

The Committee met at 9:00 a.m. in the House of Assembly

MR. SPEAKER (Fitzgerald): Good morning.

I guess we are ready, in spite of the weather, to start the Commission meeting which was slated for nine o'clock this morning. We are a little late, but we saw fit to hold the meeting and not cancel it because of the weather. I thank all members for making a special effort to make it here pretty well on time and allow this business to proceed.

We will start the meeting as usual. Since the meeting is being televised, and for the benefit of those who might be watching, we will start the meeting by having members introduce themselves. We will start off with Mr. Rideout.

MR. RIDEOUT: Tom Rideout, Government House Leader.

MR. T. MARSHALL: Tom Marshall, Minister of Finance and Member for Humber East.

MS JONES: Yvonne Jones, the MHA for Cartwright-L'Anse au Clair and the Leader of the Official Opposition.

MR. PARSONS: Kelvin Parsons, MHA for Burgeo & LaPoile and Opposition House Leader.

MS MARSHALL: Beth Marshall, MHA for Topsail District.

MS MICHAEL: Lorraine Michael, MHA for Signal Hill-Quidi Vidi and Leader of the NDP.

MR. SPEAKER: Thank you.

Once again I thank members for making a special effort to be here. We welcome the viewers in Newfoundland and Labrador, and a welcome to the media that might be taking in this meeting as well.

The first item on the agenda is the approval of the Minutes from the November 28, 2007 meeting.

Could we have a brief review of the minutes and a motion to accept the minutes as printed?

MS MICHAEL: (Inaudible).

MR. SPEAKER: It is moved by Ms Michael and seconded by Mr. Marshall that the minutes of the November 28 meeting be accepted as printed.

All those in favour, 'aye'.

SOME HON MEMBERS: Aye.

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

Carried.

On motion, minutes adopted as circulated.

MR. SPEAKER: Business arising from the minutes.

The first one would be the rule amendment on taxis, referring to subsection 40(1) of the piece of legislation, and it was to do with the proceeds of bringing forward an item that was raised, I guess, that was a little bit different and expanded on an item in the Green Report as it refers to taxis. The procedure will be that the amendment would be brought forward at one Commission meeting, debated, and then brought back to another Commission meeting for ratification.

I can read, I guess, subsection 40(1) of the Members' Resources and Allowances Rules as amended, and I will read it. It says: "(a) at paragraph (d) by deleting the word 'and'; (b) at paragraph (e) by deleting the period and substituting a semicolon and the word 'and'; and (c) by adding immediately after paragraph (e) the following '(f) taxis.'"

Any debate on this continuation of the amendment as brought forward from our last Commission meeting? If not, it would be in order for a motion to accept this amendment.

MR. PARSONS: (Inaudible).

MR. SPEAKER: Moved by Mr. Parsons, seconded by Ms Marshall, that the amendment to that particular rule 40(1) of the Members' Resources and Allowances Rules to be changed to reflect that amendment.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

The motion is carried.

On motion, amendment carried.

MR. SPEAKER: The next item on the agenda would be the review of caucus resources, and by a unanimous agreement by the committee it is agreed that we would move this particular heading back further in the agenda. So we will hold the review of caucus resources until a little later at this particular meeting. It will certainly receive lots of time for debate and it will continue to be part of the agenda but moved down further on the agenda.

The next item under: Business Arising From Minutes, would be the audit committee chair. The audit committee has been appointed - and I do not think I have the names. I ask the Clerk if he has the names of the people who were appointed to the audit committee that maybe we could read and -

The Clerk.

MR. MACKENZIE: Yes, I can do it. There are two external members, you may remember, appointed by the Chief Justice of the Province Mr. Wells, Ms Janet Gardiner

and Donald Warr, they are both chartered accountants here in the city, and the Commission members were Mr. Parsons and Ms Marshall.

The issue at hand now, is it is the Commission which decides who will chair the four-person audit committee. So, the audit committee does not decide among itself, it is the Commission that has to decide that.

I have taken the liberty of consulting with the two external members, neither of whom is anxious to become the chair. That then leaves the two internal members, Ms Marshall and Mr. Parsons. I believe, if I am not speaking out of turn, Mr. Parsons, you suggested you were not inclined to seek that office, and Ms Marshall I believe said she would agree if the Commission asked her to take it on.

Ms Marshall, would you want to speak to that?

MR. SPEAKER: Ms Marshall.

MS E. MARSHALL: Thank you, Mr. Speaker.

I would be more than pleased to take on that role as Chair of the Audit Committee. I would anticipate that the committee will probably meet within the next week. So I am just delighted at the possibility of being Chair of the Audit Committee.

MR. SPEAKER: Thank you.

As everybody might know, the audit committee was another recommendation by Chief Justice Green in his report and the Commission has seen fit to move forward with structuring this committee, and a motion is in order to appoint Ms Marshall as the Chair of the House of Assembly Audit Committee.

Moved by Mr. Marshall, seconded by Ms Michael, that Ms Marshall be the Chair of

the Audit Committee of the House of Assembly of the Commission.

Ms Marshall, do you accept?

MS E. MARSHALL: I accept.

MR. SPEAKER: Ms Marshall, congratulations.

MS E. MARSHALL: Thank you.

MR. SPEAKER: Moving right on to Tab 2, Speaker's Report under Rule 18(4). Here again is a time in the agenda when the Speaker provides a report on members' resources and allowances as it relates to section 18(4), whereby members of the House of Assembly are entitled to have constituency offices in their districts.

Some members have agreed to open offices and other members have agreed to maintain their offices here at Confederation Building.

The office guidelines state that the maximum allowance is \$7,000 for the rental of office space, and once it exceeds \$7,000 then a report has to be brought back to the Commission on which districts exceeded the \$7,000 and by how much. This is part of the report.

In the District of the Bay of Islands the amount approved by me, as the Speaker, was for \$12,012, and it was the only proposal received when the member went out for proposals for office space.

The District of Port au Port: The amount approved was \$11,748 per year which again was the lowest proposal received.

In the Isles of Notre Dame the amount approved was \$12,000 plus HST which again was the lowest proposal received.

In Bay Verte-Springdale the amount approved was \$12,000 plus HST which again was the lowest proposal received.

One other note that I might make here – and I ask members for their consideration of the suggestion as I am going to put forward – is for the District of Torngat Mountains. The Member for Torngat Mountains has requested permission to donate space in a building that she owns to accommodate her constituency office. By bringing forward this accommodation, and because she owns the accommodation, there is no cost to government for heat, light, cleaning, insurance or security. There is absolutely no cost to government for the rental of any of this floor space or any of the business that goes with it.

Since the member has asked for approval to allow this proposal to be agreed to, maybe it would be in the form of a motion: If I could ask that we allow the Member for Torngat Mountains to proceed, to provide her own floor space without any cost to government at this particular time, since there is no space that she has identified that is acceptable for a constituency office. Do members have any comments?

Ms Jones.

MS JONES: I do not necessarily have a problem with it. I realize that space in a lot of these communities is very limited, and on the North Coast of Labrador I am sure that would be the case. I certainly do not have a problem with her using space she has available at no cost to government. If it meets her need, I would move to approve the recommendation that is there.

MR. SPEAKER: Thank you.

Ms Michael, I noticed that you were interested in making a comment.

MS MICHAEL: Well, I am willing to second it so that I can make a comment. It is just a matter of language. Your note says to donate space, I would rather the language were to say to use space. It is not a donation. She would be using her own space and not charging for it. That language

I would deem as acceptable. I do not see it as a donation because of the implications of using the word donation.

MR. SPEAKER: Thank you very much.

That can be certainly noted in the proposal as put forward.

All those in favour signify by saying 'Aye'.

Mr. Marshall.

MR. T. MARSHALL: I think it is important, in view of the comments that the Leader of the NDP has made, that what is happening here is that Ms Pottle has space and she is making it available to the MHA for that district, which happens to be herself, at no cost to the taxpayers of the Province. I do not want to get into an argument of the words we use, whether it is donation or not, but by doing what she is doing Minister Pottle is in fact saving the taxpayers of this Province money and I think that is to be commended.

MR. SPEAKER: Thank you.

Ms Michael. On the same issue, Ms Michael?

MS MICHAEL: Yes. On the same issue, please, Mr. Speaker.

Again, not to get into an argument, she is doing this because of necessity. There is no other space and because of the rules that we have with regard to MHAs not being able to use space within buildings owned by them or family I think is also stated. This is why she is asking for the permission. It has nothing to do with her goodwill or wanting to save money, she has no choice. We are giving this permission because of a rule which says that she cannot rent in a building that she owns. So, she is going to be using space that she owns because there is no other place to rent. I just want that clarification.

Thank you very much, Mr. Speaker.

MR. SPEAKER: All those in favour of the proposal signify by saying 'aye'.

SOME HON MEMBERS: Aye.

MR. SPEAKER: Against?

The proposal is carried.

On motion, proposal carried.

MR. SPEAKER: We will move on to Tab 3, item 5, which is a letter from Ms Lorraine Michael. That particular letter has been included, and I think it has been circulated for quite some time. Due to weather conditions our last meeting had to be cancelled, and I think, Ms Michael, that this letter had been put forward at that time. I do not intend, nor I think is it necessary for me to read the complete letter.

I will ask Ms Michael if she would explain the letter, explain what it is that she is trying to achieve and probably make some recommendations and open the floor for discussion.

Ms Michael.

MS MICHAEL: Thank you very much, Mr. Speaker.

I will not go through the whole letter. I wrote it so long ago now that I have to remind myself.

The main reason for my writing the letter was immediately after our first meeting in November, after we came back after the general election, I have to say that I find the space for our meeting is not conducive to feeling like we are a Committee and working together as a Committee. It feels so formal the way we are, and I know we have no other space in the House of Assembly for a meeting but this room is where we have access to cameras, et cetera.

I did make some suggestions in my letter, but I hope that this suggestion would make us think further. Since writing the letter, at which time I suggested that there might be an ability to lengthen the table here in the middle of the Assembly and have the full Committee sit around the table. There is also a longer term thought that the House of Assembly needs a meeting room. I think we all are aware of what Committee rooms are like.

For example, in the House of Commons - and I think there are other provincial legislatures that have them - where there would be a smaller space allowing for us to sit around as a Committee. Again, we would have to have the microphones and everything because of the public nature of our meeting, and allowing some seating for people who would like to sit in the room while the meeting is going on. I would like us to discuss the whole thing about space and the possibility of a recommendation from the Management Commission maybe to go further than what I have said in my letter and actually make a recommendation with regard to the setting up of a Committee room. If we were to do that it would be nice if it could be done more quickly rather than slowly.

Then the other point I make is the thing of how we make decisions. I was concerned about this coming out of a point at our meeting in November where we were having a rather free discussion that then moved into being a motion. There is something about the dynamic - when a motion is made the rules that you enter into, discussion somehow changes and it did in our meeting.

I just sort of wanted a recognition that as a Committee maybe there is a lot where we reach a consensus before we make a motion. I don't know if the committee is open to that discussion, but in the hope of having a committee where we are free with one another, can speak freely and explore an idea together without restriction, for me it would be helpful, maybe because that is the

kind of thing I've been used to for many, many years in the work that I have done. I do know that it can sometimes be much better to almost reach a consensus before you make a motion, if one has to make a motion.

Those are the two main points of the letter, Mr. Speaker, that I put before the Commission for discussion.

MR. SPEAKER: Mr. Rideout.

MR. RIDEOUT: Mr. Speaker, on the first point raised by the Member for Signal Hill-Quidi Vidi, and that is available space for committee work: There is no question, and I concur, that the House needs a committee room, and it needs an appropriate committee room. It needs a committee room that is wired for broadcast purposes, and we don't have one. It is as simple as that.

When the House was wired back five or six years ago for broadcast purposes it was just this Chamber, as I understand it, that was actually physically wired for broadcasting. However, a lot of work of the Legislature, particularly during estimate times - and the Public Accounts Committee is another relevantly high profile committee of the Legislature, or it has been in the past. If they don't operate in this Chamber, they have had no choice but to operate in a room where you could do recording, yes, because all of our Estimates Committees were recorded, but there wasn't the ability to broadcast. That is a physical constraint that we still have today. Outside of this room there is no other place, as far as I know, that is wired and has the ability to broadcast. We need that.

I don't know what is out there available. I know the committee room that we used to use for estimate purposes on the 5th Floor I believe has been taken by Hansard. I don't know what the inventory of space available in the building is, but I would think that is something, Mr. Speaker, that under your direction staff could explore and look at

what the budgetary implications are and make a plan on a go forward basis to have a room. We do in fact need a room that is wired for broadcast purposes whether it is for this committee to work in or whether it is the Public Accounts Committee. We need a room for Estimates Committee purposes, although those have not historically been broadcast and they can meet pretty well in any boardroom, for that matter, as long as there is recording equipment around.

On that particular point I concur but I believe that it would be appropriate for you, Mr. Speaker, with the staff of the House to explore what is available, what the budget requirements might be and what the timelines might be in terms of putting something more appropriate in place. Until we can get there, I guess, since our meetings are public and have to be broadcast, there is not much option, for broadcasting purposes for sure, but to use the environment that we are in now.

MR. SPEAKER: Ms. Jones.

MS JONES: Thank you, Mr. Speaker.

I concur with the comments that have been made by my colleagues, recognizing at our last meeting that the space we are now using was probably inappropriate in terms of the kind of dialogue that needed to occur. I always find it very difficult to have conversations with people when you cannot see them, although I spend a lot of time on the telephone. Having said that, when you go into committee meetings it is always, I find, more appropriate when you can actually directly look at the people you are engaging in a conversation or debating issues with. I know that we do not have a committee room now available in this building like we did on the 5th floor back a couple of years ago, but I know that there is a committee room, used oftentimes by Cabinet, in the West Block. I do not know what the availability of that room would be or the possibility of having a broadcast network in that particular room, but it might

be something that you can certainly look at and explore.

We would certainly encourage you to look at whatever options are available to use in terms of space and look at another venue that we might be able to use, not just as the Management Committee, as the Government House Leader has said, but also for other committees of the House of Assembly. I know specifically the Public Accounts will need appropriate meeting space when they begin their work now when the House of Assembly opens as well.

On the other issue that Ms Michael has raised, and that is with regard to how we make decisions as a committee, there is absolutely no doubt - I mean, I was not pleased with the process that we had used in terms of arriving at decisions especially regarding the funding for Opposition parties in the House of Assembly. I felt that we did not have adequate debate on the request that had come forward to the committee, and I felt, after only a few minutes of entering into one aspect of that particular issue, that there were motions on the floor being made.

Certainly, I know that the Speaker cannot control what committee members do in terms of whether they want to make motions or whether they do not, but I think we need to look at a process that will, at the very least, allow for full debate and discussion on issues and correspondence that is being put forward to our Committee before we actually have motions arriving at the Table. That concerned me. I know there were a number of requests formally made related to the issue of resources for Opposition parties in the House of Assembly that never even got read into the actual minutes of our meeting, yet decisions were made, motions were passed and that had concluded that part of it.

I do not know if we can arrive at a consensus, at the very minimum, in terms of a process that we can use. Do I think we can get consensus on every issue before there is

a decision? If we can it would be great, however I do not expect that is the way that all of the business of the Management Committee would be conducted. There are often going to be times when we can only settle certain issues, at the end of the day, through motions and through a process of voting, but I think whenever and wherever possible there should be a process that we follow; and wherever and whenever possible if we can come to a consensus then I will certainly see that as a favourable option but not always the solution that we will have to take, I am sure.

MR. SPEAKER: Thank you, Ms Jones.

Ms Michael.

MS MICHAEL: Thank you, Mr. Speaker.

Just to add to Ms Jones' comments and to point three in my letter that I did not speak to, the point she made about taking documents that have been presented and exploring them before we get into motions is really, precisely, what I mean. It is based on the third point in my letter, which probably now is online because I think we have gone into a process now of everything being online, and I am delighted about that, so anybody can read this. My point being: This morning, for example, the fact that you allowed me to speak to my letter before we got into even discussion, I think that is the spirit of what we need, and that if proposals have come to the Commission, whether they are proposals from the House management staff or whether they are proposals from members of the Commission, that we explore those proposals together and understand why an individual member or the staff have brought this forward, what it is they are bringing forward, and have that exploration before we move into saying: okay, now we have an idea of what it is we want to actually make a decision about. That is the spirit of what I had written in my letter, and Ms Jones put it very clearly there. I just wanted to reiterate that.

Thank you very much.

MR. SPEAKER: The Chair failed, I think, in the introduction of members to mention that also at the Table and taking part in the committee meeting this morning would be Ms Keefe, the Communications Officer with the House of Assembly and Mr. MacKenzie, the Clerk.

Mr. MacKenzie.

MR. MACKENZIE: Thank you, Mr. Speaker.

Just a couple of points on the physical space and layout and so on. We have checked to see if an extension could be made to the Table. It is difficult from camera angles and microphones, so that is probably not going to work. We have had a number of discussions with the Department of Transportation and Works on getting a committee room. You may remember that we had one on the 5th Floor and it became the Hansard office. Where Hansard used to be on the 1st Floor, we briefly had a committee room which ultimately had to be used for office space for our corporate members services division. As our staff has expanded we have chewed up that committee space as well. The Speaker has his boardroom, but it is not big enough, it can't serve the Commission.

We have talked to Transportation and Works about other options. The building is currently very crowded. There was a potential space on the 5th Floor right next to where Hansard now is, which is where I think the Department of Justice and perhaps Labrador and Aboriginal Affairs have some office space and file rooms and so on with respect to land claim negotiations and so on, but that still seems to be in need. Transportation and Works is looking, but they haven't identified anything yet.

With respect to the executive boardroom in the West Block, we have booked that for the February 6th in camera Budget meeting.

That meeting, as you will be aware, is just on the Budget, so we will do it in camera so we don't need the televised capability, but it won't work for the other meetings unless we bring in cameras.

In the Budget submission that we will be putting forward to be discussed for everybody's sakes, we have included an item of portable cameras. Maybe the Commission would decide to go that way. There are a lot of issues. There are cameras – I couldn't even begin to explain the technical requirements that go with that, the microphones and so on. It is an expensive proposition. We could use it for the Management Commission. It is conceivable you could even use it to broadcast other committees, such as Public Accounts and so on. We would still need a room. We would have to book a boardroom somewhere in government, set up the portable cameras and so on and so forth. All of which is to say we may be able to jerry-rig some means for the short term, but for the long term issues, as members have suggested, we really should have a Commission room. This won't work if the Public Accounts Committee has a lot of public hearings and indeed other aspects of the House which the Commission may decide should be broadcast. We would need a dedicated committee room.

MR. SPEAKER: Any other comments?

Ms. Michael, I thank you for your letter and I encourage people with concerns to do exactly that, write your concerns and in that way it is added to the agenda and it creates some debate and some understanding of how people feel, of how we conduct our meetings and what is needed.

I have talked with the Broadcast Centre about this table and they have indicated to me that will not work with the present camera setup here and the way the cameras work and their ability to come and zoom in on - I guess the limited ability of the cameras being fixed in the Legislature.

Not to repeat what everybody has said, but we are kind of restricted to this room for the reason that we have to, and we should, broadcast all meetings of the Commission. Maybe a recommendation from the Commission might be in order. I know the Clerk has already talked to the Department of Transportation and put forward the need in order to create a room. There is a stress on all government space, I guess, at this time, where people are looking for space. We presently have some officers of the House and some departments here in the building that we are looking for space for outside. Maybe that will open some space. It is something that needs to be done. This is not the ideal forum in order to have a meeting such as this. Maybe a recommendation from the Commission might allow me or the Clerk a little bit more, I suppose, input and probably have it recognized as a great need in order to get this done as soon as possible to address some of the concerns of the Commission. That would certainly be in order and if somebody would like to make that a recommendation then we can go forward with that in our back pockets knowing that this is what the Commission needs to have done.

Minister Rideout.

MR. RIDEOUT: I kind of thought that is what I recommended in my comments, Mr. Speaker, that you, yourself and your staff attempt to identify what can be found, if anything can be found. I have no idea about the space. I know it is tight, as you say. The House itself has hired a lot of staff over the last couple of years and I guess there are a lot of things going on trying to accommodate them. Somebody, and I can't think about anybody more particularly suited to do it than you and your staff, needs to take it on and determine what is out there and determine what possible approaches there are. Obviously, I think for broadcast purposes, it has to be something within the confines of Confederation Building, whether it is the East Block or West Block. I don't

suppose - I don't know - that anything of a lease nature would satisfy our requirements. I don't know, but I think you and your staff and the Clerk's office could ascertain that, ascertain what the cost might be, and if and when you have something come back to the committee for guidance.

It is a problem, and I think we all recognize it is a problem. It is one that we would like to solve but we have to be cognizant of the fact that we cannot run off and build a building to do it. It has to be something that is reasonable, and reasonable in terms of cost yet satisfies the public expectation that there will be a live broadcast of the proceedings of this committee, in a reasonable environment. This environment here, for the purpose of this committee, is not the best. We all recognize that. There is other committee work that from time to time may - you know as we move on and make new decisions - require broadcasting. We have to keep that in mind. So we sort of had to plan for the future as well.

So, if that is a sensible recommendation, I would commend it to my colleagues.

MR. SPEAKER: Do we have unanimous consent that that is the direction that the Commission wishes to go and that the Chair and the Clerk would work with the Department of Transportation to identify that goal?

All those in favor, 'aye'.

SOME HON MEMBERS: Aye.

MR. SPEAKER: Thank you.

The next item on the agenda would be -

Mr. Marshall.

MR. T. MARSHALL: I would just like to make some comments in how we conduct our discussions here.

In my past life at committee meetings that I have been involved with, we generally have used Robert's rules of order, or something similar to that, in which case normally the discussion takes place where it is initiated with a motion. When a motion is made, that does not mean that there should be an immediate vote on that motion. The motion is made and it is seconded, and at that point discussion takes place and debate takes place, and that could go on for a lengthy period of time. The motion that is made can be amended but I believe the intent of the rules is to provide some structure so that the debate takes place in a fair way and that ultimately there could be a resolution of the issue.

As I understand, what the hon. Leader of the Opposition and the Leader of the NDP are saying is that they would prefer some sort of discussion before we got into that process to attempt to come to some sort of consensus. Then, once a consensus is reached a motion would be put. I see no difference between making a recommendation and making a motion. Certainly, that is my understanding.

Robert's Rules of Order is a set of procedures of running meetings that have been used extensively in Canada for many, many years. In moving the motion, since I was the one who moved it, it was certainly not done with ill motives. As I recall it, there had been recommendations made by the Leader of the Opposition and the Leader of the NDP. There were some counter arguments made by the Government House Leader and by the Deputy Speaker, and I moved a motion as a compromise. I thought it was a good compromise between the two positions that had been presented. There was certainly ample time for discussion, we were here all day and there was no attempt to limit discussion or limit debate.

I was quite surprised that offence was taken to the fact that it was a motion as opposed to maybe a recommendation. I do not really see any difference between the two.

I certainly would agree that any procedures that we could take here, or any changes that we can make here that would have the discussion take place in a friendlier way I would certainly support that. I just want to emphasize that in moving a motion there was certainly no attempt to stifle debate. The attempt was merely to put forward, for consideration, a compromise, which in my view is what happened.

MR. SPEAKER: Mr. Marshall, thank you for your comments.

Mr. Parsons.

MR. PARSONS: I would like to comment on that, Mr. Speaker.

I agree with the minister that Robert's Rules of Order normally apply and I certainly do not think that he did anything at the last meeting with ill motives in terms of making his motion. I also agree that sometimes making a motion might focus you prematurely. In that particular case there was no opportunity, in fairness to Ms Michael, to have a full scale debate of what she had put forward in writing to this Commission. It was submitted to us as members but we had not had any debate on it. I think that is the point she is trying to make, not that anybody did anything inappropriately or with ill motives, but it was a case of; there was lots of information provided in writing but we, as a group, had not had an opportunity to hear each other out, to toss it around, and then get more focused on it. I think that was the nature of her concerns.

I think if we operated in that way, it is more conducive to open debate. Because sometimes people say something in writing that comes into the Commission and I might get as simply information, that once you speak about it here at committee you elaborate on it more and I have a better understanding of what you said then.

I think rather than getting into motions right off the top, I think it is appropriate in some cases to have that open debate first, and discussion - not debate necessarily, but just discussion and information sessions - and then someone make a motion to get it focused. Now, that might not be totally in compliance with Robert's, but I think given the nature of our work here we need to have these discussions. A lot of times, as well, we might understand what is happening because we have experience with it, but we have to remember that the general public is watching this as well and a lot of times it is only through the open discussion that the public gets to know the full ins and outs and the details of why such and such made a motion of a certain nature, they can see where it came from. That is why I think that somehow that open process it better.

Lots of times there is going to be stuff coming forward here as well, like the appointment of Ms Marshall, for example, as Chair of the Audit Committee, which is fairly straightforward. There is no big debate involved. Bang! Someone makes a motion and it is done and over with. Some other issues, I think, require openness and a lot more discussion before we get into actually making motions and focusing in one way or another. Then, if you want to say something different, we get into this thing about amendments to the motion and so on and it gets complex. I just think it is not conducive all the time, when you just have a general topic, to do it that way.

MR. SPEAKER: Any further discussion?

Thank you for your comments. I am sure that the Commission will be guided by the comments just put forward.

The Chair deals with motions and activity from the Commission, and when there are motions made and the Chair entertains motions - the same with amendments - sometimes motions focus on what the debate is. Whether that debate should take place before the motion or within the context of

debate of the motion, I will leave that for the committee to decide, which way they want to proceed, and the Chair will deal with issues as they are put forward from the Commission.

Thank you.

The next item on the agenda is Tab 4. Now, this particular business was brought forward from another meeting of November 28 and it is to deal with the Transparency and Accountability Act which requires statutory offices of the House of Assembly to bring forward their plan. The Transparency and Accountability Act requires government entities to table plans in the House of Assembly and to report annually on their progress. The plans for each of these statutory offices were developed in consultation with the Transparency and Accountability Office and now require Commission approval. The offices that we have brought forward this morning that need approval would be: One would be the guidelines and categorization for which offices, Mr. Clerk? I do not see them in my - the Child and Youth Advocate would be one.

