



PROVINCE OF NEWFOUNDLAND AND LABRADOR  
HOUSE OF ASSEMBLY

HOUSE OF ASSEMBLY  
MANAGEMENT COMMISSION

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Eightieth Meeting

Wednesday, December 23, 2020

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**HANSARD**

Speaker: Honourable Scott Reid, MHA

The Management Commission met at 10:09 a.m. via video conference.

**MS. RUSSELL:** Okay, Mr. Speaker, we're ready.

**MR. SPEAKER (Reid):** We're ready to go? Okay.

I just want to call the meeting to order and welcome all Members to the meeting today.

We have a few items that we have to go through here on the agenda today. We'll get started. I know everyone is busy and have other meetings as well, so we'll go through these items.

The first item on the agenda, as required by the *House of Assembly Accountability, Integrity and Administration Act*, is the Commission is required to report any decisions from in camera meetings to form part of the public record. The Commission held an in camera meeting on February 24, October 16 and December 7, 2020. Details of the decisions made in those meetings are included in the draft minutes, which are up for approval as part of the next agenda item.

The draft minutes were circulated to the Commission with their briefing packages and posted on the House of Assembly website as a part of the briefing package for today's meetings.

With regards to the February 24, 2020, meeting, these decisions were related to the 2020-2021 budget for the Legislature and couldn't be reported publicly until the Estimates had been tabled in the House. That's just a reporting item. There's no action required by us on that, I don't think, is there? No, no action required.

The next item is the draft minutes of the Commission meeting on the following dates require approval of the Management Commission. So the meetings were held on February 24, 2020; October 16, 2020; and December 7, 2020. Anyone have any comments or questions?

Okay, if not, we need a motion to approve the minutes for those meetings.

Ms. Coffin, and a seconder? Mr. Brazil, David Brazil.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

On motion, minutes adopted as circulated.

**MR. SPEAKER:** Okay.

The next item is a report as well. The process for ruling on allowances used is outlined in section 24 of the *House of Assembly Accountability, Integrity and Administration Act*. The act gives authority for the Speaker to make rulings when expenditures of Members have been rejected for payment, provided that the ruling is distributed to and receive concurrence of the Management Commission. The report detailing all such rulings for the period ending December 18, 2020 have been circulated to the Commission in their briefing packages and is posted on the House of Assembly website as part of the briefing package for today's meeting.

Are there any comments or questions on this? We'll need a motion to concur with that report as well.

Any comments or questions? David?

**MR. BRAZIL:** No, I just wanted –

**MR. SPEAKER:** You're moving the motion?

**MR. BRAZIL:** Yeah, I'm moving ...

**MR. SPEAKER:** The motion is that the Speaker's report ruling on allowances used for the period ending December 18 is concurred in.

David has moved that motion.

We need a seconder for that. Alison is seconding that.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

I can't see Siobhan and Steve.

The next item on the agenda is a reporting item to the Commission. The *House of Assembly Accountability, Integrity and Administration Act* states that the Commission must regularly, and at least quarterly, review the financial performance of the House of Assembly, as well as the actual expenditures of Members compared with their approved allocations.

We have two sets of financial reports included in the briefing package: one is for the period April 1, 2020, to June 30, 2020 and the second is for April 1 to September 30. You'll notice those will overlap and that's the way these are reported. Further details are provided in the briefing package. This is a reporting item only. There's no decision for the Commission required.

Are there any comments or questions related to those reports? Does anyone have any comments or questions? No.

Okay, we'll move to the next item.

The next item is the Thirteenth Report of the Audit Committee. It is provided in the briefing package and it's available online as part of the briefing materials for this meeting. That's just a reporting item. No decision is required by the Commission. It is for information purposes only.

Anyone have any questions or comments on that? No.

Okay, we'll move on to the next item on the agenda and it's related to the Audit Committee, as well. With recent changes to the Commission, there's a vacancy on the Audit Committee. As the Member for Lake Melville, who served as Chair of the Audit Committee and Member for the Government caucus, is no longer a Member of the Commission. The other Member of the Commission on the Audit Committee is the Member for St. John's East - Quidi Vidi.

