



**House of Assembly
Newfoundland and Labrador**

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

Date: January 23, 2008

Location: House of Assembly Chamber

Time: 9:00 – 4:00

Members Present:

Hon. Roger Fitzgerald, 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

Ms. Yvonne Jones, MHA (L) Cartwright - L'Anse Au Clair

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

Other:

Ms. Marie Keefe, Policy & Communications Officer

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

Ms. Kimberley Hammond, Director of Information Management

Regrets:

None

CM 2008 - 001 The minutes of the House of Assembly Management Commission Meeting held on November 28, 2007, were approved as read.

CM 2008 - 002 The Commission gave final approval to the amendment to subsection 40(1) of the *Members' Resources and Allowances Rules* to include "taxi" as a permissible means of travel and approved the amendment as follows:

The Commission hereby approves the following draft amendment to subsection 40(1) of the *Members' 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.”

CM 2008 - 003

The Commission considered the position of Chair for the Audit Committee of the Commission and confirmed Ms. Elizabeth Marshall, MHA Topsail, as Chair of the Audit Committee pursuant to S.23 (2) (a) of the *House of Assembly Accountability, Integrity and Administration Act*.

CM 2008 - 004

The Commission considered and approved a request from Ms. Patty Pottle, Member for Torngat Mountains to use space in a building she owns to accommodate her constituency office. There is no costs as heat, light, cleaning, insurance, and security are all included. The member has requested this approval as she is unable to secure adequate approved space despite a public call for proposals.

CM 2008 – 005

The Commission considered a letter from Ms. Lorraine Michael re: meeting location and meeting procedures. The Commission directed the Speaker and staff of House of Assembly Service to explore options with the Department of Transportation and Works for a dedicated Committee Room to be used by the House of Assembly Management Commission and other House committees.

CM 2008 – 006

The Commission considered and approved the “Guidelines for the Categorization of the Offices of the House of Assembly” as appropriate for the House of Assembly.

The Commission deferred approval of the plans submitted by 3 Statutory Offices (Office of Child and Youth Advocate, Office of the Citizens Representative, and Office of the Information and Privacy Commissioner) and deferred approval of categories for 3 Statutory Offices (Office of the Chief Electoral Officer, Office of the Commissioner for Legislative Standards and the Office of the Auditor General). Statutory Officers and Transparency and Accountability Office staff are to provide additional information at a future meeting of the Commission.

CM 2008 – 007

The Commission appointed a sub-committee of the Commission to be responsible for developing and issuing an RFP to invite proposals for the review of Caucus Resources for the Government Members’ Caucus, the Caucus of the Official Opposition, and the New Democratic Party. The sub-committee will evaluate the proposals and recommend successful proponents to the Commission

for final approval. The Committee members appointed are: Ms. Elizabeth Marshall; Mr. Tom Marshall; Mr. Kelvin Parsons; and Ms. Lorraine Michael. The Speaker will Chair the committee.

- CM 2008 - 008** The Commission approved the adoption of the Publication Scheme dated November 28, 2007, as required by subsection 49 (1) of the *House of Assembly Accountability, Integrity and Administration Act*.
- CM 2008 - 009** The Commission decided that financial statement audits for 1999-2000 and 2000-2001 must be conducted and directed that the Auditor General be requested to conduct the audits.
- CM 2008- 010** The Commission approved the adoption of the Ministerial Expense Reimbursement Policies for the Speaker and the Leader of the Official Opposition, effective October 9, 2007, with the following immediate modifications:
- “Minister” is interpreted as “Speaker” or “Leader of the Official Opposition”;
 - “Treasury Board” is interpreted as “House of Assembly Management Commission”; and,
 - “Premier” or “Premier’s Chief of Staff” is interpreted as “Speaker”.
- The Commission further directed the Clerk to draft amendments to the relevant sections of the Members’ Resources and Allowances Rules under the *House of Assembly Accountability, Integrity and Administration Act* regarding the maximum allowable amount for temporary accommodations, the maximum allowable amount for private accommodations, the maximum number of nights allowable for accommodations when the House is not in session, and meal per diems while traveling to/from the capital region when the House is not in session. The draft amendments should reflect those provided for under the Ministerial Expense Reimbursement Policies and brought back for consideration at the next Commission meeting.
- CM 2008- 011** The Commission considered the issue put forward by the Leader of the Official Opposition as to whether others may travel on her behalf. The Commission deferred a decision and directed the Clerk to prepare a briefing note on this issue for consideration at the next Commission meeting.
- CM 2008- 012** The Commission considered the issue of an appropriate recruitment process for the position of Law Clerk and recommended the standard Public Service Commission recruitment process.
- CM 2008- 013** The Commission considered the issue of providing temporary replacements for Constituency Assistants and directed the Clerk to draft guidelines for hiring of

temporary replacement staff which will ensure a standardized and consistent approach. The guidelines will be brought to the next Commission meeting for consideration.

CM 2008- 014 The Commission considered the letter from Ms. Lorraine Michael regarding Section 45 of the *House of Assembly Accountability, Integrity and Administration Act* and recommended that the Auditor General and Chief Justice Green should be invited to attend the next meeting of the Management Commission to discuss Section 15 of the *Auditor General Act* and Section 45 of the *House of Assembly Accountability, Integrity and Administration Act*

CM 2008 – 015 The Commission considered the letter from the Leader of the Official Opposition regarding core funding arrangements for the Office of the Official Opposition. The Commission decided that block funding, equivalent to the maximum step level for each of the four positions identified in her letter, should be provided to the Official Opposition Office as an interim measure until such time as the approved Review of Caucus Resources is completed.

