

The Committee met at 8:50 a.m. in the House of Assembly.

**MR. SPEAKER (Fitzgerald):** Good morning.

I would like to welcome members of the Management Commission to a regular Management Commission meeting.

We will start as we normally start our meetings, since those meetings are broadcast, by asking members to introduce themselves.

I start to my immediate left with the Deputy Speaker.

**MR. T. OSBORNE:** Tom Osborne, St. John's South.

**MR. TAYLOR:** Trevor Taylor, The Straits & White Bay North.

**MS E. MARSHALL:** Beth Marshall, Topsail.

**MS BURKE:** Joan Burke, St. George's-Stephenville East.

**MS JONES:** Yvonne Jones, Cartwright-L'Anse au Clair.

**MR. PARSONS:** Kelvin Parsons, Burgeo & LaPoile.

**MS MICHAEL:** Lorraine Michael, Signal Hill-Quidi Vidi.

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

**MR. MacKENZIE:** Bill MacKenzie, Clerk of the House.

**MR. SPEAKER:** Roger Fitzgerald, Speaker of the House and Chair of the Management Commission meetings.

We also joined my Ms Marlene Lambe, our Chief Financial Officer.

The first item on the agenda today would be the ratification of in-camera decisions. The Commission has decided that we will defer our in-camera meeting. The topics on the agenda required further discussion so our in-camera decisions will be deferred, will be further discussed and brought back to a regular meeting of the Commission at a date to be decided.

The next item on the agenda would be an update on minutes for the February 6, 2008 meeting. That would be under Tab 2. This particular section of the February 6 meeting is for approval, since those were budgetary items and we, as a Commission, could not approve the budgetary process until the Budget was completed. The Budget was only completed last night, so we seek confirmation and approval of the minutes that were put forward and the figures that were put forward from the February 6, 2008 meeting which is shown in our book.

Would somebody move that those Estimates be voted on and passed, or further discussion if there is discussion on it?

Ms Michael, you are moving the –

**MS MICHAEL:** I move.

**MR. SPEAKER:** Okay.

Can somebody second?

**MS E. MARSHALL:** I second.

**MR. SPEAKER:** Moved by Ms Michael, seconded by Ms Marshall, that the minutes from the February 6 meeting be approved.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

The motion is carried.

The next item would be the approval of minutes for our April 30, 2008 meeting.

If there are no errors or emissions, would somebody move that the minutes be accepted as written?

**MS E. MARSHALL:** I move.

**MR. SPEAKER:** Moved my Ms Marshall, seconded by Ms Michael, that the minutes of April 30, 2008 be approved as written.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

The motion is carried.

The next item on the agenda would be the approval of the minutes for the May 5, 2008 meeting.

Members have had an opportunity to have those minutes as circulated. If members have had an opportunity, and have no problem with those minutes, would somebody move that the minutes be approved as written?

Moved by Mr. Parsons and seconded by Mr. Taylor.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

The minutes of our May 5, 2008 meeting are carried.

We are going to move down through our agenda here, and we will probably stray a little bit from the way that it is written because I understand that some members have a schedule this morning that may not allow this meeting to continue past 9:30 a.m.

There are a couple of items here that we need to do, and we need to do now, in order to abide by our act, the Accountability, Integrity and Administration Act of the House of Assembly.

The first item that we would like to deal with would be the Publication Scheme Amendment under Tab 4, item 11.

Ms Burke.

**MS BURKE:** There are a number of issues there under New Business. Under Tab 4, number 10, is the Child and Youth Advocate – Subpoena Powers.

Just in the interest of time, in that some members may have to leave and this is an issue before the Legislature at this time, I am wondering if maybe we could address that issue first.

**MR. SPEAKER:** We can, we are open, but we need to do the Publication Scheme Amendment and we need to do the Financial Reports at this particular meeting, to have that done in order to abide by our own act, the Accountability, Integrity and Administration Act.

If we feel that we can accommodate the Child and Youth Advocate – Subpoena Powers, and still get through the book of business, by all means, but if members do not mind, if we see that this is going too far, I will interject and we will move into the items that we need.

If it is the Commission's wish, we can move to the Child and Youth Advocate - Subpoena Powers. That again is under Tab 4.

This particular item, as Ms Burke has indicated, is before the House of Assembly right now and it has to do with a request from the Child and Youth Advocate to have subpoena powers in order to allow her to have the right to subpoena people, residents or non-residents, to appear before her in

carrying out her duties as the Child and Youth Advocate.

