



PROVINCE OF NEWFOUNDLAND AND LABRADOR
HOUSE OF ASSEMBLY

HOUSE OF ASSEMBLY
MANAGEMENT COMMISSION

Eighty-fifth Meeting

Wednesday, January 26, 2022

HANSARD

Speaker: Honourable Derek Bennett, MHA

The Management Commission met at 9:57 a.m. via video conference.

SPEAKER (Bennett): Are we good now?

B. RUSSELL: We're ready to go, Mr. Speaker.

SPEAKER: Okay, we'll call the public meeting to order.

Before we begin, I'd just like to introduce the Members of the Management Commission and staff that are present with us here today.

First of all: the hon. Steve Crocker, Government House Leader; Barry Petten, Opposition House Leader; Helen Conway Ottenheimer, Member for Harbour Main; the hon. Lisa Dempster, Member for Cartwright - L'Anse au Clair; Jim Dinn, Member for St. John's Centre; Paul Pike, Member for Burin - Grand Bank; Sandra Barnes, Clerk and secretary to the Commission; Brian Warr, Deputy Speaker; Kim Hawley George, Law Clerk and acting Clerk Assistant; Bobbi Russell, policy and communications officer; and I'm Derek Bennett, Speaker and Chair of the Management Commission.

Everybody should have been provided with a copy of the agenda. Our first agenda item relates to the approval of draft minutes held on January 5 and January 12, 2022. I require a mover from the Management Commission.

Note that the January 5, 2022, meeting was an in camera meeting of the Commission and the draft minutes satisfy the requirements of section 19 of the *House of Assembly Accountability, Integrity and Administration Act* to report the substance of the decisions in the in camera meeting publicly.

So I ask if there are any questions or any comments before I call for a motion to accept those two lots of minutes.

Seeing none, I call for a mover and a seconder that the Management Commission approve the minutes held on January 5 and January 12, 2022.

Minister Dempster moved; seconded by MHA Pike.

All those in favour by show of hands.

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

On motion, minutes adopted as circulated.

SPEAKER: The next agenda item relates to the appointment of the auditor for the House of Assembly and statutory offices.

Pursuant to subsection 43(2) of the *House of Assembly Accountability, Integrity and Administration Act* the Management Commission must appoint an auditor of the accounts of the House of Assembly and statutory offices before the end of the fiscal year, upon the recommendation of the Audit Committee.

Correspondence was received on January 7, 2022, from the Audit Committee recommending that the Auditor General be appointed as auditor, pursuant to paragraph 27(7)(b) of the act. Further details relevant to this are in your briefing package.

Again, any Committee Members have any questions or comments as it relates to this item?

Seeing none, I ask for a mover and a seconder that the Commission directs, pursuant to subsection 43(2) of the *House of Assembly Accountability, Integrity and Administration Act*, that the Auditor General of Newfoundland and Labrador be appointed to do the audit for the accounts of the House of Assembly and the statutory offices for the fiscal year ending March 31, 2022.

Can I have a mover to that motion? MHA Petten.

Secunder? Minister Crocker.

All those in favour by show of hands.

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

Our third item on the agenda relates to the inconsistency between the application of caucus funding policy and the *House of Assembly Accountability, Integrity and Administration Act*. The issue was first identified in May 2019 when considering the impacts of the election of the 49th General Assembly. It was realized at that time that based on the current wording of the policy there was no authority to provide funding to a registered political party with one Member as it does not fit either the definition of a caucus or a non-affiliated Member.

The Management Commission have considered the matter at meetings in September 2019, which no decision was made at that time, and again in July 2020, when it was issued to provide further direction. That direction is also outlined in your Briefing Notes.

Members have been provided with Briefing Notes on this particular item. Today we will have to basically summarize the matter and make some decisions on four different items. Those items were sent out in a previous email and they are: To provide direction regarding funding provision for a third registered political party with a single Member. Options for the Commission's consideration are outlined in the Briefing Note.

Number two: To provide direction regarding fourth and subsequent registered political parties with a single Member. Again, options are provided in the Briefing Note.

Number three: The decision would be to approve the draft policy document in Attachment 3 of the briefing package, which consolidates all of the Commission's minutes to date, respecting caucus funding provisions, into a single source. The Commission's direction on the two aforementioned matters will be added accordingly.

Number four: It will be the authority of the House officials to update section 8 of the caucus funding policy as necessary to reflect actual funding amounts in accordance with the adjusted formulas. It's noted that the adjustment formulas are in accordance with the current caucus funding provisions. The approval requested is to be able to update the table in the policy

document to reflect the most current funding amounts.