CM 2008 – 016 The Commission decided that meetings would be held on the date scheduled by the Chair provided that a quorum of members is available. Agenda items requiring the participation of all members may be deferred to a subsequent meeting at the discretion of the Chair.

Adjournment: 4:00
Hon. Roger Fitzgerald, MHA
Speaker and Chair

Wm. MacKenzie
Clerk and Secretary to the Commission



**House of Assembly
Newfoundland and Labrador**

In Camera Session

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

Date: February 6, 2008

Location: Executive Boardroom, West Block

Time: 9:00 – 4:00

Members Present:

Mr. Tom Osborne, Acting Deputy Speaker
Mr. William MacKenzie, Clerk of the House of Assembly
Hon. Tom Rideout, Government House Leader
Mr. Kelvin Parsons, Opposition House Leader
Ms. Beth Marshall, MHA (PC) Topsail
Ms. Yvonne Jones, MHA (L) Cartwright - L'Anse Au Clair
Ms. Lorraine Michael, MHA (NDP) Signal Hill - Quidi Vidi

Other:

Ms. Marie Keefe, Policy & Communications Officer
Ms. Marlene Lambe, Chief Financial Officer, House of Assembly
Mr. Scott Jones, Manager, Financial Planning and Reporting

Regrets:

Hon. Roger Fitzgerald, Speaker
Hon. Tom Marshall, Minister of Finance

Decisions of the Management Commission:

CM 2008 - 017

The Commission, in an *in camera* session, approved the 2008-09 budget estimates for the Legislature to be forwarded to the Minister of Finance for inclusion in the 2009 Estimates and voted on in the House of Assembly.

Adjournment: 4:00

Mr. Tom Osborne, Acting Deputy Speaker and Chair

Wm. MacKenzie
Clerk and Secretary to the Commission



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

February 1, 2008

Hon. Dianne Whelan, M.H.A.
Minister of Transportation and Works
Sixth Floor, West Block
Confederation Building

Dear Ms. Whelan:

At the January 23, 2008 meeting of the House of Assembly Management Commission, the Commission discussed the issue of appropriate meeting space for future Commission Meetings.

Currently, meetings of the Commission are held in the Chamber of the House of Assembly as this is the only available venue which will allow the meetings to be broadcast on the House of Assembly channel, as required by the new *House of Assembly Accountability, Integrity and Administration Act*. However, the Chamber is not conducive to the more informal proceedings of the Commission.

Discussions with your department have been ongoing for some time regarding the spacing requirements for the House of Assembly. Requirements for a new meeting space include:

- Meetings need to be televised;
- Space must accommodate the media and the public; and
- Must be within the Confederation Building precinct.

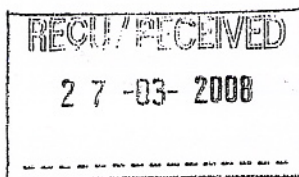
The Commission directed the Speaker and staff of House of Assembly Service to explore options with the Department of Transportation and Works for a dedicated Committee Room to be used by the House of Assembly Management Commission and other House committees.

I am available to discuss at your convenience.

Sincerely,

Hon. Roger Fitzgerald
Speaker, House of Assembly

cc. ✓ Mr. William MacKenzie
Clerk of the House of Assembly



#35903

MAR 24 2008

Honourable Roger Fitzgerald
Speaker, House of Assembly
Office of the Speaker
Main Floor, East Block
Confederation Building

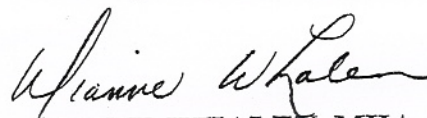
Dear Mr. Fitzgerald:

This refers to your letter of February 1, 2008 concerning the House of Assembly's request for a dedicated Committee Room.

As you have noted, representatives of the Department of Transportation and Works (TW) have been engaged in ongoing discussions concerning the arrangement of the 5th Floor, East Block. Despite our best efforts to meet your requirements this process requires considerable time. For instance, I understand that the initiative to move the Privacy Commissioner's Office from the 5th floor to leased space may take upwards of 9 months before it is completed.


Besides the needs of the House, TW is also being challenged to meet the accommodation needs of all government departments. We will place the need for a dedicated Committee Room on our list of requested projects, however, I must advise that in the interim the Commission will have to continue use of the Chamber for the broadcast of its meetings.

Sincerely,



DIANNE WHALEN, MHA
Conception Bay East & Bell Island
Minister

cc: Mr. William MacKenzie
Mr. Robert Smart



House of Assembly Management Commission

Briefing Note

Title: Request For Proposals (RFP) – Review of Caucus Resources

Issue: Update from sub-committee on RFP process

Background:

- At the January 23, 2008 meeting, the Commission appointed a sub-committee of the Commission to be responsible for developing and issuing an RFP to invite proposals for the review of Caucus Resources for the Government Members' Caucus, the Caucus of the Official Opposition, and the New Democratic Party. **CM 2008 – 007** refers.
- The sub-committee met on February 6, 2008 to discuss the details and parameters of the RFP. The RFP was drafted by the Clerk's Office and drafts circulated to committee members for approval.
- The **RFP – Review of Caucus Resources** was issued on March 14, 2008 and published in The Telegram, The Independent and the Western Star. Two proposals were submitted by April 7, 2008, the deadline date for submission of proposals.
- The sub-committee met on April 7 and April 10, 2008 to review and evaluate the submitted proposals based on the evaluation criteria outlined in the RFP. One proposal was disqualified as not meeting the mandatory requirements of the RFP.
- Based on the evaluation process, the sub-committee recommends Company A as the successful proponent.
- Company names are not provided at this time until the successful proponent has been notified.

