



**House of Assembly
Newfoundland and Labrador**

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

Date: March 15, 2017

Location: House of Assembly Chamber

Time: 6:00 p.m.

Members Present:

Hon. Tom Osborne, MHA, Waterford Valley, Speaker

Ms. Sandra Barnes, Clerk of the House of Assembly

Hon. Andrew Parsons, Government House Leader

Mr. Paul Davis, MHA (PC) Topsail-Paradise

Ms. Lorraine Michael, MHA (NDP), St. John's East-Quidi Vidi

Mr. Mark Browne, MHA (Lib) Placentia West - Bellevue

Regrets :

Mr. Keith Hutchings, MHA (PC), Ferryland

Hon. Siobhan Coady, MHA (Lib), St. John's West

Other

Ms. Lisa Dempster, Deputy Speaker

Ms. Marie Keefe, Policy & Communications Officer

- CM 2017-017** The Commission, at an *in camera* meeting, approved payment of the \$400 annual registration fee for the NL Association of Social Workers for the Child and Youth Advocate.
- CM 2017-018** The Minutes of the House of Assembly Management Commission meeting held on February 27, 2017 were approved as read.
- CM 2017-019** The Commission approved the payment of expenses totaling \$67.80 for the Member for Grand Falls-Windsor-Buchans with the expenses to be paid within the appropriate allocation for the 2016-17 fiscal year.

CM 2017-020

The Commission ratified the approval of the following transfer of funds:

Budget Transfer No. HOABT2017-015 to transfer funds to the Third Party Caucus – Salaries to provide funds to process severance and paid leave costs.

Budget Transfer No. HOABT2017-022 to transfer funds to Legislative Library and Records Management – Salaries, the Office of the Child and Youth Advocate – Salaries, and the Official Opposition Caucus – Salaries to provide funds to process severance and paid leave costs.

The Commission was provided with financial statements for the House of Assembly Service, Caucus Offices and the Statutory Offices for the fiscal year from April 1, 2016 to December 31, 2016. The Member Accountability and Disclosure Reports outlining expenditures of each Member were provided for the same period. This was for reporting purposes only as required under legislation.

CM 2017-021

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

CM 2017-022

Pursuant to subsections 15(5) and 20(7) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission approved the proposed amendment to the *Members' Resources and Allowances Rules* establishing the lump sum taxable benefit for Accommodations, subject to final wording by the Office of the Legislative Counsel.

CM 2017-023

The Commission directed that the current rules governing publications produced by Members will remain in effect until such time as a new Advertising and Publications Policy for Members of the House of Assembly is developed and approved by the Commission.

The Member for Burgeo-LaPoile tabled a proposal which would convert the MHA pension plan from a defined benefit plan to a defined contribution plan for Members who are elected on or after November 30, 2015.

CM 2017-024

The Commission deferred a vote on recommendation 43 to allow members of the Commission sufficient time to consider both the recommended pension option by the 2016 MCRC and the option tabled by the Member for Burgeo-LaPoile at the meeting. Mr. Browne recused himself from the vote.

CM 2017-025

The Commission accepted recommendation 44 that the severance and pension recommendations shall not apply to Members of the House of Assembly who were elected before November 30, 2015.

CM 2017-026

Pursuant to subsection 20(1) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission approved the proposed amendment to the Act to include provisions for the appointment of House Officers in an acting capacity, subject to final wording by the Office of the Legislative Counsel.

CM 2017-027

The Commission accepted recommendation 22 that travel expenses incurred by an MHA at the request of the House of Assembly for purposes other than the usual duties of an MHA, shall be paid by the House of Assembly and shall not count as one of the 20 HNIS trips allocated to the Member.

CM 2017-028

The Commission accepted recommendation 23 that Members who use a rental vehicle in their districts must utilize their I&E Allowances for this expense. If parking fees are incurred in relation to the primary vehicle while using a rental vehicle in the district, the parking fee is not an eligible expense for reimbursement.

CM 2017-029

The Commission accepted recommendation 25 that a Member be granted one day to vacate his/her office. The Member will be permitted to be reimbursed for travel and accommodations expenses for the day before and the day after attending at their office, and be permitted the meal allowance for that period of time.

