House of Assembly Management Commission Agenda

Location: House of Assembly Chamber

Date: April 17, 2013 Time: 5:15 – 6:00 p.m.

Tab 1 Minutes

Approval of Minutes for March 20, 2013 meeting

New Business

<u>Tab 2</u> Letters of Appeal

- Member for Burgeo-LaPoile
- Member for Mount Pearl North
- Member for St. John's South
- Member for Trinity-Bay de Verde
- Member for Trinity North

<u>Tab 3</u> Appointment of Audit Committee Member

<u>Tab 4</u> Proposed Amendments to the *Members' Resources and Allowances Rules*



House of Assembly Newfoundland and Labrador

Minutes of the House of Assembly Management Commission

Date: March 20, 2013

Location: House of Assembly Chamber

Time: 5:15 p.m.

Members Present:

Hon. Ross Wiseman, Speaker

Ms. Sandra Barnes, Clerk of the House of Assembly

Hon. Darin King, Government House Leader

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

Mr. Vaughn Granter, MHA (PC) Humber West

Hon. Joan Shea, MHA (PC) St. Georges - Stephenville

Mr. Dwight Ball, MHA (L) Humber Valley

Other

Mr. Wade Verge, MHA (PC), Lewisporte, Deputy Speaker

Ms. Marie Keefe, Policy & Communications Officer, Clerk's Office

Regrets

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

CM 2013-029

The Minutes of the House of Assembly Management Commission meeting held on February 27, 2013 were approved, with an amendment to include Hon. Darin King, Government House Leader, in the list of attendees and to remove Hon. Jerome Kennedy from the list of attendees.

CM 2013-030

The Minutes of the House of Assembly Management Commission meeting held on February 28, 2013 were approved, with an amendment to include Hon. Darin King, Government House Leader, in the list of attendees and to remove Hon. Jerome Kennedy from the list of attendees.

CM 2013-031

The Commission increased the kilometers from 8,800 to 20,000 for the District of Cartwright L'Anse au Clair and directed that the *Members' Resources and Allowances Rules* be amended to add \$3,975 to the intra-constituency allowance allocation for that District.

CM 2013-032

The Commission added \$1,500 to the intra-constituency allowance allocation for the District of Cartwright L'Anse au Clair for increased ferry travel and directed that the *Members' Resources and Allowances Rules* be amended to add \$1,500 to the intra-constituency allowance allocation for that District.

CM 2013-033

The Commission approved the following allocations for helicopter travel and directed that the *Members' Resources and Allowances Rules* be amended to reflect the new allocations for helicopter travel:

Burgeo-LaPoile =	\$21,000
Cartwright-L'Anse au Clair =	\$21,000
Fortune Bay-Cape La Hune =	\$24,600
Torngat Mountains =	\$10,500

CM 2013-034

Pursuant to subsections 20(7), 15(5) and section 20 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act) the Commission gave first approval to the following proposed amendments to the *Members' Resources and Allowances Rules*, subject to final wording by the Office of the Legislative Counsel:

- 1. Section 10 of the *Members' Resources and Allowances Rules* is amended by adding immediately after subsection (2) the following:
 - "(2.1) Subsection (2) does not apply to an allowance claimed under subsection 19(4)."
- 2. Subsections 18(2), (3) and (4) of the Rules are repealed and the following is substituted:
 - "(2) A member is entitled to the constituency office accommodation expenses described in subsection 19(1).
 - (3) The maximum allowance available to a member for office operations and supplies is \$12,000."
- 3. Subsection 19(1) of the Rules is amended by deleting the words and figures:
 - "allowance referred to in paragraph 18(2)(a)" and substituting the words and figures "expenses referred to in subsection 18(2)".
- 4. Subsection 20(7) of the Rules is repealed.
- 5. The Rules are amended by adding immediately after section 33 the following:
 - "33.1 (1) Notwithstanding sections 31 and 33, a member whose permanent residence is outside the capital region at a distance greater than commuting distance may opt to travel between that residence and the capital region each day that the House of Assembly is in session and sitting and may claim the actual transportation cost of each daily return trip.
 - (2) A member who opts to claim an actual transportation cost for a day under subsection (1) cannot claim for costs described in paragraphs 31(1)(b) and (c) and 33(1)(b) and (c).
 - (3) This section shall apply only to members who represent the Districts of:
 - a) Bellevue
 - b) Carbonear-Harbour Grace
 - c) Ferryland
 - d) Harbour Main

- e) Placentia-St. Mary's
- f) Port de Grave; and
- g) Trinity-Bay de Verde.
- 6. Subsection 38(3) is amended by adding immediately after the word "Schedule" the letter "A".
- 7. The Rules are amended by adding immediately after section 38 the following:

"Helicopter travel

- 38.1 (1) Where less expensive travel is not available a member from a district listed in Schedule B may, with the prior approval of the Speaker, be reimbursed for the cost of helicopter travel while acting on constituency business within his or her constituency.
- (2) The maximum amount which a member may claim in a fiscal year for intra-constituency travel under this section is the amount set out in Schedule B.
- 8. Subsection 46(3) is amended by adding immediately before paragraph (f) the following:
 - "(e.2) the expense of renting short term accommodation in one or more locations in the member's constituency to facilitate travel of the member throughout the district to meet with residents on constituency issues;
- 9. The Schedule to the Act is repealed and the following is substituted:

Schedule A House Operations Estimates of Intra-Constituency Costs

Riding No.	Riding Name	Total
1	Baie Verte-Springdale	\$10,100
2	Bay of Islands	12,500
3	Bellevue	13,100
4	Bonavista North	10,100
5	Bonavista South	10,100
6	Burgeo-LaPoile	11,300
7	Burin-Placentia West	8,200
8	Cape St. Francis	7,200
9	Carbonear-Harbour Grace	7,700
10	Cartwright-L'Anse au Clair	25,600
11	Conception Bay East-Bell Island	7,700

