



PROVINCE OF NEWFOUNDLAND AND LABRADOR
HOUSE OF ASSEMBLY

HOUSE OF ASSEMBLY
MANAGEMENT COMMISSION

Sixty-ninth Meeting

Thursday, September 27, 2018

HANSARD

Speaker: Honourable Perry Trimper, MHA

The Management Commission met at 3:50 p.m. in the House of Assembly.

MR. SPEAKER (Trimper): Okay, I'd like to call this meeting of the Management Commission to order. I thank all the Members for attending. And I guess I'll start by introducing myself.

I'm Perry Trimper, the Speaker of the House of Assembly, and by default in that position I am also the Chair of the Management Commission.

And I'll turn to my left and we'll go around the table.

MS. RUSSELL: Bobbi Russell, Policy and Communications Officer, House of Assembly.

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

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

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

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

MR. P. DAVIS: Paul Davis, Topsail - Paradise.

CLERK (Barnes): Sandra Barnes, Clerk.

MR. SPEAKER: Thank you all very much.

I'll refer to each of the Members and supporting staff to our binders of background materials. And I want to turn us all now to Tab 2.

MR. P. DAVIS: Mr. Chair –

MR. SPEAKER: Yes?

MR. P. DAVIS: – before (inaudible) there's an item I'd like to raise that I don't see on the agenda, just (inaudible).

I know that we've had some communications between Mr. Hutchings and I and yourself, which you've shared earlier today with Members of the Management Commission, regarding the ongoing matters of investigations

by the Commissioner for Legislative Standards. We were interested in seeking an opportunity to meet with the Commissioner to obtain an update and discuss the process that he's been following with ongoing matters and to gain some clarity on them. And I know from previous discussions with you, there may be a plan to be able to deal with that in the near future.

MR. SPEAKER: That's correct, and I can inform the Management Commission that the Clerk and I did speak with the Commissioner this afternoon. He is agreeable to come before us at our next Management Commission meeting and answer the questions that he's going to be able to answer.

As I noted in the correspondence to both yourselves and MHA Hutchings, there are matters which remain confidential and within his purview that are not to be disclosed; but, where he can help and assist, he's willing to do that. So I had that conversation with him today. I thanked the Commissioner for his co-operation, and at our next meeting I'm hoping it'll work with his schedule and we'll have him here on the agenda.

MR. P. DAVIS: Thank you, I appreciate that.

And (inaudible), I believe, for his attendance at our last two meetings on May 16 and May 30, I believe were the two dates, and I look forward to an opportunity to speak to him again about it.

MR. SPEAKER: Okay.

All right, thank you for that.

I'll turn us back to Tab 2 in our agenda. So the first action I need now is an approval of our minutes from the meeting of May 30, 2018. I assume everyone's had a chance to review them, I know I have. I did not see any errors or omissions. If I'm not seeing any discussion, I seek a motion to approve the minutes of the Commission meeting held on May 30, approved as read.

MR. A. PARSONS: I'll make that motion.

MR. SPEAKER: Okay. MHA Parsons.

MR. BROWNE: Seconded.

MR. SPEAKER: Seconded by MHA Browne.

All those in favour, 'aye.'

The minutes are approved.

On motion, minutes approved as circulated.

MR. SPEAKER: Moving over now to the next item in that same tab, this relates to – we are obligated, we have a target of, in advance, issuing out our schedule for the fall meetings and we have some proposed dates in there. I did not bring my BlackBerry with my dates in it, but let's see what we can do.

We have proposed three meetings: October 31, Halloween, November 21 and December 19. I look for discussion as to how these dates may work, and I know one certain gentleman in the room doesn't like this date at all, Halloween. So I look for alternative suggestions.

MHA Parsons.

MR. A. PARSONS: Mr. Speaker, what I would suggest is perhaps – I'm thinking December 19, looking at the current House schedule, is the House is likely not sitting. I don't think that's a good date.

MR. SPEAKER: Yes.

MR. A. PARSONS: And, personally, I'm not a fan of October 31, having young kids.

MR. SPEAKER: Yes.

MR. A. PARSONS: So that's just me, not that the committee needs to work around me, but I don't think the 19th is good for anybody. That's just my opinion.

I think there's no reason we can't schedule a meeting in October that we all mutually agree upon, but I think we would be better off if we worked on a November and December date in accordance with the House schedule when we're all sitting anyway and we can pretty much guarantee our attendance.

