



House of Assembly

**Guidelines on the Reimbursement of Legal Fees for Members of the
House of Assembly**

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1.0 Approval

Under the authority of subparagraph 20(6)(b)(ii) of the *House of Assembly Accountability, Integrity and Administration Act*, the House of Assembly Management Commission establishes these guidelines respecting the reimbursement of legal fees for Members of the House of Assembly.

2.0 Purpose

These guidelines are intended to provide guidance to Members of the House of Assembly as to the various considerations that will be applied by the Management Commission in considering requests for reimbursement of legal fees for Members.

3.0 Guidelines

The Commission's consideration of requests for reimbursement of legal fees will be considered based on the **circumstance under which the legal fees are incurred**, as follows:

<u>Circumstance</u>	<u>Provisions as directed by the Commission</u>
Actions in courts resulting from a decision of the House of Assembly respecting MHA Code of Conduct matters	<ul style="list-style-type: none">– If the Member initiates the court action, there will be no reimbursement of legal fees;– If the Member has court action brought against them, the request for reimbursement of legal fees will be considered in accordance with the policy provisions proceeding the table, on a case-by-case basis. <p>(CM 2023-012 refers)</p>
Actions in courts regarding all other matter	<ul style="list-style-type: none">– Whether the actions were initiated by or against a Member, reimbursement of legal fees will be considered in accordance with the current policy provisions proceeding the table, on a case-by-case basis. <p>(CM 2023-013 refers)</p>
Participation in MHA Code of Conduct review	<ul style="list-style-type: none">– Whether the review was initiated by or against the Member, there will be no reimbursement of legal fees. <p>(CM 2023-014 refers)</p>

<u>Circumstance</u>	<u>Provisions as directed by the Commission</u>
Complaints under the <u>Harassment-Free Workplace Policy</u> <u>Applicable to Complaints Against MHAs</u>	<ul style="list-style-type: none">– Whether the Member is the complainant or respondent, there will be no reimbursement of legal fees. <p>(CM 2023-015 refers)</p>

Requests that will be considered for reimbursement by the Commission, according to the direction outlined in the table, will be dealt with on a **case-by-case basis**, with consideration of the following:

- Whether the legal expenses arise out of, or are directly related to the Member carrying out duties as a Member (e.g. not electoral or personal in nature);
- Whether the Member initiated the proceedings;
- Whether the allegations against the Member have been substantiated at the conclusion of the matter;
- The Commission determines that the reimbursement is appropriate in the circumstance.

The Management Commission may, at its discretion, grant an exception to the above-noted if it determines that reimbursement of legal expenses is appropriate and in the public interest.

4.0 Requests for Reimbursement

Requests for reimbursement **can only be made** to the Management Commission **at the conclusion of the matter**, once all applicable recourse mechanisms have been exhausted (i.e. appeals, court costs awarded, etc.).

Requests must be submitted to the Speaker (as Chair of the Management Commission), and must include the following supporting documentation:

- Details with respect to the legal matter for which expenses were incurred;
- Total amount of legal expenses incurred;
- Detailed invoices for legal expenses incurred; and
- Any other information the Member feels pertinent to include with the request.

The Management Commission may, at its discretion:

- Request additional information from the Member; and/or
- Grant an exception to the above-noted guidelines if it determines that it is appropriate and in the public interest.

In accordance with Section 19 of the *House of Assembly Accountability, Integrity and Administration Act*, requests will be considered at an *in camera* meeting.

Any amounts approved for reimbursement and the name of the Member will be disclosed in the public Minutes of the Commission.

5.0 Financial Assistance for Initial Legal Consultation

While requests for reimbursement of legal expenses will only be accepted and considered at the conclusion of the matter, a Member may submit a request for financial assistance toward the initial legal consultation.

Requests must be submitted to the Speaker (as Chair of the Management Commission), and include details with respect to the matter for which legal counsel is being sought.

Should the Member later proceed with a request for reimbursement of additional legal expenses on the same matter, the amount approved for financial assistance will be deducted from any future reimbursement approved by the Management Commission.

Requests for financial assistance for the initial legal consultation will be considered within **30 business days of receipt of the request** by the Chair. Should the Commission not be able to deal with the request within 30 business days, authority is delegated to the Speaker to consider the request in consultation with the Government House Leader, Official Opposition House Leader and representative of the Third Party on the Commission. Any amounts approved for reimbursement under this delegated authority and the name of the Member will be reported at a subsequent meeting of the Management Commission, and recorded in the public Minutes.

In accordance with Section 19 of the *House of Assembly Accountability, Integrity and Administration Act*, the matter will be considered at an *in camera* meeting. Any amounts approved for reimbursement and the name of the Member will be disclosed in the public Minutes of the Management Commission.