Do to the vacancy, the Commission must now appoint one Member from the Government caucus to serve on the Audit Committee and

further designate a Member of the Committee to Chair the Committee. Further details are provided in the briefing package.

Are there any comments and questions before we put a motion forward on this? Any comments or questions?

We need to two things here; we need two motions. We need a motion to appoint someone to the Audit Committee and then we need to appoint someone to be the Chair of the Audit Committee.

Does anyone want to make a motion there?

**MS. COADY:** You're not seeing me I don't think; it's Siobhan.

**MR. SPEAKER:** No, I can't see you there.

**MS. COADY:** I'm waving my hand frantically.

I'd like to –

**MR. SPEAKER:** I can't see yourself or Steve, so go ahead.

**MS. COADY:** I'd like to make a motion to appoint Sherry Gambin-Walsh to the Audit Committee.

**MR. SPEAKER:** Okay.

We need a seconder for that.

Okay, I can see you now; Steve Crocker has seconded the motion.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

Now, we need a motion to designate the Chair of the Audit Committee effectively immediately.

Would someone like to make a motion there?

**MS. COADY:** It's Siobhan again, sorry.

**MR. SPEAKER:** Siobhan.

**MS. COADY:** You can't see me, I don't think.

**MR. SPEAKER:** I can see you now.

**MS. COADY:** Okay.

I'll further move, then, to appoint Sherry Gambin-Walsh as Chair of the Audit Committee.

**MR. SPEAKER:** Okay.

We need a seconder for that motion. Mr. Brazil has seconded the motion.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

The motion is carried.

Okay, congratulations, Sherry.

The next item is for the approval of a budget transfer in accordance with the *House of Assembly Transfer of Funds Policy*. A transfer of funds is required from Members' Resources, Allowances and Assistance to Members' Resources for the purposes of providing funding for the supply and installation of plexiglass in constituency offices located outside Confederation Building due to the physical distancing requirements of COVID-19. In July, the Commission approved a transfer of \$2,300 for this purpose. There is a shortfall of \$1,900 requiring this transfer.

Are there any questions or comments related to this approval?

Okay, so the motion we would need someone to move is that the Commission approves the following transfer of funds from the heading Members' Resources, Allowances and Assistance, \$1,900, to the Members' Resources, Supplies.

Would someone like to move that motion? Ms. Coffin moves the motion.

And we need a seconder for that as well. Okay, Sherry Gambin-Walsh, seconder.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

The next agenda item is a request for appeal from the Member for Conception Bay East - Bell Island. The Member is appealing a decision of the House of Assembly to reject expenses totalling \$40 related to a membership fee at the Royal Canadian Legion Branch 18 on Bell Island. The expense is permitted under the rule, but could not be approved for payment, as it was not submitted within the 30-day time frame required under section 7(2) of the rules.

Are there any comments or questions on this?

**MR. BRAZIL:** I can speak to it for a bit.

**MR. SPEAKER:** Yeah, I think it would be okay if you speak to it. I think you have already submitted a letter in the briefing note. Maybe for information purposes you can speak to it and then maybe you should recuse yourself from the vote on this matter.

**MR. BRAZIL:** Yeah.

**MR. SPEAKER:** I think that's the proper process.

**MR. BRAZIL:** Yeah, no problem, Mr. Speaker.

**MR. SPEAKER:** Okay.

**MR. BRAZIL:** I'll just quickly speak to it. The way some Legions do it – and the one particularly on Bell Island – is you attend your meetings. Unless you're a legionnaire paid up, you can't attend the meetings to understand what's happening. In the case where it is owed money – last year their meeting in January was during Snowmageddon, so it was cancelled. The meeting in February is one I couldn't make and then everything shut down with COVID.

In October, when they started again, I went, had to pay my dues, which I did and submitted it. I understand the House ruling there, but they don't have an electronic way of paying your dues. That was the first opportune time that I could pay for the 2020 membership for the Royal Canadian Legion, thus my appeal.