That particular act, Bill 33, is before the Legislature and there is obviously some debate that might be needed on this, or some comments to be made.

I recognize members who want to pass comment.

Mr. Parsons.

**MR. PARSONS:** The only comment I would make, Mr. Speaker, is that we dealt with this in the House yesterday and it is done now, legally and properly done. I just think the process – we jumped the gun a bit, maybe. I just think, for the record, we need it on the record that Bill 33 was dealt with by the House before it was actually officially passed by the Management Commission.

The process, as I understand it, because it concerned a request by an officer of the House and the statutory office of the House, was that the proper process should have been that it would have come to the board of management meeting, we would have reviewed the Child and Youth Advocate, and we would have come back at our meeting and said, yes, we have reviewed it and everything is sanctioned - and we would have went forward and dealt with it in the House as we did.

It just seems that we put the cart before the horse in the process, and I would not want somebody to come back and suggest that it was deliberate or we did it wrong or whatever. I think, just for the record, we should sanction what happened.

We all were aware of the Child and Youth Advocate amendments that were given to us. Obviously, the thing was circulated to us, as members, for review in preparation for today's meeting, but I would not want somebody to be saying that we went off and approved it in the House without having

dealt with it here at the management committee level.

I just wanted that on the record. I do not know if legally, I guess, or judicially or whatever, the process we followed was proper in the sense that – I am assuming what we did in the House yesterday is legit, because it did not do that step. Whatever we need to do to ratify that we missed a step but we still sanction what we did yesterday, I think we need that for the record.

**MR. SPEAKER:** The Child and Youth Advocate Office certainly comes under the purview of the Commission and the House of Assembly. My understanding is that there was consultation between the Child and Youth Advocate, Ms Neville, regarding the amendments. I know there was correspondence written to me as Speaker, back and forth.

When the bill was written with the amendments the Chair immediately circulated the completed piece of legislation, Bill 33. As I took a quick look through it this morning, my understanding is the exact bill is being presented in the House. It was sent to each member of the Commission six days ago with the intent of requesting members of the Commission to report back to the Chair if there were any problems with that particular bill or if there was any concern with the amendments. In the essence of time it needed to get through this House before the House recesses, adjourns for the summer, that was why we circulated it to each member of the Commission before it was distributed to the House. The Chair has not had any response back from any member.

Ms Burke.

**MS BURKE:** I also add, we did commence the debate on Bill 33 yesterday but it is still in Committee so we have not actually concluded it within the House. Despite the fact that we have gone through this process, we are discussing it this morning, there is

still an opportunity, as it has not been finalized through the legislative process at this point.

**MR. SPEAKER:** The Clerk.

**CLERK:** Thank you, Mr. Speaker.

I think the principle Mr. Parsons espouses is correct. The House Management Commission should approve these various legislative amendments on the legislation that is within the purview of the House. In this particular case, the time was working against us. The discussions between the Child and Youth Advocate, Executive Council, the Department of Justice and so on were going back and forth on how to do this, so we got caught in a time crunch. If we did not bring it forward now then the advocate would not have had the subpoena powers until November or December or whenever the bill came in. It is unfortunate. It was really a matter of the time crunch. As Mr. Parsons says, we are now sort of looking at Commission approval retroactively.

I still think it is important to provide that approval to establish the principle, and I do not know that in other circumstances we would be in the same time crunch. This was an unusual one with the discussions going ahead on how to provide these subpoena powers. That was really what happened, it was important to get it done before the House recessed, or else she would not have them until next winter.

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

**MR. PARSONS:** Mr. Speaker, the reason I raised the question, as well, is that Justice Green pointed out in his report, numerous times, that one of the problems that existed before was that there was no set process. Sometimes there was a process that was not followed, and even if the process was followed there was nothing written to verify that it had been followed. That is the only reason I make the point, is that he was very clear as to him wanting to see the process

followed. I would not want, when we are only a few months out of the gate under the new laws, to be setting a precedent here that we can deal with these things just willy-nilly sort of thing. I just think we need to be cognizant, notwithstanding time constraints, to make sure that we get it right. That is the only point I am trying to make here.

**MR. SPEAKER:** Any further discussion?

Since we are on that particular topic, we might just as well deal with the motion.

The motion is, or the action required, suggests that the Commission approve the proposed amendments respecting subpoena powers and other matters to the Child And Youth Advocate Act as recommended in the Turner Review, and as supported and recommended by the Child And Youth Advocate.

