



**House of Assembly  
Newfoundland and Labrador**

**Minutes of the House of Assembly  
Management Commission**

**Date:** August 29, 2007

**Location:** House of Assembly Chamber

**Time:** 9:00 – 3:00

**Members Present:**

Hon. Harvey Hodder, Speaker

Mr. William MacKenzie, Clerk of the House of Assembly

Hon. Tom Rideout, Government House Leader

Mr. Kelvin Parsons, Opposition House Leader

Hon. Tom Marshall, Minister of Finance

Ms. Beth Marshall, MHA (PC) Topsail

Mr. Gerry Reid, MHA (L) Twillingate-Fogo

Ms. Lorraine Michael, MHA (NDP) Signal Hill-Quidi Vidi

**Other:**

Ms. Marlene Lambe, Chief Financial Officer, House of Assembly

**Regrets:**

None

**Decisions of the Management Commission:**

**Decision CM 2007 – 001**

**Agenda Item 3: House of Assembly Management Commission Policy and Procedures Manual**

The proposal from the Clerk respecting adoption of the August 21, 2007, version of a House of Assembly Management Commission Policy and Procedures Manual was considered. The Commission decided the following:

1. The August 21 version of the House of Assembly Management Commission Policy and Procedures Manual is approved, in principle, with the understanding that amendments will continue to be made to this version.

2. Policy 5.4.1 (respecting Quorums for Commission meetings) of the August 21 Draft of the Policy and Procedures Manual is amended by adding the words “and one member of the government” after the words “opposition to the government” such that 5.4.1 reads: “A quorum of the Commission shall be 50% of its members. At least one member representing a party in opposition to the government and one member of the government must be present along with the Speaker or Deputy Speaker, during the meeting of the Commission.”
3. A draft amendment to Subsection 18(8) of the *House of Assembly Accountability, Integrity and Administration Act* which would give effect to the policy decision of Item 2 (above) is to be presented to the Commission at its next meeting.

### **CM 2007 - 002**

#### **Agenda Item 5: Constituency Business during Election Writ Period**

The Commission considered the August 24, 2007, Memo to all Members from the Speaker respecting Constituency Business during the Election Writ period and decided the following:

1. Members of the Commission representing all parties in the House of Assembly agreed to recommend to their caucuses that Members would not submit expense claims for constituency business conducted during the election writ period.
2. A draft amendment to Section 14 of the *House of Assembly Accountability, Integrity and Administration Act* which would remove the right to be reimbursed for constituency business expenses incurred during an election writ period is to be presented to the Commission at its next meeting.
3. Members of the Commission representing all parties in the House of Assembly agreed to recommend to their caucuses that Members assume responsibility for all charges related to cell phone or blackberry calls during the election writ period, with the Clerk's Office to explain to Members the process to be followed.

### **CM 2007 – 003**

#### **Agenda Item 7: Clarification of Rules – Harmonized Sales Tax**

The Commission considered the proposal from the Clerk addressing the Clarification of Rules respecting Harmonized Sales Tax and decided the following:

Pursuant to subparagraphs 20(6)(b)(i) and 20(6)(b)(ii) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission directed that the following interpretation Directive be issued:

The Clerk is authorized, for tracking and reporting purposes only, to interpret and restate The maximums for the various Members' allowances as net of HST, rather than inclusive of HST, as currently listed in the Members' Resources and Allowances Rules.

**CM 2007 – 004**  
**Agenda Item 8:**

**Clarification of Rules – Travel and Living Allowances**

The Commission considered the proposal from the Clerk respecting Clarification of Rules – Travel and Living Allowances and decided the following:

Pursuant to subsection 20(6)(b)(i) of the House of Assembly Accountability, Integrity and Administration Act, the Commission directed that the following interpretation Directive be issued with respect to Sections 31, 32 and 35 of the Members' Resources and Allowances Rules.

Subsection 31(1) should be interpreted as if the words "or private" appeared after the word "temporary", such that subsection 31(1) reads

"A member who travels from his or her permanent residence outside the capital region to temporary or private accommodation or a secondary residence in the capital region to attend a sitting of the House of Assembly may claim reimbursement for the following cost:"

Subparagraph 32(2)(b)(i) should be interpreted as if the words "with receipts" appeared after the word "accommodation", such that subparagraph 32(2)(b)(i) reads

"the actual costs of temporary accommodation, with receipts, in the constituency up to a maximum of \$125 a night actually spent in the constituency, or"

Paragraph 35 (b)(i) should be interpreted as if the words "up to a maximum" appeared after the "region", such that paragraph 35(b)(i) reads

"with receipts, temporary accommodations in the capital region up to a maximum of \$125 a night for every night the accommodations are actually occupied by the member, or"

**CM 2007 – 005**  
**Agenda Item 9:**

**Clarification of Rules - Standard Office Allocation**

The Commission considered the proposal from the Clerk respecting Clarification of Rules Standard Office Allocation and decided the following:

Pursuant to subsection 25(1) of the Members' Resources and Allowances Rules, the Commission directed that the standard office allocation shall consist of:

**Office Furniture, Equipment and Services package - for Member and Constituency Assistant**

**1. Office Furniture:**

- > One L-shaped desk, wood, veneer
- > One credenza, wood veneer
- > One bookcase, wood veneer
- > Chair, executive (high/low back) with wheels
- > Four visitor chairs without wheels
- > One L-shaped workstation with hutch
- > One chair with wheels
- > One TV Stand
- > One coffee table for waiting area

- > Two lockable four drawer lateral/vertical filing cabinets
- > Three wastepaper baskets
- > Two recycling boxes
- > Three coat racks
- > Water cooler
- > One wall clock

**2. Equipment:**

- > One photocopier
- > One scanner
- > One facsimile
  - Or a combination photocopier, scanner and facsimile machine
- > Two desk-top printers
- > Cross-hatch shredder
- > One 20 inch television
- > One VCR or DVD recorder or one combination unit
- > One camera and accessories
- > Two calculators
- > Two desk-top computers
- > One lap-top computer
- > Two telephones for constituency office
- > Two Cell phones or blackberries

Other furniture and equipment items as approved by Directive of the Commission.

**3. Services**

Telephone services:

- > Message manager
- > Call display
- > Long distance plan
- > A 1-800 number (if requested)

Cell phone or blackberry services:

- > Message Manager
- > Call Display

Facsimile services:

- > The installation and maintenance of a facsimile line
- > Internet and intranet services:
  - Access provided through the government network (where possible)

Cable Service includes:

- > The installation and maintenance of the most basic channel package which includes the local news channels and the House of Assembly broadcast. Satellite services are not permitted

Calling card

- > A Member and his/her constituency assistant are entitled to a calling card, if requested.

**CM 2007 – 006**

**Agenda Item 9: Clarification of Rules – Start-up Allowance**

The Commission considered the proposal from the Clerk respecting Clarification of Rules – Start-up Allowance and decided the following:

1. Pursuant to subsection 19(4) of the Members' Resources and Allowances Rules, a member may claim against the \$1,000 start up amount for reimbursement to cover initial start-up expenses related to establishing a constituency office for the following expenses:
  - (a) Office supplies, such as paper trays, 3 hole punch, staplers, pencil holders, scissors, hanging folders, kettle, coffee maker; and
  - (b) Office Equipment, such as computer monitor stand, non-glare screen, blackberry or cell phone accessories; and
  - (c) Any other non-consumable items directly related to establishing a constituency office
2. The Clerk was directed to obtain a legal opinion on Subsection 19 (4) of the Members' Resources and Allowances Rules to determine if a Directive of the Commission, under Subparagraph 20(6)(b)(i) of the Act, could amplify or interpret Subsection 19(4) such that it would become effective beginning with the 47th General Assembly.

**CM 2007 – 007**

**Agenda Item 11 Clarification of Rules – Secondary Residence**

The Commission considered the proposal from the Clerk respecting Clarification of Rules – Secondary Residence and decided the following:

Pursuant to subsection 20(6)(b)(i) of the House of Assembly Accountability, Integrity and Administration Act, the Commission directed that the following interpretation Directive be issued with respect to Sections 31, 32, 33, 35, 36, 37 and 38 of the Members' Resources and Allowances Rules:

Subparagraph 31(1)(b)(i) should be interpreted as if the words "or secondary residence" appeared after the word "temporary", such that subparagraph 31(1)(b)(i) reads

"the actual cost of temporary or secondary residence accommodations, with receipts, up to a maximum of \$125 a night for every night the accommodations are actually occupied by the member, or"

Subparagraph 32(2)(b)(i) should be interpreted as if the words "or secondary residence" appeared after the word "temporary", such that subparagraph 32(2)(b)(i) reads

"the actual cost of temporary or secondary residence accommodations, with receipts, in the constituency up to a maximum of \$125 a night actually spent in the constituency, or"

Paragraph 33 (b)(i) should be interpreted as if the words "or secondary residence" appeared after the word "temporary", such that paragraph 33(b)(i) reads

“the actual cost of temporary or secondary residence accommodations, with receipts, in the constituency up to a maximum of \$125 a night actually spent in the constituency, or”

Paragraph 35 (b)(i) should be interpreted as if the words “or secondary residence” appeared after the word “temporary “, such that paragraph 35(b)(i) reads

“with receipts, temporary or secondary residence accommodations in the capital region up to a maximum of \$125 a night for every night the accommodations are actually occupied by the member, or”

Subparagraph 36(2)(b)(i) should be interpreted as if the words “or secondary residence” appeared after the word “temporary “, such that subparagraph 36(2)(b)(i) reads

“temporary or secondary residence accommodations, with receipts, in the constituency up to a maximum of \$125 a night for each night actually spent in the constituency, or”

Paragraph 37 (b)(i) should be interpreted as if the words “or secondary residence” appeared after the word “temporary “, such that paragraph 37(b)(i) reads

“with receipts, temporary or secondary residence accommodations in the constituency up to a maximum of \$125 a night for every night the accommodations are actually occupied by that member, or”

Paragraph 38(2)(b) should be interpreted as if the words “or secondary residence” appeared after the word “temporary “, such that paragraph 38(2)(b) reads

“the actual cost of temporary or secondary residence accommodations, with receipts, up to a maximum of \$125 a night, or a daily amount, without receipts, of \$25 when staying in private accommodation; and”

## **CM 2007 – 008**

### **Agenda Item 12: Clarification of Rules – Memorial Wreaths**

The Commission considered the proposal from the Clerk respecting Clarification of Rules – Memorial Wreaths and decided the following:

Pursuant to paragraph 46(3)(g) of the Members’ Resources and Allowances Rules, the Commission hereby authorizes and directs that the following expense necessarily incurred by a member to carry out his or her constituency business may be reimbursed:

Memorial Wreaths used to commemorate veterans and others who served in the armed forces, peace officers, workers killed on the job or who died as a result of work-related illness, and similar memorial commemorations of a public nature.

## **CM 2007 – 009**

### **Agenda Item 13: Clarification of Rules – Advertising**

The Commission considered the proposal from the Clerk respecting Clarification of Rules – Advertising and decided the following:

1. Pursuant to subsection 20(6)(b)(i) of the House of Assembly Accountability, Integrity and Administration Act and in relation to section 24(i) of the Members' Resources and Allowances Rules, the Commission hereby makes the following clarification with respect to advertisements:
  - The purpose behind any advertising expenses shall be solely to assist Members to convey contact information along with advertising messages of welcome or congratulations
2. The Clerk was directed to consult with the Office of the Comptroller General on the appropriate documentation to be required for reimbursement of expenses respecting advertising.

**CM 2007 – 010**  
**Agenda Item 16: Code of Conduct for Officers and Staff**

The Commission considered the proposal from the Clerk respecting a Code of Conduct for Officers and Staff and adopted the following Code of Conduct for officers and staff of the House of Assembly, pursuant to S.35 (3) of the House of Assembly Accountability, Integrity and Administration Act:

As Officers and Staff of the House of Assembly:

1. We will serve the aims and objectives of the House of Assembly and insure that personal interests and activities do not interfere, or appear to interfere, with this obligation.
2. We will perform our duties honestly, faithfully, ethically, impartially and efficiently, respecting the rights of the public and our colleagues. We will refrain from conduct that might impair our effectiveness or that would compromise our integrity.
3. We will ensure that we maintain the confidence and trust of Members of the House of Assembly and provide fair, confidential and impartial service equally to Members and staff of all parties.
4. We will treat colleagues, Members and the public with courtesy and respect.
5. We will avoid circumstances in which personal interests compromise or conflict with the interests of the House of Assembly and avoid circumstances in which there will be the appearance of a compromise or conflict. We are subject to the provisions of the Conflict of Interest Act, 1995.
6. We will not abuse our official position for personal gain. We will not accept any gift or other benefit that could be seen as an inducement or reward that might place us under an obligation to a third party. We will follow all requirements and policies of the House of Assembly service with respect to gifts and rewards.
7. We will exercise due care and control of records created or collected in the exercise of our responsibilities, ensuring that they are organized, secured and managed according to applicable policy and legislation.
8. We will ensure that any contribution we make to public debate or discussion on matters of government or House of Assembly policy is appropriate to the position we hold and is compatible with our obligation to be politically impartial.

9. We will ensure that our participation in public bodies and voluntary associations does not create a conflict of interest or the appearance of a conflict of interest with our duty to act in a politically impartial manner.

**CM 2007- 011**

**Agenda Item 17:      **Audit Committee of the Commission****

The Commission considered membership on the Audit Committee of the Commission and confirmed Ms. Elizabeth Marshall, MHA Topsail, and Mr. Kelvin Parsons, MHA Burgeo and LaPoile, as Commission members of the Audit Committee pursuant to S.23 (2) (a) of the *House of Assembly Accountability, Integrity and Administration Act*.

**CM 2007- 012**

**Agenda Item 18:      **Request for Special Warrant Funding (in camera session)****

The Commission, in an in camera session, authorized the Speaker to refer to the Attorney General a Special Warrant funding request to cover unanticipated costs of the Special Ballot process for the 2007 General Election under the Legislature Head of Expenditure.

**Adjournment:** 3:00

Hon. Harvey Hodder, MHA  
Speaker and Chair

Wm. MacKenzie  
Clerk and Secretary to the Commission



## House of Assembly Management Commission

### Briefing Note

**Title:** Proposed Amendment to Act - Quorum for Commission Meetings

**Issue:** Approval of proposed amendment to subsection 18(8) of the *House of Assembly Accountability, Integrity and Administration Act*

**Background:**

- Subsection 18(8) of the *House of Assembly Accountability, Integrity and Administration Act* currently states  
“A quorum of the Commission shall be 50% of its members provided that at least one member representing a party in opposition to the government, and the speaker or deputy speaker, shall be present.”
- In accordance with CM 2007-001, approval was given by the Commission at the August 29, 2007 meeting to amend paragraph 5.4.1 of the Policy and Procedures Manual to add the words “and one member of the government” after the words “opposition to the government”. The Commission also directed that a draft amendment to subsection 18(8) of the *House of Assembly Accountability, Integrity and Administration Act* which would give effect to the policy amendment should be prepared and presented to the Commission at the next meeting.
- The Commission must approve the proposed wording of the amendment before the amendment can be introduced in the House of Assembly. The Law Clerk is compiling a number of proposed amendments to the Act to address minor definitions, errors and omissions. A compendium of these proposed amendments will be submitted for Commission approval at a later date.

**Action Required:**

- The Commission hereby approves the following proposed amendment to subsection 18(8) of the *House of Assembly Accountability, Integrity and Administration Act*:

Subsection 18(8) of the *House of Assembly Accountability, Integrity and Administration Act* is repealed and the following is substituted:

“(8) A quorum of the commission shall be 50% of its members, provided that

- (a) one member, representing the government; and
- (b) one member representing a party in opposition to the government; and
- (c) the speaker or the deputy speaker

shall be present during a meeting of the commission.”

Drafted by: Marie Keefe  
Date: November 22, 2007

Approved by: Wm. MacKenzie

**House of Assembly Management Commission  
Briefing Note**

**Title:** Proposed Amendment to Act – Reimbursement of Expenses during the Election Writ Period

**Issue:** Approval of proposed amendment to Subsection 14(2) of the *House of Assembly Accountability, Integrity and Administration Act*

**Background:**

- Sections 11 and 14 of the *House of Assembly Accountability, Integrity and Administration Act*, read together, permit reimbursement of Members' constituency business expenses during an election writ period as long as the expenses do not relate to "partisan political activities or election activities".
- As per CM 2007-002, Members of the Commission representing all parties in the House of Assembly agreed to recommend to their caucuses that Members would not submit expense claims for constituency business conducted during the recent election writ period.
- The Commission also directed that a draft amendment to subsection 14(2) of the *House of Assembly Accountability, Integrity and Administration Act*, which would remove the right to be reimbursed for constituency business expenses incurred during an election writ period, should be prepared and presented to the Commission at the next meeting.
- The Commission must approve the proposed wording of the amendment before the amendment can be introduced in the House of Assembly. The Law Clerk is compiling a number of proposed amendments to the Act to address minor definitions, errors and omissions. A compendium of these proposed amendments will be submitted for Commission approval at a later date.
- Subsection 14(2) of the *House of Assembly Accountability, Integrity and Administration Act* (the Act) currently states  

“Notwithstanding subsection (1), a member may not claim reimbursement of expenses under subsection 11(2) from and after the date an election is called where those expenses relate to partisan political activities or election activities.”

**Action Required:**

- The Commission hereby approves the following proposed amendment the *House of Assembly Accountability, Integrity and Administration Act*:

Subsection 14(2) of the *House of Assembly Accountability, Integrity and Administration Act* is repealed and the following is substituted:

“(2) Notwithstanding subsection (1), a member may not claim reimbursement of expenses under subsection 11(2) from and after the date an election is called until the date of the election provided that the member has been declared re-elected under the *Elections Act, 1991*.

Drafted by: Marie Keefe  
Date: November 22, 2007

Approved by: Wm. MacKenzie

**House of Assembly Management Commission  
Briefing Note**

**Title:** Membership for Audit Committee of the Commission

**Issue:** Selection of Two Representatives to Serve on Audit Committee

**Background:**

- Section 23 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act) establishes an Audit Committee of the Commission and outlines the committee's various responsibilities.
- Subsection 23(2) provides for the composition of the Audit Committee, as follows:

The audit committee shall consist of

(a) 2 members of the commission chosen by the commission, at least one of whom shall not be a member of the government party; and

(b) 2 persons, chosen by the Chief Justice of the province, who are not members but who are resident in the province, and have demonstrated knowledge and experience in financial matters and are suitable to represent the public interest.

- Chief Justice Wells has named the two members of the public to serve on the committee: Ms. Janet Gardiner, C.A., and Mr. Donald Warr, C.A.. At the Commission meeting of August 29, 2007, Ms. Elizabeth Marshall and Mr. Kelvin Parsons were selected as the Commission representatives on the Audit Committee during the 45<sup>th</sup> General Assembly.
- As the Commission has been reconstituted for the 46<sup>th</sup> General Assembly, two members need to be selected for the Audit Committee.

**Action Required:**

- The Commission must appoint two Commission members to serve on the Audit Committee.

Drafted by: Marie Keefe  
Date: November 22, 2007

Approved by: Wm. MacKenzie

## House of Assembly Management Commission

### Briefing Note

**Title:** Members' Resources and Allowances Rules Manual and Members' Handbook

**Issue:** Commission approval for the new Members' Resources and Allowances Rules Manual and Members' Handbook

**Background:**

- Subsection 50(1) of the *House of Assembly Accountability, Integrity and Administration Act* (the Act) requires the House of Assembly Management Commission to develop a manual of appropriate conduct and policies and procedures for Members of the House of Assembly.
- Two manuals, the Members' Resources and Allowances Rules Manual and the Members' Handbook, have been developed by the House of Assembly Service. The manuals have been distributed to the Speaker, the Clerk, and each Member as required by the Act. Training has also been provided to Members on the new manuals.
- The manuals could not be brought to the House of Assembly Management Commission for approval prior to printing and distribution as the Commission was effectively dissolved once the Election Writ had been called.
- Paragraph 50(2)(a) of the Act requires that the manuals be tabled in the House of Assembly within 10 days of the next sitting of the House.

**Action Required:**

- The Commission hereby approves and adopts the October 2007 versions of the Members' Resources and Allowances Rules Manual and Members' Handbook.

Drafted by: Marie Keefe  
Date: November 22, 2007

Approved by: Wm. MacKenzie



# HOUSE OF ASSEMBLY

NEWFOUNDLAND AND LABRADOR

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**To:** House of Assembly Management Commission  
**From:** Speaker of the House of Assembly  
**Date:** November 28, 2007  
**Subject:** Report on Section 18(4) – *Members' Resources and Allowances Rules*

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Section 18 of the *Members' Resources and Allowances Rules* provides a maximum allowance of \$7000 (\$6,140, plus HST) for constituency office accommodations. Under the Rules, a Member may make application in writing to the Speaker requesting permission to exceed the maximum when accommodations can not be obtained within the maximum guidelines. The Speaker must report, in writing, to the Commission any authorizations made under this section of the rules.

Report on Section 18(4) – Period Ending: November 26, 2007

DISTRICT	MEMBER	AMOUNT APPROVED	REASON
Harbour Main	Tom Hedderson	\$8,964	Lowest proposal submitted
Burgeo – LaPoile	Kelvin Parsons	\$12,000	Second Lowest Proposal Lowest proposal was \$11,000 Second lowest preferred because: <ul style="list-style-type: none"><li>▪ Lowest proposal is in mall with no after-hour access for constituents</li><li>▪ Air quality issues in mall property</li></ul>
Fortune Bay – Cape La Hune	Tracey Perry	\$9,228	Only proposal submitted – 4 proposals invited

# Green Report Recommendations Implementation Status

November 21<sup>st</sup>, 2007

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
1		<i>The existing Internal Economy Commission Act should be repealed and be replaced by substantive legislation respecting the effective administration of the House of Assembly, the standards of conduct of elected officials, and their ethical and accountable behaviour.</i>	Completed. Act repealed and new <i>House of Assembly Accountability, Integrity and Administration Act</i> passed.	✓
2		<i>The new legislation should prescribe definitive guidance and requirements which will: (a) establish an administrative framework for the House of Assembly that is transparent and accountable; (b) place responsibility with individual Members to conduct their public and private affairs so as to promote public confidence in the integrity of each Member, while maintaining the dignity and independence of the House of Assembly; (c) promote the equitable treatment of each Member of the House of Assembly; (d) establish clear rules with respect to salary, allowances and resources for elected office holders and to provide for mandatory review at regular intervals; (e) provide for clear and timely disclosure in relation to operations of the House of Assembly establishment, including Members' salaries, pensions, allowances, resources and separation payments that are consistent with the public interest; (f) create an environment for Members in which full-time devotion to one's duties is encouraged; and (g) establish standards of conduct for Members and for those charged with the responsibility of administration of the operations of the House of Assembly establishment.</i>	Completed with proclamation of <i>House of Assembly Accountability, Integrity and Administration Act</i> .	✓
3		<i>A proper regime providing for claims for reimbursement by MHAs for expenditures made in the performance of their constituency duties should: (a) place ultimate responsibility on the MHA for compliance with the spirit and Intent of the regime as well as its specific limits and restrictions; (b) provide adequate resources, instruction and training to MHAs and their constituency assistants to enable them to understand and comply with the regime; (c) be clear and understandable in its application; (d) contain detailed rules and examples of the types and amounts of expenditures permitted; and (e) contain mechanisms whereby, in doubtful cases, MHAs can obtain rulings which they can reasonably rely on in making and claiming for a particular expense.</i>	Claims policies and procedures in place - explained in Members' Resources and Allowances Rules Manual.	✓
4	1	<i>Upon the legislative reforms recommended in this report coming into force, the Speaker should refer to the Standing Committee on Privileges and Elections, or to a special committee appointed for the purpose, the responsibility for developing and proposing to the House of Assembly the adoption, by resolution, of a code of conduct for Members to provide guidance on the standards of conduct expected of them in discharging their legislative and public duties;</i>	Code of conduct is in draft stage. Standing Committee on Privileges and Elections to be constituted to begin deliberations, prior to bringing to House.	
4	2	<i>The Commissioner for Members' Interests, constituted under the House of Assembly Act, should be assigned responsibility for investigating and conducting an inquiry, if necessary, to determine whether a Member has failed to fulfill any obligation under the code of conduct and to report to the House with recommendations as to appropriate sanctions similar to the ones that are available for breaches of conflict of interest duties in Part II of the House of Assembly Act. The Act should be amended accordingly.</i>	Appropriate sections of the House of Assembly Act amended by Section 68 of House of Assembly Accountability, Integrity and Administration Act.	✓



**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
4	3	The Commissioner for Members Interests should be renamed "Commissioner for Legislative Standards" in recognition of this expanded role; and	Completed. Subsection 68(2) of Act.	✓
4	4	The oath or affirmation of office that a Member of the House of Assembly is required to swear or affirm upon election to the House should include an affirmation and an agreement to follow the code of conduct adopted by the House.	Completed. Section 5 of Act.	✓
5	1	The Commission of Internal Economy should develop and adopt a code of conduct applicable to persons employed in the House of Assembly and in the statutory offices;	Officers and employees Code of Conduct approved at Aug 29 HoAMC meeting and distributed.	✓
5	2	All policies and guidelines respecting standards of behaviour of House staff should be made by the Commission of Internal Economy or the Clerk in writing and published in a formal policy manual;	Ongoing.	
5	3	The Conflict of Interest Act should, as a general rule, apply to the House of Assembly; and	Completed. Subsection 48(2) of Act.	✓
5	4	If the Commission were to modify the existing conflict of interest regime and other standards of conduct applicable to staff in the executive branch of government, the IEC should be required to put in place an alternative substantive regime.	Completed. Subsection 48(2) of Act.	✓
6	1	Subject to limitations designed to respect the different functioning of the legislative branch, Parts I, II and III of the Access to Information and Protection of Privacy Act should be amended to provide for its application to the House of Assembly administration, including financial information about Members' salaries and expenditures on allowances, and to the offices of the Citizens' Representative, the Child and Youth Advocate, the Chief Electoral Officer, the Information and Privacy Commissioner and the Commissioner of Members' Interests; and	Completed. Section 67 of Act.	✓
6	2	It should be a legislated requirement that the House of Assembly be subject to a publication regime where basic information concerning the finances of the House, especially information about expenditures in relation to Members' allowances, is made publicly available as a matter of course.	Completed. Section 49 of Act.	✓
7	1	The application of the ATIPP Act to the House of Assembly administration should be excluded in relation to: (a) information protected by parliamentary privilege; (b) records of political parties and caucuses; and (c) personal, political and constituency records of individual MHAs.	Completed. Subsection 67(3) of Act amends Paragraph 5(1)(c) of ATIPPA.	✓
7	2	The application of the ATIPP Act to statutory offices should be excluded in relation to records connected with investigatory functions or otherwise expressly required by law to be kept confidential; and	Completed. Subsection 67(4) of Act.	✓
7	3	The ATIPP Act should not be extended to the Office of the Auditor General but the appropriateness of requiring access to information should be examined as part of a general legislative review of the Auditor General Act.	Completed. Subsection 67(1) of Act.	✓

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
8	1	The publication scheme developed by the IEC, as recommended in Recommendation No. 6(2), should involve publication on the House's website;	Publication scheme will be presented to HoAMC for approval at November meeting.	
8	2	The publication scheme should include publication of information about MHAs' expenditures on their constituency allowances, including, at the least, a breakdown of information by category of expenditure relating to each claim made by each MHA as and when processed by the existing financial management system;	Publication scheme will be presented to HoAMC for approval at November meeting.	✓
8	3	The IEC should undertake a further study of the Scottish system of publication of information about Members' allowances with a view to expanding the amount of information that can be displayed, with the ultimate intent of publishing the details of individual items of expenditure on a regular basis;	Will be reviewed in more detail this Winter, with advice from OCG and OCIO.	
8	4	The Clerk of the House should be required, prior to periodically publishing information about an MHA's allowance expenditures, to provide a statement to the MHA and give the MHA an opportunity to dispute the accuracy of the information;	Completed under Section 11 of Members' Allowances and resources Rules.	✓
8	5	If there is a dispute between an MHA and the Clerk about the accuracy of the information in a statement that cannot be resolved, the information should nevertheless be published, but the MHA should be allowed to publish at the same time and in the same place his or her disagreement and the reasons therefor; and	Completed under Section 12 of Members' Allowances and resources Rules.	✓
8	6	In the case of publication of information about an MHA's allowance expenditures, the information, in addition to being published on the website of the House, should also be kept on file in the MHA's constituency office and in the office of the Speaker and made available for inspection by the public.	Completed under Rules 11, 12 and 13	✓
9		It should be a legislative requirement: (a) that the IEC, officers of the House and the staff of the House of Assembly administration document decisions and recommendations; and (b) that it is an offence to fail to so document, or to destroy documentation recording decisions or the advice and deliberations leading up to those decisions.	Completed under Act: (a) Subsection 19(4); (b) Section 66	✓
10	1	Subject to (2) below, the management and administration of the House of Assembly, including financial management, should continue to be under the supervision and control of a management board presently called the Commission of Internal Economy but to be henceforth renamed as the "House of Assembly Management Commission".	Completed under Section 20 of Act.	✓
10	2	The existing Commission must: (a) be restructured legislatively with respect to its formal operating structure; (b) have greater controls over, and limits on, the types of decisions it can make and the manner of making those decisions; (c) have its operational procedures reorganized; and (d) have higher and more appropriate standards of responsibility, both as an institution and also with respect to its members individually, so that the Commission will be able to function efficiently, openly and with due regard to its stewardship mandate.	Completed under Section 18-21 of Act.	✓
11	1	Legislation governing the House of Assembly Management Commission should set out clearly the standards, diligence, prudence, knowledge acquisition, supervision and good faith expected of each member of the Commission.	Completed under Section 21 of Act.	✓

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
11	2	Those standards should include: (a) a duty to exercise powers with the care, skill and diligence that a reasonably prudent person would exercise in comparable circumstances; (b) a duty to act in good faith, on the basis of adequate information in arriving at Commission decisions; (c) a duty to attend Commission meetings except in exceptional circumstances; (d) a duty to spend time on the affairs of the Commission to be able to comply with his or her responsibilities; and (e) a duty to act in such a way to promote compliance with law and policy and to advocate policies in support of such objective; and	Completed under Section 21 of Act.	✓
11	3	It should also be stated in the legislation that a member of the Commission should not be considered in breach of these duties so long as he or she acts prudently on a reasonably informed basis.	Completed under Section 21 of Act.	✓
12	1	New legislation should contain a broad statement of the responsibility of the House of Assembly Management Commission for the financial stewardship of all public money appropriated for the use of the House and for all matters of financial and administrative policy affecting the House administration.	Completed under Section 20 of Act.	✓
12	2	The specific duties and responsibilities of the Commission should be set out in legislation and should include responsibilities to: (a) oversee the budget, revenues, expenses, assets and liabilities of the House; (b) review and approve administrative, financial and human resource and management policies of the House; (c) implement financial and management policies for the House and keep them updated; (d) give general direction with respect to the efficient and effective operation of the House; (e) make and keep current rules respecting MHA allowances; (f) annually report in writing, fully and accurately, to the House through the Speaker; (g) regularly review the financial performance of the House and compare that performance with the House budgets; (h) ensure proper audits are conducted of the accounts of the House; (i) ensure that full and plain disclosure of the accounts and operations of the House is made to the auditor on a timely basis; and (j) consider and address on a timely basis any recommendations for improvement made by the auditors from time to time;	Completed under Section 20 of Act.	✓
12	3	Delegation of duties by the Commission should not relieve it of ultimate responsibility for what is done or not done and, when delegation is made, the Commission should be required to establish oversight mechanisms by means of measurement of outcomes and accountability reporting.	Completed under Section 20 of Act.	✓
12	4	The Commission should be guided by the spirit and letter of the Financial Administration Act; and	Completed under Section 20 of Act.	✓
12	5	It should be stated in legislation that the financial and management policies of the executive branch shall apply to the House except to the extent that they may be modified by the Commission, in which case the Commission must put in place alternative policies deemed more appropriate.	Completed under Section 20 of Act.	✓

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
13		<i>As one of the first orders of business of the newly restructured House of Assembly Management Commission, the Commission should develop and adopt rules with respect to the advance circulation of agendas and briefing materials respecting items on those agendas, and give instructions to the Clerk with respect to compliance with those rules.</i>	Included in Policy and Procedures Manual approved at Aug 29 meeting.	✓
14	1	<i>With limited exceptions, all proceedings of the House of Assembly Management Commission should be open to the public and should be able to be electronically accessed by the media in the same manner as proceedings of the House of Assembly;</i>	Commission meetings are now being broadcast, beginning with first meeting Aug 29.	✓
14	2	<i>Recordings of Commission meetings should be made as part of the Hansard service;</i>	Hansard transcripts are now available, beginning with first meeting Aug 29.	✓
14	3	<i>Exceptions to public meetings of the Commission should include: (a) legal matters involving actual or impending litigation; (b) personnel issues relating to officers of the House; and (c) matters protected by privacy and data protection laws.</i>	Completed under Subsection 19(1) of Act.	✓
15	1	<i>The substance of all decisions of the Commission, including the final decisions of matters decided in private meetings, should be recorded in publicly accessible records of the Commission;</i>	Minutes and decisions of the Commission are publicly accessible. The substance of decisions made under the <i>in camera</i> provisions of Subsection 19(1) will be public, with confidential details restricted.	✓
15	2	<i>Minutes containing the substance of all decisions should, following approval, be tabled in the House within a short time frame, be provided to each MHA and be placed on the House website for inspection by the public.</i>	Once Minutes have been approved at subsequent HoAMC meeting, they will be available to all MHAs and public through inclusion on the website.	
16	1	<i>A Members' manual should be prepared under the direction of the House of Assembly Management Commission within six months (and, in any event, before the next general election scheduled for October 9, 2007) and made available to every Member following the election.</i>	Manual completed and distributed to all successful candidates following the October 9 election.	✓