- CM 2017-030** The Commission adopted recommendation 49 and directed that the Management Commission, officers of the House and the staff of the House of Assembly administration shall be responsible and accountable to ensure that all advice, deliberations, decisions and recommendations of the Management Commission (whether such advice, deliberations, decisions and recommendations are the result of informal or formal meetings of the members of the Commission) are properly documented.
- CM 2017-031** The Commission adopted recommendation 50 that it is an offence to fail to so document, or to destroy documentation recording decisions and recommendations or the advice and deliberations leading up to those decisions and recommendations.
- CM 2017-032** The Commission adopted recommendation 51 that the role of the House of Assembly Management Commission Audit Committee be expanded to specifically review compliance by the Speaker and each member of the Management Commission regarding the requirement to review and make decisions on all MCRC recommendations.
- CM 2017-033** The Commission adopted recommendation 52 and directed that the Speaker shall:
- a. not set Management Commission meetings that conflict with Cabinet meetings;
 - b. no later than September 15 each year, set a fixed schedule of a minimum of three (3) Management Commission meetings for the Fall, which all members shall make a priority in attending;
 - c. no later than January 15 each year, set a fixed schedule of a minimum of three (3) Management Commission meetings for the Spring, which all members shall make a priority in attending.
- CM 2017-034** The Commission adopted recommendation 53 and directed that no member shall be permitted to be absent from any Management Commission meeting without good cause and prior approval of the Speaker.

- CM 2017-035** The Commission adopted recommendation 54 and directed that subsection 18(8) of the Act be amended to permit that a quorum shall consist of a simple majority of members of the Commission, without reference to government or opposition members, but a quorum must include the Speaker.
- CM 2017-036** The Commission adopted recommendation 55 that the Management Commission review its function and the breadth of its authority and directed that the review be completed during this General Assembly.
- CM 2017-037** The Commission adopted recommendation 56 that any relevant materials relating to the work of future MCRCs (such as the Green Report, past reports of MCRCs, the Members' Administration Guide, Provincial and National reports dealing with similar issues, etc.) be delivered to the members of future MCRCs as soon as they are appointed, to allow them time to read and prepare for the work before them.
- CM 2017-038** The Commission adopted recommendation 57 that some care should be taken in the timing of the official commencement of the MCRC so that public engagement can occur when most members of the public are available to attend public meetings (e.g. during non-summer months, hearings to be held during evening hours, etc.).
- CM 2017-039** The Commission adopted recommendation 58 that future MCRCs be given options in a timelier manner as to the preparation and publication of notices, active engagement with the media, the creation of webpages and the use of social media.
- CM 2017-040** The Commission adopted recommendation 59 that, to aide future MCRCs with their work, they should be informed more promptly of the resources available to them, including the availability of the House of Assembly staff to provide consultation.

CM 2017-041 The Commission accepted recommendation 45 that the heading of Section 16 of the Act be amended as follows:

“Inquiry re: MHA Compensation”

or such similar wording as to capture the entirety of the remuneration that forms part of the Inquiry.

CM 2017-042 The Commission accepted recommendation 46 that paragraph 16(5)(a) of the Act be amended to delete the reference to “non-taxable allowances” and to properly reference severance and pension.

CM 2017-043 The Commission accepted recommendation 47 that subsection 16(6) of the Act be amended to delete the reference to “non-taxable allowances” and to properly reference severance and pension.

CM 2017-044 The Commission modified recommendation 48 such that Section 17 of the Act will be amended to properly reference severance, but that it will not include a reference to pensions as they are not paid out of the consolidated revenue fund (CRF).

CM 2017-045 The Commission approved proposed amendments to subsection 16(1) and (2) of the Act to remove references to the 46th and 47th General Assemblies as they are no longer necessary.

Adjournment: 7:45 p.m.

Tom Osborne, MHA
Speaker and Chair of the Commission

Sandra Barnes
Clerk and Secretary to the Commission



**House of Assembly
Newfoundland & Labrador**

To: House of Assembly Management Commission
From: Speaker of the House of Assembly
Date: May 12, 2017
Subject: Rulings on Allowance Use

The process for rulings on allowance use is outlined in Section 24 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act). The Act gives authority for the Speaker to make rulings when expenditures of Members have been rejected for payment, provided that the ruling is distributed to and receives concurrence of the Management Commission.