10	C	7.200
12	Conception Bay South	7,200
13	Exploits	10,100
14	Ferryland	10,100
15	Fortune Bay-Cape La Hune	16,300
16	Gander	7,700
17	Grand Bank	12,000
18	Grand Falls-Windsor-Buchans	9,100
19	Grand Falls-Windsor-Green Bay South	7,200
20	Harbour Main	6,900
21	Humber East	6,300
22	Humber Valley	12,000
23	Humber West	8,200
24	Kilbride	7,200
25	Labrador West	7,700
26	Lake Melville	8,000
27	Lewisporte	9,200
28	Mount Pearl North	6,000
29	Mount Pearl South	6,000
30	Placentia-St. Mary's	11,500
31	Port au Port	6,800
32	Port de Grave	7,700
33	Signal Hill-Quidi Vidi	6,000
34	St. Barbe	11,900
35	St. George's-Stephenville East	7,700
36	St. John's Centre	6,000
37	St. John's East	6,000
38	St. John's North	6,000
39	St. John's South	6,000
40	St. John's West	6,000
41	Terra Nova	10,200
42	The Isle of Notre Dame	9,800
43	The Straits-White Bay North	10,100
44	Topsail	6,000
45	Torngat Mountains	20,700
46	Trinity-Bay de Verde	8,600
47	Trinity North	8,200
48	Virginia Waters	6,000
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Total \$442,000

Schedule B Helicopter Allocation

Electoral District	Total
Burgeo-LaPoile	\$21,000
Cartwright-L'Anse au Clair	21,000
Fortune Bay-Cape La Hune	24,600
Torngat Mountains	10,500

Adjournment: 5:40 p.m. Hon. Ross Wiseman, MHA Speaker and Chair

Sandra Barnes Clerk and Secretary to the Commission

House of Assembly Management Commission

Briefing Note

<u>Title:</u> Letter of Appeal - 60 Days Submission Deadline

Issue: Appeal of Claim Ruling - Member for Burgeo-LaPoile

Background:

- The Member for Burgeo-LaPoile is appealing the denial of payment by Corporate and Members' Services Division of certain allowable expenses incurred by the Member as the expenditures were incurred more than 60 days prior to the claim being made.
- Subsection 7(6) of the *Members Resources and Allowances Rules* states that
 - (6) A claim against an allowance for payment or reimbursement shall not be made more than 60 days after the date on which the expenditure was made.
- Subsections 24(1), 24(8) and 24(9) of the *House of Assembly Accountability*, *Integrity and Administration Act* (the Act) state:
 - 24(1) Where a member incurs an expense and a claim for reimbursement, or payment has been rejected by an officer or staff member of the House of Assembly service, or the member is unsure as to whether an expense, if incurred, will qualify for reimbursement or payment, he or she may request a ruling from the speaker.
 - (8) Where the ruling of the speaker is that the expenditure does not comply with the rules and directives of the commission, the member may appeal that ruling to the commission and, after giving the member an opportunity to make a submission in writing in support of the appeal, the commission may decide to reverse, uphold or modify the ruling of the speaker, and the decision of the commission is final.
 - (9) Notwithstanding that an expense claim has been denied by an officer, staff member or the speaker, in accordance with the rules,

where there is an appeal to the commission under this section and the commission determines that that claimed expense amount

- (a) has been incurred by the member; and
- (b) is a permitted expense under the Act and rules; and
- (c) does not exceed an expense amount or allowance allocation permitted under the rules,

and a denial of payment of the expense amount would, in the opinion of the commission, be unjust, the commission may approve the expenditure for the claimed expense to the extent that the commission considers to be just and the decision of the commission is final.

- The expenses submitted, totaling \$84.74, are permitted expenses under the *Members' Resources and Allowances Rules*.
- The attached letter from the Member for Burgeo-LaPoile provides further details.

Analysis:

Legal Consultation:

Not applicable.

Internal Consultation(s):

Not applicable.

External Consultation(s):

Not applicable.

Comparison to Government Policy:

Not applicable.

Financial Impact:

Not applicable.

Legislative Impact:

Not applicable.

Options:

- 1. Approve the payment of expenses totaling \$84.74 for the Member for Burgeo-LaPoile.
- 2. Deny the payment of expenses totaling \$84.74 for the Member for Burgeo-LaPoile.

Status:

• Not applicable.

Action Required:

• The decision of the Commission is requested.

Prepared by:

Bobbi Russell

Approved by:

Sandra Barnes

Approved by:

Date:

April 15, 2013

Attachments:

- 1. Letter dated April 5, 2013 from the Member for Burgeo-LaPoile to the Speaker.
- 2. Letter dated April 12, 2013 from the Speaker to the Member for Burgeo-LaPoile.



ANDREW PARSONS, M.H.A. District of Burgeo-LaPoile

April 5, 2013

Office of the Speaker House of Assembly P.O. Box 8700 St. John's, NL., A1B 4J6

Att: Honourable Ross Wiseman
Speaker & Chair of Management Commission

Dear Sir:

Please find enclosed a copy of my Member Expense Claim Number MECMS271481 which was submitted on March 22, 2013. The claim was for an invoice from Captured Memories in the amount of \$84.74, which is the company I used to shoot my Christmas card pictures. The actual sitting was on December, 1, 2012 but I was late receiving the invoice therefore I missed the 60 day rule. I was advised today by officials from Corporate Members that I could not be reimbursed for the cost.

Please consider this my official appeal to the Management Commission for reimbursement.

Thank you.

Yours very truly,

Andrew Parsons, MHA District of Burgeo – La Poile

AKP/jc Encl..



April 12, 2013

Mr. Andrew Parsons, M.H.A District of Burgeo-LaPoile P.O. Box 2263, Channel-Port aux Basques, NL A0M 1C0

Dear Mr_Parsons,

I am writing in response to your letter of April 5th, 2013 regarding an expense claim for the amount of \$84.74 that was submitted past the required 60-day deadline.

The process for Members to follow respecting allowance use is outlined in Section 24 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act) and involves the Speaker, in the first instance, with the Commission having the final authority. Subsection 24(4) of the Act states that the Speaker's approval confirms that an expenditure complies with the Rules of the Commission.