The hon. the Clerk.

MR. MACKENZIE: There are actually a number of matters under this Act, Mr. Speaker, if I could. There are three plans for the Commission to approve. That is the Office of the Information and Privacy Commissioner, the Citizens' Representative and the Child and Youth Advocate. There are also a couple of other matters that the Commission has to approve as well. The type of plan that an office or any other government entity develops is based on a categorization scheme and the categorization is based on a set of criteria or guidelines.

We have worked with the Transparency and Accountability Office of Executive Council and back in March of 2007, under the Internal Economy Commission, the criteria and guidelines to determine categorization

were approved for all the statutory offices but not for the House of Assembly. There was a thought that with the Green Report pending it might be premature, so criteria and guidelines were adopted for the statutory offices and they went ahead and proceeded to apply those but not for the House of Assembly. For the House of Assembly service we have to approve the criteria, the categorization guidelines; only for the House. That is one matter.

Then there is also approving the plans for the three offices you mentioned, Child and Youth Advocate, Information and Privacy Commissioner and Citizens' Representative, and then there is the approval of the category designation that three other offices, the Chief Electoral Office, Commissioner for Legislative Standards, which is one in the same office in a sense, and also the Office of the Auditor General have done, to apply the categorization criteria. We could sort of go through those step by step, item by item, if it would make it all clearer.

The first matter of business is the categorization criteria; and I am looking at the briefing note now that is attached right after Tab 4 and going through the action required if we approached them in that order. The first order is the categorization criteria for the House of Assembly. That can be found two or three pages after the briefing note in that document called Guidelines for the Categorization of the Offices of the House of Assembly.

At the very end of that document, page 5 of that document, you will see a table - I will flip it out in case you have trouble looking - like this. Those are the criteria to be applied for categorizing the House and indeed the statutory offices. This was developed in consultation with the Transparency and Accountability Office. For government entities Cabinet has approved the criteria, very close to this with some minor changes, but the Transparency and Accountability Act requires the Commission to take the role of Cabinet when we are dealing with the

House and the statutory offices. So, Cabinet cannot approve the criteria for our purposes, the Commission must approve it.

As I said earlier, this set of guidelines has been approved for the statutory offices but it has not been approved for the House of Assembly. That is the first order of business, adopting this to apply to the House of Assembly service.

MR. SPEAKER: Any comments? Miss Marshall.

MS E. MARSHALL: Just one clarification: The categorization criteria, that was developed in consultation with who?

MR. SPEAKER: Mr. Mackenzie.

MR. MACKENZIE: Yes, there is an office, the Transparency and Accountability Office, assigned to Executive Council, so there are three or four people there whose soul function is working with all the government entities in the development of their plans and so on. There are actually about 150 departments, agencies, boards and commissions who have to submit plans and so on. That is the office that is working with them and that is the group who worked with us to develop this set of criteria.

MS E. MARSHALL: Would these criteria be the same criteria that are used for government departments or is it our own criteria just for the House of Assembly?

MR. MACKENZIE: It is our own. They are very similar to government, they are not identical. As I understand it from that office Cabinet approved the first set of criteria for the government entities through the application of that they learned a few lessons and when they brought it to the House they adjusted it a little bit, but is essentially the same as government entities.

MS E. MARSHALL: Okay.

Well it seems like we are going to address this issue in stages, three stages, so I did not have a problem with the categorization criteria. I am interested in hearing the comments, of course, of my colleagues but for the criteria I did not. I did have some concerns with regard to the application of the criteria to the individual offices.

MR. SPEAKER: Any further comments before we ask for approval of the categorization guidelines for the House of Assembly? If not, would somebody please move the approval of the categorization criteria as outlined in the attached documents, the Guidelines for the Categorization of the Offices of the House of Assembly for the House of Assembly?

Moved by Ms Marshall; Seconded by Ms Michael.

All those in favour, 'aye'.

SOME HON MEMBERS: Aye.

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

The Motion is carried.

The Clerk.

MR. MACKENZIE: Thank you.

There are plans submitted in your binder from the Office of the Child and Youth Advocate, the Information and Privacy Commissioner and the Citizens' Representative. These are all based on the criteria, the categorization I guess, which was established earlier. The Child and Youth Advocate plan is a Category 2 business plan. The Information and Privacy Commissioner and Citizens' Representative are Category 3 activity plans. That corresponds with the categorization which was approved previously for those entities.

It is a lot of reading for the Commission members and it is perhaps not appropriate for me to speak to the plans. These

independent officers of the House develop their own plans and so on, so I do not really feel in a position to sort of provide substantive comment. I will say though that the Transparency and Accountability Office has worked with each of these officers, they have looked at these plans, they are within the guidelines that that office feels, so I think it is fair to say that they, in essence, support these plans, but the formal approval has to come from the Commission.

Ms Keefe has been working with the office. I do not know, Marie, if you have any more comments on the Transparency and Accountability Office perspective on the plans.

MR. SPEAKER: Ms Keefe.

MS KEEFE: Thank you.

With the three plans that are currently before you, I did meet with the Transparency and Accountability Office. They have reviewed them because they have to review them, do an analysis of them, to ensure that what they say they can do and what they say they can meet have appropriate measures and indicators that say, how are you going to know that you have met the goals or objectives that you have laid out for yourselves.

In doing their analysis of the three plans they are satisfied that the plans meet the criteria and that they have appropriate measures that are put in there, so that when the time comes for these entities to do their annual report to the House, which they all will have to do, they are satisfied that the measures that are there are appropriate measures and they will be able to come back and say, yes, we have met those measures or, no, we have not.

All of the plans are performance based plans. Therefore, there is an accountability factor there of course. If you put in and say we are going to do whatever, you have to say how you are going to be able to do it and

that is what you are going to be held accountable for when you come back and do your annual report.

In meeting with the Transparency and Accountability Office, they felt that those three plans certainly met with their approval in terms of the criteria, the guidelines and the measures that were written.

MR. SPEAKER: Any further comments?

Ms Michael.

MS MICHAEL: I guess, Mr. Speaker, I have some questions. They are general questions and I am not sure that I have answers. Usually I have my own answers to questions when I ask them. I have, I guess, concerns.

I will speak to the first plan that we have here in our binder, the Child and Youth Advocate Office. The concern came up for me in the three plans as I read them. I know that in evaluating things must be very concrete and we have to have goals that are really achievable and you can, you know, quantify the achievement of those goals. Certainly all the goals that are in this particular plan and the other two as well, I would suggest, are that, and sort of how to measure whether or not the goal has been made is clear. The indicators are clear from the perspective of how the goals are written.

I think it would be important for us to try to ascertain – and I am not suggesting that this would be done on an annual basis – but to try to ascertain how those who are affected by this service feel the service is operating. What is the user's evaluation of the service? The way these goals are written there is no way to ascertain that. We don't seem to have a process for learning from users how they are being affected.

Now, I would like to suggest that with government programs in general that would be a rather difficult thing to do, but with these particular agencies, offices really, with

these particular offices they do have fairly targeted groups. It seems to me that – and I don't know if this would be done as an outside audit outside of the staff of the different offices, but occasionally it would be good if there was an audit done, an evaluation of those who have used the service, those who have actually come to the service. Do they feel that they are being served adequately by the office?

I don't see in either one of the three plans – and I have gone through them – allowance for that kind of a thing happening. As I said, I think with these offices it could be done because everybody who has contacted the office could be asked at some point to do a confidential evaluation. I do not know how it would be, I do not want to make concrete suggestions. I think that we could direct offices to look at the possibility of this and how would they do it, how would they find out how the users of the office are evaluating the services of the office.

Now take one, the concrete one, for example, the final goal. It is on page 13 in the Office of the Child and Youth Advocate. It says, “the Office of the Child and Youth Advocate will have supported the improvement of government services and programs provided to children and youth.” The measure is, “supported improved delivery of services.” The indicators, “number of recommendations contained in completed Reviews provided to government and released publicly.” Now from their perspective, okay they have done their job, they have made recommendations.

Here is something else that needs to be evaluated, not from their perspective, but where did their recommendations go? I do not think that may be necessarily their responsibility but I think it is our responsibility to see how that gets dealt with. So, there would be two things for me. Where do recommendations go? The offices have done their job, but what happens to the recommendations and what is the evaluation of the users of these offices? Because the

users are so clearly identified I think that could happen. I would like to see how other people on the Commission feel about those two points.

MR. SPEAKER: Ms Marshall.

MS E. MARSHALL: (Inaudible) different angle, but basically I have the same concerns. We are talking about the application, the criteria. One thing that it is important to realize is depending how these entities categorize, it depends on the type of accountability information that they will be providing to the Commission. I notice that the Office of the Child and Youth Advocate did come out to be a Category 2 designation. Designation 1, in my opinion, would provide the most information to the Commission, but the Child and Youth Advocate Office was the only one that showed up as Category 2 and all the other offices showed up as Category 3 which is the lowest category. I did look at the way we were applying the criteria and I do have to say, Mr. Chair, that I disagree with the application of the criteria for at least some of the offices that ended up being categorized as Category 3.

I would like to have the categorization revisited because as a member of the Commission I would like to have as much accountability information coming forward to us on the statutory offices as we could get. Therefore, I would like to see the categorization revisited. I think that would probably address some of the concerns that Ms Michael has.

MR. SPEAKER: Any further comments?

Maybe the Clerk could expand and give us a little bit of history of how those numbers came to be for the benefit of the Commission.

MR. MACKENZIE: Thank you, Mr. Speaker.

I mean, it is certainly the Commission's decision. The categorization was applied

back under the Commission of Internal Economy for these three offices, so there are still these other offices for us to look at today, for the Commission to look at today, the Auditor General, the Commissioner for Legislative Standards and the Chief Electoral Office, but the categorization was completed for the Child and Youth Advocate, the Citizens' Representative and Information and Privacy Commissioner by the Internal Economy Commission.

As I understand the status of that, in law the Management Commission - the Internal Economy Commission has been continued in law under the name House of Assembly Management Commission, so it would require, I guess, rescinding the IEC minutes that approved that categorization, because the IEC had approved them back in the spring. To revisit we should probably rescind that and ask that they be redone or something along those lines just to be accurate.

MR. SPEAKER: Ms Marshall.

MS MARSHALL: I would like to make it clear I do not disagree with the criteria, what I disagree with is the application of the criteria. I will give you a specific example. We have been given a chart that says, in order to determine what the criteria is they use a point system, and they broke it into three parts. Well, under the part, say for example the Mandate, most organizations have indicated that they typically complete activities, but I disagree with that. I think that most of those offices provide a higher level of service. They do not just complete activities. They provide goods and services to the public and/or other government entities which would have given them a higher rating which would have changed the category.

I think that is the problem that Ms Michael has. Her problem sort of stems from the way it has been categorized.

MR. SPEAKER: Ms Michael.

MS MICHAEL: Yes, I would agree with Ms Marshall, that I think we are on the same word on this. Because we were just talking about the plan I did not cross over to categorization but I think we almost need to look at the categorization first before we look at the plans.

I know the categorization is for three offices that have not received approval and not necessarily have plans here, so I think it is separate from that perspective. But, I am surprised to see some of the offices that are saying that they do not offer services. I am saying: Well, yes, they do offer a service.

I agree with Ms Marshall on that. I think that they were very easy on themselves in categorizing themselves. Maybe that is the way we would get the kind of thing I am talking about, because then we can deal with issues like; well, how do we get evaluation from clients. If the categorization is too low, we may not be able to ask some of the questions that we need to ask which give direction as a Commission.

MR. SPEAKER: Mr. Parsons.

MR. PARSONS: Thank you.

Ms Marshall can clarify, but my understanding is she is not necessarily saying rescind anything at this time. It is a case of revisiting and once the revisitation is done then you can decide what is necessary; do you need to rescind, do you need to amend, or whatever. That is my understanding.

MR. SPEAKER: The Clerk.

MR. MACKENZIE: There are a lot of issues at work here. It may well be helpful if we had some of the staff from the Transparency and Accountability Office address this matter with the Commission.

If I could refer back to right after Tab 4, that document called Guidelines for the

Categorization of the Offices; there is a certain terminology, I won't say technical jargon, but there are precise definitions that the Transparency and Accountability Office has applied to matters. If you look at page 2 of that document under Mandate, Categorization Criteria and then Mandate, they very precisely define those three categories which ultimately apply the points, and they have a very precise definition of the term outcomes versus outputs versus activities.

Under outcomes which is Category 1, the highest scoring, they mean direct, I guess almost immediate, outcomes within the population at large.

Category 2, outputs, is perhaps a more indirect level of an entity or a department or an office's work.

Category 3, activities, is a category that most of these office score themselves on. If you look at the example, resolve disputes, provide policy advice, and then it goes on to say, and have little direct impact on the population at large, the key word there is direct.

The Child and Youth Advocate, for instance, may well advise the Department of Health and Community Services on their services or so on and so forth, but they are not the service provider, they are not the direct service provider dealing with the child in a given instance and so on.

The same issue comes up, Ms Marshall, with the Auditor General. The Auditor General has the power to advise. If something is uncovered through an audit of the department, the Auditor General will make recommendations to the department to take some steps, but it is not the direct role that the department itself has responsibility for. As I understand it – and I might ask Ms Keefe to speak to this – even though it seems it is of lesser importance that is not really the point. It is this definition of outcomes versus outputs versus activities in

sort of evaluation terminology, and they try to use them very precisely. It is not to suggest that perhaps one is less important. The issue of direct impact is key to this.

I think Ms Keefe also has spoken to me about - the measurement issue is another key piece of this categorization matter, and perhaps you could speak to that.

MR. SPEAKER: Ms Keefe.

MS KEEFE: Thank you.

There are the three levels and, as the Clerk says, it is not to say that because one entity is a 1 and the other entity is a 3 that they are any less important, it just speaks to the mandate of the function that they have. A Category 1 entity is an entity that is expected to have a direct impact, whether it is social or economic issues that are facing the Province. To make someone a 3 in order to get more information, you are now upping the accountability factor. If they do not have direct responsibility for a particular direction then they cannot really be held accountable for making sure that direction is achieved. An entity that is responsible for the outcome - the outcomes are usually the high level, the long-term, not to get into a discussion around outputs and outcomes and everything else, but it is usually long-term. It is a much higher level but you have direct responsibility to achieve that outcome that you have stated.

The statutory offices, when they looked at the categorization, do not have direct responsibility for achieving outcomes. Some of them will have indirect influence. For example, the Child and Youth Advocates Office, it very clearly states, in terms of the mandate, that they have to ensure the rights of children are protected, that they have to advise, that they have to provide access, or make sure that access is provided to children who need certain services. It is a very strong language in terms of their right to indirectly influence. While they do not control a program or

service from, let's say a department of government, a Department of Health for example, they can go back and say, this program needs to be changed to reflect this. This child is not being served and here is a recommendation. So, they can indirectly influence.

There is a difference between being held accountable to achieve something and being able to indirectly influence the outcome of something. All of the plans that are written, and the annual reports that subsequently will be filed, will be based on what was written there in terms of the performance measures. What is it that you as this entity reasonably can be held accountable for?

When the measures are written they have to be very specific to that, because if you cannot achieve them, if you do not have the sole responsibility to make sure that that happens, you cannot be held accountable for it.

Some of the offices you would look at, they are activity based, they do certain things. Yes, ultimately that may end up being a service but they are very activity based when you look at what exactly they are doing in terms of their mandate, what they have been required to do.

MR. SPEAKER: Thank you, Ms. Keefe.

Ms Marshall.

MS E. MARSHALL: While I agree that they do provide activities and that is what they have been rated as, I would argue that those offices provide something higher than that, and that they do provide services to the public. They have not been given that rating. There is a category there that says, provides goods and services to the public. They are not rating themselves in that higher category and as a result it is going to influence the type of information that is going to be provided to the Commission. You know, I cannot add anything other than that except that I do disagree with the

categorizations and would like to have them revisited.

MR. SPEAKER: Ms Michael.

MS MICHAEL: Yes, I would like to just speak further to what Ms Marshall has just said by using an example, and my example would be advocacy. Advocacy is a service, it is a direct service, and even though the advocacy of the Office of the Youth and Child Advocate - note the name, advocate - even though it is offered to a particular group that particular group is a particular group of our general public. So, on both levels I see it as being more than just completing an activity. The role of advocacy is a service that people know that if - and the same way when it comes to the ATTIP office as well, especially now that the privacy aspect has been put in. If people feel that they have been done badly by, whether it is the government services or outside in the broader society, they have an office that they can now go to and they get the service of advocacy. They do not have to go looking for somebody to try and do that for them. They do not have to see can I afford a lawyer or not. They can actually now access a government service that meets their need.

Again I totally agree with Miss Marshall on that point. I would have seen forty points going in some cases and I was surprised when it was not forty points. Maybe it is because of different definitions of services, and I would be interested in talking to the Committee if they have a different definition, but I would argue strongly that advocacy is a service. It is a program but specifically it is a service. Both those offices in particular, the ATTIP and the Child and Youth Advocate Offices, offer a service and it is a direct service, is not an indirect service.

MR. SPEAKER: Thank you.

The Clerk.

MR. MACKENZIE: Thank you, Mr. Speaker.

I do not want to debate too much on this, and we might need to get the experts from the Transparency and Accountability Office down to help us. It is not simply a service, it has to achieve direct outcomes. For instance, the advocacy service is clearly a service. What if it fails? Since you do not have the direct responsibility, if you do not achieve the influence and the change and so on, yes, you have provided the service of advocating on behalf of your client group, but someone else is controlling the direct consequences. If they do not agree with the advocacy, do not make changes and so on, then that office does not have the direct output, for instance, for child welfare services. The Child and Youth Advocate could advocate but it is the Department of Health and Community Services and the various frontline officials who would provide the direct outcomes.

Just one more point on it: The Child and Youth Advocate is a Category 2. Now, while I do not have the categorization criteria here, it may well be that in their's they were Category 2. I cannot say. They went to Category 2. Whether it was a result of scoring under mandate or organizational structure of public interest, they did reach that point.

MR. SPEAKER: Ms Michael.

MS MICHAEL: Just a direct response, and again I am not a lawyer and I do not know the thinking of the experts on the Committee, but it seems to me it does not matter what happens with regard to the advocacy. The thing is that the mandate is to advocate and whether or not they advocate can be assessed just like whether or not they hold workshops can be assessed. The degree to which they go to bat and do the advocacy can be measured. We can know the number of people they have advocated for. They can tell us if they have not been successful. They can tell us that

we are not happy because we advocated with government offices or agencies and we did not feel that we got back for the people we were advocating for. Maybe they have, as Mr. MacKenzie has pointed out, maybe the Child and Youth Advocacy - because we were not part of the approval of that categorization, the former Committee was - but maybe they did identify themselves as forty points under mandate in this one and that is why they are a Category 2.

I see others that are on our agenda today, the ATIPP office, for example, that I make the argument for and would say that they should be forty points under mandate. I think it is measurable to say: Did you advocate or did you not and how many people did you advocate or did you turn people down? How many did you turn down? If they do not recognize themselves as providing a service and we approve that in their plan, and we approve that in the categorization, then we have lost the ability to question on that level of offering the service.

MR. SPEAKER: It is obvious that some members of the Commission have a concern here. I just want to zero in. Do the members of the Commission have a concern with the categorization that has already been applied to the Child and Youth Advocate Office, the Privacy Commissioner's Office and the Office of the Citizens' Representative? Is there a problem with the categorization that has already been applied? Because today we are asking for approval of their plans that they have submitted with the categorization that has already been approved.

I guess the Chair needs to know if there is concern with the last two approvals that are suggested here, where we may have to - maybe we should bring in somebody from the Transparency and Accountability Act before we proceed any further, or are we happy enough to just select a couple of offices here, if that is the concern: that we

have a problem with, number one, the categorization, or, number two, the plans.

I look for guidance.

Ms Marshall.

MS E. MARSHALL: I (inaudible) express my opinion, Mr. Chair. I would like to reserve judgment on the submissions from the offices until somebody goes through, with us, as to how they were categorized.

I don't have a problem with the criteria, but I would like for someone to explain how the criteria was applied to the individual offices so that the Child and Youth Advocate's Office came up with a rating of two and all the other offices came up with a rating of three. I would like to have that explained to me.

MR. SPEAKER: Would that mean having somebody from the Transparency and Accountability Act, the people who were responsible for that act, come forward and have questions directed to them, or would you want the people from the departments to come to the Commission and have a conversation about it?

I will ask Ms Keefe for guidance.

MS KEEFE: The Transparency and Accountability Office, they are not the entity that actually says you are a two or a three or a one. Each statutory office does that based on the criteria that is there, and they say this is where we believe that we fall; however, the Transparency and Accountability Office will review it and say yes, based on the guidelines and based on what we see from your mandate and what is there in terms of how you have arrived at that, yes, we support that and yes, we agree. If they didn't agree, of course, they can come back and say no, we believe you are a two or a one or a three or whatever. So, it is the statutory office itself that would determine the categorization but then it does go forward to the Transparency and

Accountability Office for their kind of final review.

MR. SPEAKER: Mr. Marshall.

MR. T. MARSHALL: Might I suggest that we have officials from that office come before us and explain why they have categorized these statutory offices the way they have; at least explain to us that characterization or that (inaudible)?

MR. SPEAKER: Is the hon. member suggesting that we have representation from the Transparency and Accountability Office as well as the other offices that are being the topic of discussion here, like the Child and Youth Advocate Office, the Office of the Citizens' Representative, to have both parties here to receive questions and provide information?

MR. MARSHALL: For all of the offices of the House of Assembly.

MR. SPEAKER: Ms Keefe.

MS KEEFE: I just think it is important to note that, when we do that, there is a time factor here. The reports from the House, or the reports to the House, have to be tabled by March 31 for each one of these entities – and it is not to say not to go back and revisit. I just think we would have to be aware of it so that there would have to be another meeting scheduled that would allow this to be addressed within an appropriate timeframe, so that they could come forward and do that and then go back and do any revisions that might subsequently be required.

MR. SPEAKER: Is that the will of the Commission?

We will take your guidance and proceed to have that attended to. I think now, for the sake of further information, we will move beyond Tab 4 and leave that particular piece of business for further information and clarification.

What is members' suggestion - we still have a fair amount on the agenda here - to keep going until probably 11:00 o'clock and then take a break at that particular time?

AN HON. MEMBER: (Inaudible).

MR. SPEAKER: Okay.

The next item is Tab 5, the Publication Scheme. I will refer to the Clerk to explain that particular tab as well.

MR. MACKENZIE: Thank you, Mr. Speaker.

This is Tab 5, and there is a briefing note immediately following that tab. As it points out, the new act, the House Accountability Act, requires that a publication scheme be developed and adopted by the Commission. The word scheme here is in the UK sense, I think, because this was very much, I think, the practice in UK parliamentary tradition.

In Section 49(1) of the act, you will see, it says: to adopt and maintain this publication scheme, we must publish information according to the scheme we adopt. So, what we adopt in this publication scheme we will then have to adhere to in publishing information, and then, of course, review it in updating the scheme.

As the next bullet says, it is simply to ensure that the various information that the House does in a whole variety of categories is prepared, managed, disseminated and so on, in a systematic manner. It allows for public scrutiny in consideration of the work of the whole House.

Ms Kimberly Hammond, our Director of Information Management, who has joined us for the meeting has actually put together much of this. She has categorized it in four separate headings, and you will see on the next page, with a title page, we have dated it November 28, because of course it was going to go to that meeting. We need to be

able to refer to a specific document, so we can refer to it as the November 28 publication scheme.

I don't know how much detail members might want to go through. Perhaps I should just let you go through, see if particular questions arise in the matter, and either I or Ms Hammond could respond to those.

MR. SPEAKER: Any concerns or questions or comments from the Commission?

Ms Michael.

MS MICHAEL: Thank you, Mr. Speaker.

I just have initially one question. It is on page 2, section 49 (2) (b). I will just go through the whole section: The publication scheme required to be adopted under subsection (1) shall include information about the expenditures made by or on behalf of members, et cetera. Section b: include other classes of information relating to the operation. I wonder could I just have an explanation of what is meant by the classes of information?

MR. SPEAKER: Ms Hammond.

MS HAMMOND: What we interpreted those to be would be the things like the policy and procedure manual, the agenda, the briefing materials and the like that you see in section 1.0.

MR. SPEAKER: Ms. Marshall.

MS E. MARSHALL: A few questions: One on page 4, item 1.3, where the online version is going to be posted not later than 9:00 a.m. of the day of the meeting. I do not know, but that might raise some concerns for people who are interested in those documents.

The other comment or question I had related to page 12, when it talks about reports of committees. That would also include the

report of the Public Account's Committee, would it?

MR. SPEAKER: Ms Marshall, did you want to expand on your concern with the posted not later than 9:00 a.m. on the day of the meeting? You said you had a concern with it.

MS E. MARSHALL: Some people like to get documents in advance so they can have an opportunity to go through it and digest it, so some people may have concerns over that.

MR. SPEAKER: Ms Michael.

MS MICHAEL: Yes, this has to do with page 7, section 2, Members' Financial Reports. This has to do a bit more with language. Section 2.1, Office Allowances, and it says Office Accommodations: In light of a lot of things - I will not be specific - I am just wondering if, instead of accommodations it would say office space.

The second point: I think we need to have consistent language. The first bullet is Office Accommodations and the second bullet is Rental of Short-term Accommodations. Well, I think it should be the same language, office space and office space. If we kept the word accommodations office should go in, in front of short-term, because I think that is what is meant. I think we have to be careful in the light of things that have happened recently, and that is part of the public knowledge. We have to make sure we have consistent language and use the same language all of the time.

I do not know, I just want it to be clear. My understanding is that the difference between bullet one and bullet two is just that bullet one means long-term office rental and bullet two means short-term. Maybe that just needs to be clearer, because if these are going to be categories that are posted publicly then people need to have - the language needs to say exactly what is meant.