**MR. SPEAKER:** Okay.

We need a motion on that. If we're going to approve it – the Commission can make a motion to approve it or we can make a motion to reject it. Mr. Brazil should maybe recuse himself from this part of the – if there's any discussion, just until the next item comes up.

Okay, so any further discussion on this?

**MS. COFFIN:** I'm okay with this and I will motion that we pay for it.

**MR. SPEAKER:** Okay.

The motion is to approve payment for expenses totalling \$40 for the Member for Conception Bay East - Bell Island.

We need a seconder for that as well. Mr. Crocker is seconding that.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

It's carried.

We can let Mr. Brazil know that he can come back there now. Can we get him?

The next item is a request for allowance ruling on telephone advertising. It's from Ms. Gambin-Walsh. She submitted a request to the Commission as well, and I guess a similar sort of process as we used in the other item here. If the Member wants to speak to provide information related to the claim, then she can and recuse herself from further discussion and the vote on this matter.

The next item relates to a request for rulings on allowance use respecting telephone advertising.

The Member for Waterford Valley and the Member for Placentia - St. Mary's have both requested rulings on allowances used under section 24 of the act related to telephone advertising.

The Member for Waterford Valley has already incurred the expenses and is seeking a ruling from the Commission to have them reimbursed. The Member for Placentia - St. Mary's has yet to incur the expense but is seeking an advance ruling to have them reimbursed, if and when they occur.

Advertising expenses are eligible under the rules, but the provisions of the advertising policy for Members does not provide for telephone advertising. The advertising mediums currently permissible under the policy are outlined in the briefing package. The briefing package also contains various options for the Commission in dealing with this request.

Any comments before we ...? No? Okay.

I think, in the same way we did with the previous item, I'm going to ask Sherry to recuse herself for a few minutes while we discuss this.

**CLERK (Barnes):** Mr. Speaker, I think Ms. Coffin wanted to say something.

**MR. SPEAKER:** Okay.

Ms. Coffin.

**MS. COFFIN:** Thank you.

I guess one of my questions – and maybe Ms. Gambin-Walsh would have some idea how to answer this. My first question is: How did they get the phone numbers? Are they residential or are they cellphone numbers?

Ms. Gambin-Walsh can probably answer this. Her district, I imagine, is a little bit more compartmentalized in that if you open up the phone book and you can find Placentia West, you can go through all of those phone numbers; the same with all of her individual communities. We do not have that luxury with Waterford Valley. So I'm not quite sure how they can target Waterford Valley without contravening some privacy issues.

So if I could have a little bit of an explanation of how do they identify all their constituents in a particular region?

**MR. SPEAKER:** Steve wants to speak to this, I believe.

**MR. CROCKER:** Yeah, I can add to MHA Coffin's question.

In my experience with using IVRs, the provider actually has the ability to provide those numbers. Anybody has the ability actually to access phone numbers from data, but, typically, the provider of the service actually has the numbers and can sort by postal code.

**MR. SPEAKER:** Ms. Coffin.

**MS. COFFIN:** Are you saying that that's residential numbers and can sort by postal code? So are we going through like Canada411 or the white pages? When you're saying service provider, what do you mean?

**MR. CROCKER:** The provider of the call, the service.

**MR. SPEAKER:** Yeah, my understanding of this is that there are companies out there that provide this service. You can send a message to every household and they provide the telephone numbers, sorted by postal code. So if you can give them the postal codes that are in your district, then they can usually pull the list of telephone numbers for that district and do a call to everyone in that area for a fee, right. So that's the service they provide.

**MS. COADY:** If I may, Mr. Speaker.

**MR. SPEAKER:** Yeah.

**MS. COADY:** I might help Ms. Coffin.

These are publicly available phone numbers that would be available through the telephone book, if you were in former days, or through, as you said, Canada411. So they're publicly available phone numbers and there are companies that, as Speaker Reid did indicate, if you give them the postal code they will actually provide you – they don't provide you with the numbers, but they will do a call to those numbers and you can

leave a message. I think in the Briefing Note that we have, it would be, what I'm going to call, a message about something happening in your district. It's just another way of getting information to your community or to your district.