Action Required:

- The Commission hereby approves the contract for the Review of Caucus Resources to be awarded to Company A.

Drafted by: Marie Keefe
Date: April 10, 2008

Approved by: Wm. MacKenzie

House of Assembly Management Commission

Briefing Note

Title: Ministerial Expense Reimbursement Policies

Issue: Application of Ministerial Expense Reimbursement Policies to travel allocation of Leader of the New Democratic Party

Background:

- The Provincial Government reviewed ministerial expenses in light of the Justice Green Report, *Rebuilding Confidence: The Report of the Review Commission on Constituency Allowances and Other Matters*.
- On December 14, 2007 the Provincial Government released the Ministerial Expense Reimbursement Policies that are to be followed by members of Cabinet.
- At meeting of the Commission on January 23, 2008, the Commission approved the application of these policies for the travel allocations of the Speaker of the House of Assembly and the Leader of the Official Opposition in recognition of the unique demands of their respective roles.
- The Leader of the New Democratic Party has been allocated a travel budget in recent years, but no policies are in place governing the use of these funds, unlike the situation for the Speaker and the Leader of the Official Opposition. As with the travel budget for the Speaker and the Leader of the Official Opposition, the adoption of policies does not impact the respective annual allocations, decided as part of the House budget process.

Action Required:

- The Commission hereby approves the application of the Ministerial Expense Reimbursement Policies for travel allocation of the Leader of the New Democratic Party, effective October 9, 2007, with the following modification:
 - “Minister” is interpreted as “Speaker”, or “Leader of the Official Opposition” or “Leader of the Third Party”.

Drafted by: Marie Keefe
Date: March 7, 2008

Approved by: Wm. MacKenzie

House of Assembly Management Commission Briefing Note

Title: Draft Amendments to Members' Resources and Allowances Rules

Issue: Draft Rule Amendments respecting travel and living allowances (pursuant to CM 2008-010)

Background:

- - Under Subsection 15(5) of the *House of Assembly Accountability, Integrity and Accountability Act*, the process for amending Rules which add to the levels of allowances must follow the process outlined below:
 1. a draft of the amendment is tabled at a meeting of the Commission.
 2. notice to and reading of the draft shall be given in the House of Assembly (when in session) and posted on the House website.
 3. the draft must be voted on at a subsequent meeting of the Commission.
 4. the Office of Legislative Counsel will prepare the final version for publishing in the Newfoundland and Labrador Gazette as subordinate legislation, upon which date the Rule becomes effective.
 - Commission Minute 2008-010 directed the Clerk:

“to draft amendments to the relevant sections of the Members' Resources and Allowances Rules under the *House of Assembly Accountability, Integrity and Administration Act* regarding the maximum allowable amount for temporary accommodations, the maximum allowable amount for private accommodations, the maximum number of nights allowable for accommodations when the House is not in session, and meal per diems while traveling to/from the capital region when the House is not in session. The draft amendments should reflect those provided for under the Ministerial Expense Reimbursement Policies and brought back for consideration at the next Commission meeting.”
 - A comparison of the Members' Resources and Allowances Rules with the Ministerial Expense Reimbursement Policies shows some key differences in the principles and definitions which support these two regimes. Those differences create complexities in amending Members' Resources and Allowances Rules to “reflect those provided for under the Ministerial Expense Reimbursement Policies”. Consequently each of the four issues of CM 2008-010 is addressed

separately below, with a discussion of these difficulties and proposed amendments.

1. Maximum Allowable Amount for Temporary Accommodations

The Members' Resources and Allowances Rules (hereafter, called "Members Rules") provide a maximum of \$125.00 inclusive of HST, to cover all costs associated with nightly temporary accommodations. The Ministerial Expense Reimbursement Policy (hereafter, "Ministerial Policy") provides for reimbursement of actual costs, with a "standard room" being the expected norm, although there is no precise definition of a "standard room". If rates in excess of a standard room rate are claimed, justification for the increased costs is required. The Ministerial Policy also requires that the use of "special discounts or rates" be ensured and provides that:

"In some unique circumstances the type, standard and cost of temporary accommodation may be reflective of the nature of the Ministerial duties while on travel status, for example where the accommodation is the only facility available in proximity of a meeting location".

It would be difficult to include all of these elements in the concise language of Rules as subordinate legislation. Additionally, the exceptions and qualifications would be very difficult and expensive to administer. This approach also represents a significant departure from the approach found throughout the Members' Rules of establishing dollar maximums for the various allocations.

An alternative approach would be to amend the \$125 nightly allocation to a greater amount, perhaps \$140, which would more accurately reflect the cost of a "standard room", any associated costs, and HST. (Exclusive of HST, this would amount to \$123.89 per night.)