That is a motion the Chair will put forward in order to bring conclusion and to give the House support on this particular amendment.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

**MR. PARSONS:** Just a comment, Mr. Speaker, that I have made my comments in the House, which are recorded in Hansard. I have no problem with the subpoena powers reference in this bill, but I do have severe issues with the other matters there. Based upon that, I will vote against the motion.

**MR. SPEAKER:** That is fine. I will ask again for the vote.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

**SOME HON. MEMBERS:** Nay.

**MR. SPEAKER:** The motion is carried.

The next item on the agenda - we will move forward - would be under Tab 4, Item 11, Publication Scheme Amendments.

This is a situation whereby we are into a time limit here. The scheme states that the annual online version of our reports will be posted fifty days from the end of the fiscal year. However, this does not take into consideration the write-back period for the month of April. While March 31 is the end of the fiscal year, April 30 is the actual cut-off date. What we are asking here is that the publication scheme be changed from fifty days to eighty days, Mr. Clerk?

**CLERK:** Yes, that is right.

**MR. SPEAKER:** The following Minute is recommended. I will just read the recommendation and we can open it up for discussion.

“The Commission amends section 2 (Members’ Financial Reports) of the Publication Scheme such that the Online Version of the Annual Members’ Financial Reports will be posted 80 days after the end of the Fiscal Year...” rather than 50. We need that motion in order to abide by the Act and make an amendment to the Act.

Any further discussion on that particular issue?

Ms Jones.

**MS JONES:** Just to clarify, Mr. Speaker, for those who might not be following this, that this is where all of the financial spending of MHAs will be posted online for viewing and this will also include all of our expenditures, I guess, on a monthly basis for the full annual period, including where we travel in our districts and how we allocate the funding that is given to us to do our jobs as MHAs.

What you are suggesting is that it would not be available on a month-by-month basis but at the end of the year you would be able to view the full year. Is that how I understand it?

**MR. SPEAKER:** The Clerk.

**CLERK:** The Act requires it to be done semi-annually, so it would be done twice a year and of course there would be the final year end which is what this addresses. It is really an error we made. When we put the publication scheme together we said we would post year end fifty days after March 31, but because of the write-back period, the month of April is gone and that only leaves us twenty days to actually post those reports.

The Act also has this process whereby we give the annual reports to members and members review it with their own records. They have twenty-one days to review it, to see if there are errors or objections or so on. When you factor in the whole process in the Act we could not do it by say fifty days or the twentieth of May because we need another month to go through this process of members’ review, filing of objections with us and so on.

What will ultimately be posted is similar to the reports we send out and they have been sent out to all members now. It has the expenditures by category. It does not have the sort of detail where you could say, Ms Jones travelled to this community on this day, it simply has the dollar expenditures in the various categories. It is not to the level of detail where your every move, for instance, is tracked on all your travel. Those of course exist on the travel claims and they would be accessible if someone requested them, but that is not what we post on the web.

**MS JONES:** Okay. The first postings for MHA expenditure would be when, in June or July of this year?

**CLERK:** Well it will be June, I guess. I do not know the precise date but if this amendment goes through it is eighty days after March 31, so that gives us the month of April, the month of May, June 20. By the middle of June the whole process of members' review should be done and we will have them all posted on the web.

**MS JONES:** Okay.

**MR. SPEAKER:** For further clarification, my understanding is when we refer to the write-back period that is the thirty days to reconcile what expenses that was incurred in the former year. Since our year ends March 31, we pay the bills up that were incurred and allow members the thirty days to get their bills in to reflect on what their expenses incurred was in that fiscal year, and that is why we need the extra thirty days.

Is that correct Mr. Clerk?

**CLERK:** Yes.

**MR. SPEAKER:** Mr. Taylor.

**MR. TAYLOR:** I am just wondering, what will be posted? Will it be, more or less, in the format of what we see in Tab 5, which is what we always received in a booklet form, expect now it will be posted on-line?

**CLERK:** That is correct. It will be - I guess it is Tab 5.

**MR. TAYLOR:** Yeah, it is.

**CLERK:** Yeah, the expenditure summarizing category.

**MR. TAYLOR:** The 2007 one, right?

**CLERK:** Yes, that will be what is posted.

**MR. TAYLOR:** Okay.

**CLERK:** Ms Lambe, will we have the individual details or just a summary sheet?

**MS LAMBE:** Individual details.

**CLERK:** Okay. Behind what you received in the mail recently then, that is what will be posted, which is what is in Tab 5, which is the summary sheet, but then you also have the backup reports for each category. So the whole piece will be posted on the Web.

