

**House of Assembly Management Commission
Briefing Note**

Title: House of Assembly Management Commission Policy and Procedures Manual

Issue: Commission adoption of August 21 draft

Background:

- The *House of Assembly Accountability, Integrity and Administration Act* (the Act) requires the Commission to adopt rules with respect to the circulation and preparation of agendas and briefing material to members of the commission and for the orderly conduct of business of the commission [19(3)].
- Staff of the Clerk's Office have prepared a draft Policy and Procedures Manual for the consideration of the Commission. This version includes or summarizes various sections of the Act which address the Commission's authorities and responsibilities. It also includes proposed policies which are not included in the Act.
- It is understood that the Commission Manual will undergo significant additions and revisions in coming months. During Commission meetings, issues may arise concerning which the Commission may direct the Clerk to develop a draft policy. Individual Members, from time to time, may also suggest additions or improvements to the Clerk.
- Although the Commission may not approve all sections of the August 21 draft, decisions respecting Meetings, Rules of Procedures, and Minutes should be made at the August 29 meeting to facilitate that and future meetings.

Action Required:

- Approval by the Commission of the August 21, 2007 version (or parts thereof) of the House of Assembly Management Commission Policy and Procedures Manual.

Drafted by: Wm. MacKenzie 729-3405

2007.08.20



**HOUSE OF ASSEMBLY
Newfoundland and Labrador**

House of Assembly Management Commission

Policies and Procedures Manual

August 21, 2007

Contents

INTRODUCTION	- 1 -
1.0 THE MANAGEMENT COMMISSION	- 2 -
1.1 DUTIES AND RESPONSIBILITIES	- 2 -
1.2 COMMISSION RULES	- 6 -
1.3 TRANSPARENCY OF THE COMMISSION	- 7 -
1.4 FINANCIAL MANAGEMENT OBLIGATIONS OF THE COMMISSION	- 8 -
2.0 MEMBERS	- 9 -
2.1 COMMISSION MEMBERSHIP	- 9 -
2.2 DUTIES OF COMMISSION MEMBERS	- 10 -
2.3 THE CHAIR	- 10 -
2.4 THE CLERK AND THE STAFF OF THE HOUSE OF ASSEMBLY	- 11 -
2.5 DISCLOSURE OF INTEREST	- 11 -
2.6 DECORUM.....	- 12 -
3.0 ORIENTATION AND TRAINING	- 13 -
3.1 ORIENTATION DELIVERY	- 13 -
3.2 ORIENTATION SESSION FOR THE MANAGEMENT COMMISSION	- 13 -
3.3 MANUAL FOR MEMBERS OF THE HOUSE OF ASSEMBLY	- 14 -
4.0 MEETINGS	- 15 -
4.1 NOTICE OF MEETINGS FOR MEMBERS OF THE COMMISSION	- 15 -
4.2 NOTIFICATION OF THE PUBLIC	- 15 -
4.3 LOCATION AND TIME.....	- 16 -
4.4 REGULARITY OF COMMISSION MEETINGS	- 16 -
4.5 SPECIAL MEETINGS REQUESTED BY A COMMISSION MEMBER	- 16 -
4.6 SPECIAL MEETINGS REQUESTED BY A NON-COMMISSION MEMBER.....	- 17 -
4.7 ATTENDANCE OF COMMISSION MEMBERS.....	- 17 -
4.8 ATTENDANCE AND PARTICIPATION BY NON-COMMISSIONERS AT COMMISSION MEETINGS	- 17 -
4.9 ATTENDANCE BY SPECTATORS AT COMMISSION MEETINGS	- 18 -
5.0 RULES OF PROCEDURE	- 19 -
5.1 STANDING ORDERS OF THE HOUSE OF ASSEMBLY	- 19 -
5.2 AMENDMENTS TO OPERATING PROCEDURES	- 19 -
5.3 PRIOR CIRCULATION OF PAPERS TO COMMISSION MEMBERS	- 19 -
5.4 QUORUM.....	- 19 -
5.5 SEATING ARRANGEMENT OF THE MANAGEMENT COMMISSION.....	- 20 -
5.6 ISSUING DIRECTIVES.....	- 20 -
5.7 IMPLEMENTING DECISIONS OF THE COMMISSION	- 20 -
6.0 THE AGENDA AND MINUTES	- 22 -
6.1 CIRCULATING THE AGENDA AND RELATED MATERIALS.....	- 22 -
6.2 THE MINUTES	- 22 -
6.3 APPROVAL OF THE MINUTES BY THE COMMISSION.....	- 23 -
6.4 CIRCULATING APPROVED MINUTES TO MEMBERS OF THE HOUSE OF ASSEMBLY AND THE GENERAL PUBLIC	- 23 -
7.0 ANNUAL REPORTS	- 24 -
7.1 THE ANNUAL REPORT OF THE MANAGEMENT COMMISSION.....	- 24 -
7.2 THE ANNUAL REPORT OF THE HOUSE OF ASSEMBLY BY THE MANAGEMENT COMMISSION	- 24 -

