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NOVA SCOTIA HOUSE OF ASSEMBLY

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

Wednesday, July 7, 2010

Committee Room 1

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**HOUSE OF ASSEMBLY
MANAGEMENT COMMISSION**

Hon. Charlie Parker (Chairman)
Mr. Gordon Gosse
Hon. Frank Corbett
Ms. Pam Birdsall
Mr. Maurice Smith
Hon. Manning MacDonald
Mr. Andrew Younger
Hon. Murray Scott

In Attendance:

Mr. Roderick MacArthur
Chief Clerk of the Legislative Assembly

Mr. Gordon Hebb
Chief Legislative Counsel

HALIFAX, WEDNESDAY, JULY 7, 2010

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

8:30 A.M.

CHAIRMAN
Hon. Charlie Parker

MR. CHAIRMAN: Good morning, ladies and gentlemen. We'll call to order our House of Assembly Management Commission meeting. It looks like we're all here so we have a full quorum. For the record, my name is Charlie Parker, Speaker of the House and chairman of this commission. I'm going to ask the members of the commission to introduce themselves for the record.

[The commission members introduced themselves.]

MR. CHAIRMAN: Thank you. Before we turn to our agenda, I just want to inform the commission that we've gone through a process to hire a new director of administration. As you know, Mr. Guest has been filling in that position on a temporary basis. We had a lot of applicants and narrowed it down, interviews were held and the successful applicant is Deborah Lusby.

Ms. Lusby is the director of Ancillary Services at Dalhousie University at the present time and she'll be starting with us on August 9th. At that time, shortly thereafter, Mr. Guest will be going off on his interrupted retirement, so we wish him the best in his retirement but we're certainly looking forward to working with Ms. Lusby as our director of administration.

The agenda is before you, as printed here by our Clerk. I'll ask maybe under No. 12, if there are any other items of business you may wish to add. Mr. Corbett.

HON. FRANK CORBETT: I'm sorry, should we just add them as we get to them?

MR. CHAIRMAN: Maybe just briefly mention what they are.

MR. CORBETT: One would be, and I'd like to put a resolution forward, on what we talked about in the last meeting regarding anybody who had surplus monies in their budget from January 1st to March 31st and their ability to use those surplus funds for advertising.

The other one: Therefore be it resolved, with respect to Section 21(1)(i), that the Clerk of the House of Assembly shall approve and identify expenditures on behalf of the commission, so long as the members have appropriate funds in their budgets to cover such services. That's regarding the summer students - I shouldn't say summer students - a replacement worker. There was some discussion that in order for us to hire somebody to replace a CA, they would actually have to get the approval of the commission.

MR. CHAIRMAN: Okay, we can discuss that at the time under "Other". Is there any other business? Mr. Scott.

HON. MURRAY SCOTT: I see there's a letter here from the member for Argyle but I don't see it on the agenda. Is it?

MR. RODERICK MACARTHUR: No. I can speak to that. The letter came in by way of fax, it was found on my fax machine this morning. There's no letter of explanation with it, but I think what it means is that that member had contributed a donation, a legal and proper donation in years past, to that particular entity. Now, of course, that would be prohibited under the existing rules. Whether that member is asking for a rule change or a regulation change, I'm not sure. I'll leave it to you to decide what to do with it, if you even want to consider it.

MR. CHAIRMAN: We'll deal with that under "Other" business as the third item. So we have three additional items to our agenda. As the agenda stands with those additions, are we satisfied with the agenda? Okay, we'll move on.

Before we do, we've been joined here by our Legislative Counsel, Gordon Hebb, so welcome, Gordon.

Turning to the agenda items, No. 1, "Approval of Minutes of the June 9, 2010 meeting." You should have those before you. Mr. Smith.

MR. MAURICE SMITH: Mr. Chairman, I was looking at No. 4 and the way it reads, it jumped out at me as if that really wasn't quite what we had determined. It says, "Existing staff no longer required will be transferred to other offices in Government." I don't think we said that the staff were no longer required, we just said that they would be performing their duties in other departments of government.

MR. CHAIRMAN: That's about two-thirds of the way down there, No. 4 of the minutes. So you're suggesting that it should be read as . . .

MR. SMITH: I don't think it accurately reflects the tone or the tenor of the discussion. We weren't saying that these staff were redundant, we were saying that they were going to be relocated.

MR. CHAIRMAN: So "no longer required" you feel should be changed to relocated?

MR. MACARTHUR: Might I make a suggestion: No longer required in that office.

MR. CHAIRMAN: Would that be satisfactory, or do you want the word "relocated"?

MR. SMITH: My sense of it is that I wanted to make it clear in the minutes that we weren't considering these people to be redundant, we were just orchestrating their move from one locale to the other. However we need to word that to do it, I . . .

MR. MACARTHUR: An alternative would be: Some existing staff will be transferred to other offices.

MR. SMITH: Sure.

MR. CHAIRMAN: Okay: Some existing staff will be transferred to other offices in government. Is everybody happy with that? Mr. Scott.

MR. SCOTT: I really don't have a problem with how you word it, but I think staff know exactly the intension here, government has decided to remove them from those jobs. You can call it anything you want but it's pretty obvious what's happening in that office.

MR. CHAIRMAN: So the rewording was: Some existing staff will be transferred to other offices in government. Is that satisfactory? Okay. Are there any other comments on the minutes?

We're open for a motion to accept the minutes as amended. Okay, moved by Ms. Birdsall and seconded by Mr. Smith.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

No. 2 on our agenda is, "Approval of Regulation changes respecting recommendations 3 & 4 of Administrative Review (subject to technical re-wording by Legislative Counsel)." We'll deal with those one at a time and I think, again, that's in your package. I think the first one has to do with expenditures by members during the election period. Clerk.

MR. MACARTHUR: I'm very sorry for the words "subject to technical re-wording by Legislative Counsel." That was just an internal tickler for me and it wasn't meant to show up on the agenda.

I have received an indication that there may be a deficiency in the first suggested change and these both come about as a result of the administrative review that was done for us. So what I'm suggesting is that the wording that you see in that which is before you, be amended in Subsection (2) of Section 24A, so that following the word "member" you insert the words "in an electoral district." At the end of that subsection you would add the words "for which a writ for an election is issued."

That, I think, resolves a concern that I had from one of the caucuses, that if there was a by-election it appeared that every member, no matter where situate, would be prevented from spending certain monies, and that was not the intent at all. Otherwise, the clause would be as shown here, it's basically suggesting if you are a former member, in a riding where a by-election is being held, because former members can run down their offices for three months - obviously, they wouldn't be running again because that's why a by-election is being held.

In the rundown, they could do nothing by way of engaging extra personnel. Basically, the standard stuff only would be paid, meaning rent and the standard provision of services to the constituency office consisting of telephone, fax, Internet and cable services. Basically it's a prohibition against using BlackBerrys or cellphones.

MR. CHAIRMAN: Any questions to our Clerk about that? Mr. Smith.

MR. SMITH: Can you just give me the amendments again, I didn't get them? During an election period . . .

MR. MACARTHUR: Sorry: During an election period, no person who was a member in an electoral district at any time within three months preceding the commencement of the election period for which a writ for an election is issued - sorry, Gordon, I didn't have a chance to run this by you. I think that covers off the concerns.

