



PROVINCE OF NEWFOUNDLAND AND LABRADOR  
HOUSE OF ASSEMBLY

HOUSE OF ASSEMBLY  
MANAGEMENT COMMISSION

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Fifty-Fourth Meeting

Wednesday, June 29, 2016

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**HANSARD**

Speaker: Honourable Tom Osborne, MHA

The Management Commission met at approximately 10:30 a.m. in the House of Assembly Chamber.

**MR. SPEAKER (Osborne):** For the purposes of broadcast, this is the House of Assembly Management Commission. We have a number of items on the agenda. I will ask members around the table to introduce themselves.

Prior to doing that, we have Lisa Dempster who is not a member, but is Deputy Speaker, and can sit in on the Management Commission meetings, does not vote; Andrew Parsons is joining us by telephone, and all other members are here at the table.

We'll start with Mr. Davis to my left.

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

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

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

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

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

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

**MR. SPEAKER:** I'm Tom Osborne, Speaker and Chair of the Management Commission.

So we'll get straight to business. Under Tab 1, we have the approval of the minutes for the November 6 Management Commission meeting. There's a decision required here. There are four sets of minutes submitted for the Commission's approval today. First is the minutes for the November 6, 2015 meeting. We need a proposed motion, I guess, that the Commission approve the minutes of November 6, 2015 meeting.

I know Members had copies of the agenda for some time, so I'm asking for somebody to move that motion and somebody to second it.

Moved by Lorraine Michael; seconded by Keith Hutchings.

The second set of minutes is for the March 16, 2016 meeting. Again, the proposed motion is that the Commission approve the minutes of the March 16, 2015 meeting. I am looking for a mover and a seconder for that motion.

Moved by Mark Browne; seconded by Lorraine Michael.

Third are the minutes to the March 23, 2016 meeting. The proposed motion is that the Commission approve the minutes of the March 23, 2015 – it should be 2016 meeting. Actually, the first one should be March 16, 2016 as well. That's motion number two.

The third is that the Commission approves the minutes of the March 23, 2016 meeting. I'm looking for a mover and seconder.

**MR. HUTCHINGS:** So moved.

**MR. BROWNE:** Seconded.

**MR. SPEAKER:** Moved by Keith Hutchings; seconded by Mark Browne.

The last minutes were for the May 30, 2016 meeting. Again, the proposed motion is that the Commission approve the minutes of the May 30, 2016 meeting.

**MR. P. DAVIS:** Just a comment on that one, Mr. Speaker.

**MR. SPEAKER:** Yes, absolutely.

**MR. P. DAVIS:** (Inaudible) the time of that meeting, but it indicates regrets. I know it was a short meeting. I think there was only one item of business that was actually discussed there.

**MR. SPEAKER:** Yes, I do recall actually that you arrived late. We will change the minutes to reflect the fact that Paul Davis was at the meeting, as opposed to regrets.

**MR. P. DAVIS:** Thank you.

**MR. SPEAKER:** Other than that, any other comments?

**MR. P. DAVIS:** I move approval, as amended.

**MR. SPEAKER:** All right.

Moved by Mr. Davis; seconded by Lorraine Michael.

Also under Tab 1, there are three reports. The first two reports are the authorizations made by the Speaker or the Clerk. There are no decisions required, but we are required to report these to the Management Commission. The first report is Rulings on Allowance Use, which is provided in accordance with the requirements of the *Members' Resources and Allowances Rules*.

The report is the Speaker's approval of appeals to claims by Members which would have been approved had they been submitted on time but they were beyond the 60-day filing period, and the details of those approvals are provided in the briefing materials.

The second report is the Delegated Authority Respecting Financial Matters. It is provided in accordance with the reporting requirements. It's for reporting purposes only, and here the Speaker is using authority under CM 2008-095 approve the restatement of Estimates for *Budget 2016*. The details of the approval are provided in the briefing materials.

The third report is the ninth report of the Audit Committee to the Management Commission, which is provided in accordance with the *House of Assembly Accountability, Integrity and Administration Act*, and that's for reporting purposes only as well.

So those are just reporting to the Management Commission activities that have been undertaken. I will ask if there are any comments or issues that anybody wanted to raise on those items that were within the briefing materials

**MR. P. DAVIS:** Just briefly, maybe staff could give me the changes on the second one – I don't seem to have it – the restatement of the Estimates for the budget (inaudible).

**CLERK:** It was the Department of Finance when they were finalizing the Estimates and how they had to restate it. I don't have particular details with me right now, but I will get them and get them to you.

**MR. P. DAVIS:** Yes, that's fine.

**CLERK:** I think we provided them at the time.

**MR. P. DAVIS:** That's fine, thank you.

**CLERK:** Okay.

**MR. SPEAKER:** So basically in order to have the budget ready and the tight time constraints, Finance had asked for reallocations within the House of Assembly budget –

**MR. P. DAVIS:** Sure.

**MR. SPEAKER:** – and those reallocations were made.

**CLERK:** But it didn't change our appropriations in any way.

**MR. P. DAVIS:** No, no, and I understand those movements and changes occur.

**CLERK:** I will get them, though.

**MR. SPEAKER:** Okay, everybody ready?

Lorraine Michael.

**MS. MICHAEL:** It is a question with regard to the audit report, if I could.

**MR. SPEAKER:** Yes, absolutely.

**MS. MICHAEL:** I'm interested in not so much the content, but under number 13 and number 14, for example, in the report the committee recommended that the House of Assembly seek clarification related to severance benefits for political support staff; the committee to discuss the management certification review with Grant Thornton representatives.

I guess I'll ask the Chair, since he's sitting at the table. Are there further actions from those? It talks about discussion, but are there further actions from those?

**MR. SPEAKER:** So the question is directed to Mark Browne as Chair of the Audit Committee.

**MR. BROWNE:** I would have to defer to the Clerk. Much of these activities were undertaken

prior to my assuming the chairmanship of the committee in the previous General Assembly. So I'm not sure if the Clerk would have any details on that?

**MR. SPEAKER:** Yes, and fair enough, most of the material in this audit report would have been under the previous Audit Committee prior to Mr. Browne's arrival on the Management Commission.

**MS. MICHAEL:** Right.

Would the Clerk have any information on that?

**CLERK:** Yes, I just wanted to state that I am not a member of the Audit Committee. It is clerked by the Clerk Assistant, in terms of (inaudible) but I am aware of this issue.

What it is that the order in council referenced there is rather old, and when the Auditor General did his audit last year he was of the view that there could be two different interpretations. That said, the House has consistently interpreted in a particular way, and he agreed with that interpretation.

An order in council is not the House's to change. So we have asked Executive Council if they could amend that Order, and that's something they are working on. In the meantime, we made sure that the language in all of the political support contracts following the general election was very clear in terms of the severance benefit.

**MR. SPEAKER:** Does that answer your question?

**MS. MICHAEL:** Yes, that's helpful.

Thank you.

**MR. SPEAKER:** Okay. Thank you.

So are we ready to move to Tab 2? Any other questions or comments?

Under Tab 2, that's the Approval to Renew the Lease of the Office of the Chief Electoral Officer. There is a decision required on this. The current lease for the premises of the Office of the Chief Electoral Officer at 35 Hallett Crescent ends May 17, 2016, but will continue in the

interim on a month-to-month basis. The current lease for the office has no renewal clause. It is recommended that the Management Commission approve the renewal of the current lease for a further five years under the same terms and conditions.

Subsection 4(5) of the *Public Tender Act* requires that leases without a renewal clause be renewed only by the approval of the Lieutenant Governor in Council. In this particular case, it would be by the Management Commission.

**MR. A. PARSONS:** Mr. Speaker.

**MR. SPEAKER:** Yes, go ahead.

**MR. A. PARSONS:** I'm just wondering on this one here, I believe we are getting a new Chief Electoral Officer at some point in the near future.

**MR. SPEAKER:** We are, yes.

**MR. A. PARSONS:** Should we not wait until that individual is in before we move forward.

**CLERK:** If I may, on this matter?

**MR. A. PARSONS:** Yes.

**CLERK:** Okay. This has to do with the premises. The lease where they are now has expired. They have particular needs in terms of they need warehouse space.

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

**CLERK:** Transportation and Works is conducting a space review. So their recommendation, it's probably not the best time to go for tender until the results of that review are known; but, in the meantime, we're going month to month in the premises that we're in now. So it really doesn't tie into the appointment of a new Chief Electoral Officer. That has to go to the Independent Appointments Commission, and then that person wouldn't be in place until the House deals with it via resolution. So we're looking at some time –

**MR. SPEAKER:** November or December.

**MR. A. PARSONS:** So T & W is doing a review.

**CLERK:** A space review, yes.

There could be – as a result of that review, there may be space that can be reallocated from government inventory. We don't know that yet.