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
16	2	As a minimum, the Members' manual should contain: (a) information with respect to allowances available to MHAs; (b) duties of MHAs with respect to claims for allowances and the management and expenditure of public money; (c) copies of applicable legislation including: i) legislation recommended in this report, ii) the House of Assembly Act, iii) the Financial Administration Act, iv) the Members of the House of Assembly Retiring Allowances Act; (d) copies of rules and directives made by the Commission; (e) information summarizing rulings and determinations made by the Speaker and the Commission respecting matters affecting Members' responsibilities; (f) copies of the Code of Conduct adopted from time to time by the House; (g) instructions as to the manner in which duties of MHAs are to be carried out with respect to making claims, and the forms to be employed and the documentation to be supplied; and (h) information as to how to organize and operate a constituency office.	Manual completed and distributed to all successful candidates following the October 9 election. Code of Conduct must be developed by the Standing Committee on Privileges and Elections and approved by the House before being included.	✓
16	3	The House of Assembly Management Commission should have responsibility to keep the Members' manual continuously updated.	Subsection 50(4). Ongoing requirement.	✓
16	4	The Commission should be made responsible for causing to be developed and offered to all newly elected MHAs, whether in a general election or by-election, an orientation program on matters contained in the Members' manual and on other matters pertaining to expectations for MHAs; and	Subsection 22(2) makes the Speaker responsible. Orientation program developed and delivered to new Members.	✓
16	5	The Commission should also be responsible for causing to be developed and offered to MHAs such training and information dissemination programs as may be appropriate from time to time on various aspects of an MHA's duties as well as changes in the rules.	Initial training session on new rules held in mid-October. Ongoing training will be scheduled as required.	✓
17	1	The Speaker should cause each new member of the House of Assembly Management Commission to be provided with an information package containing, at least, information as to: (a) the responsibilities of the Commission and individual members; (b) past minutes of the Commission that are of continuing relevance; (c) rules and directives of the Commission; (d) policies and guidelines issued to House staff; (e) procedures and processes of the Commission; and (f) the role of the audit committee of the Commission.	Package distributed to Members prior to first meeting. Additional information will be added as finalized.	✓
17	2	The Clerk should be required to conduct a briefing session with all new members of the Commission within 30 days of their appointment.	Briefing session held prior to August 29 meeting. Another session will be provided for new Commission Members.	✓

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
18	1	<i>The Clerk of the House of Assembly should be designated as accounting officer for the House, to be directly accountable to the Public Accounts Committee for the authorities and responsibilities assigned by law or delegated by the House of Assembly Management Commission, including for: (a) measures taken to organize the resources of the House to deliver programs in compliance with established policies and procedures; (b) measures taken to implement appropriate financial management policies; (c) measures taken to maintain effective systems of internal control; (d) the certifications that are made in annual reports regarding accuracy of MHAs' transactions and the minutes of the Commission; and (e) the performance of other duties specifically assigned;</i>	Completed under Section 31 of Act.	✓
18	2	<i>Where the Speaker or the House of Assembly Management Commission is unable to agree with the Clerk on the interpretation or application of a rule, directive, policy or standard applicable to an MHA, the House administration or the statutory offices, the Clerk should seek guidance from the Comptroller General or the Deputy Minister of Justice; and</i>	Completed under Section 31 of Act.	✓
18	3	<i>The legislation should provide that no reprisal shall be taken against the Clerk for actions taken by him or her in good faith as accounting officer.</i>	Completed under Section 31 of Act.	✓
19	1	<i>The Public Accounts Committee of the House of Assembly should develop a program of action for regular investigation of matters of concern expressed in the Auditor General's annual reports, whether they relate to the executive or legislative branches of government; and</i>	For discussion with new Public Accounts Committee of 46th General Assembly.	
19	2	<i>The Public Accounts Committee, additionally, should regularly examine and investigate matters dealt with in the annual reports of the House of Assembly Management Commission, including the financial statements of the House and auditors' opinions thereon, as well as matters disclosed in the course of compliance audits and any other matters of concern arising out of decisions of the Commission.</i>	For discussion with new Public Accounts Committee of 46th General Assembly.	
19	3	<i>The Public Accounts Committee should regularly review with the Clerk of the House of Assembly, the Clerk's responsibilities as accounting officer of the House.</i>	Requirement under Section 47 of Act.	✓
20	1	<i>A procedure should be established in legislation whereby an advance inquiry could be made in writing by a Member to the Speaker as to the appropriateness of an anticipated expenditure, or of an expenditure already made, with the resulting ruling being binding.</i>	Completed under Section 24 of Act.	✓
20	2	<i>A procedure should be established in legislation whereby the review of an allowance use could be initiated at the request of a Member or of the Clerk or of the Speaker's own accord, and the Speaker would conduct, in his or her capacity as Chair of the House of Assembly Management Commission, a review to determine whether the Member's use of an allowance or other disbursement complies with the purposes for which the allowance or other disbursement was provided, or complies generally with legislation, the rules and the directives of the Commission;</i>	Completed under Subsection 52(1) of Act.	✓
20	3	<i>Both of the above described procedures should include procedural safeguards by way of further review and/or appeal mechanisms. In the case of advance inquiries, these would ultimately involve the House of Assembly Management Commission. In the case of review of allowance use, these would ultimately involve the Commissioner for Legislative Standards.</i>	Completed under Sections 24 and 52 of Act.	✓

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
21	1	A public interest disclosure ("whistleblower") program should be implemented by legislation in the legislative branch of government.	Completed under Part VI of Act.	✓
21	2	Under the program, members of the public service or MHAs who believe that wrongdoing, such as committing a statutory offence, gross mismanagement of public money, violation of a code of conduct or failure to disclose information required to be disclosed, has been committed by an MHA, the Speaker, persons employed in the House or its statutory offices, or members of the House of Assembly Management Commission should be provided with a mechanism to report such wrongdoing in confidence.	Completed under Sections 55 and 56 of Act.	✓
21	3	The program should provide a means whereby the disclosure of alleged wrongdoing can be investigated in a fair manner and recommendations made for appropriate action to be taken;	Completed under Section 58 of Act.	✓
21	4	The Citizens' Representative should be designated as the investigator under the program;	Completed under Subsection 54(1) of Act.	✓
21	5	The program should provide that no reprisals can be taken against any person making a disclosure in accordance with the program; and	Completed under Section 59 of Act.	✓
21	6	The Clerk should be tasked with undertaking at an early date the development of explanatory material relating to the program, and how it should be used, for approval by the Commission, and then for general distribution to members of the public service and MHAs, stressing the importance of the program and its full support by the Commission.	First draft of material has been completed, with assistance of Citizens' Representative. Will be presented to HoAMC for approval.	
22	1	Section 15 of the Auditor General Act should be amended to make it inapplicable to Members of the House of Assembly;	Effect has been achieved by Subsection 45(7); Auditor General Act has not been amended.	✓
22	2	The new legislation recommended in this report should contain a provision dealing specifically with reporting of possible impropriety and criminality by MHAs by providing that, if during the course of an audit, or as a result of review of an audit report prepared by another auditor employed by the House of Assembly or as a result of any internal audit procedure, the Auditor General becomes aware of an improper retention or misappropriation of public money by a Member, or another activity by a Member that may constitute an offence under the Criminal Code or another Act of the Parliament of Canada or the Province, the Auditor General should be required immediately to report the improper retention, misappropriation of public money or other activity to: (a) the Speaker; (b) the Premier; (c) the leader of the political party with which the member involved may be associated; (d) the Attorney General; and (e) the Minister of Finance;	Completed under Subsection 45(1) of Act.	✓
22	3	In addition to reporting the retention, misappropriation or other activity, the Auditor General should be required to attach to his or her annual report to the House a list containing a general description of these incidents and the dates on which those incidents were reported;	Completed under Subsection 45(2) of Act.	✓

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
22	4	Before making a report, the Auditor General should be required to give to any Member involved and who may be ultimately named or identified in the report: (a) full disclosure of the information of which the Auditor General has become aware; (b) a reasonable opportunity to the Member to provide further information and an explanation; and (c) the Auditor General should take that information and explanation, if any, into account in deciding whether to proceed to make the report;	Completed under Subsection 45(3) of Act.	✓
22	5	The Auditor General should be under a duty not to make the existence or contents of a report referred to in Recommendation 22(1) known to any other person except (a) as part of his or her annual report to the House; (b) in accordance with court process; (c) as part of proceedings before the Public Accounts Committee; and (d) as a result of a request from the House of Assembly Management Commission.	Completed under Subsection 45(4) of Act.	✓
22	6	The Auditor General should be a compellable witness in any civil or criminal proceeding and in a proceeding before the Public Accounts Committee relating to any matter dealt with in a report made under this section; and	Completed under Subsection 45(5) of Act.	✓
22	7	Section 19.1 of the House of Assembly Act should not apply to a report made by the Auditor General under the new legislative provision.	Completed under Subsection 45(6) of Act.	✓
23	1	Express statutory recognition should be given to a right of a member of the public to seek an order of mandamus, as well as consequential and declaratory relief to enforce statutory duties imposed on the House of Assembly Management Commission, the members of the Commission as well as MHAs where the member of the public, acting in good faith, believes that a statutory duty has not been complied with and no other action to enforce it has been or is being contemplated;	Completed under Subsection 53(1) of Act.	✓
23	2	A member of the public seeking an order of mandamus: (a) should not be denied standing on the ground that he or she is not affected by the alleged failure to perform the duty to any greater degree than any other person; and (b) should be required to serve notice of the application on the Attorney General who should have the right to intervene and be heard on the application; and	Completed under Subsections 53(3) and 53(4) of Act.	✓
23	3	A person seeking a mandamus in the above circumstances should not be exposed to an adverse order as to costs, even if unsuccessful, provided he or she has acted in good faith in bringing the application.	Completed under Subsection 53(6) of Act.	✓
24	1	The new legislative regime being recommended should expressly provide mechanisms for the provision of information to the Attorney General concerning alleged failures by Members and public officials to comply with legal prescriptions, thereby improving the likelihood that the Attorney General will be in a position to take appropriate enforcement action;	Completed under Subsections 45(1) and 58(10) of the Act.	✓
24	2	Examples of such mechanisms would include: (a) direct notification by the Auditor General if a notice of potential improper retention or misappropriation of funds or a possible criminal or statutory offence is proposed to be issued under section 15 of the Auditor General Act; and (b) notification of a finding of potential wrongdoing following a disclosure under the "whistleblower" legislation being recommended in this report.	Completed under Subsections 45(1) and 58(10) of the Act.	✓



**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
25	1	The next Clerk of the House of Assembly should be appointed on nomination by the House; and	Completed under Subsection 7(1) of Act.	✓
25	2	The Speaker should initiate the selection process and should consult with the House of Assembly Management Commission, the Clerk of the Executive Council and the Public Service Commission to determine the appropriate process for recruitment of suitable candidates for appointment.	Completed under Subsection 7(2) of Act.	✓
26		The roles, duties, and responsibilities of the Clerk of the House as (i) parliamentary advisor to the Speaker and (ii) as chief permanent head of the management and administration of the House should be set out in detail in legislation.	Completed under Section 28 of the Act.	✓
27	1	The Clerk of the House should be charged, in legislation, with the responsibility of being the chief parliamentary advisor to the Speaker.	Completed under Section 28 of the Act.	✓
27	2	The provisions of the Statutes and Subordinate Legislation Act appointing the chief legislative counsel and other legislative counsel as law clerks of the House of Assembly should be repealed;	Completed under Section 69 of the Act.	✓
27	3	The Clerk should be provided with sufficient resources to be able to perform that function without relying on legal and other advice from the executive branch of government; and	Ongoing operational requirement.	✓
27	4	An office of law clerk should be created within the House of Assembly to advise and assist the Clerk in the performance of his or her functions.	Completed under Subsection 7(1) of Act.	✓
28	1	The role of the Clerk as the chief permanent head of the management and administration of the House should be affirmed and the Clerk's principal duties and responsibilities should be specified in legislation;	Completed under Section 28 of the Act.	✓
28	2	The duties of the Clerk, as specified in the legislation, should include: (a) acting as accounting officer for the House; (b) being responsible for management certification in accordance with a certification plan prepared by the Clerk and approved by the House of Assembly Management Commission;	Completed under Section 28(3) of the Act.	✓
28	3	The imposition of responsibility for the management certification process should be delayed for one year to enable a proper management certification plan to be developed;	Completed under Section 28(4) of the Act.	✓
28	4	The Clerk should be provided with sufficient additional resources to enable him to perform the additional duties and responsibilities flowing from the recommendations in this report; and	Ongoing operational requirement.	✓
28	5	The Clerk of the House of Assembly Act should be repealed.	Completed under Subsection 71(1) of Act.	✓
29		A review of the classification and remuneration of the office of the Clerk should be undertaken forthwith by the House of Assembly Management Commission, with the assistance of the Public Service Secretariat, to determine whether an adjustment in the remuneration of the office should be made commensurate with the office's level of responsibility and unique position in the government service.	Review not yet undertaken.	

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
30	1	The Commission of Internal Economy (House of Assembly Management Commission) should be restructured to consist of: (a) the Speaker, who will vote in case of a tie; (b) the Government House Leader; (c) the Official Opposition House Leader; (d) two members from the government party, only one of which should be a Cabinet minister; (e) one member from the Official Opposition (unless there is no third party in the House, in which case there should be two members from the Official Opposition); and (f) one member from a third party that is a registered political party under the Elections Act, 1991.	Completed under Subsection 18(1) of Act.	✓
30	2	The right of a third party to have a representative on the Commission should not be dependent on having any minimum number, beyond one, of elected members in the House.	Completed under Paragraph 18(3)(g) of Act.	✓
30	3	No member of the Commission should also serve concurrently as a member of the Public Accounts Committee of the House.	Completed under Subsection 18(5) of Act.	✓
30	4	A member of the Public Accounts Committee should not participate in any hearings relating to decisions of the Commission when he or she may have been a previous member at the time those decisions were made.	Must be dealt with under Public Accounts Committee policies and procedures.	
30	5	A quorum of the Commission should be 50% of its members provided the Speaker or Deputy Speaker and at least one member representing a party in opposition to the government be present; and	Completed under Subsection 18(8) of act.	✓
30	6	The Clerk of the House of Assembly should act as secretary of the Commission.	Completed under Paragraph 18(3)(b) of Act.	✓
31	1	The salary levels of members of the House of Assembly, and all other officers of the House, such as the Speaker and House leaders, should be specified in legislation, and	Completed under Sections 11 & 12 of Act.	✓
31	2	The legislation should specify that a Bill to adopt an amendment to the legislation to change salary levels may only be enacted where first, second and third readings on the Bill are held on separate days in the session.	Completed under Section 15 of Act.	✓
32	1	The allowance regime for MHAs should be embodied in rules formally passed by the House of Assembly Management Commission as subordinate legislation.	Rules were Scheduled to the Act and constitute subordinate legislation [64(2)]. Section 64 and subsections 72(1) and 72(2).	✓
32	2	No changes to the allowance regime should be capable of being made by the Commission except by the passage of an amendment to the rules.	Completed under Subsection 20(7) and sections 64 and 72 of Act.	✓
32	3	No change to the rules respecting the allowance regime that would have the effect of creating a category of non-accountable discretionary allowance or authorizing such type of payment should be allowed to be made except in response to a review commission's recommendations;	Completed under Subsection 20(7) and sections 64 and 72 of Act.	✓
32	4	No rule respecting changes to the allowance regime should be capable of being made and rendered legally in force unless: (a) the motion proposing it is made at a public meeting of the Commission, posted on the House's website and not voted on until at least the next meeting thereafter; (b) the rule, as passed by the Commission, is submitted to the House of Assembly and an affirmative resolution approving it is passed; and	Completed under Subsection 20(7) of Act.	✓

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
32	5	All rules made by the Commission should be deemed to be subordinate legislation within the Statutes and Subordinate Legislation Act and subject to the filing and publication requirements of that statute.	Completed under Subsection 64(2) of Act.	✓
33	1	The House of Assembly Management Commission should have the authority to entertain appeals from rulings of the Speaker as to the application of the rules to particular cases in which advance rulings have been sought from the Speaker by an MHA.	Completed under Subsection 24(8) of Act.	✓
33	2	The Commission should have the authority, by the issuance of formal directives, to alter rulings on appeal from the Speaker, and to issue clarifications, amplifications and explanations generally with respect to the application of rules respecting MHA allowances; and	Completed under Subparagraph 20(6)(b)(iv) of Act.	✓
33	3	All directives of the Commission should be carefully filed, collated, indexed and numbered and should be: (a) available for consultations by MHAs and for inspection by the public; (b) summarized and referred to in the annual report of the Commission to the House; (c) published on the House's website; (d) included in an indexed Members' manual in an orderly fashion; (e) made available to House staff charged with administering the allowance regime.	Numbering system has been implemented, directives are filed in the Office of the Clerk, included in the Members' Rules Manual, and available to House staff as required. They will be published on the House website as soon as the new website is finished and will be appropriately referred to in the annual report.	✓
34		The decision-making authority of the House of Assembly Management Commission should be exercised by (a) making rules, (b) issuing directives and (c) making orders; and that the circumstances under which each method of decision-making may be exercised should be set out in legislation.	Completed under Subsection 20(6) of Act.	✓
35	1	An Audit Committee of the House of Assembly Management Commission should be created by statute;	Completed under Section 23 of Act.	✓
35	2	The committee should consist of two members of the Commission and two members who are residents of the province, but who are not MHAs, and have demonstrated knowledge and experience in financial matters;	Subsection 23(2). Public members have been chosen by Chief Justice. New Committee for the 46th General Assembly to be finalized at November meeting of HoAMC.	✓
35	3	The two lay members of the committee should be chosen by the Chief Justice of the province;	Subsection 23(2). Public members have been chosen by Chief Justice. New Committee for the 46th General Assembly to be finalized at November meeting of HoAMC.	✓
35	4	The lay members should have fixed terms that provide for rotation over time;	Completed under Subsection 23(4) of Act.	✓

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
35	5	The mandate of the committee should include: (a) making recommendations to the Commission with respect to choice and terms of engagement of auditors; (b) reviewing financial statements, audit reports and recommendations and giving advice thereon to the Commission; (c) reviewing any compliance audits undertaken by the Auditor General; (d) making recommendations respecting internal audit procedures; (e) reviewing with the Clerk the effectiveness of internal control; (f) reviewing a code of conduct applicable to the Clerk and House staff; (g) reviewing disclosure practices of the Commission; and (h) advising the Clerk with respect to the exercise of his or her responsibilities as accounting officer;	Completed under Subsection 23(7) of Act.	✓
35	6	The committee should be required to meet regularly and frequently enough to discharge its duties;	Completed under Subsection 23(8) of Act.	✓
35	7	Lay members on the committee should be paid from public funds with the level and type of remuneration being determined by the House of Assembly Management Commission; and	Completed under Subsection 23(6) of Act.	✓
35	8	In the case of disagreement between the lay members of the committee and the Commission members, both points of view should be passed on to the Commission and recorded in the Commission minutes.	Completed under Subsection 23(10) of Act.	✓
36	1	The House of Assembly Management Commission should require the Clerk to prepare revised estimates of what may be required to operate the House of Assembly at a reasonably acceptable level, taking into account the recommendations in this report.	Future years' Estimates will be based on requirements of the Report.	✓
36	2	The estimates so prepared should be submitted as part of the overall budget of the House pursuant to section 6 of the existing Commission of Internal Economy Act or any applicable successor legislation; and	Section 26 of Act.	✓
36	3	If the budget process has been concluded for the current year, the Commission should seek a special warrant under the Financial Administration Act to ensure that funds are made available at the earliest opportunity.	Special Warrant submission has been developed for presentation to Commission at November meeting.	
37	1	The Clerk should be designated in legislation to be the chief administrative and financial officer responsible to the Speaker and, through the Speaker, to the House of Assembly Management Commission for the management of the operations of the House and the general administration of the statutory offices, including, in relation to the operations of the House and the general administration, financial and other support services; (b) establishing of general administrative policies; (c) commenting to the Commission on the budget submissions of the statutory offices; (d) reporting to the Commission regarding the financial and budgetary performance of the statutory offices; (e) reporting to the Commission and the audit committee on the status of audits; (f) assessing and maintaining the effectiveness of internal controls in the statutory offices; and (g) accounting to the Public Accounts Committee for their administration;	Completed under Subsection 28(3) and section 31 of Act.	✓
37	2	The office of the Auditor General should be exempted from the foregoing until such time as new legislation being considered for the revamping of that office is implemented.	Subsection 2(r) - "definitions" - excludes Auditor General	✓

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
37	3	<i>The Commission should continue with its current practice of approving appointments to the staff of the statutory offices except for the office of the Auditor General; and</i>	Authorized under Subsection 32(1) of Act. Ongoing operational issue.	✓
37	4	<i>The Public Service Commission Act, except for section 11 with respect to appointments, should apply to the staff of the House and the statutory offices except where varied by directive of the Commission.</i>	Completed under Subsection 32(6) of Act.	✓
38	1	<i>The Clerk should prepare and distribute appropriate organization charts depicting the organization of the House administration and its relationship with the statutory offices;</i>	Organization charts have been developed and are included in the Members' Handbook.	✓
38	2	<i>The Clerk should prepare and distribute appropriate administrative and financial policies outlining the degree of administrative supervision the office of the Clerk intends to apply to the statutory offices and how that supervision is to be effected; and</i>	To be undertaken this Winter in consultation with Statutory Offices.	
38	3	<i>The administration of the House operations, other than the statutory offices, should be designated the "House of Assembly Service" and consist of the following divisions: (a) the office of the Speaker (b) the office of the Clerk; (c) Financial and Administrative Services; (d) the Legislative Library; (e) the office of Hansard; and (f) the Broadcast Centre.</i>	Completed under Section 25 of Act.	✓
39	1	<i>The Financial Administration Act should be amended to make it apply to the House of Assembly operations with respect to controls over the spending of public money;</i>	Effect has been achieved by Section 46; FAA has not been amended.	✓
39	2	<i>In particular, and for greater certainty, section 8 of the Internal Economy Commission Act should be repealed, and subsection 25(4) of the Financial Administration Act should be made applicable to the House; and</i>	Subsection 71(2) repeals entire IEC Act. Section 46 and Subsection 20(1) of Act address applicability of FAA.	✓
39	3	<i>Where it is appropriate, in legislation, to allow for any deviation from financial control policies of the executive in its application to the House, the House of Assembly Management Commission should be statutorily required to deviate only if more appropriate or efficient alternative policies are to be put in place.</i>	Completed under Subsection 20(3) of Act.	✓
40	1	<i>Management of the House, in particular the Clerk and the Chief Financial Officer, should implement and champion the need for effective internal controls. Regular review of the internal controls in place must occur, and suggestions for improvement to current systems must be implemented in a timely manner.</i>	Ongoing operational requirement.	✓
40	2	<i>A strategic plan for the legislature should be developed as contemplated by the Transparency and Accountability Act. This plan should outline the goals of the House administration for the upcoming year as well as how the legislature plans to mitigate the risks in meeting its mandate;</i>	Categorization Criteria to be determined by Commission at November meeting. Once category is established, plan development can proceed.	
40	3	<i>An organization chart, which details the hierarchy of the House administration should be developed. This chart will allow members and employees to know and understand their roles and responsibilities;</i>	Developed and included in Members' Handbook.	✓

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
40	4	Job descriptions should be developed and documented for all employees of the House of Assembly. These descriptions must detail the job requirements and expectations of each job and should be written by someone who has the experience and knowledge to complete the description;	External consultant has been contracted to assist House personnel in preparation of job descriptions.	✓
40	5	Management, particularly the Clerk, should ensure that people who are hired meet the job requirements as outlined in the descriptions;	Ongoing operational requirement.	✓
40	6	Training programs or courses should be offered to key employees to ensure that these employees are kept abreast of the latest developments in their particular field; and	Ongoing operational requirement.	✓
40	7	Management, particularly the Clerk, should develop, maintain and update as required, appropriate management information systems to assist in the financial reporting and budgeting processes, and to assist in reporting in a useful and transparent manner the spending patterns of each Member with respect to allowances and to enable significant variances to be identified and dealt with.	Changes have been made to the Oracle Financial System used throughout government to allow production of relevant reports on a monthly basis.	✓
41	1	The estimates of the House of Assembly, as approved by the House of Assembly Management Commission, should continue to be submitted to the Minister of Finance with the expectation that they be placed on the floor of the House as part of the provincial estimates without change, but recognizing that the executive may retain a residual discretion to refuse to present them in that form in exceptional cases;	Subsection 26(6) of Act outlines Estimates requirements.	✓
41	2	Estimates for the statutory offices should continue to be prepared by the offices concerned and presented to the Commission for approval;	Completed under Subsections 26(2) & (3) of Act.	✓
41	3	Before the Commission makes a decision on the estimates submitted by the statutory offices, it should request the Clerk to provide an analysis and commentary to the Commission on those estimates; and	Completed under Subsection 26(4) of Act.	✓
41	4	Before the Commission makes a decision on the budgetary estimates for the operation of the House prepared by the Clerk and on those prepared by the statutory offices, the Commission should avail itself of independent advice in respect of the estimates and, in particular, should submit the estimates to the Budget Division of the Department of Finance for analysis and comment.	Completed under Subsection 26(5) of Act.	✓
42	1	In preparing the budget for the House, the "revised" estimates for the current year, to be included with the budget for the coming year, should be based on a comprehensive analysis of expenditures to date and best estimates of expenditures for the balance of the year, and these revised estimates should be reviewed with the House of Assembly Management Commission together with an up-to-date variance analysis as an integral part of the budgetary process.	Completed under Section 26 of Act.	✓
42	2	The Commission should only approve the House estimates for submission and inclusion in the overall estimates of the Province after it completes detailed reviews of the information explaining the basis for the items making up the overall estimates;	Completed under Section 26 of Act.	✓

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
42	3	Monthly budget reports on the accounts of the House should be prepared and submitted to the Budget Division of the Department of Finance on a regular basis and along with an explanation of any significant variances. The Budget Division should provide the Clerk with any questions or comments it may have on such reports. These reports should also be provided to the Commission for review and discussion along with any questions or comments from the Budget Division;	Legislative requirement completed under Paragraph 28(3)(i) of Act. Monthly budget reports are being submitted to Budget Division. Reports to be provided to HoAMC quarterly.	✓
42	4	Any errors identified from the monthly review of the budgets to actual expenditures should be corrected on a timely basis;	Ongoing operational requirement.	✓
42	5	The Allowance and Assistance account in the Estimates of the House of Assembly should be subdivided into at least two separate accounts such that allowances are budgeted and reported separately from MHA salary compensation; and each separate account should be appropriately named in a manner that is indicative of the nature of the expenditures encompassed by each account;	Will be done in conjunction with Budget Division and Office of the Comptroller General for next year's Estimates.	
42	6	The budgets prepared for the separate account relating to allowances should be segregated by Member and monitored accordingly;	Will be done in conjunction with Budget Division and Office of the Comptroller General for next year's Estimates. Funds control by individual MHA account already exists.	
42	7	A Transfer of funds policy should be developed by the House of Assembly Management Commission generally consistent with the government practice as outlined in TB Directive 97-07, except that the approval of both the Clerk and the Chief Financial Officer should be required for the transfers otherwise authorized by a deputy minister in a department. For transfers that would require Treasury Board approval in the case of a government department, the prior approval of the Commission should be required (including all transfers that involve the movement of funds in respect of salaries and allowances accounts (formerly "allowances and assistance") and transfers across the parameters of the statutory offices; and	Policy is being developed for approval by HoAMC.	
42	8	The approval of all transfers should be ratified by the Commission and clearly documented in the public minutes of the Commission.	Will be part of HoAMC policy.	
43	1	The purchases, payables, payment process applicable to the executive branch of government should be adopted within the House of Assembly. Should any policy not be implemented due to particular circumstances within the House, alternate policies approved by the House of Assembly Management Commission should be implemented;	Completed under Subsection 20(3) of Act.	✓
43	2	The Public Tender Act should generally apply to the House of Assembly administration and to the statutory offices, but the House of Assembly Management Commission should have the authority, by directive, to modify its application in particular cases where the differing circumstances of House administration may require modification. In such cases, however, the Commission should be required to put in place alternate and more appropriate tendering and purchasing regimes rather than simply declaring the Act's non-application;	Completed under Subsection 48(2) of Act.	✓

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
43	3	<i>A complete review of the purchases, payables, payment systems for the statutory offices should be undertaken. This review should include an analysis of whether all purchases for these offices should be centralized in the House or whether each individual office is better served by having a separate purchases department based on government policy.</i>	Will be undertaken this Winter, in consultation with Statutory Offices.	
43	4	<i>A list of approved individuals to whom tasks within the House can be delegated should be prepared by the Clerk for circulation, and updated when staff functions change. The government policy should be reviewed to ensure that the delegation limits of the government are followed within the House;</i>	In development stage. Will be finalized when positions and organization structure are finalized.	
43	5	<i>A full review of the House's staffing needs should be undertaken. Presently staff seconded from other departments resolve the segregation of duties issue on a temporary basis. It is necessary to ensure that adequate staffing is hired on a full time-basis to ensure the issue of incompatible duties does not reoccur.</i>	Review of resource needs is proceeding.	
43	6	<i>The proposed new "Expenses" program should be implemented in the House to assist with the processing of expense reports.</i>	Expenses project for House of Assembly to start April, 2008.	
43	7	<i>A separate account structure within the financial management system for each MHA should be assigned to allow for monitoring expenditures against individual budgeted allowances. These accounts should be monitored at the "absolute" category so that only expenditures not over the limit are processed; and</i>	Funds control is already applied to individual MHA accounts.	✓
43	8	<i>The concept of on-line access to allow MHAs to review their constituency allowance expenditure information and compare it with their budgetary allocation should be examined and subsequently implemented within a reasonable period of time.</i>	For discussion with OCIO this Winter.	
44	1	<i>An examination should be undertaken of the reimbursement claims of Ministers and Parliamentary Assistants from the fiscal years 2000-01 to 2005-06 and a comparison be made with claims by those persons made to the House of Assembly in respect of constituency allowances to ensure that duplicate claims have not been submitted and funds administered by the House unnecessarily spent; and</i>	Examination has been completed by Auditor General and report has been issued.	✓
44	2	<i>In the future, a review should be undertaken by the House of Assembly Management Commission and the Executive Council jointly to develop claims monitoring and classification processes that will identify and control duplicate claims billing across the legislative and executive branches of government.</i>	Office of Comptroller General is developing with input from HoA and Executive Council.	
45		<i>A full review of the payroll process in the House and statutory offices should be undertaken to determine the adequacy of the current process and to confirm that the necessary changes have been implemented to ensure that the process now followed is in accordance with government policy.</i>	The Professional Services and Internal Audit Division of the Office of the Comptroller General will undertake this Fall.	



**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
46	1	<i>Use of the Financial Management System in its entirety should be implemented and followed in the House of Assembly and, in particular, the Oracle Fixed Asset and Financial Analyzer modules should be extended to and used by the House;</i>	FMS, including Oracle Financial Analyzer (OFA), is currently used. Oracle Fixed Asset module is not used in government departments and is not appropriate to HoA needs. Inventory tracking system developed in response to Recommendation 72(4) will be used for asset control.	✓
46	2	<i>All staff of the House should be provided with initial and ongoing training on the Oracle system;</i>	Ongoing.	
46	3	<i>If the "Expenses" module presently being piloted within government is deemed suitable for general government use, it should be implemented within the House as well;</i>	Will depend on outcome of HOA Expenses project.	
46	4	<i>If there are policies that are deemed inappropriate for application in the House because of differences in House administration, it should be a requirement that they be replaced by the House of Assembly Management Commission with policies that improve controls, not just provide a means of opting out of controls; and</i>	Subsection 20(3). Policies will be developed where and when needed.	✓
46	5	<i>Security procedures over the use of computers should be implemented to ensure that all data and information not maintained on the system be adequately controlled and protected from inappropriate access or loss, either accidental or deliberate, through the use of mandatory access restrictions, and the use of automatic backups.</i>	House of Assembly computers have been migrated to the new Active Directory system being implemented across government, providing more security and automatic daily backups.	✓
47	1	<i>The financial accounts of the House of Assembly and its statutory offices should be subject to appropriate and effective internal audit processes;</i>	Paragraphs 23(7)(f), 28(3)(i), 28(3)(k) and 28(3)(l) of Act. Discussions are ongoing with OCG on all aspects of internal audit requirements.	✓
47	2	<i>The internal audit function of the House should be performed by the Professional Services and Internal Audit Division of the Office of the Comptroller General;</i>	Internal Audit staff have been hired by the OCG and will carry out internal audit functions for the House of Assembly.	✓
47	3	<i>Sufficient human and financial resources should be provided to the Professional Services and Internal Audit Division to enable it to provide dedicated, appropriate and effective internal audits for the House;</i>	Internal Audit staff have been hired by the OCG and will carry out internal audit functions for the House of Assembly.	✓

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
47	4	If resources are not made available to the Professional Services and Audit Division to enable it to perform, on a dedicated basis, an appropriate internal audit function for the House, sufficient resources should be forthwith made available within the House budget to enable it to perform its own internal audit function.	Internal Audit staff have been hired by the OCG and will carry out internal audit functions for the House of Assembly.	✓
47	5	At least until the new "Iexpenses" module of the Oracle operating system has been applied to the House and the security features of the module are found to be operating effectively, each MHA expense report should be examined, by way of internal audit, for appropriateness and compliance with policy.	Internal Audit staff have been hired by the OCG and will carry out internal audit functions for the House of Assembly.	✓
47	6	Any apparent violations of MHA expense policies should be brought to the attention of the Speaker and the MHA concerned, and mechanisms should be legislated whereby the Speaker can, in a fair manner and subject to appropriate appeal, investigate potential violations and make orders requiring rectification; and	Completed under Section 52 of Act.	✓
47	7	Mechanisms should also be put in place to enable an MHA who has had a claim rejected by House staff to have the matter reassessed by the Speaker.	Completed under Subsection 24(1) of Act.	✓
48	1	The Clerk and senior management in the House, with the support of the House of Assembly Management Commission, should forthwith implement a management certification process by developing processes to: (a) establish and maintain disclosure controls and procedures; (b) enable the Chief Financial Officer and Clerk to certify that they designed, or caused to be designed, a system of internal control to provide reasonable assurance regarding the reliability of financial reporting in accordance with the required policies; and (c) enable the Chief Financial Officer and Clerk to certify that the internal controls environment is operating effectively;	Paragraph 28(3)(1) of Act makes the Clerk solely responsible. A Request for Proposals will be issued in coming weeks to advise on formal management certification process.	
48	2	Assistance in developing a plan of implementation should be provided from the internal auditors in the Professional Services and Internal Audit Division and by other staff in the Office of the Comptroller General; and	Preliminary discussions have been held with the OCG.	
48	3	The obligation to provide the necessary certifications should be stipulated in legislation respecting the duties of the Clerk.	Completed under Paragraph 28(3)(1) of Act.	✓
49		A forensic accounting investigation should be conducted to determine if the transactions contemplated by the decisions of the Commission of Internal Economy on March 6, 2002, and February 26, 2003, with respect to potential payments to MHAs of sums related to their constituency allowances occurred, and if so, if they reflected the intent of the decision so made.	Request for Proposals has been finalized, to be issued in coming weeks.	
50	1	A complete financial statement and legislative compliance audit should be conducted forthwith of the accounts of the House of Assembly, as a separate entity, for the fiscal years 1999-00 and 2000-01, with appropriate levels of materiality, taking into account the size of the organization and the experience of subsequent years; and	Request for Proposals did not result in any acceptable proposals; Auditor General advises no benefit to complete financial statement audits for these years. For Commission discussion at November meeting.	