Option 1A:

If the first alternative was chosen, subparagraphs 31(1)(b)(i), 33(b)(i), 35(b)(i) and Paragraph 38(2)(b) would be repealed and the following would be substituted:

"the actual cost of temporary standard room accommodations, with receipts, for every night the accommodations are actually occupied by the member"

and subparagraphs 32(2)(b)(i), 36(2)(b)(i) and 37(b)(i) would be repealed and the following substituted:

“the actual cost of temporary standard room accommodations in the constituency for every night actually spent in the constituency ”

(Both proposals would be subject to final drafting of the subordinate legislation by the Office of Legislative Counsel):

Option 1B:

If maintaining the principle of a maximum dollar allocation was the chosen option, the proposed draft amendment would read as follows (subject to final drafting of the subordinate legislation by the Office of Legislative Counsel):

Subparagraphs 31(1)(b)(i), 32(2)(b)(i), 33(b)(i), 35(b)(i), 36(2)(b)(i), 37(b)(i) and paragraph 38(2) (b) are amended by deleting the amount of “\$125” and substituting the amount of “\$140”.

2. Maximum Amount Allowable for Private Accommodations

The Members’ Rules provide \$25 per night for private accommodations, while the Ministerial Policy provides \$53 per night on the island and \$71 in Labrador. It must be noted, however, that the definitions of “private accommodations” differ, as follows:

Members’ Rules – “accommodations owned or maintained by a person other than the Member, the Member’s spouse or children and which may be used by the Member when traveling” [Rule 28(e)].

Ministerial Policy – “Accommodation arrangements made by a Minister in lieu of staying in temporary accommodations”.

The effect of the different definitions is that, under the Members’ Rules, private accommodation payments cannot be used to cover secondary residence costs, which are subject to a separate set of rules. If the Members’ Rules definition were to be changed to reflect those of the Ministerial Policy, a significant principle of the current Members’ Rules – the concept of secondary residence – would be dismantled. This would require major amendments throughout the Members’ Rules, including Section 29, the “Principles” section which supports Part IV - Travel and Living Allowance. Proposed draft amendments to accomplish this have not been presented in this note.

A proposed draft amendment to amend the Members' Rules private accommodation rate is as follows:

Subparagraphs 31(1)(b)(ii), 32(2)(b)(ii), 33(b)(ii), 35(b)(ii), 36(2)(b)(ii), 37(b)(ii) and paragraph 38 (2)(b) are amended by deleting the amount of "\$25" and substituting the amounts and words "\$53 on the island and \$71 in Labrador".

3. Maximum number of nights allowable when the House is not in session.

The Members' Rules allow 35 accommodation nights to be claimed, in conjunction with 20 trips, during the period when the House is not in session. The Ministerial Policy does not cap the number of trips during the intersessional period. Based on the discussion of the January 23 Commission meeting, a cap on the number of nights was considered reasonable, but the current 35 nights was considered inadequate for the 20 trips. The 35 nights results in an average of 1.75 nights for each trip. The Commission may wish to increase the average number of nights per trip to 2.5, resulting in 50 nights for the 20 trips during the intersessional period.

A proposed draft amendment would be as follows (subject to final drafting of the subordinate legislation by the Office of Legislative Counsel):

Paragraphs 35(b), 36(2)(b) and 37(b) are amended by deleting the number "35" and substituting the number "50".

4. Meal per diem while traveling to/from the Capital Region when the House is not in session.

Although CM 2008-010 and the discussion at the Commission meeting concerning this issue focused on traveling while the House is not in session, it may be appropriate to also apply any proposed amendment respecting this issue to travel during the period the House is in session, as well as the intersessional period.

The Members' Rules [Subsection 31(2)] currently do not allow any meal per diems to be claimed while a Member is traveling to his/her permanent residence or constituency.

A proposed draft amendment would be as follows (subject to final drafting of the subordinate legislation by the Office of Legislative Counsel):

Subsection 31(2) is amended by deleting the word, brackets and letter “or (c)”.

- The Estimates for 2008-09, approved at the “*in camera*” session on 6 February 2008, do not include funding for the additional costs associated with these amendments. Increasing the number of eligible nights to 50 and the eligible nightly expense to \$140, if used to the maximum by 48 Members, would increase annual costs by \$150,000. If countervailing permanent savings cannot be identified, a Special Warrant may be required to cover this shortfall.

Action Required:

The Commission’s direction respecting proposals #1, 2, 3 and 4 is required.

Prepared by:
Wm. MacKenzie 729-3405

**House of Assembly Management Commission
Briefing Note**

Title: Temporary Replacements for Constituency Assistants

Issue: Guidelines for replacement of Constituency Assistants

Background:

- Subsection 26(5) of the *House of Assembly Accountability, Integrity and Administration Act* (the Act) provides that
 - “(5) Where a member considers it necessary to engage a temporary replacement for a constituency assistant due to vacation, illness or other absence of the regular assistant that the speaker considers acceptable the member may, with the consent of the speaker, engage a temporary replacement, and the costs associated with that engagement shall be reimbursed by the office of the speaker to the member.
- The issue was discussed at January 23, 2008 meeting of the Commission.
- **CM 2008-013** directed the Clerk to develop guidelines for hiring temporary replacement Constituency Assistants and bring to the next Commission meeting for discussion and approval by the Commission. The guidelines to be developed should ensure consistency and appropriateness in the hiring of replacement workers.
- Although subsection 26(5) states that “costs....shall be reimbursed.....to the Member”, the recommended approach is to place temporary replacement staff on the House payroll system to avoid the administrative burden of Members having to act as employers.
- Funds for salaries related to on-the-job training were not included in the 2008-09 budget, therefore, approval for on-the-job training for the current fiscal year will be subject to the availability of funds.
- Recommended guidelines for the hiring of replacement Constituency Assistants are attached to the briefing note.