Everybody should have received their briefing package on that. We'll open up the floor for any questions, comments and, preferably, we'll deal with each item at a time.

The first would be to provide direction regarding funding provisions for a third registered political party with a single Member.

I open the floor for any comments or questions.

MHA Dinn. You're on mute, Sir.

J. DINN: I know many people would appreciate me staying on mute; nevertheless here it is.

What we're asking here is that a Third Party, regardless of whether it's with one, be accorded the funding, as they would be now with two Members?

SPEAKER: Correct.

As mentioned, there's no provision right now to provide funding for a Third Party of one Member. We have to make a decision whether we're going to allow the official Third Party, if it is one Member, to receive the benefits as it would if it was a caucus of two or more.

J. DINN: Well, I'll speak in favour of that for many reasons, but, namely, I guess, any one of us, any party here could be in that position, some more likely than others, and this will be consistent with any subsequent parties as well. Strong Opposition makes for better government, and regardless of who's in power, I think you need Opposition parties, at least, to have the funding to do their job effectively.

Thank you.

SPEAKER: Any other comments to that?

Did you raise your hand, Minister Crocker?

S. CROCKER: Yeah, sure.

If Barry or somebody wanted to go before me, I'm fine with that, too, but I'm in favour of it as it is outlined in Option 2, because I think there

becomes – that’s Option 2 in the Briefing Note. Because I think, as it becomes a passed act, then it becomes more questions around the recognition of a Third Party, but subsequent to a Third Party there becomes many more challenges.

One, in the meeting we’re in this morning as a Management Commission, the Third Party is recognized as a Member of the Management Commission. But to expand the Management Commission beyond a Third Party brings many more complications in itself, obviously, with the balance of how a Management Commission works. So I would speak in favour of it as it is outlined in the Briefing Note under Option 2.

SPEAKER: MHA Petten.

B. PETTEN: Thank you.

I suppose, to really echo what Minister Crocker just said, I think precedent has been set. The Third Party previously had one Member and got funded. Where there is no mechanism presently to issue them funding, I have no issue with that remaining the same for the Third Party. But, as we move forward in subsequent parties, I believe we need to stick to the legislation of two Members to be considered for funding.

I know this is probably outside the legislation with the Third Party, but it’s been in place for a long while. I think it does help make better governance, regardless of who is on the Opposition side. I think that balance of thought processes is good for our legislation, it’s good for our government in general, but that’s as far as I’d like to go with it.

We’re outside the box now by giving the Third Party status if they’re going to have one Member, but I think that’s where it needs to stop; we need to stick to the legislation outside of that. The only reason I agree to it with the Third Party now, its precedence has been set and it is a better governance model, as MHA Dinn said. So that’s where my thoughts are to on that one.

Thank you.

SPEAKER: Thank you, MHA Petten.

Are there any other comments?

If not, Bobbi, would you mind summarizing the motion?

B. RUSSELL: Sure.

The Commission directs that funding for a third registered political party with one elected Member be treated the same as a Third Party with two or more Members, in terms of caucus funding allocation.

SPEAKER: Can we have a mover to that motion, please?

Minister Dempster; seconded by MHA Dinn.

All those in favour by show of hand?

SOME HON. MEMBERS: Aye.

SPEAKER: All those against the motion?

Motion carried.

Item 2 relates to the fourth and subsequent registered political parties with a single Member. Again, this item’s outlined in your briefing package. I’ll open the floor again to anyone who has any questions or comments on that.

MHA Dinn. You’re muted, Sir, again.

J. DINN: I would support this. Again, I go to the whole notion of the effectiveness of an Opposition and options for people. If people have gone through the process of voting someone in that represents a party then, yes, you put the resources there. I know that seems counterintuitive, I guess, if I’m looking at protecting my own turf, but that’s the upside.

I guess the downside would be: Where does it stop and does it make for a more fractured House of Assembly? But I do believe the fact that – I don’t know if we’re going to have a sudden onslaught of different political parties, but for the most part to do this job in there, in the House of Assembly, you do need the resources. Whether that’s to do with the research to be able to speak in an informed manner in the House, especially on issues that affect the province. If indeed the party has gone through

the trouble, and they've got candidates in multiple ridings, then why not? To me, if nothing else, I think it's an improvement to the democratic process.

SPEAKER: I see Minister Crocker's hand up next.

S. CROCKER: Mr. Speaker, I just need some clarity on what it is we're being asked here. What is it we're being asked here? I can't align my Briefing Note with my questions, unfortunately, from the email this morning. Are we being asked here that a fourth party be given the same funding as the Third Party?