The same way with Office Operations, is that operations and supplies or just operations? That is the question.

I just want to make sure, and again because of the public nature of all of this, that the language that we are using here in the information that is being posted is the same language that is in the legislation under the allowances. Do we use the term operational resources in the legislation? I just think we need to make sure it is parallel between what is being published and what is in the legislation so the same language is used all the time.

MR. SPEAKER: Mr. MacKenzie.

MR. MACKENZIE: To Ms Marshall's question about the posting of the briefing materials and so on, we take the Commission direction on when it would like those to go up. I guess what we had thought is we provide it to the media at nine o'clock or quarter to nine when they come to attend these meetings, but we do not provide it any earlier. Similarly, if it is on the Web it would be going out to the public earlier. I suppose there is no real reason for the media and the public not to have it in advance. It seemed a bit of a courtesy to Commission members not to distribute it publicly until the meeting has begun. We could look at it either way, I suppose. Ultimately, we will provide the appropriate material, if it is not a confidential budget matter and so on, to the media and to the public online. We could do it either way.

It seemed a bit of a courtesy for members of the Commission. If it were out in advance you might start to get phone calls and demands and lobbying; do this, do that, and so on. Whether that is appropriate or not, I do not know, but the practice we have done to date, in the absence of adopting the scheme, was simply to put it live at nine o'clock. When the meeting starts, the information would then be available on the web. Is that correct? Yes. But the Commission could view it either way.

With respect to the members' reports and Ms Michael's concerns, yes, we were very careful that the terms used here are precisely what are in the members' rules. Members, a week or two ago, would have received the various reports for their expenditures to date. Those are the terms as are in the rules. Whether they are appropriate, they are sort of what we have in the member's rules.

Under the Office Allowances for instance, which is the overall part four in the rules, the \$7,000, the rent, the space issue is described as the constituency office accommodation allowance, so we sort of shortened it to office accommodations. The \$15,000 which here shows up as Office Operations, that is called the office operations and supplies allowance. We have tried to make it pretty much consistent. They do seem to have a lot of similarities, like under Office Allowances, number 1, we have Office Operations. That is the \$15,000 allowance. Item 2, the Operational Resources, those are entirely different matters. That is the furniture and equipment package, the telephone services, computers, and so on and so forth. The terms tend to overlap a bit but they are consistent with what the rules have.

MR. SPEAKER: Ms Michael.

MS MICHAEL: With office operations you did say that in the second document it says operations and supplies.

MR. MACKENZIE: Yes.

MS MICHAEL: I just think it is good to keep operations and supplies. I wrote 'and supplies' in on mine because I knew 'and supplies' was part of that document.

A couple of places I am not sure. I can understand, okay, if we have accommodations there than we have it there.

Thank you for the explanation.

MR. SPEAKER: Mr. Mackenzie.

MR. MACKENZIE: We can talk with our own corporate members' service division, but particularly the Office of the Comptroller General and the Chief Information Officer, as a result of the schedule C reports which were done in the old IEC annual report, which were done just on spreadsheets, which we now of course cannot find and so on, it was clear that to do the ongoing members reports we had to extract the data directly from government's financial management system which is often termed the oracle system. It had to be totally reprogrammed with help from the Office of the Chief Information Officer and of course the Comptroller General managed that system.

Changing the terms may not be much of an issue because it is not reprogramming. Somewhere in there if it says office operations it would simply be a matter of adding the words 'and supplies'. The Financial Management System is managed by the Office of the Comptroller General so we will have to have a chat with him and see if it can be done. It does not seem like a particularly big issue. So, we can do that.

MR. SPEAKER: Do members agree?

Mr. Marshall.

MR. T. MARSHALL: Mr. Speaker, the only comment I would like to make is that we have certainly come a long way in terms of providing information to the public. In addition to information that the Access to Information and Protection of Privacy Act mandates that we have to provide to the public, the House of Assembly and the House of Assembly Management Commission are requiring that other information, additional information, also be made available in an open, accessible, standardized and systematic fashion, and that this information become available routinely to members of the public. We

have certainly come a long way and I am certainly glad we have.

In terms of the Publication Scheme, I congratulate Ms Hammond. I think this is excellent.

MR. SPEAKER: If there is no further debate an approval is in order. Would the Commission move approval to adopt the Publication Scheme dated November 28, 2007?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

On motion, Publication Scheme approved and adopted.

MR. SPEAKER: The next item on the agenda will be Tab 6, Financial Statement Audits for 1999-2000 and 2000-2001 fiscal years.

This particular topic is certainly not new. Apparently, there has been no financial statement audit done for those two fiscal years. It has been a concern of the former Commission, known as the IEC, and the former Speaker had written the Auditor General on at least three occasions asking for his comments on whether the House should proceed to do financial statements for those two fiscal years. The Auditor General, in his wisdom, has replied to the three separate letters saying that he did not see anything to be gained by going back, in this case eight years, and doing an audit. He felt that the audits he has already conducted and the book of work that he has already performed has looked at those years, and he would see no benefit in going back and doing a financial audit for those two particular years. It was, in his comments, I think, or to rephrase them, almost like spending good money to achieve very little.

As well, in the past there has been a proposal put out for an independent auditor to look at those two particular years. I think there was one reply and the reply came back stating that they were not sure if it was a book of business that they wanted to take on but suggested that they might send an auditor in to look at the possibility of doing it and in the meantime the House of Assembly would be responsible for paying that particular auditor whatever the audit fee was, with the House not knowing if the reply would come back saying that there would be nothing gained. It would be almost a little bit impossible to put forward a good audit report and then end up paying that particular person a sum of money just for looking at the business to decide whether they want to do it or not.

Chief Justice Green, in his report, suggested that those two years be audited. We have been holding and hanging our hat on Chief Justice Green and his report and all the things that he brought forward. There is a recommendation here from the Clerk but that is certainly open for debate as every other recommendation and proposal, so I open it up to the Commission for their input and suggestions on whether the Commission should direct the Auditor General or some other company to audit the years in question which are 1999-2000 and 2000-2001.

Comments?

The hon. Deputy Premier.

MR. RIDEOUT: Thank you, Mr. Speaker.

Yes, you are right, this issue has been around and before the predecessor group to us, I guess. The old IEC as well as this particular Management Commission have been recipients of advice from the Auditor General, and the Auditor General's advice is that there is nothing to be gained further by carrying out those audits for 1999-2000 and 2000-2001. I believe the recommended

action by the Clerk is that we would accept that advice.

However, as Your Honor correctly points out, I think we have to balance that with the recommendation from Chief Justice Green. Chief Justice Green has made it abundantly clear in Recommendation 51 that those audits should be carried out. Now we as a House, we as a government but we as a House, have accepted the recommendations of Chief Justice Green. We have implemented the Accountability and Transparency Act, the legislation that Justice Green and his group wrote and presented to this Legislature without amendment. If there was a requirement for an amendment it was done in consultation with the Chief Justice before we even contemplated amendments. We took public flak, for example, by delaying certain measures until after the October election. Well, those measures and those things were taken with the concurrence of the Chief Justice.

If we are going to be consistent in that approach I believe we have to maintain that consistency in order to maintain our integrity and our creditability. I believe that we have to direct the Auditor General to proceed to carry out those audits for those two fiscal years, 1999-2000 and 2000-2001, as recommended by the Chief Justice and to get on with doing it despite his objections, which we understand. I think we have a greater responsibility and the responsibility therefore is for us to direct the Auditor General to get on with carrying out those audits and to do it forthwith and get on with doing it forthwith.

MR. SPEAKER: Ms Michael.

MS MICHAEL: Thank you, Mr. Speaker.

I agree wholeheartedly with my colleague, with Mr. Rideout. I think it is absolutely essential that we go ahead and do this. We have had some recent examples where the legislative audit, in actual fact, did not pick up on some issues that have come to light,

so I am not satisfied that the legislative audit is adequate. Both for the reasons that have been put forward by Mr. Rideout and also because I am not satisfied that the legislative audit is adequate, I think we need to move ahead with the recommendation from Chief Justice Green.

I will not say any more on that, I think that is adequate.

MR. SPEAKER: Ms. Marshall.

MS E. MARSHALL: Mr. Speaker, I agree with Minister Rideout, that I think we should have those financial statement audits completed for 1999-2000 and 2000-2001, then all of the audits will be done. It was a recommendation of Justice Green and I do have concerns about picking and choosing with regard to the recommendations from the Green Report. So, I would agree with the comments of my colleague.

MR. SPEAKER: Mr. Marshall.

MR. T. MARSHALL: Thank you, Mr. Speaker.

I would agree with the comments of Ms Marshall and the Deputy Premier.

I know that the Auditor General feels that he sees no benefit in having these financial statements prepared, because he feels that the work that he has done, the extensive work that he has done, I think, makes up for that; but the wording of the IEC act at the time, section 9 of the IEC act, said that, notwithstanding any other act, the accounts of the House of Assembly shall, under the direction and control of the Commission, be audited annually by an auditor appointed by the Commission.

I believe that is mandatory and that we really don't have the discretion, and the Auditor General doesn't have the discretion, to say there is no need of it being done. I think we are forced to do it, and I think we

must do it, so I concur with the recommendation of the Deputy Premier.

MR. SPEAKER: Mr. Parsons.

MR. PARSONS: I concur with the statements made by all persons: it should be done.

MR. SPEAKER: The Chair hears unanimously that the Commission should appoint an auditor to review the statements of 1999-2000 and 2000-2001. I don't know if there was a motion made of who the auditor would be – I didn't hear it as I was moving about – but, if not, maybe we could entertain a motion as to how we proceed with the audit and who we would ask to do the audit.

Mr. Marshall.

MR. T. MARSHALL: Thank you, Mr. Speaker.

I would recommend that the Auditor General perform that audit.

AN HON. MEMBER: I concur (inaudible).

MR. SPEAKER: The recommendation is that the Management Commission instruct the Auditor General to do a financial audit for the years 1999, 2000 and 2001, made by Mr. Marshall, seconded by Ms Marshall.

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 is Financial Reports; I move to Tab 7. The issue is the financial performance of the House of Assembly and the actual expenditures of members compared with approved allocations as of 31 October 2007.

This relates back again to paragraph 20(5)(a) of the House of Assembly Accountability, Integrity and Administration Act which states that the House of Assembly Management Commission shall "regularly, and at least quarterly, review the financial performance of the House of Assembly as well as the actual expenditures of members compared with approved allocations."

This is for reporting purposes only. The allowances and the comparison are included in the agenda and also posted for anybody who has an interest in it, to see.

I don't know if the Clerk would want to make a further comment.

The Clerk.

MR. MACKENZIE: Thank you, Mr. Speaker.

There are two separate items here, I guess: the Statement of Expenditures on the House itself, and then the individual member's allowance reports.

Ms Marlene Lambe, the Chief Financial Officer, has joined us on this. Commission members might have questions, for instance, on the Statement of Expenditures. I don't know if there is a lot to be answered with respect to the individual member allowances, but the Statement of Expenditures ending December 31, there may be some questions on; but, rather than going through it line by line, perhaps, just as if we were in an Estimates Committee of the House, we could just have members ask individual questions and Ms Lambe could respond as the questions arise.

MR. SPEAKER: Mr. Parsons.

MR. PARSONS: I just notice, on the Administrative Support piece, 05, Professional Services, there seems to be a substantial overrun there.

MS LAMBE: That (inaudible) implementation of the Green recommendations.

A lot of the overruns that you see are related to the \$2 million Special Warrant that we received for implementation. That particular column talks about overrun from original budget. If you look at the next one you will see overrun from operating budget, and the operating budget is the original budget plus any Special Warrants, plus any transfers into the House of Assembly.

MR. SPEAKER: Mr. Marshall.

MR. T. MARSHALL: In light of that comment the largest overrun is the Salaries item, item (d). Could you comment on that? There is a footnote (d) to that.

MR. SPEAKER: Ms Lambe.

MS LAMBE: Which page are you referring to, the Salaries under Caucus Operations and Members' Expenses?

MR. T. MARSHALL: Yes.

MS LAMBE: Yes, that one is related mainly to the severance pay. The Executive Branch of government has a contingency, I think they call it, for severance and other types of payments in the Consolidated Fund Services. In prior years, if a department or us could not cover the cost from our normal operations then usually it is not budgeted because it is accepted that you would go to the CFS to cover those charges; we would JV the cost over to CFS.

This year they made a decision to actually move the budget over to the House and to any government department that was looking for funds. So, actually, up to the end of December we added \$543,300 to our budget as a transfer from CFS.

MR. SPEAKER: Any further questions or comments?

MR. T. MARSHALL: Mr. Speaker?

MR. SPEAKER: Mr. Marshall.

MR. T. MARSHALL: In the Schedule of Constituency Allowances – when I saw this, I looked for my name and I didn't see it there. I have counted off; I notice that all the members are not there. Is there a reason for that?

MR. SPEAKER: Ms Lambe.

MS LAMBE: (Inaudible).

MR. SPEAKER: The Clerk.

MR. MACKENZIE: We had a glitch in photocopying. You should really have, I think, four pages of those sheets. Some got it. It was the way the paper fed through the machine. We have some extras.

When I looked at it this morning, yes, you were missing, as was Ms Michael, and I knew you wouldn't want to be – (inaudible) - I knew you wouldn't want to be absent from the list, so some apparently got that third sheet and some didn't. It is alphabetical by individual member's names, this sheet, as opposed to alphabetical by district.

AN HON. MEMBER: (Inaudible).

MR. MACKENZIE: Yes.

Are you missing that sheet as well?

AN HON. MEMBER: (Inaudible).

MR. MACKENZIE: Oh, you have it? Okay.

MR. SPEAKER: So, all members have the updated sheet?

The Clerk.

MR. MACKENZIE: Thank you, Mr. Speaker.

There is not a lot, I guess, to be said on this. There are a couple of points I could make. There may still be a couple of loose claims where members are trying to tract down invoices or what have you, so we can't say that we have closed the books on the old rules up to October 8. This is accurate to December 31, but we understand there still may be one or two claims that have not been submitted yet, as people try to collect invoices and so on, so we cannot say categorically this is the final word on the old rules.

It is also worthy of note, I think, in that period, only two-thirds of the allowances were spent. If you look at the totals on the last page, the prorated allocation from April 1 to October 8 would have allowed \$934,000 for allowances. There was actually almost \$350,000 unspent during that period. It was just an interesting point we looked at. It appears, although we don't have the good records of it, that was always the case; there was always money unspent by the end of these years.

MR. SPEAKER: Ms Michael.

MS MICHAEL: A very minor point, Mr. Speaker.

I just note the incorrect spelling of my surname in both places in the reports. Usually there is an s put on by mistake - this time the s is not there - but it is ael, not eal. Just for the record.

Thank you.

MR. SPEAKER: It will be duly noted.

Any other comments? If not, then this particular item was for reporting purposes only.

It being 10:57 a.m., before we move on to new business and bring forward Tab 3, item number 2, to review caucus resources, maybe the Commission will take a fifteen

minute break and return back at approximately 11:15 a.m.

The Commission is now in recess for fifteen minutes.

Recess

MR. SPEAKER: I welcome the Committee back from a brief recess.

As we chatted about earlier, we are going to be getting into a review of caucus resources. That was an item that was moved back on the agenda in order to realize further information and gather information, so the Chair will open up now the topic for review of caucus resources.

Comments, please.

Ms Jones.

MS JONES: Mr. Speaker, just to clarify, I guess, for the record, what we are referring to is a motion that was made at a previous meeting: that there would be an external review done of the resources allocated to Opposition caucuses in the Newfoundland and Labrador Legislature.

Maybe we could ask for some direction from the Clerk's Office in terms of how we would go about appointing an individual or individuals to carry out the external work that we would need to have done.

MR. RIDEOUT: Mr. Speaker?

MR. SPEAKER: Mr. Rideout.

MR. RIDEOUT: Mr. Speaker, I have no problem with that. I just want to add that it would be our view that, however we go about doing this - and we are certainly open to advice from the Clerk on the administrative personnel of the House - the review, we believe, will certainly be the Opposition caucuses but it would also be the government backbench, because those government backbenchers, you know, are

not provided with resources in accordance with ministerial offices or leader's offices, or anything of that nature. They are counted as private members in terms of how resources are provided to them for research and that kind of thing. So, with that caveat, I am certainly open to some advice from the administrative staff of the House how we can - what process we should follow to embark on the decision that we took at our last meeting.

MR. SPEAKER: Ms Jones.

MS JONES: Just for clarification, I have no problem with having government backbenchers included as part of that resource allocation. I am not sure if our original motion reflected that, and if there might be a need to make an amendment to that motion in order to include them.

MR. SPEAKER: Yes, it is the Chair's understanding that the motion that presently exists covers strictly Opposition caucuses. I don't think government members were included in that, so we will need an amendment; and maybe at the end of this session we may need a resolution that can be clear and concise, on a go-forward basis, of what we do here, and we might be able to build the whole thing in.

Ms Michael.

MS MICHAEL: Thank you, Mr. Speaker.

I don't have any objection to looking at the need for resources for the backbenchers but I would expect an understanding that there is a difference between resources needed by Opposition offices and backbenchers.

I would hope - I have no idea where this would go, but I would hope - that the guidelines for the Opposition offices would not be identical to the guidelines for the backbench members of government simply because, I would believe, as being part of the government caucus, they would have access to information that Opposition offices

do not have. I know they have to do their own individual research for their constituents, but there is a difference between the research for a constituent and your constituency, and resources to speak in the House to government with regard to bills that are on the floor.

All I am saying is, I hope we recognize that there is a difference. That is all I am asking (inaudible) guidelines given to whoever does this work, that we recognize there is a difference, because I don't see it as the same.

I see the need for resources for the backbenches - that is not what I am saying - but it is the same as the resources for other MHAs; like, we have extra monies in a caucus office for MHAs, so with every additional MHA there is more money, but when it comes to the role in the House of Assembly, the role of an Opposition member, especially a leader of an Opposition party, it is different than the role of a backbencher. So, from that perspective I put it out.

MR. SPEAKER: Any other comments?

Ms Jones.

MS JONES: I would certainly like to support the statements that Ms Michael has just made; because, while I don't have a problem with reviewing the resources available to government members, there has to be a clear differentiation of the role of government members and that of the Opposition parties, and the roles that we perform in the House of Assembly.

I want to ensure that those things would be reflected in the Terms of Reference when they are being compiled, because we have to remember that government members do have a leader and a leader's office in the Premier's Office, and in the Cabinet itself, that certainly provides for many of the resources which they are entitled to and have access to as government members.

I think we need to be clear in the Terms of Reference that we don't confuse the government member's role with that of Official Opposition parties and third parties in the House of Assembly.

MR. SPEAKER: Mr. Rideout.

MR. RIDEOUT: Just one final comment from me, Mr. Speaker.

The fact of the matter is that - I mean, I think everybody recognizes that there is a role for the Official Opposition and that there is a role for any other party that may be represented in the House in opposition to the government. There is a role for leaders' offices, the office of the Leader of the Official Opposition. I mean, that has been accepted and funded accordingly in our parliamentary tradition since I have been here and I guess long before I ever came here.

If you look across the country in the funding provided, you will see that there is funding for government caucuses, funding for the Official Opposition, funding for a third party, funding for other Opposition parties. I mean, that is the kind of thing that we would want, I think, this person or persons - whatever it is we decide at the end of the day - to look at and tell us: what is appropriate for each of those groups in our Parliament here in Newfoundland and Labrador, in our House of Assembly.

So, there is no intent on the government's part to look at padding the government caucus, but the government caucus or supporters of the government, that caucus is entitled to certain basic research accommodations and staff and so on. The Official Opposition Office is entitled to something beyond that because it is a different role. All we are saying is, as a result of Green there is a process to analyze that, to look at it, I guess, from a kind of an arm's-length perspective and give us advice as to what that should be. Certainly, it is

open for all to see, whoever the review party is, whoever the person or persons are.

What happens in other jurisdictions across the country is well laid out and well defined as to what the various - I don't know what the plural of caucus is, whether it is cauci or whatever it is, but whatever the various caucuses are as they exist in the Legislature. That would be the intent.

MR. SPEAKER: Maybe we can refer to the Clerk for some direction as to the guidelines of how we go about initiating this committee and what guidelines we have to follow in order to abide by policy of government.

The hon. the Clerk.

MR. MACKENZIE: Thank you, Mr. Speaker.

I guess it depends on what process the Commission wants to apply here. I mean, if there is a volunteer committee struck to recommend this then it is easily done, no problems at all. If we are actually talking about hiring one or more people to do this then we have a couple of issues we have to follow. I mean, this would be a professional services type of contract, so there are guidelines for selecting the individual or individuals to conduct the review and how we would pay them and so on.

The other issue is, we do not have funds earmarked in the Budget. We will have to find some savings to cover, if there is a cost to this, since this was not anticipated back when we developed the current fiscal year Budget. Now, one assumes it is not a huge cost and it could be done relatively quickly. It is just something I point out, that it would be subject to availability of funds, but we do not think that is a problem.

If indeed we were to hire one person, three people, however the process might unfold, there is an issue of following the consultant's guidelines to select them and we may need to issue requests for proposals

and so on. We might need to follow the standard government process to select the individual, but Commission members could be involved in the evaluation of the responses to that request for proposals. So, it is just a caveat, Mr. Speaker, that it is not as easy as simply the Commission deciding on a three-person committee or one individual to undertake this if we are actually going to compensate the individual for the professional services.

MR. SPEAKER: Any other comments as to direction, or do we need to refer to Ms Lambe, the Chief Financial Officer, to find out further information on her suggestions on how we might proceed and the timeframes involved?

Ms Jones.

MS JONES: I have a couple of things I would like some clarification on.

First of all, if we decide as a Commission to have one person do this review externally, it is my understanding that we have to put out a request for proposals. I guess that can be by invitation where we can invite a number of people to submit a proposal. In doing that, what else do we provide? Do we provide terms of reference that would accompany that request for proposals, a timeframe in which we would want the work completed? I just want some clarification on what we would be providing to the individuals who we asked to submit proposals to us.

MR. SPEAKER: Ms Lambe.

MS LAMBE: There is standard format actually for requests for proposals. You would have a clear definition of the scope of the work and what is to be involved in it, so you could be definitive about what you want covered under that review.

The second part of it: There are usually strict timelines. You know, you give them a week to respond, a week to let them know

who is successful in the proposal and then a definitive timeframe when you want the work completed. You also include the criteria on how you are going to evaluate them. That usually depends on the type of service or the professional service it is.

MR. SPEAKER: Ms Jones.

MS JONES: Thank you, Mr. Speaker.

Those evaluations would be done by the Clerk's office or by the Management Commission, or who at that stage?

MR. SPEAKER: Ms. Lambe.

MS LAMBE: (Inaudible) individual case, you would strike a selection committee and you can decide who will be members of the selection committee to review the proposals and determine the successful candidate based on the criteria set when you sent out the requests for proposals.

MR. SPEAKER: Might I interrupt just to ask Ms Lambe - it could also be done by the full Commission?

MS LAMBE: There are no restrictions on who can be members of the selection committee, so it could be the full commission if you so desire.

MR. SPEAKER: Mr. Parsons.

MR. PARSONS: Thank you, Mr. Speaker.

I will just make a few comments and maybe a suggestion.

I think we need to, based on the information I have at least, comply with the requirements of the Public Tender Act and the requests for proposals and so on when it comes to hiring consultants. I don't think there is any question about that. We must not only be transparent but be seen to be transparent. That is why we need to take the necessary time to grapple with this and come up with a suggestion, solution, recommendation that is

transparent and yet gives us the necessary and desired results.

Expediency cannot rule the day on this issue. We are dealing here with a very important issue not only necessary for this particular sitting of the House of Assembly but maybe creating a template that can be used in the future so that every time there is an election you do not have to go through this depending on what the results of the election are. I think we need to take the time.

Now, that does not take away from the fact that we might also as a Commission have to make some decisions on an interim basis for the forthcoming year with regards to resources until this Commission or whatever committee that we strike ultimately gets its work done. It may take well beyond this fiscal year or the planning for the coming fiscal year to get the piece of work done that we need. I do not think we should be rushed, number one, and we can - in fact, it is on the agenda later today - deal with the issue again from another angle of the resources of the Opposition that we have already been working with since October. I think we need to do it right and we need to comply with it.

My suggestion would be that we strike a subcommittee of the Commission and each group on this Commission would appoint a member to that subcommittee. For example, there is the government. Obviously the interests of the government backbenchers is of concern and should be considered here, and the Official Opposition and the third party. Once that subcommittee is struck, they amongst themselves, similar to what is done in the CLNOPB, would select a Chair. That committee would go off then with certain criteria, a certain mandate, terms and conditions, to deal with the overall issue of resources for backbenchers and Opposition parties and third parties and give the thing a thorough review and come back; see what is in other jurisdictions, see what we currently have, and see what we have had in the past.

They would consider the whole ball of wax from their angle as a committee, number one, and give some recommendations back to us.

In the meantime, they will also put out a Request for Proposals publicly, asking someone as well to do this even aside from this committee. Against certain criteria which can be evaluated - and again it is going to take some time to actually get these specific terms and conditions down to what the criteria would be, and then you go out for the Request for Proposals. Anyone in the public is at liberty to put in a proposal against those terms and conditions as to what is required and give their prices as to what they are prepared to do it for. That report would go back then to that subcommittee of the commission and from there it would come back to this Commission so we can consider it.

Now, it might be a bit convoluted, it might be a bit complex, but I think, number one, it is of such urgency that we need to get into that level of detail. We need to do it right and we need to establish a template that we can use in future.

The other thing is we could be here, as we saw the last time we met back in December, we could sit here as a Commission amongst ourselves and be here for four or five days debating this issue. I do not think it is appropriate to be resolving it from a partisan or biased perspective from any of us here. I think it is in the best interests of everybody here who we all represent, plus on a go-forward basis anybody else who has to live in the system that we live in, to get some outside independent opinions and advice. I think that is where we need to go. That way we have the transparency, that way you get the job done, and it takes it out of the possible derisive type atmosphere that we are in here discussing it. Let someone else who have a jaundiced or an unjaundiced eye look at this issue and come back and tell us what they think is appropriate.