**MR. A. PARSONS:** So if that's the case, wouldn't you continue going month to month?

**CLERK:** Well, the problem is that the landlord could terminate the lease at any time because we don't have a lease in place.

**MR. P. DAVIS:** The other question then –

**MR. SPEAKER:** Paul Davis, just for Broadcast.

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

The other question I have is that we're expecting another budget this fall. We don't know what's contained in that budget. Will that have any implications on space or will other space become available as part of that? Now I don't know if that's part of what Transportation and Works is doing on their space review.

We don't know what government plans are for the future but it ties into a five-year lease. My question is, considering all of the factors, is that the most appropriate –

**MR. SPEAKER:** Good points raised by Mr. Parsons and Mr. Davis.

Clerk, do we have any indication from the landlord, Fairview Investments, of any intention to cancel the lease? Have they had any communication with us?

**CLERK:** No. They would have communicated with the Chief Electoral office directly, but our understanding is that Transportation and Works recommended we not go – we would have issued a tender for a new lease, but they wanted to complete the space review. By the time that review is done and any adjustments, I would think you'd be pretty close to –

**MR. A. PARSONS:** Have they given any indication of when the review is going to be done?

**CLERK:** I know it's ongoing. We don't know exactly when it will happen. We don't know what the outcome will be and we don't know how long it's going to take.

**MR. A. PARSONS:** The only thing I'm – maybe it's completely off base here, is that if there's a review ongoing and if we go ahead and sign a five-year lease, well, there's no point including this in a review, right?

**CLERK:** But it wouldn't be part of that review, because they're reviewing government-owned space I think.

**MR. A. PARSONS:** But I think they're also exploring leases, are they not?

**CLERK:** We haven't been party to it. It's just that their recommendation was that we renew – their recommendation was rather than retender at this point, we renew the lease.

**MR. A. PARSONS:** Okay. So T & W said renew it?

**CLERK:** Yes.

**MR. A. PARSONS:** Okay. If T & W said it, well, then that's fine.

**CLERK:** Yes. Normally, these have been going to Treasury Board but because the House is separate, that's why we had to bring it to the Management Commission. My understanding is this is something that has been a standard practice on some of these things that have been coming up for renewal.

**MR. SPEAKER:** Okay.

Do Keith Hutchings have a question or a comment?

**MR. HUTCHINGS:** Yes, Mr. Speaker.

Just for some commentary in regard to a TW review of public-owned property and inventory and what's available. I do have concerns in regard to just an automatic extension here of five

years without exploring with the owner of the premises if something to a lesser degree could be accomplished. Because if we approve for five years, basically any findings of a review in the near future will not do anything to have possibly more efficient utilization of public space.

We know what's happening in regard to market here now in St. John's, certainly on the private side. There may be space that's freed up. I just don't see the point in approving a five-year lease because we're locked in then for five years.

**CLERK:** If I may?

**MR. SPEAKER:** The Clerk.

**CLERK:** Four years from now we'll be going into a general election and, as I said, the Chief Electoral office has peculiar needs because of warehousing and things like that. So you want to make sure we have stability through the election process, the general election cycle. I wouldn't want to see them moving in the same year that the general election is called.

**MR. HUTCHINGS:** Yes, I understand it. I guess all I'm saying is that under Analysis here it says, "Internal Consultation(s): Not applicable; External Consultation(s): Not applicable."

Can we just have a discussion with the owner of the premises and just see –

**CLERK:** Oh, we can go back. Yes.

**MR. HUTCHINGS:** – what's his preference or her preference as regards to the property. If not, then we're saying we don't care about the cost because it's the Chief Electoral office. We're just going to lock in for five years and what it is it is. Recognizing it is confirmed and we'll adopt whatever was in place now.

**MR. SPEAKER:** Can I make a suggestion?

If Transportation and Works, through their review – even if they come back in September or October with potential space, it's still going to take another three or four months perhaps for that space to be available if there is identified space for the Chief Electoral office. I know they need office space; they need warehouse space.

Would it be a reasonable suggestion that we enter into discussions with the landlord to renew for one year with the possible extension for the additional four? Because there's an extension of five years permitted here, an additional extension of five years. Would it be reasonable to enter into discussions with the owner for one year? Because the better part of that one year is going to be tied up with the review and then making space suitable for the Chief Electoral office should space be available. If it's not available within that year we'll know and we can renew the lease for the additional four.

Lorraine Michael.

**MS. MICHAEL:** I would agree with that, based on what Keith said as well, because I was going to put in a similar suggestion: Let's give a direction that the Chief Electoral office have a discussion and Transportation and Works may have to be involved – it is exactly what you're saying. I don't think it's for us to come up with the details but to direct them to have these conversations and to seek can an interim agreement to be made under the same conditions with the landlord. And you suggested one year while Transportation and Works does their review. So I think this is a good way to go actually.

**MR. SPEAKER:** If the renewal is permitted for an additional five years, can we enter into negotiations with the landlord to renew for one year, pending the review of Transportation and Works, and then add the additional four if space is not available. If space is available, then you are locked in for one year only.

Lorraine Michael.

**MS. MICHAEL:** If I may add, and I just alluded to it, the issue is that landlords like the five years. They give better terms under five years. So we'd have to make sure that the landlord would be agreeable with this condition for that first year, to keep the same conditions for the first year and not be looking for more money in case it doesn't get renewed. A hard-nosed landlord might say that.

**MR. SPEAKER:** If we are able to obtain that understanding, then we know the Chief Electoral office is safe going into the next election either

by renewal for the additional four or by space through Transportation and Works.

Is everybody agreeable with that motion that we enter into discussions with the landlord for renewal for one year, with the right to an additional four, pending the outcome of the Transportation and Works review?

Paul Davis.

**MR. P. DAVIS:** The discussions may lead to a different outcome. Of course, that would come back to the Commission anyway.

**MR. SPEAKER:** Yes.

**MR. P. DAVIS:** I think that's a good direction to take, to have the discussion with the landlord.

**MR. SPEAKER:** Can I have somebody move the motion then?

**MR. HUTCHINGS:** I'll move the motion.

**MS. MICHAEL:** And I will second it.

**MR. SPEAKER:** Keith Hutchings and Lorraine Michael.

Everybody satisfied, aye.

Hearing no opposing remarks, that motion is approved.

Tab 3, Requests for Approval to Fill Positions, there is a decision required here. There are two requests before the Commission today. One is for the Office of the Auditor General and one for the Office of the Child and Youth Advocate. Both require decisions.

The Office of the Auditor General is seeking approval to fill the new permanent position of audit principal, which was approved as part of the *Budget 2016*. I believe the Management Commission had previous discussions on this as well. So it's the conversion of an existing vacant position, and the details of the request are provided in the briefing note in the materials provided.

Any discussion?

Can we have a mover?

The proposed motion would be that the Commission gets approval to the Office of the Auditor General to fill the position of principal performance audit.

**MS. MICHAEL:** Moved.

**MR. SPEAKER:** Moved by Lorraine Michael.

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

**MR. SPEAKER:** Seconded by Paul Davis.

The Office of the Child and Youth Advocate is requesting approval to permanently fill the position of executive secretary, and the details of that are in the briefing materials provided to Members as well.

Any discussion or questions on that?

**MR. P. DAVIS:** This is temporarily filled at this point in time, I understand.

**CLERK:** Yes. If I might –

**MR. SPEAKER:** The Clerk.

**CLERK:** The permanent incumbent retired in November and they had a temporary in that position. That temporary was from a line department and had to return to their job, so they were waiting for an opportunity to bring it to the Management Commission to get approval to post it on a permanent basis. So she's without anyone over there right now. That person just went back, I think, this week.

**MR. SPEAKER:** Any other questions or comments?

**MR. BROWNE:** I have a question.

**MR. SPEAKER:** Mark Browne.

**MR. BROWNE:** What's the salary range for that position?

**CLERK:** That position, they just did a review of it. I can find it – if you want to give me a moment, I can find step out and get it.

**MR. BROWNE:** No, you can follow up with me later, probably.

**CLERK:** Okay.

**MR. SPEAKER:** Okay.

Lorraine Michael.

**MS. MICHAEL:** Just to point out, I think we had discussions on this with the –

**MR. SPEAKER:** With the Child and Youth Advocate during the Management Commission –

**MS. MICHAEL:** Yes, that’s right. So I think we’re just following up on decisions that we indicated we would be making.

**MR. SPEAKER:** Exactly, yes.

**MS. MICHAEL:** So it’s no new money in the budget; it’s there in the budget already.

**CLERK:** Oh yes, it’s a funded position. I will get you the salary scale.

**MR. SPEAKER:** Okay, so, Mr. Browne, are you okay to vote on this or did you want to come back and move on to other issues and get the –

**MR. BROWNE:** No, that’s just a piece of information I’d like, but (inaudible).

**MR. SPEAKER:** Yes, okay.

The proposed motion is that the Commission gives approval to the Office of the Child and Youth Advocate to permanently fill the position of executive secretary.

