



**House of Assembly
Newfoundland and Labrador**

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

Date: August 29, 2007

Location: House of Assembly Chamber

Time: 9:00 – 3:00

Members Present:

Hon. Harvey Hodder, Speaker

Mr. William MacKenzie, Clerk of the House of Assembly

Hon. Tom Rideout, Government House Leader

Mr. Kelvin Parsons, Opposition House Leader

Hon. Tom Marshall, Minister of Finance

Ms. Beth Marshall, MHA (PC) Topsail

Mr. Gerry Reid, MHA (L) Twillingate-Fogo

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

Other:

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

Regrets:

None

Decisions of the Management Commission:

Decision CM 2007 – 001

Agenda Item 3: House of Assembly Management Commission Policy and Procedures Manual

The proposal from the Clerk respecting adoption of the August 21, 2007, version of a House of Assembly Management Commission Policy and Procedures Manual was considered. The Commission decided the following:

1. The August 21 version of the House of Assembly Management Commission Policy and Procedures Manual is approved, in principle, with the understanding that amendments will continue to be made to this version.

2. Policy 5.4.1 (respecting Quorums for Commission meetings) of the August 21 Draft of the Policy and Procedures Manual is amended by adding the words “and one member of the government” after the words “opposition to the government” such that 5.4.1 reads: “A quorum of the Commission shall be 50% of its members. At least one member representing a party in opposition to the government and one member of the government must be present along with the Speaker or Deputy Speaker, during the meeting of the Commission.”
3. A draft amendment to Subsection 18(8) of the *House of Assembly Accountability, Integrity and Administration Act* which would give effect to the policy decision of Item 2 (above) is to be presented to the Commission at its next meeting.

CM 2007 - 002

Agenda Item 5: Constituency Business during Election Writ Period

The Commission considered the August 24, 2007, Memo to all Members from the Speaker respecting Constituency Business during the Election Writ period and decided the following:

1. Members of the Commission representing all parties in the House of Assembly agreed to recommend to their caucuses that Members would not submit expense claims for constituency business conducted during the election writ period.
2. A draft amendment to Section 14 of the *House of Assembly Accountability, Integrity and Administration Act* which would remove the right to be reimbursed for constituency business expenses incurred during an election writ period is to be presented to the Commission at its next meeting.
3. Members of the Commission representing all parties in the House of Assembly agreed to recommend to their caucuses that Members assume responsibility for all charges related to cell phone or blackberry calls during the election writ period, with the Clerk's Office to explain to Members the process to be followed.

CM 2007 – 003

Agenda Item 7: Clarification of Rules – Harmonized Sales Tax

The Commission considered the proposal from the Clerk addressing the Clarification of Rules respecting Harmonized Sales Tax and decided the following:

Pursuant to subparagraphs 20(6)(b)(i) and 20(6)(b)(ii) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission directed that the following interpretation Directive be issued:

The Clerk is authorized, for tracking and reporting purposes only, to interpret and restate The maximums for the various Members' allowances as net of HST, rather than inclusive of HST, as currently listed in the Members' Resources and Allowances Rules.

CM 2007 – 004
Agenda Item 8:

Clarification of Rules – Travel and Living Allowances

The Commission considered the proposal from the Clerk respecting Clarification of Rules – Travel and Living Allowances and decided the following:

Pursuant to subsection 20(6)(b)(i) of the House of Assembly Accountability, Integrity and Administration Act, the Commission directed that the following interpretation Directive be issued with respect to Sections 31, 32 and 35 of the Members' Resources and Allowances Rules.

Subsection 31(1) should be interpreted as if the words "or private" appeared after the word "temporary", such that subsection 31(1) reads

"A member who travels from his or her permanent residence outside the capital region to temporary or private accommodation or a secondary residence in the capital region to attend a sitting of the House of Assembly may claim reimbursement for the following cost:"

Subparagraph 32(2)(b)(i) should be interpreted as if the words "with receipts" appeared after the word "accommodation", such that subparagraph 32(2)(b)(i) reads

"the actual costs of temporary accommodation, with receipts, in the constituency up to a maximum of \$125 a night actually spent in the constituency, or"

Paragraph 35 (b)(i) should be interpreted as if the words "up to a maximum" appeared after the "region", such that paragraph 35(b)(i) reads

"with receipts, temporary accommodations in the capital region up to a maximum of \$125 a night for every night the accommodations are actually occupied by the member, or"

CM 2007 – 005
Agenda Item 9:

Clarification of Rules - Standard Office Allocation

The Commission considered the proposal from the Clerk respecting Clarification of Rules Standard Office Allocation and decided the following:

Pursuant to subsection 25(1) of the Members' Resources and Allowances Rules, the Commission directed that the standard office allocation shall consist of:

Office Furniture, Equipment and Services package - for Member and Constituency Assistant

1. Office Furniture:

- > One L-shaped desk, wood, veneer
- > One credenza, wood veneer
- > One bookcase, wood veneer
- > Chair, executive (high/low back) with wheels
- > Four visitor chairs without wheels
- > One L-shaped workstation with hutch
- > One chair with wheels
- > One TV Stand
- > One coffee table for waiting area

- > Two lockable four drawer lateral/vertical filing cabinets
- > Three wastepaper baskets
- > Two recycling boxes
- > Three coat racks
- > Water cooler
- > One wall clock

2. Equipment:

- > One photocopier
- > One scanner
- > One facsimile
 - Or a combination photocopier, scanner and facsimile machine
- > Two desk-top printers
- > Cross-hatch shredder
- > One 20 inch television
- > One VCR or DVD recorder or one combination unit
- > One camera and accessories
- > Two calculators
- > Two desk-top computers
- > One lap-top computer
- > Two telephones for constituency office
- > Two Cell phones or blackberries

Other furniture and equipment items as approved by Directive of the Commission.

3. Services

Telephone services:

- > Message manager
- > Call display
- > Long distance plan
- > A 1-800 number (if requested)

Cell phone or blackberry services:

- > Message Manager
- > Call Display

Facsimile services:

- > The installation and maintenance of a facsimile line
- > Internet and intranet services:
 - Access provided through the government network (where possible)

Cable Service includes:

- > The installation and maintenance of the most basic channel package which includes the local news channels and the House of Assembly broadcast. Satellite services are not permitted

Calling card

- > A Member and his/her constituency assistant are entitled to a calling card, if requested.

CM 2007 – 006

Agenda Item 9: Clarification of Rules – Start-up Allowance

The Commission considered the proposal from the Clerk respecting Clarification of Rules – Start-up Allowance and decided the following:

1. Pursuant to subsection 19(4) of the Members' Resources and Allowances Rules, a member may claim against the \$1,000 start up amount for reimbursement to cover initial start-up expenses related to establishing a constituency office for the following expenses:
 - (a) Office supplies, such as paper trays, 3 hole punch, staplers, pencil holders, scissors, hanging folders, kettle, coffee maker; and
 - (b) Office Equipment, such as computer monitor stand, non-glare screen, blackberry or cell phone accessories; and
 - (c) Any other non-consumable items directly related to establishing a constituency office
2. The Clerk was directed to obtain a legal opinion on Subsection 19 (4) of the Members' Resources and Allowances Rules to determine if a Directive of the Commission, under Subparagraph 20(6)(b)(i) of the Act, could amplify or interpret Subsection 19(4) such that it would become effective beginning with the 47th General Assembly.

CM 2007 – 007

Agenda Item 11 Clarification of Rules – Secondary Residence

The Commission considered the proposal from the Clerk respecting Clarification of Rules – Secondary Residence and decided the following:

Pursuant to subsection 20(6)(b)(i) of the House of Assembly Accountability, Integrity and Administration Act, the Commission directed that the following interpretation Directive be issued with respect to Sections 31, 32, 33, 35, 36, 37 and 38 of the Members' Resources and Allowances Rules:

Subparagraph 31(1)(b)(i) should be interpreted as if the words "or secondary residence" appeared after the word "temporary ", such that subparagraph 31(1)(b)(i) reads

"the actual cost of temporary or secondary residence accommodations, with receipts, up to a maximum of \$125 a night for every night the accommodations are actually occupied by the member, or"

Subparagraph 32(2)(b)(i) should be interpreted as if the words "or secondary residence" appeared after the word "temporary ", such that subparagraph 32(2)(b)(i) reads

"the actual cost of temporary or secondary residence accommodations, with receipts, in the constituency up to a maximum of \$125 a night actually spent in the constituency, or"

Paragraph 33 (b)(i) should be interpreted as if the words "or secondary residence" appeared after the word "temporary ", such that paragraph 33(b)(i) reads

“the actual cost of temporary or secondary residence accommodations, with receipts, in the constituency up to a maximum of \$125 a night actually spent in the constituency, or”

Paragraph 35 (b)(i) should be interpreted as if the words “or secondary residence” appeared after the word “temporary “, such that paragraph 35(b)(i) reads

“with receipts, temporary or secondary residence accommodations in the capital region up to a maximum of \$125 a night for every night the accommodations are actually occupied by the member, or”

Subparagraph 36(2)(b)(i) should be interpreted as if the words “or secondary residence” appeared after the word “temporary “, such that subparagraph 36(2)(b)(i) reads

“temporary or secondary residence accommodations, with receipts, in the constituency up to a maximum of \$125 a night for each night actually spent in the constituency, or”