MR. SPEAKER: Further discussion?

Ms Jones.

MS JONES: I do not necessarily disagree with the process that Kelvin has outlined, but I have a problem with possibly one of the roles or responsibilities that he indicated of the subcommittee. I have no disagreement with the fact we need to comply with the Public Tender Act. The fact that a select committee could be established with a representative of each of the three parties represented on this committee, I have no problems with that. However, I have some concerns with the fact that the subcommittee would do anything with regard to reviewing allocations of resources in other jurisdictions and discovering or looking at that as a committee. I would see the role of the subcommittee quite simply to outline the Terms of Reference, to put out the Request for Proposals, to evaluate those proposals, to award the contract and then to evaluate the findings of the contract and refer them to the Management Commission. I certainly wouldn't see them as having any part in engaging themselves in any other jurisdictional pieces.

So, outside of that particular responsibility, I think the process outlined by Mr. Parsons seems like a sensible, simple way for us to proceed, and it certainly meets within the guidelines and standards that we are bound by.

MR. SPEAKER: Mr. Rideout.

MR. RIDEOUT: Thank you, Mr. Speaker.

I think, if we were to go that process, I would tend to agree with the Leader of the Opposition that the subcommittee, if that is what we go, would operate along the lines that she articulated and then leave the actual evaluation of what needs to be done, and a recommendation as a result of that, to whoever is engaged to do it.

We will have to make a decision, I suppose, now soon on whether that should be one person or a larger group, but that person or persons would go off and do their work based on the criteria that the Committee has put forward in a public way and then come back with a report. The Committee would evaluate and bring here to the whole body, I guess, a recommendation as to who should be engaged to do the work.

So, yes, I think if we were to go that route - and I think we have to go the route of calling for public proposals; I don't think there is any desire on anybody's part to try to get around that in any way - if we go that route, then that seems to me to be a reasonable approach and one that I am certainly prepared to entertain.

MR. SPEAKER: Ms Michael.

MS MICHAEL: Thank you, Mr. Speaker.

Yes, I agree with the comments of both Mr. Rideout and Ms Jones. I agree with the overall proposal from Mr. Parsons but agree that I don't think they start the initial work; it is the person who gets hired.

I won't repeat everything that Mr. Rideout and Ms Jones said; I agree with what they have put forward. The only caveat to add to that is, in doing the Terms of Reference, I suggest that the work of the subcommittee could be speeded up by an understanding that, of course, it would work with maybe a staff person from the House, because there are templates for Terms of Reference. While we would have some specifics with regard to the main mandate of the person that we would be hiring, there is also a template that would be used, so we would do it in the context of what is already in place.

MR. SPEAKER: Mr. Parsons.

MR. PARSONS: Mr. Speaker, again, I guess that is what I meant but they said it better.

Since we have had that discussion, which was very helpful - and, as I say, that is why I think these discussions are helpful: it helps flesh out where we need to go on some of these issues - I would now put it in the form of a motion that the Commission strike a subcommittee which will have membership from - one from the government, one from the Official Opposition and one from the third party, and that subcommittee would then choose, amongst themselves, a Chair, and that committee would then design the Terms of Reference and go to public tendering, Requests for Proposals, whatever the appropriate language is, in order to hire a consultant to consider and give us an opinion on the overall resources issue for government members and Opposition parties.

Once that consultant does his or her work, it will be passed on back to the Commission here from that committee. Once the committee evaluates who is going to do it, and the consultant, in turn, gets his or her work done, the report would come back to us, then, for further consideration here at the committee.

MR. SPEAKER: Just for information, for my own information, are you suggesting that the subcommittee would not have to bring back their guidelines or bring back their recommendations to the Commission? When I talk about recommendations, it is the recommendations of who might be the person who would be the committee, or the persons who might be the committee.

Mr. Parsons.

MR. PARSONS: Well, again, my consideration of it so far, limited as it is, is that each, as I say, government, Opposition and third party, would appoint a member to that committee. That committee - we obviously, through our representations on that committee, would put our ideas forwards as to what the Terms of Reference of it would be, but ultimately the committee

will then take everybody's thoughts into consideration in designing that Terms of Reference.

MR. SPEAKER: Mr. Rideout.

MR. RIDEOUT: I guess the Speaker's concern is deciding the ultimate decision of who is going to carry out the work -

MR. PARSONS: That is right.

MR. RIDEOUT: - whether that decision would be made by the subcommittee or whether the subcommittee, having reviewed the Request for Proposals, would come back to the Commission as a whole and say, you know, we have received forty submissions, here are the top three in our view, and we recommend that - oh, I don't know - Ms Lambe be appointed.

Is that what you envision, or do we envision the subcommittee making the decision to appoint somebody? I think that is where you are looking for direction from, not to put words in Your Honor's mouth, but I believe that is what you are saying.

MR. SPEAKER: I am looking for clarification. I am not sure if the intent of the Commission is to let the subcommittee do the complete piece of work or will, somewhere along the line, the subcommittee report back to the full Commission to approve the person or the persons who will do that book of work? That is where I am with it.

Mr. Parsons.

MR. PARSONS: My thought, Mr. Speaker, is that is exactly what we are doing: we are delegating to that selection committee the authority to make the selection. That is why we are calling them a selection committee. Anything we have to say or recommend, we say to that subcommittee and put our thoughts and ideas to them. Otherwise, it is just as well for us to do the work in the first place, if we have to sit down and take the

forty-eight comments that come back and go through them all again.

We each put someone there, they select a Chair, they go and do the selection process, and they decide here is who we recommend, and then bring the recommendation back to us once they have their work done.

MR. SPEAKER: The Chair just wanted clarification.

Ms Marshall.

MS E. MARSHALL: My preference, Mr. Chair, would be that the subcommittee would report back to the Commission, so I would take the opposite view.

MR. SPEAKER: Ms Michael.

MS MICHAEL: I guess it is a question of how we report back; because, where it is a piece of work that is very concrete and needs to be done, I would suggest it does not necessarily have to be at a meeting like this that they report back. I mean, there could be a report of the subcommittee to the Commission via, for example, electronic communication, and if any other member of the Commission says, I am not satisfied, I want this in full meeting, then we could have it in full meeting, but we might be able – you know, if it came out and it was yes, this is where we are going and it looks like we would like to hire Ms Lambe – sorry for using your name, Ms Lambe, so we can be general here, because we know it will not be you – that we are recommending Ms Lambe, send it out to the other members of the Commission and say: Does anybody in the Commission have a problem with this? If they did, then we would have a face-to-face meeting. Just in the way of speeding up the process, that is a suggestion.

MR. SPEAKER: Ms Jones.

MS JONES: I guess I am somewhat concerned because, if we are going to put a subcommittee in place, the purpose of the

subcommittee is to manage this on behalf of the Commission. The only reporting back that I could see would be to provide to the full Committee maybe copies of the Terms of Reference or the Request for Proposals for our review to see if there is any additional input that we might have.

In addition to that, the only other reporting back I could see would be to tell us who they have selected and who they are going to engage to do this piece of work. Outside of that, I don't see a purpose for the subcommittee.

If we are going to be the group, as a Management Commission, that wants to define the Terms of Reference and Request for Proposals, and evaluate those proposals and make that decision, then there is no function for a subcommittee. It is a piece of work that we would do ourselves. So, I think we have to be very clear in what the reporting back piece is.

I see it as being, number one, providing the Terms of Reference and the proposal call information for our review and additional input, if we might have some; and, secondly, just to provide notification of who the committee has selected.

MR. SPEAKER: Mr. Parsons.

MR. PARSONS: Just for clarification, too, it is not my intent to suggest that members of the Commission would not have access to all information. Whatever goes back to that subcommittee, by all means, should come to this committee. All I am saying is, let the committee do the selection process and still give us, based upon their review of it, who they would recommend. That is not to say that we, as a Commission, still cannot overrule that recommendation, would not have access to all the information if we wanted to see it and read it and see how the selection committee made their decision and who did or didn't have their names in there and so on, but let's get something out of the selection committee in terms of a

recommendation. Here were your criteria, here is who we heard from, and this is what we think. We still, as the Commission, make the ultimate decision.

MR. SPEAKER: I am hearing something completely different now. First I was hearing that the committee would make the decisions. Now I am hearing that the committee would bring back the recommendation to the Commission. That is completely different from my understanding.

The hon. Deputy Premier.

MR. RIDEOUT: I am confused, Mr. Speaker. I mean, I think Ms Marshall and Ms Michael were on the same page. I am not sure that the Official Opposition - I thought the position of the Official Opposition was that this subcommittee would make the selection as to who would do the work. Now I think I am hearing that the subcommittee would make a recommendation to the Commission and the Commission would decide. If that is the case we are all in agreement, I believe; but, if that is not the case then I think there is a disagreement.

MR. SPEAKER: Ms Marshall.

MS E. MARSHALL: I think that one of the questions we have to ask - and I pose this to the Clerk - the Commission, we are established by legislation so we are a body with official recognition. Does the Commission have the authority to spin off a certain responsibility to a subcommittee and let that subcommittee go off and make decisions on behalf of the Commission?

MR. SPEAKER: The Clerk.

MR. MACKENZIE: Thank you, Mr. Speaker.

I think the act is actually silent on it, but I don't see any issue with it. If a subcommittee was to be established to do a

particular piece of work, the contract would ultimately be signed by the Speaker. I mean, the Commission does exist but I think the Speaker, as Chair, and in a sense Minister of the House of Assembly, he would be entering into the contract if one were to be developed. So, I don't see anything prejudicial to the act in so doing. Ultimately, matters would be reported back to the Commission so it doesn't seem to violate any aspect of the act that I can think of.

MS E. MARSHALL: (Inaudible) referred to the Commission during a public meeting.

MR. SPEAKER: Mr. Clerk.

MR. MACKENZIE: Thank you, Mr. Speaker.

There is a little issue here and I am not quite sure, as members, which way the Commission is tending here. The evaluation of the responses to the proposal call will be done against certain criteria previously established. The body that does this evaluation - there is a scoring mechanism you would use - should not be sort of overridden by others, it would seem to me. If, indeed, the full Commission wants to evaluate all of the proposals and make the final decision on which response they should accept, I think the Commission has to engage in the complete evaluation process, receive the copies of all of the proposals, score it against the pre-established criteria, and then compare the results and see who the ultimate winner is. It would be a bit of a cumbersome process if the full Commission were to do it.

MR. SPEAKER: Ms Michael.

MS MICHAEL: Yes, Mr. Speaker, besides being cumbersome it would really slow things down. We have a hard enough time now getting all of the Commission together for our meetings. The purpose of a subcommittee would be to expedite matters, I think, and to do it more efficiently. From

that perspective, I think a subcommittee is the way to go.

MR. SPEAKER: Ms Marshall.

MS E. MARSHALL: Yes, Mr. Chair, I recognize, and I don't have any problem with the subcommittee doing the work and doing the evaluation, et cetera, but I think that the final recommendation should come back to the Commission, because the Commission operates in a public forum. I think that we should be very conscious of the transparency and the accountability aspect of the Commission hearings.

While I have no problem with the work being delegated to the subcommittee, I think that it should come back in the form of a recommendation for a final decision by the Commission, the work of that subcommittee.

MR. SPEAKER: Mr. Parsons.

MR. PARSONS: Thank you, Mr. Speaker.

I would concur wholeheartedly with that comment, notwithstanding our *Robert's Rules of Order*, I guess. We don't have a seconder for our motion again, but anyway just to clarify the motion again, it is certainly my understanding that as a Commission we may have the authority to delegate a piece of work, but I do not think we have the right, or it would be proper, to delegate the decision. Therefore, the work of the committee - by all means, if they want to put a recommendation there it is fine, but any decision that is ultimately made must come back to this committee for ratification and it should be done again in a public forum. The same way we are having this discussion now to set it up, the decisions and recommendations should come back here for decision.

MR. SPEAKER: Mr. Marshall.

MR. T. MARSHALL: Mr. Speaker, first of all I apologize for having to have left this

Chamber for the past half hour. I have other duties as well and there were other suppressing duties I had to attend to. My understanding is the debate has been over whether or not this Commission should set up a subcommittee to prepare the criteria, to seek proposals and to look into the resources piece, and that the debate was over whether the subcommittee would have the right to make the decision or to choose the person or choose the consultant who was to do the work. I would agree with the comments made by the hon. Member for Burgeo & LaPoile that the committee should do this work but the ultimate decision as to who should carry out the work should come back to the full Commission.

MR. SPEAKER: Ms Michael.

MS MICHAEL: Mr. Speaker, looking at the fact that our next meeting is February 6 and we have already said that we want it done quickly, if the subcommittee knows that February 6 is our next meeting and the people chosen for the subcommittee realize that they have to be able to work right away, I think we should be able to have a recommendation to the Commission by February 6, which seems to me to be quite expeditious really.

MR. SPEAKER: February 6 I guess we could change. The Commission is always open to change. The intention was to have the February 6 meeting as a strictly in-camera meeting to deal with budgetary items in the offices of the House of Assembly, but if the membership is as such, that we can have a quick meeting prior to or somewhere during the in-camera session to deal with this particular item, if it is time-framed that it can be accommodated at that particular time, then the Chair sees no reason why we cannot accommodate that request.

I refer this to the Chair to see if he has any problems or if he foresees any problems.

MR. MACKENZIE: I apologize, Mr. Speaker, I was speaking with Ms Lambe. I

am not quite clear what the suggestion was, what we would do on February 6. I can say, on February 6 it would be a very long agenda. We will be going into the afternoon, we will be doing the budgets for all the statutory offices of the House of Assembly. There are lots of changes this year so I expect it will be quite a long meeting. We had booked the executive boardroom in West Block. If we are to do another piece of work which is not a Budget matter that is properly done in camera we will have to come back to the House. We would have to set a precise time to book the broadcast time and so on. That is not to say it cannot be done.

While I am speaking, I must confess I am still confused as to what the Commission wants or what motion perhaps is on the floor. Mr. Parsons was working towards one, whether we have it yet....

I might ask Ms Lambe to speak to this. If we issue a Request for Proposals - and as I say there are criteria to evaluate them - if indeed the Commission wants to make the final decision as to what consultant will do this, the entire Commission should be the evaluation committee. I will defer to Ms Lambe on this as she explains it. My personal sense is a subcommittee could probably handle this just as readily as the seven members of the Commission. I seem to be hearing both approaches here. I think it is accepted that the ultimate recommendations for caucus resources must be decided by the Commission, but I am just not clear as to if there is an intermediate step of coming back to the Commission to select the individual consultant.

MR. SPEAKER: Before we get into a couple of things going here at one time, maybe I can ask Mr. Parsons for clarification, to repeat his motion, and then we can vote on the motion and move that out of the way before we get into what the agenda of another meeting is going to be.

Mr. Parsons.

MR. PARSONS: Okay, let's see if I can summarize this. I would move that we strike a subcommittee of the Commission which would consist of four individuals, one chosen by government, one chosen by the Official Opposition, and one chosen by the third party. Those three individuals would choose a chairperson. That committee would devise terms and conditions for selection of a consultant, advertising for and selection of a consultant, who would consider and give a recommendation as to how Opposition caucus and government resources, research resources, should be handled in this Province. That selection committee, once they have their terms and conditions designed, would go to the public and solicit invitations from individuals to do that work. That selection committee would choose the person to do that work, based upon those criteria. Once the consultant provides and completes his or her work, that report will go back to the subcommittee that would pass it on to us here in the Commission, along with a recommendation, and we will make the ultimate decision as to what and where we decide to go with that piece of work.

MR. SPEAKER: The Chair is still not hearing consistency. I will go back to Minister Rideout, but the Chair is still not hearing consistency in what the hon. Member is suggesting; and where he is not hearing the consistency is the person or the persons who will do the piece of work coming back to the Commission. The Chair did not hear that.

MR. PARSONS: I think I left that out, that the selection committee should make it known to the Commission who they recommend to be the consultant, a recommendation, and the Commission would then accept or reject that recommendation as to who the consultant would be.

MR. SPEAKER: Just for clarification as well - and the Chair hates to be picky but

sometimes it is better to do it now than later - when Mr. Parsons started to make his comments he said a four-person committee. Did he mean three or was his intent to have four and somebody else selected outside the committee to be the chair of that committee? The Chair is looking for clarification.

MR. PARSONS: My suggestion was that each party represented here, the government, the Official Opposition and the third party, would appoint somebody to the subcommittee and those three persons would, amongst themselves, pick a chair. That would be the fourth person.

MR. RIDEOUT: Where would the Chair come from? (Inaudible).

MR. PARSONS: (Inaudible).

MR. SPEAKER: Just for clarification, Mr. Parsons: an independent chair who would be over and above the three, the government member, the member for the Official Opposition and for the third party?

MR. PARSONS: I just proposed that. I am just referring, for example, to - what comes to mind is the CNLOPB type of setup whereby the federal government appointed one, the provincial government appointed one and between them they appoint a Chair. That is my only reasoning. If there is some way to make it more easily workable that is fine too. That is the template.

MR. SPEAKER: The Clerk.

MR. MACKENZIE: It is still a bit unclear, because Mr. Parsons used the term selection committee, but from this description the committee will select nothing. The committee will bring everything back to the Commission. It is the Commission that will select. I am not sure, other than a bit of logistical efforts, what this Committee, this sub-committee, could accomplish.

I will ask Ms Lambe to speak to the process of evaluating the responses. As I mentioned

earlier, if it is the Commission that is going to decide the consultant the Commission must be the body that evaluates each and every proposal. If we get fifty proposals, the Commission, each of you individually as I understand it, will have to participate in the scoring and evaluation of those responses.

Ms Lambe, could you speak to this?

MR. SPEAKER: Ms Lambe.

MS LAMBE: I agree with the Clerk. The consultant guidelines talk about a selection committee. I do not know them in detail, I will admit, but it is my understanding - and I have been on selection committees before for hiring audit services, and basically the selection committee evaluates each proposal based on a criteria that was set in the Request for Proposals. Their decision is the decision, because what you are talking about here is the scoring and whoever comes out top is the person that gets it. There is no provision to go around that decision or to move that decision to the Commission, as far as I can see, for a further recommendation. They could take it for ratification but not really for a decision, because the selection has to be based on evaluating each one of these proposals.

The only way I can see, if the whole Commission wants to select who the consultant will be, is for the whole Commission to evaluate all of the proposals

MR. SPEAKER: Ms Marshall.

MS E. MARSHALL: Mr. Speaker, I can speak to a process I was involved in. That was a number of years ago but there would be a committee that would do all of the detailed work, but it would recommend to a higher committee, whether it is Cabinet or a committee within the department, and make a recommendation that a certain consultant be appointed, but it would be recommended up the line as opposed to making a decision.

The concern that I have - and I mentioned it a few moments ago - is that, you know, the Management Commission is established by legislation. I mean, we have a role, a statutory role. Does the Commission have the authority to delegate the selection of a consultant to a subcommittee? Bearing in mind the work that had been done by Justice Green, the issues of transparency, accountability and things of that nature, I am very concerned about the Commission appointing a subcommittee and making a decision with regard to the selection of a consultant sort of behind closed doors and not coming back to the public forum.

MR. SPEAKER: Ms Michael.

MS MICHAEL: I guess I want to speak to two points, Mr. Speaker.

I will go first in direct response to Ms Marshall. I am not sure that hiring someone to do a piece of work cannot be done in the way that is being suggested without going back to the Commission. I am not fixed in either way on it, but legally I am really not sure that it really matters if it comes back to the Commission. Maybe we need some further ruling on that, I do not know. I am open to doing it, fine, but if doing that means what Ms Lambe is saying, that the whole Commission then has to be the evaluation committee, I think we are slowing ourselves down by months. We will not be ready for February 6 that is for sure. That does not make sense to me if that is what were to happen.

Coming back to the other point, I would like to speak to Mr. Parson's comment with regard to a chairperson. You see I see this subcommittee as a working group of the Commission. It is not a body that needs an outside chairperson to moderate the work. It is just a working group of the Commission, so I do not see the need for this fourth person. We are just naming and we are here - yes, all three bodies from the House of Assembly are represented but we are a working group to manage the House of

Assembly. We are going to name a subcommittee and we still want the same kind of representation, but for goodness sake I do not think we need somebody who has to manage the working group. I think the three people can manage themselves. It just does not seem to be necessary to do that. I just wanted to make that point.

Back to the other point: If it meant that the whole Commission had to be the evaluation group, then no.

Thank you.

MR. SPEAKER: Any other comments?

Before we recognize the next speaker, it being 12:17 p.m., we have booked airtime and I know members have schedules as well and there are still a fair number of items on the agenda, is it the wish of the Commission to extend the airtime and the broadcasting time beyond 1:00 p.m. to deal with the necessary business? If so, then maybe the Commission can give me some idea of what time we can extend to. I don't see a lot of the other items here taking up a lot of time for debate or discussion, but nevertheless it needs to be brought forward and people need to have an opportunity to express their views or opinions. Suggestions?

Ms Jones.

MS JONES: I can only speak for myself, of course, but I did clear my schedule until 4:00 p.m.

When I looked at the agenda I thought we would be taking most of the day, so I certainly have no problem with you extending the airtime. I do not know what everyone else's schedules are for today.

MR. PARSONS: All clear here.

MR. SPEAKER: All clear?

Mr. Marshall.

MR. T. MARSHALL: The agenda indicated the timeframe would be 9:00 a.m. to 1:00 p.m.

MR. SPEAKER: Yes.

MR. T. MARSHALL: So I have made commitments for this afternoon. I mean, obviously if we are going to carry on it has to be televised so that people can see what is happening here, but I cannot go to 4:00 p.m. or 5:00 p.m. again.

MR. SPEAKER: The Chair does not think there would be a need to go to 4:00 p.m. or 5:00 p.m. I think if we had probably an hour-and-a-half at the most then we would be through this piece of business once we get this issue here clarified.

MR. T. MARSHALL: Okay.

MR. SPEAKER: Everybody agreed that we extend the time until 2:30 p.m.?

Ms Michael.

MS MICHAEL: I guess I feel that we should extend it until needed. I do not mean until 10:00 tonight, but we were asked to clear our day if we could and we do have quorum. I am not saying that it is not necessary to have all of us here, but if Mr. Marshall has to go we still have five members of the Commission here if we are not finished by 2:30 p.m. I would rather see us get the agenda finished than have more stuff hanging over again, especially since February 6 is not going to be a meeting where we can deal with general stuff. The agenda is already set for February 6.

I am ready to stay until 4:00 p.m. and I would suggest if the majority of the Committee is ready to stay until 4:00 p.m. we should book it in case we need it until 4:00 p.m.

MR. SPEAKER: Any other comments?

Mr. Marshall.

MR. T. MARSHALL: I was not told to book the whole day, the agenda indicates 9:00 a.m. to 1:00 p.m. It said 9:00 a.m. to 1:00 p.m., so I assumed it would end at 1:00 p.m. and then I could do other things after 1:00 p.m.

MR. SPEAKER: That is why the Chair is looking for some agreement, I guess. It is my understanding that the next meeting, February 6, it was suggested that we book for the whole day. The time of this meeting was clearly 9:00 a.m. to 1:00 p.m. The other thing that we can agree to do - and this is somewhere we are going to have to go in the future, and maybe we can start for this afternoon. It seems to be very difficult to get the full Commission together in total. Maybe what we can do on a go-forward basis is if we can get a quorum for the meeting then the meeting will proceed. If there are contentious items on the agenda or items with sensitivity that should have the full Commission then, by the Clerk making up the agenda or if issues come from the floor, we can allow those particular items to be discussed to be deferred. That might be a way of going forward.

Not every item on the agenda is a contentious item, not every item on the agenda is going to have the Speaker voting to break ties, so maybe from here on in and starting this afternoon once we get a contentious item laid aside and dealt with, we can do the regular business of the Commission and we only need a quorum. If that is the way that we can proceed I think it might be the way that we can do the business of the Commission and do it in a timely fashion.

Comments?

Mr. Rideout.

MR. RIDEOUT: I am sorry. I missed what your suggestion was.

MR. SPEAKER: What I am suggesting is that on a go-forward basis as we look at future meetings a quorum might be suffice to have a meeting unless there is a contentious issue that requires a vote or that members might need to be part of in order to carry forward. A lot of the items for the Commission to discuss do not require a vote. A lot of the items on the agenda are done by consensus. If it is a contentious item, we can either not put it on the agenda if it needs to be dealt by the full Commission, or if there is business arising from the minutes to have it deferred where a full complement of the Commission is present in order to carry out that vote where all members would have input. It has been a problem in the past and with all organizations and groups, it is difficult to have 100 per cent attendance at all times. In order to do the business of the Management Commission, it is clearly stated what a quorum is and we should abide by that quorum unless there is a need to have the full Commission present.

Mr. Rideout.

MR. RIDEOUT: Can I speak to that, Mr. Speaker?

MR. SPEAKER: Sure.

MR. RIDEOUT: Thank you, Mr. Speaker.

I mean we are off on another little tangent here now and I appreciate the necessity to do that. Generally speaking, I would agree with what you say, but at the same time there is a quorum and most times we operate by consensus. However, if an issue arises that is contentious, I certainly couldn't give concurrence in advance on behalf of the government, that we would allow a vote to take place that the government is adamantly opposed to and we are going to lose because there is not a government member present. I mean, we all have responsibility but the government has some responsibility here as well. It is not inconsequential that there are two members of the Executive Council on this Commission. There is that aspect of it.

We manage the affairs of the House, yes, but I guess what I am trying to say, without causing anybody to be upset is, if there is a consensus, fine, but if there a requirement for a vote then I do not want to be in a position where I am here alone or I am here with only one other member and three opposition members are going to vote down what the government wants to put forward, or a motion that the government might want to have voted on when the Commission has a full compliment. Consensus where we can go, yes, but we cannot give up our rights and responsibilities and our role as government either.