We have a mover.

**MS. MICHAEL:** So moved.

**MR. SPEAKER:** Lorraine Michael.

Anybody second?

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

**MR. SPEAKER:** Mr. Davis.

Any opposing views?

Approved.

Tab 4 is Amendments to the Cellphone Policies & Standard Office Allocation Package. If Members recall, during the budget process, the Management Commission passed a motion that allowed for a maximum of three cellphone replacements per General Assembly. During deliberations, “the Management Commission directed that Members, Constituency Assistants, employees (Caucus Offices, House of Assembly Service and Statutory Offices) be limited to three (3) cellular phone replacements per General Assembly.”

To give effect to this direction, the Commission will need to approve the revisions to two policies regarding cellphone and landline phone services and will need to amend the Standard Office Allocation Package for Members and constituency assistants. The proposed revisions are noted in red in the draft policies attached to the briefing note.

Any questions? Any comments?

Mr. Davis.

**MR. P. DAVIS:** Yes, thank you, Mr. Speaker.

Just a brief comment and it’s somewhat related. As I went through essentially three documents here that are amending – Cellular and Landline Phone Services Policy for Members and constituency assistants, the Standard Office Allocation Package for Members of the House and constituency assistants and employees of the House. On the second one, the Standard Office Allocation – I couldn’t help but notice that under Equipment we still allow for VCRs. I was somewhat humoured by it myself because I don’t think you can buy a VCR anymore.

**CLERK:** You can on Kijiji. I’ve done it.

**MR. P. DAVIS:** You can obtain PVRs which I can tell you, personally, I use regularly for recording newscasts and House of Assembly business and so on. I don’t know if we can do that update while we’re doing this one or not.



**MR. SPEAKER:** I think we should. That's under item 2 in the Standard Office Allocation Package for Members and constituency assistants dated June 2016. Under item 2, one VCR or DVD recorder or one combination unit, we should strike VCR and put in PVR or DVD recorder or one combination unit.

Are all Members in agreement with that?

**MR. P. DAVIS:** Just as a further comment on it, I don't know if we wanted to reword it, because we don't know what technology will be available next month, and just indicate it as some type of a unit to record television broadcasts.

**CLERK:** Why don't we just say one recording device?

**MR. P. DAVIS:** For television.

**MR. SPEAKER:** Yes, one recording device for a television.

**MR. P. DAVIS:** One recording device for television.

**CLERK:** Yes.

**MR. SPEAKER:** Ms. Michael.

**MS. MICHAEL:** Yes, since we're having that discussion, there is an issue with regard to the fact that MHAs cannot have iPads covered. iPads are becoming so standard now. Ministers use them. There are staff in the public service sector and offices that have them, yet MHAs can't have them.

I personally have one covered because of my hands. I can't use BlackBerrys well. So because of ergonomic reasons, I've been able to get it covered. Other MHAs look at me and they're really jealous, and I don't blame them.

I also had to explain every time I needed service – to have to explain to the person at OCIO, check the number because I am covered. Knowing the use of iPads now and how standard they are, I really do think we need to look at the issue of iPads for MHAs.

**MR. SPEAKER:** Okay. Is that a discussion Members want to have today?

**CLERK:** Can I make a comment?

**MR. SPEAKER:** The Clerk.

**CLERK:** The technology that we use, the standard is set by the Office of the Chief Information Officer. The technology has to interact with the government infrastructure, and, of course, there are all kinds of security aspects around the government infrastructure.

They had a pilot on iPads, and there were a number that were connected. They are no longer maintaining that connectivity on iPads, generally. That's why we have the Lenovo tablets now. There is a tablet available; it's just not an iPad.

**MR. SPEAKER:** I think all Members, with the exception of Ms. Michael – Ms. Michael has the iPad. I think all other Members have the Lenovo tablet.

**MS. MICHAEL:** No, they don't. Ms. Rogers doesn't have a tablet. We didn't know that. That's not common information.

**MR. P. DAVIS:** (Inaudible) the replacement now.

**CLERK:** That's the replacement. They have a choice.

**MR. P. DAVIS:** My desktop was replaced. I had an older laptop and it was replaced. It was a unit that's a desktop, laptop, tablet. It's a combination of (inaudible).

**MR. SPEAKER:** Ms. Rogers may still be using a laptop. Once that's replaced, it's replaced with the Lenovo tablet.

**MS. MICHAEL:** She can choose to have that replaced?

**CLERK:** She can choose.

**MS. MICHAEL:** Well, we didn't get any direction on that.

**MR. P. DAVIS:** No, only because I went and got mine replaced.

**MS. MICHAEL:** There's no general direction on it.

**MR. SPEAKER:** I don't think she was excluded. I think what it is, is as they're replaced.

**MS. MICHAEL:** No, when I say we, I don't mean as NDP. I don't think MHAs – we did not send out any kind of general direction on this, I don't think, information-wise.

**MR. SPEAKER:** I don't think it was. Again, I don't think it was sent out to anybody. I think what happened, Ms. Michael, was as laptops are being replaced, they're being replaced with the tablet. If her laptop fails or runs into issues, they'll replace it with the tablet.

**MS. MICHAEL:** I guess my point is that there is a difference, though, between the use of a tablet and the use of a laptop. It is different. The tablet is much more like having an iPad. So I think we should give an option then, if this is happening to MHAs in general, if they'd like to change laptop for tablet.

**CLERK:** It is. As the technology is refreshed, Members are given a choice of do they want a desktop, do they want a laptop or do they want a tablet. That choice is given. Obviously Ms. Rogers's technology is not ready for refreshment yet because there's a certain life cycle after which they replace it.

**MS. MICHAEL:** Okay. I guess I'm saying can we consider making it happen for all MHAs if they want it. I guess that's what I'm putting out there.

**CLERK:** Well, there's a cost to that.

**MS. MICHAEL:** Yeah, I realize.

**CLERK:** As I said, as the technology comes up in the refresh cycle – when new Members came in, they were given the option of desktop, laptop or tablet, whatever happens to be on the standing offer at that particular point in time. As equipment fails or it's eligible for refreshment,

then they have the option of whatever is on the standing offer at that time.

**MS. MICHAEL:** Okay.

**MR. SPEAKER:** Any other discussion or comments?

**MS. MICHAEL:** I still think it would be good to have a memo go out with that information because maybe somebody's is ready for refreshment and doesn't even know it and they're not even checking. I just think there should be a memo about it. It's not general information. From that perspective, it's not general information for all MHAs, so I think we should have a memo on it.

**CLERK:** Okay, I will check the general operations on that for you. Okay?

**MS. MICHAEL:** Thank you.

**MR. SPEAKER:** Okay. Any other comments or questions?

**MR. P. DAVIS:** Your iPad works better because it's 3G, but the new ones don't have that function.

**MS. MICHAEL:** That's right. I have my iPad.

**MR. SPEAKER:** Okay. So we have agreed that we'll change it from one VCR or DVD recorder to one recording device for television.

Outside of that, or in addition to that, the proposed motion is: "Pursuant to subparagraph 20(6)(b)(ii) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission approves the proposed amendments to the following: *Cellular and Landline Phone Services Policy for Members of the House of Assembly and Constituency Assistants; Standard Office Allocation Package for Members and Constituency Assistants; and Cellular and Landline Phone Services Policy for Employees of the House of Assembly Service, Caucus Offices and Statutory Offices.*"

Do I have a mover to that? Mr. Davis.

A seconder? Mr. Hutchings.

Okay. Any other discussion or comments on that? Any opposing views?

Mr. Browne.

**MR. BROWNE:** For the caucus offices, is there any formula or limit or number of how many cellphones or BlackBerrys would be issued in the caucus offices?

**MR. SPEAKER:** Yes, it's the same thing; it's a maximum of three per General Assembly.

**MR. BROWNE:** Okay. I know but I'm asking, is every employee given a BlackBerry automatically or is there a limit per caucus office?

**MR. SPEAKER:** Ms. Michael.

**MS. MICHAEL:** Caucus offices have their budget and they budget accordingly. They make the decision on BlackBerrys. So, for example, this regulation is great for us because we can't afford any more than that. We can only afford one new BlackBerry. If we had to replace one in our caucus –

**MR. SPEAKER:** For constituency assistants, I think three applies.

**MS. MICHAEL:** – we can only afford one a budget year really. The caucus makes the decision, the chief of staff, office manager or whatever makes those decisions based on their budget.

