assembly Classification Committee. The Commission approved the creation of the position of intake officer at a pay scale and level to be determined by the House of Assembly Classification Committee.

The Commission approved the creation of the position of senior access and privacy analyst advocacy and compliance at a pay scale and level to be determined by the House of Assembly Classification Committee. The Commission approved the abolition of the position of mediation, communication and policy analyst. The Commission approved a permanent increase of \$300,000 to the budget appropriation for the Office of the Information and Privacy Commissioner allocated as follows: Salaries, \$271,500; Employee Benefits, \$7,500; Transportation and Communications, \$6,000; Supplies, \$3,200; Purchases Services, \$11,800.

That now brings us to Tab 7, which was the Submissions from the Office of the Information and Privacy Commissioner. There is a decision required on this particular tab.

The Office of the Information and Privacy Commissioner has put forward two submissions for consideration by the Commission. Submission 1: a request to change the title of a position.

At its November 6, 2015, in-camera meeting, the Commission approved the creation of an intake officer position as part of the restructuring of the Office of the Information and Privacy Commissioner. Since that time, the Commissioner has determined that the title of this position does not accurately reflect the duties and responsibilities assigned to the position. The Commissioner is requesting the Commission's approval to change the name of

the newly created position of intake officer to policy, planning and research analyst and that the pay scale and level will be determined by the House of Assembly Classification Committee.

(Alarm sounds.)

AN HON. MEMBER: I think we have to go, do we?

MR. SPEAKER: I would recommend that we give it a couple minutes to see if this thing shuts off. If not, then we'll have to vacate.

CLERK: I'm going to just check with security.

MR. SPEAKER: Okay. It seems like the alarm has gone off, so I'll continue.

The proposed motion is that the Commission approves the change in title of the position formally called intake officer to that of policy, planning and research analyst at a pay scale and level to be determined by the House of Assembly Classification Committee.

Did you want me to read the other motion and we'll discuss them in their entirety?

AN HON. MEMBER: Yes.

MR. SPEAKER: Submission 2: a request to fill the newly created positions. At its November 6, 2015, in-camera meeting the Commission approved a new organizational structure with associated funding for the Office of the Information and Privacy Commissioner.

This structure included the creation of three new positions for that office. The office was asked to provide vacancy analysis information on each of the positions before approval was given to fill the positions. The submission by the Commissioner provides detailed information respecting the need to fill these positions.

I guess since the November 6 decision, there was a hiring freeze implemented by government and, hence, part of the reason we've asked the Commissioner to come back and put this on the agenda.

The proposed motion is that the Commission approves the filling of the following three

positions as approved by the November 6 restructuring submission: assistant commissioner; policy, planning and research analyst, formerly intake officer; and senior access and privacy analyst.

I will now open up both proposed motions for discussion by the floor. The Commissioner is here as well and we can call him to the floor, should Members wish to ask questions.

Siobhan Coady.

MS. COADY: Thank you, Mr. Speaker.

I have a few questions on process and then perhaps on the positions.

MR. SPEAKER: Okay.

MS. COADY: There are two submissions before us. I think the submission 2 is more substantive than the submission 1, which is just a name change. The question becomes whether we have the opportunity now to reconsider submission 2 – and I'm asking for direction here. I'm assuming we can, or it wouldn't be before us.

As you rightfully pointed out, we find ourselves as a province in a difficult financial situation. We've maintained a hiring freeze at this point in time. We're concerned about our finances. I think we need to really reflect and review the needs of the office and the associated increase in budget.

I note the office now carries a budget of some \$1.35 million, and it will be going, I assume, to \$1.6 million. That's a substantive increase, and I think we really need to reflect upon each of these positions and discuss whether or not we can continue as we are for the time being, at least until after this budget, to determine where we are going from there, and I ask for our consideration in that regard. Perhaps we can call the Commissioner to discuss same.

MR. SPEAKER: Okay.

Prior to recognizing Ms. Michael, we can change the proposed motion. I'm not sure if I'm hearing you – that we change it to keep things as they are?

MS. COADY: My suggestion would be to postpone any hiring decisions until at least after the budget.

MR. SPEAKER: Okay.

For the knowledge of Members of the Commission, the positions I think are temporarily filled now. Is it your recommendation that we –

MS. COADY: Postpone making them permanent until after the budget.

MR. SPEAKER: Making them permanent. So maintain them as temporary until such a time as the budget.