MR. CHAIRMAN: Any other comments on that? Mr. Smith.

MR. SMITH: So for instance, if you were the member and you stepped down because you had family issues or something, somebody else is running, you're not allowed to make a donation, is that the right way I read that?

MR. MACARTHUR: If you are the member who is stepping down, you cannot make a donation or engage in constituency communications, attend events and so on, engage extra people and seek compensation for any of those things.

MR. CHAIRMAN: Donations refers to donations within your constituency to a group, organization or individual. It doesn't mean a political donation, that's a different thing altogether.

MR. MACARTHUR: Presuming you're not running again, so you wouldn't be prohibited from spending money on your own, I suppose, to support the new candidate who would be running for your group. You should not be compensated by the public purse for having done that to assist another person.

MR. CHAIRMAN: Mr. Younger.

MR. ANDREW YOUNGER: Certainly, I think we all agree with the intent, I'm just a little bit concerned about the wording. Maybe it's just a matter of understanding how it's going to be interpreted, especially if you look at the line - I think we all obviously agree that you don't want members doing advertising during elections or making donations at the same time they're required to keep the office running - there is a line that says you may not attend events. Well, I understand that you would not want to have people reimbursed for events, but you also don't want to have a regulation that says, I'm sorry, you can't actually go. The way it's worded now implies that you actually can't go to the event without being in violation of the regulations.

MR. MACARTHUR: That's not the intent.

MR. YOUNGER: No, I know it's not the intent. You know what happens in an election, people . . .

MR. CHAIRMAN: Mr. Corbett.

MR. CORBETT: I don't think this clause has a whole lot of immediacy in it, so I move that we defer it and then have the language in front of us for when we meet next and we could decide it there, rather than, to make sure - that would be my call, that we would defer it and see the language in front of us and if it's appropriate, then we move forward to plug the holes, as Mr. Younger said.

MR. CHAIRMAN: There is a motion to defer. Is there a seconder? Mr. Younger.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

So it will be deferred until the language is fixed up and we'll bring it back to our next meeting.

Now there's a second item there under pay schedule, 26 pay periods per year, and I'll refer that to our Clerk as well.

MR. MACARTHUR: Again, this is just the recommendation of that review body. This is pretty straight ahead, it's giving those who are involved in a four-times-per-year pay schedule time to readjust and the new 26 pay periods per year starts immediately, after January 1st of next year. That's pretty straight ahead, I don't think there are any problems with that.

MR. CHAIRMAN: Any questions about that particular regulation? Is there a motion? Would somebody like to move that? Mr. Gosse, seconded by Mr. Scott.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

Moving on to No. 3, "Discussion/possible approval of furniture/equipment list." This was discussed briefly at our last Management Commission meeting. There was a recommended list there that was presented at that time that's in the regulations. Some of the caucuses have replied back on other changes and some have not. It's open for discussion, but I'll let the Clerk respond first.

MR. MACARTHUR: I can save a lot of time on this one. We just swore in two new members of the House yesterday, they need to outfit their offices. I'm not asking for a definitive list at this point in time. One of the caucuses has not provided their views of what should be on the list, by the way, but just as an opening point, a starting point, could we have approval for the list that I submitted at the last meeting?

I don't think anybody has any problem with that, I think the changes are additional things or slight variations on a theme. We just want to get these fellows outfitted and going. We'll make the full, definitive list at the next meeting of the commission or at a further meeting.

MR. CHAIRMAN: Any comment on that? Mr. Corbett.

MR. CORBETT: I have really no problem with it. If we're saying what these are, that these are now the minimum required to help the two new MLAs get situated, then we will revisit it in the Fall with the hope of having a more complete list of what we would see as necessary equipment in the offices.

MR. CHAIRMAN: Mr. Scott.

MR. SCOTT: I agree with the Clerk, he needs to have some direction now to help these new members. My only concern is it seems that with the new regulations there are a

lot of changes here and there's a lot of uncertainty with members' expenses and what can be claimed and what can't going into the Speaker's Office. We can't keep delaying these types of things because the Speaker's Office needs some direction as well.

My understanding is if the regulations are silent on a specific issue then it's not covered. When we looked over the list at our caucus, we submitted something back to the Speaker's Office just merely asking for a couple of very minor changes, I think. One of those was that members be allowed to go to Surplus and if there's a desk or filing cabinet or whatever in Surplus, the government already owns it and would still maintain ownership of it, to be able to go get that, use it and then it's going to be returned to government anyway.

It seems to me that to delay this just for the sake of delaying it, it just further compounds the issue of the Speaker's Office not having clarity with regard to the issue of the regulations. I just hope at every meeting we don't come here and keep delaying these issues. We need to have some clarity at the Speaker's Office and members, as well, to know what they're allowed to purchase and what they're not. Right now it's so uncertain. I agree with the Clerk, he has to have some direction for those two members. If we want to pass what his suggested list is today, that's great, but I just wish we could take a hard look at this and try to get this dealt with. Do we have the lists that came from the caucus offices that suggested the changes? Maybe it's minor enough that we can do it.

MR. CHAIRMAN: We have Commission Directive #1 that was before us last month and then we have a suggested list from two of the caucuses here on some additional things that should be included. The suggestion from Mr. Corbett was to look at any other additions at our next meeting, but before you is the Draft Commission Directive #1, which is our basic list, and I guess the Clerk is suggesting that we maybe approve that and then additional changes perhaps at our next meeting. At least you would have a good start list there to work with for the two new members. Mr. Younger.

MR. YOUNGER: I agree, we do need to have some kind of start list at least today because obviously there are two guys trying to start their offices. This really comes down to how the regulations are going to be interpreted. I think obviously we submitted a bit of a list and every time we added something we said oh, but then if you have a network you need a router to do the network and it's not on the list. But the way the regulations are worded it seems to imply that it doesn't necessarily have to be on the list, but it's unclear how that list is going to be interpreted. Maybe that's part of the answer, if we can get an answer from Legislative Counsel in terms of - because there has to be some reasonableness in this.

MR. CHAIRMAN: We need some flexibility, I guess.

MR. YOUNGER: Yes, we need some flexibility, but at the same time we also know that everything is going to be posted on-line anyway, which is going to stop some of the most egregious concerns.

MR. CHAIRMAN: I guess we're open for a motion, if any or all of what was suggested is to be included in the guidelines to start off with. Mr. Corbett.

MR. CORBETT: I'd like to put forward as a motion what I verbalized before, that we agree with Mr. MacArthur, that he use the commission rules to at least give the new members guidelines so that they'll have the ability to go out and buy that equipment, and that we will revisit this with the hope of trying to put this thing to rest. Again, I find myself agreeing with Mr. Younger that these issues, once you get one item, someone will come up and say, but I would need this in my office. What we're really, I think, looking for is one that would - I'm probably speaking on my own motion now - identify the equipment we need, but also that there is a measure of latitude we can use that not all 52 offices operate the same, don't operate with the same equipment and there may be variances that we hope we'll be able to capture.

For the purposes of today, I would like to move forward with Mr. MacArthur's suggestion so that those two new members, more importantly, could establish their offices as soon as possible.