**MR. SPEAKER:** The three would apply to everybody.

**MS. MICHAEL:** The three applies, yes.

**MR. SPEAKER:** Previously, and in the discussions, some Members go four, five, six years with one cellular or staff members and some have gone through two and three a year. So we've limited the number to three per General Assembly. We understand that these things can give out, malfunction, get lost or broken, but if you go beyond three a year you take it out of constituency funds or caucus funds.

Mr. Davis.

**MR. P. DAVIS:** Under the employee's Cellular and Landline Telephone Policy for Employees of the House of Assembly, Caucus Offices and Statutory Offices, under section 4.4 it outlines the criteria of who's actually eligible for, and how that process is determined. It's part of what the policy does.

**MR. SPEAKER:** Yes.

**MR. P. DAVIS:** I think that's maybe what Mr. Browne may have been referring to. I know there's some variance there but (inaudible).

**MR. SPEAKER:** Any other discussion, comments, questions? Okay.

Do we have a mover to the proposed motion?

**MR. P. DAVIS:** I think we already did.

**MR. SPEAKER:** We did, sorry. Yes, the comment was afterward.

Any opposing views to the proposed motion?

Approved.

Tab 5, Delegated Authority – Urgent Financial Matters, and there is a decision required here. At the November 18, 2008, the Management Commission delegated authority to the Speaker in consultation with the Government House Leader, the Official Opposition House Leader and the Leader of the Third Party to make decisions respecting financial matters relating to the administration of the House of Assembly and statutory offices. This authority can be used when a decision is of an urgent nature and the Commission is unable to meet on a timely manner.

There are no issues arising when the Third Party's representative on the Commission is the leader of the caucus; however, if the leader is not a representative on the Commission or an elected Member, the ability to use the authority is impacted. It's recommended that the Commission make a new decision delegating authority to the Speaker which accurately reflects the membership of the Commission as outlined in subsection 18(2) of the act.

Any discussion prior to going to the proposed motion?

Lorraine Michael.

**MS. MICHAEL:** I understand where it's coming from and I agree with what it's saying, except we talk about the House Leaders, and the Third Party also has a House Leader. So it's not the leader of the caucus, just like the Government House Leader is not the Premier and the Opposition House Leader is not the Leader of the Official Opposition.

You have the House Leader for the government, the House Leader for the Official Opposition and the House Leader for the Third Party. So I just didn't understand why it just couldn't say House Leader of the Third Party.

The Third Party representative is fine, but I just don't understand why it can't say that.

**MR. SPEAKER:** Okay.

**MS. MICHAEL:** Because with the other two, with government and the Official Opposition, it's the leader and the House Leader, the leader and the House Leader. And with the Third Party, it's House Leader.

**MR. SPEAKER:** Okay.

The Clerk.

**CLERK:** If I may. In constituting the Management Commission, the legislation is really specific and it says the membership of the Commission is the Government House Leader and the Opposition House Leader, that sort of thing. However, it just says a representative of the Third Party.

**MS. MICHAEL:** Okay, keeping with this language.

**CLERK:** It has to be the person who's on the Management Commission. We may not necessarily have the House Leader on the Management Commission.

**MS. MICHAEL:** Okay, that's fine.

**MR. SPEAKER:** The Third Party, regardless of what political strip it may be, the Third Party may only have two or three or four Members at a given time, so it may choose to have another representative other than the House Leader.

Are you okay with the wording based on that?

**MS. MICHAEL:** That's fine, yes.

**MR. SPEAKER:** So the proposed motion: "Pursuant to Subsection 20(4) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission delegates to the Speaker of the House of Assembly, in consultation with the Government House Leader, the Official Opposition House Leader and the Third Party representative on the Commission, the power to make decisions respecting financial matters relating to the administration of the House of Assembly and Statutory Offices provided that the decision is urgently required and the Commission is unable to meet on the matter in a timely manner. A decision made under this directive and reasons for it shall be recorded and reported back at the next meeting of the Commission."

Do we have a mover?

Lorraine Michael; seconder, Mark Browne.

Any opposing views?

Carried.

Tab 6 is a letter of appeal for payment of an invoice from the previous fiscal year. There is a decision required on this. The Member for Cape St. Francis is appealing the denial of payment by Corporate and Members' Services Division of certain allowable expenses incurred by the Member. These expenditures were incurred in the 2015 fiscal year, but the invoice was not submitted for payment within 30 days of the end of the year.

Ordinarily, this invoice would have been approved, but it wasn't, because of the timelines. The details are provided in the briefing note. We have a comment from Lorraine Michael.

**MS. MICHAEL:** I have a question which relates, I think, both to Tab 6 and Tab 7. It has

nothing to do with the request and the validity or anomaly, that kind of thing, but it is a general question with regard to the practice in the public service sector. Would this kind of thing be approved in the general government offices, having an expense from one budget year being reimbursed or acknowledged in another budget year? I think that's an important question for us: Are we following what would be practised in the general government services?

**MR. SPEAKER:** In response to that, the Member for Cape St. Francis, I'm not sure what the conditions were or the reasons were; but oftentimes, Members because of duties or travel or illness or whatever may find themselves in this position –

**MS. MICHAEL:** I recognize that, but I'd like to know what the general government practice is.

**MR. SPEAKER:** Sure.

**MS. MICHAEL:** I'm not looking at any one of the Members here or anything like that. I'd like to know the general government practice.

**MR. SPEAKER:** Absolutely.

**MS. MICHAEL:** It would help me in my discussion of these issues.

**MR. SPEAKER:** The Clerk.

**CLERK:** If the expense is incurred in one fiscal year and the invoice does not arrive until the subsequent fiscal year – it happens all the time – they get paid. The thing is they get paid out of the new year fiscal –

**MS. MICHAEL:** That's what I needed to know.

**CLERK:** It just reduces your available funds in that year.

**MS. MICHAEL:** That's right.

**CLERK:** You can't write back.

**MR. SPEAKER:** The restrictions on Members as a result of Green are, in many cases, more restrictive on Members than they are on members of the public service.

**MS. MICHAEL:** I had the answer that I needed. The thing is this is in line with what is general government practice, so that's all I needed to know.

**MR. SPEAKER:** Well, we have to follow Green. Green provides for 30 days. If there is an exception to that, we come to the Management Commission. In any event, I think Mr. Davis has a comment.

**MR. P. DAVIS:** I think on this matter, Mr. Speaker, there is some confusion on the matter. I checked with the Member's office this morning to find out what has been presented to me by the Member's office is that there was a requisition issued in February for the purchase of these materials. These are office supplies is what it is. It's a \$114 invoice.

The materials weren't received until May 19. So that being the case, it shouldn't be paid until this year's budget anyway, and I'm not sure that it even needs to be here, that being the case.

**MR. SPEAKER:** Possibly. That clarifies it for sure. But even if that weren't the case, I would recommend approval, just as Chair, because Members oftentimes find themselves in a situation where invoices, for whatever reason, go beyond the 30 days required under Green and a Member should not be penalized. This certainly clarifies it.

I would open to any other comments.

**MR. P. DAVIS:** In this case, it appears, Mr. Speaker, that the materials or at least the invoice –

**CLERK:** Now, the invoice arrived in May. It's quite often that the materials arrive before the invoice does. That's not uncommon.

**MR. P. DAVIS:** I'm just looking for the dates on the top. It was ordered in March according to this, March 2 before the order was received.

Anyway, whatever the case, I think this would even fall under our current guidelines anyway.

**CLERK:** If the materials didn't arrive until May – sometimes they'll get the materials and by the

time the invoice arrives, this changes. That's fine. They have that upstairs.

**MR. P. DAVIS:** Okay

**MR. SPEAKER:** The confusion here is the materials arrived in March; that's the reason perhaps that it's here. The materials arrived in March but he just wasn't billed until May perhaps.

**MR. P. DAVIS:** (Inaudible) approval as well. I just think the circumstances are a little bit –

**CLERK:** If I may.

**MR. SPEAKER:** The Clerk.

**CLERK:** This is not uncommon. The Commission has approved these in the past with the cut off of one fiscal year and the start of another.

Unfortunately, the Member, his funds are reduced for the upcoming fiscal year, but it's one of those timing issues that you're never going to get away from.

**MR. SPEAKER:** Mr. Browne.

**MR. BROWNE:** I have no issue with approving it. It seems fairly standard and straightforward.

I do have a question, though, about the letter that was submitted from his office where there's a reference to government Members. So I'm just seeking some clarification. I'm a little confused as to why that's there, what that means.

I'm not sure if you can shed any light on that where it says: Please accept this as a request to appeal for coverage for the invoice that our office received; however, government Members did not receive invoice in their office.

**CLERK:** Lots of times people don't separate between the House of Assembly and government. It could be just an inaccurate reference to Corporate Members'. I'm not really certain. It doesn't really make any difference in terms of this particular invoice.