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
50	2	Upon issuance of financial statements, auditor's report and management letter, if any, in relation to the fiscal years in question, they should be referred to the Public Accounts Committee for review.	Will be actioned once auditor's report is received and new Public Accounts Committee is established in 46th General Assembly.	
51	1	The Speaker and the House of Assembly Management Commission should be required by legislation to ensure that appropriate audits of the House of Assembly and its statutory offices are commenced and completed on a timely basis.	Completed under Paragraphs 20(5)(b) and 20(5)(c) of Act.	✓
51	2	Careful attention should be given by the Commission and its audit committee to the detailed terms of engagement of each auditor to ensure that the scope of the audit is appropriate to the purpose of the proposed audit.	Required under Subsection 23(7) of Act. Both Commission and audit committee will be engaged.	✓
51	3	To remove doubt as to what is required, the types and broad scope of any audits that are required to be conducted of the House and its statutory offices should be stated in legislation; and	Completed under Subsections 43(6) and 43(9) of Act.	✓
51	4	For each type of audit to be performed for the House of Assembly, the appropriate communications and reports should be issued within 60 days of the completion of the audits and management should respond with any comments within a further 60 days.	Ongoing operational requirement.	✓
52	1	The accounts of the House of Assembly and its statutory offices should be audited annually by either the Auditor General or an independent external auditor chosen by the House of Assembly Management Commission assisted by the advice of its audit committee.	Established under Section 43 of Act.	✓
52	2	Such an annual audit should consist of a financial audit of the House of Assembly and its statutory offices separate from that of the government as a whole and should include: (a) an analysis of and an expression of opinion on whether or not the expenses incurred by the House of Assembly administration are in accordance with the policies of the House of Assembly Management Commission and, where applicable, the policies of the executive branch of the government; and (b) an analysis of and an expression of opinion on whether the Clerk's assessment of the effectiveness of internal controls of the House and statutory offices is fairly stated and whether internal controls are operating effectively.	Established under Subsections 43(3) and 43(6) of Act.	✓
52	3	Where the Commission fails to appoint an auditor for a particular fiscal year by the end of the previous fiscal year, the Auditor General should be deemed by legislation to be the auditor for that year.	Established under Subsection 43(5) of Act.	✓
52	4	Subject to paragraph (5), a compliance audit should be conducted by the Auditor General on the House of Assembly and its statutory offices once every General Assembly.	Established under Subsection 43(9) of Act.	✓
52	5	Until the controls in the House of Assembly administration have been assessed as having no significant weaknesses, a compliance audit should be performed by the Auditor General, initially within six months of the adoption of the revised controls as implemented in response to this report, and then within one year of the first assessment; and	The House expects that the Auditor General will undertake this.	
52	6	Any such audits shall not be considered to entitle the Auditor General or any other auditor to question the merits of policy objectives of the House of Assembly service, the House of Assembly Management Commission or the statutory offices.	Established under Subsection 43(10) of Act.	✓

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
53	1	<i>The Speaker should, at any time, have the authority to review a Member's allowances to ensure that the expenditures are for the intended purposes and are in accordance with the policies and rules so established; and</i>	Completed under Subsection 52(1) of Act.	✓
53	2	<i>If the Speaker determines that such expenditures, in his or her view, are not appropriate, the Member should have the option of requesting the matter to be reviewed by the Commissioner of Legislative Standards.</i>	Completed under Subsection 52(4) of Act.	✓
54	1	<i>An annual report should be tabled in the House of Assembly;</i>	Completed under Section 51 and Paragraph 20(1)(f) of Act. First Annual Report will be tabled in House for FY 2007/08.	✓
54	2	<i>The annual report should contain the items noted in this report and be tabled in the House within 90 days of year-end and if the House is not then sitting, within five days of the next sitting of the House; and</i>	Will be actioned at appropriate point after year-end.	
54	3	<i>In addition, the Speaker should be required to deliver a copy of the report to every MHA, post it on the House's website and make it available on request by members of the public.</i>	Will be actioned at appropriate point after year-end.	
55		<i>Remuneration paid to Members of the House of Assembly should henceforth be denominated as "salary" rather than "indemnity."</i>	Completed under Subsection 11(1) of Act.	✓
56	1	<i>The Member's non-taxable allowance should be eliminated;</i>	Completed under Subsection 11(1) of Act.	✓
56	2	<i>No further non-taxable allowance should be permitted to be created by the House of Assembly Management Commission or the House of Assembly unless the rationale for its re-introduction has first been re-examined and recommended by an independent commission; and</i>	Completed under Subsection 15(1) of Act.	✓
56	3	<i>The salary of a Member of the House of Assembly should as of July 1, 2007, be adjusted to a taxable amount of \$92,580, representing the amount of the existing indemnity plus a taxable amount equivalent to an after-tax value of the existing non-taxable allowance.</i>	Completed under Subsection 11(1) of Act.	✓
57	1	<i>The MHA pension plan rules should be adjusted to ensure that the effect of the restructuring of the MHA salary component of Members' compensation not result in any increase in the pension entitlement of any Member; and</i>	Amendments are being drafted by Pensions Division, Department of Finance with the intent to have ready for legislative amendments in next session of House of Assembly.	
57	2	<i>The Members of the House of Assembly Retiring Allowances Act and the directives issued thereunder should be accordingly amended, effective July 1, 2007, to provide that the pensionable salary of a Member for the purposes of section 2(g) of the Act shall be 81.2% of the highest amount of one salary received by a Member in any calendar year.</i>	Amendment will be proposed in next session of the House and effect will be retroactive to July 1, 2007.	

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
58		For the purposes of determining the appropriate level of remuneration to be paid to a Member of the House of Assembly, the types of supports that should be provided to assist an MHA to carry out his or her functions, and the standards and level of commitment expected from elected representatives, the work should be regarded as the work of a professional.	Represents a statement of principle only.	✓
59	1	It should be a legislative requirement that when the House of Assembly is not sitting, a Member should devote his or her time primarily to the discharge of his or her duties and responsibilities as a Member, making reasonable allowances for such matters as: personal and family commitments, the need for some rest and vacation time, and ministerial and parliamentary assistant's duties, if any;	Legislative requirement is completed under Subsection 13(7) of Act. Ongoing operational requirement.	✓
59	2	Where the Speaker becomes aware of circumstances that indicate that a Member may not be devoting his or her time primarily to discharge of his or her duties as a Member, the Speaker should be required to refer the matter to the appropriate House committee for investigation and report to the House; and	Completed under Subsection 13(9) of Act.	✓
59	3	To eliminate confusion on the point, the legislation should also state that a Member, qua Member, is not prohibited from carrying on a business or engaging in other employment or a profession, provided that the nature of the business, work or profession is such that it does not prevent him or her from attendance in the House when it is in session and from devoting time primarily to the discharge of his or her duties as a Member when the House is not in session.	Completed under Subsection 13(8) of Act.	✓
60	1	There should be a clearly stated legislative requirement that, except for special circumstances, a Member is required to attend the House on each day when it sits;	Completed under Subsection 13(1) of Act.	✓
60	2	Exceptions to the requirement of daily attendance at sittings of the House should include: (a) Sickness; (b) Serious illness of the Member's family; (c) Bereavement; (d) Attendance at committee meetings or the House of Assembly Management Commission or its related business; (e) Attendance at caucus or constituency business where the Member remains within the precincts of the House as defined in the House of Assembly Act; (f) Attendance to ministerial duties; (g) Attendance to duties as premier or leader of the opposition; or (h) Other exceptional circumstances approved by the Speaker.	Completed under Subsection 13(3) of Act.	✓
60	3	Where a Member is absent from the House without acceptable reason, he or she should face a deduction of \$200 a day from salary for each day of absence;	Completed under Subsection 13(2) of Act.	✓
60	4	A Member should be required to file a declaration with the Speaker annually, detailing any absences and the reasons therefor; and	Completed under Subsection 13(5) of the Act, which requires filing such declaration with the Clerk.	✓
60	5	Failure to file the declaration should result in withholding of payment of any further salary until the filing is completed; and where unexplained absences are disclosed, the appropriate deductions should be made from the Member's future salary payments.	Legislative requirement completed under Subsection 13(6) of Act. Ongoing operational requirement.	✓
61	1	Subject to paragraph (2), there should be no increase in the level of remuneration paid to Members of the House of Assembly until a review of salary levels is conducted during the next General Assembly;	Completed under Subsection 16(1) of Act.	✓

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
61	2	<i>Interim cost-of-living adjustments to the basic level of remuneration of Members may, until the review of salary levels during the next General Assembly, continue to be made on an annual basis based on annual changes in the executive pay plan of government;</i>	Legislative requirement completed under Subsection 15(2) of Act. Ongoing annual operational requirement.	✓
61	3	<i>The issue of continuing on a go-forward basis, and, if advisable, the type and manner of interim, annual cost-of-living adjustments to basic levels of remuneration between general salary level reviews, should be referred to the next salary review committee for consideration and recommendation; and</i>	Completed under Section 16 of Act.	✓
61	4	<i>Unless the Public Accounts Committee actively engages in the types of activities recommended in this report, the next salary review committee should give consideration to recommending elimination of the special salary supplement now paid to the chair, vice-chair and members of the Public Accounts Committee and replacing it with a per diem attendance payment similar to that paid to other committee members.</i>	Completed under Subsections 12(1) and 12(3) of Act. Committee members salary supplement has been eliminated and per diem implemented. Needs to be considered by Members' Compensation Review Committee on an ongoing basis.	✓
62	1	<i>The rules with respect to calculation of severance payments for MHAs should be adjusted to ensure that the amount of severance a retiring MHA will receive will not be greater, in absolute terms as a result of implementation of a fully taxable salary for MHAs, than it would be under the existing payment arrangement of an indemnity plus a non-taxable allowance; and</i>	Severance calculations completed since Green Report have adhered to the principle of this recommendation.	✓
62	2	<i>The manner of calculation of severance payments to Members of the House of Assembly who cease to be Members, and the conditions, if any, to be attached to such payments, should be referred to the review of salary levels to be conducted during the next General Assembly for consideration and recommendation, taking into account, amongst other things: (a) severance levels in the public service; (b) severance arrangements applicable to Members in other Canadian provincial and territorial legislatures; and (c) the special impact that leaving public life may have on future employment prospects.</i>	Completed under Paragraph 13(3)(a) of Act.	✓
63	1	<i>Once during each General Assembly, the House of Assembly should cause an independent committee to conduct an inquiry and prepare a report respecting the salaries, allowances, severance payments and pensions to be paid to Members during the next General Assembly;</i>	Completed under Subsection 16(1) of Act. Committee will be established during 46th General Assembly.	✓
63	2	<i>The persons appointed to the committee should not be Members of the House and should be regarded as independent persons capable of representing the public interest in ensuring that fair and reasonable remuneration is paid to Members of the House, while at the same time preventing the unnecessary expenditure of public funds;</i>	Completed under Subsection 16(1) of Act. Committee will be established during 46th General Assembly.	✓

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
63	3	Before appointments are made to a review committee, the Speaker should first consult with the Government House Leader, the Opposition House Leader, and the leader of any third party having one or more Members in the House and report the results of those consultations to the House;	Completed under Subsection 16(2) of Act. Committee will be established during 46th General Assembly.	✓
63	4	Upon receipt of the report of a review committee, the Speaker should be required to refer the recommendations to the House of Assembly Management Commission for consideration;	Completed under Subsection 16(2) of Act.	✓
63	5	The Commission should have the power to modify the review committee's recommendations, but only in a manner that would not exceed the maximum amounts recommended by the committee to be paid;	Completed under Subsections 16(5) and 16(6) of Act.	✓
63	6	Upon acceptance or modification of a review committee's recommendations, the Commission should be required to submit the items relating to salaries and other matters that may be necessary to be implemented by legislation to the appropriate minister for the preparation of a Bill to amend applicable legislation accordingly, and place the remaining items on the agenda of a meeting of the Commission for the adoption of appropriate rules implementing those recommendations; and	Completed under Subsection 16(5) of Act.	✓
63	7	A review committee should remain constituted after delivering its report for a period of time to enable the Commission to consult with it on matters in the report that may require clarification or amplification.	Completed under Subsection 16(7) of Act.	✓
64		Accommodation and meal allowance rules should be structured in such a manner that Members whose primary residence is in a district outside of reasonable commuting distance from St. John's and who remain in St. John's over one or more weekends while the House of Assembly is in session should be able to claim reasonable accommodation and meal expenses, as determined by rules established by the House of Assembly Management Commission, during such periods.	Completed under Members' Resources and Allowances Rules through definition of "in session".	
65	1	The rules respecting allowances should be designed on the basis of what is the most appropriate regime to assist Members of the House of Assembly in carrying out their constituency and other duties as Members without reference to other expense reimbursement regimes that might also be applicable to them in other capacities; and	Rules were developed with this intent.	✓
65	2	All other expense reimbursement regimes, such as those applicable to Ministers or Parliamentary Assistants, should be designed in such a manner that they complement the floor of allowances applicable to MHAs as Members, and do not permit, as a result of the rules or their application, double claiming for the same expense or leaving legitimate expenses not reimbursed.	Policies for Ministerial expenses are being developed by the executive branch so as to complement MHA allowances, and avoid double claims or rejection of legitimate claims.	

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
66	1	The rules respecting allowances should stipulate that the Member of the House of Assembly making or incurring an expenditure is the person responsible for compliance with requirements for claims, payments and reimbursements of expenses under the allowance regime and that the Member is not relieved of that responsibility even if: (a) he or she delegates that responsibility to another person; (b) the claim is accepted for payment by an official of the House; (c) the claim is ultimately paid.	Completed under Subsection 6(1) of the Rules.	✓
66	2	Members should be required to maintain proper records pertaining to claims and should be responsible for operating their constituency offices and engaging and training support staff in a manner that will facilitate compliance with the requirements of both the letter and the spirit of the allowance regime.	Completed under Subsection 6(4) of the Rules.	✓
66	3	In keeping with the notion of personal responsibility, the Clerk of the House, the House of Assembly Management Commission and an auditor of the House should be able to require a Member to certify that an expense that he or she is claiming, or has claimed, has actually been incurred in compliance with the rules of the allowance regime.	Completed under Subsection 6(3) of the Rules.	✓
66	4	Where a Member makes an expenditure or a commitment to an expenditure that exceeds a maximum allowable or is otherwise inappropriate, he or she should be personally responsible for the payment of that expenditure; and	Completed under Subsection 8(1) of the Rules.	✓
66	5	The rules of the allowance regime should state that where through inadvertence or otherwise a claim is paid when it should not have been, the Member is liable to repay that amount to the public treasury.	Completed under Subsection 8(2) of the Rules.	✓
67	1	The rules respecting allowances for Members of the House of Assembly should provide that allowances may only be used exclusively and necessarily in relation to "constituency business," which should be defined as: any activity directly connected with a Member's responsibilities in relation to the ordinary and proper representation of electors and their families and other residents in the constituency.	Defined in S. 2(f) and 28(b) of Rules, and requirement is included Rule 5(1) and in rules under each category of expenditure.	✓
67	2	The rules should also provide that a claim against an allowance should not be made if it relates to: (a) partisan political activities; (b) a personal benefit to a Member or an associated person of a Member; or (c) a matter that calls into question the integrity of the Member or brings the House of Assembly into disrepute.	Completed under Section 5(1) of the Rules.	✓
68	1	The rules respecting allowances for Members of the House of Assembly should, subject to the overriding requirement that an expenditure be for a proper purpose, contain lists of types of expenditures that would normally qualify for reimbursement.	Completed under Rules.	✓
68	2	The rules should also contain examples of types of expenditures that would normally be regarded as not qualifying for reimbursement; and	Completed under Rules.	✓
68	3	Where the House of Assembly Management Commission issues directives clarifying the rules respecting the acceptability of types of expenditure for reimbursement, or the Speaker makes rulings in respect of such matters, those directives and rulings should be included in the Members' Manual and should be brought to the attention of each Member in a timely manner.	All directives and decisions of the Commission will be communicated to all Members.	✓



**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
69	1	The use of block funding as the basic means of administering the allowance regime should be done away with;	Completed with adoption of Members' Resources and Allowances Rules.	✓
69	2	Broad categories of allowances should be established, each with its own set of rules and controls appropriate to the control and administration of each type of expenditure.	Outlined in Rule 14.	✓
69	3	All expenditures for which an allowance claim is made should be supported by original receipts except where the claim is based on mileage or a standard daily amount allowed for meals;	Legislative requirement is completed under Subsection 16(4) of the Rules.	✓
69	4	The nature of the original receipts that should be acceptable should be defined by the House of Assembly Management Commission in rules issued by it, and where, in exceptional cases, it is deemed appropriate to accept some lesser form of verification, such as affidavits with a reasonable explanation where a receipt has been lost, the Commission should define the nature of such alternative verification in the rules; and	Subsections 16(3) and 5(2) of the Rules authorize the Clerk, subject to directives and approval of the Commission, to determine adequate documentation.	✓
69	5	To the extent reasonably possible, the Commission should require that: (a) expenditures in relation to allowances be coordinated in advance with House of Assembly staff, and that payments to suppliers be made directly by the House rather than by the Member with subsequent claim for reimbursement; and (b) payments to Members by way of reimbursement of expenses be made by direct deposit to Member's bank accounts.	Presently being done to the extent possible.	✓
70	1	The types of allowances available to Members of the House of Assembly to defray legitimate expenses associated with constituency business should be broken down into the following categories: (a) office allowances; (b) operational resources; (c) travel and living allowances; (d) a residual, constituency allowance; and	Rule 14.	✓
70	2	Each category of allowance should be dealt with separately in rules adopted by the House of Assembly Management Commission with conditions attached to their use being adopted to ensure proper administration and control as may be appropriate to each separate category.	Completed under Parts IV, V, VI, and VIII of the Rules.	✓
71	1	Every Member of the House of Assembly should be entitled to office accommodation in the Confederation Building complex in the area of the offices of the party caucus to which that Member belongs;	Discussions are ongoing with Department of Transportation and Works to ensure the best possible use of the available space.	
71	2	The Speaker should be required to ensure that the quality and size of office accommodation in the Confederation Building complex for an MHA of one political party is not materially different than that for an MHA of another political party;	Rule 20(3). Standards are being developed and will be implemented with the assistance of the Department of Transportation and Works, to the extent practicable taking into consideration infrastructure constraints.	

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
71	3	Every Member should also be entitled to set up and operate an office in his or her constituency, subject to such restrictions, conditions and controls as may be stipulated from time to time in general rules made by the House of Assembly Management Commission. In the alternative, each MHA should be entitled to: (a) rent short-term accommodation in the district to facilitate meetings with constituents from time to time; or (b) operate an office from his or her residence provided he or she does not pay rent to himself or herself or a spouse or other associated person;	Outlined in Rules, with further clarification in Members' Allowances and Resources Rules Manual. Standards and processes for leasing of constituency offices are included in the Manual.	✓
71	4	The costs of setting-up, maintaining and operating a constituency office should be paid by the House of Assembly out of the House budget;	Ongoing. House Budget will be adjusted accordingly when figures have been determined, by Special Warrant in the existing fiscal year and by budget appropriation for future years.	✓
71	5	The House of Assembly Management Commission should provide funds to each party caucus to enable sufficient numbers of secretarial assistants be made available on a shared basis to Members whose constituency assistants work in the district and not out of the Confederation Building office; and	Funding formula is under review by House staff.	
71	6	No Member should be permitted to rent property for a constituency office that is owned by the Member or a person not at arm's length with or related to or associated with the Member, or in which any of such persons may have an interest; nor should the Member be permitted to enter into other financial dealings relating to the constituency office that involve himself or herself or other associated persons.	Completed under Rule 21.	✓
72	1	The House of Assembly Management Commission should, as part of its rules respecting allowances, and subject to such restrictions, conditions and controls as may be stipulated from time to time, make available a standardized package of office equipment and other resources to each Member to enable the member to serve constituents properly;	A standard office equipment and services package was developed and approved by HoAMC at August meeting. HoA will purchase packages as required.	✓
72	2	The standardized package should include: basic office furniture; telephone and facsimile services; computer; data communication devices; photocopier; printer; scanner; internet services; and such other items as may be approved by way of general directive of the Commission;	A standard office equipment and services package was developed and approved by HoAMC at August meeting. HoA will purchase packages as required.	✓
72	3	All property acquired by or for a Member should remain the property of the House and be identified as such by appropriate markings;	An inventory tracking system has been developed in-house, pending adoption of a government-wide standard.	✓

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
72	4	The Clerk should be required to maintain and update an inventory report of all House assets entrusted to each Member;	An inventory tracking system has been developed in-house, pending adoption of a government-wide standard.	✓
72	5	It should be stated in the allowance rules that each Member is responsible personally for all items entrusted to him or her and should account annually or on demand to the Speaker for such items;	Completed under Rule 25(5). Will be reinforced in policy and procedures manuals for Members.	✓
72	6	A Member should not be permitted to purchase artwork or crafts with public money, but should be allowed to participate in the government art procurement program for the purpose of selecting items on a temporary loan basis to be used for decorating a constituency office;	Completed under Rule 25(1).	✓
72	7	Disposal and replacement of House assets entrusted to a Member should be undertaken in accordance with a general policy established by the Commission and embodied in rules of the Commission; and	Rules provide this authority to the Clerk, in consultation with Government Purchasing Agency.	✓
72	8	To the extent possible, arrangements for the acquisition of office equipment, data communication devices and telephone lines by lease or purchase should be made and coordinated by the House rather than undertaken by individual members on an ad hoc basis.	Rule 25(7), (8), (10) and (11). Covered in Rules manual.	✓
73	1	Rules respecting allowances adopted by the House of Assembly Management Commission should contain provision for reimbursement of the cost of travel by a Member of the House: (a) between the Member's permanent residence and the Confederation Building, provided it is outside reasonable commuting distance; (b) between the Member's constituency and the Confederation Building, provided it is outside reasonable commuting distance; (c) within his or her district; (d) to another district in relation to matters affecting his or her district; (e) to attend conferences and training courses; and (f) to other parts of Canada on matters related to constituency business;	Completed under Part VI - Travel and Living Allowance - of the Rules.	✓
73	2	It should be a condition of reimbursement for travel that the Member must be engaged in constituency business and the travel must be outside of commuting distance of the Member's permanent residence;	Completed under Rule 29(1).	✓
73	3	The limits on travel between district and the capital should not be determined by a maximum allowance, but by rules governing the number and frequency of trips;	Part VI of the Rules.	✓
73	4	Travel within a particular district should be limited by a maximum allowance determined specifically in relation to the special circumstances of each particular district affecting the modes and extent of travel required to provide reasonable contact between the Member and constituents. The specific amounts applicable to each district should be stipulated in rules adopted by the Commission and updated by amendment from time to time.	Rule 38(3).	✓

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
74	1	The allowance rules adopted by the House of Assembly Management Commission should provide for claims, supported by receipts, for accommodation while on travel status on constituency business on the basis of a maximum accommodation amount per night and a maximum number of nights per year; and	Part VI of the Rules.	✓
74	2	The allowance rules should also provide for claims for maximum per diem amounts for meals, without receipts, while on travel status on constituency business.	Part VI of the Rules.	✓
75	1	In accordance with recommendation No. 70(1)(d), a residual category of constituency allowance should be made available to each MHA to defray other expenditures necessarily incurred in relation to constituency business.	Rule 46.	✓
75	2	The allowance rules adopted by the House of Assembly Management Commission should contain a list of expenditures that would normally qualify for reimbursement if spent on constituency business, including: (a) meals (but not alcohol) for meetings with constituents or other members of the public; (b) memberships in community organizations; (c) magazine, newspaper and journal subscriptions; (d) travel, accommodations, meals and registration fees for conferences and training courses for the MHA or his or her constituency assistant, if approved by the Speaker; and (e) expenses associated with attending meetings or hearings involving advocacy on behalf of a constituent;	Rule 46(3).	✓
75	3	The allowance rules adopted by the Commission should contain a list of expenditures that will not qualify for reimbursement, whether or not they can be said to be related to constituency business, including: (a) the acquisition, creation or distribution of anything that uses a word, initial or device that identifies a political party; (b) artwork and crafts; (c) sponsorship of individuals or groups; (d) donations; (e) raffle or other tickets; (f) hospitality other than meetings listed in recommendation (2)(a) above; (g) gifts; (h) items of a personal nature; (i) travel costs for constituents; (j) travel costs for spouses or dependents; and (k) financial assistance for constituents.	Rule 46(4).	✓
75	4	Non-partisan information relating to the availability of an MHA to his or her constituents, in the form of fridge magnets or other means of communication, should be able to be purchased as part of the MHA's budget respecting office operation; and	Rule 24.	✓
75	5	The Commission should develop standards for creation and distribution of certificates of recognition and provincial promotional material that may be given by MHAs to individuals or groups in the district, and should arrange to have such material purchased in bulk and on hand for reasonable use by each MHA.	Under development, as per Rule 27.	
76	1	Members of the House of Assembly should be prohibited from making donations and other gratuitous payments to or on behalf of individuals, charities, community groups or agencies using their constituency allowance or other public money.	Rules 46(4)(e) and 46(5).	✓

**Green Report Recommendations Implementation Status**

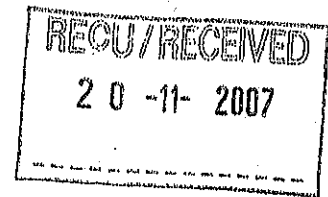
Rec #	Sub #	Recommendation	Status/Comments	Completed
76	2	<i>A Member should be prohibited from making donations or gratuitous payments out of his or her own funds unless: (a) the donation is expressed to be made in his or her personal capacity without any reference to the fact that he or she is a Member of the House; (b) if there is to be a public acknowledgement of the donation or payment attributing it to the Member, the Member stipulates that there is to be no reference in the acknowledgement that he or she is an MHA or a member of a political party.</i>	Rule 46(6).	✓
76	3	<i>Upon adoption of a rule dealing with prohibitions on donations and other gratuitous payments, the Speaker should forthwith cause notification to be published to the residents of the province informing them of the restrictions placed on Members in this regard.</i>	Advertisement placed in all newspapers across the province in October.	✓
77	1	<i>Each member of the House of Assembly should be required to submit to the Clerk an estimate of the amount of money he or she reasonably estimates will be required by him or her for travel in the following fiscal year reflecting the principles and parameters set out in the rules; and</i>	Requirement completed under Rule 43(1). Will be submitted for next budget process beginning in the fall.	
77	2	<i>The figure so submitted should be taken into account by the House staff and the House of Assembly Management Commission in developing the House's budget for the following year.</i>	Requirement completed under Rule 43(3). Will be reviewed during next budget process beginning in the fall.	
78	1	<i>The House of Assembly Management Commission, assisted by the Department of Finance, should proceed to develop a proposed new pension structure for MHAs: (a) eliminating the existing defined benefit plan and implementing a defined contribution, RRSP type of arrangement that takes account of cost and level of benefits relative to other public service plans; or (b) significantly modifying the terms of the existing defined benefit plan to make it conform more closely, in terms of levels of benefits, with other public service plans.</i>	Pensions Division is preparing proposals for review by Members' Compensation Review Committee.	
78	2	<i>The new pension structure should be developed on the basis that it will apply only to MHAs who have not already been elected to the House and that existing and former MHAs be "grandfathered" under the existing system;</i>	Pensions Division is preparing proposals for review by Members' Compensation Review Committee.	
78	3	<i>The proposed new pension structure should be submitted to the next committee on Members' salaries, benefits and allowances constituted under the new House of Assembly Accountability, Integrity and Administration Act as recommended elsewhere in this report, and that that committee should be provided with sufficient funding to engage actuarial and other advice to enable a thorough study of the appropriate levels and features of the plan that should be adopted; and</i>	Pensions Division is preparing proposals for review by Members' Compensation Review Committee.	
78	4	<i>Following receipt of this Commission's report, government should introduce legislation within six months effecting the recommended changes.</i>	Process as outlined in Section 16 of the Act and in Recommendations 78(1), (2) and (3), does not allow for introduction of legislation within six months of the report date, i.e. December 4, 2007.	

**Green Report Recommendations Implementation Status**

Rec #	Sub #	Recommendation	Status/Comments	Completed
79		<i>In the future, matters of pension policy related to the pension benefit structure for MHAs should be referred to the review committee on Members' salaries, benefits and allowances constituted under the new House of Assembly Accountability, Integrity and Administration Act as recommended elsewhere in this report, as part of the committee's mandate as a matter of course so that they can be addressed in the same context as salaries and other key compensation arrangements for MHAs.</i>	Legislative requirement completed under Subsection 16(1) of the Act.	✓
80	1	<i>The draft Bill, styled the House of Assembly Accountability, Integrity and Administration Act, as set out in Schedule I to this chapter of this report, should be presented to the House of Assembly as soon as possible for debate and, if thought advisable, enactment.</i>	Received Third Reading and Royal Assent on June 14, 2007	✓
80	2	<i>Upon the coming into force of the House of Assembly Accountability, Integrity and Administration Act, the draft set of rules, styled the Members' Resources and Allowances Rules, as set out in Schedule II to this chapter, should be forthwith presented to the House of Assembly Management Commission, as reconstituted under the Act, for adoption in accordance with the Act;</i>	The Rules were Scheduled to the Act on June 14, 2007. Section 72 of the Act authorized this means of adoption of Rules.	✓
80	3	<i>Sufficient resources should be appropriated by the House of Assembly to enable the implementation of the new statutory and regulatory regime to be effected in a timely and efficient manner;</i>	Personnel have been seconded from the Executive Branch of government to assist with implementation. Ongoing operational requirements to be determined for 2008-09 Estimates.	✓
80	4	<i>Upon the coming into force of the House of Assembly Accountability, Integrity and Administration Act, the Commission should proceed to cause the appointment of the audit committee of the Commission in accordance with s. 23 of the Act; and</i>	For decision at November meeting of HoAMC.	
80	5	<i>In accordance with s.35 of the Act, the House should proceed with the adoption of a code of conduct for Members.</i>	Code of conduct is in draft stage. Standing Committee on Privileges and Elections to be constituted to begin deliberations, prior to bringing to House.	



HOUSE OF ASSEMBLY  
NEWFOUNDLAND AND LABRADOR



Leader of the Official Opposition

November 19th, 2007

Hon. Roger Fitzgerald  
Speaker of the House of Assembly  
Main Floor, East Block  
Confederation Building  
A1B 4J6

Dear Mr. Fitzgerald:

I am writing to request a change to the monthly office funding allocation that is provided to each caucus for miscellaneous purchases. As you are aware, the current allocation provides \$62.50 per caucus member to be placed in an office fund. The Opposition uses this money to pay for items such as Access to Information (ATI) requests, media transcripts, website registration and meeting space outside Confederation Building.

Under the current allocation formula, the Official Opposition will receive \$187.50 per month. This is a very small amount considering that the costs associated with some ATI requests are more than the entire monthly office allowance currently allocated for the Official Opposition. In comparison, the Government Members Office will receive \$2750.00 per month.

I am asking that this matter be brought to the attention of the House of Assembly Management Commission for discussion. We are proposing that a more equitable formula be established that would see a floor amount set for each caucus of \$500.00.

I thank you for your attention to this matter.

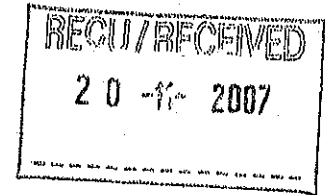
Sincerely,

Yvonne Jones, MHA  
Leader of the Official Opposition

c.c. Hon. Tom Rideout  
Ms. Lorraine Michael  
Mr. Kelvin Parsons  
Mr. Roland Butler



HOUSE OF ASSEMBLY  
NEWFOUNDLAND AND LABRADOR



Leader of the Official Opposition

November 16th, 2007

House of Assembly Management Commission  
Main Floor, East Block  
Confederation Building  
A1B 4J6

Dear Members:

As you are aware, the Official Opposition has indicated that it will be seeking additional staffing resources from the House of Assembly to ensure that our caucus can effectively perform the job given to us by the people of Newfoundland and Labrador. Please find attached a copy of the staffing proposal, along with job descriptions, that the Official Opposition has submitted to the House of Assembly Management Commission for discussion.

I trust you will give your full attention to this matter.

Yours very truly,

  
Yvonne Jones, MHA  
Leader of the Official Opposition



# Opposition Staffing proposal to the Management Committee of the House of Assembly

## Introduction

In the October 9<sup>th</sup>, 2007, provincial general election, the Official Opposition was reduced to three sitting members in the House of Assembly. Before the election, there were 12 sitting Liberals. To ensure the Official Opposition can do its job, sufficient resources must be made available to allow for accurate research and analysis to take place. The Opposition will be asked to comment on a variety of government policies, legislation and issues over the next four years and appropriate resources are needed to provide reasonable and intelligent debate.

## Overview

The salary budget for the Official Opposition Office is divided into three categories: The Leader's staff, legislative assistants and research staff.

The Leader of the Official Opposition currently has a staffing compliment of five positions. This is composed of:

1. Chief of Staff
2. Director of Communications
3. Executive Assistant
4. Departmental Secretary/ Office Manager
5. Constituency Secretary

These positions are not impacted by the reduction in elected MHAs, as the Leader is entitled to these positions as long as the Opposition is a recognized political party with three seats.

Legislative Assistants are tied directly to the elected members and are responsible for constituency matters. Every member of the House of Assembly receives a legislative assistant.

In addition, the Opposition House Leader is entitled to a half time position for secretarial services.

While these staffing positions are necessary to function, they do not provide for research and policy analysis activities. For an Opposition to effectively fulfill its duties, research and analysis positions are vital. These individuals research and analyze legislation, reports and policy brought forward by government to ensure any potential oversights can be identified before legislation and policy is implemented. Before any legislation can be effectively debated in the House of Assembly, the appropriate analysis, research and consultation must be undertaken to determine the experience in other jurisdictions and the viewpoints of concerned groups. These efforts are made to seek out any further improvements that might be made to legislation and policy, and

usually result in well-thought out amendments that can strengthen the legislation or policy.

Under the current staffing allocations under block funding, the Opposition will be given approximately \$40,000 for research and policy staff. With this amount of funding, it will be impossible to perform any detailed research or policy analysis.

### **Proposal**

After reviewing the needs and demands of a smaller elected Opposition, we have concluded that more staff will be required to fulfill our duties. With a smaller caucus comes increased workloads and the need to have additional staff to handle the demands on the elected members time. In addition to the House of Assembly and critic duties, Opposition members must be prepared to deal with committees such as Public Accounts and Estimates that require hours of research and preparation before each meeting.