MR. SPEAKER: Sure. I look for proposals from the Commission.

MR. A. PARSONS: (Inaudible) so the House starts November 5.

MR. SPEAKER: Fifth.

MR. A. PARSONS: So the 21st, obviously (inaudible) you know, that's probably fine.

Is the House scheduled to sit in December?

CLERK: Only until the first Thursday, the sixth.

MR. A. PARSONS: Maybe we'll go with the fifth?

CLERK: Okay.

MR. SPEAKER: The fifth of December.

And then we just need a date in October that could work for us.

MR. P. DAVIS: A second date in November.

MR. SPEAKER: Could we do a – I mean –

MR. P. DAVIS: November 7.

MR. SPEAKER: We had a Wednesday. Does it have to be a Wednesday? Can it be a –

CLERK: That's my birthday.

MR. A. PARSONS: November 7?

MR. SPEAKER: Sure.

MR. A. PARSONS: November 7 (inaudible).

MR. SPEAKER: Okay.

CLERK: November 7?

MR. SPEAKER: What's wrong with that?

CLERK: My birthday.

MR. SPEAKER: Oh.

MR. A. PARSONS: For everybody's co-operation, I pledge to share my trick-or-treats with the Members of the Commission.

MR. SPEAKER: Okay, so noted.

Okay. So we have three proposed dates of November 7, November 21 and December 5. Any other discussion on the matter?

Hearing none, seeing none, we would go forward with those dates. I don't know if I need a decision.

MR. P. DAVIS: What time would they be? Well, I know the House is sitting anyway, so I'm set. Okay.

MS. RUSSELL: We usually do right after the House sits.

MR. DAVIS: Yes. My apology, yes.

MR. SPEAKER: So I think we're just a mutual agreement. I don't need a first or seconder on that, I don't think.

CLERK: No, no, that's just a –

MR. SPEAKER: Well, it is a recommended motion. I'm sorry, I guess I do.

So moved by MHA Hutchings, seconded by MHA Davis.

Thank you very much.

Okay. Tab 3, this is a report on – and there's no decision required. It's just to inform the Commission that where I do have some discretion I use it, just in the spirit of efficiency. There's a matter of some \$78 relating to one of the Members. The text is there; the explanation is provided in your binder. It was really just a very small matter. So I'm just providing it for your information.

Also, included in this tab is the eleventh report of the Audit Committee. Two of our Members are also members of this, MHA Browne and MHA Hutchings. There's no decision required but we did want to provide a copy of the report for your perusal.

On to Tab 4, this relates to Budget Transfers Report, and we are obligated to report them. We have two sets of documents here. The first is a compilation of all budget transfers that occurred

in the last fiscal year, from 2017 to 2018. So they're there for your records.

I have a new item that I do need to seek – I do require a decision on this next item because this is a proposed item. This is relating to a transfer of \$25,000 from the Members' Resources Allowances and Assistance that would be moved to the Office of the Chief Electoral Officer for professional services. This relates to the ongoing work that he's doing associated with the Members' Code of Conduct reviews.

I need a mover of this. MHA Browne. Secunder?

Anybody have any discussion?

MR. P. DAVIS: I'll second it, but just a quick question. Just so I understand, these are professional services obtained by the Commissioner for Legislative Standards in relation to the investigations (inaudible).

MR. SPEAKER: That's correct.

CLERK: That's for the (inaudible).

MR. P. DAVIS: Okay.

Yeah, I'll second it.

MR. SPEAKER: Yeah, he's retained legal support.

MR. P. DAVIS: Yeah.

MR. SPEAKER: Okay.

So a seconder, MHA Davis.

All those in favour, 'aye.'

Thank you very much.

On to Tab 5; this is also for your information. It's very comprehensive. This is all of the financial reports for each of the Members, and it's everything they have done for last year, the last fiscal year, from April 1, 2017 to March 31, 2018, and then, of course, an update from April 1 until June 30. So that first quarter. That's all provided for your reading pleasure and you can track actual costs against projected budgets.

Okay. No discussion.

I'll move us along now to Tab 6. Tab 6 is relating to an amendment to the *House of Assembly Accountability, Integrity and Administration Act* and it relates to mandatory training for MHAs.