Given the provisions of Subsection 7(6) of the Rules it is not possible for me to state that the expenditures are in compliance with the Rule. The next step, therefore, is for you to request that the issue be brought to the House of Assembly Management Commission for a final decision.

Please note I will accept your correspondence as an official appeal to the Commission and will arrange that it be included on the agenda of an upcoming meeting.

Regards,

ROSS WISEMAN, MHA

Speaker of the House of Assembly

c.c Ms. Marlene Lambe, Chief Financial Officer



ANDREW PARSONS, M.H.A. District of Burgeo-LaPoile

April 5, 2013

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Regards,

ROSS WISEMAN, MHA

Speaker of the House of Assembly

c.c Ms. Marlene Lambe, Chief Financial Officer

House of Assembly Management Commission

Briefing Note

<u>Title:</u> Letter of Appeal - 60 Days Submission Deadline

Issue: Appeal of Claim Rulings - Member for Mount Pearl North

Background:

- The Member for Mount Pearl North is appealing the denial of payment by Corporate and Members' Services Division of certain allowable expenses incurred by the Member as the expenditures were incurred more than 60 days prior to the claim being made.
- Subsection 7(6) of the *Members Resources and Allowances Rules* states that
 - (6) A claim against an allowance for payment or reimbursement shall not be made more than 60 days after the date on which the expenditure was made.
- Subsections 24(1), 24(8) and 24(9) of the *House of Assembly Accountability*, *Integrity and Administration Act* (the Act) state:
 - 24(1) Where a member incurs an expense and a claim for reimbursement, or payment has been rejected by an officer or staff member of the House of Assembly service, or the member is unsure as to whether an expense, if incurred, will qualify for reimbursement or payment, he or she may request a ruling from the speaker.
 - (8) Where the ruling of the speaker is that the expenditure does not comply with the rules and directives of the commission, the member may appeal that ruling to the commission and, after giving the member an opportunity to make a submission in writing in support of the appeal, the commission may decide to reverse, uphold or modify the ruling of the speaker, and the decision of the commission is final.
 - (9) Notwithstanding that an expense claim has been denied by an officer, staff member or the speaker, in accordance with the rules,

where there is an appeal to the commission under this section and the commission determines that that claimed expense amount

- (a) has been incurred by the member; and
- (b) is a permitted expense under the Act and rules; and
- (c) does not exceed an expense amount or allowance allocation permitted under the rules,

and a denial of payment of the expense amount would, in the opinion of the commission, be unjust, the commission may approve the expenditure for the claimed expense to the extent that the commission considers to be just and the decision of the commission is final.

- The expense claims submitted, totaling \$78.04 & 79.54, are permitted expenses under the *Members' Resources and Allowances Rules*.
- The attached letters from the Member for Mount Pearl North provide further details.

Analysis:

Legal Consultation:

Not applicable.

Internal Consultation(s):

Not applicable.

External Consultation(s):

Not applicable.

Comparison to Government Policy:

Not applicable.

Financial Impact:

Not applicable.

Legislative Impact:

Not applicable.

Options:

- 1. Approve the payment of expenses totaling \$78.04 and \$79.54 for the Member for Mount Pearl North.
- 2. Deny the payment of expenses totaling \$78.04 and \$79.54 for the Member for Mount Pearl North.

Status:

• Not applicable.

Action Required:

• The decision of the Commission is requested.

Prepared by: Bobbi Russell

Approved by: Sandra Barnes

Approved by:

Date: April 15, 2013

Attachments:

- 1. Letter dated April 11, 2013 from the Member for Mount Pearl North to the Speaker.
- 2. Letter dated April 12, 2013 from the Speaker to the Member for Mount Pearl North.
- 3. Letter dated April 15, 2013 from the Member for Mount Pearl North to the Speaker.
- 4. Letter dated April 15, 2013 from the Speaker to the Member for Mount Pearl North.



April 11, 2013

Honourable Ross Wiseman Speaker's Office 1st Floor, East Block, Confed Building PO Box 8700 St. John's, NL A1B 4J6

Dear Mr. Wiseman:

Please accept this letter as a formal appeal for expenses on claim MECMS273496 that I submitted to Corporate and Members' Services.

The expenses that I ask for your consideration are in the amount of \$78.04. It was rejected because it was not submitted within the 60 day time frame that is allotted. The reason for the late submission is because my Constituency Assistant wasn't aware there was a 60 day window of opportunity. There was also a delay on getting him set up on the Expense Claim Management System.

Please consider reimbursement of these expenses to the Management Commission. I look forward to your response. Thank you.

Respectfully, I remain

STEVE KENT, M.H.A.

District of Mount Pearl North



OFFICE OF THE SPEAKER

April 12, 2013

Mr. Steve Kent. M.H.A. District of Mount Pearl North 5th Floor, West Block Confederation Building

Dear Mr_Kent, 5 400

I am writing in response to your letter of April 12th, 2012 regarding an expense claim for the amount of \$78.04 that was submitted past the required 60-day deadline.

The process for Members to follow respecting allowance use is outlined in Section 24 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act) and involves the Speaker, in the first instance, with the Commission having the final authority. Subsection 24(4) of the Act states that the Speaker's approval confirms that an expenditure complies with the Rules of the Commission.

Given the provisions of Subsection 7(6) of the Rules it is not possible for me to state that the expenditures are in compliance with the Rule. The next step, therefore, is for you to request that the issue be brought to the House of Assembly Management Commission for a final decision.

Please note I will accept your correspondence as an official appeal to the Commission and will arrange that it be included on the agenda of an upcoming meeting.

Regards,

ROSS WISEMAN, MHA

Speaker of the House of Assembly

c.c Ms. Marlene Lambe, Chief Financial Officer



April 15, 2013

Honourable Ross Wiseman Speaker's Office 1st Floor, East Block, Confed Building PO Box 8700 St. John's, NL A1B 4J6

Dear Mr. Wiseman:

Please accept this letter as a formal appeal for expenses on claim MECMS275864 that I submitted to Corporate and Members' Services.

The expenses that I ask for your consideration are in the amount of \$79.54. It was rejected because it was not submitted within the 60 day time frame that is allotted.