Our analysis proposes that ten additional positions be included in a new funding formula; four key research people, four policy analysis persons and a Communications Assistant. To staff these positions, we are proposing that the House of Assembly provide salary provisions in line with government requirements to staff these nine positions. We are also asking for flexibility with these positions so that we can make staffing decisions. For example, we would like to have the right to make a position sessional while the House of Assembly is open, but would still like to have the salary available if we wish to contract services for a particular research project during the rest of the year.

In addition, we are asking that the half time position made available for the Opposition House Leader be made into a full time position. The Government House Leader receives a full-time staff member, and with the increased duties placed on the Opposition House Leader, we feel it is only fair that a full-time dedicated staff member be provided to help with the extra workload.

We feel that for any Opposition to effectively do their job, a set staffing complement for research and policy analysis should be granted on a go-forward basis. This funding should be put in place for any Opposition that may come in the future to ensure that there are enough resources in place to provide intelligent, reasonable and effective Opposition on behalf of the people of the province.

### **Justification**

There are a number of reasons why this request should be considered and approved:

- To provide an effective Opposition, research and analysis of government legislation must take place. A well-informed Opposition makes for good government;
- A smaller caucus means more work for everyone. There are fewer people to handle critic

duties and committee positions, which means an increased workload for elected members. Without staff to conduct research and analysis, informed debate will suffer and potential problems will not be identified until after legislation and policy has been implemented;

- Justice Greene states in Chapter 12-11 and 12-12 of his report that, "I believe it is time to review the funding arrangements for all opposition parties to ensure that adequate arrangements are in place for them. It is essential that they have sufficient resources to be able to carry out their vital democratic functions. I have not been able, as part of the work of this inquiry, to do a cost analysis of what would be required. The House of Assembly Management Commission should, I believe, undertake such a study directed at determining appropriate funding levels, taking into account submissions from the caucuses concerned and the practices in other Canadian jurisdictions."
- The Official Opposition is asking that a higher staffing budget be established on a go-forward basis to ensure that any party fulfilling the role as the Official Opposition be given the resources to do the job effectively;
- Representatives of the Official Opposition are expected to play crucial roles in the democratic process as departmental critics and committee representatives. Preparation time is critical to fulfill these roles and sufficient staff must be allocated to help with this workload.

### **Conclusion**

It is in everybody's best interest to ensure that there is an effective Opposition in place to provide credible debate on government legislation and policy. Effective research and analysis is essential in the democratic process and we want to be able to provide that voice. To ensure this happens, we are asking that the House of Assembly Management Committee provide us with sufficient resources to perform the duties and fulfill the role given to us by the people of Newfoundland and Labrador as stated above.

## **Policy Analyst - Economic, Business and Resource Development (2)**

### **Position:**

The Policy Analyst – Economic, Business and Resource Development is responsible for conducting business, resource-based and economic policy research; developing policy proposals, recommendations and positions related to business and economic information; and providing advice to caucus on related measures.

### **Duties and Responsibilities**

- Analyze and provide feedback on highly complex economic, business and resource-based policy issues.
- Conduct data analysis, including research, technical information requirements and financial data for issues recommended by caucus.
- Develop methods of assessing performance in areas of strategic interest.
- Evaluate the effectiveness of strategic economic, business and resource-based initiatives, policies and programs.
- Make recommendations to caucus on economic, business and resource-based policy matters.
- Respond to general inquiries from the public by telephone or in writing.
- Lead committees and discussion groups on policy development.

### **Qualifications**

- Possess a strong background in economic, business and resource-based policy development and analysis.
- Ability to analyze information and research alternatives on related policy issues.
- Ability to organize and manage projects with tight deadlines.
- Strong oral and written communication skills.
- Ability to work independently with limited direction.
- Ability to work in a changing environment.
- Possess good judgment and interpersonal skills.
- Strong computer skills

## **Policy Analyst – Social Development (2)**

### **Position**

The Policy Analyst – Social Development provides leadership, specialized expertise and advice to advocate for, and initiate substantive change to social policy issues in the province. This individual functions with a high degree of independence and operates in a challenging environment where there is significant interaction with stakeholders.

### **Duties and Responsibilities**

- Analyze and provide feedback on highly complex social policy issues.
- Conduct data analysis, including research, technical information requirements and financial data for issues recommended by caucus.
- Develop methods of assessing performance in areas of strategic interest.
- Evaluate the effectiveness of strategic social initiatives, policies and programs.
- Make recommendations to caucus on social policy matters.
- Respond to general inquiries from the public by telephone or in writing.
- Lead committees and discussion groups on policy development.

### **Qualifications**

- Possess a strong background in social policy development and analysis.
- Ability to analyze information and research alternatives on social policy issues.
- Ability to organize and manage projects with tight deadlines.
- Strong oral and written communication skills.
- Ability to work independently with limited direction.
- Ability to work in a changing environment.
- Possess good judgment and interpersonal skills.
- Strong computer skills.

## **Senior Research Officer**

### **Position**

This person would be a dynamic, client-driven individual, providing confidential research and reference services to caucus and staff of the opposition office. The Senior Research Officer would research a broad range of issues, deliver oral briefings and prepare reports, analysis, speeches and other written material related to pertinent topics.

### **Duties and Responsibilities**

- Administrative duties including leading, delegating and assigning projects to other research staff.
- Undertake a variety of assigned projects, including identifying issues, collating background information and highlighting and clarifying public policy issues.
- Analyze complex issues and prepare concise, well-written reports on a diverse range of subjects under tight deadlines.
- Planning and organizing multiple projects, taking into consideration conflicting and changing priorities to meet deadlines.
- Prepare information for special committees of the legislature; prepare briefing materials for caucus; summarize submissions made to committees; follow-up on responses to questions asked by committees; analyze evidence and draft interim and final reports.
- Develop data collection and analysis tools.

### **Qualifications**

- Be skilled in methods, procedures and techniques used in research and evaluation.
- Be able to perform research requiring use of independent judgment based on relevant technical experience.
- Conduct library searches for research data and other technical data.
- Strong computer skills.
- Extensive use of qualitative research methods.
- Strong oral and written communication skills.

## **Research Assistant (3)**

### **Position:**

The Research Assistant encompasses professional and technical work at an intermediate level in a research support capacity. This person would take direction from and report directly to the Senior Research Officer.

### **Duties and Responsibilities:**

- Undertake a variety of assigned projects, including identifying issues, collating background information and highlighting and clarifying public policy issues.
- Analyze issues and prepare reports on a diverse range of subjects.
- Plan and organize multiple projects, taking into consideration conflicting and changing priorities to meet deadlines.
- Assist in the preparation of information for special committees of the legislature; briefing materials for caucus; submissions made to committees; analyze reports.
- Assist in developing data collection and analysis tools;

### **Requirements for position:**

- Be skilled in methods, procedures and techniques used in research and evaluation.
- Ability to perform research requiring use of independent judgment based on relevant technical experience.
- Ability to conduct library searches for research data and other technical data.
- Strong computer skills.
- Extensive experience in qualitative research methods.
- Strong oral and written communication skills.

## Communications Assistant

### **Position**

The Communications Assistant will report and take direction from the Director of Communications on matters relating to public relations methodology and policies. This position will also help with secretarial and administrative duties to help with the dissemination of information from the Office of the Official Opposition.

### **Duties and Responsibilities**

- Writing news releases, speeches, letters and messages.
- Strategic communications research, planning, implementation and evaluation.
- Communications planning - developing a framework for the communication of key messages from the Opposition.
- Helping with the development of news conferences, meetings, media scrums and other activities designated by the Communications Director.
- Answering and responding to media and public inquiries.
- Editing and proofreading.
- Secretarial and administrative functions.

### **Qualifications**

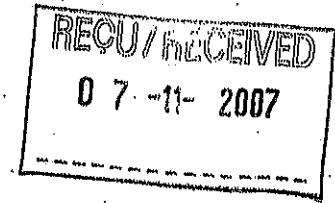
- General knowledge of the organizational structures of government, the Opposition and the House of Assembly.
- Knowledge of media operations, printing and publishing procedures.
- Good writing, computer and personal communications skills.
- Possess good judgement and interpersonal skills.
- Ability to work independently and meet deadlines.







HOUSE OF ASSEMBLY  
PROVINCE OF NEWFOUNDLAND AND LABRADOR



LORRAINE MICHAEL, M.H.A.  
SIGNAL HILL - QUIDI VIDI  
OFFICE OF THE LEADER  
NEW DEMOCRATIC PARTY  
November 6, 2007

CONFEDERATION BUILDING  
ST. JOHN'S, NL  
CANADA  
A1B 4J6

Hon. Roger Fitzgerald  
Speaker of the House  
Chairperson, HOA Management Commission  
Newfoundland and Labrador House of Assembly  
Confederation Building  
St. John's, Newfoundland and Labrador A1B 4J6

Dear Speaker,

Before getting to the main point of this letter, allow me to take the opportunity to welcome you into your new position of Speaker. The respect of the House for you when you were Deputy Speaker is reflected in the confidence put in you by all members when we affirmed your new role on November 1, 2007.

I write at this time to request the consideration of the House of Assembly Management Commission to grant resources to the New Democratic Party as the Third Party in the House of Assembly. Such resources would enable the NDP to continue to perform the role of a party in opposition.

As you know, with only one seat in the House of Assembly the NDP no longer has party status under the current definition. I am appealing to the members of the HOA Management Commission to consider granting all privileges of party status to the NDP for a number of reasons.

**Firstly:** Since 1984 to the present the New Democratic Party has had a continual presence in the House of Assembly with the exception of a short period between the 1989 General Election and the 1990 By Election in which Mr. Jack Harris was elected. Twice during that period of time, the most recent years being 1999-2007, the NDP has held two seats in the House of Assembly. Because of this longstanding presence on the provincial scene, not to mention the federal NDP presence; our full participation in Question Period and all Debates since 2000; our full participation in elections through the Leaders' Debate; and, a 25% increase in our share of the popular vote in the recent general election, I believe that there is a public expectation of our continuing to have a voice and an effective role in the debates of the House.

**Secondly:** There is also a high expectation that the NDP be accessible to people throughout the province, not just in the Leader's constituency. Our caucus office currently receives daily phone calls and correspondence asking for everything from requests for help dealing with government departments and agencies through to concerns in a wide variety

of policy areas. With no other NDP seats the Leader is in a position of greater, not less, work and responsibility.

This expectation is related to the first rationale above. The party has a recognized position in the political fabric of the province. As such, the NDP caucus office is continually stretched beyond its limits. I do not see this situation lessening because of our not having elected a second person into the House of Assembly.

There is definitely an expectation that the Leader of the NDP continue to play a role in general in the public arena. Invitations continue to come into the caucus office for the presence of the NDP Leader at province-wide events. I do not see this demand lessening. In fact I see it increasing because of the rise in the popular vote for the NDP.

**Thirdly:**

The recent election resulted in an extremely weakened opposition in terms of numbers. With only four sitting members in opposition I believe that everything needs to be done to assist all opposition members in being able to perform their role in the democratic process.

The situation is especially challenging for the NDP since, with only a win of one seat, it has meant a loss of our recognition as a recognized parliamentary group.

However, there are precedents in various jurisdictions in Canada for parties in similar circumstances that can help with this discussion. I believe that all of these precedents arise from the recognition that our democracy demands that any individual who is in a legislative position because of our democratic process deserves the resources to carry out their role of representation of the voice of the people.

In **British Columbia** normally de facto status is not given to groups other than the recognized parties. After the 2001 election status as a recognized party was denied to the New Democratic Party which had elected only two members. However, they were given benefits which included a significant budget for staff and travel and an office in Vancouver – note that Victoria is the seat of government. They were also given recognition in question period and the right of reply to ministerial statements.

As early as 1979 the **Alberta** legislature set a precedent of assuring all members of the Legislature received adequate resources to do their work when it granted Grant Notley, Leader of the Alberta NDP and its lone representative in the Legislature, a budget for research, communications and administrative staff. Again in 2001 the Legislature gave third party status to the NDP though it received two fewer seats than the minimum number of 4 which had been set by the Legislature in the previous year. As recently as 2007, the Alberta Legislature's Members' Services Committee extended funding to a fourth party one-member caucus. The committee used its discretionary powers and approved an allotment, greater than the base allocation for what is termed a "one-member grouping," for the Alberta Alliance which has represented up to 9% of the popular vote.

New Brunswick was faced with a non-status situation when the leader of the NDP sat as the lone party representative in that legislature for many years. The legislature of that province over time decided to grant privileges to the NDP leader including staff and budget, participation in Question Period, responses to Members' Statements and participation in throne speech and budget debates.

In Prince Edward Island there is no minimum number of seats required for party status and official Third Party designation is decided upon by the Speaker. In 1996, for the first time in the history of that province, the Leader of the Island New Democrats was elected to the House. He held only one seat in the House but was successful in achieving the designation of Official Third Party with the same benefits and privileges of the other parties.

In the 2003 election in Quebec the ADQ was below the number of seats and percentage of the popular vote required of a "parliamentary group" as found in the *Standing Orders*. The Quebec Assembly agreed to grant some rights outside of the *Standing Orders*. These rights included an annual operating budget. As well, the Quebec *Standing Orders* allow a party status if it had status during the preceding Legislature, even if in a current election it has not gained the adequate number of seats and percentage of votes. This aspect of the Quebec definition relates specifically to the current situation of the NDP in Newfoundland and Labrador.

I believe that an objective reading of the various examples from other provinces indicates that many legislatures try to deal fairly with all parties and members who have won the vote of the electorate. A fair reading of what I have presented would indicate that treating the NDP as a recognized party is not outside of the realm of what is acceptable. I actually believe that the vast majority of our people would agree that anyone elected by the people in their district has the right to adequate resources to represent their concerns. I think people also believe that a party with the history of the NDP in this province requires the resources to take part fully in the business of the House of Assembly and in the political life of the province.

I have been in my current position as MHA and Leader of the New Democratic Party for only one year, but it has been long enough for me to understand the importance of the role that the Third Party plays in the House of Assembly. Our current system of elections does not recognize equitably the voice of the people, as is true of everywhere else in the country. Consequently, though the NDP gained over 8% of the popular vote it does not hold the same percentage of seats. However, our current electoral system does not mean that we shouldn't, as the people elected to govern responsibly, find ways to ensure that all those who are elected by the people have the resources to represent them.

As Leader of my party I have an extra responsibility. I have to attempt to be present to people everywhere, not just in my district. When people make contact with me as Leader I have to be available to them. I am expected, as Leader, to raise issues of broader policy dimensions than just the concerns of my constituents. I am expected to be able to deal with every issue that arises in the House of Assembly.

Consequently I am hoping that all members of the HOA Management Commission will see the need to give party status to the NDP. I also hope that we shall recognize the need to ensure that the resources

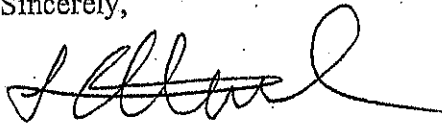
for research and other support staff for all parties be on an equal footing. We should identify core staff that are essential for all caucus offices whose numbers then are increased to according to the numbers of additional seats held by the relevant party. This practice appears to becoming a norm in other jurisdictions.

There are examples in other legislatures of what the number of core caucus staff might be. As well we have our own experience on which to base discussions. I suggest that we are looking at a core staff of from 2 to 4 persons covering executive and administrative assistance, communications and research.

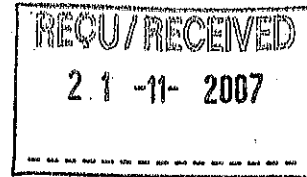
I look forward to the discussion that we shall have in the HOA Management Commission regarding resources for the opposition in general and the status of the NDP in particular.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Michael', written in a cursive style.

Lorraine Michael, MHA  
Leader of the NDP



HOUSE OF ASSEMBLY  
PROVINCE OF NEWFOUNDLAND AND LABRADOR

LORRAINE MICHAEL, M.H.A.  
SIGNAL HILL - QUIDI-VIDI  
OFFICE OF THE LEADER  
NEW DEMOCRATIC PARTY

CONFEDERATION BUILDING  
ST. JOHN'S, NL  
CANADA  
A1B 4J6

November 20, 2007

Hon. Roger Fitzgerald, M.H.A.  
Speaker  
House of Assembly

Dear Mr. Speaker:

I am writing in follow-up to the November 6, 2007 letter in which I outlined for you and the members of the House of Assembly Management Commission the reasons why I believe that the New Democratic Party should be recognized as a third party in the House of Assembly.

The main purpose of the current letter is to speak to the minimum staffing that I think is necessary for a caucus office. Before getting to that point, however, I would like to present one more reason as to why I think the Management Commission should recognize the NDP, even with only one member in the House.

In the **House of Assembly Accountability, Integrity and Administration Act** there are five references to the "third party." The first, and key, one is 2 (s) which defines "third party" in the Act as "the second largest party sitting in the House of Assembly in opposition to the government."

I am going to list the other references to "third party" which must be read in the context of this definition. They are:

12. (1) (g) "leader of a recognized third party"
13. (4) "the leader of the official opposition and the leader of a third party."
16. (2) "the leader of a third party having one or more members in the House"
18. (3) (g) "a third party that is a registered political party and has at least one member elected to the House of Assembly."

It seems clear to me, especially when all these references are read in context, that the spirit of the legislation indicates that even the presence of one member of a registered party in the House of Assembly demands recognition. I hope that my colleagues on the Management Commission would see it in the same way.

I shall now address the issue of staffing. I think that if a political party is to participate in the business of the House of Assembly there is a minimum number for the staff required. Based on my past year's experience and some research that I have done into other jurisdictions, I am proposing that a caucus office requires the following services:

- Legislative assistance
- Administrative assistance
- Research
- Policy Analysis
- Communications

Attached to this letter are proposed job descriptions for staff who would take on these functions.

Under the past funding of the NDP Caucus Office these services have been provided by a staff of three who carry a very heavy workload. As well, one of these staff is my constituency assistant who has also played the role of receptionist and administrative assistant for the caucus office.

I do not believe that my constituency assistant should be staffing the caucus office. If I chose to have that position outside of the Confederation Building and in my district, the person filling it would not be able to do the double job.

In the spirit of Chapter 12 of **"Rebuilding Confidence: Report of the Review Commission on Constituency Allowances and Related Matters,"** I am proposing that any caucus office should have a minimum of five staff, to offer the services listed above. The numbers could then increase depending on the number of caucus members. I believe that the position of legislative assistant, as defined in my attachment, is one that should automatically multiply according to the number of members.

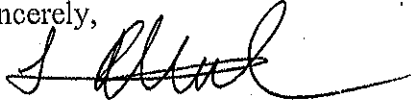
There is one more thing that I want to propose for discussion regarding staffing. I believe that the Management Commission needs to deal with the lack of a universal policy governing the employment conditions of political support staff. This issue is also dealt with in the Greene Report. (see pp.12-9 to 12-10)

Because of the manner in which funding for the caucus offices has been done in the past there is a great deal of inequality in how staff are paid. NDP caucus staff are being paid well below people doing the same work in other offices because of the lack of adequate resources. I think that we need to come to an agreement on common job descriptions and pay scales as well as on the basic number of staff required to assist opposition caucus offices to perform their role in a professional and efficient manner.

All of what I am proposing is obviously open to discussion. I wanted to put these ideas before the Commission prior to our meeting so that members could have time to think about them.

I look forward to our first meeting to discuss the topics I have raised as well as the rest of the business we shall be dealing with.

Sincerely,



Lorraine A. Michael

cc. House of Assembly Management Commission Members

Mr. Kelvin Parsons  
Ms. Yvonne Jones  
Hon. Tom Rideout  
Hon. Tom Marshall  
Ms. Beth Marshall



## Position Description

**Position:** Policy Analyst

**Location:** NDP Opposition Office, 5<sup>th</sup> Floor, Confederation Building, St. John's

**Objective:** Provide support to the Caucus in a team context in analyzing, developing and assessing policies.

**Duties:** Reports to the Leader and is responsible for:

- Briefing the Caucus and staff on policy issues as they arise;
- Developing policy proposals, recommendations and positions on issues the Caucus is dealing with in the Legislature;
- Developing and implementing processes for updating existing policy and policy development on new and emerging issues;
- Providing analyses and advice on specific issues;
- Analyzing proposed legislation and government policies and programs;
- Writing reports on various policy analyses;
- Preparing briefing notes and submissions for the Caucus;
- Researching policy and strategies in other jurisdictions provincially, nationally and internationally;
- Responding to inquiries from the public regarding policy;
- Other duties as assigned.

**Qualifications:**

- Excellent communications skills, interpersonal, computer and organizational skills;
- Demonstrated ability to research, analyze policy information, and prepare reports which include practical recommendations;
- Demonstrated ability to handle multiple priorities with attention to detail;
- Thorough understanding of government, political processes and current issues;
- Ability to work under tight deadlines and pressure as part of a team and on own;
- Ability to work independently with little supervision;
- Knowledge of political environment in Newfoundland and Labrador.
- Computer skills (in a Microsoft Windows environment), including word processing, use of spreadsheets, PowerPoint presentation software and skill in internet information gathering techniques.
- Masters degree in political science or related discipline or equivalent combination of education and experience.

**Salary:**

Commensurate with qualifications and experience and in accordance with House of Assembly political staff pay scales.

November 21, 2007

## Position Description

**Position:** COMMUNICATIONS OFFICER FOR CAUCUS

**Location:** NDP Opposition Office, 5<sup>th</sup> Floor, Confederation Building, St. John's

**Objective:** Provide communications and outreach support to the NDP Leader and Caucus.

**Duties:** The Communications Officer reports to the Leader and is responsible for:

- Establishing and maintaining relations with provincial print and broadcast media representatives including updating and developing province wide media contact lists
- Preparing and distributing news releases and media advisories
- Acting as media liaison, including organising press conferences and other media events
- Monitoring daily media coverage and maintaining files
- Collecting materials for and writing and editing householders, direct mail, op-ed pieces, media material, news releases, speeches, articles and correspondence.
- Responding to public, non-constituency related inquiries.
- Developing website content.
- Responding to media requests in coordination with the Leader and Caucus
- Attending meetings with the Leader and Caucus with relevant groups and agencies
- Assisting in preparation of speaking materials and Provincial Affairs and other broadcasts as required
- Coordinating layout and production of householder mail and other communications material arising from research work
- Providing correspondence content and other materials as assigned
- Other duties as assigned

**Qualifications:**

- Excellent communications skills, interpersonal, computer and organizational skills
- Ability to write
- Ability to work under tight deadlines and pressure as part of a team and on own
- Experience in using communications tools and implementation of communications strategies, organization of media events
- Ability to work with little supervision
- Knowledge of political environment in Newfoundland and Labrador
- Experience or training in journalism or communications or equivalent combination of education and experience.

**Salary:** Commensurate with qualifications and experience and in accordance with House of Assembly political staff pay scales

November 21, 2007

## Position Description

**Position:** LEGISLATIVE ASSISTANT FOR LEADER

**Location:** NDP Opposition Office, 5<sup>th</sup> Floor, Confederation Building, St. John's

**Objective:** Provide support to the NDP Leader in performing duties as a member of the legislature and committees of the House of Assembly.

**Duties:** Reports to the Leader and is responsible for:

- Developing, maintaining and monitoring files on government legislation and policies, stakeholder organizations and their concerns, general issues, events and matters of importance.
- Keeping up on and briefing the Leader on policy, priorities and issues relative to discussion in the House of Assembly.
- Preparing and distributing daily lists of legislative items and associated research assignments when House of Assembly is sitting including research and assistance in preparation for daily Question Period
- Preparing strategy discussion papers, issues management briefing papers, and backgrounders for news releases.
- Being available to the Leader as needed during all sessions of the House of Assembly.
- Handling requests and invitations and organizing Leader's schedule as required.
- Liaising with key individuals and organizations in the community and other jurisdictions working on similar issues.
- Participating in team projects involving other Caucus staff
- Other duties as assigned

**Qualifications:**

- Excellent communications skills, interpersonal, computer and organizational skills
- Demonstrated ability to analyze policy information and prepare reports
- Demonstrated ability to handle multiple priorities with attention to detail
- Thorough understanding of government, political processes and current issues
- Ability to work under tight deadlines and pressure as part of a team and on own
- Ability to work with little supervision
- Knowledge of political environment in Newfoundland and Labrador
- University degree in political science or related discipline or equivalent combination of education and experience.

**Salary:**

Commensurate with qualifications and experience and in accordance with House of Assembly political staff pay scales

November 21, 2007

## Position Description

**Position:** SENIOR RESEARCHER FOR CAUCUS

**Location:** NDP Opposition Office, 5<sup>th</sup> Floor, Confederation Building, St. John's

**Objective:** Provide research services to the NDP Leader and Caucus on a broad range of issues affecting constituents and policy development.

**Duties:** Reports to the Leader and is responsible for:

- Researching, analyzing and reporting on a wide variety of issues as required under tight deadlines;
- Analyzing legislation, programs, financial and economic statements, public policy issues and other relevant materials to assist in preparation of positions and alternatives for the consideration of the Leader and Caucus;
- Gathering appropriate statistical and other material to assist in the preparation of briefing notes, legislative questions, speeches and other written material that will assist Caucus members in fulfilling their legislative and political responsibilities;
- Preparing information for various submissions that Caucus members must make both publicly and in the context of special legislative committees;
- Developing and recommending policy directions, including policy research, analysis and development of policy options;
- Preparing materials that explain and promote the positions of the Caucus;
- Analyzing and interpreting data;
- Other duties as assigned.

**Qualifications:**

- Master's degree in political science or related discipline or equivalent combination of education and experience.
- Excellent communication, interpersonal and organizational skills;
- Computer skills (in a Microsoft Windows environment) including word processing, spreadsheets and PowerPoint software, and skill in Internet information gathering techniques;
- Ability to analyze policy information and prepare reports;
- Ability to handle multiple priorities with attention to detail;
- Thorough understanding of government, political processes and current issues;
- Ability to work under tight deadlines as part of a team and on own;
- Ability to work with little supervision;
- Knowledge of political environment in Newfoundland and Labrador.

**Salary:**

Commensurate with qualifications and experience and in accordance with House of Assembly political staff pay scale.

November 21, 2007



## Position Description

**Position:** OFFICE ADMINISTRATOR AND RECEPTIONIST

**Location:** NDP Opposition Office, 5<sup>th</sup> Floor Confederation Building, St. John's

**Role:** Provide reception and clerical assistance to NDP Leader and Caucus and assist in the performance of other duties within the caucus office.

**Duties:** Reports to the Leader and is responsible for:

- Answering telephone and personal inquiries and logging calls and correspondence, including e-mail.
- Receiving, sorting and distributing mail
- Responding to routine correspondence
- Maintaining and controlling office filing system and records
- Ordering stationary and other office supplies
- Maintaining office equipment
- Inputting data and maintaining lists as required
- Typing and word processing for correspondence as directed
- Other duties as assigned

### Qualifications:

- Administrative and reception experience
- Must work well in a team environment,
- Must be self-motivated and detail oriented
- Handle and prioritize a range of tasks and manage time effectively
- Be proficient in the use of Outlook, Microsoft Word, Excel and Access
- Sound political judgment
- Professional and friendly demeanour and good interpersonal skills

**Salary:** In accordance with House of Assembly political staff pay scales

November 21, 2007

## House of Assembly Management Commission

### Briefing Note

**Title:** *Transparency and Accountability Act*

**Issue:** Approval of categorization criteria and approval of submitted plans

**Background:**

- The *Transparency and Accountability Act* requires government entities to table plans in the House of Assembly and to report annually on their progress. Section 48 of the *House of Assembly Accountability, Integrity and Administration Act* requires the application of the *Transparency and Accountability Act* to the House of Assembly Services and its statutory offices.
- The T & A Act assigns authority and responsibility to Cabinet for government entities, while the House of Assembly Management Commission must exercise that role with respect to House of Assembly Service and the statutory offices.
- The type of plan required depends on the categorization which is determined through assessment using certain criteria. The Commission must first approve the assessment criteria (attached document). In March of 2007, the IEC approved the assessment criteria for the Statutory Offices but declined to approve criteria for the House of Assembly until the Green Report was received.
- The transition period for the legislation is expected to be completed by April 2008 at which time all public bodies are expected to be compliant with the Act. All bodies are required to deliver an annual report on progress by April 2008. New plans covering the 2008- 2011 period must be in place by June 30, 2008.
- The Office of the Child and Youth Advocate has submitted a business plan as appropriate for their category 2 designation. The Office of the Citizens' Representative and the Office of the Privacy Commissioner have submitted activity plans as appropriate for their category 3 designation. 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 of the Chief Electoral Officer, the Commissioner for Legislative Standards and the Office of the Auditor General have completed the categorization based on approved criteria and determined a Category 3 designation, which requires the submission of an activity plan by April 2008. The rating requires the approval of the Commission so the offices can proceed with developing their activity plan.

- Criteria for the House of Assembly must be approved by the Commission to allow the development of a plan compliant with the *Transparency and Accountability Act*.

**Action Required:**

The Commission hereby:

- Approves the categorization criteria as outlined in attached document "Guidelines for the Categorization of the Offices of the House of Assembly" for the House of Assembly.
- Approves the attached plans submitted by the 3 statutory offices: Office of the Child and Youth Advocate, Office of the Citizens' Representative, and the Office of the Privacy Commissioner
- Approves Category 3 designation for the Office of the Chief Electoral Officer, the Commissioner for Legislative Standards and the Office of the Auditor General.

Drafted by: Marie Keefe  
Date: November 26, 2007

Approved by: Wm. MacKenzie

# **Guidelines for the Categorization of the Offices of the House of Assembly**

## INTRODUCTION

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The *Transparency and Accountability Act* received royal assent December 16, 2004, at which time, amendments to the *Internal Economy Commission Act* were also approved. These amendments are summarized as follows (see Section 9.1 of the *Internal Economy Commission Act* for further details):

- An authority or responsibility given to a minister under that *Transparency and Accountability Act* shall be exercised by the speaker
- An authority or responsibility given to the Lieutenant-Governor in Council under that *Transparency and Accountability Act* shall be exercised by the commission
- Sections of the *Transparency and Accountability Act* referencing the use of the *Corporations Act*, the power to borrow and incur debt, three-year fiscal forecasts and budget preparation information, audits and information to the comptroller general, and commencement are not applicable to the Offices of the House of Assembly
- Where the *Transparency and Accountability Act* makes reference to a governing body, this reference shall be considered as the Internal Economy Commission
- Where the *Transparency and Accountability Act* makes reference to a government entity or a public body, this reference shall be considered as an Office of the House of Assembly
- Where the *Transparency and Accountability Act* requires a strategic/business/activity plan to be developed in consideration of the strategic directions of government, the Offices of the House of Assembly shall develop their plans in consideration of the strategic directions of the Internal Economy Commission
- Where the *Transparency and Accountability Act* requires a performance contract to be created between a deputy minister and the responsible minister, this requirement is now applied to each Officer of the House of Assembly

## **CATEGORIZATION CRITERIA FOR OFFICES OF THE HOUSE OF ASSEMBLY**

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The *Transparency and Accountability Act* requires that the Internal Economy Commission to establish criteria for the categorization of the Offices of the House of Assembly as either category 1, 2 or 3 (pursuant to Section 4(1)). Furthermore, the *Act* stipulates that the Internal Economy Commission will then apply these criteria to each Office of the House of Assembly to determine the appropriate categorization.

Categorization as either a category 1, 2 or 3 government entity establishes planning and reporting expectations. Category 1 entities are expected to provide a strategic plan and an annual performance report (i.e. plan and report outcomes), Category 2 entities are expected to provide a business plan and an annual performance report (i.e. plan and report outputs), and Category 3 entities are expected to provide an activity plan and an annual report (i.e. plan and report on activities). At any time, the Internal Economy Commission can also require an Office of the House of Assembly to plan and report at a different level from their categorization for a specified time period.

All of the plans have to be developed in consideration of the strategic directions of the Internal Economy Commission and must be within the Offices' mandates and fiscal resources. Reports must provide actual results and explain variances.

To distinguish between each category, entities can be characterized by mandate, organizational structure and public interest. Using the following general criteria it is possible to assign an Office to one of the three categories, which will serve as a basis for determinations regarding level of planning and reporting required.

### **1. Results Expected**

**Category 1** government entities typically have responsibilities that have a direct (and sometimes immediate) impact on the physical, social, and/or economic well-being of Newfoundlanders and Labradorians. These government entities are therefore considered to be mandated to address outcomes.

**Category 2** government entities typically have responsibilities to provide programs, products and/or services to the general public and/or other government entities in the support of the achievement of outcomes. Their ability to affect the public at large is somewhat limited and indirect. These government entities are therefore considered to be mandated to produce outputs.

**Category 3** government entities typically have responsibilities to complete activities (e.g. resolve disputes, provide policy advice upon request) and have little direct impact on the population at large.

## 2. Organizational Structure

**Category 1** government entities typically have a multi-layered organizational structure consisting of an Officer of the House of Assembly with at least two other levels of management (e.g. Directors and Managers). This type of government entity also typically provides multiple programs/services/products to the public and therefore has a budget which must manage many competing demands.

**Category 2** government entities typically have an Officer of the House of Assembly and one other level of management. The budgetary demands are less competing because this type of government entity usually provides 2-3 programs/services/products to their primary clients.

**Category 3** government entities are typically supported by 1 or 2 government officials, with no additional management-level employees. The number of programs/services/products provided to their primary clients normally range between 1 and 2.

## 3. Public Interest

**Category 1** government entities make decisions that affect the general population. As a result, multiple sectors of the population of the province are interested in the decisions made and the resulting outcomes of the entity. They also have the potential to generate moderate to high public reaction in their decisions. Issues dealt with by these entities can be highly sensitive to explosive in nature.

**Category 2** government entities make decisions that affect specific areas of the population. As a result, these specific stakeholders, who may be made up of multiple groups, are interested in the decisions made and the resulting outputs of the entity. They also have the potential to generate low to moderate public reaction in their decisions. Issues dealt with by these entities can generate a significant reaction from specific stakeholders.

**Category 3** government entities make decisions that are case specific. As a result, specific individuals or groups are interested in the activities of the entity. They typically generate little or no public reaction in their decisions. Issues dealt with by these entities are case specific and generate reaction only from the involved stakeholders.