The report below provides the details with respect to all such rulings for the **period ended:** May 12, 2017. These expenditures were rejected for payment because they were not submitted within 60-days of being made; however they are permitted and are in compliance with all other provisions of the *Members' Resources and Allowances Rules*.

| DISTRICT | MEMBER | AMOUNT | DETAILS |
|---------------------------|---------------|---------------|---|
| Stephenville-Port au Port | Mr. John Finn | \$288.79 | Expenses were submitted past the 60-day deadline, but are in compliance with all other provisions of the Rules. |

**House of Assembly Management Commission
Briefing Note**

Title: MHA Pensions

Issue: Proposals Respecting MHA pensions for consideration by the Commission

Background:

- MCRC 2016 made the following recommendations with respect to MHA pensions:

Recommendation 43: The Defined Benefit Plan as outlined in the Morneau Shepell Report attached as Appendix H (Option 2) shall apply to Members of the House of Assembly who were first elected on or after November 30, 2015.

Recommendation 44: The Severance and Pension Recommendations shall not apply to Members of the House of Assembly who were elected before November 30, 2015.

- At its meeting on December 7, 2016, the Management Commission made the following Decisions with respect to recommendations 43 and 44 of the 2016 MCRC Report:

CM 2016-061 The Commission modified MCRC recommendation 43 and directed that the Defined Benefit Plan as outlined in the Morneau Shepell Report attached as Appendix H (Option 2) shall apply to Members of the House of Assembly who were first elected on or after December 7, 2016. Mr. Browne and Ms. Coady recused themselves from the vote.

CM 2016-070 The Commission modified MCRC recommendation 44 and directed that the severance recommendation shall not apply to Members of the House of Assembly who were elected before November 30, 2015 and directed that the pension recommendation shall not apply to Members of the House of Assembly who were elected before December 7, 2016.

- At its February 27, 2017 meeting, the Commission rescinded the above Decisions with respect to recommendations 43 and 44 and recommendations 43 and 44 reverted to being outstanding.
- The MHA for Topsail - Paradise gave notice that at the next meeting of the Commission he would put forward a motion to adopt recommendations 43 and 44 as presented by MCRC.
- The MHA for Burgeo-LaPoile also gave notice that at the next meeting of the Commission he would put forward a motion requesting the Management Commission to explore the option of moving to a defined contribution pension plan for Members elected

in 2015 and beyond. At the March 15, 2017 meeting, the MHA for Burgeo-LaPoile tabled a proposal which would change the MHA pension plan to a defined contribution plan for Members elected on or after November 30, 2015.

- The Commission deferred a vote on recommendation 43 to allow members of the Commission sufficient time to consider both the recommended pension option by the 2016 MCRC and the option tabled by the Member for Burgeo-LaPoile at the meeting. **CM 2017-024 refers.** The Commission also requested a technical briefing on the 2 pension options before they would vote on the issue.
- The Commission accepted recommendation 44 that the severance and pension recommendations shall not apply to Members of the House of Assembly who were elected before November 30, 2015. **CM 2017-025 refers.**
- Subsequently on May 5, the Leader of the Official Opposition wrote all members of the Management Commission stating the concerns and the position of the Official Opposition Caucus with respect to the pension options. The letter is attached.
- On May 10, 2017, the Commission was provided a technical briefing by officials from the Department of Finance on the 2 pension options; Option 1, the recommended defined benefit pension option by the 2016 MCRC and Option 2, the defined contribution option tabled by the Member for Burgeo-LaPoile at the March 15, 2017 meeting.
- A decision by the Commission is now requested so that the necessary amendments to the *Members of the House of Assembly Retiring Allowances Act* can be drafted by the Office of the Legislative Counsel and presented to the House of Assembly as a Bill.

Analysis:

Legal Consultation:

Law Clerk – House of Assembly

Internal Consultation(s):

Corporate & Members' Services

External Consultation(s):

Pensions Division, Department of Finance

Comparison to Government Policy:

N/A

Financial Impact:

- MCRC Defined Benefit Option - Implementation of the new measures will reduce the unfunded liability over time.
- Defined Contribution Option tabled March 15 – Implementation of the new measures will eliminate the unfunded liability over time.

Legislative Impact:

Any changes to pension provisions for MHAs will require amendments to the *Members of the House of Assembly Retiring Allowances Act*.

Options:

- The Commission accepts recommendation 43 that the Defined Benefit Plan as outlined in Appendix H of the Morneau Shepell Report (Option 2) shall apply to Members of the House of Assembly who were first elected on or after November 30, 2015.
- The Commission adopts the proposal tabled at the March 15 meeting to change the MHA pension plan to a defined contribution pension plan for Members elected on or after November 30, 2015.

Status:

The current provisions of the *Members of the House of Assembly Retiring Allowances Act* remain in effect.

Action Required:

The direction of the Commission is requested.