MR. CHAIRMAN: That's a motion. Is there a seconder? Mr. Scott.

The motion, to shorten it down, is that Commission Directive #1 be approved and that we look at additional changes at our next commission meeting. Is that basically what I heard? It has been moved and seconded.

Is there any further discussion? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

So that will give you something to start up with to help the new members get started in their offices.

Moving on to No. 4, "Naming of two Commission Members to the Audit Committee (one of whom may not be a Member of the Government Party), setting the term of appointment and naming the Chair." We need two members, it looks like one from the government side of the House and one from the Opposition side. Mr. Younger.

MR. YOUNGER: For the Opposition one, I'll nominate Mr. MacDonald.

MR. CHAIRMAN: It has been moved that Mr. Manning MacDonald be nominated from the Opposition side. Do we need a motion or is there an agreement on that?

MR. CORBETT: Along with Mr. MacDonald, I'll nominate Mr. Smith from our caucus. We could do them as a package.

MR. CHAIRMAN: Okay. You're nominating Mr. Smith?

MR. CORBETT: Yes.

MR. CHAIRMAN: So we have two nominations, one from the government side and one not from the government side, I guess is the way it's written here. Are there any further nominations?

We have nominated Mr. MacDonald and Mr. Smith to sit on the Audit Committee and I guess that was in the form of a motion. Moved by Mr. Younger and seconded by Mr. Corbett, I believe.

Are you ready for the question? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

Coming up to No. 5, we're going to talk about the two additional members of the Audit Committee and I would suspect that when the four members get together, they, amongst themselves, would choose their own chairman.

MR. MACARTHUR: No, perhaps if you could stay on No. 4 for a moment. It's up to the commission to determine the length or term of appointment and it's up to the commission to determine who the chairman shall be.

MR. CHAIRMAN: Okay, that's the way it's written in the regulations. Mr. Smith.

MR. SMITH: My suggestion is that deciding who the chairman is be deferred until we find out who all of the committee members are. Two other committee members are going to be chosen by the Chief Justice so there's no point, I don't think, until we know who they are that we can choose the chairman. We need to have the committee intact and then choose the chairman, I would think; rather than choosing it from two people, we'd be choosing it from four.

MR. CHAIRMAN: That makes some sense, although I'm not sure what the Act, itself, actually says. Normally, a committee is put in place and then they choose amongst themselves their own chairman.

MR. MACARTHUR: Section 16, "The Commission shall designate one of the members of the Audit Committee as its chair."

MR. SMITH: And we don't have the Audit Committee intact yet, so we can hardly do that.

MR. MACARTHUR: But you must also determine the term of the members. The Chief Justice can determine the term of his appointees.

MR. SMITH: Four years each.

MR. CHAIRMAN: Is it in the Act on the length of term?

MR. MACARTHUR: Well, it's four years for those who are picked by the Chief Justice, so I would think the same thing should apply for the commission.

MR. CHAIRMAN: A period of four years and if commission members change or an election were to change commission makeup, does that have to be done again?

MR. MACARTHUR: Sure, you'd have to change it.

MR. CHAIRMAN: So the term is established then, it's four years, it's in the Act.

MR. SMITH: That's for the members who are appointed by the Chief Justice.

MR. MACARTHUR: But you have discretion as a commission to determine the terms as you see it.

MR. SMITH: Yes. It says not more than four years, so I presume it could be less than four years. So, again, my suggestion would be, if I may, that we wait until we get the committee composed and then make that determination at that time.

MR. CHAIRMAN: Okay, that's a reasonable suggestion that we wait until the full committee is in place and then determine the term and the chairman at that time.

MR. SMITH: Because, indeed, the Chief Justice might not appoint for four years, he might appoint for three, he might appoint for two.

MR. CHAIRMAN: Mr. Smith is suggesting that we wait until the other two members are in place and then the committee can determine the length of their term and choose a chairman amongst themselves at that time. Does that seem like a reasonable suggestion?

Is it agreed?

It is agreed.

No. 5, "Fixing the remuneration of the auditors to be named by the Chief Justice to the Audit Committee." Our Clerk has done some research on this and I believe has a suggestion.

MR. MACARTHUR: I would think that this should be regarded as public service. I know the legal community provides public service to several entities that are associated with government. I'm thinking of the Nova Scotia Legal Aid Commission. I know private lawyers there are paid the sum of \$150 per day, plus expenses, for attendance at meetings of the Legal Aid Commission. That perhaps could be a benchmark with respect to this body as well. There is a standing offer of government with respect to audit services and the fees per day range from \$450 up to \$2,500.

The floor is open, you can decide what you want to do, but I would think the Chief Justice would be in a much better position to be able to say to the members that he would like to choose that this is the remuneration so that there isn't a rejection after the fact. I would think that these people should know going in just what the remuneration will be.

MR. CHAIRMAN: So you're suggesting that the remuneration sort of be like an honorarium?

MR. MACARTHUR: In effect, I suppose, yes.

MR. CHAIRMAN: And \$150 a day, you're thinking is . . .

MR. MACARTHUR: Well, that's what's paid to the private lawyers who sit on the Legal Aid Commission.

MR. CHAIRMAN: Is there any comment on that suggestion? Mr. Younger.

MR. YOUNGER: The regulations are clear, I assume, that the elected members on that commission aren't entitled to that remuneration?

MR. MACARTHUR: That's correct, the same amount.

MR. YOUNGER: I just don't want . . .

MR. CHAIRMAN: It's for the ones . . .

MR. YOUNGER: I can see the front page of the paper tomorrow. (Laughter)

MR. CHAIRMAN: For the Chief Justice appointments only, yes. Okay. That's the recommendation and in the back of your package certainly was the standing offer amount examples, as our Clerk has indicated. They range from \$400-some right up to \$2,500 per day, but this is to be considered as public service and the suggestion is for \$150 honorarium per day and expenses.

MR. MACARTHUR: Travel, meals.

MR. CHAIRMAN: I wonder, perhaps, should we have a motion on that? Is anybody prepared to make that a motion? Mr. MacDonald has moved it and Mr. Gosse has seconded it.

Are you ready for the question? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

No. 6 on our agenda, "Progress respecting an inventory control system." We've had some initial contact with the Department of Transportation and Infrastructure Renewal. I believe our Clerk has an update on that, as well, on No. 6.

MR. MACARTHUR: Discussions are progressing with TIR on this. They will be doing the initial set-up and the Office of the Speaker will have to take over at that point in time. It will be an additional duty for someone in that office. There will be training provided by TIR, as well, and the suggestion is that it would take a week of training, which will be provided at no cost to us. Until we know what sort of staff we have in the office, I presume the training won't be done.

MR. CHAIRMAN: So that's just an update, I guess, on where we are. The discussions are ongoing at TIR and the plan is that the inventory in all of our offices will be measured and it will be tracked and a record will be kept. Mr. Smith.

MR. SMITH: I just have a question maybe for you, Rod. The initial understanding I had was that TIR was going to - this was going to be their baby, they were going to take it over and manage it. Now you're saying some aspect of it is coming back to the Speaker's Office. Why is that?