These three criteria for the categorization of government entities are provided in the Summary Table (see next page). The process provided below shall be followed:

- Officers of the House of Assembly are responsible to apply the criteria in the summary table to determine a proposed categorization
- The summary table must be signed by the person assessing the Office and dated, approved by the Clerk of the House of Assembly, and presented for sign off to the Speaker of the House of Assembly
- A copy of the completed and approved summary table is to be forwarded to the Transparency and Accountability Office with the original copy maintained in the Office for auditing or other purposes
- The Speaker of the House of Assembly is responsible for reviewing the categorization summary tables and making recommendations to the Internal Economy Commission as to the appropriate categorization for each Office
- When approved by the Internal Economy Commission, the Speaker of the House of Assembly is responsible for notifying the Offices of their categorization
- When there is a significant change with an Office, the Officer of the House of Assembly is responsible to re-apply the criteria, complete another summary table and notify the Transparency and Accountability Office
- The Transparency and Accountability Office is available to provide advice to Offices of the House of Assembly on the application of the categorization criteria
- The Speaker of the House of Assembly shall notify reporting entities of the categorization assigned by the Internal Economy Commission and the associated planning and reporting requirements.

The summary table on the following page will be used to complete the categorization process for each Office.



## Offices of the House of Assembly Categorization Criteria - Summary Table

**Instructions:** Please read each criterion and select the response option that best describes the entity. Place the number of points designated to the response chosen in the right column. A response is required for all criteria. When finished, tally the points to determine the appropriate categorization.

**Entity Name:** \_\_\_\_\_

Criteria	Response Options	Points
Mandate	<input type="checkbox"/> has a direct influence on the physical, social and/or economic well-being of the citizens of Newfoundland and Labrador (70 points) <input type="checkbox"/> provides goods/services to the public and/or other government entities in support of the achievement of outcomes (40 points) <input type="checkbox"/> typically completes activities (20 points)	
Organizational Structure	In addition to the Officer of the House of Assembly... <input type="checkbox"/> has multiple levels of management and typically provides many programs, services and/or products to its primary clients (20 points) <input type="checkbox"/> has one other level of management and typically provides a couple of programs, services and/or products to its primary clients (15 points) <input type="checkbox"/> has no other level of management and typically provides one or two programs, services and/or products to its primary clients (8 points)	
Public Interest	<input type="checkbox"/> generates moderate to high public reaction (10 points) <input type="checkbox"/> generates low to moderate public reaction (6 points) <input type="checkbox"/> generates little or no public reaction (2 points)	
<b>Total Points</b>		

**Categorization:** Based on the total points, check one of the categorization boxes below:

- 80 Points or above                      Category 1  
 79 – 51 Points                              Category 2  
 50 Points or below                         Category 3

Assessed by: \_\_\_\_\_ Date: \_\_\_\_\_

Clerk of the House of Assembly: \_\_\_\_\_ Date: \_\_\_\_\_

Speaker of the House of Assembly: \_\_\_\_\_ Date: \_\_\_\_\_

# **Guidelines for the Categorization of the Offices of the House of Assembly**

## **INTRODUCTION**

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The *Transparency and Accountability Act* received royal assent December 16, 2004, at which time, amendments to the *Internal Economy Commission Act* were also approved. These amendments are summarized as follows (see Section 9.1 of the *Internal Economy Commission Act* for further details):

- An authority or responsibility given to a minister under that *Transparency and Accountability Act* shall be exercised by the speaker
- An authority or responsibility given to the Lieutenant-Governor in Council under that *Transparency and Accountability Act* shall be exercised by the commission
- Sections of the *Transparency and Accountability Act* referencing the use of the *Corporations Act*, the power to borrow and incur debt, three-year fiscal forecasts and budget preparation information, audits and information to the comptroller general, and commencement are not applicable to the Offices of the House of Assembly
- Where the *Transparency and Accountability Act* makes reference to a governing body, this reference shall be considered as the Internal Economy Commission
- Where the *Transparency and Accountability Act* makes reference to a government entity or a public body, this reference shall be considered as an Office of the House of Assembly
- Where the *Transparency and Accountability Act* requires a strategic/business/activity plan to be developed in consideration of the strategic directions of government, the Offices of the House of Assembly shall develop their plans in consideration of the strategic directions of the Internal Economy Commission
- Where the *Transparency and Accountability Act* requires a performance contract to be created between a deputy minister and the responsible minister, this requirement is now applied to each Officer of the House of Assembly

## **CATEGORIZATION CRITERIA FOR OFFICES OF THE HOUSE OF ASSEMBLY**

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The *Transparency and Accountability Act* requires that the Internal Economy Commission to establish criteria for the categorization of the Offices of the House of Assembly as either category 1, 2 or 3 (pursuant to Section 4(1)). Furthermore, the *Act* stipulates that the Internal Economy Commission will then apply these criteria to each Office of the House of Assembly to determine the appropriate categorization.

Categorization as either a category 1, 2 or 3 government entity establishes planning and reporting expectations. Category 1 entities are expected to provide a strategic plan and an annual performance report (i.e. plan and report outcomes), Category 2 entities are expected to provide a business plan and an annual performance report (i.e. plan and report outputs), and Category 3 entities are expected to provide an activity plan and an annual report (i.e. plan and report on activities). At any time, the Internal Economy Commission can also require an Office of the House of Assembly to plan and report at a different level from their categorization for a specified time period.

All of the plans have to be developed in consideration of the strategic directions of the Internal Economy Commission and must be within the Offices' mandates and fiscal resources. Reports must provide actual results and explain variances.

To distinguish between each category, entities can be characterized by mandate, organizational structure and public interest. Using the following general criteria it is possible to assign an Office to one of the three categories, which will serve as a basis for determinations regarding level of planning and reporting required.

### **1. Results Expected**

**Category 1** government entities typically have responsibilities that have a direct (and sometimes immediate) impact on the physical, social, and/or economic well-being of Newfoundlanders and Labradorians. These government entities are therefore considered to be mandated to address outcomes.

**Category 2** government entities typically have responsibilities to provide programs, products and/or services to the general public and/or other government entities in the support of the achievement of outcomes. Their ability to affect the public at large is somewhat limited and indirect. These government entities are therefore considered to be mandated to produce outputs.

**Category 3** government entities typically have responsibilities to complete activities (e.g. resolve disputes, provide policy advice upon request) and have little direct impact on the population at large.

## 2. Organizational Structure

**Category 1** government entities typical have a multi-layered organizational structure consisting of an Officer of the House of Assembly with at least two other levels of management (e.g. Directors and Managers). This type of government entity also typically provides multiple programs/services/products to the public and therefore has a budget which must manage many competing demands.

**Category 2** government entities typically have an Officer of the House of Assembly and one other level of management. The budgetary demands are less competing because this type of government entity usually provides 2-3 programs/services/products to their primary clients.

**Category 3** government entities are typically supported by 1 or 2 government officials, with no additional management-level employees. The number of programs/services/products provided to their primary clients normally range between 1 and 2.

## 3. Public Interest

**Category 1** government entities make decisions that affect the general population. As a result, multiple sectors of the population of the province are interested in the decisions made and the resulting outcomes of the entity. They also have the potential to generate moderate to high public reaction in their decisions. Issues dealt with by these entities can be highly sensitive to explosive in nature.

**Category 2** government entities make decisions that affect specific areas of the population. As a result, these specific stakeholders, who may be made up of multiple groups, are interested in the decisions made and the resulting outputs of the entity. They also have the potential to generate low to moderate public reaction in their decisions. Issues dealt with by these entities can generate a significant reaction from specific stakeholders.

**Category 3** government entities make decisions that are case specific. As a result, specific individuals or groups are interested in the activities of the entity. They typically generate little or no public reaction in their decisions. Issues dealt with by these entities are case specific and generate reaction only from the involved stakeholders.

These three criteria for the categorization of government entities are provided in the Summary Table (see next page). The process provided below shall be followed:

- Officers of the House of Assembly are responsible to apply the criteria in the summary table to determine a proposed categorization
- The summary table must be signed by the person assessing the Office and dated, approved by the Clerk of the House of Assembly, and presented for sign off to the Speaker of the House of Assembly
- A copy of the completed and approved summary table is to be forwarded to the Transparency and Accountability Office with the original copy maintained in the Office for auditing or other purposes
- The Speaker of the House of Assembly is responsible for reviewing the categorization summary tables and making recommendations to the Internal Economy Commission as to the appropriate categorization for each Office
- When approved by the Internal Economy Commission, the Speaker of the House of Assembly is responsible for notifying the Offices of their categorization
- When there is a significant change with an Office, the Officer of the House of Assembly is responsible to re-apply the criteria, complete another summary table and notify the Transparency and Accountability Office
- The Transparency and Accountability Office is available to provide advice to Offices of the House of Assembly on the application of the categorization criteria
- The Speaker of the House of Assembly shall notify reporting entities of the categorization assigned by the Internal Economy Commission and the associated planning and reporting requirements.

The summary table on the following page will be used to complete the categorization process for each Office.

## Offices of the House of Assembly Categorization Criteria - Summary Table

**Instructions:** Please read each criterion and select the response option that best describes the entity. Place the number of points designated to the response chosen in the right column. A response is required for all criteria. When finished, tally the points to determine the appropriate categorization.

**Entity Name:** \_\_\_\_\_

Criteria	Response Options	Points
Mandate	<input type="checkbox"/> has a direct influence on the physical, social and/or economic well-being of the citizens of Newfoundland and Labrador (70 points) <input type="checkbox"/> provides goods/services to the public and/or other government entities in support of the achievement of outcomes (40 points) <input type="checkbox"/> typically completes activities (20 points)	
Organizational Structure	In addition to the Officer of the House of Assembly... <input type="checkbox"/> has multiple levels of management and typically provides many programs, services and/or products to its primary clients (20 points) <input type="checkbox"/> has one other level of management and typically provides a couple of programs, services and/or products to its primary clients (15 points) <input type="checkbox"/> has no other level of management and typically provides one or two programs, services and/or products to its primary clients (8 points)	
Public Interest	<input type="checkbox"/> generates moderate to high public reaction (10 points) <input type="checkbox"/> generates low to moderate public reaction (6 points) <input type="checkbox"/> generates little or no public reaction (2 points)	
<b>Total Points</b>		

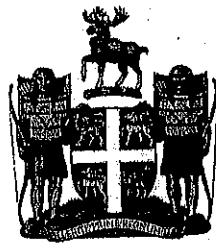
**Categorization:** Based on the total points, check one of the categorization boxes below:

- 80 Points or above                      Category 1  
 79 – 51 Points                              Category 2  
 50 Points or below                          Category 3

Assessed by: \_\_\_\_\_ Date: \_\_\_\_\_

Clerk of the House of Assembly: \_\_\_\_\_ Date: \_\_\_\_\_

Speaker of the House of Assembly: \_\_\_\_\_ Date: \_\_\_\_\_



*Office of the Information and Privacy  
Commissioner*

**Activity Plan  
2007 – 2008**



## Message from the Speaker of the House of Assembly

I am pleased to present the 2007-2008 activity plan for the Office of the Information and Privacy Commissioner. This plan was prepared under my direction in accordance with the *Transparency and Accountability Act*. It is the product of consultation with the staff of the Commissioner's Office.

This activity plan focuses on a mission and objectives that will facilitate the Office's mandate and guide it in overseeing access to information and protection of privacy issues which affect the citizens of our Province.

I am confident in the timely realization of the goals outlined in this activity plan and the maintenance of the exceptional service standards, which our citizens deserve.

Harvey Hodder, MHA  
Speaker

July 12, 2007

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## Introduction

The Office of the Information and Privacy Commissioner of Newfoundland and Labrador is accountable to the House of Assembly of the Province and to the people of Newfoundland and Labrador.


This Activity Plan has been prepared in accordance with Government's commitment to accountability as outlined in the *Transparency and Accountability Act* (the "Act"). The Act provides the legislative framework for strengthening accountability of government entities through multi-year performance-based plans and annual performance reports that are presented to the House of Assembly.

This Activity Plan covers the fiscal year ending March 31, 2008. It will allow us to measure and shape our performance and our goals for the current year and will serve as a foundation for the future.

Our office has been designated a Category 3 Government Entity under the *Transparency and Accountability Act*. As such, we are required to prepare an activity plan that sets a clear direction for our activities, taking into account the legislative framework and mandate as well as our resources.

As our office and its operations are to a large extent reactive to issues that are brought to us by the citizens of the Province, it is likely that this Activity Plan will need to be revised and updated on a regular basis to account for changing responsibilities, volumes and complexities as we move forward.

In particular, during the period of this Activity Plan, it is anticipated that the privacy provisions of the *Access to Information and Protection of Privacy Act* (the "ATIPPA") will be proclaimed.



We have attempted to account for these new responsibilities in the Plan. In addition, government has indicated its intention to introduce a new *Personal Health Information Act* in the near future for which this Office will be the oversight mechanism. It is obvious that with respect to both of these new responsibilities, significant revisions to our Activity Plan will be inevitable.

Our Office, its organization and resources will continue to be aware of the changing access and privacy environment and will monitor related issues as we move forward. As the Information and Privacy Commissioner, I am responsible for the preparation of this plan and for the achievement of its goals.

Philip J. Wall  
Information and Privacy Commissioner

## Overview

The Office of the Information and Privacy Commissioner was created pursuant to Part IV.1 of the *ATIPPA*. The Office has oversight responsibilities under the *ATIPPA* and will soon have similar oversight under the *Personal Health Information Act* when it is proclaimed.

Under *ATIPPA*, the Office is responsible for protecting and upholding access to information and protection of privacy rights. The *ATIPPA* was proclaimed January 17, 2005 and provides individuals with the right of access to information maintained and in the control of public bodies, including provincial government departments, Crown corporations, municipalities, and health care and education bodies. When the privacy provisions (Part IV) are proclaimed it will restrict the collection, use and disclosure of personal information by public bodies.

For the year ending March 31, 2008, the annual budget for the Office is \$439,000 and there is a staffing allotment of 5 plus the Commissioner. We are located on the 5<sup>th</sup> Floor, East Block of Confederation Building in St. John's and our telephone numbers is 729-6309. Our website, [www.oipc.gov.nl.ca](http://www.oipc.gov.nl.ca) provides general information about this Office, instructions on how to submit a Request for Review and copies of our Reports in pdf format. In addition, our website contains appropriate forms and other resources as well as links to the legislation, fee schedule and all provincial and federal oversight offices.

## Mandate

The mandate of the Office of the Information and Privacy Commissioner is derived from the provisions of the *ATIPPA* and includes:

- giving the public a right of access to records;
- giving individuals a right of access to, and a right to request correction of, personal information about themselves;
- preventing the unauthorized collection, use or disclosure of personal information by public bodies;
- providing for an independent review of decisions made by public bodies under the *ATIPPA*.

## Lines of Business

In delivering its mandate, the Office of the Information and Privacy Commissioner provides the following lines of business.

### *Investigations*

The Office reviews decisions, acts or failure to act by heads of public bodies, with respect to access to information requests, including decisions to extend the timeframe to respond to access requests and decisions with respect to third party claims. The Office also conducts reviews into the failure to respond to access requests within the timeframes required by the *ATIPPA* and the failure or refusal by a head of a public body to correct personal information that is in its control.

### *Public Education*

The Office ensures that the public is aware of its rights to access information and is aware of how it can exercise those rights. As appropriate, the Office informs the public about the rights through public commentary and education programs aimed at explaining the administration and operations of the *ATIPPA* and our Office.

### *Oversight*

The Office acts as an oversight body and comments on the implications for access to information or for protection of privacy of proposed legislative schemes or programs of public bodies.

## Values

January 17, 2007 was the second anniversary of the proclamation of the *ATIPPA* (with the exception of Part IV). The initial priority of this Office was to build an awareness of access to information principles and best practices both within provincial government institutions and within the larger public body sector. We also needed to build our own capacity within this Office including basic knowledge of the legislation, and of our general role and activities plus the key role of accessing and interpreting the relevant judicial and Commissioner rulings and precedents. The challenges in this latter area are many as there has been a worldwide expansion in laws covering access to information and privacy issues. In addition, there are growing challenges related to the changing environment of information technology, and the rapid expansion of surveillance practices throughout the world. It is a key challenge of this Office to be aware and to be current on all advances in the information management field in order to provide citizens of Newfoundland and Labrador with the appropriate and best available assistance as they exercise their information rights.

We made significant progress in this area early on in our mandate. Our main focus has been dealing with requests from the public for reviews of decisions by public bodies. The volume of these requests has increased dramatically over our initial two years. We have also taken considerable time to provide advice and assistance to public bodies on access and privacy related issues. Lastly, as time and resources have permitted, we have promoted education and awareness to the general public through presentations, preparation of brochures and media contact.

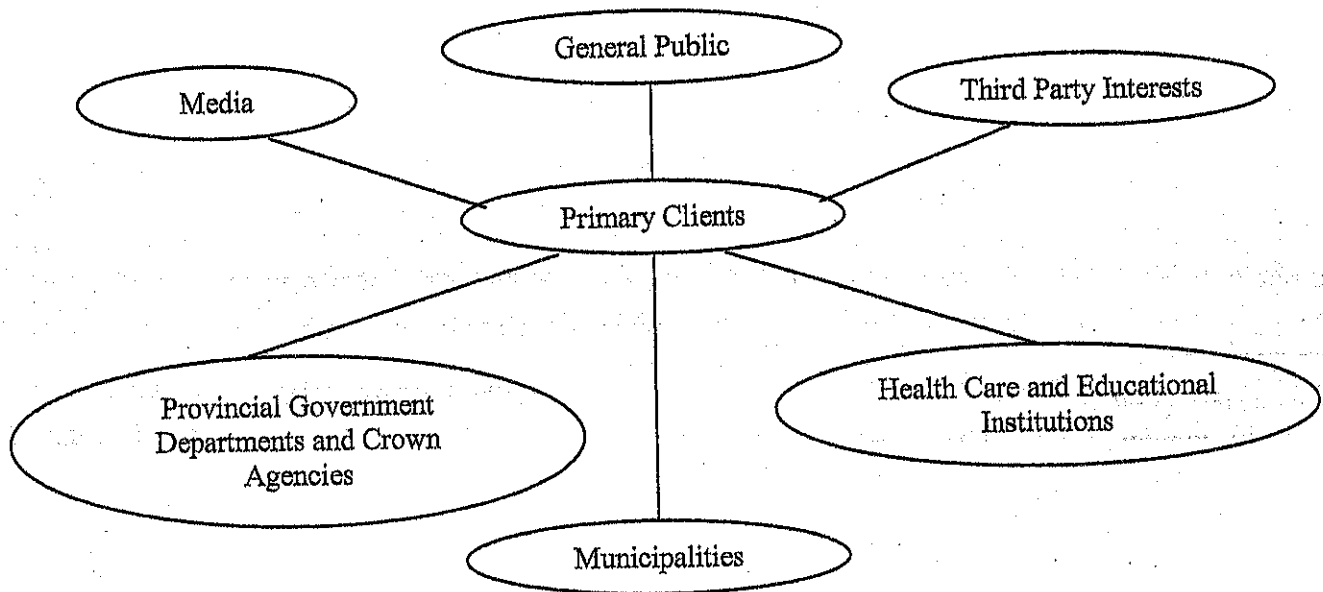
This Office values our role as an independent support and arbitrator for the citizens of the Province. Every effort is taken to insure our integrity such that we are trusted to represent them in their dealings with public bodies. The following actions flow from these value statements and will guide the Office as we move forward.



Value	Action Statements
Independence	Each individual will conduct investigations independent of any influence.
Integrity	Each individual will ensure the provision of accurate, unbiased advice and recommendations.
Confidentiality	Each individual will exercise absolute confidentiality in accordance with the <i>ATIPPA</i> .
Judgment	Each individual will use their professional knowledge and judgment in interpreting policies, practices and procedures in the interests of their clients.
Respect	Each individual listens to and considers the ideas and opinions of others and works collaboratively to achieve results.

## Primary Clients

The Office of the Information and Privacy Commissioner defines its primary clients as those individuals who are the principle beneficiaries of the services which it provides. These clients are made up of two groups – those public bodies which have information and those people or groups which have rights to access that information. They include the following.



## VISION

Our vision is one where public bodies operate in a fashion that is accountable to the people and transparent, always in consideration of the privacy rights of the citizens of Newfoundland and Labrador.

# Mission

The mission statement of the Office of the Information and Privacy Commissioner outlines the priority focus over the next two planning cycles. It represents our plan for the future and identifies various measures and indicators which will assist in the monitoring and evaluation process.

**Mission:** By 2011, the Office of the Information and Privacy Commissioner will have improved the capacity and effectiveness of the Office such that the citizens of the Province enjoy the full measure of the access to information as well as the privacy rights which are guaranteed by the laws of the Province.

**Measure:** Improved capacity to provide service and support decisions.

**Indicators:**

- Reduced timeframes to conduct reviews
- Published review reports and recommendations
- Increased awareness
- Increased ability to deal with privacy complaints

## Our Core Business

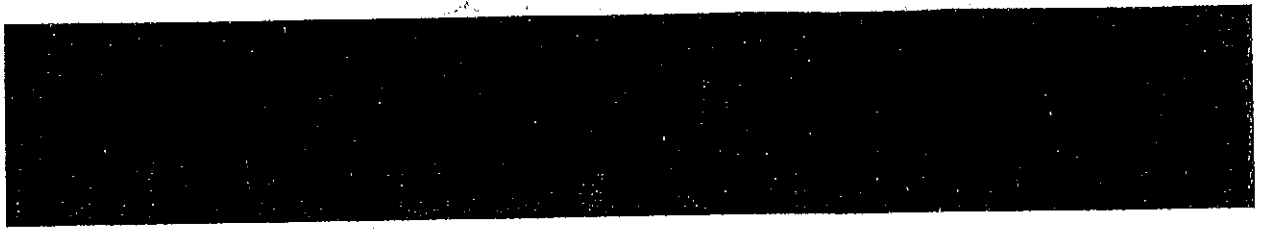
**Goal 1: By 2008, the Office of the Information and Privacy Commissioner will have improved the capacity to provide service and support decisions**

### Discussion

Under the *ATIPPA*, the Commissioner's office attempts to resolve requests for review under Section 43 or complaints under Section 44 informally to the satisfaction of the applicant and the public body. Where an informal settlement is not successful within 30 days of receipt of the request, a formal review is conducted with a requirement that it be completed within 90 days of the request.

As of March 31, 2007 there are 30 active files for review relating to access to information requests. During the year ended March 31, 2007 the office received 101 Requests for Review compared to 55 Requests during the first fourteen months of operation of the Office ended March 31, 2006. This is an 83.6% increase. Based on these statistics, and our resources being severely stretched, authority was provided by the House of Assembly Management Commission to hire an additional Investigator in February. This brought the staffing level in addition to the Commissioner (part time) to four including the Executive Director, two Investigators and an Office Manager.

To date, meeting the timeframes outlined in the *ATIPPA* has been difficult in some cases, especially those which require the examination of thousands of documents and/or the utilization of specialized knowledge of access law, practices and technology. In such cases, applicants have been understanding, however it is not desirable to experience such instances and every effort is being taken to improve our report timing. As the workload increases, additional resources may indeed be required to achieve this goal.



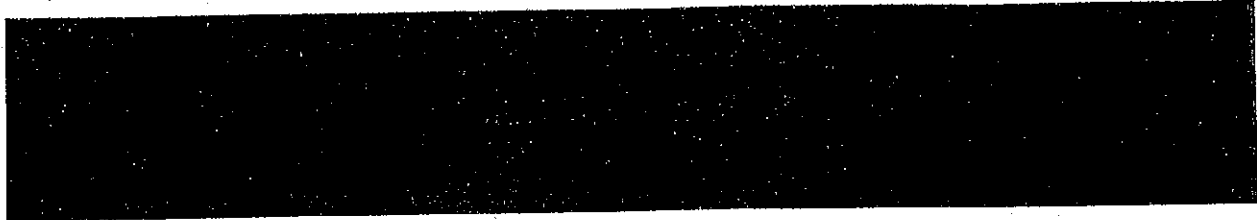
Accessing information and providing the review mechanism to applicants in a timely fashion is key to enhancing public awareness and confidence about accountability and transparency. Delays, particularly on the review side could result in diminished respect for the Office of the Information and Privacy Commissioner. Delays also reflect on the fundamental right to know of the people of the Province.

When the privacy provisions of the *ATIPPA* are proclaimed this year, our resources will be stretched even further. In recognition of this, authority has also been provided by the House of Assembly Management Commission for an additional investigative position. At this point, we can only speculate on the level of privacy related activity which will ultimately be required of our Office. However, based on activity in other provincial jurisdictions, we expect it to be very demanding. In the meantime, our Office continues to investigate privacy issues on an informal basis leading up to the proclamation.

**Measure:** Improved capacity to provide service and support decisions.

**Indicators:**

- Increased capacity of the Office
- Processes for monitoring activity with respect to requests for review are enhanced
- Increased number of requests for review conducted within 90 days compared to the total number of review requests
- Increased number of requests for review which are resolved by informal processes compared to the total number of review requests



**Goal 2:** By 2008, the Office of the Information and Privacy Commissioner will have in place a comprehensive reporting and tracking process for its request for review reports.

Discussion

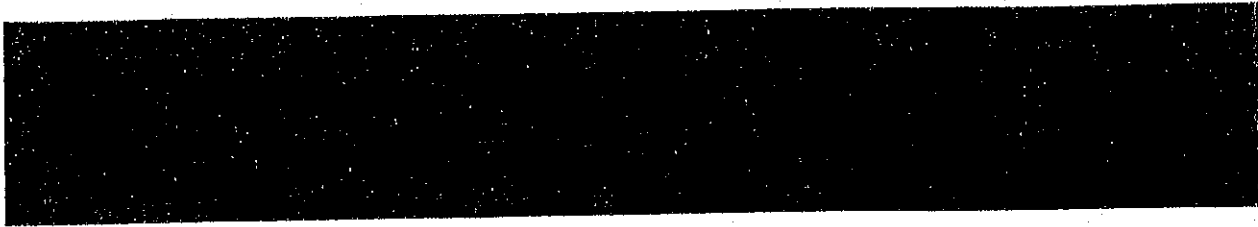
As required by the provisions of the *ATIPPA*, this Office conducts formal reviews of decisions, acts or failures to act by the heads of public bodies. Each review results in the preparation of a written report of the Commissioner with recommendations. This process is key to achieving the accountability and transparency commitments of the government.

In publishing such reports, applicants are provided with accurate and definitive discussions of the issues involved and the rationale for recommendations. Reports provide useful guidance to departmental coordinators, heads of government departments and institutions, and heads of government agencies and municipalities. In some cases, they should hopefully improve compliance with the legislation and the government's policies and procedures. They also provide information to the media and the general public and are an avenue for citizens to be aware of what is transpiring on issues that they may have an interest in, or on issues that they may have previously requested information.

**Measure:** Publish review reports and recommendations.

**Indicators:**

- Post the full text of all reports from this Office to our website [www.gov.nl.ca/oipc](http://www.gov.nl.ca/oipc)



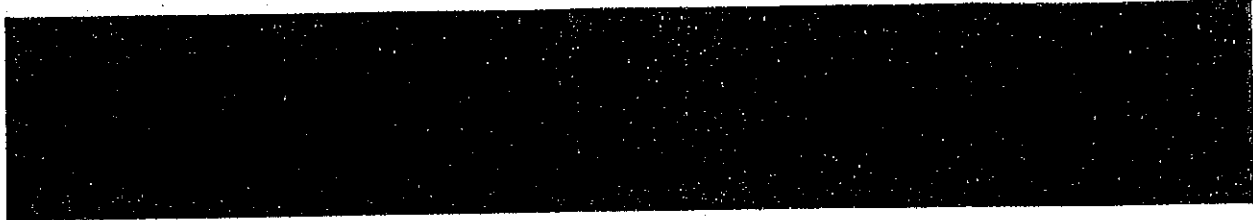
- Reports will indicate the name of the public body, but for privacy reasons not the applicant's name or other identification
- Develop an index by topic and by public body, to readily identify those reports which involve specific sections of the legislation

**Goal 3: By 2008, the Office of the Information and Privacy Commissioner will have improved processes in place to increase awareness on the part of government departments and agencies, health and education bodies, and municipalities with respect to statutory requirements.**

#### Discussion

During the two year period leading up to the proclamation of the access provisions of the *ATIPPA*, the Department of Justice which has responsibility for the administration of this *Act* conducted training programs aimed at informing all public bodies covered by the legislation about the access provisions of the *ATIPPA*. In addition, a comprehensive Policy and Procedures manual was prepared and distributed to those public bodies.

The Department of Justice is currently providing similar training with respect to the protection of privacy provisions of the *ATIPPA*. This Office is very supportive of those efforts and encourages the Department of Justice to continually review and update their training programs as well as their Policy and Procedures manual.



Despite the Department's efforts, this Office has encountered many instances of inconsistency in the treatment of applicants and their access requests. Various public bodies continue to demonstrate lower accountability standards than are required by the legislation. Often basic administrative standards are found to be lacking. This may be the result of complacency, staff turnover, lack of commitment/attention to the principles of accountability and transparency or even incompetence. Whatever the reason, this Office is often faced with attempting to resolve issues between applicants and public bodies which can and should be resolved through the exercise of good judgment, common sense and proper interpretation of the law.

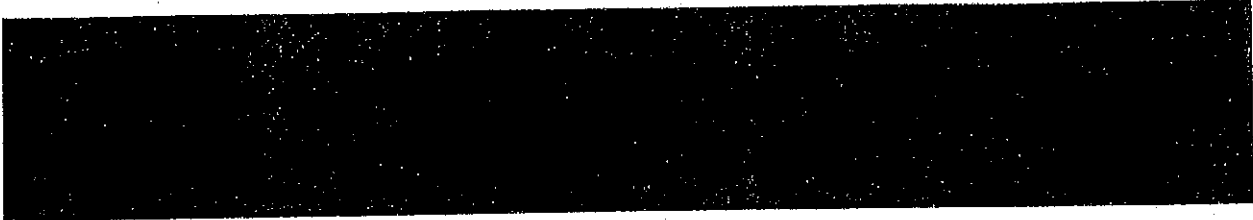
This Office will continue to work with the Department of Justice and public bodies in the Province to promote effective training materials related to the *ATIPPA*. We will continue to correspond and meet with appropriate officials in public bodies to attempt to better explain the role and responsibilities of our Office and their obligations under the legislation.

**Measure:** Increase Awareness.

**Indicators:**

- Co-host a major conference in Newfoundland and Labrador focused on *ATIPPA*
- Maintain a close contact with the Department of Justice with respect to interpretation of the provisions of the *ATIPPA*
- Regularly address any misinterpretation of the *ATIPPA* with the related public bodies





**Goal 4: By 2008, the Office of the Information and Privacy Commissioner will have adequate resources and procedures in place to deal with privacy complaints on a timely basis.**

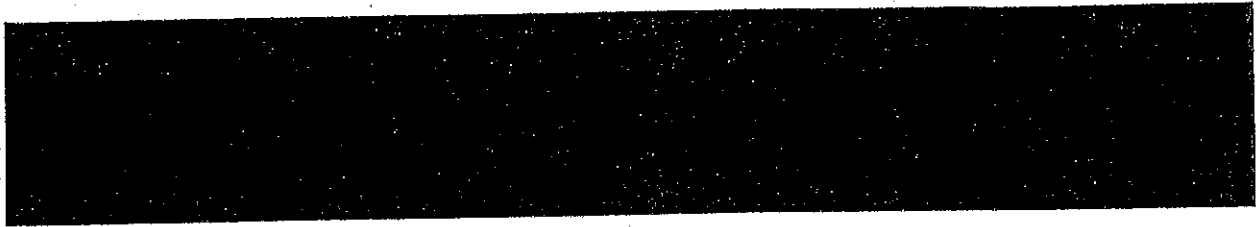
#### Discussion

The privacy rights of the people of the Province are equally important as their access to information rights. Consequently many of the above discussions related to access also apply to privacy rights as well. Government has clearly identified privacy protection as a priority and this Office is committed to investigate complaints under the privacy provisions of the *ATIPPA* in a timely fashion and without undue delay.

Since the inception of this Office, we have dealt in an informal fashion, ie. without legislative responsibility, with various privacy related issues and complaints. As the privacy provisions of the *ATIPPA* become law, and as the public bodies and the citizens of the Province become more aware of their responsibilities and rights, the efforts of this Office will be divided based upon activity and need between access and privacy. It is critical that the perception of public cynicism about privacy rights stemming from the many privacy breaches which have occurred on the national scene be addressed. Citizens must be reassured of their fundamental right of privacy and all efforts must be taken to renew their confidence in public bodies and in particular the collection, use and disclosure by public bodies of their personal information.

Consequently, as privacy complaints are channeled to this Office, citizens must understand that their issues will be given priority and attention. Where appropriate, their complaints will be the

subject of a full investigation, they will be contacted for further information and confirmation of issues, and they will be kept up to date on progress and provided with the results of our investigation.



**Measure:** Increase the ability to deal with privacy complaints.

**Indicators:**

- Hire an additional investigator to assist in dealing with privacy issues by September 30, 2007
- Acknowledge privacy complaints within two days of receipt
- Conduct investigations of privacy complaints and resolve the issues and/or issue a report within 90 days
- Publish reports on significant privacy complaints on our website [www.gov.nl.ca/oipc](http://www.gov.nl.ca/oipc)

**Office of the  
Citizens' Representative**

***2007/08  
Activity Plan***

## *Message from the Speaker*

*I am pleased to present the first Office of the Citizens' Representative Activity Plan for 2007/08. It reflects the Office's values, missions and its goals for the planning cycle. Pursuant to the provision of the Transparency and Accountability Act the office has been characterized as a Category Three entity. The office will comply with the typical three year planning cycle as outlined in the legislation as the expiration of this plan.*

*This Activity Plan was proposed by the Citizens' Representative. While acknowledging the independence of his office, and recognizing my obligation under the Act, I am accountable for the preparation of this plan and for the achievement of the specific goals and objections contained therein.*

*Honourable Harvey Hodder  
Speaker  
House of Assembly*

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## OVERVIEW

The Office of the Citizens' Representative provides a province wide Ombuds services for citizens with respect to their dealings with the provincial public service. Barry Fleming is the Citizens' Representative and is responsible for the management of the Office and coordinating its work. The Office has a staff compliment of five including:

- one senior investigator
- three investigators, and
- one office administrator

In 2005, the last reporting period, the Office of the Citizens' Representative received 386 complaints/inquiries, completed 257 inquiries/investigations and made 101 recommendations to government.

To accomplish its work, the Office has a budget of \$467,800 for 2006/07.