MS. COADY: I think we will need to thoroughly review and discuss each of these positions and their merit. I note, for example, there are only two other provinces with assistant commissioners, both of them with very significant and large offices. Ontario, for example, I think have 97 staff and they have an assistant commissioner. Alberta has 48 staff and has an assistant commissioner. I would like, as a new Member of this committee, to have the opportunity to consider whether or not in our province we need that position, for example.

I'd like to suggest we consider postponing any permanent positions until after the budget, and then we'll get a better sense of how we move forward. If we are to review then all the three new positions to really delve into each of them.

MR. SPEAKER: Okay.

Are you putting a motion to the floor now, or did you want to discuss and come back to a motion?

MS. COADY: I could put a motion to the floor now or we can have more discussion, whichever is the wish of the group.

MR. A. PARSONS: (Inaudible) discuss and come back to it.

MS. COADY: We can come back to the motion.

MS. MICHAEL: I have a couple of points first.

MR. SPEAKER: Okay.

Ms. Michael.

MS. MICHAEL: Yes, thank you, Mr. Speaker.

I think it's important. I think some of us are at an advantage over others here in terms of having been on the Commission for a while. We benefited from a long in-camera session with the Commissioner. His submission of all this documentation, as part of submission 2, is all part of the stuff that we were able to discuss with him and get a full handle on why we approved the three new – what were new at the time, or the new infrastructure.

I think it's important to remind us that a lot of the new infrastructure and the new positions came about because of the new legislation. There were quite a number of new responsibilities that were laid on the shoulders of the Commission after the Commission that studied the privacy and the legislation that we came up with. I think it was Mr. Wells, who was the Commissioner, laid quite a number of new responsibilities on them. Those responsibilities also include deadlines, et cetera, in legislation. They have legislated responsibilities.

So when we made the decision to approve the new infrastructure, we actually didn't approve everything that had been put in front of us. I think we were quite small-C conservative in doing the approval that we did.

I think it would be good for other Members to feel that they have as good a handle on that as we do. I actually like what my colleague for St. John's West is saying.

MR. SPEAKER: Any other comments?

MR. P. DAVIS: Briefly, Mr. Speaker.

MR. SPEAKER: Mr. Davis.

MR. P. DAVIS: Thank you, Sir.

I feel as well it would be important for us to reflect on the importance of the new legislation and also the important role that the Office of the Information and Privacy Commissioner plays in ensuring that the necessities of that legislation

are met. I wouldn't want us to take any steps to be disrespectful to the processes and the requirements under what's still a fairly new piece of legislation that Justice Wells played a big role in, and also talked at some length in the importance of ensuring that the legislation is upheld and processes are upheld.

Having said that, I do agree with comments from colleagues that making these positions permanent be deferred until after the budget process so we can have greater insight from that perspective. At that point in time, as we make the decision, I would like to hear from Mr. Ring to discuss the roles, responsibilities and the workloads that exist in his office right now and what the potential impacts would be if we were to change the support roles or support staff that he has in his office.

I think it would be prudent to do it, at least at that point in time, when we come back to revisit this decision. I believe that's what the motion is to postpone this and revisit it after the budget. I'm fine with that.

MR. SPEAKER: Okay.

If I'm understanding correctly – and I'll keep the floor open for other comments – this would give Members time to review and reflect on the requests by the Commissioner.

Do any Members have questions for the Commissioner now, or would we postpone until after the budget process as well?

MR. A. PARSONS: I prefer to postpone it.

MR. SPEAKER: Okay.

MR. P. DAVIS: If I may, Mr. Speaker, while the Commissioner is here, and he's in the room listening to the conversation, if there was some issue or matter he may have or believe we may need to consider in order to consider this motion that's before the floor right now, if there's something of importance that he could bring, he may raise a flag to say, well, here's why that process is, okay, it will work for me; or maybe he has some reason that we're not aware of where there may be a problem created by the decision we're making. If that's the case, it

would be prudent to hear from him at this point in time.

MR. SPEAKER: Certainly.

Ms. Michael.

MS. MICHAEL: One of the parts of the process of our work as the House Management Commission will be the approval of the various budgets of the statutory offices. That would be part of the budget process. We don't even have deadlines set up yet for any of that, I don't think. We haven't been given any deadlines anyway. At that time, we do get an opportunity to sit with Mr. Ring – just like we do with all other statutory officers – to go over the budget. I would suspect in the context of discussing the budget, we can ask him questions about the budget and that would include what the different roles are.

So all the more reason for postponing any decision making until after the budget process, because it would be at that time we would be making permanent decisions, et cetera – at least permanent for a year's budget.

MR. SPEAKER: Yes.

Mr. Davis, is that okay with you or would you still like to ask questions of the Commissioner?