Please consider reimbursement of these expenses to the Management Commission. I look forward to your response. Thank you.

Respectfully/ Lremain

STEVE KENT M.H.A.

District of Mount Pearl North



OFFICE OF THE SPEAKER

April 15, 2013

Mr. Steve Kent. M.H.A. District of Mount Pearl North 5th Floor, West Block Confederation Building

Skeve Dear Mr. Kent,

I am writing in response to your letter of April 15th, 2013 regarding an expense claim for the amount of \$79.54 that was submitted past the required 60-day deadline.

The process for Members to follow respecting allowance use is outlined in Section 24 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act) and involves the Speaker, in the first instance, with the Commission having the final authority. Subsection 24(4) of the Act states that the Speaker's approval confirms that an expenditure complies with the Rules of the Commission.

Given the provisions of Subsection 7(6) of the Rules it is not possible for me to state that the expenditures are in compliance with the Rule. The next step, therefore, is for you to request that the issue be brought to the House of Assembly Management Commission for a final decision.

Please note I will accept your correspondence as an official appeal to the Commission and will arrange that it be included on the agenda of an upcoming meeting.

Regards,

ROSS WISEMAN, MHA

Speaker of the House of Assembly

c.c Ms. Marlene Lambe, Chief Financial Officer

House of Assembly Management Commission

Briefing Note

<u>Title:</u> Letter of Appeal - 60 Days Submission Deadline

Issue: Appeal of Claim Ruling - Member for St. John's South

Background:

- The Member for St. John's South is appealing the denial of payment by Corporate and Members' Services Division of certain allowable expenses incurred by the Member as the expenditures were incurred more than 60 days prior to the claim being made.
- Subsection 7(6) of the *Members Resources and Allowances Rules* states that
 - (6) A claim against an allowance for payment or reimbursement shall not be made more than 60 days after the date on which the expenditure was made.
- Subsections 24(1), 24(8) and 24(9) of the *House of Assembly Accountability*, *Integrity and Administration Act* (the Act) state:
 - 24(1) Where a member incurs an expense and a claim for reimbursement, or payment has been rejected by an officer or staff member of the House of Assembly service, or the member is unsure as to whether an expense, if incurred, will qualify for reimbursement or payment, he or she may request a ruling from the speaker.
 - (8) Where the ruling of the speaker is that the expenditure does not comply with the rules and directives of the commission, the member may appeal that ruling to the commission and, after giving the member an opportunity to make a submission in writing in support of the appeal, the commission may decide to reverse, uphold or modify the ruling of the speaker, and the decision of the commission is final.
 - (9) Notwithstanding that an expense claim has been denied by an officer, staff member or the speaker, in accordance with the rules,

where there is an appeal to the commission under this section and the commission determines that that claimed expense amount

- (a) has been incurred by the member; and
- (b) is a permitted expense under the Act and rules; and
- (c) does not exceed an expense amount or allowance allocation permitted under the rules,

and a denial of payment of the expense amount would, in the opinion of the commission, be unjust, the commission may approve the expenditure for the claimed expense to the extent that the commission considers to be just and the decision of the commission is final.

- The expenses submitted, totaling \$420.00, are permitted expenses under the *Members' Resources and Allowances Rules*.
- The attached letter from the Member for St. John's South provides further details.

Analysis:

Legal Consultation:

Not applicable.

Internal Consultation(s):

Not applicable.

External Consultation(s):

Not applicable.

Comparison to Government Policy:

Not applicable.

Financial Impact:

Not applicable.

Legislative Impact:

Not applicable.

Options:

- 1. Approve the payment of expenses totaling \$420.00 for the Member for St. John's South.
- 2. Deny the payment of expenses totaling \$420.00 for the Member for St. John's South.

Status:

• Not applicable.

Action Required:

• The decision of the Commission is requested.

Prepared by:

Bobbi Russell

Approved by:

Sandra Barnes

Approved by:

Date:

April 15, 2013

Attachments:

- 1. Letter dated April 15, 2013 from the Member for St. John's South to the Speaker.
- 2. Letter dated April 15, 2013 from the Speaker to the Member for St. John's South.



Government of Newfoundland and Labrador
Tom Osborne, M.H.A.
District of St. John's South

April 15, 2013

Honourable Ross Wiseman Speaker of the House of Assembly P.O. Box 8700 St. John's, NL A1B 4J6

Dear Mr. Speaker,

I am writing today to respectfully request an appeal to the House of Assembly Management Commission regarding the late filing of a constituency claim. I have been notified by Corporate Members Services that the claim I have recently submitted falls outside the 60 day filing deadline.

The claim in question is # MECMS267598 dated December, 30, 2013 and submitted March 1, 2013 for the amount of \$420.00. The request for reimbursement of these expenditures has been overlooked and as a result I am asking that you accept this correspondence as a formal request for an appeal. Your attention regarding this matter is greatly appreciated.

Sincerely,

TOM OSBORNE, M.H.A. District of St. John's South



OFFICE OF THE SPEAKER

April 15, 2013

Mr. Tom Osborne, M.H.A. District of St. John's South 5th Floor, East Block Confederation Building

Dear Mr. Osborne.

I am writing in response to your letter of April 15th, 2013 regarding an expense claim for the amount of \$420.00 that was submitted past the required 60-day deadline.

The process for Members to follow respecting allowance use is outlined in Section 24 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act) and involves the Speaker, in the first instance, with the Commission having the final authority. Subsection 24(4) of the Act states that the Speaker's approval confirms that an expenditure complies with the Rules of the Commission.

Given the provisions of Subsection 7(6) of the Rules it is not possible for me to state that the expenditures are in compliance with the Rule. The next step, therefore, is for you to request that the issue be brought to the House of Assembly Management Commission for a final decision.

Please note I will accept your correspondence as an official appeal to the Commission and will arrange that it be included on the agenda of an upcoming meeting.