This Office can be contacted by:

Telephone: (709) 729-7647  
(800) 559-0079

Address: 20 Crosbie Place  
4<sup>th</sup> Floor Beothuck Building  
P.O. Box 8400  
St. John's, NL A1B 3N7

Email: [citrep@gov.nl.ca](mailto:citrep@gov.nl.ca)

## MANDATE

The Office of the Citizens' Representative derives its mandate from the provisions of the *Citizens' Representative Act*. It includes,

- the receipt and independent investigation of complaints of unfairness from citizens concerning matters of administration by a government department or agency.
- the investigation of matters referred to it by the Lieutenant Governor in Council, the House of Assembly or otherwise determined by the Citizens' Representative of requiring investigation.
- by implication, the mediation of citizens complaints when possible.
- reporting the results of the investigations and recommending responses when appropriate.

# LINES OF BUSINESS

In fulfilling its mandate, the Office of the Citizens' Representative provides the following lines of business.

## **1. Investigation and Mediation of complaints**

The Office of the Citizens' Representative ensures that citizen's complaints and matters referred to it by the Lieutenant Governor in Council, the House of Assembly or on its own motion are:

- a. investigated and mediated in a timely, thorough, and objective manner.
- b. mediated to the satisfaction of all stakeholders if possible.
- c. reported upon in a concise and easily understood format.
- d. when appropriate, are subject to recommendations which would ameliorate the cause of the complaint and/or improve the overall provision of public service by departments and agencies.

## **2. Promoting Good Governance**

The Office of the Citizens' Representative identifies systematic issues within the public administration which may have an impact on a large number of citizens and:

- a. concisely articulates a concern which may warrant public comment.
- b. develops and conducts investigations into these concerns, and
- c. reports upon the result of the investigation with an overall goal of alleviating citizens' concerns and improving the delivery of government programs.



# VALUES

The following values are fundamental to all interactions and communications between the Office of the Citizens' Representative, citizens and public officials.

## *Value*

## *Action Statement*

Fairness

Each individual undertakes to perform his or her duties in an open, unbiased and independent manner.

Respect

Each individual considers, weighs and appreciates the circumstances and contributions of others and communicates in a manner that enhances the working environment.

Ingenuity

Each individual respects the importance of precedent and corporate history but looks for new ways to enhance the Office's Mandate. All suggestions are respected, considered, analyzed and discussed to ascertain their effectiveness in meeting stakeholders needs.

Courage

While appreciating the vulnerability of citizens and the power of various government offices each individual exercises his or her duties emboldened by the principal of truth to power and the recognition that ultimately everyone strives for, and benefits from, excellence in the public service.

## PRIMARY CLIENTS

The primary clients of the Office of the Citizens' Representative are citizens who allege they have been treated unfairly when pursuing or receiving access to public services.

Secondary clients include:

- a) the Lieutenant Governor in Council
- b) the House of Assembly and
- c) the Public Service

# VISION

A citizenry confident in a public service that is fair and grounded in integrity and good governance.

# MISSION

The Mission of the Office of the Citizens' Representative is to have a citizenry aware of the mandate of the office, confident in the fair, timely and effective investigation of complaints, and assured that the fruits of those investigations are communicated back to the public service to enhance performance.

1) **Measure:** *By 2011 the OCR will have improved capacity to support fair, timely and effective investigations.*

Indicators:

- Increased human resource expertise in conducting investigations.
- Provided leadership in effective investigative techniques.

2) **Measure:** *By 2011 the OCR will have an effective feedback of the Office of the Citizens' Representative's investigations, findings and recommendations to the public service.*

Indicators:

- Provided leadership for communications with the public service.
- Strengthened mechanism within the public service to improve the coordination and consistency of responses to Office of the Citizens' Representative investigations.

# GOALS

- 1) By March 31, 2008 the Office of the Citizens' Representative has increased its profile among citizens.

*Measure: Increased public profile.*

Indicator:

- Website has been updated.
- Brochures have been developed and distributed.
- Public presentations have increased.

- 2) By March 31, 2008 the Office of the Citizens' Representative will have identified and implemented bench marks to assess efficient and effective ombuds investigations.

*Measure: Identification and Implementation*

Indicator:

- Researched average time frame for concluding investigations in other jurisdictions.
- Developed a national average time frame for completion of investigations.
- Ascertained the average time frame for the Office of the Citizens' Representative to complete investigations.
- Developed realistic time frames for the Office of the Citizens' Representative to complete investigations.

- 3) By 2008 the Office of the Citizens' Representative will have identified aspects of the public service that may benefit from a Citizens' Representative investigation.

*Measure: Identification*

Indicators:

- Researched reoccurring issues that have arisen in the course of investigating citizen complaints to determine areas that may require a focused systemic investigation.
- Reviewed investigations from other jurisdictions on these issues to determine how, or if, other jurisdictions have dealt with them.
- Developed investigation plans for each issue identified.



**Office of the Child and Youth Advocate**  
PROVINCE OF NEWFOUNDLAND AND LABRADOR

**BUSINESS PLAN**

---

**FISCAL YEAR ENDING MARCH 31, 2008**



Message from the Speaker  
of the House of Assembly

April 1, 2007

Government is committed to ensuring that the rights and interests of children and youth are protected and advanced and their views are heard and considered. This Business Plan will provide government with an independent perspective regarding the availability, effectiveness, responsiveness and relevance of services currently available to children and youth within the province.

This plan has been prepared in accordance with the *Transparency and Accountability Act* provisions for a Category 2 entity. This plan focuses on the processes necessary to meet government's commitments to children and youth.

As Speaker of the House of Assembly, I am accountable to ensure the preparation of this plan by the Office of the Child and Youth Advocate. I look forward to the realization of the stated goals which will promote greater awareness of the rights of children and youth and increased access to government programs and services by children and youth.

Harvey Hodder, MHA  
Speaker



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## 1.0 OVERVIEW

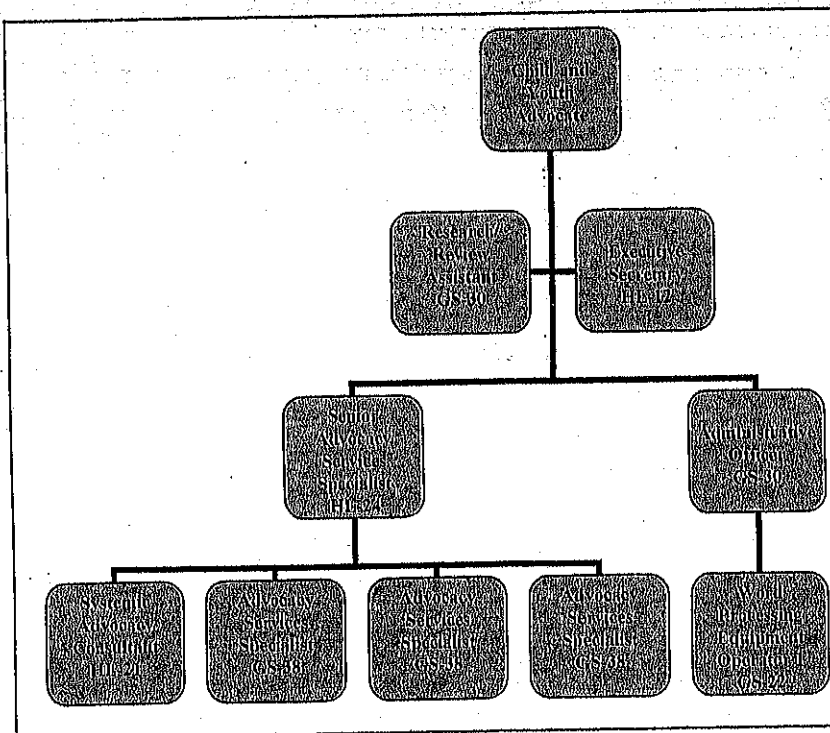
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The Office of the Child and Youth Advocate opened on November 18, 2002. The Office was established by statute, *The Child and Youth Advocate Act*, which was proclaimed on May 12, 2002.

The current Child and Youth Advocate, Darlene Neville, was appointed to the position of Child and Youth Advocate on August 1, 2005, and her appointment was confirmed by resolution of the House of Assembly on November 29, 2005.

The Advocate is an Independent Officer of the House of Assembly and reports directly to the Legislature through the Speaker of the House. The staff of the Office of the Child and Youth Advocate are members of the Public Service, Government of Newfoundland and Labrador.

Advocacy services are provided to children and youth through a central office located in St. John's with outreach to all areas of the province. Services can be accessed through office visits, advocacy clinics held by staff throughout the province, use of a toll-free number and the website.



The Office has a total of 10 staff including: the Child and Youth Advocate; one Research/Review Assistant; one Senior Advocacy Services Specialist; one Systemic Advocacy Consultant; three Advocacy Services Specialists; one Executive Secretary; one Administrative Officer and one Word Processing Equipment Operator.

The Commission of Internal Economy approved a budget of \$781,900 for the Office of the Child and Youth Advocate for Fiscal Year 2006-2007. The details are noted below:

Salaries	\$498,600
Employee Benefits	2,500
Transportation and Communications	100,000
Supplies	25,000
Professional Services	75,000
Purchased Services	75,800
Property, Furnishings and Equipment	5,000
<b>TOTAL</b>	<b>\$781,900</b>

**Contact Information:**

The Office of the Child and Youth Advocate  
Suite 604, TD Place  
140 Water Street  
St. John's, NL  
A1C 6H6

Telephone: 709 753-3888  
Toll Free: 1-877-753-3888  
TTY: 709 753-4366  
Facsimile: 709 753-3988

E-mail: [office@ChildAndYouthAdvocate.nl.ca](mailto:office@ChildAndYouthAdvocate.nl.ca)  
Web Site: [www.ChildAndYouthAdvocate.nl.ca](http://www.ChildAndYouthAdvocate.nl.ca)

## 2.0 MANDATE

---

The Office of the Child and Youth Advocate was established by statute which may be cited as the *Child and Youth Advocate Act*, SNL 2001 cC-12.01 (the "Act").

The mandate of the Office is contained in Section 3 of the *Act*, which states:

3. The Office of the Child and Youth Advocate is established
  - (a) to ensure that the rights and interests of children and youth are protected and advanced and their views are heard and considered;
  - (b) to ensure that children and youth have access to services and that their complaints relating to the provision of those services receive appropriate attention;
  - (c) to provide information and advice to the government, agencies of the government and to communities about the availability, effectiveness, responsiveness and relevance of services to children and youth; and
  - (d) generally, to act as an advocate of the rights and interests of children and youth.

The powers and duties of the Child and Youth Advocate are contained in Section 15 of the *Act*, which states:

15. (1) In carrying out the duties of his or her office, the advocate may
  - (a) receive and review a matter relating to a child or youth or a group of them, whether or not a request or complaint is made to the advocate;
  - (b) advocate or mediate or use another dispute resolution process on behalf of a child, youth or a group of them, whether or not a request or complaint is made to the advocate;
  - (c) where advocacy or mediation or another dispute resolution process has not resulted in an outcome the advocate believes is satisfactory, conduct an investigation on behalf of the child or youth or a group of them, whether or not a request or complaint is made to the advocate;
  - (d) initiate and participate in, or assist children and youth to initiate and participate in, case conferences, administrative reviews, mediations, or other processes in which decisions are made about the provision of services;

- (e) meet with and interview children and youth;
  - (f) inform the public about the needs and rights of children and youth including about the office of the advocate; and
  - (g) make recommendations to the government, an agency of the government or communities about legislation, policies and practices respecting services to or the rights of children and youth.
- (2) The advocate may not act as legal counsel.

## **3.0 LINES OF BUSINESS**

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The *Child and Youth Advocate Act* mandates the Advocate to provide advocacy services on behalf of children and youth in four main capacities:

- Individual/Group Advocacy
- Emerging Issues/Systemic Advocacy
- Reviews and Investigations
- Public Education

### **Individual Advocacy**

Individual Advocacy includes the provision of information, self-advocacy, basic and comprehensive advocacy services. Individual Advocacy differs depending upon the type of intervention provided.

- Information - involves the provision of information and/or referral to another government department, board, or agency.
- Self-Advocacy Assistance - involves the provision of information regarding programs, services, appeal procedures, options, and strategies, and may include coaching.
- Basic Advocacy Intervention - involves the provision of advocacy services requiring consultation and/or referral to other agencies and is usually completed within a short time frame. Advocacy staff engage in problem-solving strategies; make initial calls to service providers; and provide self-advocacy assistance.

- Comprehensive Advocacy Intervention - involves the provision of intensive advocacy intervention when basic advocacy intervention and/or self-advocacy assistance is not sufficient. Comprehensive Advocacy Intervention may involve in-depth self-advocacy coaching; meetings with multiple service providers; meetings with the child or youth and/or his or her natural advocate; attending/arranging case conferences/meetings; and engaging in alternate dispute resolution processes.

## **Emerging Issues/Systemic Advocacy**

Emerging issue files relate to issues that appear to be impacting a group(s) of children and youth, but require further research to determine if the issues are systemic. Often, individual files highlight emerging issues which require further advocacy work. If an emerging issue is determined to be systemic, the emerging issues file is closed, and a systemic file is opened.

Systemic issue files are opened when issues presented to the Office of the Child and Youth Advocate impact a group(s) of children and youth and, therefore, require advocacy from a systemic perspective.

## **Reviews/Investigations**

Reviews and investigations are carried out pursuant to Sections 15(1) and (c) of the *Child and Youth Advocate Act*. The Child and Youth Advocate may review or investigate a matter on behalf of a child or youth, or group of them, whether or not a complaint has been made and may conduct an investigation if advocacy, mediation, or another dispute resolution process has not resulted in an outcome satisfactory to the Advocate.

## **Public Education**

Section 3 of the *Act* requires the Advocate to "protect and advance the rights of children and youth." In fulfillment of this mandate, advocacy staff engage children and youth, child and youth serving agencies, government departments, and the general public in discussions and consultations

regarding issues affecting children and youth in Newfoundland and Labrador. Also, staff provide presentations to such groups regarding the rights of children and youth.

Section 2 (c) of the Act defines a child

child means a person under the age of 16 years

Section 2 (d) of the Act defines youth

Youth means a person who is 16 years of age, but under 19 years of age and includes youth

- (i) in care or custody under the *Child Youth and Family Services Act*
  - (ii) on remand under the *Criminal Code* or the *Youth Offenders Act (Canada)*
  - (iii) subject to a sentence under the *Criminal Code* or
  - (iv) subject to a disposition under the *Youth Offenders Act (Canada)*
- who is under 21 years of age

Section 2 (f) of the Act defines service

service means a service provided by a department or agency of the government to children and youth the principal objective of which is to benefit children and youth

Section 2 (b) of the Act defines agency of the government

agency of the government means a board, commission, association or other body of persons, whether incorporated or unincorporated, included in the Schedule

Section 2 (e) of the Act defines department

department means a department or unit set under the *Executive Council Act* or a branch of the executive government of the province

## 4.0 VALUES

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The values expressed in this plan are intended to reflect values for the operation of the Office of the Child and Youth Advocate and the conduct of its staff.

**Respect:** Each individual is committed to protecting and advancing the rights of children and youth.

**Collaboration:** Each individual will work with others to maintain a cooperative work environment that contributes to the development of a strong, effective team required to "protect and advance" the rights of children and youth.

## 5.0 PRIMARY CLIENTS

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Children (under 16 years of age) and youth (16 years of age, but under 19 years of age and, in the case of extended care or a custodial sentence, up to age 21) are the primary clients of the Office of the Child and Youth Advocate.

Sections 3 and 15 of the *Child and Youth Advocate Act* mandate/ authorize the Office of the Child and Youth Advocate to provide recommendations to government regarding the overall effectiveness of services for children and youth, including recommendations regarding changes to existing legislation, policy and service delivery.

Also, pursuant to Section 28 of the *Act*, the Advocate must report annually to the House of Assembly through the Speaker on the exercise and performance of her functions and duties under this *Act*. Both requirements reflect the government as a primary client of the Office.



## 6.0 VISION

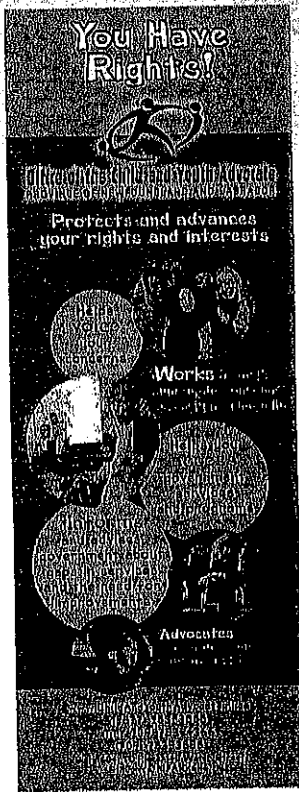
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The vision of the Office of the Child and Youth Advocate is a province where the rights and interests of every child and youth are protected and respected and each child and youth has access to all the government services they require.

## 7.0 MISSION

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The mission statement identifies the priority focus areas of the Child and Youth Advocate over the next two planning cycles. It represents the key longer-term result that the Office of the Child and Youth Advocate will be working towards as it implements its Business Plan.

It has been recognized that public education is required if the rights of children and youth are to receive the recognition and attention required to ensure their rights are accorded to them. Increased level of awareness is a prerequisite to "protecting and advancing" the rights and interests of children and youth.

Increasing awareness through public education is required to ensure that children and youth are aware of their rights and the existence of government services and programs related to their needs. Integral to promoting and advancing the rights of children and youth is promoting accessibility to government services and programs.

Therefore, promoting awareness of the rights and interests of children and youth, with a view to enhancing the delivery of advocacy services, shall constitute the priority focus of the Office of the Child and Youth Advocate for the next four years.

**Mission Statement:**

By 2011, the Office of the Child and Youth Advocate will have enhanced its processes to support increased awareness of the rights and interests of children and youth within the province.

**Measure:**

Enhanced processes

**Indicators:**

1. Increased awareness regarding the rights and interests of children and youth and the existence of government programs and services available to them as provided by the Office of the Child and Youth Advocate through the following:
  - Increased number of advocacy clinics conducted
  - Increased number of public presentations and individuals who attended presentations
  - Increased number of presentations to students (K – 12) and number of students who attended
2. Increased number of formal reports completed and presented to government
3. Increased distribution by the Office of the Child and Youth Advocate of its reports, brochures and advocacy calendars.

## **8.0 ISSUES**

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The issues identified relate to year one of the four-year mission cycle. The plan of the Office of the Child and Youth Advocate for the next phase (April 1, 2008 – March 31, 2011) will be to continue its focus on promoting awareness of the rights and interests of children and youth and the existence of government programs and services available to them.

### **Awareness by Children and Youth**

The *United Nations Convention on the Rights of the Child*, which Canada has ratified, is an International recognition of the rights of children and youth. It has also been recognized by the United Nations and party states to the *Convention* that the rights and interests of children and youth require protection and advancement.

The experience of the party states to the *UN Convention on the Rights of the Child* strongly supports the need for increased awareness amongst children and youth of their rights and of the government programs and services which enable them to exercise these rights. This awareness is viewed as essential to achieving the overall objectives of the protection and advancement of the rights and interests of children and youth.

#### **Issue 1:**

Awareness by children and youth

#### **Goal:**

By April 1, 2008, the Office of the Child and Youth Advocate will have improved its educational advocacy services to children and youth throughout the province.

#### **Measure:**

Improved educational advocacy services

**Indicators:**

- Increased number of advocacy clinics conducted throughout the province
- increased number of presentations throughout the province provided to students (K-12) and the number of students who attended
- Increased distribution of reports, brochures and advocacy calendars throughout the province

**The Need for a Systemic Advocacy Approach**

The legislative intent of the *Child and Youth Advocate Act* requires that the Office of the Child and Youth Advocate provide an independent perspective regarding the availability, effectiveness, responsiveness and relevance of services to children and youth within the province. This perspective is necessary to ensure that government is better informed of the issues impacting children and youth and, therefore, better able to ensure the issues are addressed appropriately.

When it has been determined by the Office of the Child and Youth Advocate that issues presented to the Office impact groups of children and youth within the province, a systemic advocacy approach is required. This approach requires preparation of formal reports provided to government which identify gaps in services and contain recommendations regarding the need for improvements in the areas of policy, legislation and service delivery related to children and youth.

**Issue 2:**

Recommendations to government regarding issues of a systemic nature affecting children and youth within the province

**Goal:**

By April 1, 2008 the Office of the Child and Youth Advocate will have better informed government on issues of a systemic nature affecting children and youth within the province.

**Measure:**

Improved information

**Indicators:**

- Increased number of formal reports containing recommendations provided to government regarding systemic issues affecting children and youth in comparison to 2007

**Reviews of Government Programs and Services**

Pursuant to Section 15(1.)(a) of the *Child and Youth Advocate Act*, the Advocate is authorized to

receive and review a matter relating to a child or youth or a group of them, whether or not a request or complaint is made to the advocate;

The *Act* provides discretionary powers to the Advocate to decide which cases involving the provision of government programs and services will be reviewed. However, in exercising this discretion, the Advocate considers cases where the information suggests the standard of service did not ensure the rights and interests of children and youth were protected and appropriately addressed.

The Advocate is also required to review matters brought to her attention by the specific direction of the Lieutenant-Governor-in-Council pursuant to Section 16(a) of the *Act*.

The underlying rationale for conducting Reviews of cases, where the inadequacies in areas of service and program delivery appear to be significant, is the requirement that the Advocate identify these inadequacies and provide recommendations for the improved delivery of services in either the specific case under review or in the general delivery of services and programs to children and youth.

**Issue 3:**

Reviews of government programs and services

**Goal:**

By April 1, 2008 the Office of the Child and Youth Advocate will have supported the improvement of government services and programs provided to children and youth.

**Measure:**

Supported improved delivery of services

**Indicators:**

- number of recommendations contained in completed Reviews provided to government and released publicly.





House of Assembly  
Newfoundland and Labrador  
**Office of the Chief Electoral Officer**

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39 Hallett Crescent, St. John's, NL A1B 4C4  
Tel: (709) 729-0712 Toll Free: 1-877-729-7987 Fax: (709) 729-0679 Email: [oceo@gov.nl.ca](mailto:oceo@gov.nl.ca)

November 26, 2007

Mr. William MacKenzie  
Clerk  
House of Assembly  
Main Floor, East Block  
Confederation Building  
St. John's, NL

Dear Bill:

**Reference: Transparency & Accountability Act**

As per our previous discussions, attached is an original signed copy of the Categorization Criteria Summary Table for the Office of the Chief Electoral Officer and Commissioner for Legislative Standards.

Based on total point value, it is determined that our Office would be a Category 3 as indicated.

I trust this document meets with your approval, but if you have any questions please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in black ink, reading "Paul Reynolds", with a long horizontal flourish extending to the right.

**Paul Reynolds**  
Chief Electoral Officer &  
Commissioner for Legislative Standards



## Offices of the House of Assembly Categorization Criteria - Summary Table

**Instructions:** Please read each criterion and select the response option that best describes the entity. Place the number of points designated to the response chosen in the right column. A response is required for all criteria. When finished, tally the points to determine the appropriate categorization.

**Entity Name:** \_\_\_\_\_

Criteria	Response Options	Points
Mandate	<input type="checkbox"/> has a direct influence on the physical, social and/or economic well-being of the citizens of Newfoundland and Labrador (70 points) <input type="checkbox"/> provides goods/services to the public and/or other government entities in support of the achievement of outcomes (40 points) <input checked="" type="checkbox"/> typically completes activities (20 points)	20
Organizational Structure	In addition to the Officer of the House of Assembly... <input type="checkbox"/> has multiple levels of management and typically provides many programs, services and/or products to its primary clients (20 points) <input checked="" type="checkbox"/> has one other level of management and typically provides a couple of programs, services and/or products to its primary clients (15 points) <input type="checkbox"/> has no other level of management and typically provides one or two programs, services and/or products to its primary clients (8 points)	15
Public Interest	<input checked="" type="checkbox"/> generates moderate to high public reaction (10 points) <input type="checkbox"/> generates low to moderate public reaction (6 points) <input type="checkbox"/> generates little or no public reaction (2 points)	10
<b>Total Points</b>		<b>45</b>

**Categorization:** Based on the total points, check one of the categorization boxes below:

- 80 Points or above                      Category 1
- 79 – 51 Points                              Category 2
- 50 Points or below                         Category 3

Assessed by: Paul Reynolds                      Date: Nov 26/07

Speaker of the House of Assembly: \_\_\_\_\_                      Date: \_\_\_\_\_





**Office of the Auditor General of Newfoundland and Labrador**

**Head Office**  
15 Dundee Ave., Mount Pearl  
Box 8700 ♦ St. John's, NL ♦ A1B 4J6  
T: 709-729-2695 ♦ F: 709-729-5970  
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**Auditor General**  
John L. Noseworthy, CA  
T: 709-729-2700  
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**Regional Office**  
1 Union St., Corner Brook  
Box 2006 ♦ Corner Brook, NL ♦ A2H 6J8  
T: 709-637-2295 ♦ F: 709-637-2595

23 November 2007

Ref: oag1107E26.01

Mr. William MacKenzie  
Clerk of the House of Assembly  
House of Assembly  
P.O. Box 8700  
St. John's, Newfoundland and Labrador  
A1B 4J6

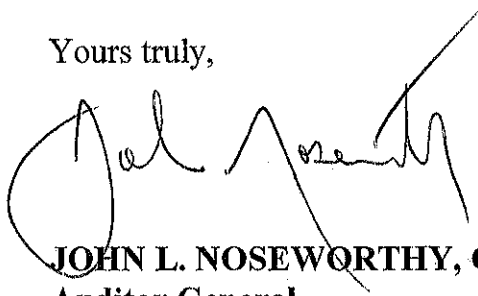
Dear Mr. MacKenzie:

Please find enclosed a completed Categorization Criteria - Summary Table for the Office of the Auditor General.

As the Table shows, the Office should be considered as a Category 3 entity for purposes of the *Transparency and Accountability Act*.

I am available to meet at your convenience if you have any questions or require any additional information.

Yours truly,



**JOHN L. NOSEWORTHY, CA**  
**Auditor General**

**RECEIVED**  
NOV 23 2007

Enclosure

c.c. Honourable Roger Fitzgerald, M.H.A.  
Speaker

## Offices of the House of Assembly Categorization Criteria - Summary Table

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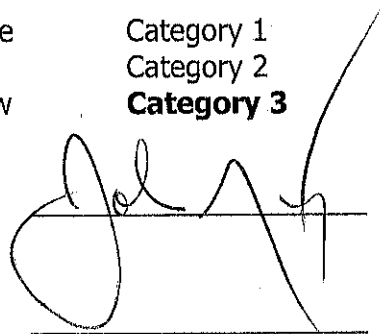
**Entity Name:** Office of the Auditor General

Criteria	Response Options	Points
Mandate	<input type="checkbox"/> has a direct influence on the physical, social and/or economic well-being of the citizens of Newfoundland and Labrador (70 points) <input type="checkbox"/> provides goods/services to the public and/or other government entities in support of the achievement of outcomes (40 points) <input checked="" type="checkbox"/> typically completes activities (20 points)	<b>20</b>
Organizational Structure	In addition to the Officer of the House of Assembly... <input checked="" type="checkbox"/> has multiple levels of management and typically provides many programs, services and/or products to its primary clients (20 points) <input type="checkbox"/> has one other level of management and typically provides a couple of programs, services and/or products to its primary clients (15 points) <input type="checkbox"/> has no other level of management and typically provides one or two programs, services and/or products to its primary clients (8 points)	<b>20</b>
Public Interest	<input checked="" type="checkbox"/> generates moderate to high public reaction (10 points) <input type="checkbox"/> generates low to moderate public reaction (6 points) <input type="checkbox"/> generates little or no public reaction (2 points)	<b>10</b>
<b>Total Points</b>		<b>50</b>

**Categorization:** Based on the total points, check one of the categorization boxes below:

- |  |                   |
|--|-------------------|
| <input type="checkbox"/> 80 Points or above            | Category 1        |
| <input type="checkbox"/> 79 – 51 Points                | Category 2        |
| <input checked="" type="checkbox"/> 50 Points or below | <b>Category 3</b> |

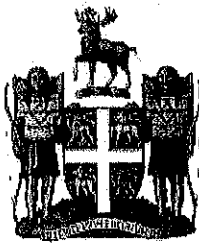
Assessed by:



Date: 23 November 2007

Speaker of the House of Assembly:

Date: \_\_\_\_\_



**Office of the Auditor General of Newfoundland and Labrador**

**Head Office**  
15 Dundee Ave., Mount Pearl  
Box 8700 ♦ St. John's, NL ♦ A1B 4J6  
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T: 709-637-2295 ♦ F: 709-637-2595

23 November 2007

Ref: oag1107E26.01

Mr. William MacKenzie  
Clerk of the House of Assembly  
House of Assembly  
P.O. Box 8700  
St. John's, Newfoundland and Labrador  
A1B 4J6

Dear Mr. MacKenzie:

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As the Table shows, the Office should be considered as a Category 3 entity for purposes of the *Transparency and Accountability Act*.

I am available to meet at your convenience if you have any questions or require any additional information.

Yours truly,

**JOHN L. NOSEWORTHY, CA**  
**Auditor General**

**RECEIVED**  
NOV 23 2007

Enclosure

c.c. Honourable Roger Fitzgerald, M.H.A.  
Speaker

## Offices of the House of Assembly Categorization Criteria - Summary Table

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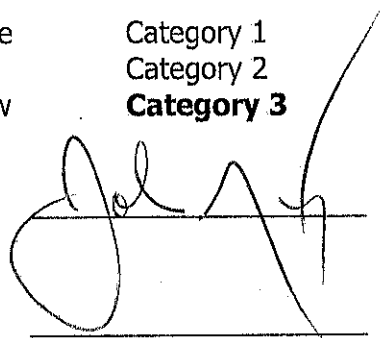
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Public Interest	<input checked="" type="checkbox"/> generates moderate to high public reaction (10 points) <input type="checkbox"/> generates low to moderate public reaction (6 points) <input type="checkbox"/> generates little or no public reaction (2 points)	<b>10</b>
<b>Total Points</b>		<b>50</b>

**Categorization:** Based on the total points, check one of the categorization boxes below:

- 80 Points or above                      Category 1  
 79 – 51 Points                              Category 2  
 50 Points or below                          **Category 3**

Assessed by:



Date: 23 November 2007

Speaker of the  
House of Assembly:

Date: \_\_\_\_\_



House of Assembly  
Newfoundland and Labrador  
**Office of the Chief Electoral Officer**

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39 Hallett Crescent, St. John's, NL A1B 4C4  
Tel: (709) 729-0712 Toll Free: 1-877-729-7987 Fax: (709) 729-0679 Email: oceo@gov.nl.ca

November 26, 2007

Mr. William MacKenzie  
Clerk  
House of Assembly  
Main Floor, East Block  
Confederation Building  
St. John's, NL

Dear Bill:

**Reference: Transparency & Accountability Act**

As per our previous discussions, attached is an original signed copy of the Categorization Criteria Summary Table for the Office of the Chief Electoral Officer and Commissioner for Legislative Standards.

Based on total point value, it is determined that our Office would be a Category 3 as indicated.

I trust this document meets with your approval, but if you have any questions please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in cursive script that reads "Paul Reynolds".

**Paul Reynolds**  
Chief Electoral Officer &  
Commissioner for Legislative Standards

## Offices of the House of Assembly Categorization Criteria - Summary Table

**Instructions:** Please read each criterion and select the response option that best describes the entity. Place the number of points designated to the response chosen in the right column. A response is required for all criteria. When finished, tally the points to determine the appropriate categorization.

**Entity Name:** \_\_\_\_\_

Criteria	Response Options	Points
Mandate	<input type="checkbox"/> has a direct influence on the physical, social and/or economic well-being of the citizens of Newfoundland and Labrador (70 points) <input type="checkbox"/> provides goods/services to the public and/or other government entities in support of the achievement of outcomes (40 points) <input checked="" type="checkbox"/> typically completes activities (20 points)	20
Organizational Structure	In addition to the Officer of the House of Assembly... <input type="checkbox"/> has multiple levels of management and typically provides many programs, services and/or products to its primary clients (20 points) <input checked="" type="checkbox"/> has one other level of management and typically provides a couple of programs, services and/or products to its primary clients (15 points) <input type="checkbox"/> has no other level of management and typically provides one or two programs, services and/or products to its primary clients (8 points)	15
Public Interest	<input checked="" type="checkbox"/> generates moderate to high public reaction (10 points) <input type="checkbox"/> generates low to moderate public reaction (6 points) <input type="checkbox"/> generates little or no public reaction (2 points)	10
<b>Total Points</b>		<b>45</b>

**Categorization:** Based on the total points, check one of the categorization boxes below:

- |   |            |
|---|------------|
| <input type="checkbox"/> 80 Points or above | Category 1 |
| <input type="checkbox"/> 79 – 51 Points     | Category 2 |
| <input type="checkbox"/> 50 Points or below | Category 3 |

Assessed by:

Paul Reynolds

Date:

Nov 26/07

Speaker of the  
House of Assembly:

\_\_\_\_\_

Date:

\_\_\_\_\_



**House of Assembly Management Commission**  
**Briefing Note**

**Title:** Reimbursement rates for Constituency Assistants

**Issue:** Clarification needed on whether Constituency Assistants should be reimbursed at the travel, meal and accommodation (temporary and private) rates for Members or the rates for general government employees.

**Background:**

- The *Members' Resources and Allowances Rules* (the Rules) are scheduled to the *House of Assembly Accountability, Integrity and Administration Act* (the Act) and came into force on October 9, 2007. The Commission is authorized under Subparagraph 20(6)(b)(i) of the Act to issue directives "interpreting, clarifying or amplifying the rules".
- Section 4.2 of the Political Support staff agreement stipulates that terms and conditions of employment, other than those specified in the agreement, shall be in accordance with the Personnel Administration Procedures and the Human Resources Policy Manual. These policies provide for a daily rate of \$36.50 for meals and reimbursement of actual expenditures for accommodations and travel. It would appear that this clause was added to the contract to ensure that all terms and conditions of employment for political staff were addressed and not specifically that government rates for travel, meals and accommodations should apply to political staff. It is the intention of the Clerk's office to review and make recommendations for revisions to the contract as it has not been reviewed or updated since 2003.
- When Constituency Assistants travels on behalf of Members, the travel costs are charged against the Members' allocations for extra-constituency travel, therefore, it would be more appropriate that the rates for Members should also apply to Constituency Assistants.

**Action Required:**

- It is recommended that the Commission issue the following directive:

Directive:

[(Subparagraph 20(6)(b)(i)]

- (1) Pursuant to subparagraph 20(6)(b)(i) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission directs that Constituency Assistants be reimbursed at rates for travel, meals and accommodations (private and temporary) consistent with the rates provided for Members.

Drafted by: Marie Keefe  
Date: November 22, 2007

Approved by: Wm. MacKenzie

**House of Assembly Management Commission  
Briefing Note**

**Title:** Phone Lines in Private Residences

**Issue:** Whether business phone lines should be installed in Members' private residences as part of the standard office allocation package.