MR. MACARTHUR: I don't know, you'd have to ask them. I presume it's a cost item to them, they're not being remunerated for the ongoing work. Perhaps the executive could take this matter up with TIR and see if they will provide the whole service. Can I leave it with members of the executive, as they're here?

MR. SMITH: I would recommend that we go back to them and find out why they want to hive it off.

MR. CHAIRMAN: Mr. MacDonald.

MR. MANNING MACDONALD: Mr. Chairman, am I missing something here? These people are government employees, are they not? They're arguing with you that they don't want to spend money to do this. Are you saying they want extra resources?

MR. MACARTHUR: Well, I presume that's what they want. I haven't had any direct conversation with the people at TIR, other than the training period, myself. I know our administrator has talked to them about what they want to do and are prepared to do, but it does not include an ongoing service.

MR. MANNING MACDONALD: It just makes one wonder who's running things around here. If they're told to do it, they should be doing it.

MR. MACARTHUR: What authority do we have to tell TIR what to do?

MR. MANNING MACDONALD: The government certainly has authority.

MR. MACARTHUR: The government would have the authority.

MR. CHAIRMAN: Perhaps we need more information. I think the suggestion between the Clerk and the government member here, maybe we can get more information before our next meeting. Mr. Corbett, perhaps we can leave that with you to determine the process here in this regard.

No. 7, "Posting of the Hansard record of the meeting on the website (except for in camera sessions)." At the present time our minutes, as recorded by our Clerk, are posted or will be posted on the Web site. The question here is whether the full Hansard record of every word that was spoken here at these meetings should also be included. That's simply on there for information and for your direction on what - we have to post the minutes, but is the full Hansard record necessary or not? Mr. Younger.

MR. YOUNGER: Mr. Chairman, I can't see any reason why we wouldn't post the full record, it's a public meeting, we're trying to create an atmosphere of transparency, so I would put a motion on the floor that we direct that the Hansard be posted on-line for this committee.

MR. CHAIRMAN: That's a motion?

MR. YOUNGER: Sure.

MR. CHAIRMAN: Is there a seconder for that motion? Mr. Scott. I think, Mr. Scott, you also had your hand up.

MR. SCOTT: I just wanted to say that a lot of time the minutes alone don't capture the intent of a lot of dialogue that happens in these meetings. I look at No. 4 from the last meeting, there's not much here. We had a lot of discussion around transfers of the employees in the Speaker's Office and we had a lot of discussion, and I had a lot of comments myself which are not reflected at all in the minutes. So I support fully the fact that - everything is recorded, I believe, through Hansard now anyway - it should be made available for the

public to be able to see exactly the intent of what members' comments, suggestions and motions are at these meetings.

MR. CHAIRMAN: We have a mover and seconder for that motion. Are there any further comments or is there anybody else who wishes to speak on the issue?

The motion is that not only the minutes but also the full Hansard record will be posted on-line, when we get the system up and running, from each of our Management Commission meetings.

Are you ready for the question? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

I heard one of each. The motion is carried.

So that will be done as we get the system up and running.

No. 8, "Retention of ability of Members to spend more than 10% on pre-existing (before April 1/10) advertising contracts and under the definition of advertising as was in place prior to June 9/10." This, I understand, was an oversight that's not in the regulations, but the previous LIEB had approved the pre-existing contracts within the 10 per cent, but it has not been carried over. I'm going to ask our Clerk, again, to perhaps clarify this issue.

MR. MACARTHUR: Again, this is one of those things that got caught up in the changeover. There was a motion of the LIEB to the effect that those who were stuck with a long-term, written contract as of April 1st, were allowed to carry on to the end of that contract, even though the amount of money expended would exceed 10 per cent of the monthly allotment.

I believe there are three or four members who have not been able to get out of long-term contracts, so this is a protection for them and I would recommend it.

MR. CHAIRMAN: Mr. MacDonald.

MR. MANNING MACDONALD: A couple of clarifications here. As I recall, the amendment that was made to my motion restricting 10 per cent of members' allowances for advertising and donations, there was an amendment made to permit those with existing contracts prior to - well, it was March 1st and then we changed it to April 1st, right?

MR. CHAIRMAN: That's correct, yes.

MR. MANNING MACDONALD: One year contracts. Now I'm a little bit confused as to this because the one-year contract permits them to now do that for one year. Are you

saying that we have long-term - what do you mean by long-term contracts and when were they signed?

MR. MACARTHUR: I'm saying that this is no different than what you agreed to before in another guise, as in LIEB. This is to protect those who are having difficulties, by virtue of having this long-term contract, meaning the existing contract. I don't think there was ever a time limit established on it, but I would think most contracts would be of a duration of less than a year - no more than a year, anyway. This is just putting in place what you had already put in place before as another entity and we would, of course, have to use the definition of advertising as it was then in order to allow this to happen.

MR. MANNING MACDONALD: Continuing with that, so what we're dealing with here is one-year contracts that are in place from April 1st last year, until they expire in one year, right?

MR. MACARTHUR: No, April 1st of this year.

MR. MANNING MACDONALD: So there are no long-term - I don't know how any member could sign a long-term advertising contract with anybody because our allowances are based on a yearly basis.

MR. CHAIRMAN: I don't believe there was any long-term . . .

MR. MANNING MACDONALD: Somebody mentioned, I forget who mentioned it, long term there. What do you mean by long term?

MR. MACARTHUR: There is no definition of long term, I don't know where that - if I used that word, I misspoke. It's written advertising contracts that were in place before April 1, 2010.

MR. MANNING MACDONALD: Yes, for one year.

MR. MACARTHUR: You can make sure that's part of the . . .

MR. MANNING MACDONALD: Well, it was, my motion a few months ago said one year. But is there a problem with that or is there anybody who has contracts of more than one year?

MR. MACARTHUR: I'm not aware of any such things.

MR. CHAIRMAN: I'm not aware of any.

MR. MANNING MACDONALD: Okay, then I agree.

MR. CHAIRMAN: Mr. Corbett.

MR. CORBETT: There's another reason around - this is No. 8, too, and I think it's getting a bit lost here, and that was to the motion that I talked about putting in with "Other" but I think it speaks here to No.8 and that is, the budgets that were available to the members previous to April 1st, that there was no 10 per cent incumbrance on, that if you wanted to spend 80 per cent of your budget on advertising or 100 per cent, whatever, that you could. Part of this is asking anybody that would have had any funds available for that three-month period, that they would be allowed to expend that money as the rules pertained to them at that time previous to April 1st. For instance, from January 1st to the end of March, if you had accumulated \$800 not spent in your budget, that you would be allowed to spend that \$800 as you saw fit, if you wanted to spend that on advertising, because it predated the motion and it would have been under the old rules.

MR. CHAIRMAN: This is a motion that you're going to bring forward under "Other" I think, isn't it?

MR. CORBETT: But I think it's part of what this discussion was about.

MR. CHAIRMAN: But it's separate from No. 8, I believe, and we can bring it up under "Other" but I hear what you're saying. Mr. Scott, I think you had your hand up next.

MR. SCOTT: I guess I didn't understand what the Deputy Premier just said. I understood that this was for pre-existing, signed contracts. If I had a contract with a cable company in January and to live within the agreement of that contract that I was going to spend more than 10 per cent, then we will allow that to happen. But it wouldn't allow me, if I had \$1,000 left between January and the end of March, to spend it according to the old rules, now.