MR. SPEAKER: The Chair recognizes that and that is why the Chair stated and said what he did. In the future whatever is on the agenda is going to be provided to every member. If the member feels that it is an item that he or she does not want discussed, then by making a call to the Clerk or myself it will be clearly stated at the beginning of that particular meeting that this item will be removed or will not be up as a topic of discussion, because. That is all I am asking for and I think we can proceed and we can do a book of business without having 100 per cent of the Commission present at all times. The Chair would certainly be cognizant and be sensitive to exactly what Mr. Rideout suggested, and that was my comment when making it and my reason for making it in the beginning.

Mr. Marshall.

MR. T. MARSHALL: Thank you, Mr. Speaker.

I guess in making my comments I have a question dealing with the ability of the Commission to delegate any decision making authority to a subcommittee. I do not know if that is dealt with in the legislation or not. I would like an answer on that.

With respect to the motion that Mr. Parsons put forward, one of the criticisms of the old IEC was that the government had a majority. I remember when I was first elected and came into the House, the Leader of the Opposition at the time, Mr. Grimes, made a comment: Oppositions have their say and governments have their way. I was pleased, with respect to the House of Assembly, that Chief Justice Green suggested in his report that that majority of the government be done away with, and instead that we would have a situation where there would be two government members, or at least an equality of government members and Opposition members, on this House of Assembly Management Commission.

I know also, with respect to a quorum for this Commission, that there has to be at least a government member and there has to be an Opposition member from either of the Opposition parties. To maintain that equality I think the Committee, or the subcommittee that is going to consist of four committee members, whereas right now it is comprised of two Opposition members and one government member, I would suggest the equality again and that we have two government members, a representative of the Official Opposition and a representative from the third party. That could be the subcommittee that would do the work. That is the equality on the Commission and I think that should be the equality on any subcommittee.

I am also wondering whether we could delegate to the Clerk and the officials of the House of Assembly to prepare the criteria. If officials could prepare the criteria and then issue the Request for Proposals or limit the Request for Proposals, whatever it is, at that point we could have the whole Commission do the evaluation of the proposals that came in. All of the proposals will be put forward and the Commission, sitting as a total group, could make the analysis and then make the final decision.

MR. SPEAKER: Before I recognize Mr. Parsons, the Chair needs direction again. Should the Chair ask the broadcasting time to be extended? Is there a time specific?

WITNESS: (Inaudible).

MR. SPEAKER: Until 3:00 o'clock.

Maybe we can ask if the broadcasting time can be extended until 3:00 p.m.

Thank you.

Mr. Parsons.

MR. PARSONS: Mr. Speaker, first of all I go back to the comment about the three or four person committee. I agree with the comments of Ms Marshall and Ms Michael. If we want to put one person there each that is fine. I do not believe in the numbers game the Minister of Finance is playing. It is equality stuff again. The government members on this committee, with all due respect, seem to have some hang up on that stuff sometimes. You know, contrary to what the Minister of Fisheries said he is not here as a Member of the Executive Council, even though he is. He is here as the Government House Leader, the same as I am here. I am not here as a member of the Official Opposition, I am here because I am Opposition House Leader. That is how this is structured.

Notwithstanding the equality comments of the Minister of Finance, it is also Chief Justice Green's recommendation as to what a quorum is. That is why he struck what a quorum was and said you could have a quorum without necessarily everybody being here, because he saw that it had to be public but we have to work. It has to be functional. I do not care whether on this subcommittee we are going to strike we have ten people or where they are from. All I am suggesting, I think, is that it is practical that if there are three groups represented here, one being government, one being the official Opposition and one being

the third party, lets each put a representative there, design the mandate and go get the work done as such; and they come back to us. No decision should be made unless it is done by us. We cannot abrogate our responsibilities to do that.

With respect to Minister of Finance's suggestion again, that the clerk do it or the House staff, with all do respect to them I do not think they have the full appreciation or comprehension of what we need to do here. The issue here is what resources we need for the government backbenchers and research staff and so on for the Opposition. With all due respect, I do not think we need a bureaucratic approach to that. If they want to have a role in it, fine, but I think we need people - and that is the whole purpose of striking the committee, a subcommittee, is that we would have an opportunity to have persons there who are aware of what you need and what your needs are in Opposition or if you are a government backbencher. That is the whole purpose of it.

With all due respect, Mr. Mackenzie does not have any experience as being a government member or a backbencher. It is not that he cannot learn it but I am just saying, why do we need to design another learning curve for any bureaucratic presence when that is the whole purpose of having our committee. These people, whether it is someone that the third party should select or we select or the government select, they will be bringing their experience to the table to understand what it is we need from a resources point of view, and when we are going to design these Terms of Reference for a consultant, what kind of stuff you need to consider to put in there.

I think the motion I made was considerate, input accepted from everybody here. I am not being inflexible on it. I agree with Ms Marshall, for example, we only need to put one there each. We do not need a chair. Let them come up amongst themselves with the Terms of Reference to go get this consultant and get the consultant and come back to us

and let us make a final decision as to who it is going to be.

MR. SPEAKER: Ms Jones.

MS JONES: I also want to pick up on the recommendation of Mr. Marshall with regard to the Management Committee evaluating all of the proposals. I have a problem with that. I think we need to look at a committee, whether it is called a subcommittee or a select committee, I guess we can determine that, but I think the purpose of that committee that will represent the interests of all the Management Commission members and the parties they are affiliated with at that committee level should be the people to evaluate the proposals and if they want to make a recommendation to the Commission for our consideration, that would be the more appropriate process.

MR. SPEAKER: Ms Marshall.

MS E. MARSHALL: Mr. Speaker, I would like to put forward a motion after hearing what everybody had to say. So, could I just forge forward?

MS MICHAEL: Point of order, we have a motion on the floor.

MR. SPEAKER: Well, I am not so sure that we have a motion. We are still trying to put together wording for a motion. Nobody has heard a motion concisely stated. We are still trying to get that motion on the floor for debate. So, no, we do not have a motion as such because we do not have the wording.

Ms Marshall.

MS E. MARSHALL: (Inaudible) forge forward. I move that the Commission appoint a three member subcommittee to call proposals for the review of caucus resources. The subcommittee is to evaluate the proposals received and recommend to the Commission that it appoint the

consultant identified as the successful bidder.

MR. SPEAKER: You have all heard the motion. Is there a seconder? Made by Ms Marshall, seconded by Mr. Parsons.

Comments?

MS JONES: The only comment I would make is to ensure that it would be the committee as well that devised the Terms of Reference for the proposal call.

AN HON. MEMBER: A subcommittee?

MS JONES: Yes. Okay. I just wanted to clarify that.

MR. SPEAKER: Any further comments?

MR. MACKENZIE: Mr. Speaker.

MR. SPEAKER: The Clerk.

MR. MACKENZIE: Thank you, Mr. Speaker.

A small matter, just before it is lost sight of, back to Minister Marshall's question. The act is silent on delegating the subcommittees but it does say you can delegate. The Commission by directive can delegate a power due to the Speaker or the Clerk, then there are certain matters that have to follow from that, and the Commission shall remain accountable for decisions as if it had made them. So, if something is delegated to the Speaker, otherwise the Commission remains responsible for that decision. You cannot delegate away that accountability. That would seem to be appropriate in this instance.

MR. SPEAKER: Any debate on the particular motion as put forward by Ms Marshall and seconded by Mr. Parsons?

Mr. Marshall.

MR. T. MARSHALL: I am going to repeat again that this Commission, on the advice of Chief Justice Green, proceeds on the basis of equality between government and Opposition. I have concerns with this subcommittee which provides a majority to the Opposition. I would suggest an amendment to the motion, that that three-person committee become a four-person committee comprised of two government members, a member from the Official Opposition and a member of the third party. I would point out that with respect to a quorum, once again equality is provided for in the quorum. The quorum provides for a member from the government and a member from the Opposition.

I would move that amendment, if there is a seconder.

MR. SPEAKER: The amendment has been clearly stated. Is there a seconder for the amendment as put forward by Mr. Marshall?

MR. RIDEOUT: I will second the amendment.

MR. SPEAKER: It is moved by Mr. Marshall, seconded by Mr. Rideout, that the motion as put forward by Ms Marshall be amended.

Mr. Parsons.

MR. PARSONS: I will just comment on the amendment, Mr. Speaker. I think we are not talking here about we cannot delegate our authority to make a decision. That has already been agreed to by everybody. We are not talking about equality as understood by Chief Justice Green in his report on this committee. We are talking about three persons who are going to set up a Terms of Reference. There is not going to be a decision made by that committee. That decision is going to rest here. The membership of this committee will decide what the decision is going to be. All we are doing in this committee - we do not need to get wrapped up in these numbers games

again about who gets to do what. I can see where the numbers game is relevant if the committee was going to make a decision, but the committee is not going to make a decision on anything. They are not going to make a decision on who the consultant is, that is going to be done back here, and we already know what the voting setup is when it comes to this Commission. So, I do not see why we again need to get into this numbers game of: oh, you got two, we got to have two. We are trying to get input at that point from the different stakeholder groups.

For example, the government has an interest here of what we need for backbenchers. We as an Official Opposition have an interest and a third party interest. That is all I am trying to say at this point. I am not giving anybody voting rights. Let's just get the perspective of these three different groups that happens to make up our House of Assembly right now. That is all I am saying, and I think it is absolutely unnecessary to have this amendment.

MR. RIDEOUT: Mr. Speaker, if I could have a word.

MR. SPEAKER: Mr. Rideout.

MR. RIDEOUT: I guess it boils down to, as I understand the main motion, is that the subcommittee would do its work and make a recommendation to the Management Commission. Now once the subcommittee does its work and makes a recommendation of course we are free to accept or reject the recommendation but it is going to be pretty tough to reject a recommendation coming from a subcommittee of our own if they only provide us with one. I mean you may very well have fifty consultants that apply and the subcommittee goes through and does an analysis and comes up with one recommendation to this Commission. What are we going to do then? That recommendation perhaps reflects the consensus of two of the three members who are on the committee. You know it is not being picky or hard to get along with or

playing numbers games or anything else, it is talking about reality. The reality is that if we are going to have a subcommittee of this Commission to go out and call for proposals and evaluate the proposals and make a recommendation, then you know we are going to be in a position of having to reject the recommendation or live with the recommendation. I guess all my colleague is saying is that to have the balance of the Commission reflected on the subcommittee that that possibility be preempted by having a balance on the committee. That is the way I understand it.

MR. SPEAKER: Mr. Parsons.

MR. PARSONS: My concluding comment. I am not in disagreement with having two and two, do not misunderstand me. I am just saying I think it is unnecessary and if you are going to put the two and two in there, if we want and expect to get a recommendation, if we are going to have this equality, two and two again between government and Opposition, you have to go the full gamut and put in some way to get a recommendation rather than a tie. So in which case, are we again - like in the case of the Commission, Justice Green's response and answer to that was add the Chair as the (inaudible). So, if we are going to add equality, add another person two and two, we have to go the full step again and complete it and say: Okay, the Chair will also sit on that subcommittee in the event of a tie. We have to build in some provisions if we are going to go there otherwise we could end up with a committee, go through all this work, they disagree and we never hear back from them because they say we never could make a recommendation. If we could just complete the process, is all I am saying. If we are going to do it, let's do it right.

MR. SPEAKER: Any further comments?

Ms Marshall.

MS E. MARSHALL: Mr. Speaker, seeing there is so much discussion and dissention

on this issue perhaps what we should consider is to have the officials do the detailed work. Even though Mr. Parsons has said that Mr. MacKenzie has not fulfilled the role of an elected official, the officials have prepared proposal calls and members of the Commission are available to provide information and that would probably be the best alternative.

MR. SPEAKER: Ms Michael.

MS MICHAEL: Thank you, Mr. Speaker.

I was going to make exactly the same recommendation that I do not think we should spend any more time on the politicization of this issue. Let's give it to staff to do it but ask staff, as they do the Terms of Reference, if we could have input, not only if we could, we should have input into the Terms of Reference. That can be done though electronic communication to make sure that the content around the mandate of the person we hire to the specifics of the job, we feel satisfied that the Terms of Reference cover it because I just think we are wasting time here right now and I would much prefer that we pass it over. It is a very simple task that we want done here and we have all agreed to a totally open process in doing it. We have all agreed that we know there is going to be tendering involved, whichever way that is, whether it is the fully open or the shorter term but we understand there will be a tendering process. So let's give it to the staff to do.

MR. SPEAKER: Ms Jones.

MS JONES: What has resulted here again this morning is absolutely ridiculous. It seems like every time we deal with an issue at this Management Committee level we get bogged down for the past - since what? Almost two hours now, an hour-and-a-half of discussion around this issue and we have gotten absolutely nowhere. The only thing that we can conclude at this point is that we cannot agree as a Management Committee to even put a subcommittee in place to carry

out work and responsibilities that needs to be done. I think that is absolutely ridiculous. I honestly do. If every time we deal with an issue here that could afford some benefit or resource to one party over another, we have to get into a political argument over representation and all of these kinds of things to the point that it gets thrown off the table and referred back to the bureaucracy to be dealt with, I do not see the function of our committee being very effective on a go-forward basis. That is exactly how I feel.

Anyone who has been watching this, this morning, has to be shaking their head at this point to know that there are six people here who are elected members, who are leaders in government and Opposition and cannot give and concede to the point of striking a committee to review a piece of work. It is ridiculous, Mr. Speaker, I have to say to you. I totally disagree with the recommendation that has been put forward by Ms Marshall and Ms Michael. I think that although it is looked at as a last term option, I think that in making a move like that speaks entirely to the aspect that our committee is nonfunctional and unable to deliver results on the smallest, minutest issues when it comes to carrying out the business that we have been assigned to do.

MR. SPEAKER: Any further comments?

Before I recognize Mr. Marshall, I might add again. In order to provide the broadcasting here into everybody's living room there are things that happen and right now in the snowstorm we have a person up behind Roger's Cable in a small room and has been there since 8:45 this morning. He is wondering if we are going to have a break for lunch, and I think we should. So, for his information maybe we will break from 1:00 o'clock until 1:30 for lunch.

Ms Jones.

MS JONES: (Inaudible) a motion moved and seconded and an amendment moved and

seconded on the Order Paper that I feel needs to get dealt with. In addition to that, there has been an alternative recommendation put forward and I think before we can deal with that recommendation we need to deal with the motions and I do not think we should carry through lunch and leave that on the Order Paper.

MR. SPEAKER: We have fifteen minutes to deal with the motion that has been put forward. We have to be sensitive to an individual up in the woods by himself, and that is all I say to hon. members. So I ask members to take that into consideration. There will be no business pushed aside. Everybody will have an opportunity to debate and continue. If it is 1:05, 1:10 that is fine as well but we need to identify a time when we can take a recess.

Mr. Marshall.

MR. T. MARSHALL: I was simply going to say that I disagree with the Leader of the Opposition. This Commission will work. This Commission has to work. In terms of numbers, we deal with the numbers that Chief Justice Green recommended.

Previously, under the old IEC, government had a majority and that was considered wrong, that this was a Committee of the House of Assembly and that the government should not have a majority on the Commission, so he recommended equality.

Now, the Leader of the Opposition is fine if a Committee is set up in which the Opposition has a majority. Well, that is not what Chief Justice Green said either; that this Commission consists of two members of the government, two members of the Opposition, and the Chair, the Speaker's Chair.

If Mr. Parsons feels that should be followed with a subcommittee then I certainly would accept that, because I think that recognizes what Chief Justice Green recommended and

also provides a Chair to come up with the final decision, and I think that can work quite well. I would recommend that the Speaker sit on that subcommittee as well, to be that Chair. Is that fair?

MR. SPEAKER: Ms Jones.

MS JONES: Thank you, Mr. Speaker.

I just want to clarify for the record that I don't think that having three members is appropriate only because the Opposition would have more votes than the government. I think that is not an appropriate comment and I don't appreciate it, but what I would say is this: There is an assumption here that, because there are two parties that sit as Opposition parties in the House of Assembly, they are going to be in cohorts or in cohesion on all issues. That is definitely not the case, so it is a wrong assumption by members who might make that.

I looked at it from the perspective that there are three political parties represented in the Legislature of Newfoundland and Labrador at the current time. Each of those parties would have a representative that would represent their interests in outlining the Terms of Reference and the guidelines for a proposal call and in evaluating those proposals. I have always seen the Management Commission as having the ultimate power to then reject or approve that recommendation, and therefore the Management Committee would have the balance of power that the minister now refers to as being equal.

I just wanted to clarify that for the record.

MR. SPEAKER: Mr. Parsons.

MR. PARSONS: Thank you, Mr. Speaker.

Just to formalize it again, I guess, given the Minister of Finance's comments, I would move an amendment to the amendment: that

the Speaker should act as Chair of that subcommittee.

MS JONES: As the fourth person.

MR. PARSONS: As the fourth person on that committee – or the fifth person, actually - the fifth person.

MS JONES: Why the fifth?

MR. PARSONS: Two, two, and the Speaker would be the deciding vote, the same as the structure on the committee, on our Commission.

MR. SPEAKER: Is the Chair ready for the question?

Mr. Marshall.

MR. T. MARSHALL: I don't know if Mr. Parsons' mike was on when he said what I just heard him say, but I think his amendment is that the committee would consist of four: two members of the government, two members from the Opposition, and the Speaker would sit on it as Chair. If that is the proposal, that is certainly acceptable to me.

MS JONES: That was an amendment.

MR. PARSONS: That was my amendment to your amendment.

MR. T. MARSHALL: Yes, okay.

MR. SPEAKER: A sub-amendment has been proposed by Mr. Parsons, seconded by Ms Michael, and the Clerk will read the sub-amendment.

MR. MACKENZIE: I will take a stab, with a little editorial license, because we don't quite have Minister Marshall's amendment in print, but in essence it is: that the Speaker will act as the independent fifth person to chair the subcommittee.

Minister Marshall's amendment is amended to cover that off.

MR. SPEAKER: Shall the sub-amendment as put forward by Mr. Parsons carry?

All those in favour?

SOME HON MEMBERS: Aye.

MR. SPEAKER: Those against?

The sub-amendment is carried.

Shall the amendment as put forward by Mr. Marshall carry?

All those in favour?

SOME HON MEMBERS: Aye.

MR. SPEAKER: Those against?

The Chair is going to ask again: Shall the amendment as put forward by Mr. Marshall carry?

All those in favour?

SOME HON MEMBERS: Aye.

MR. SPEAKER: All those against?

AN HON. MEMBER: Nay.

MR. SPEAKER: The Chair needs some direction.

The sub-amendment is a different amendment than put forward by the amendment.

MR. T. MARSHALL: The amendment is amended by the sub-amendment.

MR. SPEAKER: The amendment is amended by the sub-amendment.

Mr. Clerk.

MR. MACKENZIE: If I could, Mr. Speaker, I think, having dealt with the sub-amendment from Parsons-Michael, we are now back to the Marshall-Rideout amendment which, having been amended, says: two individuals from government, two individuals from the Opposition side, with the Speaker as the independent Chair.

That is the motion under consideration at the moment, but that is the amendment to Ms Marshall's original motion that is under consideration.

MR. SPEAKER: The Chair is confused, because the Chair's understanding is that the sub-amendment was carried, the amendment should be defeated because it is amended to be acceptable, and then we vote on the motion as amended.

We need clarification.

MR. MACKENZIE: Mr. Speaker, if I could -

MR. SPEAKER: The Clerk.

MR. MACKENZIE: I thought the Parsons-Michael sub-amendment was amending the Marshall-Rideout amendment, so the motion under consideration is the Marshall-Rideout amendment -

MR. SPEAKER: As amended.

MR. MACKENZIE: As amended, yes.

That is what is under consideration at the moment.

MR. SPEAKER: So, the Chair put forward the wrong question. The Chair should ask: Shall the amendment, as amended, carry?

All those in favour?

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Those against?

Carried.

Shall the motion as put forward by Ms Marshall be carried as amended?

All those in favour?

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Those against?

Carried.

Maybe we can take a recess now until 1:30 p.m., return at 1:30 p.m. and deal with the other items on the agenda.

Thank you.

The Commission is now recessed until 1:30 p.m.

Recess

MR. SPEAKER: (Inaudible) the resumption of business with the Commission.

Before we broke for lunch, we agreed on the structure of a subcommittee to look at reporting and doing a review on caucus resources. What the Chair needs now is direction, or, I guess, names of people who will serve on that particular committee. The Chair is open for suggestions. The mere fact of the Leader of the New Democratic Party serving, she would automatically be the person who would represent the third party.

The Chair is open for suggestions as to who the other three members might be.

Mr. Rideout.

MR. RIDEOUT: Mr. Speaker, from our perspective, certainly the Member for Topsail would be our nominee and the Minister of Finance.

MR. SPEAKER: Mr. Parsons.

MR. PARSONS: The Opposition would nominate myself.

MR. SPEAKER: The members serving on the committee will be Ms Michael, Ms Marshall, Mr. Parsons, Mr. Marshall and myself as an independent Chair.

All those in favour?

SOME HON MEMBERS: Aye.

MR. SPEAKER: Against?

The motion is carried.

MR. SPEAKER: The next item up for discussion comes under Tab 8, new business. It is the adoption of ministerial allowances for the Speaker and the Leader of the Official Opposition.

In the past it has been my understanding - and I will ask the Clerk to expand on what I am going to say - in the past ministerial allowances when they were passed by the executive included the Speaker of the House of Assembly and the Official Opposition as well. The Clerk felt that those two positions should be separate from the executive and since the expenses and the positions come under the House of Assembly that we should adopt the allowances for both the Speaker and the Leader of Her Majesty's Loyal Opposition and do it at the Commission level.

Further debate or discussion?

Mr. Parsons.

MR. PARSONS: Comments, Mr. Speaker.

I guess the issue of double standards in certain things will come up later on as the result of the letter from Ms Michael, but I am also wondering - and again I guess the purpose of having it on the agenda now is to decide whether the ministerial expense reimbursement policies as used by the Executive should apply to the Speaker and

to the Leader of the Opposition. The reason I raise it is because it seems like with what the ministerial reimbursement policies are versus what ordinary MHAs have there is certainly a double standard in some regards. I just point that out; if it should be taken into consideration here.

I remember one time, for example, in a meeting we had under the old IEC, the current Deputy Premier made a comment that we should not be treated any differently in terms of the rules. As an MHA or as a member of Cabinet, the rules should be likewise. Just looking at the ministerial piece, there seems to be a couple of inconsistencies, or shall we say double standards, between the executive branch of government and MHAs, and I would just like to point some of those out.

One being on page 5 of the Ministerial Expense Reimbursement Policies, where - excuse me, page 6, in the middle of the page there, 1.4.1. It is the third bullet down. That is in reference to private accommodations. Chief Justice Green, in his report, talked about having rules and consistency and openness and transparency, and I believe there are even comments in there where he suggested that, albeit he was only addressing the MHAs the executive should look at his recommendations as well, and I guess this is where this came from. This is why this Ministerial Expense Reimbursement Policy has been drafted; it is in light of Chief Justice Green's report.

In fact, a lot of the terminology I notice is almost taken right out Chief Justice's Green Report and inserted here. I noticed one difference here. For example, on that third bullet it talks about ministers making private accommodations, that if you are on the Island than you can pay \$53 a night and if you are in Labrador you pay \$71. I understand the distinction maybe between the Island portion and Labrador. Maybe there is an expense, i.e., getting private accommodations. I do not know if that should be the case or not, but it is certainly

different from what MHAs get. Under the Green Report he recommended \$25 a night.

Now, I do not know if it makes any difference whether I go to Burgeo and I have to stay in someone's home or a minister has to go to Burgeo and stay in someone's home. We are getting a bed and a pillow for the night in someone's home, but yet one person claims \$25 and another person claims \$53. That seems to be inconsistent there. I do not know why that inconsistency would be. It is not for me to suggest that the Executives should change their rules. I am not a member of the Executive. That is up to the government what their rules are. I am just pointing out that they certainly did not follow the Green Report in terms of being equal MHAs or ministers when it comes to private accommodations and where you sleep. I think that needs to be considered. Maybe \$25 as recommended by Justice Green was not appropriate for MHAs. Maybe we need to go there.

The next one I would point out is on page 15.

AN HON. MEMBER: Could I speak to that one (inaudible)?

MR. PARSONS: I will put the four of them on the record first, if I could, Mr. Speaker, and anybody who wants to make any comments on them by all means.

I will just point out here again on page 15, 4.3, they talk about ministers. "It is the responsibility of the Ministers to: ensure the purchase of alcoholic beverages is appropriate to the occasion, moderate and reasonable."

Again, on the one hand the executive is okay if you are a minister, for example, provided it is appropriate to the occasion and is in moderation and reasonable to have alcoholic beverages, whereas Chief Justice Green in his report outlawed any alcoholic beverages for MHAs in terms of claims. There is inconsistency there between what MHAs

and Ministers act like. I do not see any difference, for example, if an MHA is entertaining someone or conducting a business meeting and you have a glass of wine. You are not allowed to do it or claim it but yet if you are a minister you are allowed to claim it and do it. Anyway, that is that one.

On page 31, I would point out that under section 8.7, the second bullet there, where it talks about maximum number of trips - and I stand to be corrected here - my interpretation of that is: A minister is allowed forty-eight return trips per year to his or her district. There is no reference here to the number of nights, whereas under the MHAs, when the House is not in session, an MHA is entitled to twenty trips, up to thirty-five nights.

We will be coming back - I will certainly be bringing this back - to the Commission again, because already, since October, the number of nights pro-rated that this member would have had would have been eighteen and I have them pretty well used.

It seems to be inconsistent that an MHA can only come in to conduct business in here twenty trips or thirty-five nights whereas there is no such requirement on a minister as to the number of nights. At forty-eight return trips a year, with no limitations on the nights, that is pretty well all year round you can do, whereas an MHA doesn't get the same courtesy to conduct his or her business.

