



**House of Assembly  
Newfoundland and Labrador**

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

**Date:** November 18, 2008

**Location:** House of Assembly Chamber

**Time:** 2:00 p.m. – 5:00 p.m.

**Members Present:**

Hon. Roger Fitzgerald, Speaker

Mr. William MacKenzie, Clerk of the House of Assembly

Hon. Joan Burke, Government House Leader

Mr. Kelvin Parsons, Opposition House Leader

Ms. Beth Marshall, MHA (PC) Topsail

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

Hon. Trevor Taylor, MHA (PC) The Straits - White Bay North

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

**Other:**

Mr. Tom Osborne, Deputy Speaker

Ms. Marlene Lambe, Chief Financial Officer

Ms. Marie Keefe, Policy & Communications Officer

**CM 2008 – 088**      The minutes of the House of Assembly Management Commission meeting held on October 15, 2008 were amended to include Mr. Tom Osborne, Deputy Speaker in the list of attendees.

The Speaker gave an update on authorizations made under Section 18(4).

**CM 2008 – 089**      The Commission gave final approval to the following amendment of the *Members' Resources and Allowances Rules*:

Subsection 41(2) of the *Members' Resources and Allowance Rules* is amended by adding immediately after paragraph (c) the following:

(c.1) property taxes;

**CM 2008 – 090** The Commission gave final approval to the following amendment of the *Members' Resources and Allowances Rules*:

Section 42 of the *Members' Resources and Allowance Rules* is repealed and the following is substituted:

**Restriction on meal allowance**

42. Where a member makes a claim under subsection 46(3) relating to a meal expense, the member shall not claim a meal allowance under this Part for that meal expense.

**CM 2008 – 091** The Commission directed that the Management Certification contract and related documents be referred to the Professional Services and Internal Audit Division of the Comptroller General's Office for review, with a report to be brought back to the Commission.

**CM 2008 – 092** The Commission declined Ms. Jones' request to invite Metrics EFG to appear before a public meeting of the Commission to provide rationale for the recommendations contained in the report, *Review of Caucus Resources*.

**CM 2008 – 093** The Commission considered recommendations 2, 14 and 16 of the Report on Caucus Resources and decided the following:

1. The Commission rejected recommendation 2 to provide base funding of \$250,000 to the Official Opposition.
2. The Commission decided that the caucuses of any registered parties will be treated the same as the Third Party.
3. The Commission decided that Independent Members not affiliated with a registered political party shall be entitled to the Variable (per Private member) funding of \$18,000 per fiscal year, subject to the approved salary adjustment formula, for the purpose of research and administration, and Operational Funding of \$100 per month for miscellaneous operational purposes, subject to the approved adjustment formula.

**CM 2008 – 094** The Commission approved the audited financial statements for the year ended 31 March 2008 as recommended by the Audit Committee.

**CM 2008 – 095** Pursuant to Subsection 20(4) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission delegated to the Speaker of the House of Assembly, in consultation with the Government House Leader, the Official Opposition House Leader and the Leader of the Third Party, the power to make decisions respecting financial matters relating to the administration of the House of Assembly and statutory offices provided that the decision is urgently required and the Commission is unable to meet on the matter in a timely manner. A decision made under this directive and reasons for it shall be recorded and reported back at the next meeting of the Commission.

**CM 2008 – 096** The Commission approved and adopted the Purchasing Policy-Under \$200, dated November 2008, for the Members of the House of Assembly.

**CM 2008 – 097** The Commission approved the following proposed amendments to the *House of Assembly Accountability, Integrity and Administration Act*, and directed the Clerk to prepare a Cabinet submission for the Government House Leader's signature and transmittal to Executive Council recommending that a Bill be introduced in the House of Assembly to give effect to the amendments:

Paragraph 2(g) of the *House of Assembly Accountability, Integrity and Administration Act* is amended by adding immediately after the word "commissioner" a comma and the words and comma "unless the context indicates otherwise".

Paragraph 2(i) of the Act is amended by deleting the number "5" and substituting the number "6".

Subparagraph 2(r)(v) of the Act is amended by deleting the word "Citizen's" and substituting the word "Citizens'".

Paragraph 3(g) of the Act is amended by deleting the words "the responsibility of" and substituting the words "responsibility for the".

Section 6 of the Act is amended by deleting the word "following" and substituting the words "immediately before".

Paragraph 11(4)(b) of the Act is amended by deleting the word "or" and substituting the word "and".

Paragraph 12(1)(g) of the Act is repealed and the following is substituted:

(g) leader of a third party, \$18,367;

Paragraph 12(1)(k) of the Act is amended by deleting the words and hyphen “chairperson-public” and substituting the words and comma “chairperson, public”.