MR. CORBETT: Yes, but this is what, as I told you, in No. 12, "Other", this is when I'll be bringing - I just said this . . .

MR. SCOTT: That's a later, okay, but the issue right now is whether someone should be allowed to fulfill the agreement of their contract beyond that date, but not beyond a year, is that right?

MR. CHAIRMAN: That's basically what the LIEB, the previous board that had the responsibility, agreed to.

MR. MANNING MACDONALD: I'm wondering why this is here, Mr. Chairman, we already agreed to this.

MR. CHAIRMAN: Well, it's just to - it's not in the new regulations.

MR. MACARTHUR: Yes, but you're a new body now.

MR. CHAIRMAN: That's the only reason. It's just that it didn't get carried into the regulations and it's just to allow it to continue for those who still have those contracts. Mr. Younger.

MR. YOUNGER: There are only two things that I just want to be clear that this regulation is going to be worded such - first of all, actually, I think that anybody with those long-term contracts should have to file them with the commission and not to suggest that any of this would happen in any Party, but I would hate to see that there were contracts signed between March 1st and April 1st, by anybody. People knew by that point that the rule - I mean I think it was March 2nd that the LIEB made that rule, but I understand the reason for extending it.

The other element of this is, Mr. MacDonald's motion was clear that although you could go over the 10 per cent, as a result of the contract - which makes sense, you don't want to negatively impact somebody - that then uses up your whole 10 per cent, so then you can't go and take on additional advertising. Some of us - I know members in all three caucuses have cancelled advertising contracts, and I understand some people may not be able to do that and that's fine. I just don't want to create a giant loophole.

[9:15 a.m.]

MR. CHAIRMAN: Basically No. 8 is simply to allow the rule that the LIEB passed that the 10 per cent still apply, even though we're now under the Management Commission rules, but it just wasn't in the new regulations. That's simply all No. 8 is saying.

MR. MACARTHUR: And with the additional proviso that the contract be filed.

MR. YOUNGER: It has to be filed with the Speaker's Office anyway - the contract - so I don't see why that shouldn't be.

MR. CHAIRMAN: Mr. MacDonald.

MR. MANNING MACDONALD: Mr. Chairman, I had one contract that was exactly appropriate to what we're talking about, it was a cable contract, and I just filed the contract with the Speaker's Office. The amount of money in that contract, they wouldn't pay it unless they had some evidence so I think everybody is doing that anyway.

MR. CHAIRMAN: They are.

MR. MANNING MACDONALD: Yes, they were told to.

MR. CHAIRMAN: We don't have a motion on this as of yet so would somebody like to make a motion that we continue with the process as we had it previously?

MR. MANNING MACDONALD: I'll move it.

MR. CHAIRMAN: Mr. MacDonald has moved it, Mr. Scott has seconded it.

Is the House ready for the question? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

No. 9, "Adding 'the Leader of a Recognized Party' to the list enumerated in Regulation 27(1). This would correct an obvious error." Again, it is just something that didn't get transferred from the old LIEB regulations into the new Management Commission regulations. So maybe our Clerk could explain just exactly what it is.

MR. MACARTHUR: Well, we've given a rental allowance to the Leader of the Official Opposition and to the Premier, if same are outside members, at the same level as Cabinet people. We've always paid the Leader of the recognized Party the same, if that person were an outside member. It appears that there was a glitch in the regulations for years, but the person has always been paid the same. There are other provisions in the regulations where all three are treated exactly the same, so it's a no-brainer as far as I'm concerned.

MR. CHAIRMAN: So the suggestion is that this be incorporated into the regulations. I guess it was an oversight, it wasn't there before but the three Party Leaders were always treated the same. Somehow the Leader of the recognized Party, the Leader of the Third Party, that was inadvertently forgotten.

MR. MACARTHUR: Just on this one.

MR. CHAIRMAN: So we're just asking that it be included, the same as the other Leaders. Is that agreed?

It is agreed.

No. 10, "Directive respecting overtime and bonuses for permanent Constituency Assistants (Section 24 of Regulations). I guess I'm going to ask the Clerk again to tell us about this.

MR. MACARTHUR: Again, this is just another one of these internal things but there is nothing in Regulation Section 24 that talks about bonuses or overtime being authorized for the one full-time constituency assistant. There is another regulation where, with the

blessing of the Commission, additional assistant-type work can be approved. I think Mr. Corbett mentioned that earlier on in the discussion but there is nothing in here, in Section 24, that allows for a bonus or an overtime payment. Of course if such a payment is authorized, it would be done in the proper way and the proper deductions would be taken by the Speaker's Office and that kind of thing.

This is an inquiry from one of the caucuses and I know that there has been a practice of allowing this in the past but we're taking the view that if it's not specifically stated in the new regulations that we want some authority for it, by directive at least.

MR. CHAIRMAN: Thank you. The regulation now reads that each member can have one full-time constituency assistant, with the proper deductions being taken off. If he or she needs to hire additional staff in their office, that can be done, again by notifying the Speaker's Office and the proper deductions taken off. There is no provision in there for any additional monies - bonus or overtime or whatever - to be paid to the full-time constituency assistant. Just making that clear, there's nothing in the regulations at this moment that allows for additional payments to your one full-time CA.

Mr. Corbett, you had your hand up.

MR. CORBETT: Well it would be the position of the government caucus, Mr. Chairman, that overtime be addressed in time off in lieu - if an employee gets overtime, that they get time off in lieu, to be consistent with the rest of government. We've sent directives out to all agencies, boards and commissions that bonuses will not be paid, that there will be no bonuses paid either, and in reality as we look now, these wage rates are being re-examined at the Public Service Commission, so it is the government caucus' position that overtime be granted in time in lieu, instead of cash, and that bonuses not be allowed.

MR. CHAIRMAN: Are you making that a motion?

MR. CORBETT: Yes.

MR. CHAIRMAN: That's a motion. Is there a seconder for that motion? Seconded by Mr. Smith.

On the motion, Mr. MacDonald.

MR. MANNING MACDONALD: As I understand it, Rod, you can perhaps react to this, whatever is being paid to our CAs as of March 1st remains until the new regulations come into place, that your department is working on, right?

MR. MACARTHUR: Yes.

MR. MANNING MACDONALD: Where does the word bonuses come from? There is nobody paying anybody any bonuses.

MR. MACARTHUR: Well, somebody has submitted, I think, a claim for a bonus or overtime at least. I get this from staff, that's all. I don't know who.

MR. MANNING MACDONALD: Okay. Well I agree with the Deputy Premier that if people are being paid a salary and they're working extra hours, then they should be accommodated the same as any other government employee would be.

In regard to the payment of monies, this is going to change. Whatever is in place March 1st stays in place. There are different rates being paid to different CAs . . .

MR. MACARTHUR: That's correct.

MR. MANNING MACDONALD: . . . because the member had the ability to do that, as long as he had funds in his constituency budget, right? You couldn't pay it if you were going over your budget. If you wanted to pay your CA X number of dollars you could, provided the deductions were taken regularly and that's what has been happening. So whatever is in place as of March 1st will stay in place until the new salary range comes in and then everybody will be subject to that new salary range. Is that right, Frank?