I realize that a minister may have to be here because he has a department here, he has extra duties to do, other than an MHA, and I have no problem with that. I have no problem at all that a minister can have the forty-eight return trips; that is not where I am coming from. I am just saying that it has to be recognized, which I don't think our rules have recognized at this point, that members and officers of the House, for example - I have duties as an Opposition House Leader, for example, that other

members don't have, that might require my attendance in here. Yet, there is no distinction made for that, or allowance made for that.

You have certain people restricted to thirty-five nights, and you have other people and there are no restrictions on it. I think we need to revisit that, because that is obviously inconsistent again with what Chief Justice Green said.

I notice as well, reading throughout, that for an MHA you are limited to \$125 per night in a hotel, tax included. If you are an MHA and you come into town, or you travel somewhere else, you stay in a Super B or a Super 8, whatever it is, or somewhere that you can negotiate a rate that is \$125. Quite frankly, there are not a lot of places you can get that are less than \$125. In fact, from personal experience, I usually stay at the Hillview Terrace and I had to negotiate a special rate because their lowest rate does not permit that. I was fortunate enough to be able to do that; otherwise, you could be in here for two weeks, or two months, living in a hotel room, for example, with no kitchen facility or whatever.

I just point it out again that a minister can stay in virtually any hotel but is certainly not limited to the \$125, whereas an MHA is. I just think we, as a Commission, have to recognize that as well.

Again, now, we are going to single out two other persons based on this discussion here today - the Speaker and the Leader of the Opposition - and again give certain benefits that the rest of the members don't have.

I just think we need to - it is fine to say pass this today, but we have to recognize these differences and this discrimination, really, and deal with it at some time in the future.

MR. SPEAKER: Ms Jones.

MS JONES: Thank you, Mr. Speaker.

I thank my colleague for pointing out some of the differences that exist within the Ministerial Expense Reimbursement Policies compared to that which has been established for MHAs.

I have a couple of concerns as well: one that I want to reiterate, that has been raised, and a second one.

On page 6 of the Ministerial Expense Reimbursement Policies, section 1.4.1, if you look at the second bullet, it says: reimbursement for the actual cost of temporary accommodation, with detailed original receipts indicating proof of payment, per night actually occupied by the minister.

The concern that I have is - I don't necessarily have a problem, because I think that the recommendation is appropriate and that needs to be there - where I have the concern is that, as an MHA, we are restricted to the \$125 a night per hotel room. I am going to give you an example.

Recently, I just booked to go to a conference in Ottawa, the end of the month, and it is a northern forum for northern communities. Now, I could have attended as the Leader of the Opposition - the Premier and other ministers will be attending that conference as well - but it also impacted directly my district, and there was a delegation from my district attending, so I opted to attend as the MHA for that district.

I realized there was a problem when I could not find a hotel room for \$125 a night in Ottawa. Under the rules, now that I have registered as an MHA to attend this conference and not as the Leader of the Opposition, I am on the hook to pay the additional accommodation expenses myself.

There were four hotels outlined for this particular conference, that you could book. I booked the cheapest hotel, of course, which was \$185 a night. Anything outside of that would have taken me to a hotel on

the outskirts of the city and it would have cost me \$46 each way in a taxi, to be able to attend the conference, which made absolutely no sense to me.

I sat down and looked at this and said, you know, we have to make some changes here. It is fine to provide for rules and regulations that are going to be a good guide for us to carry out our work, but I don't think it should be a restriction to us from doing our job.

I just ran into a situation now where I am restricted from doing my job as an MHA in travelling with a delegation at a northern conference that will deal with everything from health care to transportation issues impacting my district, unless I am prepared to pay for it out of my own pocket. I do not think that the intention of Green, when those rules were established, was to put that burden on MHAs. I honestly do not think that was the case.

While I do not have a problem passing the guidelines that have been outlined for ministers and applying them to the Leader of the Opposition position or the Speaker of the House of Assembly, I want to reiterate the fact that we need to seriously look at those guidelines that govern MHAs and specifically that one guideline that caps your accommodations rate at \$125 a night.

The other issue I want to raise is the second bullet under the same heading and it talks about private accommodations per night; \$53 if you are on the Island, \$71 if you are in Labrador. Again, if I travel to Labrador as the Leader of the Opposition and I stay in private accommodations I can claim \$71 a night, but if I travel there as an MHA on business related to my constituency I can only claim \$25 a night to put my head on the same pillow. I have a problem with that.

I am not suggesting that the rate for ministers is overrated, in fact I think the rate for ministers is appropriate. I think the rate that has been established for MHAs is

highly inappropriate. I have used private accommodations in Labrador on many occasions simply because many of the communities on the north and south coast do not have hotels and oftentimes you find yourself looking for a boarding house or for some other accommodations where you can stay. In fact, I would be insulted to give someone \$25 to stay there overnight and to eat their food and to use their facilities, because I think it is highly inappropriate. It would be underpayment for the service.

Again, I think that we need to review, as a Commission, these two particular items in the benefit agreements and remuneration agreements for MHAs. I do not know if we can do that today in terms of having those discussions or if it needs to be put on the agenda for another meeting. It is highly, I think, inadequate as it stands right now and I do not think there should be such discrepancies existing between an MHA, the Leader of the Opposition or a Minister of the Crown or the Speaker of the House. I think there is a fairer way that we could do this that reflects the actual cost of the service.

MR. SPEAKER: Mr. Marshall.

MR. T. MARSHALL: Thank you, Mr. Speaker.

I have sympathy for the position that the Leader of the Opposition has put forward. I would point out, however, what we have here is called the Ministerial Expense Reimbursement Policies. These are the policies that were put in place for ministers in 1999. They have been amended to reflect the fact that there are some MHAs who are ministers now who live outside the capital region. These rules have been amended to provide for those people who live outside St. John's but who have to come into the capital area for lengthy periods of times in order to perform their duties as Cabinet ministers.

When ministers travel from St. John's to other parts of the Province and when ministers who live outside St. John's come

in here they are entitled to either stay at a hotel and pay the actual cost of temporary accommodations with detailed receipts with economy being expected when booking these accommodations, or if the minister stays in a private accommodation they are entitled to \$53 on the Island and \$71 when it is in Labrador. Again, that has been the rate, I believe, since 1999.

When Chief Justice Green did the similar rules for MHAs he had the benefit, presumably, of these particular rules. Instead of allowing MHAs to have a similar accommodation to stay in a hotel, instead he put a limit on it of \$125 inclusive of HST. I understand that does cause difficulty for MHAs. The alternative, of course, is for an MHA to stay in a private residence and Chief Justice Green did not adopt the \$53 a night for the Island and \$71 for Labrador, instead the rules that he put forward and were adopted by this House provide for a process where the expense of that accommodation is totally interest on a mortgage, taxes, utilities, and that is divided. I believe the figure being used is \$25 a day. It would seem to me that this \$53 a day should apply to both MHAs as well as ministers. That would only seem to be reasonable and fair.

Again, with respect to the temporary accommodation, if MHAs come in and are required to stay at a hotel and a minister can stay at one hotel, at the Holiday Inn, for example - I understand if a minister happens to be a teacher they can get a cheaper rate than that, but others have to go down and stay at a different hotel. I certainly would support the change in the MHAs' rules for the private accommodation, \$53 a night and \$71 a night in Labrador as opposed to \$25, and the actual cost of temporary accommodation in a hotel, with receipts, rather than the limit of the \$125.

I would support what the Leader of the Opposition and the Opposition House Leader have said in this particular case. I would emphasize the fact that these rules -

and I would say to the people who are watching, that this amount of \$53 a night has applied to ministers and it has applied, I believe, to public servants since 1999.

MR. SPEAKER: Mr. Parsons.

MR. PARSONS: Thank you, Mr. Speaker.

I appreciate hearing the Minister of Finance being on record now as being supportive of these changes, but I believe, as well, the protocol would be, since it is in the rules which we have legislated, that it will require a legislated amendment to those rules some time in the future when the House of Assembly is open. I would think, given the minister's agreement with it - and the Opposition parties certainly are not in the position to bring forward such an amendment - that the Minister of Finance or the Government House Leader, whoever is responsible for any amendments to that particular Act, would along with, I am sure, a bunch of other things that are going to come out as we implement the Green recommendations, that the minister would act quickly to make the appropriate amendments or bring the amendments before the House.

MR. SPEAKER: Mr. Marshall.

MR. T. MARSHALL: Thank you, Mr. Speaker.

I would like to respond to that because this is the second time that it has been referred to me as the Minister of Finance in carrying this forward. I sit on this Commission as an MHA. I know when the Leader of the Opposition, at her meeting where we had a disagreement on the amount of resources that the Opposition should have - the pitch is not made to me as the Minister of Finance. This is a decision that the whole Commission has to make. If the Commission wishes to adopt these measures or make these amendments it is not for me as the Finance minister to bring it forward.

I believe there is a process - and correct me if I am wrong - that has to take place where this Commission adopts this, presumably as a resolution, and then brings the matter forward. Now, I seek direction on that, but I think it is not something that I would do because I happen to be a member of the Cabinet. I think it is something that the Commission would do if the Commission decides to proceed in this way.

I do recall clearly that Chief Justice Green said that these were a set of rules to start and after that he said it was up to the Commission to amend the rules if it saw fit, provided that we did it in an open and transparent way and that we did it in a way that there would be lots of debate and lots of discussion and the people of the Province would have an opportunity to hear what we had to say.

With that, I will conclude my remarks.

MR. SPEAKER: A couple of things. It is my understanding that is exactly what has to happen. I will let the Clerk correct me if I am wrong, but when it comes to dealing with changes to the Green Report, especially monetary changes, there has to be a resolution passed by the Commission and it has to be brought back to another meeting of the Commission and then it has to be brought forward to the Legislature for a change in the legislation and that particular piece of legislation has to be done over three different sitting days in the House of Assembly.

Members will also know that Chief Justice Green suggested that in the Forty-sixth General Assembly that members and the Legislature would appoint a committee to not only look at members' allowances but to look at members' pensions, severance pay and other benefits. So, that is a process that will unfold during the Forty-sixth General Assembly as well. But, by all means, if members feel that there are a couple of items here that need to be addressed now before that process takes place, because that is not a

quick process. I think the committee would have 120 days to report back to the House, and if that is the case it would probably be brought forward in the next sitting of the Legislature, but not brought back to report or ratified until the next sitting of the Legislature. So the Commission has every right to pass a motion, to bring it back to the next meeting and when the House resumes sittings, to have it brought forward at that time in order to make some change that need to be made now.

I know in my case I get the grand total of \$10.33 a night when I am in here doing Members of the House of Assembly allowances' work rather than the Speaker's work. I know others who are even getting less. So it is something that needs to be looked at, and I congratulate members for bringing it forward. If there is any further discussion or debate or if there is a motion to be put in place where we can put it in motion right now, then by all means let's hear it.

MR. RIDEOUT: May I ask a question?

MR. SPEAKER: Mr. Rideout.

MR. RIDEOUT: I guess the question - and I probably should know the answer but I don't. I am as stunned as you know what sometimes. If the Commission recommends to the House that certain changes be made to the legislation governing, like for example the allowances and per diems and so on, whose responsibility is that to bring that to the floor then? Is it the government through legislation, an amendment to the House of Assembly Accountability Act? Is it the government's responsibility to bring that forward as a result of a recommendation from the Commission or is it by way of a resolution that flows from the Commission? Like I said, I should perhaps know the answer but I honestly do not. Depending on what the answer is, I may have something further to say as to how it evolves.

MR. SPEAKER: I refer to the Clerk.

MR. MACKENZIE: Thank you, Mr. Speaker.

There are a couple of different processes at work here. If it were salaries - and I guess we are not talking salaries - salaries requires an amendment to this act because the salaries are printed in the act. If it is dealing with the allowances - and while the member's compensation review committee that the Speaker referenced - they can advise on allowances but the Commission is responsible for making rules, so it also could address the rules.

This is in section 15 of the act, section 5, where the Commission proposes to amend or add to the levels of or provisions respecting reimbursement, et cetera, et cetera. It has to prepare a draft of the amendment to be brought to the Commission and circulated, notice of tabling of the draft rule given by the Speaker and read in the House of Assembly if it is in session.

So, the intention to increase or change an allowance would be publicly made in the House of Assembly. If the House is not sitting, it would be given to all the Members of the House and posted on the Web site or so on and then subsequently voted on at another meeting of the Commission. Now, there is a grey area here, and I will not go into it but Minister Marshall and I discussed it some time ago where we sought some advice on which process is at work if you were dealing with something like numbers of nights. Where it is not specifically a dollar level, like a maximum dollar \$125, it is a separate type of ceiling. It is numbers of nights in which you can apply for this dollar figure. There is some grey area there on which process you would use but Green's intention seems to be if you are addressing anything with a monetary consequence the House of Assembly is the forum in which to do it. If it is salaries, it would be the bill. If it is changing rules, I am not sure then if merely a resolution would suffice to do it

because the point of views in the House, I think, is the public disclosure not to talk about it being legislation. The rules are made by the Commission and they are deemed to be subordinate legislation but only that, subordinate legislation, so the Commission can change them. The point of the House is, I think, just the public disclosure element.

If I could, while I have the floor, there are a couple of other matters I might just speak to. With respect to Ms Jones' comments about the out-of-Province travel, there is under your intra and extra constituency allowance you are permitted to do out-of-Province travel as an MHA, and all the rule said was reasonable travel. It did not apply the \$125 restriction, for instance. When we put the manual we looked at that long and hard and we suggested in the manual - which the Commission adopted - that reasonable travel, accommodations and meal expenses for out-of-Province travel for conferences and so on are the same as those in section 38, except for temporary accommodations when traveling outside the Province where actual cost will be reimbursed.

We had to do that, because while you might find a \$125 a night room in St. John's, you will never be able to go to Ottawa, or Toronto, or anywhere else for a conference. So, because the rule said reasonable, that is how we have interpreted it as actual. Having said that, it still eats into your intra-constituency allowance because that is where the money is coming from. So, if you want to spend the additional money for a hotel, you are permitted but you are carving it off your constituency allowance.

MR. SPEAKER: Ms Jones.

MS JONES: I really appreciate the clarification, and it is good news, no doubt about that. The fact that it comes out of my intra, extra is almost irrelevant to me. It is more of being able to do your job and not have to be out-of-pocket all of the time when you try to do that.

But, notwithstanding the clarification on that argument in response to my concern, I still feel there is a need to amend - I guess it is section 38, is it, under the Members' Rules and Regulations - to reflect what has been outlined in the Members' Expense Reimbursement Policy under section 1.4.1. I would still be supportive of moving in that direction. I do not know how the NDP feels, we have not heard from Lorraine yet. If we were to look at that - I guess I need to clarify. Does the committee make a recommendation to move in that direction then from there it is introduced to the House of Assembly? I guess we have yet to determine who would introduce it, whether it would be a government minister or through some other format.

MR. SPEAKER: The Clerk.

MR. MACKENZIE: Yes. It is the Commission's responsibility. So, back to the earlier discussion, it is not governments. The Commission would have to vote and decide to pursue this matter. How it is brought to the House, traditionally, I suppose, it would be the Government House Leader who would take it on, but the act does not speak to that. So, I suppose, conceivably, it could come forward through some other means, private member and otherwise. The act is silent on it. The tradition has been, I guess, that the Government House Leader brings forward matters from the Commission, but that is not required in the act.

MR. SPEAKER: Mr. Marshall.

MR. T. MARSHALL: Just for clarification. So, there is a process. It would have to go through here at the Commission first, which involves tabling and then giving notice of tabling to all members of the House, publication on the House of Assembly Web site and then at the following meeting it would be passed - is that correct? - then it would have to go to the House.

MR. MACKENZIE: It probably would have to go to the House just for the sake of clarity. The wording is a bit unclear. We actually have a legal opinion on the matter as to which would apply if we were simply changing allowances, and it too is unhelpful. It seems to suggest, the wording, that the Commission could do it in and of itself, to increase an allowance, but while technically that may be what the act says, it does not at all seem to be congruent with what Green's Report said about increasing allowances and salaries should be done in the full House. So, I think for safety's sake it should be brought to the House. The Commission should not merely do it here at the meetings, it should be in the House.

WITNESS: (Inaudible).

MR. MACKENZIE: The Commission first, yes.

MR. SPEAKER: Mr. Marshall.

MR. T. MARSHALL: Yes, but it would have to go through the Commission process first and then go to the House and go through the House process -

MR. MACKENZIE: Yes.

MR. T. MARSHALL: - and that way there is lots of notice to the public so they can watch the debate and form their opinion as to whether we are doing the right thing here.

MR. SPEAKER: The Clerk.

MR. MACKENZIE: If I could, I realize the discussion is more comparing MHA allowances to ministers, and there is clearly a difference. It is sort of hard for us to speak to it, I guess. I will just point out that all we were looking for today was the adoption of the ministerial. The conversation has gone a little bit further a field, because really the point today was: Would the Commission agree that the Leader of the Opposition and the Speaker would use the same rules as

ministers? I am not trying to change the debate but that was really the issue at hand.

MR. SPEAKER: Mr. Parsons.

MR. PARSONS: Thank you, Mr. Speaker.

I did not mean to change the intent of the debate but my bottom line was I pointed out those distinctions to say that in its current form I did not feel right about agreeing to them because I do not think it is right that people who operate in government should be treated any differently. It was not a deliberate intent to steer away from having the Leader of the Opposition or the Speaker be denied anything any more than any minister is getting. It is just that I think we need - I will vote for what we have here, the recommendation that the ministerial guidelines for reimbursement would apply to the Speaker and to the Leader of the Opposition, no problem.

MS JONES: Is that a motion?

MR. PARSONS: I will make that a motion, but I wanted to point out that I had these concerns about it and I will be back. In fact, the process that the Clerk referred to I believe, as the Minister of Finance asked about coming back here first, I think his first comment was that it starts with a draft amendment coming from the Commission. So, I think we ought to take what we said here today about these private accommodation fees and hotel fees and the necessary amendment and have the Clerk draft the amendment to bring back to our next meeting.

MR. SPEAKER: Any other comments?

Ms Michael.

MS MICHAEL: Just to put myself on the record, since the Leader of the Opposition pointed out I had not spoken yet, which is right.

I actually agree with the direction of the discussion and the comments just made by Kelvin Parsons. I think we all - well, I think at this table anyway we are recognizing that there are some things in the legislation covering reimbursement to MHAs that are inadequate and if this is the way in which we have come to get at them, that is fine with me because I do not see what is in the ministerial expense reimbursement policies, I do not see anything there that is outrageous. I see it as being realistic, and therefore I think we need to bring in line that same realism with regard to the expenses of the MHAs.

There is one point I would like to make, Mr. Speaker, which would be - it is related but different. I am not asking that we discuss it today but I think it has to go on the table because I will be very uncomfortable if it does not. Since I was elected in 2006, and since my time of being in the House of Assembly, there has been a travel budget for the Leader of the third party. There is travel, for example, that I have done in the Province that is not MHA travel; it is being invited as Leader of the third party, and there is money there for that. I have always been told the money is there and I have spent money under that. However, I am not aware of anything on paper that covers that. So, I feel very uncomfortable that we have something here that deals with the Speaker of the House and the Leader of the Opposition but there is no recognition that in actual fact there is a budget line item in the House of Assembly for the travel of the Leader of the third party and nothing on paper covering it. So, I do not know where we go with that but it is a matter of concern to me.

MR. SPEAKER: Maybe, before we move on, I think we should clue up some of what we are already talking about that is on the floor and then refer back to your comments, Ms Michael.

The motion is, if the Chair is hearing it correctly, that the Commission will adopt

ministerial allowances for the Speaker and the Leader of the Official Opposition.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

The motion is carried.

MR. SPEAKER: To revert back to Mr. Parsons' comments: What I am hearing, Mr. Parsons, is that you are asking the Clerk to draft up a directive to bring forward to the next meeting of the Commission addressing certain concerns as it relates to allowances paid to members of the House of Assembly. I have heard overnight accommodations and I have heard the number of nights. Do we want to have some correspondence between the Clerk and members as to what you need the Clerk to address to bring back in a directive, or is it just those two items at this particular time, understanding full well that it has to come back to the next meeting and another meeting, then it will go to the House of Assembly to be dealt with when the House of Assembly is dealing with it as a directive from the Commission?

Mr. Parsons.

MR. PARSONS: I did not refer to any detail when I was talking about the number of nights. I obviously think they are inadequate as they currently are. It depends on any given MHAs responsibilities and it depends on what the workload is. You may have to come in thirty times a year for appeals on thirty different days and then you do not have enough nights to do it, and so on. To me, there are two options: either you adopt again what the ministers got, which I do not necessarily think is needed for an MHA, or we can put in some simple clause. For example, if an MHA needs for any reason to exceed his thirty-five nights he must have the approval and permission of

the Speaker in advance, something like that, at least some discretionary that is not a hard and fast rule whereby under no circumstances can an MHA exceed the thirty-five night rule.

If he has a justifiable case, the same as his or her absence from the House, you go to the Speaker for a ruling on it. Chief Justice Green, in his report, contemplated that. I think the simple easy way around it is leave it at the thirty-five and say, if a member has got to exceed the thirty-five it is permissible providing the Speaker gives his concurrency in advance, his approval in advance.

AN HON. MEMBER: And report it to the (inaudible).

MR. PARSONS: And reports it to the House and so on, who exceeded their thirty-five days and so on and that it was done with the approval of the Speaker.

MR. SPEAKER: Yes, the Speaker would rather have it reported somewhere other than to be left on his desk, because it is all up for public knowledge and you would put the Speaker in an awful predicament in having to keep track or keep a record of who is in St. John's and for what reasons. I do not think that is where the Speaker should go. The Speaker would much rather see it more concise and to have it to be fair to everybody rather than put up a debate or ask permission from the Speaker. I just ask your guidance so that the Clerk can bring back a directive.

Mr. Parsons.

MR. PARSONS: Thank you.

I do not think it is very complicated. We know right now, for example, we get a report pretty well monthly, certainly quarterly, from the House financial staff through yourself. We are responsible ultimately through the Clerk, through Ms Marlene Lambe. We get a list. We are told, for example, exactly how many nights you

have used. It is simply a matter that, if this member, for example, knows that he has exceeded the thirty-five that is recorded already in the financial offices here. If I am going to go beyond the thirty-five, obviously I know I do not have the nights to do it, so in that case I just simply write you a letter asking can I exceed it. Here is the reason why, here is what I had to do and I seek your permission. That is all. You have a paper trail then and then your office in turn, the financial staff again, can report that on the Web site, if they wish, that Kelvin Parsons exceeded his thirty-five nights on four occasions as sanctioned by the Speaker. That way it is accountable, it is open, it is transparent and everybody sees it, but yet it allows for those circumstances where you are not stuck with those artificial arbitrary nights of thirty-five.

MR. SPEAKER: Any other comments?

Mr. Marshall.

MR. T. MARSHALL: I will defer to the Clerk.

MR. SPEAKER: The Clerk.

MR. MACKENZIE: I will try to get clarity here on what the amendment is to address. It is to address the \$125 ceiling on temporary accommodations, the private accommodations ceiling of \$25 and the number of nights. Were those the three issues?

MR. SPEAKER: Mr. Rideout.

MR. RIDEOUT: I do not want to move ahead of my colleague. I think what the Speaker suggested is, there are those items that we have raised here, that have been raised by members here, but there may be other items that other members have that are not immediate to us here today. There may need to be a communication between the Clerk, if I understood the Speaker correctly, and all members as to other compensation issues. I do not mean salary now, but

allowance issues that may need to be addressed. Because, how this is going to be done is one thing, but I think something we all should keep in our minds, if we are going to bring forth a package of amendments to those rules and regulations – and I can only speak for myself – is, you would not want to be doing that every day or every meeting of the Commission or every other day in the House.

Ask members, if there are rules that are causing difficulty to articulate them and have the Clerk look at them. Then there will be a report to the Commission and the Commission will make a recommendation as to how we address them. I would hope that we would do them, as much as possible, with one approach rather than have deal with them in a half a dozen approaches. I think that is in essence what the Speaker was suggesting.

MR. SPEAKER: The Clerk.

MR. MACKENZIE: I realize we are pursuing this subject from a variety of ways but as the Speaker mentioned earlier, when the House opens a members' compensation review committee needs to be appointed during the Forty-Sixth General Assembly. Now all it says is during the General Assembly. Among the matters it can address are allowances.

Because of the issue of MHA pensions - and we have all the new members who have no idea what their pension plan is as a result of the changes in Green. If you were first elected in the Forty-Sixth General Assembly, because of the MHA Retiring Allowances Act we are deducting 9 per cent of your salary, holding it aside, but we do not know what benefits you are going to get in your pension plan because according to Green the pension plan has to be redesigned.

Given that, I think it is very likely that the members' compensation review committee under section 16 of the Act will want to be appointed very early, probably this spring. I

do not know where it will go but those new members really deserve some clarity as to what their pension plan is going to be.

There is also the other item of pensions which does not require the members' compensation review committee which simply was an amendment to the Act. That is a separate matter for those of you under the old plan. If the members' compensation review committee is to be struck early this spring, particularly to deal with the pension issue, it could also look at the allowances as well. It is within its mandate. Just a thought.

MR. SPEAKER: The only difference I say, Mr. Clerk - not to engage in debate - but that particular committee as Mr. Rideout clearly stated has to report back to the House in 120 days. When the House of Assembly is open it is my understanding that we all revert back to the rules and regulations as a Member of the House of Assembly. You will have some members sitting in this House for a period of time, and expected to be here every day or else they will probably be fined a \$200 fee for not being here, getting reimbursed \$10, \$15 or \$20 a night while they are staying in St. John's doing work as a Member of the House of Assembly with the House of Assembly open. That is why I think for this particular issue, with allowances especially, we should do it through directives - that is what I am hearing - from the Commission and then take it to the House for a vote and to be passed or denied at that particular time. That is what I am hearing.

Ms Jones.

MS JONES: Thank you, Mr. Speaker.