Prepared by: Marie Keefe
Date: May 9, 2017

Approved by: Sandra Barnes

Attachment:

Letter dated May 5 to the House of Assembly Management Commission from the Leader of the Official Opposition



HOUSE OF ASSEMBLY
NEWFOUNDLAND AND LABRADOR
Office of the Leader of the Official Opposition

May 5, 2017

Hon. Tom Osborne,
Speaker and Chair of the House of Assembly Management Commission
Hon. Andrew Parsons, Government House Leader
Ms. Lorraine Michael, NDP House Leader
House of Assembly Management Commission
Box 8700, Confederation Building
St. John's, NL A1B 4J6

Dear House of Assembly Management Commission Colleagues:

As we are all aware, section 16 of the *House of Assembly Accountability, Integrity and Administration Act* – as drafted by Hon. J. Derek Green in his 2007 report “Rebuilding Confidence: Report of the Review Commission on Constituency Allowances and Related Matters” – provides for the appointment, at least once in every General Assembly, of an independent, arm’s-length Members’ Compensation Review Committee (MCRC) to make recommendations on the monetary benefits that MHAs receive, including pensions. In 2016, pursuant to the Act, the MCRC delivered its recommendations for the current General Assembly to modify the MHA Pension Plan.

As we are also all aware, at the last meeting of the Management Commission, the Government House Leader brought forward an alternative set of recommendations developed by the Liberal Caucus to modify the MHA Pension Plan in ways that varied significantly from those recommended, pursuant to the Act, by the independent MCRC.

It is the position of the Official Opposition Caucus that the recommendations brought forward by the MCRC pursuant to the Act regarding MHA Pension Plan modifications are the only modifications that conform to the letter and spirit of the *House of Assembly Accountability, Integrity and Administration Act*, and the only recommendations the Management Commission should consider.

Page 1 of 2

Mr. Justice Green was adamant in his 2007 report that public confidence in the integrity of the House of Assembly would not be restored unless MHA benefits are determined by a body that is independent of MHAs and operating at arm's length from elected officials. In his report – in which he used the word “independent” more than 100 times – he stated: “It is time to return to a more principle-based system. The need to rebuild public confidence requires it. As has been stressed many times throughout this report, transparency and accountability are essential to the maintenance of public confidence. A compensation-setting process that is engaged in under a veil of secrecy, by people who make the decision in the context of a conflict of self-interest and public duty, will not pass muster. An independent review process that takes place in the light of public scrutiny is the least that is required.”

The Liberal Caucus proposal does not meet the standard that Mr. Justice Green established. There is no provision in the Act for any process other than the one laid out in section 16 to make recommendations on MHA pensions. Any other process is out of line.

We hereby call for a meeting of the Management Commission on this matter immediately, before the House of Assembly is scheduled to adjourn for the summer.

Sincerely,



**PAUL DAVIS, MHA Topsail-Paradise
Leader of the Official Opposition**

**Cc: Speaker
Management Commission Members**

**House of Assembly Management Commission
Briefing Note**

Title: Rule Amendment and Clarification of Rules

Issue: Meals in restaurants, pubs, delicatessens and the like under the Constituency Allowance (Section 46)

Background:

- At its meeting on December 7, 2016, the Management Commission accepted the following recommendation of the 2016 MCRC (**CM 2016-079 refers**):

29. *The recovery of meal expenses from restaurants, pubs, delicatessens and the like under the Constituency Allowance shall be prohibited. Members shall not be permitted to claim this expense as part of their meal per diem.*
- At its meetings on February 27 and March 15, 2017, the Commission approved the required amendment to paragraph 46(4)(g) of the *Members' Resources and Allowances Rules* to give effect to recommendation 29. The amendment was effective as of March 24, 2017.
- Recently, a Member inquired as to whether he could co-host a luncheon for veterans, which is to be held at a restaurant in the Member's district. While this would have been an allowable expense previously, it cannot be claimed given the current interpretation of paragraph 46(4)(g). However, if the event was hosted in a venue such as a Legion or community hall, it would be eligible for reimbursement.
- Upon review of the 2016 MCRC Report and the rationale which led to recommendation 29, it appears that it was intended to capture meals with a constituent or small group of constituents at restaurants, pubs, delicatessens and the like. It did not appear that it was intended to include an event, such as the one described above, with a large number of constituents for a specific purpose.
- The Clerk has consulted with the Chair of the 2016 MCRC regarding this issue. It was confirmed that the original intent of recommendation 29 was to prohibit an MHA from taking a constituent or small number of constituents, for a meal. However, to host an event with a large number of constituents where there is a purpose to the event, is acceptable as a means to disseminate information to a large number of constituents.
- Given the confusion and the subsequent clarification as to the original intent of the MCRC recommendation by the Chair, it is suggested that the Commission approve an amendment to the Rules. Paragraph 46(4)(g) currently states:

(4) *The following types of expenses shall not be reimbursed:*

(g) meal expenses from restaurants, pubs, delicatessens and similar establishments for constituents, their family members and other guests and hospitality food and beverages except as provided for in paragraph (3)(a);

- The House of Assembly is proposing the following amendment:

(4) *The following types of expenses shall not be reimbursed:*

(g) meal expenses in restaurants, pubs, delicatessens and similar establishments for meetings with constituents, their family members and other guests and hospitality food and beverages except as provided for in paragraph (3)(a);

- In addition to the rule amendment, it is suggested that the Commission issue a directive providing clarification pursuant to its authority under subparagraph 20(6)(b)(i) of the *House of Assembly Accountability, Integrity and Administration Act*.
- The directive would clarify that should a Member claim meal expenditures in a restaurant for the purpose of an event, the name, purpose and number of attendees at the event must be identified with the supporting documentation for the expenditure.

Analysis:

Legal Consultation:

Law Clerk – House of Assembly

Internal Consultation(s):

Corporate & Members' Services

External Consultation(s):

N/A

Comparison to Government Policy:

N/A

Financial Impact:

None

Legislative Impact:

An amendment to paragraph 46(4)(g) of the Rules is proposed.

Options:

1. The Commission approves the proposed amendment to paragraph 46(4)(g) to the Rules and directs that a clarification to the rules be issued as identified in the briefing note.

2. The Commission does not approve the proposed amendment to paragraph 46(4)(g) to the Rules.

Status:

- The current provisions and interpretation regarding paragraph 46(4)(g) remain in effect.

Action Required:

Proposed motions:

Pursuant to Section 64 of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission approves the proposed amendment to paragraph 46(4)(g) of the *Members' Resources and Allowances Rules*, subject to final wording by the Office of the Legislative Counsel.

The Commission further directs that a clarification of the rules be issued pursuant to its authority under subparagraph 20(6)(b)(i) of the *House of Assembly Accountability, Integrity and Administration Act*, stating that should a Member claim meal expenditures in a restaurant under Section 46 for the purpose of an event, the name, purpose and number of attendees at the event must be identified with the supporting documentation for the expenditure.

Prepared by: Bobbi Russell
Date: April 26, 2017

Approved by: Sandra Barnes

House of Assembly Management Commission

Briefing Note

Title: 2016 Members' Compensation Review Committee (MCRC)

Issue: Proposed legislative amendments resulting from recommendations of the 2016 MCRC

Background:

- At the meeting held on March 15, 2017, the House of Assembly Management Commission approved a number of recommendations of the 2016 Members' Compensation Review Committee which require amendments to the *House of Assembly Accountability, Integrity and Administration Act* (the Act) or the *Members' Resources and Allowances Rules* (the Rules).
- The amendments to the Rules will be tabled by the Speaker in the House and brought to the next meeting of the Commission for final approval.
- The Government House Leader will be asked to bring the proposed amendments to the Act forward to Cabinet for approval subject to final drafting by the Office of the Legislative Counsel and presentation to the House of Assembly as a Bill.
- At its meeting on March 15, 2017, the Commission accepted recommendation 22 that travel expenses incurred by an MHA at the request of the House of Assembly for purposes other than the usual duties of an MHA, shall be paid by the House of Assembly and shall not count as one of the 20 HNIS trips allocated to the Member (**CM 2017-027 refers**).
- As the details of each request may vary, it is recommended a clause be inserted permitting the Clerk of the House of Assembly to identify details, such as number of nights and daily amounts, at the time of the request.
- The Law Clerk has drafted the proposed wording for the required amendments, which require the approval of the Commission.

Analysis:

Legal Consultation:

Law Clerk

Internal Consultation(s):

Not applicable.

External Consultation(s):

Not applicable.

Comparison to Government Policy:

Not applicable.

Financial Impact:

Not applicable.

Legislative Impact:

The proposed amendments to the Act and the Rules are attached.