MR. CHAIRMAN: So that's under review at the present time and we're waiting for the Public Service Commission to come back with those recommendations.

We have a motion on the floor that overtime only be paid as time off in lieu and no bonuses be paid.

Any further discussion? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

No. 11 is a little long here but I'll read it; "Directive respecting date to be used by staff in calculating the total amount of advertising per month. By Section 54 of the Regulations there must be a claim made within 6 months of the payment of when the claim originated. This Regulation is of very limited assistance. There are several options that can be used: . . ." This is simply for the staff so that it can be clarified which one to use, ". . . a) The date of the payment by the Member; b) The date the claim is made by the Member; or c) The date of the invoice."

The staff is recommending that the date of the invoice be accepted but it is open for the Commission here to make that decision.

Mr. Younger.

MR. YOUNGER: Mr. Chairman, I don't have any problem with the staff recommendation, I'm just wondering why we're making it that complicated when my understanding at the last meeting was that really they're going to calculate it on an annualized basis. Although it's per month, we've all received a memo from the Speaker's Office saying that effectively it is calculated on an annual basis.

MR. CHAIRMAN: But some invoices run over the end of the calendar year. It might be bought in December, it might be paid in January, it might not be claimed until February, so that's complicated.

MR. YOUNGER: I understand. So this is really just to deal with that sort of . . .

MR. MACARTHUR: If I could just read the note from staff to me, it just says: I am looking for some clarity with respect to the date I am to use when recording advertising for the month. I have been using the date of the invoice but now I am unsure whether it is the date of the invoice, the date of the payment, the date that the claim is submitted. Can you please add this to the agenda for July 7th. I have had several members who want to know how close to the 10 per cent they are so far and I am unable to definitively tell them, since I do not have a carved in stone date to use.

So that's the issue right there.

MR. YOUNGER: Well, Mr. Chairman, I think the solution, the invoice date is fine, I don't think anybody would have a problem with that, you have to pick some date.

MR. CHAIRMAN: That's their recommendation.

MR. YOUNGER: Yes, it should be clear. If that's the easiest for them, then that's fine. It's January 1st to December 31st that we're worried about that 10 per cent. It's the year that matters on the invoice, not the month and the day.

MR. MACARTHUR: I guess some members were wondering just where they were.

MR. YOUNGER: Some members should do a better job of budgeting in their own office.

MR. CHAIRMAN: Mr. Smith, did you have your hand up? Okay, Mr. Corbett.

MR. CORBETT: I was just saying, if we refer to Generally Accepted Accounting Principles - GAAP - if we could look and see what they use. Is it the payment or is it the date of invoice? That would answer the question fairly simply, I believe.

MR. CHAIRMAN: I'm not sure what that would be but certainly the staff finds it easier the date of the invoice and it seems to make some sense. Mr. Scott, did you have a comment?

MR. SCOTT: I understand the issue about from one year to the next. I mean we were always told that there was a certain cutoff date and you had to ensure that you had your invoices cleaned up for the previous year, which makes total sense.

I just want to make sure that I understand; so if a non-profit organization, for example, in January, if a member was going to take out some sort of an advertisement in a publication they had as a special event for a fundraiser - remember, we're dealing with volunteers - they inadvertently, and I've seen this happen where we requested those invoices over a period of time, and you're dealing with people who are volunteers and they are in organizations where they are not paid accountants or follow certain rules, somehow, some way you don't get that bill until July. Basically what we're saying is the member would not be reimbursed for the monies they spent for legitimate advertisement to a non-profit organization. Is that right?

MR. CHAIRMAN: My understanding is it has to be filed within six months, so you're talking about seven months, aren't you, from January to July.

MR. SCOTT: That's right.

MR. CHAIRMAN: Okay, Mr. Corbett.

MR. CORBETT: Well yes, the six months, I agree with Mr. Scott on that, that could pose a problem, plus the date of invoice. I've known, it's not uncommon to, say during the holiday season, to do advertising. The advertising itself would occur in the month of December but it's not uncommon to get invoiced in January. So what you would effectively do, if I was budgeting my advertising, say well you know the holiday season I may run a newspaper ad and maybe a cable ad and bunch them together, bundle them, however you want to portray it. But what would happen, if they decide then that they are going to - they don't send the invoice until it finishes running so, for the sake of argument, it starts running December 20th to the 31st, so it's kind of a holiday/New Year greeting, but you don't get invoiced until January 1st. You've got the invoice but so then they'll say well that fell in 2011 but actually the service you are paying for occurred in 2010, so the date of payment may be more appropriate or the date when the service occurred.

I know I may be over-complicating this thing but this happened to me in reality a few years back where the invoice was - that exact example happened so that's what I'm saying, if we use invoices that's one of the pitfalls.

MR. CHAIRMAN: Okay, Mr. Scott.

MR. SCOTT: Just one more comment on it and then whatever the board agrees with, I'm happy with. I guess what I was trying to say was, I would think what is most important is, is it a legitimate advertising expense, is the member within the 10 per cent that is allowed, not so much as what date. I think it's more around the issue whether you had the room in your expenses and whether, in fact, it is a legitimate expense, as opposed to what the date is that the bill gets sent or that you . . .

MR. CHAIRMAN: I guess use some common sense here as well, certainly. I guess the staff is finding that the date of the invoice but perhaps there's a little bit of discretion as well, common sense.

I don't know if we need a motion on that but is it generally agreed that the staff's recommendation would be followed, where possible? Does somebody want to make a motion on it? I'm open for a motion, if somebody so wishes to make it.

MR. CORBETT: The staff had a recommendation?

MR. CHAIRMAN: The staff has a recommendation here. Their recommendation is the date of the invoice. Mr. MacDonald.

MR. MANNING MACDONALD: Just to keep in mind here, the member has to pay the actual bill to the person we're dealing with so regardless of what date it is, the member submits a cancelled cheque and an invoice and we pay it. The Speaker's Office I think is being a little bit too cautious on this because we've got cancelled cheques and the members have to pay every single bill up front now, before we can ever get reimbursed. So what difference does it make? The Speaker's Office has a cancelled cheque and a duly recorded invoice, what else do they need? Mr. Scott.

[9:30 a.m.]

MR. SCOTT: There is no motion on the floor at this point, is there?

MR. CHAIRMAN: No, there's not.

MR. SCOTT: We ought to make a motion that in regard to No. 11, that it be six months from the time the member paid the bill, which would be "a").

MR. CHAIRMAN: Is there a seconder for that? The motion is that the staff be directed to keep track of the invoices, from six months after the bill has been paid by the member. Is there a seconder for that?

MR. MANNING MACDONALD: Just to further clarify what I was saying there, that in any case a member can't submit a bill in the month that he has incurred the expense because you're waiting for your cancelled cheques, those who still deal with cheques, you

are waiting for your cancelled cheque to come back the next month so you're going to be late anyway.

MR. CHAIRMAN: We have a motion on the floor, is there a seconder for it?

MR. MANNING MACDONALD: I'll second it.