Action Required:

- It is recommended that the Commission approve the attached guidelines for hiring replacement Constituency Assistants

Drafted by: Marie Keefe
Date: February 28, 2008

Approved by: Wm. MacKenzie

1.0 Introduction

A Member of the House of Assembly may need to engage a temporary replacement for a Constituency Assistant due to vacation, illness or other reasons which the Speaker deems to be acceptable.

2.0 Purpose

The guidelines are developed to ensure consistency and appropriateness in the hiring of replacement workers.

3.0 Temporary Replacements for Constituency Assistants

- A Member may hire a temporary replacement when the regular constituency assistant is on sick leave or vacation for a period of one day or longer.
- On-the-job training may be provided for up to 2 days for Members whose Constituency Assistants work in constituency offices outside the Confederation Building and for up to 1 day for Members whose Constituency Assistants work in constituency offices in the Confederation Building. Members should make best efforts to re-hire the same individual to act as replacement staff in order to reduce the on-the-job training days required.
- The prior approval of the Speaker should be obtained, where practical.
- The Member must complete the required payroll form, available at Corporate and Members' Services Division, and forward to:

Sandra Mitchell-Cooney
Manager, Human Resources Services and Payroll Administration
Corporate and Members' Services Division

- The form should indicate the number of days for which a replacement is expected to be required.
- If the prior approval of Speaker is not possible, the Member must complete the required form as soon as possible and forward to the Corporate and Members' Services Division so that the replacement worker can be placed on payroll.
- The replacement Constituency Assistant will start at **Step 1 of the PS04 Pay Scale and** will be paid through normal payroll process. (Note: Depending on the payroll period cutoff dates, the employee may have to wait up to 3 weeks to receive first payment.)

4.0 References

Subsection 26(5) of the *House of Assembly Accountability, Integrity and Administration Act*.

**House of Assembly Management Commission
Briefing Note**

Title: Delegated Travel under Ministerial Expense Reimbursement Policies

Issue: Application of the Ministerial Expense Reimbursement Policies to a Member or staff person traveling on behalf of those to whom the Policies apply

Background:

- This issue was raised by the Leader of the Official Opposition at the House of Assembly Management Commission meeting of January 23, 2008 and the Clerk was directed to prepare a briefing note on this issue for consideration at the next Commission meeting.
- The Executive Branch provided the following response to our question on eligibility for reimbursement for travel on behalf of a Minister:
“should a Minister request that a Parliamentary Secretary or MHA travel on their behalf for Ministerial-departmental related duties specifically, the Ministerial travel rates would apply for that particular business trip. As such, the individual would be eligible to claim the Ministerial reimbursement rates for meals, accommodations, etc. when on Ministerial/departmental travel status pursuant to the policy. A Journey Authorization would be required in advance of travel. For the purposes of ground transportation via private vehicle, the individual would claim mileage traveled, if applicable and pursuant to the policy. Otherwise, rental vehicles or taxis would be eligible for reimbursement pursuant to the policies.”
- Although no written policy appears to exist respecting travel by staff on behalf of a Minister, this is also an established practice with costs being charged to the Minister’s allocation.

Action Required:

The Commission directs that a Member or staff person may travel on behalf of those who are covered under the Ministerial Expense Reimbursement Policies, with these policies to be applied to the expense claim, and costs to be charged to the appropriate allocation.

Drafted by: Marlene Lambe
Date: March 5, 2008

Approved by: Wm. MacKenzie

House of Assembly Management Commission

Briefing Note – Updated from March 14, 2008

Title: *Transparency and Accountability Act*

Issue: Legislated requirements for House of Assembly Service and Statutory Offices

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 certain provisions of the *Transparency and Accountability Act* to the House of Assembly Service and its Statutory Offices.
- Authority and approval roles for departments and public bodies were identified in the *Transparency and Accountability Act* and were correspondingly assigned to the *House of Assembly Accountability, Integrity and Administration Act* for the House of Assembly Service and the Statutory Offices.
- In reviewing these requirements with officials of the Transparency and Accountability Office and with the Law Clerk, it was determined that conflicting relationships existed with regard to the authority and approval roles.
- Given these conflicting roles, an interpretation of the legislation by the Law Clerk in consultation with the Transparency and Accountability Office identified the House of Assembly Management Commission as the body to determine **categorization** for each of the entities under its authority. It also identifies the Speaker as the authority to grant **approval of the plans** subsequently developed based on the categorization assigned by the Commission.
- The responsibilities of the Commission include:
 - establishing criteria for the categorization of entities (Category 1,2 or 3);
 - using that criteria to categorize the entities;
 - requiring, where deemed necessary, additional information to be included in the plan or report of a particular entity;
 - approving a longer or shorter period for a plan required by the Act; and
- The responsibilities of the Speaker include:
 - Setting a date for the submission of draft plans
 - Approving plans to ensure the Strategic Directions of the House of Assembly Service, the entity's mandate and the fiscal resources are considered;
 - Tabling plans by dates set in legislation; and
 - Being accountable for the preparation of the plan of each statutory office.

- The responsibilities of the Statutory Offices include:
 - Preparing a plan as appropriate for the categorization; and
 - Preparing an annual report.