Regards,

ROSS WISEMAN, MHA

Speaker of the House of Assembly

c.c Ms. Marlene Lambe, Chief Financial Officer

House of Assembly Management Commission

Briefing Note

Title: Letter of Appeal - 60 Days Submission Deadline

Issue: Appeal of Claim Ruling - Member for Trinity-Bay de Verde

Background:

- The Member for Trinity- Bay de Verde is appealing the denial of payment by Corporate and Members' Services Division of certain allowable expenses incurred by the Member as the expenditures were incurred more than 60 days prior to the claim being made.
- Subsection 7(6) of the Members Resources and Allowances Rules states that
 - (6) A claim against an allowance for payment or reimbursement shall not be made more than 60 days after the date on which the expenditure was made.
- Subsections 24(1), 24(8) and 24(9) of the *House of Assembly Accountability*, *Integrity and Administration Act* (the Act) state:
 - 24(1) Where a member incurs an expense and a claim for reimbursement, or payment has been rejected by an officer or staff member of the House of Assembly service, or the member is unsure as to whether an expense, if incurred, will qualify for reimbursement or payment, he or she may request a ruling from the speaker.
 - (8) Where the ruling of the speaker is that the expenditure does not comply with the rules and directives of the commission, the member may appeal that ruling to the commission and, after giving the member an opportunity to make a submission in writing in support of the appeal, the commission may decide to reverse, uphold or modify the ruling of the speaker, and the decision of the commission is final.
 - (9) Notwithstanding that an expense claim has been denied by an officer, staff member or the speaker, in accordance with the rules,

where there is an appeal to the commission under this section and the commission determines that that claimed expense amount

- (a) has been incurred by the member; and
- (b) is a permitted expense under the Act and rules; and
- (c) does not exceed an expense amount or allowance allocation permitted under the rules,

and a denial of payment of the expense amount would, in the opinion of the commission, be unjust, the commission may approve the expenditure for the claimed expense to the extent that the commission considers to be just and the decision of the commission is final.

- The expenses submitted, totaling \$118.00, are permitted expenses under the *Members' Resources and Allowances Rules*.
- The attached letter from the Member for Trinity-Bay de Verde provides further details.

Analysis:

Legal Consultation:

Not applicable.

Internal Consultation(s):

Not applicable.

External Consultation(s):

Not applicable.

Comparison to Government Policy:

Not applicable.

Financial Impact:

Not applicable.

Legislative Impact:

Not applicable.

Options:

- 1. Approve the payment of expenses totaling \$118.00 for the Member for Trinity-Bay de Verde.
- 2. Deny the payment of expenses totaling \$118.00 for the Member for Trinity-Bay de Verde

Status:

• Not applicable.

Action Required:

The decision of the Commission is requested.

Prepared by:

Bobbi Russell

Approved by:

Sandra Barnes

Approved by:

Date:

April 15, 2013

Attachments:

- 1. Letter dated April 11, 2013 from the Member for Trinity-Bay de Verde to the Speaker.
- 2. Letter dated April 12, 2013 from the Speaker to the Member for Trinity-Bay de Verde.



Newfoundland and Labrador House of Assembly

CHARLENE JOHNSON, M.H.A.

Trinity-Bay de Verde

April 11, 2013

Honourable Ross Wiseman Speaker House of Assembly

Mr. Speaker,

I am writing this letter as an official request of appeal. On March 27, 2013, my constituency assistant, Crystal Hill submitted a claim on my behalf. The claim number MECMS263785 in the amount of \$118.00 for the time frame of December 8-9, 2012 has been denied due to the 60 day rule.

I am seeking approval of the claim. We unfortunately missed the claim when viewing the calendar. Upon review we realized the mistake and made claim for that time frame. I am asking if the committee can take another look at the claim and consider it for approval.

Thank you for your time,

Charlene Johnson

Minister of Child Youth and Family Services

MHA, District of Trinity-Bay de Verde

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OFFICE OF THE SPEAKER

April 12, 2013

Ms. Charlene Johnson, M.H.A. District of Trinity-Bay de Verde Confederation Building P.O. Box 8700, St. John's, NL A1B 4J6

Dear Ms.-Johnson, Chulen!

I am writing in response to your letter of April 11th, 2013 regarding an expense claim for the amount of \$118.00 that was submitted past the required 60-day deadline.

The process for Members to follow respecting allowance use is outlined in Section 24 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act) and involves the Speaker, in the first instance, with the Commission having the final authority. Subsection 24(4) of the Act states that the Speaker's approval confirms that an expenditure complies with the Rules of the Commission.

Given the provisions of Subsection 7(6) of the Rules it is not possible for me to state that the expenditures are in compliance with the Rule. The next step, therefore, is for you to request that the issue be brought to the House of Assembly Management Commission for a final decision.

Please note I will accept your correspondence as an official appeal to the Commission and will arrange that it be included on the agenda of an upcoming meeting.

Regards,

ROSS WISEMAN, MHA

Speaker of the House of Assembly

c.c Ms. Marlene Lambe, Chief Financial Officer

House of Assembly Management Commission

Briefing Note

<u>Title:</u> Letter of Appeal - 60 Days Submission Deadline

Issue: Appeal of Claim Ruling - Member for Trinity North

Background:

- The Member for Trinity North is appealing the denial of payment by Corporate and Members' Services Division of certain allowable expenses incurred by the Member as the expenditures were incurred more than 60 days prior to the claim being made.
- Subsection 7(6) of the *Members Resources and Allowances Rules* states that
 - (6) A claim against an allowance for payment or reimbursement shall not be made more than 60 days after the date on which the expenditure was made.
- Subsections 24(1), 24(8) and 24(9) of the *House of Assembly Accountability*, *Integrity and Administration Act* (the Act) state:
 - 24(1) Where a member incurs an expense and a claim for reimbursement, or payment has been rejected by an officer or staff member of the House of Assembly service, or the member is unsure as to whether an expense, if incurred, will qualify for reimbursement or payment, he or she may request a ruling from the speaker.
 - (8) Where the ruling of the speaker is that the expenditure does not comply with the rules and directives of the commission, the member may appeal that ruling to the commission and, after giving the member an opportunity to make a submission in writing in support of the appeal, the commission may decide to reverse, uphold or modify the ruling of the speaker, and the decision of the commission is final.
 - (9) Notwithstanding that an expense claim has been denied by an officer, staff member or the speaker, in accordance with the rules,

where there is an appeal to the commission under this section and the commission determines that that claimed expense amount

- (a) has been incurred by the member; and
- (b) is a permitted expense under the Act and rules; and
- (c) does not exceed an expense amount or allowance allocation permitted under the rules,

and a denial of payment of the expense amount would, in the opinion of the commission, be unjust, the commission may approve the expenditure for the claimed expense to the extent that the commission considers to be just and the decision of the commission is final.