MR. CHAIRMAN: Okay it has been moved and seconded that the invoice be six months from the date that the member has paid it but again, the staff is trying to keep track, on a monthly basis, how much money you have left in your advertising budget. Is that going to make their job any easier if it is six months from the time that - what we're trying to do is clarify it for the staff here so that they

MR. MACARTHUR: You can have upwards of a year.

MR. MANNING MACDONALD: If you have a cancelled cheque and an authorized invoice, pay it whenever you send it over there. I mean the member has paid the money. I don't know, this is an administrative thing that they should be dealing with. I don't know why we're sitting around here wasting time arguing about it.

MR. CHAIRMAN: The question has been called. Do you want to just repeat your motion, Mr. Scott?

MR. SCOTT: Well 11(a), "The date of the payment by the Member." So if I get a bill from a local non-profit organization in February and it is not paid until April, I have six months from April to claim it. So it would be the date of the payment by the member within six months.

MR. CHAIRMAN: Is that going to make it easier for the staff is my only question? But anyway, that's the motion that is on the floor.

Is there further discussion? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

That motion is carried.

Moving on our agenda to other business. Mr. Corbett, you had an item under surplus monies in the first three months of the calendar year.

MR. CORBETT: Can I deal, if I may, Mr. Chairman, with the first one I spoke about with respect to Section 21(1)(l). That deals with a replacement worker for a regular full-time CA, because of fill-in for vacation or sick leave or whatever. As it stands now, the way the regulations state that the only way we could hire those is come back, meet as a body and then give approval.

I want to make a motion: Therefore be it resolved that with respect to Section 21(1)(l), the Clerk of the House of Assembly shall approve identified expenditures on behalf of the Commission so long as the member has appropriate funds in their budget to cover such services.

MR. CHAIRMAN: Moved and seconded. Is there discussion on the motion?

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

MR. MACARTHUR: I'm sorry, it was moved by Mr. Corbett?

MR. CHAIRMAN: Moved by Mr. Corbett, seconded by Mr. MacDonald - I'm sorry, Mr. Scott, was it? Okay. There you go, I get you guys mixed up at times. No, how could I ever do that?

Thank you, Mr. Corbett. You had a second item as well?

MR. CORBETT: Yes, I'll read the resolution and then I'll give a background, if I may.

MR. CHAIRMAN: Sure.

MR. CORBETT: Therefore be it resolved that any member of the Legislature who has an accumulated surplus budget related to the period of January 1 through March 31, 2010, be enabled to use those funds for any purpose that was allowed under the regulations and guidelines in effect at that time.

As I mentioned earlier, with the exception of the pre-existing contracts that we had talked about from April 1st forward, is subject to the 10 per cent rule. What we're saying is for clarification, I guess, we're putting this forward and hope that it would pass, that you would allow that the three-month period that the old LIEB rules were in effect, that they would reflect that, too. So if you had excess money in there, you can go back to that and use it for whatever purposes you feel fit, so you wouldn't be restricted by the 10 per cent advertising rule.

MR. CHAIRMAN: So again, that would be for this calendar year only.

MR. CORBETT: For those three months only.

MR. CHAIRMAN: It would not apply in 2011 or any other year.

MR. CORBETT: No, once this year passes, that's it. You know I shouldn't be speaking until somebody has seconded it.

MR. CHAIRMAN: Okay, is there a seconder for that motion?

It has been seconded by Mr. Gosse. Mr. Scott.

MR. SCOTT: Just so I understand the Deputy Premier's intent here, so from January 1st to March 31st, if I had \$1,000 of unclaimed expense money that I didn't use, that I could use that now to buy anything with or just advertising? I could use that now to spend another \$1,000 on advertising, regardless of the 10 per cent?

MR. CORBETT: Yes.

MR. SMITH: Or anything else you needed to buy.

MR. SCOTT: Well, you already can do that. (Interruptions)

MR. CHAIRMAN: One person at a time, please. Okay, Mr. Scott.

MR. SCOTT: I believe that the regulations presently allow me to spend on anything that is receiptable and claimable, and of course, approved, so that's already covered. This has to do with advertising only, am I right?

MR. CHAIRMAN: Advertising, Mr. Corbett?

MR. CORBETT: You're right, Mr. Scott, that's my intent.

MR. CHAIRMAN: Okay, who is next? Mr. Younger.

MR. YOUNGER: I have a concern with this and my concern is that the motion would suggest that you could spend it on anything that the old LIEB rules, which, as we've all discussed, is basically advertising, or I assume that would mean things like auction donations and that, which are not allowed now but were allowed in the previous period, if we're saying any of the LIEB rules.

More importantly, what you are effectively creating is you are changing that 10 per cent rule and allowing for this year, for someone who has a lot of money left, and allowing them to suddenly spend 15 per cent or 17 per cent. If the government wants to change the 10 per cent to another number, just change the number. They have the votes to change the number from 10 to 15 because that's effectively what this motion does.

MR. CHAIRMAN: Okay, Mr. Corbett.

MR. CORBETT: Well no, with all due respect, it's not. What we're saying is what we want, there's a 90-day period, if you will, a quarter, however you want, that we're seeking clarity on it, that these were the pre-existing rules. We're not saying after this, this is any carry-forward, this is a one-off. We're seeking for clarity. We're not asking to move the 10 per cent bar to a 15 per cent or 20 per cent bar, we're saying we agreed to the 10 per cent bar. We're just seeking clarity and there are funds in there. It may even go to help an issue that will come before us in a third item that someone is seeking extra funds for. So that may be there.

MR. CHAIRMAN: So it's a one-time only, if people have extra money in their budget for January, February, March, to use it towards advertising during the last nine months of the year and for this year only.

MR. MACARTHUR: If I could just seek clarification, it's advertising as defined in the old regulations or under the new regulations?

MR. CORBETT: Since it accumulated under the old system it would relate to the rules in the old system.

MR. CHAIRMAN: Okay, thank you. Mr. MacDonald, did you have your hand up?

MR. MANNING MACDONALD: Yes, the whole business of advertising is still very much a moving target here. I think we haven't really clarified what we can spend on and what we can't spend on, in the new regulations. It appears it depends on the mood of the people working over in the office on any particular day, whether something is appropriate to be spent or whether it is turned back to the members.

In regard to this motion, it is obvious that this would come under the old regulations, which was basically wide open when it came to advertising before, as long as you paid for it and submitted the receipts, right? For example, in the last three years - I'll use my own case - I left \$18,000 on the table and I corresponded back to you last Fall, Mr. Speaker, that there was another issue that I wished to take a look at because I had the surplus. In the past year I had a surplus of \$7,000 in my account. So what you're saying, Frank, is that I can take the \$7,000, that surplus from last year, and spend it on advertising in the three months.

MR. CORBETT: No.

MR. MANNING MACDONALD: You're not saying that, okay.

MR. CORBETT: If I may, any monies that were surplus to your account for the months of January, February and March 2010, anything that you would have left - it's that 90-day period.

MR. MANNING MACDONALD: I don't have a problem with that, I just have a problem with the whole definition of advertising. We still don't seem to have that straightened out - can we still sponsor things, can we still buy items for this or that and pay for them ourselves and get reimbursed? The whole issue of advertising is still very much a moving target here and we have to define it more succinctly than it is defined now.

MR. CHAIRMAN: I agree, it needs more work but this . . .