**MS. COFFIN:** My biggest concern is about privacy. I think if that has been satisfied, I think that's a reasonable thing, because depending on where these numbers come from, that could be a violation for individuals. I'm very concerned when someone has my cellphone number because I don't give that out lightly. I want to ensure that all of our constituents have that same protection.

I guess then my follow-up question would be: How do we reach 10,000 people for \$262.95?

**MS. COADY:** I might be able to answer that question.

The service provider, because they have the equipment and it's literally a call to the home with a published number, the phone number, they can do it so efficiently, that's all it costs. It is relatively an inexpensive way for you to keep in contact with your district, especially for what I'm going to call community information. So it can't be political information – community information. That's what we're talking about here.

Minister Crocker might have more details, but it's just the fact that the service providers, because they have the equipment, they do these massive calls all the time, it's just not – it's a very inexpensive way of connecting.

**MS. COFFIN:** Okay.

The message has been approved? Was that correct?

**MR. SPEAKER:** Sandra, is that the case?

**CLERK:** Yes, it's no different than any other advertising that goes out. The message has to be approved in Corporate and Members' Services and it has to follow the guidance in the policy.

**MS. COFFIN:** Okay, so if –

**MS. COADY:** Ms. Coffin, if I may also, I know from a federal perspective they have rules around this. You have to identify yourself; you have to give a contact number: all of that must be up front. There are federal requirements around these calls as well, because it's not just the public sector using them, there are lots of other companies using them.

**MS. COFFIN:** Totally agree. I just want to make sure that we get this right. We have not approved this type of expenditure before. We don't have a policy around it so I want to try and make sure that we get as much security and sense of we are doing this right, as possible.

It says here that the script was approved. This is a little bit of an anomaly for me. The attached robocall script went out to his district. Was the script approved before the calls were made and then how come it wasn't flagged along the way? If this is a robocall script, how come there wasn't a realignment of robocalls all currently under our approved expenditure policy?

**MR. SPEAKER:** Sandra, I'll let you speak to that.

**CLERK:** Yes.

In the case of Minister Osborne, he had submitted it and the script was consistent. It was just identifying information, contact information, which is consistent with the policy for other types of advertising. It's just that the policy didn't extend to telephone advertising as a medium. Everything else was fine with it.

**MS. COFFIN:** All right, I think that might be able to – Sandra, in your evaluation of this, any privacy issues that were identified at all?

**CLERK:** None on my part. I mean the bottom line is that this is an accepted form of advertising, as Minister Coady, Minister Crocker and the Speaker said. This is provided by a service. You just buy the service, that's it.

It's no different than distribution of newsletters to all the addresses within the postal codes in your district. It's the same thing, just a different medium.

**MS. COADY:** Okay, thank you. I just want to be thorough.

**MR. SPEAKER:** Sandra, just to be clear, if these were radio ads, we require that the script be approved as well. This is very similar to radio advertising as well, in terms of it's a message that's being sent out to people through different means.

**CLERK:** Speaker, all advertising, the messaging has to be preapproved before it can be processed. That's standard, the whole issue.

**MR. SPEAKER:** Yeah, so it has to be informational purposes. The contact information has to be there for the MHA's office?

**CLERK:** Correct.

**MR. SPEAKER:** There are no political messages that are allowed in this type of situation?

**CLERK:** That's correct.

**MR. SPEAKER:** Okay, are we ready to have a motion on this?

I don't know if Ms. Russell has a motion on this or if anyone wants to propose a motion.

**MS. RUSSELL:** Mr. Speaker, I can speak here for a second, if it's okay.

**MR. SPEAKER:** Yes.

**MS. RUSSELL:** Just to get some clear direction, there were a number of options outlined in the Briefing Note. Of course, one of the options for the Commission to consider was whether or not they wanted to add telephone advertising as an accepted medium in the Advertising & Publications Policy.