Paragraph 37 (b)(i) should be interpreted as if the words “or secondary residence” appeared after the word “temporary “, such that paragraph 37(b)(i) reads

“with receipts, temporary or secondary residence accommodations in the constituency up to a maximum of \$125 a night for every night the accommodations are actually occupied by that member, or”

Paragraph 38(2)(b) should be interpreted as if the words “or secondary residence” appeared after the word “temporary “, such that paragraph 38(2)(b) reads

“the actual cost of temporary or secondary residence accommodations, with receipts, up to a maximum of \$125 a night, or a daily amount, without receipts, of \$25 when staying in private accommodation; and”

CM 2007 – 008

Agenda Item 12: Clarification of Rules – Memorial Wreaths

The Commission considered the proposal from the Clerk respecting Clarification of Rules – Memorial Wreaths and decided the following:

Pursuant to paragraph 46(3)(g) of the Members’ Resources and Allowances Rules, the Commission hereby authorizes and directs that the following expense necessarily incurred by a member to carry out his or her constituency business may be reimbursed:

Memorial Wreaths used to commemorate veterans and others who served in the armed forces, peace officers, workers killed on the job or who died as a result of work-related illness, and similar memorial commemorations of a public nature.

CM 2007 – 009

Agenda Item 13: Clarification of Rules – Advertising

The Commission considered the proposal from the Clerk respecting Clarification of Rules – Advertising and decided the following:

1. Pursuant to subsection 20(6)(b)(i) of the House of Assembly Accountability, Integrity and Administration Act and in relation to section 24(i) of the Members' Resources and Allowances Rules, the Commission hereby makes the following clarification with respect to advertisements:
 - The purpose behind any advertising expenses shall be solely to assist Members to convey contact information along with advertising messages of welcome or congratulations
2. The Clerk was directed to consult with the Office of the Comptroller General on the appropriate documentation to be required for reimbursement of expenses respecting advertising.

CM 2007 – 010
Agenda Item 16: Code of Conduct for Officers and Staff

The Commission considered the proposal from the Clerk respecting a Code of Conduct for Officers and Staff and adopted the following Code of Conduct for officers and staff of the House of Assembly, pursuant to S.35 (3) of the House of Assembly Accountability, Integrity and Administration Act:

As Officers and Staff of the House of Assembly:

1. We will serve the aims and objectives of the House of Assembly and insure that personal interests and activities do not interfere, or appear to interfere, with this obligation.
2. We will perform our duties honestly, faithfully, ethically, impartially and efficiently, respecting the rights of the public and our colleagues. We will refrain from conduct that might impair our effectiveness or that would compromise our integrity.
3. We will ensure that we maintain the confidence and trust of Members of the House of Assembly and provide fair, confidential and impartial service equally to Members and staff of all parties.
4. We will treat colleagues, Members and the public with courtesy and respect.
5. We will avoid circumstances in which personal interests compromise or conflict with the interests of the House of Assembly and avoid circumstances in which there will be the appearance of a compromise or conflict. We are subject to the provisions of the Conflict of Interest Act, 1995.
6. We will not abuse our official position for personal gain. We will not accept any gift or other benefit that could be seen as an inducement or reward that might place us under an obligation to a third party. We will follow all requirements and policies of the House of Assembly service with respect to gifts and rewards.
7. We will exercise due care and control of records created or collected in the exercise of our responsibilities, ensuring that they are organized, secured and managed according to applicable policy and legislation.
8. We will ensure that any contribution we make to public debate or discussion on matters of government or House of Assembly policy is appropriate to the position we hold and is compatible with our obligation to be politically impartial.

9. We will ensure that our participation in public bodies and voluntary associations does not create a conflict of interest or the appearance of a conflict of interest with our duty to act in a politically impartial manner.

CM 2007- 011

Agenda Item 17: **Audit Committee of the Commission**

The Commission considered membership on the Audit Committee of the Commission and confirmed Ms. Elizabeth Marshall, MHA Topsail, and Mr. Kelvin Parsons, MHA Burgeo and LaPoile, as Commission members of the Audit Committee pursuant to S.23 (2) (a) of the *House of Assembly Accountability, Integrity and Administration Act*.

CM 2007- 012

Agenda Item 18: **Request for Special Warrant Funding (in camera session)**

The Commission, in an in camera session, authorized the Speaker to refer to the Attorney General a Special Warrant funding request to cover unanticipated costs of the Special Ballot process for the 2007 General Election under the Legislature Head of Expenditure.

Adjournment: 3:00

Hon. Harvey Hodder, MHA
Speaker and Chair

Wm. MacKenzie
Clerk and Secretary to the Commission