We have within the act now, the fact that it's an interesting nuance on the text; but, to be clear, we would want to go forward with a motion. I'll just, by way of a background – the fact of the matter is, is that while the act makes it mandatory for the Speaker to ensure that there is appropriate training and orientation, it does not make the attendance by the MHAs mandatory.

We have discussed at this table, previously, the importance of everyone participating and being aware, and we've talked about different strategies. Certainly, this would be a tool that we could use to ensure absolute compliance amongst the Members in this House.

I look first of all for any further discussion on this. Seeing none –

MR. P. DAVIS: I think it's a good thing to do. To clarify it, to enforce the importance of such training and to have it mandatory for all Members of the House of Assembly to attend, I think is absolutely the right move to make.

I would imagine that – or you would anticipate that when the legislation or the draft comes forward that it would also deal with the fact, what if a Member refuses to attend or how that would happen. But I think it's a good thing, in a general sense from what is right here, that it make it mandatory for Members to attend.

MR. SPEAKER: Does the Clerk have a comment on that aspect of it?

CLERK: No, this is the amendment that will go forward. In terms of the – if you wanted to add a penalty for them not attending, that would be a further enhancement of what's here.

MR. P. DAVIS: I wasn't even thinking penalty. I was just thinking – my thought was to ensure and to be able to make sure they do attend and to – well, I suppose if they don't attend then it

would come back here anyway for a matter for the Commission to discuss at that point in time.

CLERK: Yeah.

MR. SPEAKER: Okay.

AN HON. MEMBER: They could be in violation of the (inaudible).

MR. P. DAVIS: Right. Yeah.

MR. SPEAKER: All right, I'm going to read this motion: Pursuant to subsections 15(5) and 20(7) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission approves the following proposed amendment, subject to final wording by the Office of the Legislative Counsel:

Section 22 of the *House of Assembly Accountability, Integrity and Administration Act* is amended by adding immediately after subsection (2) the following: (2.1) A Member shall attend or otherwise avail of the orientation and training programs referred to in subsections (1) and (2).

I need a mover.

MR. HUTCHINGS: So moved.

MR. SPEAKER: Okay, MHA Hutchings.

Seconder?

MHA Coady.

All those in favour, 'aye.'

Thank you very much, that is approved.

Just so everyone is clear, now that we have approved it, the Government House Leader will be asked to bring forward the proposed amendments to the act to Cabinet for approval and then subject to final drafting by the Office of the Legislative Counsel and presentation to this House of Assembly as a bill.

Yes, MHA Hutchings.

MR. HUTCHINGS: Just a comment in regard to some of the work that has been done by the

Privileges and Elections Committee. Some of the work that has been done could intertwine with what's here. At some point in the future we may be back again in regard to if we did entertain further changes with this. So it's something to keep in mind, but this is fine as to where we are right now.

MR. SPEAKER: Okay.

All right. Tab 7; this is the audited financial information for the fiscal year ending March 31, 2018 for the House of Assembly and Statutory Offices, excluding the Office of the Auditor General, who is reviewed by a third party.

We do have a decision. You see there's a letter from the Audit Committee. You have a copy of the document. I do need an approval. This is the motion I would propose: The Commission approves the audited financial information for April 1, 2017 to March 31, 2018 for the House of Assembly and its Statutory Offices, as recommended by the Audit Committee.

So I need a mover of that.

MR. BROWNE: So moved.

MR. SPEAKER: Thank you, MHA Browne.

And a seconder.

MR. HUTCHINGS: I'm a member of the Audit Committee, I don't know if that matters or not.

MR. SPEAKER: So is MHA Browne. I don't think that's –

CLERK: I don't think it makes –

MR. SPEAKER: It's not precluding you, I don't believe.

MR. HUTCHINGS: Okay, if it's not, fine.

MR. SPEAKER: Okay.

MHA Hutchings seconds.

All those in favour, 'aye.'

That's fine, thank you very much.

Now we have a little –

MS. RUSSELL: You have to sign under here. So you'll sign right here (inaudible).

MR. SPEAKER: Yeah, and we'll ask you – and invite one other Member to – I would invite one other Member of the Commission. Perhaps somebody else who didn't – MHA Davis, if you wouldn't mind.

MR. P. DAVIS: To move an (inaudible)? Does it matter, or –?

CLERK: It doesn't matter.

MR. P. DAVIS: It doesn't matter.

MR. SPEAKER: And then one other Member of the Commission.