SPEAKER: That's what's up for discussion. The Management Commission can decide either the same as the Third Party, or they can decide that they could be getting the same funding as a non-affiliated Member.

S. CROCKER: Mr. Speaker, didn't we answer that in our first question? When we voted for Option 2 a few minutes ago, that's clearly outlined in the Briefing Note – if you look at (b) in Option 2: "fourth and subsequent registered political parties that are represented by a single Member to be the same as that provided to a non-affiliated Member."

So we've already answered the question, Mr. Speaker, when we voted for Option 2.

SPEAKER: Sandra, you want to comment on that there?

CLERK (Barnes): The proposal that came to the floor, the one that you voted on, only referenced the Third Party, so we would need to do a separate vote on fourth or subsequent parties. The way the motion came to the floor only referenced a Third Party with a single Member, so we do need specific direction on fourth and subsequent.

S. CROCKER: Sorry, Mr. Speaker, it was my understanding as I voted for Option 2, that we answered that question in section (b) of Option 2. If that is the case, I would motion that we go back to that, that we vote on the full motion – full option presented to us.

SPEAKER: Bobbi, you want to read back the motion that was approved, please.

B. RUSSELL: The motion that was put on the floor was that the Commission direct that funding for a third registered political party with one elected Member be treated the same as a Third Party with two or more Members in terms of caucus funding. So it just addressed the third registered political party.

The idea was that the fourth and subsequent registered political parties be addressed in a separate motion in terms of the options. So, I guess, the two options, as outlined in the note, are that you could treat it the same as a Third Party with one elected Member or you could treat it the same as an unaffiliated Member or another allocation as directed by the Commission. So there are various options there.

SPEAKER: I guess we can go back to amend the motion if that is the choice of the Committee. Or it can be a separate motion that we deal specifically with fourth and subsequent parties, whether it be treat them the same as we just decided with the Third Party or the other option would be to treat them similar to an unaffiliated Member.

MHA Petten.

B. PETTEN: Thank you, Mr. Speaker.

I just want to follow up on what Minister Crocker said. This is all, respectfully, a bit confusing when I'm reading the notes because it seems like I'm going back and forth between the two. I think our intention – or mine anyway – was pretty clear that we voted to keep the Third Party's funding and recognized that even with one Member they remain where they are. Anything subsequent to that would be treated like unaffiliated Members if they only had one Member.

I thought this was just a bit convoluted where we're going back through this and it's kind of a bit confusing. I don't want us to make an error and make the wrong decision either, but I think the sentiment I'm getting is that we were okay with the Third Party remaining as is and any future one party, whether it be unaffiliated or party, be treated like unaffiliated Members and

keep the legislation of two, which I think was clearly stated as well.

I just want it for clarity purposes because I'm finding this a little bit confusing here this morning. I just want it to be clearer.

SPEAKER: Okay.

For clarity, I think what you just suggested could have been done in one motion, but doing it in two separate motions, I guess, gets the same result. The previous motion was to approve that the Third Party would receive caucus funding as it would for a caucus of one or a caucus of two. Any other additional parties, we can tie it in the same motion and amend the motion, or it can be a separate motion that fourth and subsequent parties receive the same funding as the independent, as you referenced.

I see a number of hands coming up.

I think MHA Pike was next.

P. PIKE: I think it was Minister Dempster.

SPEAKER: MHA Pike froze up, so Minister Dempster.

L. DEMPSTER: Thank you, MHA Pike.

I think, Mr. Speaker, the discussion we're having here really is I'm hearing about the importance of protecting democracy and that's paramount. We're all parliamentarians on the call today and we want to do that, but it's also about fiscal realities. We don't have a bottomless purse; we wish we did maybe have the money tree. So how do you balance protecting democracy, having that strong Opposition, having that Third Party that often brings a different perspective than an Opposition, who sometimes we say is a government in waiting.

So in light of those realities, I'm not sure whether it's really relevant whether we amend the first motion or whether we do it in a separate motion, but I think going beyond a Third Party – I believe we've already stretched. When we say because we want to protect democracy that a Third Party, who has a single Member, we will support, we've already stretched.

When I look at my less than a decade in public life and how the Legislature and how the lay of the land has changed, I don't know where it will be in five years' time. So are we going to give 15 Members in the House all caucus funding? Where is that money going to come from?

I think it's important – should there be any viewers today – that they recognize if they choose to elect an unaffiliated Member to sit in the Legislature and be their representative, there are currently supports in place for them. We provide funding for important research to be done, et cetera.