I think there are three particular issues that have surfaced here today and they are the three I think we need to focus on right now. They are the temporary accommodations, the private accommodations and the number of nights that are permitted by an MHA to

stay in St. John's while they are on those twenty trips that they are permitted to have.

I realize that there are probably other issues that are of concern to MHAs, and they obviously have the right to write to the Commission to have their issue reviewed or looked at. I do not think we should put these three items on hold until we go out and solicit the views of the other forty-two members of the House of Assembly. I think that we can move today to put forward a motion that the Clerk and his officials would start drafting the amendments to these particular motions. I am sure, over the course of the next meeting or so, there will be other issues, if they are there, coming forward from MHAs that we can deal with at that time.

It is my understanding that even if we deal with this today, and deal with others at a future meeting in February, there is no reason why they still would not all be coming to the House of Assembly at the same time. Is that correct?

AN HON. MEMBER: Yes.

MR. SPEAKER: The Clerk.

MR. MACKENZIE: I guess this was a promotion from Mr. Parsons, I am just not sure.

MR. SPEAKER: Yes, it was a directive from the Commission by a motion made by Mr. Parsons.

MR. PARSONS: (Inaudible) accommodations, one on the hotels and the third one be that the thirty-five nights may be exceeded but only with the consent, approval or knowledge of the Speaker.

MR. MACKENZIE: (Inaudible) voted on that motion.

MR. SPEAKER: Was that seconded and voted on? If it was not, let's do it.

Mr. Marshall.

MR. T. MARSHALL: Mr. Speaker, I would like to make a comment on the three items. The first two I have spoken about previously.

With respect to the number of nights, I have a real problem with the fact that there has been a limit placed on the number of nights where an MHA who does not live in the capital, or close to the capital area, is permitted to come into the capital. I just fundamentally have a problem with that.

Under the old rules, the MHA could travel to the capital region and be reimbursed up to a maximum in the constituency allowance. Chief Justice Green's Report has amended that to provide for a number of nights. An MHA from Labrador or an MHA from the Great Northern Peninsula or the West Coast, there is a limit on the number of nights that MHA can come into the capital region when the House is not in session. This is what the Leader of the Opposition and the Opposition House Leader have talked about.

There is another side to that and that is the side of the MHA who lives in the capital region and represents a district in rural Newfoundland, because that person is also limited by the number of nights when the House is not in session that they can go out. So, I think if we are going to do it for one we are going to have to do it for both.

MR. PARSONS: Absolutely.

MR. SPEAKER: I think the Clerk is probably clear on the directive that has been put forward. Does the Clerk need further clarification?

MR. MACKENZIE: Perhaps if I could just pose a question. Although the motion suggests that we look at the temporary accommodation maximum daily dollar figure and the same for the private accommodations, it does not suggest a sort of solution. Implicatively it is finding a

higher dollar figure. When we come to the number of nights, our hands will be somewhat tied, in that what we would be recommending, it appears, is you can exceed - the decision will have been made in the draft amendment as to how to deal with the number of nights. You will exceed it with the Speaker's approval. It may well be that there are other alternatives and maybe we would say that it should be forty or fifty or sixty or whatever. There may be other ways of dealing with it, but the way that it is proposed it poses the one solution, that you have to approve it.

MR. SPEAKER: That is the problem that I just brought forward in the beginning. If I am going to have to answer the phone or respond to somebody's e-mail to allow them to stay in St. John's or go and visit their district, I do not think that is where I should be and I do not think that is where people should go. If they cannot get hold of the Speaker for some reason, then does that mean that person cannot visit their district or they are going to be out their constituency allowance if they make the trip?

I would much rather see a maximum number of nights, whatever that number is, and then people will know. It does not have to be over generous, it can reflect back what we are looking at in the ministerial benefits, but I would much rather see it go in that direction.

The Leader of the Opposition, Ms Jones.

MS JONES: Thank you, Mr. Speaker.

I feel like I should acknowledge the cooperation of my colleague, Mr. Marshall, on this issue, because I think this is the kind of discussion that we need to have where we can flesh things out and certainly come to those kinds of compromises.

If you were to look at the number of trips that members are permitted, and I think right now under the Act they are permitted twenty trips per year, if you were to look at that in

the context of the number of nights which is only set at thirty-five that is fewer than two nights per trip. To me that is not a reasonable balance. I just speak of my own case because obviously I live it every day, but I am sure there are other members who are in the same situation. Most times my flights from my district to the capital city are only arriving at night which means I have to claim for one night right away even though I have not had a full work day here. Then the following day you get a full work day and a second night. You cannot do that for the full twenty trips. You have to come in one night, have one day in the city and go back the next night in order to meet your targeted amount of nights that you are permitted to spend here. I think that the number of nights should reflect at least the number of trips.

I think it is only reasonable to expect that anyone who is coming into St. John's or going out of St. John's to their district on business are going to be there more than one working day which in most cases is two nights. I think it would be reasonable to look at that they would be there at a minimum of two working days which would be two to three nights of accommodations. If you were to use a concept similar to that, I think you would probably be looking at somewhere around at least two nights to three nights per trip, and that would take you probably in the range of about fifty to sixty night per year for members that have to go outside of the city or travel to the city on business.

I do not know how other members feel about it, but you need to have, obviously, some logical number of nights built around the trips. As it is right now it just does not work for a lot of members. I know it does not work for me. I think it is an absolute waste of money when I have to spend \$1000 on a plane ticket, get one day of work in the city for it and have to leave and go back to my constituency because I am not permitted to exceed the thirty-five nights. I think it needs to at least reflect the number of trips and reflect the reasonable balance, that most

members who would be spending that time and money to come to the city or go to their districts will be doing so for at least two to three days for each trip. It might be a better way to calculate the number of days. It is just a suggestion.

MR. SPEAKER: Any further suggestions? Any further opinions?

Mr. Parsons.

MR. PARSONS: I just thought about this, since it is issues off the top of your head. Mr. Marshall just brought it to my attention actually when he made mention of members who live here and travel outside. Another anomaly we have is in section 8, page 32 of the rules. It says, for example, if a member comes into the city when the House is in Session, or if he or she comes in on constituency business, you cannot claim a meal per diem. That is written in the rules.

I will give you an example. If I leave Port aux Basques, it is a ten or eleven hour trip to drive from out there in here across the Province. You are not allowed to claim for meals that day. But if I get up in the morning in Port aux Basques and come in here to this meeting, which I came to today, I am allowed to claim a per diem. There is something wrong with that. If I am coming in here on constituency business you are not allowed to eat, but if you are coming in on Board of Management meetings you are allowed to eat. Conversely, the Member, for example, for the St. Anthony area, Minister Taylor, lives in here, I understand. His permanent residence is in here, but he has a district out in St. Anthony. It takes him about the same distance to go to St. Anthony as it takes me to go to Port aux Basques. If I come from Port aux Basques to St. John's I am not allowed to charge for anything to eat, but if he goes from St. John's to Anthony, the same time, he is allowed to charge for something to eat. I do not understand the distinction here. To me, if you are away from home it is not about how much you eat or whatever else. There is a limit on where

you are going, what the purpose of your travel is, i.e. you must be coming in here to go to work, and to tell you that you can or you cannot eat, depending on what the nature of meeting is, not the distance you travel or when you travel, it does not seem to make much sense. That is another one that exists in this anomaly type situation.

MR. SPEAKER: Mr. Parsons, you are right and we can all refer to some of the things that we have heard from members and how they are disadvantaged. What I suggest, and what I am going to suggest that we do is, this directive has to be brought back to the Commission. Mr. Rideout has already stated that if there are things that we need changed we should group them in together and present them as a package. Maybe we can tell our individual caucuses, make it known to them, that they can raise the issues with the Clerk. The Clerk has every right to bring back a directive and it is up to the Commission if we want to bring them all forward or if we want to change them. That is the right of the Commission and maybe that is where we should go rather than spend the rest of the day talking about some of the things that we want changed. Is that agreed to?

The Clerk.

MR. MACKENZIE: I just want to clarify one point. If you live in the capital region and travel to a district - because there was some discussion - yes, you have the thirty-five nights but then you can also start using your inter-constituency money. It is a little different than coming into the city, you do have your inter-constituency money to pay for accommodations if you are traveling to your district.

MR. SPEAKER: The motion has been made. Was there a seconder? Ms Michael seconded the motion. Is the Clerk clear on the motion -

MR. MACKENZIE: I think so, yes.

MR. SPEAKER: - where the Clerk would bring back a directive for changes to members' allowances and benefits to be passed back to the Commission and proceed according to the way that Green has suggested?

MR. MACKENZIE: Yes.

MR. SPEAKER: All those in favor.

SOME HON MEMBERS: Aye.

MR. SPEAKER: Against.

The motion is carried.

MR. SPEAKER: First when we started the meeting, the Clerk and myself sat down and we put time limits on what we thought it would take to discuss those particular items and we came up with four hours and we would have lots of time for a break. We were not very accurate obviously.

The next item on the agenda is the Clerk. The Clerk has another directive or suggestion to bring forward in order to clear up the last part of that particular motion.

MR. MACKENZIE: Just so that members understand. When we approved the Ministerial Expense Reimbursement Policies, for the Leader of the Opposition and the Speaker, it was understood that some of the terminology changes in the policy as the briefing note says. We are not going to go to Treasury Board for matters. That wasn't implicit, I guess, in the matter.

The other point is: Ms Jones has sent me an e-mail respecting, can she have people travel on her behalf while she is traveling as Leader of the Opposition. Comparing this to ministers it would seem to be reasonable to allow her to do that. I mean, a minister can allow a MHA, for instance, to go to a speaking engagement and pay for it out of a ministerial budget. I think that was Ms Jones' request. Similarly, a minister's executive assistant could travel on the

minister's behalf on the minister's budget, so that looks at political staff. I guess, the point to this matter is: Should we also have a separate Minute authorizing the Speaker or the Leader of the Opposition to delegate authority for someone else to travel, a member of staff, on their behalf.

The reason we would need a Minute is, it is an unspoken practice for ministers. It is not in the policies, it is something that has developed over the years. It is not in the policies, and by adopting the policies as written it is silent on that issue.

Ms Jones just sent me an e-mail yesterday, I guess, it was, and I do not have time to do a note on it. It seems to be in keeping with practice of ministers, but there is nothing in writing on that practice.

MR. SPEAKER: Comments?

Ms Jones.

MS JONES: Just a couple of comments. Obviously, the issue arose a few weeks ago when another MHA was to attend a function that I could not attend to. When I had consulted with Marlene at the time, I think Bill in your absence at that particular moment during the day, she did respond to me via email saying that the practice did apply to ministers and where we were being considered to fall under the same guidelines, but that there was not anything that was indicated in writing. Through, I think, checking with the Executive Council she discovered that ministers did provide for staff and for other MHAs to travel as their representatives and that the cost was incurred through that particular budget. Obviously we ran into the situation and other than that we probably would not have inquired.

I guess, I would like some clarification on it from the Commission in terms of whether it is permissible or not permissible falling in line with the unwritten guideline that now applies to Ministers of the Crown.

MR. SPEAKER: Further comments?

Do we need a motion for that, Mr. Clerk?

MR. MACKENZIE: I suppose I could build it in with the adoption of the ministerial, if the Commission is okay for it.

MR. SPEAKER: Does the Commission agree with that? And bring it back and we would proceed as if –

MR. MACKENZIE: (Inaudible). I apologize, I did not have a note done, it was something that Ms Jones just asked me about yesterday. I thought we might have been able to discuss it while we were discussing the ministerial rules. I apologize for bringing it up without some supporting documentation.

MR. SPEAKER: Mr. Marshall.

MR. T. MARSHALL: Thank you.

I have given some thought to the issue of the number of nights and the allowances, the comparison between what an MHA has and what a minister has with respect to accommodation and whatnot, but I have not had a chance to give this a lot of thought and I am just wondering if we could just have more information on that, have a chance to review it and then come back and discuss it further.

MR. SPEAKER: Okay.

What I am hearing, Ms Jones, is, it was raised today, it can be added to the next meeting of the agenda to be talked about and some decision made. Is that -?

MS JONES: That is regarding the number of nights, I think Mr. Marshall is talking about?

MR. SPEAKER: No, regarding the reflection of somebody traveling on behalf of the Leader of the Opposition and being

able to come out of the Opposition Office allowances, Opposition Leader allowances.

MS JONES: Yes, if you need more time to review it I certainly understand that and I do not have a problem. I would just like to have it on the agenda for the February 6 meeting, if we do an in camera session or a broadcast session. Obviously it affects the way we do some of our work and a decision as soon as possible would be warranted for us.

MR. SPEAKER: Mr. Marshall.

MR. T. MARSHALL: Mr. Speaker, that would be fine. I understand there was a letter. I have not seen the letter.

MR. SPEAKER: Ms Jones.

MS JONES: I do not have a copy of the email with me. I did copy it to you, Mr. Mackenzie. I do not know if you have a copy of it there. If you do maybe you could read it just for the record. It was just what I received from the officers of the House of Assembly.

MR. SPEAKER: The Clerk.

MR. MACKENZIE: Thank you, Mr. Speaker.

Yes, because there was nothing explicit in the ministerial policy document on MHAs and so on traveling on behalf of the ministers, Ms Lambe phoned Cabinet Secretariat, and their view is that they would allow a Parliamentary Secretary or an MHA to travel on behalf of a minister with the charges being charged to the minister's allocation. That was all it was. It was a phone call and this was the email that Marlene then sent to Yvonne. It appears there is not much in writing. Now we could seek some more clarification on how they handle this and the rules around it. It is just something that the policy document is silent on.

MR. SPEAKER: Continuation of the same topic?

Mr. Marshall.

MR. T. MARSHALL: I would like to see some more information. I would rather not making these decision based on - if there is not a policy we should have one. We should clarify it. If the Clerk could gather that information and give it to us, we can deal with it at the next meeting.

MR. SPEAKER: Yes.

On the same topic.

Ms Michael.

MS MICHAEL: No, a topic I raised earlier that I think you have forgotten.

MR. SPEAKER: I apologize, I have. With your indulgence I will just clue this particular topic up.

Ms Jones.

MS JONES: I do not have a problem with the committee obviously looking for more information or finding clarity on what policies do exist, written or unwritten. Also, I would like to have it looked at in terms of staff as well as designating other MHAs or Parliamentary Secretaries and how it falls in line with the same budget item.

MR. SPEAKER: Do we agree with the approach to be taken, that the Clerk will bring this back for the next meeting and have it included in the agenda for further discussion?

I am sorry! Ms Michael.

MS MICHAEL: I think, Mr. Speaker, that the Clerk was going to respond to what I raised with regard to travel expenses of the Leader of the third party.

MR. SPEAKER: The Clerk.

MR. MACKENZIE: There is, I think, one Minute, one Minute of the Commission of Internal Economy that is, Ms Michael, which addresses this. It established a travel budget for the Speaker and the Leader of the Opposition back, perhaps, two or three, three or four years ago, of \$15,000 each annually, and the Leader of the third party, which was Mr. Harris at the time, to have half that. That is really the only reference.

When we come to the Budget meeting we have looked at budget needs; those will have to be adjusted. We have had some discussions with Ms Jones. Because she is not a resident of St. John's the travel costs are going to change. Then, we will have to look at whether they change for the Speaker and change for you as well. It is a Budget matter for the February 6 discussion.

This is all under House operations as an activity in the Budget, and that is where the Speaker's salary, the Leader of the Opposition's salary, office holders' salaries, travel - everything is in one. So, in the Travel and Communications budget there is your travel, Ms Jones' travel and the Speaker's travel. It is not isolated like it would be in a department where there is only one minister and one travel budget in the minister's office. Because of the way our budget is put together that pot of travel funds includes all three of you.

When we talk about this at the Budget meeting we will try to set up allocations for each of you. I do not know if we can actually come to the point of putting funds control on it. Funds control would be the mechanism in the financial management system which would ensure you do not overspend your money. We might have to monitor the actual allocation on a manual basis to see that you are not spending all of the Speaker's money and vice versa.

MR. SPEAKER: Ms Michael.

MS MICHAEL: Well, that is helpful to know, where it exists in terms of decision. Now the problematic for me is the fact that there is nothing saying what monitors the expenditures or what are the guidelines. It would seem to me that the same guidelines that we have just accepted here, adopted here, should also be the guidelines for the reimbursement to the Leader of the third party as well. If the Leader of the third party is going to have travel then there have to be guidelines for that travel, and I would assume they would be the same guidelines that were just passed for the Speaker and the Leader of the Opposition. It makes sense. You are not going to come up with a new set of guidelines.

MR. SPEAKER: Any comments or suggestions, opinions?

Ms Jones.

MS JONES: Just for the record, I guess: I think if there is an allocation of funding now made available to the third party, the Leader of that third party then by all means should fall under the same guidelines that the Leader of the Opposition would fall under in terms of how they spend that money and what it is spent on. I think those same restrictions and rules should apply.

MR. SPEAKER: Any further comments?

Mr. Rideout.

MR. RIDEOUT: Mr. Speaker, I agree with that. There has been an amount in a vote for the Leader of the third party for travel for some years now, as the Clerk pointed out. Now whether by oversight or what, that was never tied to the guidelines as it relates to the Speaker and the Leader of the Opposition. Well, you know, if that was the case lets fix it. Obviously the travel guidelines for the Leader of the Opposition should be no different, better or worse, for the Leader of the third party.

MR. SPEAKER: I think there is an agreement by the Commission that that would take affect, and in consultation with the Clerk he suggested that we wait until the budgetary meetings of February 6 to deal with it in further discussion.

The next item on the agenda is the recruitment process for a law clerk. This again is stemming from the Green report. The Clerk has done some substantive work on this particular process and I will call on him now to share it with the Commission on a go-forward basis.

MR. MACKENZIE: There is a briefing note towards the end of your binder. Following the big document of the ministerial expense rules there should be a yellow sheet and there is a one-page briefing note entitled Law Clerk - House of Assembly. It is only a few sheets from the back of your binder. It should be sandwiched between two yellow sheets.

It is generally I think self explanatory. The act deals with a process of appointing the four officers of the House. As it says in subsection 7(1), the House will nominate these officers and then the Lieutenant-Governor in Council shall appoint them, following the nomination from the House. That will be the process from here on in terms of those four House officers: Clerk, Clerk Assistant, Law Clerk and Sergeant-at-Arms.

Then subsection (2) of section 7 goes on to say, before a nomination is made for any of those four positions, the Speaker should consult with the Management Commission, which is what we are doing today, Executive Council and the Public Service Commission to determine the appropriate process for recruitment.

I have written on behalf of the Speaker, the Public Service Commission and Executive Council and recommended, well, we could just use the standard Public Service Commission recruitment process to get a list

of candidates and follow that through, through screening and so on, the standard process. So far the Public Service Commission has replied and the Chair of the PSC is fine with that. I have not heard back yet from Executive Council, and the third body to be consulted is the Commission.

Really, it is just to say, what do you think would be an appropriate recruitment process. The ultimate appointment – I mean the recruitment process will identify suitable candidates, but then the appointment process is nomination in the House and appointment by Cabinet. It is really just to adhere and be compliant to 7(2) of the Act and consult with the Commission as to what would be an appropriate recruitment process.

MR. SPEAKER: Do we need a motion for the recruitment process to start, Mr. Clerk?

MR. MACKENZIE: Well, seeing that we did comply with section 7(2) of the Act and that the three bodies were consulted, perhaps it is just as well if we do have a motion. I have a draft one at the bottom, but anything at all as long as it is sort of understood that we complied with what the Act requires.

MR. SPEAKER: Comments?

Ms Michael.

MS MICHAEL: I would like to make the motion if I may: That the Commission approve the standard the Public Service Commission recruitment process for the position of law clerk.

MR. SPEAKER: The motion is properly moved. Is there a seconder?

MR. PARSONS: Yes.

MR. SPEAKER: Mr. Parsons.

All those in favour.

SOME HON MEMBERS: Aye.

MR. SPEAKER: Against.

The motion is carried.

MR. SPEAKER: The next item on the agenda is temporary replacement for constituency assistants, as per Green, rule 26 subsection 6. This has gotten to be a little bit of a problem. The Green Commission clearly states in the rules, in the piece of legislation –

The Clerk.

MR. MACKENZIE: I do not have any paper on this one. Some people are looking to see if there is a note.

MR. SPEAKER: No, I say to Minister Rideout, that there aren't any notes. I will just raise the issue and if we need to again delay it and have it brought it back to another meeting, fair enough. I just wanted to raise the issue here.

In the Green Report and in the piece of legislation that we passed, the Accountability Act, in section 26, subsection 5, it clearly states that a member has the right to replace his or her constituency assistant when that constituency assistant is off duty from the House for whatever reasons.

It is getting to be a little bit cumbersome in that some members are going out and hiring a new constituency assistant as a replacement, which they are certainly entitled to do according to the report. Other people are coming to the Speaker and asking what the rate of pay would be for that particular person should they be hired as a replacement. Some members are paying those members \$10 an hour and some of them are paying them a daily rate. I think there should be some consistency, where, if we are going to be hiring replacements for our constituency assistants, number one, if it is somebody new then they should be all paid the same rate of pay. I understand, and I think it can be accommodated, if there is

somebody already in the system that makes a lateral move, then naturally I think they should bring that rate of pay with them as a temporary replacement.

The other thing is, I am not sure if it is right and proper for members to become employers. Once a person makes over \$500 then that particular person has to pay personal income tax. For the most part, the Speaker is signing off on requests that he knows very little about, number one, or he is expected to, and only knows the rate of pay when the member comes suggesting that x number of dollars be approved for a person.

What I would like to get some direction from the Commission on is that, if we cannot forecast in advance when our constituency assistant might need to be replaced, is it right and proper for somebody to call in sick or to call in and say they cannot come to work at 8:00 in the morning and expect the House of Assembly to kick in to have a person identified or have the member bring in somebody for the first day? Should there be a day there that we will not replace somebody, number one? Number two is: What rate of pay should that person receive and should the House be responsible for payment and for submitting income tax as an employer rather than the individual?

I open it up for discussion and if there needs to be a statement written with some of the concerns that I expressed to be brought back to another meeting, then I certainly welcome that as well.

Comments?

Mr. Marshall.

MR. T. MARSHALL: I think you have made some very good points there, Mr. Speaker. Obviously, anybody working for a member of the House of Assembly it should be through the House of Assembly. We have to ensure that the Financial Administration Act and the House of

Assembly Act and all relative legislation is passed.

I am just wondering: In terms of the process whereby we deal with items like this, things that come up - normally, if you are on a Cabinet committee when a proposal comes forward then that proposal is subject to some analysis, and the people on the committee who have to make the decision are provided with the request, but also some analysis with which to deal with it.

Here, with the request that you just raised – and I notice there is another letter here from the hon. Leader of the Opposition. When you look at these requests alone, most of them are very reasonable, but sometimes after it is put through an analysis you find out that you cannot do some of these things.

I am wondering if, maybe for these new requests, if some sort of a procedure could be put in place so that the analysis is done and we have a chance to look at it before we discuss it here. I do not know if that is reasonable, if any other MHA has a comment on that.

MR. SPEAKER: The Clerk.

MR. MACKENZIE: Thank you, Mr. Speaker.

There is actually nothing here today on the constituency allowance issue, Minister, except we wanted direction from the Commission to draft the policy. We have no particular recommendations. It is just if we could get a sense of where the Commission wants to go. Do you want a two-day waiting period or the appropriate salary level? There are some complexities. Would we allow them to join things like group insurance and so on? If you are in a department your CA is paid by the department, yet this says the replacement is paid by the House. All along your CA is being paid by the department but if she misses a day the House picks up the tab.

There are just a number of these sorts of questions. It was more really just to get direction. Would you like us to go off and start drafting a policy on it? We do not have any sort of strong recommendations to make at this stage.

MR. SPEAKER: Ms Marshall.

MS E. MARSHALL: I understand there are a variety of ways that temporary assistants are reimbursed. I know some people are reimbursing at \$10 out of their constituency allowance and there are no T4s being issued. In other cases they are kept on the payroll of the House of Assembly. I agree with the Minister of Finance, I think we need some sort of analysis. I do not know how common it is that people are paying temporary employees directly out of their constituency allowance. I think that we do need some sort of analysis, and once we get that we will probably be in a better position to decide how we should address the problem.

MR. SPEAKER: Ms Jones.

MS JONES: Thank you.

I guess I concur on the statements or the recommendation. I think we need to definitely have a standardized process for this and that they should become employees of the House of Assembly. I think that only makes sense if they are going to be hired as replacement workers, that their salaries and terms and conditions of employment, even on a replacement basis, would fall under our standardized rules and process.

Maybe the best suggestion at this stage would be to allow the Clerk and yourself to look at some draft guidelines and make some recommendations back to the committee, but I do not think it can be continued on an ad hoc basis like it is right now. There are certain obligations we have to meet in terms of the income tax laws and all of the rest of it. That has to be taken into consideration. You just cannot pay people

\$10 an hour and give them a cheque out of your constituency allowance. I do not think that legally that would be the right process.

I think we need some standardized rules and regulations around it. As well, I think that MHAs should look for replacement workers who are going to be consistent. I do not think that every time your regular staff person is sick that you can call in a different person. I think they need to hire people that are going to be committed at least for as long as they can in the foreseeable future, so then you do not get into a situation where three times a year the House of Assembly is doing new payroll information and stuff on a different employee. I think that MHAs should have a little bit of obligation there as well.

MR. SPEAKER: Ms Michael.

MS MICHAEL: Just to add to that one point - and we have already received information from the House of Assembly Management that we have a standard classification for constituency assistants. It is a P4 I think. Everything should fall under that. The person should be classified and then paid accordingly to the classification that is determined when they are hired. If the kind of thing Ms Jones just referred to were to happen, it would make the administration easier if it is one or two people they are going to be using. Their information can be put in and everything and it does not have to be done every time that you would need your replacement.

I think maybe all MHAs just need to be reminded again of the fact that there is a Human Resources officer and that we are trying to move towards uniformity when it comes to how staff are being paid.