Just looking for some direction here as to exactly what the Commission wants to do, whether they want to go with Option 2 and direct an amendment to the policy to provide for telephone advertising, as outlined in the Briefing Note – there was a draft amendment provided – and then also issue a ruling to the Member for Waterford Valley, where he has already submitted the expenses and we won't be able to

apply the policy amendment retroactively, to make a separate ruling for that particular Member to have those expenses reimbursed.

Just looking for some direction here before I put forward the motion.

**MR. SPEAKER:** Alison.

**MS. COFFIN:** That was me suggesting number 2 is the right option.

**AN HON. MEMBER:** Yes.

**MR. SPEAKER:** Number 2, okay.

**MS. RUSSELL:** Okay.

If you want, Mr. Speaker, I can just read out the motion before you put it to a vote, if we're ready.

**MR. SPEAKER:** Yes.

Alison, you're moving that number 2 motion there? Yes, okay.

Bobbi can read out the motion there.

**MS. RUSSELL:** The Commission directs an amendment to the Advertising & Publications Policy for Members of the House of Assembly to add telephone advertising under section 6.0, as outlined in the Briefing Note. The Commission further directs payment of expenses related to telephone advertising, totally \$262.95, for the Member for Waterford Valley.

**MR. SPEAKER:** Okay.

We need a seconder for that motion as well. Siobhan seconded.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

**CLERK:** Mr. Speaker?

**MR. SPEAKER:** Yes, Sandra.

**CLERK:** This is something that is not in the Briefing Note, but given the time of the year, I'm wondering if the Commission would consider waiving the waiting period for that to come in so that we could get the information out to the Members before the Christmas break. Because otherwise it's going to get tangled up in the holiday period.

**MR. SPEAKER:** Okay. Does that have to be a separate motion or can it be a part of the initial motion? Can we amend that motion that was just moved?

**MS. RUSSELL:** Yes, I'll add it to that motion. You can just go forward with the vote and I'll just make sure it's added.

**MR. SPEAKER:** Okay.

**MS. RUSSELL:** You can proceed.

**MR. SPEAKER:** Everyone is clear on that?

**AN HON. MEMBER:** Yes.

**MR. SPEAKER:** Yes, we have a seconder for the motion and we have clarification on the motion so that it would waive that period so that Members would be able to be given notice of this change very quickly, I guess.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

The motion is carried.

That was the last item on our agenda. I don't know if anyone has any other items they'd like to bring up.

**MS. COADY:** If I may.

**MR. SPEAKER:** Siobhan.

**MS. COADY:** Speaker Reid, just to thank you for your guidance during the year and thank all Members, especially the team at the House of Assembly, as you noted earlier, the Clerk. I certainly appreciate everyone's hard work here during very difficult circumstances. I know



Bobbi has worked very hard to make sure that we were on point at all times.

I just want to say thank you to everyone for their diligence and their efforts, especially in this difficult year and to wish everyone a Merry Christmas.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Thank you.

Steve. Can we hear him? We can hear you, I think, Steve.

**MR. CROCKER:** Sorry, Mr. Speaker.

Again, I want to echo Minister Coady's comments: Merry Christmas everyone and Merry Christmas to everybody who has tuned in this morning, as well.

**MR. SPEAKER:** David, did you want to comment?

**MR. BRAZIL:** Just echo the same thing. Great work by everybody this year. Everybody stay safe and, hopefully, 2021 brings a little bit safer, consistent year for everybody.

**MR. SPEAKER:** Okay.

Anyone else, comments before we sign off?

Thank you, everyone.

I just want to wish everyone a Merry Christmas and a Happy New Year as well. It's been a different sort of year, this year. We've done a lot of things with this Committee and other Committees such as the Standing Orders Committee as well in relation to the House. Despite the different situations that we face, I think we've had a good year – a challenging year but a good year.

Thank you all very much.

We need a motion to adjourn.

**MR. CROCKER:** (Inaudible.)

**MS. COADY:** (Inaudible.)

**MR. SPEAKER:** Okay, Minister Crocker and I think Minister Coady had her hand up to second.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

Okay, we will see you all soon.

Thank you very much.

On motion, meeting adjourned.