So it's finding that balance. I, certainly, strongly – as you can tell – feel that we draw the line at the Third Party.

Thank you.

SPEAKER: Okay, MHA Pike.

P. PIKE: Okay, thanks.

Just my comment on it is, basically, I agree with Minister Dempster. You can go either way with this; you can have it as two motions or one. But I think now that we've made that motion, I think a separate motion for clarity might be what would be required here, because we don't want any interpretation of what we put in this first motion. I think it would be a lot clearer if we went with a second motion on the subsequent parties after the Third Party.

Anyway, that's just my thoughts on it.

SPEAKER: Okay, thank you, MHA Pike.

Are there any other comments or questions, or anybody wants further clarification?

MHA Dinn. You're on mute again, Sir.

J. DINN: I'm doing my best to keep the noise down, nevertheless ...

The first vote, looking at the Briefing Notes, the variety of notes, it looked like the two were being considered together, but I understood, and based on the debate, based on what MHA Petten has said and the discussion that really we were focused on whether the Third Party was going to

continue on with the funding if it had a caucus of one, that's what my remarks are because I made the reference that when it comes up for debate on subsequent party, I'll have the same opinion on it. That motion is passed. We have that under.

Really, what we're trying to decide now is what we're going to do with fourth and subsequent parties. I don't think we need to go back – well, you can't amend a motion that's already been passed unless we're going to reconsider it. To me, I'm assuming we're going forward now. The cleanest is to break them down and let's carry on.

I'm understanding the motion right now is to deal with fourth and subsequent parties so that's neatly divided. Or are we actually considering now going back and looking at reconsidering the first motion? Where are we is what I'm asking right now?

SPEAKER: I guess, for clarity, we have made a decision on the first motion which only relates to the Third Party. Any fourth and subsequent parties, then that's the decision we're looking to make.

J. DINN: Excellent.

SPEAKER: Minister Crocker.

S. CROCKER: Okay, Mr. Speaker, I agree with MHA Dinn, MHA Pike and others that we made that motion and it's done. Mr. Speaker, I make a motion, if I can, that fourth and subsequent registered political parties that are represented by a single Member be treated the same as that is provided for a non-affiliated Member.

SPEAKER: Okay, I have a mover to that motion. Do I have a seconder?

Seconded by MHA Petten.

Any questions or comments to that motion?

For clarity, it's that fourth and subsequent parties will receive the same funding allowance as those of a non-affiliated Member.

All those in favour of the motion by show of hand?

SOME HON. MEMBERS: Aye.

SPEAKER: All those against the motion?

Motion carried.

Item 3 is approval of the draft policy document in Attachment 3 of the briefing package, which consolidates all of the Commission minutes, to date, respecting caucus funding provisions into a single source. The Commission's decisions from the first two items that we just discussed and approved will be added accordingly. So it is more of a housekeeping item.

Any discussion or any questions on it?

If not, Bobbi, would you like to summarize a potential motion for that?

Thank you.

B. RUSSELL: Sure.

The Commission approves the policy documents that were attached in the briefing package, collating the caucus funding decisions established by the Management Commission.

SPEAKER: Can I have a mover to that motion?

Minister Dempster.

Do I have a seconder?

MHA Conway Ottenheimer.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

Item 4 would be the authority for the House officials to update the section 8 of the caucus funding policy, as necessary, to reflect the actual funding amounts in accordance with the adjustment formula. It is noted the adjustment formula is in accordance with the current caucus funding provisions. The approval requested is to be able to update the table in the policy

document to reflect the most current funding amounts.

Sandra, you're on mute.

CLERK: We just need to correct a typo; it is actually section 9, not section 8.

SPEAKER: Any questions or comments to that? Everybody should have been provided with that table after the technical briefing earlier this week. It is just to bring things up to date.

If there are no questions to it, Bobbi, do you want to put forward a potential motion?

B. RUSSELL: Sure.

The Commission directs authority to House officials to update section 9 of the caucus funding policy, as necessary, in accordance with the established adjustment formula, without further reference to the Management Commission.

SPEAKER: Can we have a mover to that motion?

MHA Petten; seconded by MHA Dinn.

All those in favour by a show of hand?

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

So that concludes the agenda for today's meeting. I now call for a motion for adjournment unless anyone has any questions or comments.

Moved by Minister Dempster; seconded by MHA Conway Ottenheimer.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

I thank everyone for their time today and those that are viewing online. I just remind everyone that today is Bell Let's Talk, so let's promote that and get it out into your different social media aspects.

Thank you, again. Have a great day and take care.

On motion, meeting adjourned.