- The expenses submitted, totaling \$169.50, are permitted expenses under the *Members' Resources and Allowances Rules*.
- The attached letter from the Member for Trinity North provides further details.

Analysis:

Legal Consultation:

Not applicable.

Internal Consultation(s):

Not applicable.

External Consultation(s):

Not applicable.

Comparison to Government Policy:

Not applicable.

Financial Impact:

Not applicable.

Legislative Impact:

Not applicable.

Options:

- 1. Approve the payment of expenses totaling \$169.50 for the Member for Trinity North.
- 2. Deny the payment of expenses totaling \$169.50 for the Member for Trinity North.

Status:

• Not applicable.

Action Required:

• The decision of the Commission is requested.

Prepared by:

Bobbi Russell

Approved by:

Sandra Barnes

Approved by:

Date:

April 15, 2013

Attachments:

- 1. Letter dated March 20, 2013 from the Member for Trinity North to the Clerk.
- 2. Letter dated April 15, 2013 from the Clerk to the Member for Trinity North.



House of Assembly Newfoundland and Labrador **Hon. Ross Wiseman, M. H. A** Trinity North, Speaker

March 20, 2013

Ms. Sandra Barnes

Clerk of the House of Assembly

Clerk's Office, East Block

Confederation Building

Ms. Barnes,

Please consider this as an official appeal of claim #MECM3266071 in the amount of \$169.50 rejected by Corporate and Members Services as it was past the 60-day deadline. I am requesting the approval of the House of Assembly Management Commission to reimburse me for these legitimate expenses.

The delay was caused by a delay by the supplier in getting their invoice and statement to me. This is the first opportunity since March 13, 2013 to ask the Management Commission to consider my request.

Thank you for your consideration,

Ross Wiseman, M.H.A.

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Trinity North



April 15, 2013

Hon. Ross Wiseman, MHA Trinity North Speaker of the House of Assembly

Mr. Speaker,

I am writing in response to your letter of March 20, 2013 regarding an expense claim that was submitted past the 60-day deadline as required under subsection 7(6) of the *Members' Resources and Allowances Rules* (the Rules).

The process for Members to follow respecting rulings on allowance use is outlined in Section 24 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act). The Act states that the Speaker as the authority to review the details of the expenditure(s) and make a ruling, but the ruling is not binding until it is brought forward to the House of Assembly Management Commission for final approval. As the Speaker is unable to make a ruling regarding his own expenditures, I will bring the matter forward on your behalf in my capacity as Secretary to the Commission for a Decision at an upcoming meeting.

Please note I will accept your correspondence as an official appeal to the Commission and I will notify you again once the Commission has made a ruling with respect to this matter.

Regards,

Sandra Barnes

Secretary to the Management Commission

Clerk of the House of Assembly

House of Assembly Management Commission

Briefing Note

Title: Audit Committee

Issue: Appointment of New Audit Committee Member

Background:

- The Audit Committee is established under the authority of section 23 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act) which states:
 - (1) There is established a committee of the commission, to be known as the audit committee.
 - (2) 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.
 - (3) The commission shall designate the chair of the audit committee from members of the committee.
- On April 8, 2013, the Member for Cartwright-L'Anse au Clair, Ms. Yvonne Jones, resigned. Ms. Jones was one of the two members of the Audit Committee chosen by the Commission under paragraph 23(2)(a) of the Act. The other member and chair of the Audit Committee is Mr. Vaughn Granter, the Member for Humber West, who was appointed by the Commission on September 18, 2012 (CM 2012-030 refers).
- The Management Commission must appoint a non-government member of the Commission to fill the vacancy on the Audit Committee as required under the Act.

Analysis: Legal Consultation: Not applicable. Internal Consultation(s): Not applicable. External Consultation(s): Not applicable. Comparison to Government Policy: Not applicable. Financial Impact:

Options:

• Not applicable.

Not applicable.

Legislative Impact: Not applicable.

Status:

• Not applicable.

Action Required:

Recommended Minute:

•	The Commission	appoints	 as	Member	of	the	Audit	Committee,	effective
	immediately.								

Prepared by: Sandra Barnes

Approved by:

Date: April 15, 2013

House of Assembly Management Commission Briefing Note

<u>Title:</u> Proposed Amendments to *Members' Resources and Allowances Rules* (the Rules)

Issue: Final Approval - Proposed Amendments to the *Members' Resources and*

Allowances Rules

Background:

 At its February 27, 2013 meeting, the Commission approved several recommendations of the 2012 Members' Compensation Review Committee (MCRC) which require amendments to the Rules.

- At its February 28, 2013 *in camera* budget meeting, the Commission made several budget decisions which also require amendments to the Rules.
- The proposed amendments, in accordance with subsections 15(5) and 20(7), and section 64 of the *House of Assembly Accountability, Integrity and Administration Act*, were given first approval at the March 20, 2013 Commission meeting (**CM 2013-034 refers**).
- The proposed amendments to the Rules, outlined in the attached document, have been tabled and debated as a resolution in the House of Assembly, and posted to the House of Assembly website. They are now brought to the Commission for final approval.
- The amendments will be forwarded to the Office of Legislative Counsel for preparation and publication in the NL Gazette.

Analysis:

Legal Consultation:

Law Clerk

Internal Consultation(s):

Law Clerk

External Consultation(s):

Not applicable.

Comparison to Government Policy:

Not applicable.

Financial Impact:

See attached table for details.

Legislative Impact:

Amendments to the Rules will be required as outlined in the attached table.