Note: The Statutory Officer is the accountable person for the plan and report.

- The Law Clerk advises that an amendment is needed to the *House of Assembly Accountability, Integrity and Administration Act* to eliminate conflicting relationships and provide clarity of roles for future planning requirements.
- The Speaker has approved the plans from the House of Assembly Service and the Statutory Offices and these plans were tabled by March 31, 2008 as required by legislation to avoid public non-compliance statements. Three plans were tabled pending confirmation of categorization by the Commission.
- All entities must now prepare new plans covering the 2008- 2011 period to be tabled by June 30, 2008. To ensure the House of Assembly Service and the Statutory Offices are compliant with the legislated requirements, the Commission will need to confirm or approve categorization for these entities at the next Commission meeting.

Action Required:

For information purposes only.

Drafted by: Marie Keefe
Date: April 3, 2008

Approved by: Wm. MacKenzie

**House of Assembly Management Commission
Briefing Note**

Title: Shared Secretarial Assistance

Issue: Guidelines for providing shared secretarial assistance (Rules 23(2))

Background:

- Subsection 23(2) of the *Members' Resources and Allowances Rules* under the *House of Assembly Accountability, Integrity and Administration Act* (the Act) states:
 - (2) Where a member has chosen to have his or her constituency assistant work in office accommodation in the member's constituency or in the member's ministerial or parliamentary or special assistant's offices, the speaker shall provide funding to the caucus with which the member is associated to provide shared secretarial assistance in the Confederation Building complex for all members of that caucus in the same circumstances.
- Proposed guidelines have been developed for providing shared secretarial assistance. The proposal defines eligible Members as Private Members whose constituency assistants work in the Member's Constituency. It is not expected the Premier, the Speaker, Ministers, Parliamentary Secretaries, the Parliamentary Assistant, Leader of the Official Opposition and the Opposition House Leader would need to rely on shared secretarial assistance as administrative support services are available in their respective offices in St. John's.
- The proposed guidelines recommend that secretarial staff be hired during the Spring and Fall sessions of the House. It is expected that this service would not be required when the House is not in session as Members typically spend more time in their constituencies and Constituency Assistants would continue to assist Members.
- Although subsection 23(2) indicates that the Speaker "shall provide funding to the caucus", the recommended approach is to place these staff on the House payroll system.
- The proposed guidelines for providing shared secretarial assistance are attached.

Action Required:

- It is recommended that the Commission approve the attached guidelines for providing shared secretarial assistance.

Drafted by: Marie Keefe
Date: March 4, 2008

Approved by: Wm. MacKenzie

1.0 Introduction

The entitlement to shared secretarial assistance applies only to Private Members who have constituency offices outside Confederation Building and no support staff assigned at Confederation Building. That is, it does not include the Premier, the Speaker, Parliamentary Secretaries, the Parliamentary Assistant, the Leader of the Official Opposition and the Opposition House Leader.

2.0 Purpose

These guidelines are developed in accordance with subsection 23(2) of the *Members' Resources and Allowances Rules* under the *House of Assembly Accountability, Integrity and Administration Act*.

3.0 Guidelines for Providing Shared Secretarial Assistance

- Shared secretarial assistance will be provided for the following two periods:
 - A continuous employment period beginning one week prior to the Spring session of the House of Assembly and ending one week after the closing of the Spring session; and,
 - A continuous employment period beginning one week prior to the Fall session of the House of Assembly and ending one week after the closing of the Fall session.

- The formula used to determine the number of secretarial support staff hired for each caucus will be based on the number of Private Members of a caucus who have constituency offices outside Confederation Building and will be allocated as outlined in the following table.

Eligible Members	Staff Allocation
1 - 3	1
4 - 7	2
8 - 11	3
12 - 15	4
16 - 20	5
20 - 25	6

- The secretarial staff will be hired under the political support staff contract and will be subject to the same Human Resources policies as Constituency Assistants. Secretarial staff will start at **Step 1 of the PS04 Pay Scale** and will be paid through the normal payroll process.

- The Caucus Chair for each caucus office is responsible for hiring of secretarial staff for that office.

House of Assembly Management Commission

Briefing Note

Title: Appointment of Auditor

Issue: Audit Committee Recommendation

Background:

- The Commission, pursuant to Subsection 43(2) of the *House of Assembly Accountability, Integrity and Administration Act*, must appoint an auditor of the “accounts of the House of Assembly and statutory offices” before the end of each fiscal year, upon the recommendation of the Audit Committee.
- The attached letter from the Chair of the Audit Committee, Ms. Marshall, recommends, pursuant to paragraph 27(7)(b) of the Act that the Auditor General be appointed as auditor.

Action Required:

- A Commission Minute is required to confirm the appointment of the auditor.

Recommended that:

The Commission appoints the Auditor General of Newfoundland and Labrador to audit the accounts of the House of Assembly and the Statutory Offices for the 2007-08 fiscal year.

Drafted by: Wm. MacKenzie
March 7, 2008



HOUSE OF ASSEMBLY
Newfoundland and Labrador

March 5, 2008

Hon. Roger Fitzgerald, MHA
Speaker
House of Assembly of Newfoundland and Labrador
P.O. Box 8700
St. John's
NL A1B 4J6

Dear Mr. Speaker,

This is to advise you as Chair of the House of Assembly Management Commission that the Audit Committee agreed by motion at their February 12th meeting to recommend to the Commission, pursuant to paragraph 23(7)(b) and subsection 43(2) of the *House of Assembly Accountability, Integrity and Administration Act* that the Auditor General of the Province of Newfoundland and Labrador be appointed the auditor of the accounts of the House of Assembly.