**MR. SPEAKER:** Any further discussion, comments? If not, a motion is in order that the annual Members' Financial Reports will be posted eighty days after the end of the fiscal year rather than the fifty days. Can somebody make that motion?

Made by Ms Jones, seconded by Ms Michael.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

The motion is carried.

The next item that we will skip to that we need to look after in this particular meeting is Tab 5, Financial Reports. This, again, is the need to qualify individual accounts, and I will ask the Clerk or Ms Lambe if they would want to expand and expound on this particular item?

The Clerk.

**CLERK:** Yes, thank you, Mr. Speaker.

There is no decision on this agenda item, but the Speaker and I discussed this this morning and despite the time crunch we are under today, because I know members have other things, I felt it was important that we at least spend a minute on this.

The act requires the Commission, and you will notice this in the first bullet of the note, to regularly and at least quarterly review the financial performance of the House and that

there is a report on that in here, as well as actual expenditures of members compared with approved allocations. So because that is in the act, I think it is important that quarterly it shows up as an agenda item.

The report to the reports, there is no approval process and so on. I do not know how much time, given the time constraints today, members want to spend on it, but I think it is essential if it shows up quarterly on the agenda, that at least we can say the Commission considered the matters. The reports are not going to change, I do not think, as a result of discussion. It is just to establish the point, that quarterly these financial reports always come to the House Management Commission and are reviewed.

If we want to look at the individual reports or details, I can sort of summarize that there are three separate reports in your package following that briefing note. The first report, called the Schedule of Constituency Allowance Allocations and Expenditures, is the portion of the previous fiscal year, 2007-2008, in which the old rules apply. That is the IEC rules, the block fund, and that applied from April 1, 2007 to October 8, 2007. The new rules, the Members' Resources and Allowance Rules did not become effective until October 9. So this report cleans up under the old rules, the various expenditures made up until the Election Day. Because the categorization was different and so on, you cannot make this report congruent with the report under the new rules. They are an entirely different set of rules. So the first report covers off members' expenditures and so on up to October 8, under the old block funding.

The next report is the - pardon?

**MR. SPEAKER:** Sorry, Mr. Osborne?

**MR. T. OSBORNE:** Yes, if I could ask a question. It is more of a personal nature but I noticed under St. John's South and St. John's West, we had impeccably similar tastes. I do not know if that is a typo or - but

we have spent exactly the same amount of money there.

**CLERK:** It is unusual. I am just looking at the math. If you add the \$56 travel to the \$1,659 other, I think you do end up with \$1,715.

Ms Lambe, it looks like it is just a coincidence.

**MS LAMBE:** No, I think it is a typo because the - if you look under other in St. John's South, it is - oh no, I am sorry. You are right, yes.

**CLERK:** If you add the travel -

**MS LAMBE:** The \$1,659 plus the \$56. Yes, okay. I am sorry.

**CLERK:** It may just be a coincidence, yes. I will not pass any comment on the significance of that coincidence.

**MR. T. OSBORNE:** (Inaudible) ask you if you could double check that.

**CLERK:** We will. We will have a look, yes.

Just for interest, I should point out the balance is of March 31. That is simply because it is the end of the fiscal year. That is the unexpended total. You will notice for all forty-eight members there was \$341,000 of the former block funding not spent. So, about two-thirds of it was spent and one-third was not.

The next report is the Statement of Revenue and Expenditure for the House. This is sort of by activity, the same sort of breakdown you would get, say, in an Estimates committee and so on. It is unaudited at this stage. The Corporate and Members' Services Division put this statement together and of course the Auditor General will be coming in and will be auditing, for the first time, the Legislature as a separate entity, divorced from the Public Accounts, with the

appropriate level of materiality and so on. The Auditor General began his work this week. So at some point in the near future we will actually have audited statements, just for the Legislature head of Expenditure.

The final set of reports, again, is required by the act. It is each of the individual, forty-eight members with the expenditures, both for the month of March - that is one of the columns there - and the year-to-date, which is the expenditure to date column. This is a summary and the approved allocations are noted there. This, again, is required by the act.