**MR. BROWNE:** Okay, I was just clarifying that it wasn't the Government Members' Office.

**CLERK:** Oh no; it definitely was not.

**MR. BROWNE:** Okay.

**MR. SPEAKER:** Again, I think this is a case where the restrictions on Members are more stringent than they are on the public service.

I would recommend approval. Do we have any opposing views to that?

Okay, the proposed motion: The Commission approves the payment of the invoice totalling \$114.21 for the Member for Cape St. Francis, with the expenses to be paid within the appropriate allocation for the 2015-16 fiscal year.

Do I have a mover?

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

**MR. SPEAKER:** Mr. Davis; seconded by Ms. Michael.

Item 7, Approval for Payment of Invoices for former Members, there's a decision required here. The House of Assembly recently received outstanding invoices related to the previous fiscal years for the former Members for Labrador West, Lake Melville and Conception Bay South. Approval is being requested to pay these invoices.

Details are provided in the briefing note and materials were provided to Members prior to the meeting.

Do we have any discussion?

Mr. Davis.

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

A fair bit of information for Labrador West and Lake Melville, and both indicate that these were 2014-15, 2015-16, but the invoices were not received from the vendor until March, and they were approved expenses. I'm okay with those, under the circumstances.

The other one, though – and they also indicate they were an invoice from a publication for advertising. Can you tell me some details on

what the invoice was for on the other one, and also when was the invoice received from the vendor?

**CLERK:** (Inaudible).

**MR. P. DAVIS:** That's the one on the Conception Bay South.

**CLERK:** We don't get the detail from them. I can run out and get the –

**MR. P. DAVIS:** The first two indicate what they were for and the dates, but the next one, the one from Conception Bay South, doesn't. So I was just curious to know before we approved it.

**CLERK:** If you wish – let me run out and call upstairs and get the details, because they don't give us copies –

**MS. KEEFE:** They don't give us copies, but we would know that it was an eligible expense.

**CLERK:** Yes, they just tell –

**MR. SPEAKER:** All of these are –

**CLERK:** They adjudicate them before.

**MR. P. DAVIS:** You can give me that after the meeting is fine.

**CLERK:** Okay, not a problem.

**MR. SPEAKER:** All of these here would ordinarily have been eligible expenses. It wouldn't have been brought to the Management Commission if it was considered to be an ineligible expense.

**MR. P. DAVIS:** Thank you.

**MR. SPEAKER:** Did you want to postpone this until you get the information –

**MR. P. DAVIS:** No, that's fine, as long as you provide me with the information –

**CLERK:** I can get the details.

**MR. SPEAKER:** Okay.

**MR. P. DAVIS:** As long as it was presented there. That's fine.

**CLERK:** Okay.

But it is adjudicated upstairs before we bring it forward to the committee.

**MR. SPEAKER:** So ordinarily it's an eligible expense, but the invoice had come in late.

**MR. P. DAVIS:** That's fine, yes, as long as you (inaudible) –

**MR. SPEAKER:** So the proposed motion: The Commission approves the payment of invoices for the former Members for Labrador West, Lake Melville and Conception Bay South.

Lorraine Michael moves it.

A seconder? Mr. Hutchings.

Any opposing comments?

Approved.

Under Tab 8, there's no decision required; it's financial information. The *House of Assembly Accountability, Integrity and Administration Act* require that financial information be reported to the Commission on a regular basis. This agenda item is for reporting purposes only. No decision is required. The financial statements provided for the House of Assembly Service, caucus offices and the statutory offices are for the fiscal year from April 1, 2015 to March 31, 2015.

The Member Accountability and Disclosure Reports outlining expenditures for each Member are provided for that same period. So it's just for reporting purposes.

Tab 9 –

**MR. P. DAVIS:** If I could just –

**MR. SPEAKER:** Yes, sorry.

**MR. P. DAVIS:** I've gone through these, Mr. Speaker. There are several pages of reports for legislative entities and individual Member's offices and so on. There is nothing here that causes me any concern, but I'd just like to ask

the Clerk, just for your input, if there are any issues here that you believe are raising any problems or issues or matters that need to be dealt with in any way.

**CLERK:** No, I can honestly tell you we are the most reviewed entity in government. We do a monthly review of all of our accounts line by line. We have two reviews normally in the year by the Controller General where they will look at specific items. The Auditor General reviews every year, and we have an annual review of all of our internal control procedures. We're really tight on money most of the time, so we really, really watch the expenditures.

**MR. P. DAVIS:** Okay, thank you.

**MR. SPEAKER:** Any other comments or concerns before we move to the next tab?

There are two items under Tab 9, the Budget Transfers Report and Budget Transfers Request. Budget Transfers Report, there is no decision required. The Transfer of Funds Policy, April 2008 requires only certain budget transfers to be approved by the Commission; however, to ensure transparency, it is proposed that all transfers of funds should be reported to the Commission.

A briefing note provided to all Members the report of the 32 transfers, which were approved by the Clerk of the House of Assembly and the applicable statutory officer, or chief financial officer or designate since the last report.

Any comments, any questions or concerns?

The Budget Transfers Request, there is a decision required here. It's the Transfer of Funds Policy, again April 2008, that requires the House of Assembly Management Commission approval to transfer funds to or from the Grants and Subsidies Main Object of expenditure.

The Commission's approval is required for the transfer of funds to Members' Resources – Grants and Subsidies to provide operational funding for the Independent Member for the period May 19, 2016 to March 31, 2017.

As you can see by the information provided to Members, Government Members Caucus –

Grants and Subsidies is \$1,200 and Members' Resources – Allowances and Assistance is \$100, for a total of \$1,300.

The proposed motion is that the Commission approves the following transfer of funds.

Any questions, comments or concerns?

**MR. P. DAVIS:** (Inaudible) \$100 a month, shouldn't that be for 11 months?

**CLERK:** It's \$115.67? It's not an even \$100.

**MR. P. DAVIS:** Oh, I thought I read here it was \$100.

**CLERK:** That was the base amount, but it gets changed. It's gone up every year since with a CPI adjustment.

**MR. SPEAKER:** Under Green it was \$100.

**CLERK:** I think it's \$115.67. It's an odd number.

**MR. SPEAKER:** It's \$118, I think, or \$115. I'm not sure.

**CLERK:** I know I just signed the requisitions.

**MR. P. DAVIS:** I wouldn't want to squabble over it but I just –

**CLERK:** It's not an even \$100, I can guarantee you that.

**MR. P. DAVIS:** Okay.

**MR. SPEAKER:** Any other comments, questions or concerns?

Do we have a mover for the motion?

Lorraine Michael.

Seconder?

**MR. P. DAVIS:** I'll second that.

**MR. SPEAKER:** Mr. Davis.

Any opposing views?



Approved.

Tab 10, Parliamentary Precinct Order, there's a decision required here. "The Parliamentary Precinct is the area of Confederation Building Complex under the authority and jurisdiction of the Speaker. While the concept of the Precinct is generally understood and accepted, a definition has never been formalized."

The Speaker sought and was granted an injunction from the courts seeking the right of access to the precinct for MHAs and House employees during the 2003 labour dispute. The *House of Assembly Act* was amended to authorize the Speaker to issue an order defining the parliamentary precinct. The order, which is attached, was prepared by the Law Clerk but has not just been promulgated.

I'm looking for any comments, questions or concerns.

Lorraine Michael.

**MS. MICHAEL:** Not a concern, but just a question of further information, time-wise. Are we to understand that it was in 2004 that the amendment was made, but it is only now we're getting a final action on it?

**MR. SPEAKER:** Yes. It's been requested of the Speaker's office previously. For some reason, it's never been done, but it's been asked and requested on several occasions.

**MS. MICHAEL:** Okay.

**MR. SPEAKER:** It landed on my desk as one of the outstanding items. I guess in a nutshell if the Speaker were to look for another injunction, a court may criticize government saying we've given you the permission to do this. It should be clearly defined and has not yet. If we ever need to ensure that Members and staff get to their offices, there may be a delay because we haven't done our piece of work.

**MS. MICHAEL:** Right.

To follow up – I agree with this; it is just that's what I was curious about, 12 years sitting there.

The other has to do with some clarification. Because we have in this building the Department of Finance and the Department of Justice, I'm just curious – I mean, it's a practical kind of thing – how do we deal with the access with regard to elevator and stairs? The stair and elevator access, both of those departments use those as well, not just –

**MR. SPEAKER:** They're outside of my precinct. I can't bring that to the Management Commission, but any House of Assembly staff, political staff, MHAs would come under the precinct of the Speaker.

**MS. MICHAEL:** No, I realize that. Maybe I'm not being clear. In section (g) it covers access through elevator and stairs to areas referred to in paragraphs (a), (b), (c) and (d) – and (a), (b), (c) and (d) referred to everything that's under the Speaker's jurisdiction. Within those stairs and elevators, you also have people from two departments using them as well. That's my point.