Yours truly,

A handwritten signature in cursive script that reads "Elizabeth Marshall".

Elizabeth Marshall, MHA
Chair of Audit Committee

House of Assembly Management Commission

Briefing Note

Title: Audit Committee

Issue: Per Diem Amounts for Eligible Members of the Audit Committee

Background:

- Subsection 23 (6) of *The House of Assembly Accountability, Integrity and Administration Act* provides that:

The commission shall fix and direct the level of compensation and reimbursement of expenses to be paid to persons appointed under paragraph (2)(b)

which reads:

(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.

- The proposed per diems for the two eligible members of the Audit Committee are based on the “Guidelines for Rates of Remuneration for Boards, Commissions and Agencies” used throughout the Executive Branch of government. These guidelines recommend compensation consistent with the expectation of the knowledge and expertise of the individual. These levels are as follows:

Level 1: This level would not require members to have any special knowledge or expertise. Representatives of the “general public” or geographical region are included.

Level 2: At this level legislation specifies that the nature of the Board, Commission, Agency is such that members require professional credentials and/or expertise.

Level 3: This level would require members to have the highest level of expertise and would adjudicate, judge or arbitrate with regard to an individual or group matter.

- The recommended per diem, Level 2, is \$240 for a normal working day and \$120 for half a day or less.

- The approval of the Commission is required pursuant to subsection 23(6) of the Act.

Action Required:

- The Commission hereby approves Level 2 per diem for eligible members of the Audit Committee to be \$240 for a normal working day and \$120 for half a day or less.

Drafted by: Marie Keefe
Date: March 5, 2008

Approved by: Wm. MacKenzie

**House of Assembly Management Commission
Briefing Note**

Title: Update - Pre-Commitment of Funds for Management Certification Process

Issue: Update to March 5, 2008 Briefing Note regarding management certification process as a result of the cancelled March 14th Management Commission meeting

Background:

- The Briefing Note prepared for the March 14th meeting requested approval to pre-commit funds against the 2008-09 budget appropriation. It was felt that this was appropriate since it was prior to the new fiscal year and formal approval of the 2008-09 Estimates.
- At that time, the contract had already been awarded so that work could begin on the management certification project to meet the legislated completion deadline of August 31, 2008 [HoA,A,I&A Act, paragraph 28(3)(1)]. The request for proposal process began in 2007-08 and funds were approved by Special Warrant in that fiscal year, however, due to delays in the process, the project was not awarded and completed in 2007-08.
- It is noted that the contract was not awarded until after the funding, as part of the 2008-09 Legislature Budget, was approved at the February 6, 2008 meeting of the Commission. In effect, the commitment was not entered into until after the appropriation was approved and sufficient funds were known to be available to meet the payments when due.

Action Required:

For information purposes only.

Drafted by: Marlene Lambe
Date: April 5, 2008

Approved by: Wm. MacKenzie

House of Assembly Management Commission

Briefing Note

Title: Advertisements

Issue: Letters of appeal to the Commission respecting disallowed reimbursement claims for advertisements

Background:

- Paragraph 24(i) of *Members Resources and Allowances Rules* under *The House of Assembly Accountability, Integrity and Administration Act* provides that

“A member may claim against the office operations and supplies allowance for reimbursement to cover operational costs of operating a constituency office including,

- (i) advertising, including constituency office hours, contact telephone numbers for the member, email addresses, notices of constituency meetings, and advertising messages of welcome or congratulation;”

- The Commission has received letters from several Members appealing a decision by the House of Assembly Service not to reimburse them for the purchase of Christmas advertisements. (Letters attached)
- Each Member had purchased air time with a local radio station and/or placed advertisements in their local newspapers but had not included contact information in the greeting. Members have been informed they must assume responsibility for payment of the invoice as contact information was not included as required.
- Sub-paragraph 20(6)(c)(i) authorizes the Commission to “make decisions on individual cases or appeals brought to the commission for decision.” The Members are requesting the Commission to approve the payment of the relevant invoices.

Action Required:

- Recommended that:

The Commission approves the payment of invoices for advertising during the 2007 Christmas season which did not include contact information and confirms the requirement to include Member contact information in all future advertising.

Drafted by: Marie Keefe
Date: April 6, 2008

Approved by: Wm. MacKenzie



HOUSE OF ASSEMBLY
GOVERNMENT OF NEWFOUNDLAND AND LABRADOR

Friday, February 1, 2008

RECEIVED
FEB 05 2008

House of Assembly management Commission
House of Assembly
Government of Newfoundland Labrador
Box 8700
St. John's, NL

Dear commission members:

We are writing with respect to a portion of our constituency budget – communications. As it has been customary, each of us purchased air time with a local radio station serving our constituents, CHCM radio (a division of VOXM) for the purpose of delivering a Christmas message to our constituents.

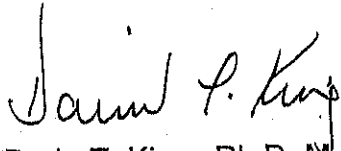
It has been brought to our attention that since our greeting did not bear the contact numbers for our office, the bill must be paid for in its entirety by each of us personally.