What Ms Keefe is passing out now is an error we discovered. Subsequent to circulating the reports, \$50 was charged inappropriately to one member and was not charged to the member to whom it should have been charged. This involves Mr. Hedderson and Mr. King. Fifty dollars was charged to, I believe, Mr. Hedderson. It should have been charged to Mr. King. So we have had to redo the reports, remove \$50 from Mr. Hedderson's - do I have the direction right - and charge to Mr. King. It is only \$50 but it has to be accurate. We have talked about those members. We have resent them out the reports. On the summary sheet, if you could add those two sheets to your package of forty-eight, just to ensure we have transparent reporting of all forty-eight members' expenditures for the year, right down to the \$50 level. As I say, they have been already informed of that.

Mr. Speaker, those are the three reports, and we can be open for any questions the Commission might have.

**MR. SPEAKER:** We do not need a motion. We do not need to accept or reject those reports. It is for reporting purposes only, but the Chair will certainly entertain any questions or concerns, or other statements or comments that members might have.

There being none, the next item on the agenda - those were the three items that we

thought that we should do today in order to be in compliance with the act, but another one under Tab 3 that I think we should deal with today as well is committee per diems.

Chief Justice Green, in his report, dealt with committee per diems. He restructured the way that the House of Assembly would pay members of the Public Accounts Committee. Right now, the only people - prior to Green, all members of the Public Accounts Committee received a salary over and above their MHA salary, depending on what position they held on the Public Accounts Committee. Since the Green report, and the acceptance of the House of Assembly Accountability, Integrity and Administration Act, and the acceptance of the rules on June 14, 2007, the only people, the only members of the Public Accounts Committee now that would receive a stipend would be the chair of that particular committee and the vice-chair.

Chief Justice Green recommended that other committee members and people serving on committees of the House might be considered to be reimbursed on a daily rate when the committee would meet, and for the Commission to decide on what those members should receive.

At the last meeting of the Commission there was some debate that took place, whether members should get paid for serving on those committees over and above their regular MHA salary, so it is put back on the agenda today to make a firm decision since it was only for discussion purposes.

I open the floor now for debate and consideration on members that we feel should or we feel should not get paid or receive a per diem while they attend committees of the House. This, naturally, is when the House is not in session.

Ms Marshall.

**MS E. MARSHALL:** Mr. Speaker, I am in conflict on this matter so I am going to excuse myself from these discussions.

**MR. SPEAKER:** Yes, that is fine. Ms Marshall serves on the Audit Committee of the Commission.

The Public Accounts Committee has not been appointed yet, and I think that will be done without saying anything out of school. My understanding is that it will probably be done before the conclusion of this sitting of the House, since it needs to be done, so every other member here is free to offer their suggestions and offer their comments.

If we deem that members should get paid while they serve on committees, then we would also like to ask members to put forward one of the rates that is already established by government for the level of compensation that members receive.

Comments?

Mr. Parsons.

**MR. PARSONS:** Am I correct in understanding that all we are doing here is implementing what Justice Green said again? Instead of having, for example, on the Public Accounts Committee, an annual per diem or stipend for being on that committee, we are saying now that the member would be paid per meeting? Is that what we are saying here?

**MR. SPEAKER:** If you are referring to the Public Accounts Committee, yes, there are only two members now who would receive a stipend, who would receive an extra stipend for serving on that committee, and that would be the chair and the vice-chair. All other committee members, including Public Accounts, will be paid as per the Commission's recommendations. That is correct.

**MR. PARSONS:** Okay – and the chair, as I understand it, who is traditionally a member

of the Opposition, would not receive it anyway, in this case, because the chair would have to be, if that is the case, the Member for Port de Grave, who is already being reimbursed as the Deputy Opposition House Leader, and therefore he will not get a second stipend as chair of the Public Accounts Committee. That is my understanding.

**MR. SPEAKER:** In this particular case you are right, but I suggest members do not tie it into the present structure of the House, that we be explicit on what the chair and the vice-chair should get. That way it sits forever and a day, until we decide to change it.

Mr. Clerk.

**CLERK:** Thank you, Mr. Speaker, just a couple points.

Although the Public Accounts, of course, is one of the major committees of the House, this applies to all committees; it is not just Public Accounts.

If you look at the briefing note, subsection 12(4) of the act, any of the Office holder positions listed in the act would not be eligible for this. The Chair and Vice-Chair of Public Accounts are listed as an annual salary, so they are not eligible, just as ministers would not be eligible, the Opposition House Leader and so on.

That is covered under the act. This is only for those who do not receive other salaries as office holders.