**MR. SPEAKER:** Yes. I'll refer to the Clerk in a second, but for the House of Assembly precinct, just as I would guarantee access to the House or to your office, it's my responsibility to ensure that you as a Member have access to those elevators and/or stairs in order to get to your office or to the House in your duty as a Member.

**MS. MICHAEL:** It's just a practical question.

**MR. SPEAKER:** Okay, go ahead.

The Clerk.

**CLERK:** Actually, there is not much to add. The only time you would use this, essentially, is if you needed to go to the courts to seek an injunction and get access. This basically just lays out, in general terms, the area that's considered part of the precinct. The lobby is shared space, the elevators are shared space, but the judge would, in granting an order, provide reasonable access to the areas of the precinct.

**MR. SPEAKER:** In the last order, the judge had asked that this be done.

**MS. MICHAEL:** No, I realize that.

**MR. SPEAKER:** And it has not yet been done.

**MS. MICHAEL:** No, no, I realize all that. I just wanted to get pure clarification on how that might operate, but (inaudible).

**MR. SPEAKER:** Absolutely.

Mr. Davis.

**MR. P. DAVIS:** A couple of items, just one for clarification. First of all, for clarification, and a couple of other items besides – but for clarification, this order, if I’m to understand, is simply and strictly for the purpose of defining what the parliamentary precinct is. Is that correct?

**MR. SPEAKER:** Exactly.

**MR. P. DAVIS:** It doesn’t control movement of people in any way –

**CLERK:** No.

**MR. P. DAVIS:** – it strictly describes what the space is in the parliamentary precinct.

Okay, so the second part of that is the commentary here references that, should an incident occur requiring an injunction to be sought, the court might question the lack of such an order.

Is there any advice that we have on that? Is that our own thinking, or do we have any –

**CLERK:** Well, following the 2004 – in 2005 the act was amended so that this order would be there. One of the things they had to do when they sought the injunction was to go down and define the space that the Members and staff would need reasonable access to in order to access the House – the House was sitting at the time. Anyway, it was further to that that government brought in the amendment to the *House of Assembly Act* and it said the order had to be done.

So what would happen now is just say if we had another strike and the House was sitting and we needed access, well, you go down to the courts, the courts are going to look at your legislation and say, where is this order? It’s 10 years in;

why don’t you have an order there? So it’s an outstanding piece of business.

**MR. SPEAKER:** The Speaker’s office was given direction by the courts to produce this order. Under the recommendation of the Law Clerk to me several months ago – we don’t often meet. But several months ago the Law Clerk said that this is something that has to be looked after. It’s 10 years out and has not been looked after, and we’ve been given clear direction to do so and haven’t.

**MR. P. DAVIS:** Thank you.

The other aspect of the question I had was just on the very wording under section 2. Because when I first read it, it says, “The parliamentary precinct of the Legislature of Newfoundland and Labrador shall include: (a) the Confederation Building, East Block, North Wing, second and third floors ....” So when I first read it, I said are they trying to say the entire Confederation Building? But it’s not. When I read it, I know it’s what you’re actually saying. It is including the second and third floors in north wing in the east block of Confederation Building.

**CLERK:** Yes, because the first floor is Queen’s Printer underneath.

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

I’m just wondering if you should consider rewording the description to prevent any confusion or any questioning – if I read it and looked at it, is it possible that someone else, if aware – government it came a time or the House it came a time to look for assistance from the court to make sure that the precinct was accessible to Members and staff and so on that there wouldn’t be a question on confusion of how it’s described.

The second part of it is about access to the public. I’m not sure how that would work. So just going through a scenario, if the intention of this was to make sure that the House would continue to operate in case that there was some type of disruption to access to the House, and maybe it’s not part of the order that would provide access to the general public who still want to come to the public galleries.

**CLERK:** This just defines the physical precinct.

**MR. P. DAVIS:** Okay, yes.

So on the definition itself under 2(a) I have a little bit of concern with the way that it's worded there. That may lead to some confusion or an argument –

**MR. SPEAKER:** Okay, fair enough. I would recommend that we reword that to say the parts of the Confederation Building –

**CLERK:** Mr. Speaker, if I may, I'll ask the Law Clerk to consult with Legislative Counsel who has reviewed this as well because part of this is drafting style.

**MR. SPEAKER:** Yes. Basically, to clearly define that it's the east block, north wing, second and third floors including the House Chamber, Speaker's office, Clerk's office, caucus rooms and all corridors and offices within this area.

**CLERK:** Maybe just second and third floors of the north wing in the east block of the Confederation Building – we'll work at it, okay.

**MR. SPEAKER:** Yes.

**MR. P. DAVIS:** (Inaudible) I did notice on the consultation that there was no indication that Legislative Counsel had been consulted.

**CLERK:** Oh gosh, no, everything we do, we talk back – Lorna talks back and forth to Kim all the time.

**MR. P. DAVIS:** Okay.

**CLERK:** What we'll do is I'll talk to Lorna about it and we can circulate this, just for your review.

**MR. SPEAKER:** Are we safe to say that – the Management Commission, it may be several months before we meet again – we approve this on the understanding that the Law Clerk will very clearly define that it is the second and third floors of the north wing of the East Block of the Confederation Building including the House Chamber, Speaker's Office, Clerk's Office,

caucus rooms and all corridors and offices within this area.

**MR. P. DAVIS:** Absolutely.

**MR. HUTCHINGS:** I have some questions first.

**MR. SPEAKER:** Okay.

Mr. Hutchings.

**MR. HUTCHINGS:** If you go back to the note, and it was spoke to here that in 2003 the courts, in issuing an injunction, had directed the House of Assembly to identify what the precinct would be. Here in the note it doesn't reference any of that. It references the fact that, "Following the strike (in the Fall 2004 sitting), the *House of Assembly Act* was amended to authorize the Speaker to issue an order defining the parliamentary precinct ...."

Do we have the order from the court? I'd be interested to see exactly what it said.

**CLERK:** I can get a copy of that for you. Lorna has that.

**MR. HUTCHINGS:** So the court definitively described or directed the House of Assembly to issue an order?

**CLERK:** I don't know about that. All I know is that the act was amended to issue the order.

**MR. HUTCHINGS:** Yes. Respectfully, I get that, but there are two different things we're talking about here. We've said here that the court directed an order, but I understand that you amended the act to allow it to occur. I'd just like to see what the order said, specifically.

**CLERK:** I'm aware of the injunction and that order. All I know is that legislatively the Speaker has an obligation to issue an order, that that hasn't been done.

**MR. HUTCHINGS:** From the court?

**CLERK:** No, the legislation directs the definition of an order. The issue for us is that if we had something happen that we couldn't access the building while the House was in

session, we would need to go and get an injunction to get access at that point in time. At which point, the courts are going to look at the legislation and ask for the order.

**MR. P. DAVIS:** If I may, Mr. Speaker.

**MR. SPEAKER:** Yes.

**MR. P. DAVIS:** I heard the comment as well, that the court directed in 2004, that this process should take place.

**MS. MICHAEL:** It doesn't say that.

**CLERK:** No, I didn't say that.

**MR. HUTCHINGS:** I thought that was the comment that was made. That the court –

**CLERK:** No, that the legislation was changed to require –

**MR. HUTCHINGS:** I misunderstood. I thought the request for an injunction in 2003, the court in the process –

**MR. SPEAKER:** I apologize. I may have been –

**MS. MICHAEL:** It doesn't say that.

**MR. HUTCHINGS:** I know it doesn't say it but I thought the discussion, that's where it went.

**MR. SPEAKER:** Yes. I may have misled you to some degree, unintentionally of course.

**MR. HUTCHINGS:** No, I'm just looking for clarity.

**MR. SPEAKER:** The act was amended –

**MR. HUTCHINGS:** It clearly states here the act was amended but I thought the discussion, what precipitated that being done was the fact that when the court reviewed an injunction at a previous time, they thought it was appropriate to have a direction given by the House.

My other question I had in regard to definition of the parliamentary precinct, which in various jurisdictions you have the parliamentary precinct

is defined. It's not in a public building. So that's a little different I guess in this context.

In terms of the definition of the precinct and what it is, I just think about people that come to the people's House to demonstrate or to have their views heard. In defining this precinct, is there anything here that causes us concern? Understanding that the House of Assembly needs to operate and there's reason for doing that, but is there anything here that could restrict or cause concern to people who want to come and protest?

**MR. SPEAKER:** No, this is simply defining the precinct.

Lorraine Michael.

**MS. MICHAEL:** My reading is that the front entrance is not the precinct. It's the northeast entrance here that's the precinct but not the front entrance. Not even the lower entrance is in the precinct. It's only the northeast here. That was my reading of it.