The audited financial information for that year ending – section 32(3) of the *Auditor General Act* states: The auditor appointed from the office under the act shall submit their report to the Management Commission – that's done. So there's no further decision.

Thank you.

Tab 8; we need to appoint an auditor for the House of Assembly and statutory offices. The Audit Committee, you just recently met on August 29 and recommended the Auditor General be appointed the auditor for the House of Assembly and related offices for the fiscal year ending March 31, 2019.

There is a letter there in your file from the Chair. I do require a decision. The motion would be: Pursuant to subsection 43(2) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission appoints the Auditor General as auditor of the House of Assembly and statutory offices for the year ending March 31, 2018.

I need a mover for that, please.

MR. BROWNE: So moved.

MR. SPEAKER: MHA Browne.

And a seconder?

MS. COADY: Seconded.

MR. SPEAKER: MHA Coady.

Thank you.

All in favour, 'aye.'

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Thank you very much.

On to Tab 9; this is an appeal from the Member for Conception Bay East - Bell Island, and you can see from the background, just the context of it was that: "The Member for Conception Bay East - Bell Island is appealing the denial of payment of expenses totalling \$50.00 to attend an event hosted by the Mount Pearl/Paradise Chamber of Commerce.

"Expenses related to attending such events (the Member was invited to speak as it took place in his district) are permitted in accordance with paragraph 46(3)(a) of the *Members' Resources and Allowances Rules*, provided that either 'the Member or his or her constituency assistant is in attendance at those events.'

Following a review of the details of the expense, it was determined" however, that this was "not eligible for reimbursement as neither the Member or" the CA "attended the event. The Member instead asked the" CA of another MHA to attend.

I know this seems perhaps trivial to everyone here, but nevertheless, our staff are bound by the rules. As you know, we have a very strict oversight. So that's why it was not deemed in compliance with our rules.

The Member for Conception Bay East - Bell Island is appealing this decision and the Management Commission does have the ability to rule on this one way or the other.

MHA Coady.

MS. COADY: Thank you, Mr. Speaker.

I'm just wondering, in normal circumstances you can have an acting constituency assistant. I understand from the MHA for Conception Bay

East - Bell Island, I understand the CA that he had was unfortunately ill and he had a representative fill in for him. How do we – there is a nuance here in the fact that he had somebody else filling in, if I can use that term, for his constituency assistant, for that day who did appear on his behalf.

In a normal process, if you were having somebody fill in for your constituency assistant, that would be allowable? Is that what I understand, if my constituency assistant was off on sick leave for a period of time and I had –

CLERK: A replacement.

MS. COADY: – a replacement?

CLERK: That's fine.

In this case the constituency assistant, I think, was ill, and you can only have a replacement if the person is off for more than a day.

MS. COADY: Correct.

CLERK: So another Member's CA filled in at the event.

MS. COADY: Yeah.

CLERK: We just don't have the authority to –

MS. COADY: Right.

I guess what I'm pointing out is, for our consideration, there was a replacement, even though it was only for a day, and in the regular rules and the regular context, if the replacement was there for more than a day that person would have been able to fill in.

CLERK: You are correct, yes.

MR. SPEAKER: MHA Hutchings.

MR. HUTCHINGS: My understanding is a replacement CA is something that's applied for and recognized by the House.

CLERK: Yes.

MR. HUTCHINGS: You can get a replacement to come in.

CLERK: Yes.

MR. HUTCHINGS: (Inaudible) I understand the event. My concern would be the precedent set for somebody replacing someone and the event be reimbursed. I'm not sure how that would hold for future events.

MR. SPEAKER: MHA Parsons.

MR. A. PARSONS: Yeah, my concern is the slippery slope here, because like the rule itself is very clear: MHA and their CA.

While I get that the other person was a CA, what if that option – like that option might be available in this area where you have a bunch of MHAs around and a bunch of CAs around, so what about out my way if I had the same situation? Because I get the logic where we are saying: look, the ticket was prepaid, we don't want to waste it.

I have an event in Port aux Basque, I can't go. My CA, Joanne, can't go. I don't have access to another CA to represent me. So why I can't I get so-and-so to represent me? Like, it's a slippery slope and a precedent set that I'm a little worried about because it can be applied differently, and this – I think the rule is very clear.

MR. SPEAKER: Mm-hmm.