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

**MR. PARSONS:** When you say all committees - I have no problem with the bulk of the committees, but there are so many committees I just wanted it clarified a bit, I guess, because we have a number of committees under the Standing Orders of the House. We have a Rules Committee, a Standing Orders Committee; we had a

committee struck the other day that dealt with the Code of Conduct that came under one of the Elections and Privileges Committees, and so on.

I am just wondering, would it apply to all of those? Because a lot of those meetings do take place, not on special occasions, but they take place while the House is in session anyway, as part of your –

**MR. SPEAKER:** My understanding is that it is for all committees, but you do not get reimbursed only when the House is not in session.

I pass it to the Clerk for further clarification.

**CLERK:** Yes, that is correct.

What the act says is, all select and standing committees; so, in essence, it applies to all committees created under the Standing Orders, including select committees, but the pay does not come in when the House is in session. It is only, I guess, when the House is not in session, when you are travelling and so on; but if you are here, for instance, when the House is in session – the Estimates Committees, for instance, which work when the House is in session - there would be no pay for those.

**MR. PARSONS:** So that is all within the intent and spirit of what Justice Green said?

**CLERK:** Yes, it is section 12 of the act.

**MR. PARSONS:** Thank you.

**MR. SPEAKER:** This is the way that we have conducted this forever and a day because, prior to now, that is not different than it was before. It was certainly no different, but prior to now the Public Accounts Committees would get paid. Prior to now, I think the chair and the vice-chair of other committees would get paid and other members would not, so it is bringing it all into line, but the debate is: Are we going to pay a stipend, a per diem, to committee

members in accordance with what Green suggests we might do, or are we going to take another approach?

Ms Michael.

**MS MICHAEL:** I would like to speak directly to that point, then, Mr. Speaker.

Looking at section 12 (3) and 12 (4), which are here in our Briefing Note, it is certainly clear what Green is suggesting. It says, “A member who sits on a committee of the House of Assembly, the commission or a committee of the commission may be paid...” - so, there is a may in there – “...subject to the conditions and limitations prescribed by the commission, a daily amount of not more than \$200...”. Then it ends with, “...when the House is not in session.”

In that spirit, and I look further in the Briefing Note, I think what we are looking for is two things: One, do we agree that people should be paid? I think my answer to that is yes, those who are eligible, who are not already covered. Then, of course, we have to look for a guideline. I think the guideline that has been put in the Briefing Note with regard to the Executive Branch of government, what is used throughout the Executive Branch of government, which comes from the Guidelines for Rates of Remuneration for Boards, Commissions and Agencies, would seem to be a logical guideline for us to cover. That would mean a member receiving \$140 per diem and the chair \$190, both of which fall under the “up to \$200” that is recommended in our legislation which came from the Green Report.

It seems to me that if we agree then this guideline is a reasonable guideline and I would be ready to agree to that, but I am open to hearing other discussion from other members.

**MR. SPEAKER:** Further comments?

Mr. Taylor.

**MR. TAYLOR:** Mr. Speaker, as I said, I have to go, but I agree with Ms Michael's observation.

**MR. SPEAKER:** Before the hon. member leaves – I will just jump ahead here because I know members have commitments at 9:30 – can we establish a date for our next meeting, and hopefully some time next week? Would next Wednesday be a date that would be agreeable with members? There is still a sizable book of business to do here. I am sure that other members are being contacted by some of our colleagues regarding members' allowances and rules that they are very eager for the Commission to discuss. I would like to see them at least brought to the Commission and get some direction as to where to go.

Members, a suggestion for another meeting so that we might do it here while everybody is present?

Ms Jones.

**MS JONES:** Thank you.

Mr. Speaker, maybe if we could take some time today just to check our schedules. I know for me personally I am due to be out of town for most of next week. Of course, that depends on what course of action we take in the House of Assembly. I would need to have some time to check my schedule before I could commit to that. I do not know how other members feel about it.

**MR. SPEAKER:** Members agree with that particular-

Ms Burke.

**MS BURKE:** I was just going to comment. That is fine. Wednesday is fine for me next week, but in the meantime I have no problem with -

**MR. SPEAKER:** We will have the Clerk's Office survey members, find out when members can meet, because we have been trying to accommodate all members and to have a full quorum when we meet. If we cannot do that we can probably look at doing other things, but hopefully with the members' help that we can get that done.

Mr. Parsons.

**MR. PARSONS:** For the record, I do not think we officially moved and seconded and approved that committee per diem.

**MR. SPEAKER:** No, we have not. It is still open for discussion. I just wanted to try to establish our next meeting before somebody had to leave.