**MR. SPEAKER:** Yes.

**CLERK:** I don't know if you remember after the injunction, remember the tape was –

**MS. MICHAEL:** Yes, but it's only the northeast entrance that's the precinct.

**MR. SPEAKER:** There's nothing here that will restrict public access. In fact, I've been here for a couple of strikes. During the nurses' strike, during the strike of 2004, the general public were permitted in the public galleries. They are public galleries. There is no intention here to bar or prevent the general public from having access to the public galleries.

**MR. HUTCHINGS:** No, no, I understand but that's defined because it is the precinct. It is what you would traditionally view as the Parliament, but I'm saying public access to doors, public access to parking lots. People may still want to protest and have their views heard. While they're not immediately in the precinct, as we define as the House of Assembly, outside of that then they still want that privilege.

**MR. SPEAKER:** Yes.

**MR. HUTCHINGS:** Nothing here restricts that; I guess that's my question.

**CLERK:** Front parking lots (inaudible) available.

**MR. SPEAKER:** I think a number of years ago – I think it was as a result of the 2004 public service strike protesting within the lobby, I don't think it's permitted, but protesting on the front steps or on the grounds of Confederation Building are. I think in 2004, because of incidents that had happened at that time, I think the public demonstration within the lobby was prohibited at that particular point.

Any questions, any other concerns, comments?

**MR. BROWNE:** So this was just for the entrance right here, not West Block.

**MR. SPEAKER:** That's correct.

**CLERK:** No, it's got nothing to do with it at all.

**MR. BROWNE:** Just right here.

**CLERK:** We don't have any space in the West Block.

**MR. BROWNE:** Okay.

**CLERK:** The only space we have is this north wing, the fifth floor and a place in the basement if it falls.

**MR. BROWNE:** Now, for those MHAs whose offices would be in West Block, they would have to come through this entrance.

**CLERK:** They're not part of the precinct.

**MR. BROWNE:** Okay.

**CLERK:** Constituency offices – unless the office is up on the fifth floor, those offices. But the West Block is not part of the – the Speaker has absolutely no authority over the West Block.

**MS. MICHAEL:** But if you come in this door and then go through –

**MR. BROWNE:** Walk over –

**MR. SPEAKER:** Actually, Sandra, on that. Offices within the Confederation Building Complex, so I think to Mr. Browne's point, those offices would be protected as well.

**MR. BROWNE:** (Inaudible) minister or parliamentary secretaries –

**CLERK:** No, not the ministers and parliamentary secretaries.

**MR. BROWNE:** – who would have their constituency assistants work out of the department space. I'm just –

**MS. MICHAEL:** They can come in through the northeast entrance (inaudible).

**CLERK:** It's the East Block, Mr. Speaker.

**MR. P. DAVIS:** This is about what is the precinct of the House.

**CLERK:** Yes.

**MS. MICHAEL:** Yes.

**MR. P. DAVIS:** And if your office is in a government department, then you're part of Executive Branch and working out of Executive Branch. You're not working out of the House of Assembly, the precinct of the House.

**MR. BROWNE:** But they'd still be able to come in through this door?

**CLERK:** Oh, yes.

**MS. MICHAEL:** That's right, exactly.

**MR. P. DAVIS:** But we should remember, too, the order's not about access. The order is define a basic order, simply defines –

**CLERK:** What's under the control of the Speaker.

**MR. P. DAVIS:** What is the precinct of the House of Assembly.

**CLERK:** It's where the Speaker has authority.

For example, when Transportation and Works comes in –

**MR. SPEAKER:** Can I add to that, Sandra?

**CLERK:** Yes.

**MR. SPEAKER:** “Offices within the Confederation Building Complex not within the area referred to in paragraph (a) which are the offices and space assigned to (i) the Government Member Caucus and its Members, (ii) the Opposition Member Caucuses and their Members, (iii) Independent Members; and (iv) Government, Official Opposition and other Opposition Party Members with offices located away from the general office space used by Members referred to in subparagraphs (i) and (ii).”

**CLERK:** Yes.

**MR. SPEAKER:** So I think to be clear, I think Members would still have access or right to their office space.

**CLERK:** It wouldn't include space in departments. What's happened before – for example, in the last General Assembly, following some by-elections, we had reason to go to Transportation and Works and ask for a temporary space. It was allocated to Members – it was in the corridor in the East Block that runs to the West Block. We had two Members located – that was where their offices were. That doesn't happen – well, I can't see it happening now because there's sufficient space within the precinct. But because of that situation, we need to extend the precinct to cover those offices. That would be the exception, not the rule.

My understanding is that the precinct does not extend to any of the offices. For example, it doesn't extend to the Premier's office. It doesn't extend to the Minister of Finance's office. It doesn't extend to any of the offices over in the West Block. For example, if there was some reason Members couldn't get in, they can get to their offices in their role as an MHA within the precinct, but it doesn't cover access to the West Block.

**MR. SPEAKER:** Lorraine Michael.

**MS. MICHAEL:** I'm just thinking practically. I also have a meeting of the all-party committee at 12 o'clock. I'm going to have to leave probably

but, practically speaking, I'm looking at it from a perspective of what would make this kick in if there was a strike. It would seem to me that you'd have a picket line at the front entrance but because of the court injunction, there would not be a picket line and the people, under the jurisdiction, would be able to come in.

There will be picket lines over at the West Block. So if you're going to try and get in over in the West Block you're crossing a picket line but if you're coming in through the northeast entrance, you're not crossing a picket line. That, practically speaking, is what it means to me, to get at your question.

**MR. SPEAKER:** I remember the strike of 2004, for example. I was a member for Executive Council at the time and we were advised that this entrance here was protected. We could use this entrance. Any other entrance was not protected and we used those at our own risk.

**MS. MICHAEL:** That's right.

**MR. SPEAKER:** Even ministers were asked to use this entrance here to gain access to the building.

Mr. Davis.

**MR. P. DAVIS:** The whole discussion brings me back to my first point again because repeatedly here now in our discussion I've heard reference to access. This was one of my first points I made about access to the precinct and it was quickly pointed out this is not about access. This is simply about defining what the precinct is.

Even in the wording of the document itself, if you go over to 2(g) and 2(i), 2(g) says access through elevator and stairs to areas where access and use is related to the functioning and business of the Speaker, the House and Members. Then access by Members and employees of the House of Assembly from the Confederation Building East Block parking spaces referred to in paragraph (h) to the entrance referred to in paragraph (e).

I will go back to my earlier comment because if we're going to be referring to access for employees, we should also be talking about

access for the general public. This is the people's House; the people have access to the House when the House operates. When the House is opening and functioning, people should have access to it.

Not only that, but if this is about access to our offices and the House is not open, our constituents should also have access and citizens should also have access to their elected Members. This was the concern I raised very early. Several times now I've heard talk, what about access to different offices and the House and so on.

That causes me a problem. That causes me an issue with this. If it's strictly about the precinct and defining what the precinct is, we should refer to that. But at least in two sections here it starts to talk about access by Members and employees. I think we are negligent if we don't include access by the general public.

**CLERK:** The Speaker is right; there are two separate concepts. This is defining the physical space. The elevators and the entrance are not wholly contained within the precinct. It's shared space. If something happened and we had to seek an injunction, well, at that point in time, you are talking about physically accessing that space. That's where you would cover off any access for the general public to park – that is something you would have to ask the courts for.

This just defines the fact that the elevators out there, the Speaker has no authority over those particular elevators. It's a shared, common area, but they are used by the employees, the staff and the Members to access the areas of the precinct. That's all it is. It's not who can come here. This is trying to define common space.

**MR. P. DAVIS:** So under 2(i) which is the last section there – so 2 reads, "The parliamentary precinct of the Legislature of Newfoundland and Labrador shall include ... – and I will go right down to (i) – "access by Members and employees of the House of Assembly from Confederation Building East Block parking spaces referred to in paragraph (h) to the entrance referred to in paragraph (e)." The entrance referred to in paragraph (e) is the entrance to the doorway from the parking lot into the building. So it is the actual access point.

My point is if we are going to define the precinct as an area used for access by Members and employees, this is the people's House, should we not also include in the wording access by Members, by employees and the people of the province?

**CLERK:** The Speaker only has authority now – the spaces that are allocated to Members, they are all marked with markers. The Speaker determines who gets those parking spaces. There are assigned areas for some of the staff and the constituency assistants and the caucus staff in the (a), (b) and (c) sections. That's the piece that we have some say in the allocation. Everything else is considered general space.

**MR. P. DAVIS:** I understand all of that. Madam Clerk, I appreciate that and I understand all of that. My only point is that we're talking about access for Members and staff, and in the precinct of the House we should also be talking about access to the general public (inaudible).