Options:

1. Approve the proposed amendments to the *House of Assembly Accountability, Integrity and Administration Act* and to the *Members' Resources and Allowances Rules*.
2. Approve the proposed amendments to *House of Assembly Accountability, Integrity and Administration Act* and to the *Members' Resources and Allowances Rules* with changes as identified by the Commission.

Status:

N/A

Action Required:

Pursuant to subsections 15(5) and 20(7) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission approves the proposed amendments, subject to final wording by the Office of the Legislative Counsel.

Prepared by: Bobbi Russell
Date: April 26, 2017

Approved by: Sandra Barnes

Attachments:

1. Proposed Amendments

Proposed Amendments

House of Assembly Accountability, Integrity and Administration Act

| Recc. # | Proposed Amendment |
|---------|---|
| 45-47 | <p>Subsection 16(1) of the <i>House of Assembly Accountability, Integrity and Administration Act</i> is repealed and the following is substituted:</p> <p style="text-align: center;">Inquiry re: MHA compensation and allowances</p> <p>16(1) At least once during each General Assembly, the House of Assembly shall by resolution appoint, upon those terms and conditions that are set out in the resolution, an independent committee, to be called a members' compensation review committee, of not more than 3 persons, none of whom shall be a member, to conduct an enquiry and prepare a report respecting the salaries, allowances, severance payments and pensions to be paid to members.</p> <p>Paragraph 16(5)(a) of the Act is repealed and the following is substituted:</p> <p style="padding-left: 40px;">(a) submit the recommendations, as accepted or modified, relating to salaries, pension, severance, allowances and other matters that may be necessary to be implemented by legislation, to the Minister of Finance or Justice, or other appropriate minister, for the preparation of a Bill to amend this Act or another Act accordingly; and</p> <p>Subsection 16(6) of the Act is repealed and the following is substituted:</p> <p style="padding-left: 40px;">(6) A modification of the recommendations of a members' compensation review committee which may be made by the commission with respect to salaries, pension, severance, allowances or other amounts for which a member may be entitled to claim reimbursement or payment on his or her behalf shall not exceed the maximums recommended by the committee in that regard.</p> |
| 48 | <p>Section 17 of the Act is repealed and the following is substituted:</p> <p style="text-align: center;">Payment from CRF</p> <p>17. All salaries, severance, allowances, and expenses payable under this Act shall be paid out of the Consolidated</p> |

| Recc. # | Proposed Amendment |
|---------|---|
| | Revenue Fund. |
| 54 | <p>Subsection 18(8) of the Act is repealed and the following is substituted:</p> <p>(8) A quorum of the commission shall be a majority of its members, including the speaker or the deputy speaker.</p> |
| 49 | <p>The Act is amended by adding immediately after section 21 the following:</p> <p>Commission, officers and staff duty to document</p> <p>21.1 The commission, officers and staff of the House of Assembly service shall be responsible and accountable to ensure that all advice, deliberations, decisions and recommendations of the commission, where such advice, deliberations, decisions and recommendations result from formal or informal meetings of members of the commission, are properly documented.</p> |
| 51 | <p>Subsection 23(7) of the Act is amended by adding immediately after paragraph (a) the following:</p> <p>(a.1) review and report on the compliance of the speaker and the commission with subsections 16(5) and (6) respecting their consideration of recommendations of each members' compensation review committee;</p> |
| 50 | <p>Section 66 of the Act is repealed and the following is substituted:</p> <p>Offence</p> <p>66.(1) A person who fails to comply with section 21.1 is guilty of an offence.</p> <p>(2) A person having a duty to document decisions and maintain records of the commission, the speaker, the clerk or staff member of the House of Assembly service and a person who without lawful authority destroys documentation recording decisions of the commission, the speaker or the clerk, or the advice and deliberations leading up to those decisions, is guilty of an offence.</p> <p>(3) A person who is guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine of not more than \$10,000 or to imprisonment up to 6 months.</p> |

Members' Resources and Allowances Rules

| Recc. # | Proposed Amendment |
|---------|--|
| 22 & 25 | <p>The Members' Resources and Allowances Rules are amended by adding immediately after section 37.2 the following:</p> <p>Business requested by House 37.3 (1) Where, at the request of the clerk, while the House of Assembly is not in session, a member travels between the capital region and his or her constituency or permanent residence in order to participate in orientation, training or other services provided by the House of Assembly, that member may claim the costs associated with that travel.</p> <p>(2) For the purposes of subsection (1), travel costs are not included in the 20 return trips permitted under section 35, 36 or 37 but shall be claimed in the same amounts permitted under those sections.</p> <p>(3) The number of nights and daily amounts that may be claimed under this section are as established by the Clerk at the time of the request.</p> <p>Vacating office 37.4 (1) Where a member retires, is not reelected or otherwise vacates his or her office, that member shall vacate his or her office within one day and may be reimbursed for travel and accommodation expenses and meal allowances for that day, the day before and the day after that day.</p> |

**House of Assembly Management Commission
Briefing Note**

Title: Transfer of Funds Policy for Legislature

Issue: Amendment to Transfer of Funds Policy to clarify section 3.2 Restrictions.