Any further discussion regarding the per diems paid to committee members?

Ms Burke.

**MS BURKE:** I would just like a list of committees and some idea of how often they meet and the composition. We are talking about an issue on principle but I would like to see some of the more practical workings of it within the House, to see exactly what it is we are approving here.

**MR. SPEAKER:** All our committees are listed under Standing Order 65 and all the active committees of the Legislature are shown there and their composition of how many members are included.

**MS BURKE:** Everyone, then, on these committees would get \$145 a day if the House was not sitting, is that what we are saying?

**MR. SPEAKER:** If they meet. If the Resource Committee meets outside of the regular sitting of the House of Assembly then those members would get reimbursed for their travel, which they would be entitled to anyway, and they would get a per diem stipend of \$145, if that is what the

committee agreed to, per day while they meet.

**MS BURKE:** What potentially would be the budgetary impact on this decision?

**MR. SPEAKER:** Mr. Clerk.

**CLERK:** We have done certain estimates for the Budget and I think just arbitrarily, because it was the maximum in the Act, we used \$200 a day, but you do not know how busy the committees are. The Public Accounts Committee in recent years has not met a lot, so we established a certain estimate - I forget the number of meetings - a reasonable estimate, but it is an estimate because it would depend upon the number of meetings called. We do not know until we see the experience. We think we probably have sufficient funds in the Budget because we try to get a reasonable estimate, but if a given committee met a lot there might be a budgetary impact, yes.

**MS BURKE:** But we can have a look at that in more detail as they are having this discussion.

The other thing is, you looked at, I think it was the numbers attached to one category of a government board, but there are three. Was there any decision that you looked at one versus another? Was it a, b, and c or 1, 2 and 3 or whatever?

**MR. SPEAKER:** The Clerk.

**CLERK:** The Act says a maximum of \$200, so the only category of those three that fits that is Level One. The other two government remuneration schedules are higher than \$200, so it was the only one that fit.

**MS BURKE:** Okay, so it was just based on numbers. There is nothing on the level of responsibilities or your duties that were compared.

**CLERK:** No. Purely, the Act says it cannot be more than \$200, so it is only the Level One that would fit that.

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

**MR. PARSONS:** Just to assist Ms Burke's query there about the number of committees and stuff, I think it is fairly easy information to get together in terms of all the committees you referenced under the Standing Orders. I have been here ten years and to my knowledge those committees might have met, all told, all of the committees in ten years, maybe five times in ten years, so the budgetary impact from there, I would not think is big, but at least that can be verified very quickly as to the number of meetings.

**MR. SPEAKER:** Committees are very active, especially the Estimate Committees, as members would know, when the House is in session and they are very active once a year. Most other committees, if there are special committees struck that would go out and receive input from the public on something special - like the police being allowed to wear firearms, I recall one, and smoking in public places, I recall one. Other than that, there has not been a lot of activity with committees outside of when the House is open other than the Public Accounts Committee. I would think the Standing Orders Committee might be one that is going to allow us, over the next year, to meet a number of times when the House is not in session. Right now, I do not know a lot of other committees that would come as a direction from the government for the most part or the chair of the committee.

The clerk.

**CLERK:** Just to echo your point, Mr. Speaker. Historical experiences might not be adequate to determine the budgetary impact here. Chief Justice Green was rather critical of the Public Accounts Committee and thought it should do a much more comprehensive job on its duties, which would involve, obviously, a lot more

meetings than has been the average in recent years, so we will see how that unfolds. The Standing Orders Committee, as the Speaker said, we think it is probably time that a good, comprehensive review be conducted of the Standing Orders, so it unclear how many meetings that would take. The historical practice in recent years might not be guidance to what we may incur this year, in terms of committee meetings.

**MR. SPEAKER:** The other thing members should be aware of as well, and I refer to the Public Accounts Committee that has made the change here, is that we have to ask ourselves - and Chief Justice Green identified this - whether it is fair to have the Public Accounts Committee, being an active committee and meeting on a regular basis to do important work, whether there should be only two members of that Committee receiving a stipend for meeting? The other five members would receive absolutely nothing and still conduct, and be expected to conduct, the same input and attend the same meetings as the Chair and the Vice-Chair. That is for members to consider.

The Chair is open, if members feel they want this deferred to the next meeting, it has received some good discussion, but if there is further clarification needed or further figures that is needed in order to make a decision, that is fine.