**MR. SPEAKER:** But this (i), what you're talking about, is parking spaces, so what –

**MR. P. DAVIS:** Actually what it's talking about is access from the parking spaces to the entrance – from the parking lot out here, the parking space area, to the entrance.

**CLERK:** That's the space that's currently under your authority, Speaker. Everything else is just general parking.

**MR. SPEAKER:** So I don't have any authority – or the House, the Speaker doesn't have any authority over general parking. We can't define access from general parking. We can define – your constituency assistant has a parking permit. You have a parking permit. You're permitted to park. That's under my jurisdiction. I get so many parking permits. I assign so many to your caucus, so many to government caucus, so many to the Third Party caucus. So what we're defining here is access to your parking, and access from your parking to the building.

**MR. P. DAVIS:** I understand that, and that's about access by Members. My point is that the House of Assembly is the people's House, and if we're describing the precinct within the House of Assembly and within that definition we're

talking about access of Members and employees my point is, in some way, I believe we should also be talking about access to the general public. It's every much their House as it is ours, but we don't refer to that anywhere here, that there is space or a precinct –

**MR. SPEAKER:** Where else are you seeing that, other than (i)?

**MR. P. DAVIS:** Well, I see access through internally in elevators and stairs. If we talk about government Member caucus and its Members, Opposition Member caucus, third Members – so we're talking about the elected Members and officials who run the House, I understand that. My thought on it is, and it's based on the discussion we're having here this morning in large part – I raised it earlier because when I read it, I saw it focus on Members of the House and staff and officials, but should we also consider –

**MR. SPEAKER:** So in the parliamentary precinct the only place that access by Members and employees is mentioned is (i), and the only reason that's mentioned in (i) is because you have an assigned parking space, so the parliamentary precinct would run from your parking space to the access to the main door out here.

**MR. P. DAVIS:** Right, but shouldn't there be an entranceway for access for the general public?

**CLERK:** That's a totally different discussion. The Speaker only has authority over areas that are part of the precinct. He has absolutely no authority over anything on that parking lot, with the exception of space that is used by Members and staff. So if something happened, and we were seeking access, that's something you'd have to address to the courts at that particular time.

We don't designate – we don't have a block of spaces allocated to the House for members of the general public now. If the Speaker went and tried to take that into the precinct order, he would be extending his authority over physical property that he has absolutely no authority to do.

**MR. P. DAVIS:** I understand all that.

**CLERK:** What?

**MR. P. DAVIS:** I understand all that.

**CLERK:** Okay.

**MR. P. DAVIS:** I made my point so I'm not going to delay us any further.

**CLERK:** Yes, but this is a definition of the physical space. It's not about the right of access.

**MR. P. DAVIS:** That's what (i) is about. It's about access.

**CLERK:** No, it's basically saying that if we had a separate building, you would say this is the building and this parking lot. We don't have that, so we have to try to define reasonably what would be – if we were a separate building, what we would reasonably have access to. So we have access to a piece of the parking lot out there. Part of that comes under the precinct.

**MR. SPEAKER:** We have so many parking spaces and what the parliamentary precinct is, between those parking spaces and that door, is considered parliamentary precinct. I don't control the general public parking.

**MR. P. DAVIS:** I appreciate all of that.

**MR. SPEAKER:** Yes. So all we're saying is that we have to define it somehow.

**MR. P. DAVIS:** I don't disagree with that.

**MR. SPEAKER:** We can change the wording, if you want to say the parking spaces allocated to the House of Assembly.

Basically, what we're saying here is the parking spaces allocated to the House of Assembly are part of the precinct. The space between those spaces and the entrance is parliamentary precinct.

**MR. P. DAVIS:** I understand that.

**MR. SPEAKER:** So in order to clearly define the parking spaces, its Members and employees of the House of Assembly, because those are the parking spaces that I control. I don't control any other parking spaces.



It doesn't say ministers' parking here, because I don't control those. I have absolutely no control over ministers' parking or whether or not they can get to their parking space. I don't control the space between a minister's parking space and an entrance. I don't control that, but parking spaces that I do control, from those spaces to the entrance is parliamentary precinct. All it is describing the parking spaces that I have control over.

**MR. P. DAVIS:** Well, it doesn't actually do that because it talks about access between the parking spaces and the entrance referred to in (e).

**MR. SPEAKER:** Yes, so that's considered parliamentary precinct.

**MR. P. DAVIS:** Right.

**MR. SPEAKER:** So the space between where you park and the entrance is considered parliamentary precinct.

**MR. P. DAVIS:** Right, I understand all of that. I'm okay with that. I don't have a problem with that.

**MR. SPEAKER:** Yes, but I don't control the general public parking.

**MR. P. DAVIS:** That's not the point I was trying to make. I'm not going to try and make it again, but that's not the point I was trying to make. I understand all of that. I don't disagree with that.

**MR. HUTCHINGS:** If I could just – in terms of process and how it works.

At some point in the future, if government saw a necessity to go to court looking for an injunction, this order, if approved, would outline the framework of what is believed by the Management Commission to be the precinct of the House of Assembly. I guess it would be tested at that point because the court would look at it and say, is this within the legal realm of what it should be.

Is there any restriction then for the ask to go outside of this order, or is this order pretty well –

**MR. SPEAKER:** This is not only in the event of a strike or a (inaudible).

**MR. HUTCHINGS:** No, whatever the activity could be. It could be –

**MR. SPEAKER:** It's clearly defined in the precinct of the House of Assembly. The Speaker determines who's allowed in the Chamber for tours, whether or not pictures are allowed in the Chamber, but we haven't clearly defined that this is part of the parliamentary precinct.

**CLERK:** For example, just say something happened and we needed to get an injunction to get access. With this order on the books, we couldn't go down now and say: oh, and we want access via the West Block. It's not part of the precinct. We have no right to it.

**MR. SPEAKER:** The same as ministers' parking, I have absolutely no right to –

**MR. HUTCHINGS:** Yes, I understand. I'm just talking (inaudible).

**CLERK:** No, but it does limit us in terms of what we're allowed to request.

**MR. HUTCHINGS:** Yes, okay.

**MR. SPEAKER:** The only area in the lobby, for example, that I would have any say over is access to the elevators. Outside of that, it falls under the Minister of Transportation and Works.

**CLERK:** Transportation and Works, yes.

**MR. HUTCHINGS:** Okay.

Do we know if other jurisdictions have similar orders in terms of their precinct or how it's defined?

**CLERK:** They do. Now, it's only us and the Yukon that are in shared space. It's really obvious everywhere else because it's a separate Legislature building.

**MR. HUTCHINGS:** Yes. That's the challenge because you're intertwined with other public access.

**CLERK:** Yes. It makes a huge difference.

**MR. HUTCHINGS:** It does, yes.

**CLERK:** It became a big discussion item at the House of Commons. Remember when they were looking at – security services took care of what parts of the precinct.

**MR. HUTCHINGS:** Local policing versus RCMP.

**CLERK:** And the common security.

**MR. HUTCHINGS:** Yes.

**MR. P. DAVIS:** It's a big issue.

**CLERK:** It's always an issue.

**MR. P. DAVIS:** It was a big issue.

Have they corrected it?

**CLERK:** I'm not commenting on another jurisdiction.

**MR. P. DAVIS:** Okay.

**CLERK:** Yes, they have actually. They've created a new unit with the RCMP. They've done a lot of work in that area.

**MR. P. DAVIS:** A different topic anyway.

**MR. SPEAKER:** Any other questions, comments or concerns?

**MR. HUTCHINGS:** No.

**MR. SPEAKER:** Okay.

The proposed motion is the Commission approves the draft parliamentary precinct order.

Do I have mover?

Mark Browne.

Secunder? Is anybody willing to second this motion?

**MR. A. PARSONS:** I'll second it.

**MR. SPEAKER:** Mr. Parsons.

Any opposing views?

Approved.

Okay. That concludes the business of the Management Commission, unless there are other comments, concerns or questions that Members wish to raise.

Any other comments, questions or concerns?

**CLERK:** If I might. Mr. Davis, I have an answer to that question you had on what that purpose was for water.

**MR. P. DAVIS:** Water, the invoice was (inaudible).

**MR. SPEAKER:** Okay, so one of those water dispensing units.

**CLERK:** I guess those bottles. From time to time it builds up, right.

**MR. SPEAKER:** Yes, this probably would have come under the ownership of the new Member for Conception Bay South in any event because he took over that office.

**MR. HUTCHINGS:** Text him to see if there's any water left.

**MR. P. DAVIS:** Turn on a tap if you want some great water in CBS.

**MR. SPEAKER:** All right. Any other questions, comments or concerns?

That concludes the Management Commission meeting for today. I thank all Members and the Broadcast for broadcasting and the general public for tuning in – if there's anybody who's tuned in.

Thank you.

On motion, meeting adjourned.