



## HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

### DIRECTIVE

Directive Number 2019-003

<b>Effective Date:</b> December 10, 2019	<b>Commission Minute:</b> CM 2019-033
<b>Subject:</b> Guidelines on Reimbursement of Legal Fees for Members of the House of Assembly	<b>Reference:</b> HOAMC Meeting: December 4, 2019
<b>Issued To:</b> All Members of the House of Assembly; Comptroller General; Directors of Government Accounting, Professional Services and Internal Audit, Financial Systems Control, and Corporate Services; Office of the Auditor General; Office Managers of Government Caucus, Official Opposition Caucus, NDP Caucus; Assistant Deputy Clerk, Executive Council; Director of Operations, Office of the Premier.	<b>Contact:</b> Wanda Lee Mercer Chief Financial Officer, House of Assembly 729-2923 <a href="mailto:wandaleemercer@gov.nl.ca">wandaleemercer@gov.nl.ca</a>

### BACKGROUND

The Management Commission directed the development of a policy on the reimbursement of legal expenses for Members at its November 7, 2018 meeting (CM 2018-042). The Commission considered the matter at meetings on September 25, November 6, and December 4, 2019, and made the following decision.

### DIRECTIVE

Pursuant to subparagraph 20(6)(b)(ii) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission issues the following directive:

The Commission approved the *Guidelines on Reimbursement of Legal Fees for Members of the House of Assembly*.

The new guidelines are attached.

Sandra Barnes  
Clerk of the House of Assembly



## **House of Assembly**

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

**December 2019**

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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

**All requests for reimbursement** of legal fees for Members of the House of Assembly will be dealt with by the Management Commission 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 Management Commission determines that the reimbursement is appropriate in the circumstance.

The Management Commission may, at its discretion, grant an exception to the above-noted guidelines 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*, 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.**

#### 5.0 Financial Assistance for Initial Legal Consultation

While requests for reimbursement of legal expenses will only be accepted and considered by the Management Commission 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 must 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 by the Management Commission **within 30 business days of receipt of the request by the Chair.**

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.

Should the Commission not be able to deal with the request within 30 days, authority is delegated to the Speaker to consider the request in consultation with the Government House Leader, Opposition House Leader and representative of the Third Party on the Management 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.**