Mr. Parsons.

**MR. PARSONS:** I think we should defer to get the information, as requested by Ms Burke, and we will consider it at another meeting.

**MR. SPEAKER:** Members agree?

**AN HON. MEMBER:** (Inaudible).

**MR. SPEAKER:** Members agree.

Okay. How long do members have to - we still have a quorum. The next item on the agenda would be - do you want to do

number eight or number nine, Tab 3 or Tab 4? I think maybe we should do number nine on Tab 4, the request for a payment of an invoice for Ms Michael.

Ms Michael, I refer to you.

Mr. Parsons.

**MR. PARSONS:** Ms Michael, obviously, because it concerns her, has to abstain from the discussions. Government members, I understand, have things to do and we were scheduled, as we advised the Commission, for a technical briefing on some legislation that is taking place. So our preference, the Leader of the Opposition and my own, would be that we defer this matter until the next meeting when all Committee members are here.

**MR. SPEAKER:** The Chair takes direction from the Commission. This was one of the items that we discussed in our public meeting and will be brought forward to our public meeting to discuss a particular item regarding a legal fee. So if it is the Commission's wish, then we can defer this particular topic to our next meeting as well.

Ms Marshall.

**MS E. MARSHALL:** Mr. Speaker, before we wrap up, I have one general comment to make, so could you bear that in mind before we adjourn. I could speak now?

**MR. SPEAKER:** Ms Marshall.

**MS E. MARSHALL:** Under Tab 6 - I know we did not get to any items under Tab 6, New Business, where we will be discussing requested rule amendments. This is something I raised with the Clerk just privately. I would like to see more financial information prepared with regard to - right now I am focusing on requested rule amendments. I would like to know, what is the estimated costs if we are going to make certain rule changes? I find that some of the

briefing material does not have sufficient financial information.

**MR. SPEAKER:** Yes, I refer to the Clerk.

**CLERK:** These are not briefing notes in any real sense, nor are they intended to be, Ms Marshall. Because someone writes a letter, we do not feel, without any direction from the Commission, that we should then go to the effort of full analysis, propose draft amendments, legal drafting and so on.

When we have done them in the past, we have had Commission direction first to go off and do some analysis and draft a proposal. If we react and do full analysis on every letter that comes in, I am afraid we will have enough time to do nothing else in our lives. So the thought of these was just to give - summarize the letter and see if the Commission wants staff to pursue it further, but it is time consuming to do that full analysis on every letter, if indeed the Commission would not even be interested in pursuing it anyway.

So, the process of these is if the Commission would want us to have done them, we then go off, do the analysis, draft a proposal. They are all rule amendments. It still has to come back to the Commission twice for confirmation, and then of course, gazetting - but we did not want to react to every letter. It is just not an appropriate use of our time. So that is why - it is not intended to be an analysis. It is really just the tip of the iceberg to see if the Commission would want us to pursue it.

**MR. SPEAKER:** This has been a particular topic of interest, and I am sure all members of the Commission have been talked to and those concerns brought forward. Some of them are probably not something that we are going to be able to deal with, and probably we cannot have members benefiting or doing things different from what the Public Service is allowed to do, or the compensation that they receive.

So, if members would, maybe they can pay some attention to the items under New Business and when we come back and have our next meeting, to be clear, if that is the route that we want to go, and to allow the Clerk and Marie to do a comprehensive report and study and crunch the numbers and bring it back for another time, but if it is not something in a direction that we are going to go in, then it seems to be unfair to do this big book of work to be brought back only to say it is not something that we want to entertain. So if members would, they might want to get their mind around that particular approach for New Business.

**MS E. MARSHALL:** (Inaudible) the one on property taxes, it seemed like that number could be easily obtainable.

**MR. SPEAKER:** Yes, sure.

Ms Burke

**MS BURKE:** I agree with what Beth had just indicated and I further agree with what the Clerk said. Maybe if these can come to us and we can provide direction as to which ones we feel need the analysis because there may be some that we may not accept at all, and to have the staff go through and do a full analysis of recommendations that we would not entertain in the first place. Maybe processes first come through here, and then we ask for the analysis of ones that we think need further analysis.

**MR. SPEAKER:** I think that would be the right direction to go in because some of those require a lot of work and you have to go back, not only to talk about what you are seeing here but how it affects other acts and other decisions that are made.

With that, I thank members for their indulgence. Members will be consulted later today for a time for the next meeting. We know the place.

With that, adjournment is in order.