MR. A. PARSONS: Now, just say there was an application that day: look, my CA is sick, I need a fill in. We can get that expedited pretty quickly. We have had to do that. That wouldn't be an issue, and it's not the money here because I hate – I get where the MHA was going with this, and I can see probably asking for the same thing if I was in that situation, but I'm just worried about the application down the road.

MR. SPEAKER: Anyone wishing – MHA Davis.

MR. P. DAVIS: Yeah, thank you, Mr. Speaker.

Of course, the other nuance with this is that the ticket had been purchased. It was an event that – for the Member or his constituency assistant – would be an allowable expense under current rules. It was a Chamber of Commerce event; the ticket was purchased.

According to what he had submitted, the ticket for the meal had been ordered and paid for in advance. Last minute, he couldn't attend. His constituency assistant wasn't well. Actually, it wasn't just anybody who replaced him. It was actually a constituency assistant who is still an employee of the House of Assembly for another district. Actually, it was an adjoining district.

The constituency assistant who attended was a constituency assistant for the adjoining district, which is also relative to the Mount Pearl/Paradise Chamber of Commerce. So it wasn't like it was a constituency assistant that had no connection to their jurisdiction of that particular organization.

I appreciate my colleague's comments about a slipper slope and we have to be very, very careful with those. I believe also that it would be incumbent on us to take each particular circumstance on its own merits, on its own circumstances, because it's very difficult to find a policy that will fit every potential eventuality that could occur.

We spend a fair bit of time here and we quite often, I would say, practically every meeting have agenda items where we have to make discretionary calls on circumstances that arise that are unforeseen. I think this is one of them. It doesn't happen very often. It happened in this case, and I think in this case the Member had purchased a ticket with the intention of attending, and it should be covered.

MR. SPEAKER: Okay. Any further discussion?

MHA Browne.

MR. BROWNE: Given that the constituency assistant that attended was from an adjoining district, would it be possible for it to be covered under that MHA's rather than Mr. Brazil's? Presumably, if it was relating to the district of the adjoining MHA? If that MHA –

CLERK: Submit the –

MR. SPEAKER: That may be a way through the middle of this, yeah.

MR. BROWNE: We may avoid the precedence that MHA Parsons outlines while still –

MR. A. PARSONS: That's a common sense solution, because it's still not going outside the rules. An adjoining MHA would have fallen under that Chamber of Commerce's jurisdiction. They could have gone and it would have been an allowable expense. So maybe just do it that way rather than this way, where we end up with a situation where we might have a debate down the road again. So that's a great suggestion if it fits.

MR. SPEAKER: Do we know which district the other CA was from?

CLERK: I think it's the Paradise that gave it away.

MR. P. DAVIS: Yes, and, Mr. Speaker, I'm fine with that.

MR. SPEAKER: Okay.

CLERK: You're going to submit the (inaudible).

MR. SPEAKER: How about – so then I would suggest that the –

MR. P. DAVIS: It's going to be past 60 days. So we won't have to bring that back, right?

MR. SPEAKER: Oh, we don't need a –

MR. A. PARSONS: Can we provide a waiver now that –

CLERK: On the 60 days?

MR. A. PARSONS: On the 60 days –

CLERK: Yes.

MR. SPEAKER: Oh, yeah.

MR. A. PARSONS: – given that –

MS. RUSSELL: Yes, we can waive the 60 –

MR. SPEAKER: I'm able to do that.

MR. A. PARSONS: We'd waive it when it came back anyway. So to avoid the –

MR. SPEAKER: I can do that.

CLERK: He can waive the 60 days.

MR. SPEAKER: Yes, and I'm being told I don't need a further decision other than we've decided to do that.

CLERK: Yes.

MR. A. PARSONS: That's pretty –

MR. SPEAKER: This is so good, yeah.

MR. A. PARSONS: That was good.

MR. SPEAKER: Okay, thank you very much. That's excellent.

All right, and then finally Tab 10. That's the caucus operating funding grants report. We are required to submit a summary report of all expenditures for the fiscal year within 90 days of the end of that year. So here we are. That's for your information only, no decision.

I have no final remarks, other than I would say that November 7 is our next scheduled meeting. As I promised at the start of this, we'll have a discussion with the Commissioner for Legislative Standards and we'll look to have him provide whatever update he can at that time on the agenda as well as other items.

So I thank you all for your time. I look for – thank you, MHA Parsons, moved to adjourn; seconded by MHA Browne.

Thank you all very much.

On motion, meeting adjourned.