**Background:**

- Subsection 25 (1) of the *Members' Resources and Allowance Rules* (the Rules) provides Members with a standard office allocation including office furniture, equipment and services as approved by directive of the House of Assembly Management Commission. Section 25 (1) of the Rules states:

*"A member is entitled to office furniture, equipment and services for his or her constituency office based on a standard office allocation approved by directive of the commission and may include:*

- a) *an office furniture and equipment package;*
- b) *artwork from the Government procurement program;*
- c) *telephone and facsimile services;*
- d) *a computer or laptop computer;*
- e) *personal data communication services;*
- f) *internet services; and*
- g) *other items that may be identified and approved by a directive of the commission."*

- This item was initially discussed at the Commission Meeting on August 29, 2007 under the Standard Office Allocation, which included a provision for phone lines to be installed in the Member's residence and the Constituency Assistant's residence. The Commission approved the current Standard Office Allocation but excluded the provision of a phone line in a private residence.
- As a result of discussions with a number of Members, this issue is brought back to the Commission for its review. Members often conduct constituency work in the evening hours and are currently using their personal phone lines. Cell phones/blackberries are not always a viable option as some constituencies do not have full cell phone coverage, including Members' home communities. While Calling Cards are an option, they are cumbersome for making a large number of calls, and the Member's household phone is still tied up for that period.

**Action Required:**

- It is recommended that the Commission issue the following directive:

Directive:

[(Rules - Subsection 25(1)]

Pursuant to subsection 25(1) of the *Members' Resources and Allowances Rules*, the Commission hereby authorizes and directs that the Standard Office Allocation include a telephone package for the Member's residence, to be used for constituency business only. The telephone package will include message manager, call display and a long distance plan (if applicable).

Drafted by: Marie Keefe  
Date: November 22, 2007

Approved by: Wm. MacKenzie

**House of Assembly Management Commission  
Briefing Note**

**Title:** Commuting Distance

**Issue:** Exclusion of intra-constituency travel and extra-constituency travel from the commuting distance limitation

**Background:**

- The *Members' Resources and Allowances Rules* (the Rules) are scheduled to the *House of Assembly Accountability, Integrity and Administration Act* (the Act) and came into force on October 9, 2007. The Commission is authorized under subparagraph 20(6)(b)(i) of the Act to issue directives "interpreting, clarifying or amplifying the rules".

- Under subsection 29(1) of the Rules, a Member may claim for a travel and living allowance only where the one-way distance traveled is greater than the defined commuting distance of 60 km.

Subsection 29(1) states:

"A member may claim for a travel and living allowance only where the member

(a) is engaged in constituency business; and

(b) is outside of commuting distance of the member's permanent residence.

- This Rule means that a Member must travel more than 60 km (one way) before the Member is eligible to claim private vehicle usage for that trip. Therefore, under the existing rules, if the distance is greater than 60 km, the entire travel may be claimed but if the distance is less than 60 km, then no travel may be claimed.
- Since this paragraph 29(1)(b) is a General Principle under the Travel and Living Allowance rules, it must also be applied to intra-constituency and extra-constituency travel. As a result, if a Member travels within the district on constituency business (as provided for under the intra-constituency allowance allocation), the one way distance traveled would have to be greater than 60 km to be eligible for reimbursement. Two other factors in the Rules would seem to indicate that this was not the intention.

1. Subsection 40(4) states "Subject to subsection 29(5), where a member whose constituency is in the capital region travels by his or her own vehicle, he or she may claim reimbursement for the number of kilometers reasonably necessary... etc."
  2. A Member whose district and permanent residence are both within the capital region has been allocated \$7,500 for intra-constituency and extra-constituency travel. As a Member is not entitled to claim for meals or accommodations while on constituency business within the capital region, the full allocation would relate only to travel. Since it is likely that all one-way travel within the district would be less than 60 km, the Member could not avail of any funds for reimbursement of mileage under this \$7,500 allocation.
- It appears that the General Principle of Subsection 29(1) was intended to apply only to
    - (a) trips to and from the capital region for sessions of the House;
    - (b) trips to and from the capital region for constituency business when House of Assembly is not in session; or
    - (c) travel from the permanent residence to the district (for a Member who does not reside in his or her district).
  - Members have been advised to retain any applicable receipts and records for possible submission and reimbursement if a Directive is approved by the Commission and retroactive application is allowed.

**Action Required:**

- It is recommended that the Commission issue the following directive:

Directive:

[(Act - Subparagraph 20(6)(b)(i)]

- (1) Pursuant to subsection 20(6)(b)(i) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission directs that intra-constituency travel and extra-constituency travel are excluded from the commuting distance limitation of paragraph 29(1)(b) of the *Members' Resources and Allowances Rules*, effective October 9, 2007.

Drafted by: Marie Keefe  
Date: November 22, 2007

Approved by: Wm. MacKenzie

**House of Assembly Management Commission**  
**Briefing Note**

**Title:** Modes of Travel

**Issue:** Approval of draft amendment to Subsection 40(1) of the *Members' Resources and Allowance Rules*

**Background:**

- Subsection 40(1) of *The Members' Resources and Allowances Rules* (the Rules) states:

“A Member may travel by means of

- (a) his or her own motor vehicle;
- (b) a rental vehicle;
- (c) commercial scheduled fixed wing aircraft;
- (d) bus transportation; and
- (e) ferry transportation.”

- Under current rules, it is permissible for a Member to rent a vehicle to travel from the airport to a hotel but it is not permissible for the Member to take a taxi. However, car rentals for this purpose will cost considerably more than a taxi.
- It would appear that it was not intended that taxis would be excluded from Subsection 40 (1) – Modes of Travel - as taxis are a standard means of travel. However, as a taxi is not explicitly included as a permissible means of travel it is, by default, not a reimbursable expense.
- The House of Assembly has received legal advice that the addition of taxis as a permissible means of travel requires an amendment to a rule and not an interpretive directive. Subsection 15(5) of the *House of Assembly Accountability, Integrity and Administration Act* prescribes the process for the amendment of a rule when the House of Assembly is not in session:
  - The draft amendment must be prepared and tabled at a Commission meeting;
  - Upon Commission approval, the draft amendment must be sent to all Members and posted on the website maintained by the House of Assembly;
  - The amendment can then be voted on at a subsequent meeting of the Commission.
- The Act does not provide for the retroactive application of amendments to rules.

**Action Required:**

The Commission hereby approves the following draft amendment to subsection 40(1) of the *Member's Resources and Allowances Rules*:

- (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.”

Drafted by: Marie Keefe  
Date: November 22, 2007

Approved by: Wm. MacKenzie

**House of Assembly Management Commission  
Briefing Note**

**Title:** Promotional Items for Members

**Issue:** To provide delegated authority to the Clerk for the provision of promotional materials for Members

**Background:**

- Subsection 27 (1) of the *Members' Resources and Allowances Rules* states that
  - (1) Subject to descriptions, limitations and directions respecting standardization that the commission may direct, a member is entitled to be supplied from the House with the following:
    - (a) certificate folders and frames for certificates of recognition to be given by members to their constituents;
    - (b) promotional items such as pins and flags for distribution to constituents and others in the course of their duties;
    - (c) stationery for his or her Constituency Office including business cards, letterhead and other items as directed by the commission;
  - (2) The clerk shall, in consultation with a member, make resources referred to in this section available to the member as may be required.
  - (3) The cost of resources in this section shall be made part of the estimates of the House of Assembly and paid for out of the funds allocated for its operations.
- It is important to have consistency in selection, allocation and distribution for the approved promotional items. It is recommended that the Commission delegate the authority to the Clerk of the House of Assembly to ensure that appropriate processes, allocations and designs are developed, and adjusted as required, in a timely manner for providing the promotional materials to Members.

**Action Required:**

- It is recommended that the Commission issue the following Minute:

The Clerk is authorized to develop appropriate policies and processes for the selection, allocation and distribution of the promotional materials identified in Subsection 27(1)(c) of the *Members' Resources and Allowances Rules*.

Drafted by: Marie Keefe  
Date: November 22, 2007

Approved by: Wm. MacKenzie



**House of Assembly Management Commission  
Briefing Note**

**Title:** Extra Constituency Allowance

**Issue:** Can the Extra-Constituency Allowance be used for travel to the Capital Region?

**Background:**

- The *Members' Resources and Allowances Rules* provide for a specific number of trips to the capital region when the House is not in session. A block funding allocation is also provided for intra-constituency and extra-constituency travel. Rule 30(d) respecting extra-constituency travel (a component of the intra-constituency funding allocation) is somewhat ambiguous respecting its use for travel to the capital region for certain purposes and requires clarification.

- Subsection 39(1) of the *Members' Resources and Allowances Rules* reads as follows:

A Member may be reimbursed in accordance with this section for reasonable travel, accommodation and meal expenses incurred with respect to circumstances referred in to paragraph 30(d), (e), (f) and (g).

- The subsections in Section 30, referenced in Subsection 39(1), reads as follows:

(d) between his or her constituency or the capital region and another constituency outside the capital region in relation to matters affecting his or her constituency;

(e) to attend conferences and training courses relating to his or her member responsibilities;

(f) to and from other parts of Canada where the purpose of the trip is directed related to constituency business; and

(g) for travel of his or her Constituency Assistant where it is necessary to attend to constituency business.

- It appears that 30(d) should be read as between either the constituency or the capital region, on the one hand, and "another constituency outside the capital region" on the other hand. The effect of this reading is that extra-constituency funds could not be used to provide for travel to the capital region. The funds could be used for travel to other constituencies outside of the capital region.

- Section 30(d) could, however, also be read as between the capital region, on the one hand, and another constituency outside the capital region. The effect of this interpretation would be to permit extra constituency funds to be used to provide for travel between a Member's constituency and the capital region.
- It appears clear that the Green Commission intended the first interpretation, rather than the latter. The provision of a definite number of trips to the capital region when the House is not in session supports the contention that other funding sources, such as the extra-constituency allowance, were not generally intended to be used for this purpose.
- Subsection 30(e) ("conferences and training courses"), however, may require an exception from this general interpretation, in that it would preclude Members' attendance at conferences and training courses if they were held in the capital region (but not elsewhere), which appears unreasonable and restrictive.
- It is recommended that the extra-constituency allocation not be permitted to fund travel to the capital region, except when a Member is attending a conference or training course.

**Action Required:**

- Pursuant to S. 20(6)(b)(i), the Commission directs that Subsection 39(1) of the *Members' Resources and Allowance Rules* does not permit travel from a constituency outside of the capital region to the capital region, except for the purpose of attendance at a conference or training course, as described in Subsection 30(e) of the Rules.

Drafted by: Marlene Lambe  
Date: November 22, 2007

Approved by: Wm. MacKenzie



HOUSE OF ASSEMBLY  
Newfoundland and Labrador

MEMO

To: William MacKenzie  
From: Lorna Proudfoot  
Date: November 26, 2007  
Re: Issue of "Location of Constituency Office"

---

The issue that has arisen relates to the location of constituency offices and whether or not a Member can locate his or her constituency office outside his or her own constituency.

Subsection 20(5) of the *Member's' Resources and Allowances Rules* clearly states that, in addition to office space in the Confederation Building, a member may have office space (or short term rental space) in his or her constituency. There is no provision for locating that space elsewhere.

Section 24 of the *House of Assembly Accountability, Integrity and Administration Act* addresses rulings by the Speaker on issues of expenses and claims for reimbursement. The issue at hand does not relate to the amount of expenditure but simply to the location for which an expenditure may be made. Considering the clear requirement for the Member's office to be within his or her constituency, I do not believe that the Speaker or the Commission could make a ruling that an office outside a member's constituency is in compliance with section 20 of the rules.

Subsection 20(6) of the Act states that the Commission may

- "(b) issue directives
  - (i) interpreting, clarifying or *amplifying* the rules,"

This however is further qualified by subsection 20(8) which states that

- “(8) A directive issued or decision made by the commission  
(b) *shall not be issued or made if it is inconsistent* with this Act or the rules.”

Consequently, this issue could not be addressed simply by having the Commission issue a directive under section 20 of the Act.

Recourse seems to be possible through the rule making powers of the Commission under section 64 of the Act. Under subsection 64(1) of the Act the Commission may make rules

“(h) respecting purposes, presumptions and principles underlying rules enacted by the commission;

(o) respecting another matter that the commission considers necessary or advisable to give effect to the purpose of this Act.”

I believe that an amendment to the rules is in order allowing the Speaker the discretion to vary the rule respecting the location of a constituency office where certain conditions are met. Because this amendment would not relate to a change in remuneration, allowances or actual resource costs, there would be no requirement to have this rule amendment presented to the House of Assembly. The requirement to propose an amendment, distribute the amendment to Members and to reconfirm the amendment at a later date, in addition to requiring approval by the House of Assembly appears to relate only to rule changes that vary remuneration, reimbursement or allowance amounts. A strict reading of section 64 as for other regulation making powers in provincial statutes would have the commission debating and approving the proposed amendment respecting the location of a constituency office followed by a referral of the approved proposal to the Legislative Council Office for drafting. The rule would be returned for a signature of the Speaker and would then be Gazetted through the Legislative Council Office.

The suggested wording of the amendment is as follows:

“Section 20 of the *Member's' Resources and Allowances Rules* is amended by adding immediately after subsection (5) the following:

(5.1) Notwithstanding paragraph (5)(a), the Speaker may, upon the written request of a member, approve the locating of that member's constituency office space within a constituency that is not a constituency of that member provided that

(a) the requested office space is located in a constituency that is adjacent to the member's constituency; and

(b) the requested office space is more accessible to a majority of the member's constituents than would be an office space within the member's constituency.

This amendment should be approved "substantially in the form approved by the Commission" to allow for minor changes during the drafting process. Approval should also be given to refer the amendment to the Legislative Counsel Office which is responsible for drafting Regulations under the *Statutes and Subordinate Legislation Act*. Subsection 64(2) of the *House of Assembly Accountability, Integrity and Administration Act* indicates that rules are subordinate legislation under the *Statutes and Subordinate Legislation Act*.

This opinion is confidential and solicitor and client privileged. Any unauthorized distribution or disclosure is prohibited. Disclosure to anyone other than the person or persons to whom it is directed does not constitute a waiver of privilege.

## MEMO

To: William MacKenzie  
From: Lorna Proudfoot  
Date: November 26, 2007  
Re: Issue of "Location of Constituency Office"

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- “(b) issue directives
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This however is further qualified by subsection 20(8) which states that

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- (b) *shall not be issued or made if it is inconsistent* with this Act or the rules.”

Consequently, this issue could not be addressed simply by having the Commission issue a directive under section 20 of the Act.

Recourse seems to be possible through the rule making powers of the Commission under section 64 of the Act. Under subsection 64(1) of the Act the Commission may make rules

- “(h) respecting purposes, presumptions and principles underlying rules enacted by the commission;
- (o) respecting another matter that the commission considers necessary or advisable to give effect to the purpose of this Act.”

I believe that an amendment to the rules is in order allowing the Speaker the discretion to vary the rule respecting the location of a constituency office where certain conditions are met. Because this amendment would not relate to a change in remuneration, allowances or actual resource costs, there would be no requirement to have this rule amendment presented to the House of Assembly. The requirement to propose an amendment, distribute the amendment to Members and to reconfirm the amendment at a later date, in addition to requiring approval by the House of Assembly appears to relate only to rule changes that vary remuneration, reimbursement or allowance amounts. A strict reading of section 64 as for other regulation making powers in provincial statutes would have the commission debating and approving the proposed amendment respecting the location of a constituency office followed by a referral of the approved proposal to the Legislative Council Office for drafting. The rule would be returned for a signature of the Speaker and would then be Gazetted through the Legislative Council Office.

The suggested wording of the amendment is as follows:

“Section 20 of the *Member’s Resources and Allowances Rules* is amended by adding immediately after subsection (5) the following:

- (5.1) Notwithstanding paragraph (5)(a), the Speaker may, upon the written request of a member, approve the locating of that member’s constituency office space within a constituency that is not a constituency of that member provided that
- (a) the requested office space is located in a constituency that is adjacent to the member’s constituency; and

(b) the requested office space is more accessible to a majority of the member's constituents than would be an office space within the member's constituency.

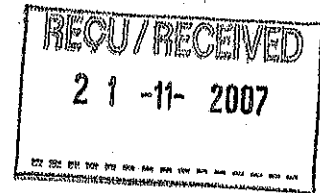
This amendment should be approved "substantially in the form approved by the Commission" to allow for minor changes during the drafting process. Approval should also be given to refer the amendment to the Legislative Counsel Office which is responsible for drafting Regulations under the *Statutes and Subordinate Legislation Act*. Subsection 64(2) of the *House of Assembly Accountability, Integrity and Administration Act* indicates that rules are subordinate legislation under the *Statutes and Subordinate Legislation Act*.

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HOUSE OF ASSEMBLY  
PROVINCE OF NEWFOUNDLAND AND LABRADOR



Official Opposition Members' Office  
Kelvin L. Parsons, Q.C., M.H.A.  
Burgeo & LaPoile District

November 20, 2007

Via Telefax No. (709) 729-4820

Management Commission  
House of Assembly  
P.O. Box 8700  
St. John's, NL., A1B 4J6

Att: Honourable Roger Fitzgerald  
Speaker & Chair of Management Commission

Dear Sir:

I was advised recently by the House finance staff that I had 18 non-sessional nights of accommodation remaining between October 9, 2007 and March 31, 2008. Since that time I have used a further 2 non-sessional nights reducing the balance to 16 remaining until March 31, 2008. I am already scheduled to be in St. John's between now and Christmas for 14 more non-sessional nights (this is necessary due to the reduced number of opposition members and the requirement that I be in St. John's in order to assist with opposition work load). It is therefore evident I shall only have 2 non-sessional nights for the period of January 1<sup>st</sup> to March 31<sup>st</sup>, 2008. I hereby seek approval to increase the number of non-sessional accommodation days available to me for the period of January 1<sup>st</sup> to March 31<sup>st</sup>, 2008. There will be sufficient funds available within my constituency funding allowance to permit additional non-sessional accommodation days but I will have exceeded the number of days.

I'm not certain if this is dealt with by you as Speaker as an administrative matter or should be referred to the whole Commission. If it should be referred to the Commission I would ask that it be done in time for the November 28<sup>th</sup> meeting. Thank you.

Yours very truly,

Kelvin L. Parsons, QC, M.H.A.  
District of Burgeo & LaPoile



HOUSE OF ASSEMBLY  
NEWFOUNDLAND AND LABRADOR

REC'D/RECEIVED  
20-11-2007

Official Opposition Members' Office

November 19, 2007

Hon. Roger Fitzgerald, M.H.A.  
Speaker  
House of Assembly

Dear Mr. Speaker:

**Re: Members' Resources and Allowances Rules Handbook**

I have been reviewing the new Members' Resources and Allowances Rules Handbook and, as a result, would like to bring the following to your attention and that of the Management Committee. The issue concerns the additional cost of travel from my District to the Capital Region to attend sittings of the House of Assembly under the new guidelines. As an example:

**New Guidelines - 31 1.(a)(b)(c)**

Transportation for one return trip (176 km x 48.53)	-	\$ 85.41
4 nights accommodations @ \$125.00	-	\$500.00
4 days per diem @ \$50.00 (cost of meals)	-	\$200.00
		<b>\$785.41</b>

The new rules indicate Members are not allowed to commute back and forth to their Districts.

**Previous Guidelines**

**Shearstown to St. John's (Mon. Tues. Wed. Thurs.)**

176 km (return trip) x 4 trips per week = 704 km	-	\$341.65
704 km @ 48.53	-	\$200.00
Per Diem (meals) = 4 x \$50.00	-	\$541.65
Commuting on a daily basis		

/2...

New Guidelines	-	\$785.41
Previous Guidelines	-	<u>\$541.65</u>
		\$243.76

Please note that under the new guidelines it will cost government an additional \$243.76 per week for my travel alone while the House of Assembly is in Session. The cost for other Members whose districts are in close proximity to my own will be substantially more under the new guidelines.

Thank you for your consideration of this issue. I await your response.

Yours sincerely,



**ROLAND BUTLER, M.H.A.**  
**District of Port de Grave**

cc Management Committee:

Mr. Kelvin Parsons  
Ms. Yvonne Jones  
Ms. Lorraine Michael  
Hon. Tom Rideout  
Hon. Tom Marshall  
Ms. Beth Marshall

**House of Assembly Management Commission**  
**Briefing Note**

**Title:** Publication Scheme

**Issue:** Approval of the attached Publication Scheme as required by subsection 49(1) of the Act

**Background:**

- The attached House of Assembly Publication Scheme is prepared in accordance of Section 49 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act). Subsection 49(1) of the Act states:

“In addition to providing access to information under the *Access to Information and Protection of Privacy Act*, the commission shall

- (a) adopt and maintain a scheme, to be known as a publication scheme, which relates to the publication of information by the commission;
  - (b) publish information in accordance with the publication scheme; and
  - (c) review and update the publication scheme.
- The intent is to ensure certain types of information created, prepared and managed by the House of Assembly and its Management Commission are open and accessible in a standardized and systematic fashion. Such access will allow for public scrutiny and consideration of the work of the House of Assembly, its Members and the Management Commission.
  - Subsection 49(2) of the Act specifically requires the Commission to make its documents routinely available to the public. The House of Assembly will make documents public, within the following four categories:
    - House of Assembly Management Commission Records
    - Members’ Financial Reports
    - Parliamentary Proceedings
    - Other Publications

**Action Required:**

- The Commission hereby approves and adopts the Publication Scheme dated November 28, 2007.

Drafted by: Marie Keefe  
Date: November 22, 2007

Approved by: Wm. MacKenzie

**House of Assembly Management Commission  
Briefing Note**

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- The attached House of Assembly Publication Scheme is prepared in accordance of Section 49 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act). Subsection 49(1) of the Act states:

“In addition to providing access to information under the *Access to Information and Protection of Privacy Act*, the commission shall

- (a) adopt and maintain a scheme, to be known as a publication scheme, which relates to the publication of information by the commission;
- (b) publish information in accordance with the publication scheme; and
- (c) review and update the publication scheme.

- The intent is to ensure certain types of information created, prepared and managed by the House of Assembly and its Management Commission are open and accessible in a standardized and systematic fashion. Such access will allow for public scrutiny and consideration of the work of the House of Assembly, its Members and the Management Commission.

- Subsection 49(2) of the Act specifically requires the Commission to make its documents routinely available to the public. The House of Assembly will make documents public, within the following four categories:

- House of Assembly Management Commission Records
- Members' Financial Reports
- Parliamentary Proceedings
- Other Publications

**Action Required:**

- The Commission hereby approves and adopts the Publication Scheme dated November 28, 2007.

Drafted by: Marie Keefe  
Date: November 22, 2007

Approved by: Wm. MacKenzie



HOUSE OF ASSEMBLY  
Newfoundland and Labrador

**HOUSE OF ASSEMBLY  
MANAGEMENT COMMISSION**

**PUBLICATION SCHEME**

NOVEMBER 28, 2007

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## PUBLICATION SCHEME

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- 4.0 Other Publications

## PUBLICATION SCHEME

The *House of Assembly Publication Scheme* is prepared in accordance of s.49 of the *House of Assembly Accountablilty, Integrity and Administration Act* (the Act):

49. (1) In addition to providing access to information under the *Access to Information and Protection of Privacy Act*, the commission shall
  - (a) adopt and maintain a scheme, to be known as a publication scheme, which relates to the publication of information by the commission;
  - (b) publish information in accordance with the publication scheme; and
  - (c) review and update the publication scheme.
  
- (2) The publication scheme required to be adopted under subsection (1) shall
  - (a) include information about the expenditures made by or on behalf of members under subsection 11(2) and in accordance with the rules;
  - (b) include other classes of information relating to the operation of the House of Assembly which the commission intends to publish, taking into account the appropriateness, with respect to each class, of public access to information concerning that class; and
  - (c) specify the manner, including written or electronic publication on a website, in which it is to be published.

The intent is to ensure certain types of information created, prepared and managed by the House of Assembly and its Management Commission are open and accessible in a standardized and systematic fashion. Such access will allow for public scrutiny and consideration of the work of the House of Assembly, its Members and the Management Commission.

The House of Assembly will make documents public, within the following four categories:

- House of Assembly Management Commission
- Members' Financial Reports
- Parliamentary Proceedings
- Other Publications



## 1.0 HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

The House of Assembly Management Commission's principal function is its duty to ensure the effective and transparent administration of the House of Assembly of Newfoundland and Labrador as outlined in the Act. The decision-making authority of the House of Assembly Management Commission is exercised through specific actions that include: making rules; issuing directives and making orders. For more information about the duties and responsibilities of the Commission see *House of Assembly Accountability, Integrity and Administration Act*, SNL 2007, c.H-10.1

In the course of its business, the House of Assembly Management Commission will produce certain routine documents. The Act specifically compels the Commission to make its documents routinely available to the public. These documents are:

### 1.1 Policy and Procedure Manual – The operating guidelines of the HOAMC (s.19.3).

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Once approved. Up-dated as required

Online Retention: Long-term/permanent<sup>1</sup>

### 1.2 Agenda – An Itemized list of the business to be conducted by the Commission during any given meeting.

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Posted 2 days prior to meeting

Online Retention: Current General Assembly + two years

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<sup>1</sup> When an online retention of "long-term/permanent" is cited, the intent is to maintain the item on the website as long as it technically possible to do so. If storage space becomes an issue in the future, notice of the removal of certain items will be given well in advance of their removal. The official version will always retain its permanent retention as indicated in the publication scheme, even if the online version is removed from the website.

- 1.3 Papers** – briefing materials or reports provided to the Commission typically as supplementary information for agenda items.

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Posted not later than 9:00a.m. of the day of the meeting

Online Retention: Current General Assembly + two years

- 1.4 Minutes** – A brief summary of the business conducted and decisions made during a Commission meeting.

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Posted not later than 5 days after being tabled in the House of Assembly (s.19.5)

Online Retention: Current General Assembly + two years

- 1.5 Hansard** - is the verbatim transcript of the actual proceedings of the Commission.

Responsibility: Hansard Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Posted immediately after prepared, usually within seven days of the meeting

Online Retention: Long-term/permanent

- 1.6 Rules, Directives and Decisions** – Orders or rules issued by the House of Assembly Management Commission.

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Posted not later than 5 days after being issued (s.19.5(a,b,c))

Online Retention: Retained until superseded

**1.7 Audit Committee** – this HOAMC sub-committee will assist the Commission in providing oversight and make recommendations regarding the stewardship of public money (s.23.7):

**1.7.1 Compliance Audit Report** once per General Assembly (s.20.5(c)) by the Auditor General.

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Immediately after Tabled with the Commission

Online Retention: Current General Assembly + two years

**1.7.2 Financial Audit Report** annually (s.20.5(f))

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Immediately after Tabled with the Commission

Online Retention: Current General Assembly + two years

**1.8 Annual Report** – a report issued annually that summarizes the work and decisions of the Commission (s.20.1(f); s.51)

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Posted immediately after tabled in House

Online Retention: Long-term/permanent

**1.9 Compensation Review Committee** - will issue a Report once per General Assembly.

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Immediately after Tabled with the Commission

Online Retention: Long-term/permanent

**1.10 Inquiries under Conflict of Interest s.38**

The Commissioner for Legislative Standards is responsible for these documents under this section of the Act. A link will be provided to the Commissioner's website.

## 2.0 MEMBERS' FINANCIAL REPORTS

A report of each Member's finances will be posted annually and mid-year. Each report will contain a summary and information in tabular form from four categories:

1. Office Allowances
  - Office Accommodations
  - Rental of Short-term Accommodations
  - Office start-up costs
  - Office Operations
2. Operational Resources
  - Operational Resources
3. Travel and Living Allowances
  - House in session
  - House not in session
  - Intra & Extra-Constituency Travel constituency travel
4. Constituency Allowances
  - Constituency allowance

Responsibility: Corporate and Members' Services

Official Version: Paper

Permanent Retention: Clerk's Office

Online Version:

- Mid-year (semi-annual): Posted 50 days after the end of September (Rule 11.3 and 13.1 + 1 day)
- Annual: Posted 50 days after the end of the Fiscal Year

Online Retention:

- Mid-year (semi-annual): 5 years after the end of the fiscal year to which the statement relates (Rule 13.3)
- Annual: 5 years (Rule 13.3) or as long as the individual remains a sitting Member of the House of Assembly + 2 years, which ever is greater

## 3.0 PARLIAMENTARY PROCEEDINGS

### 3.1 HOUSE OF ASSEMBLY

The parliament, or legislature, of Newfoundland and Labrador is more commonly referred to as the House of Assembly. The House produces certain types of standard documents that are typical of any legislature. They include:

- Order Papers
- Progress of Bills
- Bills
- Statutes and Regulations
- Journals
- Hansard
- Tabled Documents

**A. Order Papers** are effectively agendas of the business to be conducted in the House during any given sitting. They are prepared by the Clerk's Office in consultation with the Government House Leader.

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Posted morning of the sitting

Online Retention: Current General Assembly + one year

**B. Progress of Bills** is a table that indicates the stage at which any current Bill finds itself in the parliamentary process. It is up-dated regularly.

Responsibility: Clerk's Office

Official Version: Online until prorogation of the Session, then paper

Permanent Retention: Legislative Library

Online Version: Posted at beginning of Session and up-dated as required

Online Retention: Long-term/permanent

**C. Bills** are the draft versions of legislation presented to the House for debate and consideration. They go through several stages, including First, Second and Third Readings and Committee of the Whole House, they may be amended and may or may not eventually be passed by the House to become law.

Responsibility: Legislative Counsel – Dept. of Justice

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Posted after distributed in the House.

Online Retention: Minimum three years

- D. Statutes** are the official versions of laws as passed by the House (Bills become Statutes). Regulations are the rules that supplement certain Statutes. Regulations are published in the Newfoundland and Labrador Gazette (maintained by the Queen's Printer, see <http://www.qs.gov.nl.ca/qs/ogp/gazette/>).

Responsibility: Legislative Counsel – Dept. of Justice

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Posted about 1 month after Royal Assent

Online Retention: Long-term/permanent

- E. Journals** are effectively the minutes, or brief summaries, of the business conducted in the House.

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Once completed

Online Retention: Long-term/Permanent

- E. Hansard** is the verbatim transcript of the actual proceedings of the House – what is said in the House.

Responsibility: Hansard Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Afternoon sittings are posted before midnight of the day of the sitting. Night sittings are posted as they are completed after the House adjourns for the winter or summer break

Online Retention: Long-term/permanent

F. **Tabled Documents** can be any manner of documents, but are typically reports or studies. They are tabled (literally laid on the Clerk's table) or deemed to be tabled (s.19.1 HOA Act), by Ministers in accordance with provisions of certain legislation or at the pleasure of a Member of the House of Assembly.

Responsibility: Clerk receives the documents tabled by a Member

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: The House website will maintain a list of tabled documents. Where the issuing agency provides an online version of the document, the House will link to it. Online retention will be for current General Assembly + two years where the issuing agency maintains their online version

Online Retention: List of documents will be retained indefinitely.

Availability of the tabled document depends on the issuing department or agency

## 3.2 COMMITTEES OF THE HOUSE OF ASSEMBLY

Parliamentary proceedings also include the activities of the official committees of the House of Assembly. Committees can fall into two categories:

- Standing Committees
- Select Committees

### 3.2.1 Standing Committees

Standing Committees are committees of the House that are predetermined by the related Standing Orders of the House of Assembly (s.65). They are normally formed during every session of every parliament. They include:

**Striking Committee** - A committee of 5 Members who at the beginning of a parliament determines the membership of the other committees. Other than to record membership of the other committees, the Striking Committee does not issue any reports.

**Public Accounts Committees** - Reviews the Public Accounts and other related matters of the province each year.



**Privileges and Elections** – Reviews matters related to parliamentary privileges and elections. The committee is struck at the beginning of each parliament but meets only as needed. This Committee develops the Members' Code of Conduct.

**Standing Orders Committee** - Reviews matters related to the Standing Orders. The committee is struck at the beginning of each parliament but meets only as needed.

**Resource Committee** – Reviews matters related to resources including reviewing budget estimates submitted by related departments and agencies as well as reviewing related legislation.

**Government Services Committee** - Reviews matters related to government services including reviewing budget estimates submitted by related departments and agencies as well as reviewing related legislation.

**Social Services Committee** – Reviews matters related to social services including reviewing budget estimates submitted by related departments and agencies as well as reviewing related legislation.

**Miscellaneous and Private Bills Committee** - Reviews matters related to the miscellaneous issues and private Bills. The committee is struck and meets only as needed.

### 3.2.2 Select Committees

Select Committees are created as needed at the pleasure of the House of Assembly according to Standing Order 66. They conduct in-depth studies and reviews of particular issues. An example of a past Select Committee is the *Select Committee on Tobacco Related Health Care Costs*.

The following Standing and Select Committee records will be posted:

A. **Hansard** is the verbatim transcript of the actual public proceedings of the Committee.

Responsibility: Hansard Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Posted within six months of the meeting

Online Retention: Long-term/permanent

**B. Reports** of the Committee include their findings, conclusions and recommendations.

Responsibility: Clerk of Committees

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: When tabled in the House of Assembly

Online Retention: Long-term/permanent

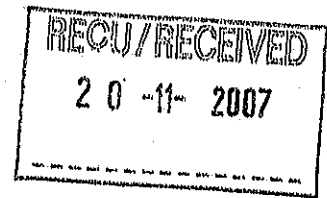
## 4.0 OTHER PUBLICATIONS

Unless otherwise indicated, other publications, including the following, will be posted as they are tabled in the House, approved by the Management Commission or otherwise become available:

- Annual Report of the House of Assembly
- Activity Plan of the House of Assembly
- Standing Orders
- News Releases
- Code of Conduct – Staff
- Code of Conduct – Members
- Publication scheme
- Members' Handbook and Rules Manuals – posted within 10 days of being tabled in the House of Assembly and revised or up-dated as appropriate (s.50.4)



HOUSE OF ASSEMBLY  
NEWFOUNDLAND AND LABRADOR



Leader of the Official Opposition

November 15th, 2007

House of Assembly Management Commission  
Main Floor, East Block  
Confederation Building  
A1B 4J6

Dear Members:

I am writing this letter regarding Section 18(5) of the House of Assembly Accountability, Integrity and Administration Act. In this section of the legislation, it states that Members of the House of Assembly Management Commission (HAMC) are not permitted to concurrently sit as members of the Public Accounts Committee (PAC).