Options:

- 1. The Commission gives final approval to the proposed amendments to the *Members' Resources and Allowances Rules*.
- 2. The Commission does not give final approval to the proposed amendments to the *Members' Resources and Allowances Rules*.

Status:

• Current provisions of the Members' Resources and Allowances Rules apply.

Action Required:

Pursuant to subsections 20(7) and 15(5), and sections 20 and 64 of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission hereby gives **final** approval to the following proposed amendments to the *Members' Resources and Allowances Rules*, subject to final wording by the Office of the Legislative Counsel:

Prepared by:

Bobbi Russell

Approved by:

Sandra Barnes

Approved by:

Date:

April 15, 2013

Attachments:

1. Proposed Amendments to the Members' Resources and Allowances Rules

Existing Rule	Proposed Amendment	Comment	Financial Impact
10(2) The clerk shall advise the speaker and a member whenever the amount spent by that member, expressed as a percentage of the total allowable allowance permitted for that year, is an amount that is in excess of more than 10% of the amount permitted for the portion of the fiscal year that has elapsed and the allowance amount permitted for the fiscal year shall be considered to be allocated in equal monthly amounts throughout that year.	Section 10 of the <i>Members' Resources</i> and <i>Allowances Rules</i> is amended by adding immediately after subsection (2) the following: "(2.1) Subsection (2) does not apply to an allowance claimed under subsection 19(4)."	This amendment does not relate to MCRC or Budget. The \$1000 start-up allowance is amortized over 4 years for newly elected MHAs whether after a General Election or a By-Election. The amount is payable over that time until depleted.	Not Applicable
18(2)The maximum allowance available to a member for each category of office expenses is as follows: (a) constituency office accommodation allowance, \$7,000; and (b) office operations and supplies allowance, \$15,000. (3) Notwithstanding the limits imposed under paragraph (2)(a), the speaker may, on application in writing by a member, authorize that member to exceed his or her maximum constituency	Subsections 18(2), (3) and (4) of the Rules are repealed and the following is substituted: "(2) A member is entitled to the constituency office accommodation expenses described in subsection 19(1). (3) The maximum allowance available to a member for office operations and supplies is \$12,000."	CM 2013-026 refers (Decision related to budget) Subsection (2) would allow an MHA to have a constituency office at existing cost rather than under an allowance cap of \$7000. Subsection (3) would reduce the office operations and supplies allowance by 20%. Subsections (3) and (4) of the existing section 18 are no longer necessary as they related back to the \$7000 allowance cap.	As a result of removing the \$7,000 from Members who do not have constituency offices in rented space, the budget in 2013-14 is reduced by \$185,000. Additional funding will be required in subsequent years if additional constituency offices are opened and/or lease costs increase for Members who currently have leased space.

Existing Rule	Proposed Amendment	Comment	Financial Impact
office accommodation allowance where the speaker determines that suitable accommodation cannot be obtained at a cost equal to or less than the allowed maximum. (4) Where the speaker makes a decision under subsection (3) to authorize an increased allowance, he or she shall, in writing, report that decision to the next meeting of the commission together with the reasons for that decision and that information shall be recorded in the minutes of the commission meeting.			The reduction of the office operations and supplies allowance from \$15,000 to \$12,000 will result in a total savings of \$144,000. (\$125, 280 Net HST)
19. (1) The constituency office accommodation allowance referred to in paragraph 18 (2)(a) includes accommodation expenses related to the rental of permanent or temporary offices such as (a) rent; (b) utilities; (c) taxes; (d) insurance; (e) security; (f) janitorial services; and (g) signage identifying the office as the member's constituency	Subsection 19(1) of the Rules is amended by deleting the words and figures: "allowance referred to in paragraph 18(2)(a)"; and substituting the words and figures: "expenses referred to in subsection 18(2)".	CM 2013-026 refers (Decision related to budget) Subsection (1) is a consequential amendment relating to the citation of a paragraph which has been amended above.	Not Applicable

Existing Rule	Proposed Amendment	Comment	Financial Impact
office without any reference to a political party.			
20(7) A member may rent short-term accommodation in one or more locations in the member's constituency from time to time, up to a maximum of \$750 annually to facilitate the travel of the member throughout the district to meet with residents on constituency issues.	Subsection 20(7) of the Rules is repealed.	CM 2013-026 refers This amendment arises from a budget decision to eliminate the \$750. Intra constituency meeting room allowance.	Eliminating the short-term rental accommodation cost of \$750 results in a total savings of \$36,000. (\$31, 320 Net HST)
	The Rules are amended by adding immediately after section 33 the following: "33.1 (1) Notwithstanding sections 31 and 33, a member whose permanent residence is outside the capital region at a distance greater than commuting distance may opt to travel between that residence and the capital region each day that the House of Assembly is in session and sitting and may claim the actual transportation cost of each daily return trip. (2) A member who opts to claim an actual transportation cost for a day under subsection (1) cannot claim for costs described in paragraphs	CM 2013-025 refers This is a proposed new section for the Rules arising from MCRC recommendation respecting travel to one's permanent residence when House is sitting rather than staying in a hotel.	The financial impact would be negligible because Members would otherwise have to stay in temporary accommodations if they did not drive to their permanent residence in the district.

Existing Rule	Proposed Amendment	Comment	Financial Impact
	31(1)(b) and (c) and 33(1)(b) and (c). (3) This section shall apply only to members who represent the Districts of: a) Bellevue b) Carbonear-Harbour Grace c) Ferryland		
	d) Harbour Main e) Placentia-St. Mary's f) Port de Grave; and g) Trinity-Bay de Verde.		
38(3) The maximum amount in respect of an electoral district for which a member who represents that district may claim in a fiscal year for intraconstituency travel is the amount set out in the Schedule.	6. Subsection 38(3) is amended by adding immediately after the word "Schedule" the letter "A".	CM 2013-019 refers (Decision related to MCRC) This is a consequential amendment required to rename the Rules Schedule as Schedule "A" because a second Schedule ("B") is proposed.	
	The Rules are amended by adding immediately after section 38 the following: "Helicopter travel	CM 2013-019 This is a proposed new section for the Rules arising from the MCRC	\$92,000 allocation for helicopter travel was removed from the Intra- Constituency Allowance above. The new allocation
	38.1 (1) Where less expensive travel is not available a member from a district listed in Schedule B may, with the	recommendation with respect to helicopter travel.	for helicopter travel totals \$77,100, a difference of \$14,900.