Background:

- The *House of Assembly Transfer of Funds Policy* was approved by the Management Commission in April, 2008 (**CM 2008-077 refers**). Amendments to the policy were approved in October, 2014 (**CM 2014-031 refers**).
- Under section 3.2 (Restrictions), the first bullet currently reads:
 - *authorize transfers of funds from an Operating Account in an Activity and subsequently authorize a transfer of funds to any Operating Account within the same Activity*
- The House of Assembly is recommending an amendment to the first bullet in section 3.2 as follows:
 - *authorize transfers of funds from/to a Main Object in an Activity and subsequently authorize a transfer of funds to/from any Main Object within the same Activity*
- A draft policy including the proposed revision for section 3.2 is attached.

Analysis:

Legal Consultation:

Not applicable

Internal Consultation(s):

Corporate & Members' Services

External Consultation(s):

Not applicable

Comparison to Government Policy:

The Transfer of Funds Policy for the House of Assembly is comparable to the Transfer of Funds Policy in the Executive Branch.

Financial Impact:

Not applicable

Legislative Impact:

Not applicable

Options:

1. Approve the proposed amendments to the *House of Assembly Transfer of Funds Policy*.
2. Do not approve the proposed amendments to the *House of Assembly Transfer of Funds Policy*.

Status:

- Provisions of the *Transfer of Funds Policy – Revised October 2014*, remain in effect.

Action Required:

- Decision of the Commission is requested.

Prepared by: Jennifer Bragg
Date: May 10, 2017

Approved by: Sandra Barnes

Attachments:

1. Draft House of Assembly Transfer of Funds Policy, Revised January 2017



House of Assembly

Transfer of Funds Policy

April, 2008 (Revised October, 2014)

Table of Contents

1.0 Approval

2.0 Purpose

3.0 General

4.0 Policy

5.0 Delegation of Authority

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 established this policy respecting the transfer of funds.

2.0 Purpose

To provide a basis on which the Legislature may transfer funds between specified Main Objects and Sub-objects within Activities and between Main Objects and Sub-objects across Activities of the Legislature for the purpose of facilitating day-to-day operations and for monitoring and reporting purposes.

3.0 GENERAL

3.1 Principles

In considering and approving transfer of funds pursuant to this Policy, the Clerk, Statutory Officers and the Chief Financial Officer must ensure that:

- the transfer is necessary to enable the efficient delivery of ongoing services;
- the savings to be transferred, within the specified category, are intended to be of a permanent nature for the balance of the fiscal year; and
- the transfer is required for reporting and monitoring purposes.

3.2 Restrictions

The Clerk, Statutory Officers, and the Chief Financial Officer shall not:

- authorize transfers of funds from/to a Main Object in an Activity and subsequently authorize a transfer of funds to/from any Main Object within the same Activity;
- authorize transfers of funds to finance expenditures for new initiatives or expenditures for which no overall budget approval exists;

- authorize the transfer out of any Main Object for which supplementary funding has been approved by means of a Supplementary Supply or Special Warrant; or
- authorize the transfer of funds to or from statutory votes.

3.3 Other

For the purposes of this Policy, the definition of Statutory Office includes the Statutory Offices as defined by the *House of Assembly Accountability, Integrity and Administration Act* and the Office of the Auditor General.

The Legislature may create a Main Object of Current or Capital Account Expenditure in an approved Activity in situations when necessary to properly charge expenditures against an appropriate main object.

The re-allocation of funds within the Allowances and Assistance Main Object (relating to Members' resources and allowances) for purposes of establishing funds control to ensure compliance with the Members' Rules is not subject to this Policy as these re-allocations are not transfers as contemplated by this Policy.