Subsection 13(3) of the Act is amended by adding immediately after paragraph (a) the following:

(a.1) adoption, pregnancy or parental leave as established by directive;

Section 13 of the Act is amended by adding immediately after subsection (3) the following:

(3.1) Notwithstanding paragraph (3)(e), the Speaker may, under paragraph (3)(g), approve the absence of a member where he or she must attend to constituency duties within his or her constituency where the Speaker is of the opinion that the absence was necessary and in accordance with directives of the commission.

Paragraph 13(3)(e) of the Act is amended by deleting the figure “19.1” and substituting the figure “19.2”.

Subsection 14(1) of the Act is amended by adding immediately after the words “until the” the words “day immediately before the”.

Subsection 14(2) of the Act is repealed and the following is substituted:

(2) Notwithstanding subsection (1), a member shall not claim reimbursement of expenses under subsection 11(2) from and after the date an election is called until the date of his or her reelection as a member

Subsection 18(2) is amended by adding immediately after the word “commission” the words and comma “and when presiding, will vote in the case of a tie”.

Subsection 18(4) is repealed and the following is substituted:

(4) Where there is no third party, the member chosen for the purposes of paragraph (3)(g) shall be an additional member from the official opposition caucus.

Subsection 18(8) of the Act is repealed and the following is substituted:

(8) A quorum of the commission shall be 50% of its members, provided that  
(a) one member representing the government;

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

shall be present during a meeting of the commission.

Section 18 of the Act is amended by adding immediately after subsection (10) the following:

- (11) Upon a dissolution of the House of Assembly, the commission members shall, until the members of the commission are replaced, be considered to remain in office as commission members as if there had been no dissolution.

Subsection 20(3) of the Act is repealed and the following is substituted:

- (3) Notwithstanding paragraph (1)(c), where a financial or management policy has not been established by the commission for the House of Assembly and statutory offices, the financial and management policies of the government shall apply.

Paragraphs 20(5)(b) and (c) of the Act are repealed and the following are substituted:

- (b) ensure that an annual financial audit is completed of the accounts of the House of Assembly and the statutory offices in accordance with section 43 before September 1 immediately following the fiscal year to which that audit relates;
- (c) ensure that a compliance audit is completed of the accounts of the House of Assembly and the statutory offices in accordance with section 43 at least once every General Assembly and reported on before September 1 immediately following the last fiscal year to which that audit relates.

Paragraph 23(7)(d) of the Act is repealed and the following is substituted:

- (d) review the financial statements, audit report and recommendations of the auditor and give advice about them to the commission, including, where the committee considers it appropriate, recommending that the commission approve and sign the financial statements;

Subsection 24(1) of the Act is amended by deleting the comma immediately after the word “reimbursement”.

Section 24 of the Act is amended by adding immediately after subsection (8) the following:

- (9) Notwithstanding that an expense claim has been denied, in accordance with the rules, by an officer, staff member or the Speaker, 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.

Paragraph 32(2)(a) of the Act is amended by deleting the word “Citizen’s” and substituting the word “Citizens’ ”.

Paragraph 32(2)(d) of the Act is amended by deleting the number “5” and substituting the number “6”.

Subsection 35(1) of the Act is amended by deleting the word “by” where it last occurs.

Subsection 37(3) of the Act is amended by deleting the words “decides to conduct” and substituting the word “conducts”.

Subsection 45(7) of the Act is amended by adding immediately after the word “service”, the words “and the statutory offices”.

Subsection 48(2) of the Act is amended by adding immediately before the word “directive” the words “rule or”.

Paragraph 51(e) of the Act is amended by adding a comma immediately after the word “salaries”.

Paragraph 54(1)(c) of the Act is repealed and the following is substituted:

- (c) “investigator” means the citizens’ representative appointed under the *Citizens’ Representative Act*;

Subsection 54(2) of the Act is repealed and the following is substituted:

- (2) Notwithstanding paragraph (1)(c), where a disclosure relates to the citizens’ representative, the commissioner shall be the investigator for the purposes of this Part.

Section 62 of the Act is amended by renumbering it as subsection 62(1) and by adding immediately after that subsection the following:

- (2) The investigator shall be a party to a proceeding respecting a complaint made under subsection 59(2) and shall have the carriage of that complaint before the Labour Relations Board.

Commencement

- (1) This Act shall be considered to have come into force on June 14, 2007.
- (2) The amendment to subsection 18(2) should come into force on the date of Royal Assent in order to ensure decisions of the commission are not invalidated

**CM 2008 – 098** The Commission approved base funding of \$100,000 for the Official Opposition with a review of the funding to be conducted in the 2009–10 fiscal year.

**Adjournment:** 5: 00 p.m.  
Hon. Roger Fitzgerald, MHA  
Speaker and Chair

Wm. MacKenzie  
Clerk and Secretary to the Commission