Existing Rule	Proposed Amendment	Comment	Financial Impact
	prior approval of the Speaker, be reimbursed for the cost of helicopter travel while acting on constituency business within his or her constituency. (2) The maximum amount which a member may claim in a fiscal year for intra-constituency travel under this section is the amount set out in Schedule B.		
46(3) The following expenses necessarily incurred by a member to carry out his or her constituency business may be reimbursed: (f) expenses associated with attending at meetings and hearings involving advocacy on behalf of a constituent; and	8. Subsection 46(3) is amended by adding immediately before paragraph (f) the following: "(e.1) the expense of renting short term accommodation in one or more locations in the member's constituency to facilitate travel of the member throughout the district to meet with residents on constituency issues;	CM 2013-026 (Decision related to budget) This amendment adds the substance of the repealed subsection 20(7) to subsection 46(3). This would allow meeting space rentals formerly under subsection 20(7) to be paid from the \$3000 constituency expense allowance permitted under section 46.	Not Applicable

Existing Rule	Proposed Amendment	Comment	Financial Impact
		CM 2013-019, CM 2013-023, &	As a result of amendments to
See existing Schedule below	See proposed Schedules A and B	CM 2013-026 refers.	Schedule A, the Intra-
	below		Constituency Allowance is
		Constituency allowances are	reduced from \$626,400 to
		reduced by 20% (rounded to the	\$442,000.
		nearest one hundred dollars) each	
		with adjustments for the District of	
		St. Barbe and for the 4 districts	
		affected by the helicopter	
		allowance. A new Schedule B	
		contains the proposed helicopter	
		travel allocations.	

Existing Schedule:

Schedule

House Operations Estimates of Intra-Constituency Costs

Riding No.	Riding Name	Total
1	Baie Verte-Springdale	\$12,600
2	Bay of Islands	15,600
3	Bellevue	16,400
4	Bonavista North	12,600
5	Bonavista South	12,600
6	Burgeo-LaPoile	14,100
7	Burin-Placentia West	10,200
8	Cape St. Francis	9,000
9	Carbonear-Harbour Grace	9,600
10	Cartwright-L'Anse au Clair	49,200
11	Conception Bay East-Bell Island	9,600
12	Conception Bay South	9,000
13	Exploits	12,600
14	Ferryland	12,600
15	Fortune Bay-Cape La Hune	59,600
16	Gander	9,600
17	Grand Bank	15,000
18	Grand Falls-Windsor-Buchans	11,400
19	Grand Falls-Windsor-Green Bay	9,000
	South	
20	Harbour Main	8,600
21	Humber East	7,900
22	Humber Valley	15,000
23	Humber West	10,200
24	Kilbride	9,000
25	Labrador West	9,600
26	Lake Melville	10,000
27	Lewisporte	11,500
28	Mount Pearl North	7,500
29	Mount Pearl South	7,500
30	Placentia-St. Mary's	14,400

31	Port au Port	8,500
32	Port de Grave	9,600
33	Signal Hill-Quidi Vidi	7,500
34	St. Barbe	12,600
35	St. George's-Stephenville East	9,600
36	St. John's Centre	7,500
37	St. John's East	7,500
38	St. John's North	7,500
39	St. John's South	7,500
40	St. John's West	7,500
41	Terra Nova	12,800
42	The Isle of Notre Dame	12,300
43	The Straits-White Bay North	12,600
44	Topsail	7,500
45	Torngat Mountains	45,900
46	Trinity-Bay de Verde	10,800
47	Trinity North	10,200
48	Virginia Waters	<u>7,500</u>
	Total	<u>\$626,400</u>

Proposed Schedule amendments:

The Schedule to the Act is repealed and the following is substituted:

Schedule A House Operations Estimates of Intra-Constituency Costs

Riding No.	Riding Name	Total
1	Baie Verte-Springdale	\$10,100
2	Bay of Islands	12,500
3	Bellevue	13,100
4	Bonavista North	10,100
5	Bonavista South	10,100
6	Burgeo-LaPoile	11,300
7	Burin-Placentia West	8,200
8	Cape St. Francis	7,200
9	Carbonear-Harbour Grace	7,700
10	Cartwright-L'Anse au Clair	25,600
11	Conception Bay East-Bell Island	7,700
12	Conception Bay South	7,200
13	Exploits	10,100
14	Ferryland	10,100
15	Fortune Bay-Cape La Hune	16,300
16	Gander	7,700
17	Grand Bank	12,000
18	Grand Falls-Windsor-Buchans	9,100
19	Grand Falls-Windsor-Green Bay	7,200
	South	
20	Harbour Main	6,900
21	Humber East	6,300
22	Humber Valley	12,000
23	Humber West	8,200
24	Kilbride	7,200
25	Labrador West	7,700
26	Lake Melville	8,000
27	Lewisporte	9,200
28	Mount Pearl North	6,000
29	Mount Pearl South	6,000
30	Placentia-St. Mary's	11,500

34	St. Barbe	11,900
35	St. George's-Stephenville East	7,700
36	St. John's Centre	6,000
37	St. John's East	6,000
38	St. John's North	6,000
39	St. John's South	6,000
40	St. John's West	6,000
41	Terra Nova	10,200
42	The Isle of Notre Dame	9,800
43	The Straits-White Bay North	10,100
44	Topsail	6,000
45	Torngat Mountains	20,700
46	Trinity-Bay de Verde	8,600
47	Trinity North	8,200
48	Virginia Waters	6,000
	Total	<u>\$442,000</u>

Schedule B Helicopter Allocation

Electoral District	Total
Burgeo-LaPoile	\$21,000
Cartwright-L'Anse au Clair	21,000
Fortune Bay-Cape La Hune	24,600
Torngat Mountains	10,500