MR. SPEAKER: If members of the Commission have other things to add, maybe they can make it known to the Speaker's Office and the Speaker's staff will bring back some directive again and a

suggestion for developing policy around the replacement of constituency assistants.

The next item on the agenda is the letter from Ms Lorraine Michael regarding section 45 of the House of Assembly Accountability, Integrity and Administration Act.

Ms Michael.

MS MICHAEL: Thank you, Mr. Speaker.

I do not know how far we can get with this today. What I would like to do is lay out my concern and maybe we can at least come up with a plan for the discussion on what it is that I am putting forward. I think certainly publicly, in the public domain, there is a perception of a double standard between the civil service and the elected members of the House of Assembly when it comes to what would happen if the Auditor General recognized an improper retention of public money. We have two separate pieces of legislation now. We have section 15 under the Auditor General's Act and we have section 45 under the House of Assembly Accountability, Integrity and Administration Act. Because there is a full description under 41 for the elected persons and the Speaker and the Chair of the Audit Commission - you know, there is not just the elected, but anybody attached to the House of Assembly - it would appear that there are two different sets of criteria.

Under section 45 of the HOA Act we have quite a number of restrictions. I have a couple of concerns that I would like to put out. I do not know the answers; I am putting the concerns out as concerns. I have read section 45 quite carefully. In actual fact, I have read 15 too from the same perspective, and in neither place is there an answer to this question. There is nothing indicating in either section 15 or section 45 what happens if, when the Auditor General - and I am going to look at section 45 in particular - reports to all the people designated that he should report to, if he identifies an improper

retention of public money, there is nothing to say that if those people, and it includes the Premier, the Auditor General, the Minister of Finance and the Leader of the Party the person comes from, et cetera, that if they identify that there has been what could be a criminal act, that they have to report that criminal act beyond the House of Assembly. I had my staff do some phone calling and I have not been able to come up with where it is written down in legislation that even the AG has to do that or the Executive Council has to do it or the Minister of Finance has to do it.

Number one, I would like to know where in our legislation it actually says that if there is identification that this looks like it could be criminal that it gets reported. My staff actually did call the Auditor General's office and called some other offices and we have not been able to come up with an answer to that, so maybe one of the ministers here knows right off where it is stated.

I do not think, knowing this legislation was legislation recommended by Derek Green, I certainly do not think that there was a desire to have things stop inside the House of Assembly and no further action get taken. I have been getting phone calls and there is a perception by people that you could have reports made by the AG under 45 that go nowhere, that they would actually get lost, whereas there are none of those types of restrictions under 15. So the question is: Should 15 reflect 45, should 45 reflect 15?

This is a big discussion, and as I said I am not expecting that we have the full discussion today, but I do want it discussed. What is the guarantee that, number one, if those individual people together make a decision that it looks like there is something criminal - who has the responsibility for them moving it on, because it does not say that they go back to the AG. The spirit of 45 is that once the AG passes it on, he does not do anything else except attach reports, general descriptions of the reports that he has made to his annual report. There seem

to be some loopholes there that are concerning people and as I have read it carefully I have to say they have concerned me as well.

The other point is, that when the general description of any reports that the AG has made in his annual report - what is the guarantee that those descriptions will ever get discussed? For example, under 45(4) it says the Auditor General shall not make the existence or the contents of a report referred to in subsection 1 known to another person except (a) as part of his or her annual report to the House of Assembly, (b) in accordance with a judicial proceeding, (c) as part of proceedings before the Public Account's Committee, or (d) as a result of a request from the Commission. On the surface it looks like if the AG attaches these general descriptions to his annual report and any one of these public processes demands further discussion by him or her, the AG would have to do that, but there is nothing to say that it has to be done publicly. Now, I think if it was an annual report to the House of Assembly it would become public there. I think. There is nothing to say, for example, that the Public Account's Committee could say, well, we do not have to discuss that publicly, or the Commission could say that well, isn't this rather personnel stuff or financial stuff and we do not have discuss it publicly. There is a perception that there is real protection for us under 45, and that same protection is not there under 15.

As I said, it is a big issue. I do not think that we can get into all of it today. I am not sure what action I am asking for; maybe a direction to our legal people to read both sections carefully from the perspective of what I am talking about. In light of section 45, section 15 looks empty because of what it does not say, because of all the detail that is in 45. So, should both sections reflect, because both sections have to do with the AG, both sections have to do with improper retention of public money, but what is in 45 is way beyond, in one direction or another, what is in 15. Section 15 will cover then

anybody who is not described under 45, and that means the civil service. In that sense there is a double standard.

I lay all that out and hope we can - I do not know what your will is going to be with regard to where we go with it today, but I certainly do want this discussed.

MR. SPEAKER: Mr. Marshall.

MR. T. MARSHALL: Thank you, Mr. Speaker.

Again, this letter is dated January 17, 2008, just a few days ago, and I have not had an opportunity to look into this in great detail, and again if there were some analysis that could have been attached to this paper to help us give consideration to this particular issue.

I can say this with respect to section 15 of the Auditor General's Act. The section states that if when doing an audit the Auditor General becomes aware of an improper retention or misappropriation of public money or other activity that may constitute an offense under the Criminal Code or another Act, the Auditor General shall immediately report the improper retention or the misappropriation of public money or other activity to the Lieutenant-Governor in Council, and that of course is the Cabinet. What the Auditor General has in fact done, in the past, is that the Auditor General has passed this information on to the Minister of Finance, because the Auditor General is of the view that that is the person in Cabinet that he would normally deal with. Then the Minister of Finance would pass that information on to the Attorney General and that is in fact the procedure that was followed when I occupied that position.

When the Attorney General receives that information, if the Attorney General receives any allegation of wrong doing or any allegation of criminal activity, the Attorney General passes that on to the institution in society that determines

whether or not there is going to be a criminal investigation and whether or not a criminal charge ought to be laid; and that is the role of the police.

The process that has been followed is that the allegation or the potential wrong doing goes from the Attorney General to the Minister of Finance, the Minister of Finance passes it on to the Attorney General and the Attorney General immediately passes it on to the police. Then it is the police that is the institution in our society which determines, number one, whether they are going to conduct a criminal investigation and, number two, if charges are to be laid. If charges are to be laid, that is the point when it becomes public. If the police, in conducting their investigation, determine that this is not a case where an investigation should take place or where charges should be laid, then that matter would not become public; unless on the civil side, the Minister of Finance and the Attorney General should determine that monies are owed to the taxpayers, in which case a civil action would commence. Well, first of all, I guess, there would be communication with the member and if a satisfactory arrangement or an agreement could not be reached then a civil action would be commenced in court at which time it would become public once again and the general public would have notice. That is the procedure. That is the policy that was followed.

MR. SPEAKER: Ms Marshall.

MS E. MARSHALL: Yes, there are two pieces of legislation here involved. Section 45 of our legislation and section 15 of the Auditor General Act are talking about similar situations, so one would expect that they should mirror each other. Something I would like to suggest is that I think we should speak to the Auditor General about the issue, because there was a related issue in the media recently about the Auditor General being constrained by section 45. In reading the legislation, I do not think that he is constrained, but he himself may feel like

he is. I think that it would be really worthwhile to invite the Auditor General in to have a discussion, both of section 45 of the legislation and also section 15 of the Auditor General Act.

In any event, because section 15 is within the Auditor General Act and section 45 talks about the Auditor General I do not think it would be appropriate for us to contemplate any type of amendments to that legislation without speaking to the Auditor General. That is what I would like to suggest, Mr. Speaker.

MR. SPEAKER: Ms Michael.

MS MICHAEL: Thank you, Mr. Speaker.

I thank Mr. Marshall for his explanation of how something gets sent on to the courts basically, but I think Ms Marshall has really hit the nail on the head in terms of what my concern is. I totally agree with her, that as I have carefully read section 45, I do not see the Auditor General being muzzled. I think there are particulars that he is not allowed to talk about. While something is being investigated he cannot talk publicly because it could be going into the courts. At some point all of these investigations or reports - if he makes a report they should become public through his annual report. So I think a meeting first with the Auditor General, as has been suggested by Ms Marshall, would really be helpful. I think we would have to be ready to know what questions we want to ask and what it is, the clarifications that we want to get, et cetera, but it certainly would start getting at, I think, the issues that I have raised and Ms Marshall has picked up on.

MR. SPEAKER: Ms Jones.

MS JONES: Thank you, Mr. Speaker.

I think there are two issues here, and they both deal with the Auditor General. One is the issue that Ms Michael has raised today in terms of if there is a double standard and whether the accountability and integrity in

the Administration Act for the House of Assembly overrides the Auditor General's Act where section 45 versus section 15 is concerned, and no doubt we need to explore that and have it defined and clarified for us.

I also think there is the other issue that is out there in the public today, and that is the perception or notion that the Auditor General has been silenced in some way in relation to the current legislation that we have in the House of Assembly right now. I did try to seek clarification from the Clerk's office, as I am sure many of my colleagues did, as it relates to this particular act. I think it would be only appropriate that we did invite the Auditor General to a Management Commission meeting of our committee so that we can discuss with him what portions of the act that he perceives to be restricting in terms of carrying out his business in the public. I think it is important for us to know that and to understand that if we are to make any amendments or changes to allow him to be open and transparent in a public way in the work that he is doing.

I certainly would support the recommendation that Ms Marshall has just put forward and I think we should do that in order to seek further clarity in terms of both section 15 of the Auditor General's Act and section 45 of the House of Assembly Accountability and Integrity Act.

MR. SPEAKER: Mr. Parsons.

MR. PARSONS: Yes, just to comment there. I think it is obvious that the Auditor General has made public statements that he will not be elaborating on anything that is in the public domain now and sort of giving the impression, I guess, that he feels that he is not allowed to comment on anything. Whether he can or cannot, that is certainly his impression.

I think it is quite clear, the minister is right in what the Auditor General's Act says that the Auditor General can do under section 15, but when you read section 45(7) of the

House of Assembly Accountability, Integrity and Administration Act, it says section 15 of the Auditor General's Act does not apply to a member, clerk, clerk assistant or staff of the House of Assembly service. So, it is very - I can see where the Auditor General is coming from. He has a section 15 that he thought he was authorized to work by and yet he has this subsection 7 that says that does not apply here. I just think that we need clarification. Can he or can he not speak out on it? I mean it is obvious that this Commission did not muzzle him. I mean this Commission only put into legislation what Chief Justice Green gave to us. He wrote the act. We did not create this act, by the way. Justice Green gave us this act and we implemented it this last sitting of the House of Assembly. The government did not amend anything in that regard. So, all I am saying is there is obvious confusion. I do not think it is anybody's intent to muzzle the Auditor General. The Auditor General feels he is muzzled. So let's get him in and confirm why he thinks he is and then wherever we need to go to get through openness and accountability and transparency, we need to go there. But, let's talk to him first.

MR. SPEAKER: Any other further comments?

The Clerk.

MR. MACKENZIE: Thank you, Mr. Speaker.

Not much to add, just a couple of little points of clarification. Since this issue has arisen in the media, I have read the section - chapter five in Green is the main section, there is a little more in chapter eight. So, page 550 to 555. If you read that very carefully you can follow his logic. You may not agree with it but you can follow the logic for why he wrote the section 45, although there is certainly room to dispute whether you agree with it or not, but the one point - back to the original question from Ms Michael. The more I thought of this and

read his comments, I think the double standard perception is simply because he felt his mandate was to deal with the House of Assembly.

The same applies to the whistle-blower provisions in our legislation. Whatever merits whistle-blower legislation throughout government may have, he did not recommend that because his mandate, terms of reference, were with the House. So, we now have the whistle-blower provisions in our act respecting the House and I think he did the same for this and did not comment on what he feels the executive branch of government should do on the section 45 type issues. So I think that is the only reason. It is not that he did not feel it was appropriate or at least much of it would be appropriate. Certainly, there would not be issues of forming party leaders and so on for the civil service. I suspect it was no more than that.

MR. SPEAKER: Mr. Marshall.

MR. T. MARSHALL: Thank you.

I have had a look at section 45 now and I notice that section 45 seems much broader than section 15. If I recall section 15 of the Auditor General's Act correctly, the Auditor General has to give his report to the Lieutenant-Governor in Council and I think, traditionally, he has given the report to the Minister of Finance who passes it on to the Attorney General who passes it on to the police. Here I note that, in addition to giving it to the Cabinet or the Minister of Finance, the Auditor General has to give it to the Speaker, the Chair of the Audit Committee, the Premier, the Leader of the political party, if any, with which the person involved may be associated and also the Attorney General and the Minister of Finance. Again, at that point, if there is any potential criminal activity, it is the police that will make that decision and lay the appropriate charge if appropriate.

The Minister of Finance, if it is determined that monies are in fact owed to the Province

or owed to the taxpayer, the Minister of Finance would commence civil action to collect the money that is owed to the taxpayer. It is out there. It would seem to me that - what does the Auditor General need to say beyond that? But, I would certainly agree with the suggestion of my colleagues that the Auditor General be invited to come in. I did not hear him say he was muzzled. I have heard some other people say that. I did not hear him say it. I may be wrong on that.

I would like to know what Chief Justice Green, since he addressed it, since he recommended the legislation - it might be an idea to ask him if he would be kind enough to come in and give us the benefits of his thoughts on the issue.

MR. SPEAKER: Ms Marshall.

MS E. MARSHALL: Mr. Speaker, I have not heard any comments directly from the Auditor General either saying that he feels that he is muzzled. It is just that there has been some media coverage saying that.

I think one of the issues is that under the House of Assembly Accountability, Integrity and Administration Act, Justice Green has been fairly prescriptive in the legislation, whereas section 15 of the Auditor General's Act is not so prescriptive. We may find out that the Auditor General is following a similar process for the public service, it is just not prescribed in the Auditor General's Act. I would not expect it to be exactly the same as what is in the House of Assembly legislation because it talks about notifying the Speaker and the Audit Committee. If the Auditor General's Act was amended, I would expect it would say that the minister of the department would have to advise, the deputy minister, but it would outline a similar process. I would be very interested in hearing his comments on it. He may request that his legislation be amended.

MR. SPEAKER: Just to refer members, and the Clerk referred to it, is pages 50 to 57 of Chief Justice Green's Report. If members want to take the time to reread that particular section there might be a clear understanding of exactly where Chief Justice Green was coming from when he decided to write section 45 of the act.

Any further discussion?

AN HON. MEMBER: (Inaudible).

MR. SPEAKER: I am hearing that we should invite the Auditor General in to the next regular meeting of the Commission and I am also hearing a suggestion that we might invite Chief Justice Green as well, at separate times, to provide us an answer, questions and commentary of some concerns that has been raised in the public and has been raised here today by the Commission.

Ms Marshall.

MS E. MARSHALL: Mr. Speaker, I do not know if another member of the Commission recommended that we invite Justice Green, but from my perspective I did not see the need to invite Justice Green at this point in time. Maybe after we speak to the Auditor General, but at this point in time I was interested in hearing the views of the Auditor General.

MR. SPEAKER: The Chair heard somebody make a recommendation that Chief Justice Green be invited in as well.

Mr. Marshall.

MR. T. MARSHALL: Mr. Speaker, I was the one who suggested that, to see where he was coming from. Again, it would be by invitation.

MR. SPEAKER: Sure.

MR. T. MARSHALL: I have not read, at least I do not recall reading the pages in the report that you have mentioned, that

evidently deals with this issue. Again, you are going on the basis of a letter and there is no backup. Why don't we invite both in?

MR. SPEAKER: It is agreed by the Commission that we invite both Chief Justice Green and the Auditor General to attend the next regular meeting. I want members to keep in mind that the February 6 meeting is a meeting that is going to be held in camera and strictly to deal with budgetary purposes and the time constraints that we have on that to invite both gentlemen, who we just referred to, at the next regular meeting of the Commission.

All those in favour.

SOME HON MEMBERS: Aye.

MR. SPEAKER: Against.

Motion carried.

The next item on the agenda would be tab 8, item 14, a letter from Ms Yvonne Jones, Leader of the Official Opposition, regarding core funding arrangements.

Ms Jones.

MS JONES: Thank you, Mr. Speaker, and committee members.

I know it is getting late in the day and hopefully this will not take up too much of your time.

What this is regarding is the core staffing complement that is now allocated to the Leader of the Official Opposition. Just to outline for those committee members, at the present time the Leader of the Official Opposition is assigned four particular positions. It is the chief of staff position, a director of communications, an executive assistant and a departmental secretary/office manager.

Each of those four positions has a monetary amount attached to it by the House of Assembly. What we are asking is that we

have some flexibility to either hire directly for those four positions, or in cases where we choose not to fill them immediately, that we be able to use the equivalent amount of money as part of our block funding.

Basically what we are asking is, if the four positions at the present time are costing the House of Assembly \$200,000 that we would have the option to use the \$200,000 as block funding to hire people in different positions other than those that have been allocated here. Right now we are restricted to hiring for those particular positions at those particular budgeted amount. What we are asking is not going over the amounts of money that are currently allocated, but having some flexibility to be able to reallocate to different positions or to use it as a block funding amount of money. That, of course, would only be on a temporary basis, I guess, until the full review has been done of the Opposition resources in the House of Assembly.

MR. SPEAKER: Comments?

Mr. Rideout.

MR. RIDEOUT: Mr. Speaker, on the face of it I have no difficulty with that, assuming there is no other impediment, like, for example, the Financial Administration Act or something that does not readily come to mind. It seems to me that if the Opposition has say \$200,000 in round figures budgeted by the House of Assembly for core staff, core positions, the flexibility on how that is used should be up to the Leader of the Opposition and his or her advisors. I mean, that generally used to be the case when we were in Opposition.

I have no difficulty with the principle. Now, if there is something that I am not aware of in terms of the Financial Administration Act or something of that nature, I would be open to advice, but in principle I would have no difficulty with the proposal as outlined in the Leader's letter.

MR. SPEAKER: Ms Marshall.

MS E. MARSHALL: Yes, Mr. Speaker.

One question: Is this proposal supported by the Chief Financial Officer of the House of Assembly?

MR. SPEAKER: The Clerk.

MR. MACKENZIE: We have discussed it. The current situation is great. We can live with it. It might generate some more administrative matters. I mean, we may ask the Opposition Office to help us with some of the paperwork, advance notice of staff moves, there are forms to put people on payroll which we might need done ahead of time and those sorts of things, but in principle we have no real objection. It is just a matter of the administrative matters. As staff come and go off payroll it becomes a little bit cumbersome, but that is really the only issue from our perspective.

I may say as well, given Minister Rideout's comments of the FAA, no, I think this is acceptable. These matters have been decided by Commission Minutes in the past. When we discussed the caucus resources there a couple of meetings ago, the Minute that came out of it, which is what we approved today, referred to the minutes from the Forty-Fifth General Assembly which are somewhat confusing. They speak about approving funding for the core positions, so did you approve the dollars or did you approve the core positions. The wording of the Minute could allow either interpretation.

I am not sure in the past, as you say, if you just had clearly a block fund of money to do salary costs, but the Minute from the Forty-Fifth said funding for core positions. It was a bit unclear which was approved.

Short of just the administrative matters, administratively, we have no other issues with it.

MR. SPEAKER: Any other comments?

Ms Jones.

MS JONES: I just wanted to reiterate that there is precedent for this, in fact, not just in the current Opposition but in previous Oppositions as well, whereby core staffing positions at budgeted amounts have been used as a block funding to reclassify or rehire under different positions. It is still important to note that this money will still be used for staffing. It will still be used for the hiring of people or the contracting of professional services, so it is not going to be used even though it would have that flexibility for any other expenditure. It has always been restricted to the staffing component.

MR. SPEAKER: Any other comments?

If not, I guess a motion is in order to allow the Leader of Her Majesty's Loyal Opposition to use core funding that has been identified for block funding instead of position funding up to the caps that have been established by the present staff. How would you word that Yvonne? Up to what amounts? The caps that are already existing?

MS JONES: Equivalent to.

MR. SPEAKER: Up to the equivalent caps.

All those in favor.

Mr. Clerk.

MR. MACKENZIE: Just to go back to Ms Jones' comments at the beginning. You did acknowledge that this might have to be temporary until the caucus review is done, because who knows what that may recommend. It will be revisited then.

Ms Jones.

MS JONES: I am operating under the premise that all resources we have at this current time could change depending upon

the recommendations coming out of the review of funding for Opposition parties. That was why the request has been made on a temporary basis.

MR. SPEAKER: All those in favour signify by saying aye.

SOME HON MEMBERS: Aye.

MR. SPEAKER: Against.

The motion is carried.

Motion carried.

MR. SPEAKER: The final item on the agenda - and it has received some discussion already - the next meeting of the Commission will be February 6 and we will pretty well go into the afternoon. It will start at nine o'clock in the morning and it is going to be an in-camera session dealing with the budgets of the House of the Assembly and the offices of the House of Assembly.

As we have stated in the past, we have been trying to accommodate the full complement of members in arranging a meeting. It gets a little bit challenging at times when we try to get 100 per cent of the membership. While we spoke about it, we did not put it to any form of a motion or understanding.

Would members be agreeable that we can and should proceed, that when we reach a quorum and if there are any items that are sensitive to government or sensitive to the Opposition and if members so notify one of the other members present - and there has to be a member present from both government and Opposition - then we can leave that particular item either off the agenda or not even attach it in the beginning? Members will still be provided with the agenda and if somebody cannot make it, a simple phone call to me as the Speaker or to the Clerk would certainly allow us to remove that item from the agenda and we could carry on with a book of business that we need in order to

make this Commission function; and probably get our meetings down to a more reasonable period of time. Instead of spending from nine o'clock in the morning to four o'clock in the evening dealing with Commission work, we can get it done very quickly and meet at regular times.

I just open that up for quick comments from individuals.

Ms Jones.

MS JONES: Mr. Speaker, I certainly have no problem with operating on a quorum basis. I already know that some of the dates that have been forwarded to me for future meeting I will be unable to attend. I respect the fact that the Commission would be prepared to defer some agenda items that I might feel very passionately about or have strong opinions on until a future meeting and I think that would be respectful of members. Personally, I have no problem with the Commission proceeding on a quorum basis. I think a lot of the items that will be dealt with will be routine matters. I think that it will be only on seldom occasions, I hope, that we will have very controversial matters in which we have differences of opinion but I think that if you do not proceed with a quorum you are going to see the business of the Commission deferred for longer periods of time and I think that would not be effective for any of us.

MR. SPEAKER: Any other comments?

Mr. Marshall.

MR. T. MARSHALL: I would agree with that but I would like to mention once again that it is very difficult - if you get a letter, if a letter comes into the Commission two or three days before the Commission meets and some of us may not have had an opportunity to read the letter until the night before or two days before, it would be most helpful if a lot of the background material could be provided with the letter or the matter not go

on the agenda for the next meeting, be put off for maybe the subsequent meeting. That way when we come to the meeting we have had the material, we have read the legislation, we have had a chance to look at different reports and there is an analysis done. I think if we did it that way then our debate would be maybe a lot better and we will move on a little quicker.

MR. SPEAKER: The Clerk.

MR. MACKENZIE: Yes, I take Minister Marshall's point and I agree with him. We have been trying to be accommodating for these late receiving letters, and even Ms Michael, to her credit, noted in her letter she did not know if it would be on today and of course the Commission could have decided to defer. We probably need, as a policy, to establish a certain cut off before the meeting days because it is very hard if we only get it a day or two to do a full analysis and provide it to members. So maybe it is one of the policy matters Ms Michael that we really need to look at and set a certain cut-off date prior to a meeting, whatever that is three, four, five days or something.

If I could say one other thing while I have the microphone, we really need to start establishing these meetings. What we did today, if we can remember, among other matters we are going to invite the Auditor General, I guess Chief Justice Green, and we are going to invite the transparency and accountability office staff, we are going to invite five independent officers of the House to discuss strategic plans and so on, this is - we still have not gotten to the administrative business, which is the primary focus of the Commission, and we have some matters to attend to before the end of the fiscal year. So, we only have February, March. So we really do need to get some meetings booked and of course once the House opens your afternoons are gone, ministers are busy, the Government House Leader is busy, the Opposition House Leader is busy. It is going to be very hard to book meetings. I do not see how we could try to get

everybody here for every meeting. We would never get a meeting called.

MR. SPEAKER: No, I think it would be workable and I think there is a lot of business that can be done. The reason our last two meetings, I guess - and we have had to cancel one because of the weather. The reason it has gone so long and the reason why we have backed ourselves up is because it just has not been physically enough time there to deal with very important issues. So maybe now that we have the agenda clear and we have clear direction of where we want to go with our next regular meetings we will endeavour to do things a little bit more expedient and to get information out as soon as possible, and hopefully members will co-operate and we can proceed as suggested. If it becomes a problem, we will revert to the way it is and do what we have to do in order to make sure all members are present.

Mr. Parsons.

MR. PARSONS: Two comments, Mr. Speaker.

First of all, in terms of time, one of the mentioned dates for a possible meeting was on Wednesday mornings from 9:00 to 10:00 when the House was open, I believe.

MR. SPEAKER: Yes.

MR. PARSONS: I will just point out the practicality of that is two of the three Opposition members sit on this Commission and it makes it kind of tough to get ready for a Question Period if we are going to be down here, even from 9:00 to 10:00, that process does not start at 10 o'clock. So we need to get our heads around that piece, which goes to the second issue of, albeit the House is closed on Fridays, I think there may be Fridays that we can utilize, and we have to make that time available to be here, notwithstanding we all want to go back to our districts and whatever else. We need to

consider that Friday be available to do some of that business.

As well, albeit the House is closed traditionally for Easter break, that does not mean work stops and not everybody is going on vacation. So we have a two-week window there, if people are around. We could possibly pick up a day or two there and do some business during the Easter break.

MR. SPEAKER: Thank you for your comments.

If there are no further comments or suggestions or business, this meeting now stands adjourned until the next meeting on February 6, which is a budgetary meeting that will last pretty much the whole day.

I thank members for their indulgence. I thank members for their time and for braving the weather to get here today so that this meeting might take place.

Thank you very much.

On motion, the House of Assembly Management Commission is adjourned.