Please consider this letter as a formal appeal of this decision.

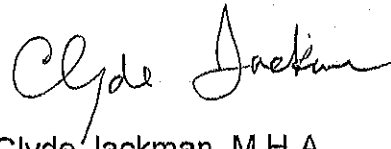
We now recognize that the intent of the Green Report is that no greetings of any nature will be published on behalf of Members of the House of Assembly without bearing the relevant contact information for each member. We also recognize that we are in a constant state of change with respect to the implementation of this report, and the intentions contained within, and that it will take time to ensure that the interpretation of the various sections of the legislation are interpreted and applied consistently.

With respect to the issue at hand, the purchase of Christmas radio advertisements by each of us was done in good faith, as part of the normal course of carrying out the duties of our job as a Member of the House of Assembly (and meeting the expectations of the public we serve). Accepting the intent of the Green report, we respectfully ask the Commission to apply latitude in this instance. The invoice for the purchased air time was sent directly to the House of Assembly by VOXM, and we respectfully request the Commission to reconsider this decision of the House, and to act immediately to remit the required payment.

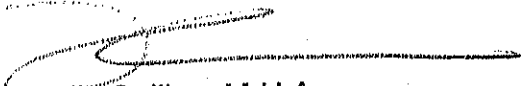
Respectfully submitted, we await your decision.



Darin T. King, Ph.D, M.H.A.
District of Grand Bank

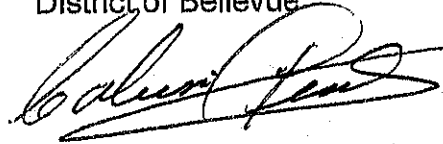


Clyde Jackman, M.H.A.
District of Burin Placentia-West



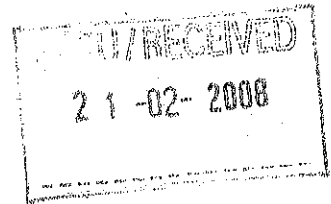
Felix Collins, M.H.A.
District of Placentia-St. Mary's

Calvin Peach, M.H.A.
District of Bellevue





HOUSE OF ASSEMBLY
NEWFOUNDLAND AND LABRADOR



Official Opposition Members' Office

February 7, 2008

Hon. Roger Fitzgerald, Speaker
House of Assembly
Confederation Building
St. John's, NL


Dear Mr. Speaker:

I would like to bring to your attention a problem I recently incurred regarding claims to cover the cost of Christmas greetings I placed in two district papers and on local radio stations. These are not items that were disallowed through the new rules adopted by the House of Assembly, but were disallowed due to what I would call a technical matter. These ads did not contain my contact information and are therefore not eligible for reimbursement.

It is my understanding that this is an issue that several MHAs have encountered, and I would suggest that the intricacies and the newness associated with the rules have led to this problem. I am asking to have this situation reviewed to have exceptions made for this year or for this type of advertising.

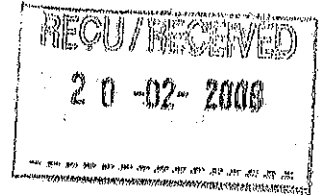
Your attention to this matter is appreciated.

Sincerely yours,


Yvonne Jones, MHA
Cartwright - L'Anse au Clair

February 19, 2008

Mr. William MacKenzie
Clerk of the House of Assembly
Clerk's Office
1st Floor, East Block
Confederation Building
P.O. Box 8700
St. John's, NL, A1B 4J6



Re: Members' Resources and Allowances Rules Manual

Dear Mr. MacKenzie;

Section 6 of the Members' Resources and Allowances Rules Manual covers expenses related to Office Allowances. More specifically, section 6.6 reviews Office Operations, Supplies and Communications Allowance. Advertising expenses fall within this section and are described on page 6-13 of the manual as follows:

"Advertising message may include Constituency Office hours, contact telephone numbers for the Member, email addresses and photo of the Member. It may also include notices of constituency meetings, and advertising messages of welcome or congratulation."

The use of the word "may" in this manual suggests contact information in any advertisement of a welcome or congratulatory nature is optional and not a requirement.

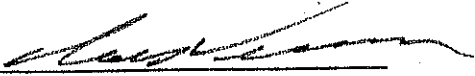
It is important to distinguish the definition of "may" from that of "shall". If the Green Report was interpreted to be very explicit then the manual would have used "shall". In addition, the provision for advertising messages of welcome or congratulation do not lend themselves to include contact information and I believe are akin to a Christmas Greeting or a New Year's message.

I am submitting two advertisements I had placed during the 2007 holiday season for your review. Mr. Mark Noseworthy has advised my Constituency Assistant they will be removed from my expense claim because they contain no contact information.

I request your review of the attached ads and the above section in the Members' Resources and Allowances Rules Manual for consideration of reimbursement of these expenses.

A handwritten signature in dark ink, appearing to be a stylized name or set of initials.

Sincerely;



Hon. Ross Wiseman, MHA
Trinity North District
Minister
Health and Community Services

Cc: Hon. Roger Fitzgerald, Chair of the Management Commission
Hon. Tom Rideout, Government House Leader
Ms. Yvonne Jones, Leader of the Official Opposition
Mr. Kelvin Parsons, Opposition House Leader
Hon. Tom Marshall, Minister of Finance
Ms. Beth Marshall, Government Members' Office
Ms. Lorraine Michael, Leader of the NDP