4.0 Policy

4.1 Transfers Requiring Approval of the Clerk of the House of Assembly, Statutory Officer and Chief Financial Officer

4.1.1 Authorities

Subject to the provisions of this Policy, the Clerk of the House of Assembly (Clerk) and the Chief Financial Officer (or designates) may jointly authorize transfers of funds between specified Main Objects and Sub-objects within or across Activities of the House of Assembly.

Subject to the provisions of this Policy, the Statutory Officer(s) and the Clerk (or designates) may jointly authorize transfers of funds between specified Main Objects and Sub-objects within or across activities of that Statutory Office.

Subject to the provisions of this Policy, the Clerk, the Statutory Officer(s) and the Chief Financial Officer (or designates) may jointly authorize transfers of funds between specified Main Objects and

Sub-objects across Statutory Offices or between the House of Assembly and a Statutory Office.

The Clerk, Statutory Officer(s) and the Chief Financial Officer (or designates) may jointly request the transfer of funds from Consolidated Fund Services, Department of Finance and Executive Council to the Legislature in accordance with the Supply Act 2007 and subsequent Supply Acts. This Supply Act provides for the transfer of funds from Consolidated Fund Services to government departments and the Legislature to facilitate expenditures for Ex-Gratia and Other Payments voted within Consolidated Fund Services; to facilitate expenditures for compensation, benefits and associated adjustments; to facilitate expenditures for financial assistance; and to facilitate expenditures for training and development within government.

4.1.2 Current Account Expenditures - Specified Sub-objects

The Clerk, Statutory Officer(s) and Chief Financial Officer (as applicable) may approve the transfer of funds within the following Sub-objects of Current Account Expenditure of an Activity or across Activities within the Legislature head of expenditure for the following Operating Main Object:

- Employee Benefits
- Transportation and Communications
- Supplies
- Professional Services
- Purchased Services
- Property, Furnishings and Equipment

These transfers are subject to the authorities identified in Section 4.1.1 and the restrictions identified in Section 3.2.

4.1.3 Salaries

The Clerk, Statutory Officer(s) and Chief Financial Officer (as applicable) may approve the transfer of funds from any Salaries Main Object across Activities within the Legislature into any of the Sub-objects identified in Section 4.1.2 above.

The Clerk, Statutory Officer(s) and Chief Financial Officer (as applicable) may approve the transfer of funds from one Salaries

Main Object to another Salaries Main Object across Activities within the Legislature.

These transfers are subject to the authorities identified in Section 4.1.1 and the restrictions identified in Section 3.2.

4.1.4 Capital Account Expenditures

The Clerk, Chief Financial Officer and Statutory Officers (as applicable) may transfer funds among all Main Objects of Capital Account Expenditure within an Activity provided that such transfers are due to changes within the cost components of specifically approved capital projects.

4.2 Transfers Requiring Approval of the House of Assembly Management Commission

4.2.1 Current Account Expenditures - Specified Main Objects

House of Assembly Management Commission approval is required to transfer funds to or from the following Main Objects of Current Account Expenditure of an Activity:

- Loans, Advances and Investments;
- Allowances and Assistance;
- Grants and Subsidies; and
- Debt Expenses

Note: The Clerk of the House of Assembly may authorize the re-allocation of funds within the Allowances and Assistance Main Object (related to Members' resources and allowances) for purposes of establishing funds control to ensure compliance with the Members' Rules.

4.2.2 Salaries

House of Assembly Management Commission approval is required to transfer funds from any Sub-object or Main Object (other than Salaries) into the Salaries Main Object.

4.2.3 Capital Account Expenditures

House of Assembly Management Commission approval is required to transfer funds from one capital project to another or to allocate block funding provided to specific capital projects subject to overall funding within the specified Activity not being exceeded.

House of Assembly Management Commission approval is required to transfer funds between current and capital account activities.

4.2.4 Other

House of Assembly Management Commission approval is required to transfer funds out of any Main Object for which supplementary funding has been approved by means of a Supplementary Supply or Special Warrant.

House of Assembly Management Commission approval is required when a transfer is made from any sub-object within the Operating Main Object of an Activity and a subsequent transfer is required to any sub-object(s) within the same Activity.

5.0 Delegation of Authority

This delegation of authority applies to the transfer of funds as noted in Sections 4.2.

Where a Commission meeting can be scheduled in sufficient time before the transfer of funds is required, the transfer of funds will be approved at a meeting of the Commission.

If this is not practicable, Authority is delegated by the Commission to any two members of the Commission to approve the transfer of funds prior to processing of the transaction. The transfer of funds approval will be ratified at a subsequent Commission meeting.