MR. P. DAVIS: No, it's fine with me. I don't see him jumping up and down over there saying there's something pressing he should bring to our attention. Unless he believes there is. I don't think he does – oh, there is? There may be something we should –

MR. SPEAKER: Mr. Ring, if you wouldn't mind – so that we can get you on audio and video, and anybody who's viewing from home would have an opportunity to hear what you have to say as well.

For Broadcast, Mr. Ring is sitting in the seat for the Member for Ferryland.

Okay, your light is on. Go ahead.

MR. RING: Thank you very much, Mr. Speaker.

I don't have a whole lot to say today because I see the trend in terms of any proposal. My main concern here, as I articulated in a short email to the Clerk late last week, was the fact that under the current situation I have three people that are going out the door based on their temporary status at the end of March. If that were to occur, then my office would be incapable of servicing the ATIPPA 2015 based on the 20-plus new rules, responsibilities, duties, functions and services that are required.

I do understand the concern raised by a number of the Members here. I am very sensitive to that. That's why in the first place, and during the previous opportunities I've had to present to this committee, I've always emphasized the fact that we understand the fiscal situation of the province. That's why we went forward with a minimum requirement standard, an absolute bare minimum necessary to come up and to develop and run an audit program for accessing privacy in the province to be able to provide the level of enhanced education program that the new legislation asks for, just to mention a few.

My main concern is if there could be a decision that will allow the temporary positions that are in place now to be extended until a decision –

MR. SPEAKER: Yes, that's my understanding, that the positions would remain temporary until after the budget process. So that would carry on beyond March 31.

MR. RING: Okay, and then at a certain point in time would the Commission then meet? Excuse me – I'm just looking at process.

MR. SPEAKER: Yes, so the motion being proposed, I believe, and so far agreed to by Members, is that the positions would remain temporary, would not be filled and we would revisit the decision. They would remain temporary until after the budget process, which is sometime presumably in April or thereabouts.

MR. RING: Okay.

MR. SPEAKER: So they would carry beyond March 31.

MR. RING: Okay.

MR. SPEAKER: After the budget, the Commission will then hear your submission, have an opportunity to ask questions of you and make a final decision on whether or not these positions are permanent or not.

MR. RING: Okay, I understand.

MR. SPEAKER: That's my understanding.

I ask the Member for St. John's West –

MS. COADY: (Inaudible).

MR. SPEAKER: – and the Member for St. John's East – Quidi Vidi: Do we want to put that motion to the floor at this point?

AN HON. MEMBER: Yes.

MR. SPEAKER: Okay.

The Member for St. John's West, seconded by the Member for St. John's East – Quidi Vidi.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Against?

Carried.

That being the last item on the –

AN HON. MEMBER: (Inaudible).

MR. SPEAKER: My understanding was both of those – am I correct – both of those are deferred?

MR. A. PARSONS: Yes.

MR. SPEAKER: Yes.

MS. DEMPSTER: Mr. Speaker, I'm not a voting Member, but can I ask a question?

MR. SPEAKER: Yes, absolutely. Before we close off we'll give everybody an opportunity to ask questions or speak.

AN HON. MEMBER: (Inaudible).

MR. SPEAKER: No, that's fine. I just wanted to ensure we've closed off Tab 7. Is everybody satisfied with the decision?

Okay, carry on.

Lisa Dempster.

MS. DEMPSTER: I'm new to the Commission, obviously. The Commissioner mentioned all of the legislative changes and the extra work that imposed. I guess I was just wondering for my own purposes: On average, how many inquiries do you receive a day that you deal with?

MR. RING: It's difficult to answer that question on a daily basis, but the numbers have increased. In fact, I'll give you an example. The four regional health authorities alone in the last two months have had more requests in each of the authorities than they've had in the entire year last year. It's off the mark.

The problem is – it's not a problem – reality is that based on the new legislation, the timelines are much more stringent. For example, when a complaint or a request for review arrives at my office, we have 65 days from beginning to end of the process. In some cases there are thousands of records that need to be reviewed to verify the exceptions that are being claimed by public bodies and so on.

The workload has increased substantially and that's just on the access to information part of it, as opposed to all of the others, the privacy and so on.

MR. SPEAKER: Any other questions or comments?

AN HON. MEMBER: No.

MR. SPEAKER: Alright, meeting adjourned.

Sorry.

MR. A. PARSONS: (Inaudible).

MR. SPEAKER: Motion to adjourn by Mr. Parsons, seconded by Ms. Michael.

Thank you, folks.

On motion, meeting adjourned.