The Opposition caucus currently consists of three elected members. Of these three members, two are required to sit on the HAMC, which leaves one member to serve as Chair of the PAC. This will mean that no other Opposition voice will have a seat on the PAC. As you are aware, the mandate of the PAC is to oversee and analyze the consolidated financial statements of the province to identify any potential problem areas or questionable expenditures that may have taken place. It is a very important committee that requires an Opposition presence to ensure public expenditures are made in a prudent manner. Without an equitable number of Opposition voices on this committee, I cannot see how the PAC can function as an effective committee of the legislature.

I am asking that the HAMC move to amend Section 18(5) to allow members to sit on both committees in situations where permission is granted. This is the only way to ensure that oversight committees of the House of Assembly can function effectively, especially in circumstances where the Opposition has a small number of elected members.

I thank you for your attention in this matter.

Yours very truly,

Yvonne Jones, MHA  
Leader of the Official Opposition

**House of Assembly Management Commission**  
**Briefing Note**

**Title:** Financial Statement Audits for 1999-2000 and 2000-2001 fiscal years

**Issue:** Whether to proceed with financial statement audits for these two years

**Background:**

- Financial Statement audits were not conducted for the House of Assembly for 1999-2000 and 2000-2001. The Internal Economy Commission (IEC) reviewed this matter in early 2007 and wrote the Auditor General for his advice on 15 March 2007 and 03 April 2007 (attached). The Auditor General replied on 15 March 2007 and 05 April 2007 (attached) stating that in light of his legislative audit work in the House since 2004, completing financial statement audits for those two years would be of no benefit.
- The Review Commission on Constituency Allowances and Related Matters (‘the Green Commission’), in Recommendation 50(1), recommends that

“A complete financial statement and legislative compliance audit should be conducted forthwith of the accounts of the House of Assembly, as a separate entity, for the fiscal years 1999-00 and 2000-01, with appropriate levels of materiality, taking into account the size of the organization and the experience of subsequent years.”
- In accordance with Recommendation 50(1), the House of Assembly Service issued a Request for Proposals on 18 August 2007, seeking an accounting firm to undertake these audits. No bids were received in response to this RFP.
- In light of the lack of response to the RFP, the Speaker wrote the Auditor General on 11 October 2007(attached), requesting that his Office undertake these two financial statement audits. The Auditor General replied on 15 October 2007, again stating that he saw no benefit in applying his office’s resources to this undertaking.
- The Commission must now balance the Recommendation of the Green Commission against the advice of the Auditor General. If the Commission determines that the Green Commission recommendation must be undertaken, the Auditor General can be requested to undertake this under Section 16 of the *Auditor General Act* or another Request for Proposals could be attempted.

- If, alternatively, the advice of the Auditor General, that there is little value in conducting these financial statement audits, is accepted by the Commission, no further action will be taken on Green Recommendation 50(1). The Auditor General's letters of 15 March, 05 April and 18 October 2007 would form the basis of this decision.
- The Clerk and the Chief Financial Officer have considered these two alternatives and recommend that the Auditor General's advice, as outlined in his correspondence, be accepted. Given the exhaustive efforts undertaken for his compliance audit respecting constituency allowances, it is unlikely that an audit of the financial statements would uncover any matters of significance. It is unclear whether an auditor, seven or eight years after the fact, would be in a position to offer anything but a qualified opinion on the statements, such that little additional assurance would be provided. Finally, the cost of the audit – whether performed by the Office of the Auditor General or a public accounting firm – would far exceed any possible benefits at this late date.

**Action Required:**

- The Clerk recommends that the two financial statement audits not proceed and that the following Minute be issued:

“The Commission directs the Clerk, in light of the advice received from the Auditor General, not to proceed with further steps to procure financial statement audits of the House of Assembly for 1999-2000 and 2000-2001”.

Drafted by: Marlene Lambe  
Date: November 22, 2007

Approved by: Wm. MacKenzie



HOUSE OF ASSEMBLY  
NEWFOUNDLAND AND LABRADOR

OFFICE OF THE SPEAKER  
TEL: (709) 729-3404  
FAX: (709) 729-4820

P.O. BOX 8700  
ST. JOHN'S, NL  
A1B 4J6

March 15, 2007

Mr. John Noseworthy, CA  
Auditor General  
Office of the Auditor General  
Dundee Avenue  
Mount Pearl, NL

Dear Mr. Noseworthy:

Further to the discussion held at yesterday's meeting of the Commission of Internal Economy (IEC), I write to seek your advice requesting audits of the House of Assembly accounts for the 2000/01, 2003/04, 2004/05 and 2005/06 fiscal years.

As you are aware, Section 9 of the *Internal Economy Commission (IEC) Act* requires that the accounts of the House of Assembly be audited annually by an auditor appointed by the Commission.

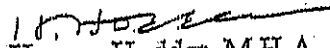
Although Minutes of Commission meetings held in 2002 indicate that an auditor was to be appointed to audit the accounts for the three years beginning with the 2000/01 fiscal year, a subsequent IEC Minute in April of 2003 indicates a Request For Proposals had been developed to appoint an auditor for the fiscal years 2001/02, 2002/03 and 2003/04 instead. No audit was conducted by an independent auditor for the 2000/01 fiscal year.

The independent auditor - Deloitte - appointed to conduct audits for the three years 2001/02, 2002/03 and 2003/04 only completed the first two of the three fiscal years. The audit for 2003/04 was not completed when your Summer 2006 Reports were released, and was subsequently terminated.

The IEC is concerned that the absence of audits for 2000/01 and 2003/04 can be viewed as non-compliance with the IEC Act. Additionally, no financial statement audits of the accounts of the House of Assembly have been conducted for 2004/05 or 2005/06, since your office was invited back into the House. In that regard, the Commission requests your opinion as to whether it is necessary to have these audits conducted in order to comply with the IEC Act.

The Commission appreciates receiving your views on this matter.

Sincerely,

  
Harvey Hodder, M.H.A.  
Speaker



**Office of the Auditor General of Newfoundland and Labrador**

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15 Dundee Ave., Mount Pearl  
Box 8700 ♦ St. John's, NL ♦ A1B 4J6  
T: 709-729-2695 ♦ F: 709-729-5970  
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**Auditor General**  
John L. Noseworthy, CA  
T: 709-729-2700  
Email: [jnoseworthy@gov.nl.ca](mailto:jnoseworthy@gov.nl.ca)

**Regional Office**  
76 Mount Bernard Ave., Corner Brook  
Box 2006 ♦ Corner Brook, NL ♦ A2H 6J8  
T: 709-637-2295 ♦ F: 709-637-2595

15 March 2007

Ref: oag0307E15.01

Honourable Harvey Hodder, M.H.A.  
Speaker  
House of Assembly  
P.O. Box 8700  
St. John's, Newfoundland and Labrador  
A1B 4J6

Dear Sir:

I am writing further to your letter of 15 March 2007 regarding the annual audit requirement of section 9 of the *Internal Economy Commission Act (IEC Act)*.

Section 9 of the *IEC Act* states that "*Notwithstanding another 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.*"

Section 9 of the *IEC Act* was added on 12 May 2000 as a way for the Internal Economy Commission (IEC) to demonstrate that it wanted to be fully accountable and subject to audit after directing the Auditor General to stop all audit work at the House of Assembly establishment.

As a result of the addition of section 9 and the subsequent appointment of a private sector firm, financial statement audits of the House of Assembly establishment were performed for fiscal years 2002 and 2003. However, the required annual financial statement audits were not performed for fiscal years 2001, 2004, 2005 and 2006.



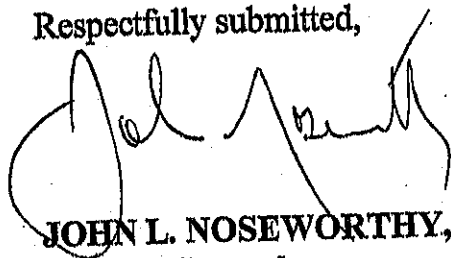
A financial statement audit is not a substitute for a legislative audit and therefore was never an acceptable alternative to allowing the Auditor General to conduct a legislative audit in accordance with the *Auditor General Act*. Furthermore, there is no legislative requirement for either the House of Assembly establishment or any Department of Government to have a separate financial statement audit performed. In fact, the Public Accounts submission (financial statements of the House of Assembly establishment), are included each year in the Public Accounts of the Province which are audited by the Office of the Auditor General.

In my opinion, the legislative audit work performed by my Office since being granted unfettered access in 2004 is more than sufficient to meet the annual audit requirement of section 9 of the *IEC Act*. Furthermore, as a result of the legislative audit work performed by my Office from prior to fiscal year 2000 and up to 2007, I see no benefit of having a financial statement audit performed for any of the fiscal years where the Commission did not appoint an auditor to perform an annual audit.

However, if the IEC so desires, my Office would, on a go-forward basis, commencing with the 2008 fiscal year, perform a separate financial statement audit in addition to any legislative audit work that may be performed. In any event, it is necessary that section 9 of the *IEC Act* be either eliminated if no separate annual financial statement audit is desired or amended so that the Auditor General shall be the auditor if a separate annual financial statement audit is desired.

I am available to meet at your convenience if you have any questions or require any additional information.

Respectfully submitted,



**JOHN L. NOSEWORTHY, CA**  
Auditor General

Enclosure

c.c. Mr. Bill MacKenzie  
Clerk of the House of Assembly



# HOUSE OF ASSEMBLY

NEWFOUNDLAND AND LABRADOR

OFFICE OF THE SPEAKER  
TEL: (709) 729-3404  
FAX: (709) 729-4820

P.O. BOX 8700  
ST. JOHN'S, NL  
A1B 4J6

April 3<sup>rd</sup>, 2007

Mr. John Noseworthy, CA  
Auditor General  
Office of the Auditor General  
Dundee Avenue  
Mount Pearl, NL

Dear Mr. Noseworthy:

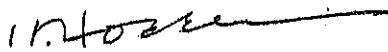
The Internal Economy Commission, at its meeting of March 14, 2007 directed that the Government House Leader bring forward for Cabinet consideration a request from the Commission that the *Internal Economy Commission Act* be amended to require the Auditor General to conduct an annual financial statement audit of the Legislature (incorporating an externally conducted audit of the Office of the Auditor General) beginning with the 2007/08 fiscal year.

The Commission is of the view that such an annual audit is necessary to restore and enhance public confidence in the financial affairs of the Legislature and the Commission appreciates your willingness to undertake this annual effort. The Government House Leader has initiated efforts to have Cabinet consider this amendment expeditiously, perhaps in time to be addressed during the Spring session of the House.

Should the Review Commission on Constituency Allowances and Related Matters (the "Green Commission") recommend an alternative practice for auditing the accounts of the Legislature, we will of course give it careful consideration. However, it is the view of the Commission that having the Auditor General conduct annual audits ensures the greatest degree of public confidence and we do not anticipate that this proposed amendment would be contrary to any recommendations forthcoming from the Green Commission.

On a related matter, the IEC reviewed your correspondence of March 15, 2007 respecting Section 9 of the IEC Act and your recent reviews of various financial matters in the House. You state that the work performed by your Office since 2004 "is more than sufficient to meet the annual audit requirement of Section 9 of the IEC Act". Because of the importance the Commission attaches to compliance with the requirements of the IEC Act, Members wanted to confirm that, in your view, Section 9 of the IEC Act has been complied with.

Sincerely,

  
Harvey Hodder, M.H.A.  
Speaker

c.c. IEC Members



## Office of the Auditor General of Newfoundland and Labrador

### Head Office

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### Auditor General

John L. Noseworthy, CA  
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76 Mount Bernard Ave., Corner Brook  
Box 2006 ♦ Corner Brook, NL ♦ A2H 6J8  
T: 709-637-2295 ♦ F: 709-637-2595

5 April 2007

Ref: oag0407E30.01

Honourable Harvey Hodder, M.H.A.  
Speaker  
House of Assembly  
P.O. Box 8700  
St. John's, Newfoundland and Labrador  
A1B 4J6

Dear Sir:

I am writing further to your letter of 3 April 2007 regarding (1) the annual financial statement audit of the Legislature and (2) a confirmation as to whether, in my view, section 9 of the *Internal Economy Commission Act (IEC Act)* has been complied with. I offer the following:

### 1. Annual Financial Statement Audit

My Office would be pleased to conduct an annual financial statement audit of the Legislature. If the *IEC Act* is amended to require this annual financial statement audit, my Office would certainly be ready to assume this work beginning with the 2008 fiscal year. As you indicated in your letter, it will still be necessary for an externally conducted annual financial statement audit to be completed for the Office of the Auditor General.

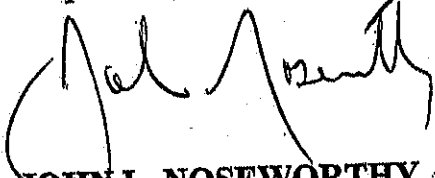
### 2. Section 9 of the *IEC Act*

As I stated in my letter dated 15 March 2007, in my opinion, the legislative audit work performed by my Office since being granted unfettered access in 2004 is more than sufficient to meet the annual audit requirement of section 9 of the *IEC Act*. Furthermore, as a result of the legislative audit work performed by my Office from prior to fiscal year 2000 and up to 2007, I see no benefit of having a financial statement audit performed for any of the fiscal years where the Commission did not appoint an auditor to perform an annual audit.

To provide more clarity of the situation I can, therefore, confirm that, in my opinion, section 9 of the *IEC Act* has been complied with.

I am available to meet at your convenience if you have any questions or require any additional information.

Respectfully submitted,



**JOHN L. NOSEWORTHY, CA**  
**Auditor General**

Enclosure

c.c. Mr. Bill MacKenzie  
Clerk of the House of Assembly



HOUSE OF ASSEMBLY  
NEWFOUNDLAND AND LABRADOR

OFFICE OF THE SPEAKER  
TEL: (709) 729-3404  
FAX: (709) 729-4820

P.O. BOX 8700  
ST. JOHN'S, NL  
A1B 4J6

October 11, 2007

Mr. John Noseworthy, C.A.  
Auditor General  
Office of the Auditor General  
15 Dundee Avenue  
Mt. Pearl, NL

Dear Mr. Noseworthy:

The House of Assembly recently issued a Request for Proposals to satisfy Recommendation 50(1) of the report **Rebuilding Confidence: Report of the Review Commission on Constituency Allowances and Related Matters**, which states:

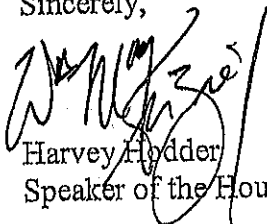
*A complete financial statement and legislative compliance audit should be conducted forthwith of the accounts of the House of Assembly, as a separate entity, for the fiscal years 1999-00 and 2000-01, with appropriate levels of materiality, taking into account the size of the organization and the experience of subsequent years;*

We received only one response, which was unacceptable as it failed to address the needs of the House, as stated in the proposal call.

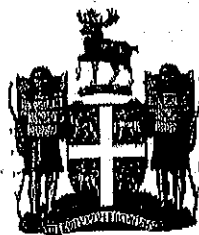
I am writing now to request that the Office of the Auditor General assist us by carrying out the financial statement and legislative compliance audits for the House of Assembly for the fiscal years 1999/2000 and 2000/01, as directed by the Report. I would appreciate you giving this request your most serious consideration.

I look forward to your cooperation on this important issue. Please call me at 729-3403 or the Clerk at 729-3405, if you wish to discuss further.

Sincerely,



Harvey Hodder  
Speaker of the House of Assembly



*File*

**Office of the Auditor General of Newfoundland and Labrador**

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18 October 2007

Ref: oag1007E123.01

Honourable Harvey Hodder, M.H.A.  
Speaker  
House of Assembly  
P.O. Box 8700  
St. John's, Newfoundland and Labrador  
A1B 4J6

Dear Sir:

I am writing further to your letter received 15 October 2007 wherein you request that my Office conduct the financial statement and legislative compliance audits for the House of Assembly for the fiscal years ended 31 March 2000 and 2001.

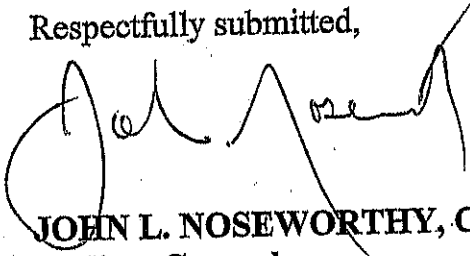
In terms of providing background on this matter, I refer you to my earlier letters dated 15 March 2007 and 5 April 2007 (see attached) dealing with the audit of the Legislature. In those letters, I indicated that if the *IEC Act* was amended to require an annual financial statement audit by my Office, I would certainly be ready to assume this work beginning with the 2008 fiscal year (audit requirements since replaced by section 43 of the *House of Assembly Accountability, Integrity and Administration Act*).

I also indicated that, as a result of the legislative audit work performed by my Office from prior to fiscal year 2000 and up to 2007, I saw no benefit of having audits performed for any of the fiscal years where the Commission did not appoint an auditor to perform an annual audit. I concluded by confirming that, in my opinion, section 9 of the former *IEC Act* had been complied with.

My opinion has not changed in this regard, and therefore, I would not consider it an efficient use of my resources to perform the requested audits. Given the extensive work my Office has just completed on Members' Constituency Allowances, I must now refocus resources to my primary responsibilities as outlined in the *Auditor General Act*. I trust you will understand and accept my decision in this regard.

I am available to meet at your convenience if you have any questions or require any additional information.

Respectfully submitted,



**JOHN L. NOSEWORTHY, CA**  
**Auditor General**

Attachments

c.c. Mr. Bill MacKenzie  
Clerk of the House of Assembly



**House of Assembly Management Commission  
Briefing Note**

**Title:** Financial Reports

**Issue:** Financial performance of the House of Assembly and actual expenditures of Members compared with approved allocations as of 31 October 2007

**Background:**

- Paragraph 20(5)(a) of the *House of Assembly Accountability, Integrity and Administration Act* (the Act) 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.”
- The Statement of Expenditure provides the details of the financial performance of the House of Assembly for the seven-month period ended 31 October 2007.
- The Schedule of Constituency Allowance Allocations and Expenditures provides the approved allocations and actual expenditures for Members for the period 1 April 2007 to 08 October 2007. This schedule includes expenditures for all claims processed to 31 October 2007. The total actual expenditures for a Member may increase as all claims for expenses to 08 October have not yet been received and processed.

**Action Required:**

- For reporting purposes only. No decision required.

Drafted by: Marlene Lambe  
Date: November 21, 2007

Approved by: Wm. MacKenzie



**HOUSE OF ASSEMBLY**  
**STATEMENT OF EXPENDITURE**  
 For the Seven Months Ended 31 October 2007  
 Unaudited

	Estimates	Operating Budget	Expenditures Plus Encumbrances	Projected Total Expenditures	Savings (Over-runs) from Original Budget	Savings (Over-runs) from Operating Budget
<b>1.1.01. ADMINISTRATIVE SUPPORT</b>						
01. Salaries	1,126,000	1,126,000	757,924	1,126,000	0	0
02. Employee Benefits	3,000	3,000	1,586	3,000	0	0
03. Transportation and Communications	55,000	55,000	43,735	55,000	0	0
04. Supplies	50,000	50,000	17,150	43,000	7,000	7,000
05. Professional Services	221,000	221,000	14,676	778,000	(557,000)	(557,000)
06. Purchased Services	617,000	617,000	405,773	617,000	0	0
07. Property, Furnishings and Equipment	70,000	70,000	32,644	70,000	0	0
<b>Total: Administrative Support</b>	<b>2,142,000</b>	<b>2,142,000</b>	<b>1,273,488</b>	<b>2,692,000</b>	<b>(550,000)</b>	<b>(550,000)</b>
<b>1.1.02. HOUSE OPERATIONS</b>						
01. Salaries	457,000	457,000	110,453	457,000	0	0
02. Employee Benefits	9,000	9,000	2,504	3,600	5,000	5,000
03. Transportation and Communications	173,000	151,000 <sup>a</sup>	48,491	151,000	22,000 <sup>a</sup>	0
04. Supplies	21,000	21,000	5,195	21,000	0	0
06. Purchased Services	48,000	48,000	12,164	61,000	(13,000)	(13,000)
07. Property, Furnishings and Equipment	15,000	15,000	2,449	15,000	0	0
<b>Total: House Operations</b>	<b>723,000</b>	<b>701,000</b>	<b>181,256</b>	<b>708,600</b>	<b>14,000</b>	<b>(8,000)</b>



**HOUSE OF ASSEMBLY  
STATEMENT OF EXPENDITURE  
For the Seven Months Ended 31 October 2007**

Unaudited

**1.1.03. CAUCUS OPERATIONS AND MEMBERS' EXPENSES**

	Estimates	Operating Budget	Expenditures Plus Encumbrances	Projected Total Expenditures	Savings (Over-runs) from Original Budget	Savings (Over-runs) from Operating Budget
01. Salaries	2,191,300	2,250,500 <sup>b</sup>	2,058,784	2,375,500	(184,200)	(125,000)
03. Transportation and Communications	290,000	290,000	109,911	290,000	0	0
04. Supplies	30,000	30,000	20,825	45,000	(15,000)	(15,000)
06. Purchased Services	190,000	190,000	117,130	190,000	0	0
07. Property, Furnishings and Equipment	30,000	30,000	12,478	30,000	0	0
09. Allowances and Assistance	5,380,000	5,752,800 <sup>b</sup>	2,947,901	7,270,800	(1,890,800) <sup>c</sup>	(1,518,000) <sup>c</sup>
10. Grants and Subsidies	36,000	36,000	18,000	36,000	0	0
<b>Total: Caucus Operations and Members' Expenses</b>	<b>8,147,300</b>	<b>8,579,300</b>	<b>5,285,029</b>	<b>10,237,300</b>	<b>(2,090,000)</b>	<b>(1,658,000)</b>

**1.1.04. HANSARD AND THE BROADCAST CENTRE**

01. Salaries	502,800	502,800	239,851	416,800	86,000	86,000
02. Employee Benefits	1,500	1,500	1,201	1,500	0	0
03. Transportation and Communications	469,500	140,600	69,339	128,800	340,700	12,000
04. Supplies	6,200	6,200	3,882	6,200	0	0
06. Purchased Services	31,000	31,000	13,171	31,000	0	0
07. Property, Furnishings and Equipment	10,000	360,700	15,924	360,700	(350,700)	0
<b>Total: Hansard and the Broadcast Centre</b>	<b>1,021,000</b>	<b>1,043,000</b>	<b>343,368</b>	<b>945,000</b>	<b>76,000</b>	<b>98,000</b>



**HOUSE OF ASSEMBLY**  
**STATEMENT OF EXPENDITURE**  
**For the Seven Months Ended 31 October 2007**  
**Unaudited**

**1.1.05. LEGISLATIVE LIBRARY**

	Estimates	Operating Budget	Expenditures Plus Encumbrances	Projected Total Expenditures	Savings (Over-runs) from Original Budget	Savings (Over-runs) from Operating Budget
01. Salaries	344,600	344,600	176,068	346,600	(2,000)	(2,000)
02. Employee Benefits	1,500	1,500	362	1,500	0	0
03. Transportation and Communications	5,000	5,000	2,752	3,000	2,000	2,000
04. Supplies	50,000	50,000	11,895	50,000	0	0
06. Purchased Services	11,500	11,500	4,931	11,500	0	0
07. Property, Furnishings and Equipment	5,000	5,000	1,189	5,000	0	0
<b>Total: Legislative Library</b>	<b>417,600</b>	<b>417,600</b>	<b>197,197</b>	<b>417,600</b>	<b>0</b>	<b>0</b>

**TOTAL HOUSE OF ASSEMBLY**

<b>12,450,900</b>	<b>12,882,900</b>	<b>7,280,338</b>	<b>15,000,500</b>	<b>(2,550,000)</b>	<b>(2,118,000)</b>
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**HOUSE OF ASSEMBLY**  
**STATEMENT OF EXPENDITURE**  
For the Seven Months Ended 31 October 2007  
Unaudited

- <sup>a</sup> Savings of \$22,000 were identified as attendance at conferences were less than anticipated. The funds were transferred to Hansard and Broadcast for the purchase of broadcasting equipment.
- <sup>b</sup> Severance payments costs for outgoing Members and Constituency Assistants were transferred into the House of Assembly vote from Consolidated Fund Services.
- <sup>c</sup> Projected expenditures include additional funding request of \$1,406,700 for Green Report implementation and severance payments of \$11,300 made during October for which Consolidated Fund Services had not transferred funds to the House of Assembly as of 31 October 2007. These funds were transferred on 8 November 2007 per TBA2007-D0101 and thus are not included in the operating budget at 31 October 2007.



**HOUSE OF ASSEMBLY**  
**STATEMENT OF EXPENDITURE**  
**For the Seven Months Ended 31 October 2007**  
**Unaudited**

	<b>Estimates</b>	<b>Operating Budget</b>	<b>Expenditures Plus Encumbrances</b>	<b>Projected Total Expenditures</b>	<b>Savings (Over-runs) from Original Budget</b>	<b>Savings (Over-runs) from Operating Budget</b>
<b>1.1.01. ADMINISTRATIVE SUPPORT</b>						
01. Salaries	1,126,000	1,126,000	757,924	1,126,000	0	0
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<b>1.1.02. HOUSE OPERATIONS</b>						
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**HOUSE OF ASSEMBLY**  
**STATEMENT OF EXPENDITURE**  
**For the Seven Months Ended 31 October 2007**  
**Unaudited**

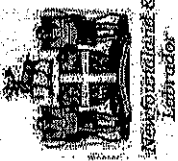
	<b>Estimates</b>	<b>Operating Budget</b>	<b>Expenditures Plus Encumbrances</b>	<b>Projected Total Expenditures</b>	<b>Savings (Over-runs) from Original Budget</b>	<b>Savings (Over-runs) from Operating Budget</b>
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<b>1.1.04. HANSARD AND THE BROADCAST CENTRE</b>						
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**HOUSE OF ASSEMBLY**  
**STATEMENT OF EXPENDITURE**  
**For the Seven Months Ended 31 October 2007**  
**Unaudited**

	<b>Estimates</b>	<b>Operating Budget</b>	<b>Expenditures Plus Encumbrances</b>	<b>Projected Total Expenditures</b>	<b>Savings (Over-runs) from Original Budget</b>	<b>Savings (Over-runs) from Operating Budget</b>
<b>1.1.05. LEGISLATIVE LIBRARY</b>						
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03. Transportation and Communications	5,000	5,000	2,752	3,000	2,000	2,000
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06. Purchased Services	11,500	11,500	4,931	11,500	0	0
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<b>Total: Legislative Library</b>	<b>417,600</b>	<b>417,600</b>	<b>197,197</b>	<b>417,600</b>	<b>0</b>	<b>0</b>
<hr/>						
<b>TOTAL HOUSE OF ASSEMBLY</b>	<b>12,450,900</b>	<b>12,882,900</b>	<b>7,280,338</b>	<b>15,000,500</b>	<b>(2,550,000)</b>	<b>(2,118,000)</b>



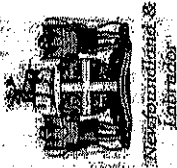


HOUSE OF ASSEMBLY

SCHEDULE OF CONSTITUENCY ALLOWANCE ALLOCATIONS AND EXPENDITURES

Summary of Claims Submitted by Members of the 45th General Assembly for Expenditures Incurred During the Period 1 April 2007 to 8 October 2007  
Includes All Claims Processed up to 31 October 2007

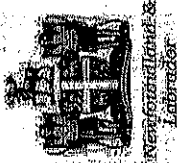
District (45th General Assembly)	Member (45th General Assembly)	Member's Allocation to 8 October 2007	Per Diem		Accommodations	Other	Travel	Total Expenditure to 31 October 2007	Balance as of 31 October 2007
			Meals	Per Diem					
Baie Verte	Shelly, Paul	25,900	550	438	6,518	4,188	11,694	14,206	
Bay of Islands	Joyce, Ed	24,300	2,268	2,102	5,851	5,847	16,068	8,232	
Bellevue	Barrett, Percy	21,200	4,167	2,371	3,279	7,124	16,941	4,259	
Bonavista South	Harding, Harry	21,400	2,588	2,899	2,512	4,184	12,183	9,217	
Bonavists South	Fitzgerald, Roger	21,400	5,250	3,043	2,091	5,275	15,659	5,741	
Burgeo & LaPoile	Parsons, Kelvin	30,900	3,745	2,576	8,462	9,662	24,445	6,455	
Burin-Placentia West	Jackman, Clyde	21,100	3,134	0	4,569	5,023	12,726	8,374	
Cape St. Francis	Byrne, Jack	10,400	0	0	1,965	0	1,965	8,435	
Carbonear-Harbour Grace	Sweeney, George	18,500	2,575	0	6,673	5,060	14,308	4,192	
Cartwright-L'anse Au Clair	Jones, Yvonne	38,900	4,561	2,762	13,306	10,380	31,009	7,891	
Conception Bay East and Bell-Island	Whalen, Dianne	10,100	0	0	4,684	0	4,684	5,416	
Conception Bay South	French, Terry	11,000	0	0	6,443	1,157	7,600	3,400	
Exploits	Forsy, Clayton	21,400	4,362	2,338	7,900	4,497	19,097	2,303	
Ferryland	Hutchings, Keith	18,500	1,001	46	2,342	2,571	5,960	12,540	



**HOUSE OF ASSEMBLY**  
**SCHEDULE OF CONSTITUENCY ALLOWANCE ALLOCATIONS AND EXPENDITURES**

Summary of Claims Submitted by Members of the 45th General Assembly for Expenditures Incurred During the Period 1 April 2007 to 8 October 2007  
 Includes All Claims Processed up to 31 October 2007

District (45th General Assembly)	Member (45th General Assembly)	Member's Allocation to 8 October 2007	Per Diem		Accommodations	Other	Travel	Total Expenditure to 31 October 2007	Balance as of 31 October 2007
			Meals	Per Diem					
Fortune Bay-Cape la Hune	Langdon, Oliver	30,900	4,079	3,157	2,700	13,676	23,612	7,288	
Gander	O'Brien, Kevin	18,600	1,886	1,184	3,726	4,800	11,596	7,004	
Grand Bank	Foots, Judy	21,400	4,443	3,917	5,402	4,092	17,854	3,546	
Grand Falls-Buchans	Thistle, Anna	21,400	4,108	3,623	5,782	6,034	19,547	1,853	
Harbour Main-Whitbourne	Hedderson, Tom	16,300	0	1,974	5,075	0	7,049	9,251	
Humber East	Marshall, Thomas	22,600	2,368	4,418	2,031	8,107	16,924	5,676	
Humber Valley	Ball, Dwight	25,800	1,360	1,924	11,876	4,677	19,837	5,963	
Humber West	Williams, Danny	16,600	0	0	0	0	0	16,600	
Kilbride	Dinn, John	8,300	0	0	938	0	938	7,362	
Labrador West	Baker, Jim	31,300	2,259	2,950	2,716	7,628	15,553	15,747	
Lake Melville	Hickey, John	29,700	0	0	6,219	2,487	8,706	20,994	
Lewisporte	Ridsout, Tom	21,400	1,116	1,004	6,043	10,324	18,487	2,913	
Mount Pearl	Denine, David	8,100	0	0	2,710	439	3,149	4,951	
Placentia & St. Mary's	Collins, Felix	17,400	833	279	3,833	3,721	8,666	8,734	



**HOUSE OF ASSEMBLY**  
**SCHEDULE OF CONSTITUENCY ALLOWANCE ALLOCATIONS AND EXPENDITURES**

Summary of Claims Submitted by Members of the 45th General Assembly for Expenditures Incurred During the Period 1 April 2007 to 8 October 2007  
 Includes All Claims Processed up to 31 October 2007

District (45th General Assembly)	Member (45th General Assembly)	Member's Allocation to 8 October 2007	Per Diem Meals	Per Diem Accommodations	Other	Travel	Total Expenditure to 31 October 2007	Balance as of 31 October 2007
Port au Port	Cornect, Tony	25,800	1,316	1,560	2,823	4,538	10,257	15,543
Port de Grave	Burlier, Roland	17,400	3,333	0	1,955	5,374	10,662	6,738
Signal Hill-Quidi Vidi	Micheal, Lorraine	8,100	0	0	2,554	83	2,637	5,463
St. Barbe	Young, Wallace	25,900	5,075	4,400	4,573	9,532	23,580	2,320
St. George's-Stephenville East	Burke, Joan	25,900	1,430	1,627	696	4,772	8,525	17,375
St. John's Centre	Skinner, Shawn	8,100	0	0	3,075	0	3,075	5,025
St. John's East	Ottenheimer, John	8,100	0	0	1,588	0	1,588	6,512
St. John's North	Ridgley, Bob	8,100	0	0	853	0	853	7,247
St. John's South	Osborne, Tom	8,100	0	0	1,659	56	1,715	6,385
St. John's West	Osborne, Sheila	8,100	0	0	1,715	0	1,715	6,385
Straits-White Bay North	Taylor, Trevor	26,100	3,753	3,413	3,536	9,333	20,035	6,065
Terra Nova	Oram, Paul	21,400	2,956	1,688	2,226	5,133	12,003	9,397
Topsail	Marshall, Elizabeth	9,000	0	0	2,559	0	2,559	6,441
Torngat Mountains	Anderson, Wally	47,700	4,844	3,679	2,239	21,343	32,105	15,595



Newfoundland & Labrador

**HOUSE OF ASSEMBLY**  
**SCHEDULE OF CONSTITUENCY ALLOWANCE ALLOCATIONS AND EXPENDITURES**

Summary of Claims Submitted by Members of the 45th General Assembly for Expenditures Incurred During the Period 1 April 2007 to 8 October 2007  
 Includes All Claims Processed up to 31 October 2007

District (45th General Assembly)	Member (45th General Assembly)	Member's Allocation to 8 October 2007	Per Diem		Accommodations	Other	Travel	Total Expenditure to 31 October 2007	Balance as of 31 October 2007
			Meals	Per Diem					
Trinity North	Wiseman, Ross	20,900	1,842	1,974	3,451	4,801	12,068	8,832	
Trinity-Bay de Verde	Johnson, Charlene	19,100	2,917	1,889	3,059	4,548	12,413	6,687	
Twillingate-Fogo	Reid, Gerry	21,800	1,508	659	5,829	4,200	12,196	9,604	
Virginia Waters	Dumderdale, Kathy	8,100	0	0	202	0	202	7,898	
Waterford Valley	Hodder, Harvey	8,100	0	0	1,397	0	1,397	6,703	
Windsor-Springdale	Hunter, Ray	24,100	3,684	1,797	7,034	5,962	18,477	5,623	
<b>Total</b>		<b>934,700</b>	<b>89,311</b>	<b>65,691</b>	<b>188,669</b>	<b>210,648</b>	<b>554,319</b>	<b>380,381</b>	