MR. MANNING MACDONALD: I hear you now, I've not a problem with that.

MR. CHAIRMAN: The question has been called. Are you ready for the question?

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

Now I think there was a third item here, under Other. There is a letter from the member for Argyle requesting coverage for a particular event. Perhaps with this resolution just passed there may be room in his budget for just that. Mr. Scott.

MR. SCOTT: Mr. Chairman, it very well may. I am actually glad the member sent it in because as some of my colleagues have already indicated, there is a lot of misunderstanding, I guess, today around what a member can claim for advertising and what they can't. I don't know, and maybe the Clerk can tell us, I'm not sure if the member was denied this, I should have called and asked him, this is the first time I've seen the letter this morning. I don't know if he was denied this request or not, or would he be denied if he actually made the request.

MR. MACARTHUR: He would be denied if he made the request.

MR. SCOTT: He would be denied, so there's my question. If he actually spent that same amount of money - we'll assume that \$1,200 he requested for this advertising opportunity was going to come under his 10 per cent, whether it was that month or the next number of months . . .

MR. CHAIRMAN: Three months.

MR. SCOTT: No, but the Speaker's Office will - if I overspend my advertising this month, the Speaker's Office will hold those receipts and next month, when I have room, then they'll incorporate them in my expenses, right? That's what is being done today.

What I don't understand is, so if he was requesting this and it is denied, yet if he requested to put an ad in the local graduation paper, it's accepted. If he requested to put the

ad on the cable TV, it is accepted. This is a legitimate organization, it is a legitimate advertising opportunity and it is within his 10 per cent, why would it be denied?

MR. CHAIRMAN: I don't think - I have no knowledge that it has been denied . . .

MR. SCOTT: Again, Mr. Chairman, I apologize I don't know more information about it but I . . .

MR. CHAIRMAN: Okay, Mr. Corbett.

MR. CORBETT: I don't mean to jump on your line but I'd look at it a bit differently. I think the member may have seen this in realizing that in his estimation this may have been outside the guidelines on strict dollars, you know like when you see that it's \$1,200, I'm wondering and again, I don't know whether he's - we're all at a loss here whether he has put this forward and it has been denied, I'm not sure, or, on the other side, there's also an availability in regulations for you to one time use \$1,000 and I'm sure that if he used that \$1,000 and then \$200 could be accumulated somewhere else, I'm not sure, but it is 10 per cent.

The Clerk and I had a very short discussion away from the table on this and we're not breaking any confidence, I think, that we really didn't understand the fullness of what the member was asking because it's like right now you could assume that it was asked and denied. I can assume that he could have asked for the \$1,000, there's very little explanation and I find it really difficult for us to deal with this because it is so hypothetical that I don't think we want to see the member being out-of-pocket or a worthwhile cause to lose a benefactor. I think we need more background before we can . . .

MR. CHAIRMAN: I think it's a request ahead of time, I'm guessing, it has not been denied that I'm aware of. It seems to be a request that he might have considered. He may have money now, under the regulation that we just passed, under January, February, March. He may have the \$1,000 one-time event, so there may be other options for him. Mr. MacDonald, you had your hand up?

MR. MANNING MACDONALD: Two things; on the last motion I assume that the January, February, March thing will be communicated to all members of the House, with some language they can understand on this, from the Speaker's Office, so that we don't get into all kinds of problems again.

MR. CHAIRMAN: Yes, that's a good point.

MR. MANNING MACDONALD: Somebody in the Speaker's Office could do that, explain things over there.

The other issue on this issue, I don't think this is any different than an ad that you take. It says here that your business name will be mentioned during a live radio blitz. You know we've always done that, that's the kind of thing.

I'm asking you, Rod, I guess, if he had room within his 10 per cent, would that be an acceptable expense?

[9:45 a.m.]

MR. MACARTHUR: As I understand it, the new advertising restrictions are such that only contact information can be provided but the medium on which it is carried is variable. That is no problem at all.

MR. MANNING MACDONALD: If he gives his business card with this and says I'm sponsoring this and here's my business card, mention my business card information, then it would be acceptable?

MR. MACARTHUR: Yes, I think that would be acceptable.

MR. MANNING MACDONALD: If he had the 10 per cent. If he didn't then he could have it accumulated if he paid for it, like Murray says, right - next month or the month after?

MR. MACARTHUR: Yes.

MR. MANNING MACDONALD: So I mean I don't see why this is here at all, unless he's out of money and if he is, then he should go through the route that Frank is talking about, like the extra \$1,000.

MR. CHAIRMAN: Mr. Scott.

MR. SCOTT: Mr. Chairman, just real quickly, I think the reason that's in here - I'll look at the letter and I think what is happening here, he got a request, he doesn't want to pay out \$1,200 and find out that he can't be reimbursed for this advertising opportunity. I think the question is, and I think I've heard the committee here agree, that this type of thing would be a legitimate, claimable expense, as long as he has room in his 10 per cent to cover it.

MR. MANNING MACDONALD: Why doesn't the administration deal with this? Why are we dealing with this around this table? Are we going to be dealing with this every time somebody . . .

MR. CHAIRMAN: I don't know, it just came in this morning.

MR. MACARTHUR: It came in this morning to the Clerk's Office. I don't want to deny a member any opportunities.

MR. CHAIRMAN: Mr. Gosse.

MR. GORDON GOSSE: Just to give you an update, I just stepped out and went on the computer and the 2009 festival was August 19th to 22nd, so this is an upcoming event.

MR. CHAIRMAN: He's asking for permission I think ahead of time.

MR. GOSSE: Yes, it doesn't say the time and the date of the festival so I wonder why Chris sent it in.

MR. CHAIRMAN: He's looking for permission to spend it, not to be denied later.

MR. GOSSE: In August.

MR. CHAIRMAN: So we're agreed on that, that is something that there is really one or two or three different ways to handle this, that he may be allowed to do it. Okay.

MR. CORBETT: Can you communicate that to him?

MR. CHAIRMAN: Yes. Okay, that's that item. Is there other business? That's all I had on the agenda. Mr. Younger.

MR. YOUNGER: Can I just suggest that in light of that one, in light of some of these things and there's obviously some confusion, as Mr. Scott mentioned, and I understand there will be changes but at some point in the not-too-distant future it would be useful to have the Office of the Speaker send out something to all members saying, these are the criteria for acceptable advertising, acceptable items under the 10 per cent. If a draft needs to come to this commission first, I'm sure that we don't have a problem with that.

I think that at some point we need to stop this problem of wondering with everything what is acceptable. I know there are a lot of us calling Mr. Guest, the new person, in advance and asking about everything. That is just a huge waste of staff resources so we've got to put an end to that.

MR. CHAIRMAN: That's a good suggestion and some clarity, I think we can probably get something out that would - as the rules exist or as the new resolution was passed here today, just to let members know where we're at. Mr. MacDonald.

MR. MANNING MACDONALD: Just further to that, I think we have a dispute method in place here that if somebody is having a problem getting something passed, then it can come before the board and be dealt with.

MR. CHAIRMAN: There is a mechanism in place. Any other business to come before the commission?

We have a motion to adjourn, thank you very much.

[The commission adjourned at 9:49 a.m.]