8.0 THE AUDIT COMMITTEE	- 26 -
8.1 AUDIT COMMITTEE MEMBERSHIP	- 26 -
8.2 DUTIES OF THE AUDIT COMMITTEE	- 26 -
8.3 MEETINGS OF THE AUDIT COMMITTEE	- 27 -
8.4 REPORTING OF THE AUDIT COMMITTEE.....	- 28 -
9.0 APPOINTING AN AUDITOR	- 29 -
10.0 REFERRALS TO CABINET OR CABINET COMMITTEES	- 30 -
ANNEX A - BRIEFING NOTE FORMAT FOR THE HOUSE OF ASSEMBLY MANAGEMENT COMMISSION	31
ANNEX B - FORMAT FOR THE AGENDA OF THE HOUSE OF ASSEMBLY MANAGEMENT COMMISSION	32
ANNEX C - FORMAT FOR MINUTES OF THE HOUSE OF ASSEMBLY MANAGEMENT COMMISSION	33
ANNEX D - FORMAT FOR REPORT ON THE ACTIVITIES OF THE HOUSE OF ASSEMBLY MANAGEMENT COMMISSION	35
ANNEX E - TIMELINE OF HOUSE OF ASSEMBLY MANAGEMENT COMMISSION MEETING PROCESS.....	39

DRAFT

Introduction

The principal function of the House of Assembly Management Commission (HoAMC) is to ensure the effective and transparent administration of the House of Assembly of Newfoundland and Labrador as outlined in the *House of Assembly Accountability, Integrity and Administration Act*.

This manual sets out the procedures which the House of Assembly Management Commission (hereinafter referred to as the Commission) follows in conducting the activities with which it has been charged.

DRAFT

1.0 The Management Commission

1.1 Duties and Responsibilities

1.1.1 Under the *House of Assembly Accountability, Integrity and Administration Act*, the Commission is responsible for the financial stewardship of all public money as defined in the *Financial Administration Act*. The money that is delegated may be voted on by the House of Assembly for the use and operation of the House of Assembly and its associated statutory offices. This financial stewardship responsibility also includes all matters of financial and administrative policy affecting the House of Assembly, its Members, offices and staff connected to the House of Assembly. As indicated in the *Act*, the Commission is responsible for:

- (a) overseeing the finances of the House of Assembly including its budget, revenues, expenses, assets and liabilities;
- (b) reviewing and approving the administrative, financial and human resource and management policies of the House of Assembly service and statutory offices;
- (c) implementing and periodically reviewing and updating financial and management policies applicable to the House of Assembly service and statutory offices;
- (d) giving directions with respect to matters that the Commission considers necessary for the efficient and effective operation of the House of Assembly service and statutory offices;
- (e) making and keeping current rules respecting the proper administration of allowances for members and reimbursement and payment of their expenditures in the implementation of subsection 11(2) of the *Act*;
- (f) annually reporting in writing to the House of Assembly, through the Speaker, with respect to its decisions and activities in accordance with section 51 of the *Act*; and
- (g) exercising other powers given to the Commission and perform other duties required of the Commission under this or another *Act*. [20(1)]

1.1.2 The Commission may at any time, report to the House of Assembly on any of the matters outlined above in 1.1.1. [20(2)]

1.1.3 The financial and management policies of the Government of Newfoundland and Labrador shall apply to the House of Assembly and the statutory offices of the House.

Where circumstances exist within the financial management policies, which allows a policy to be modified, the Commission may do so by directive. [20(3)]

1.1.4 The Commission may, by directive, delegate a power or duty to the Chair or the Clerk. [20(4)] If a delegation of power or duty occurs by the Commission:

- the exercise of that power or the performance of that duty will be considered to have been carried out by the Commission itself; and
- the Commission will remain accountable for decisions made by the Clerk or Chair in these circumstances. The decisions taken by the Clerk or Chair will be presented as if those decisions had been collectively made by the Commission.

1.1.5 Where delegation is made to the Chair or Clerk, a progress report will be provided to the Commission outlining activities conducted as part of the delegation of power or duty.

This report will be tabled at the next Commission meeting to permit a review of outcomes and ensure accountability for actions taken under the delegation of authority. This report will ensure that appropriate outcome measurements are established and that the accountability of actions is maintained. [20(4) (a)]

1.1.6 In order to carry out the duties of the Commission as described in subsection 20(1) of the *Act*, the Commission will conduct the following activities:

- (a) regularly and at least quarterly, review the financial performance of the House of Assembly, including the actual expenditures of members of the House compared with approved allocations for those members;
- (b) ensure that an annual financial audit is completed of the House of Assembly's accounts and the statutory offices. The financial audit must be reported on within 90 days of the end of the fiscal year;
- (c) ensure the completion of a compliance audit of the House of Assembly's accounts and the statutory offices at least once every General Assembly. The compliance audit must be reported on within 90 days after the end of the fiscal year;
- (d) ensure that full disclosure of the accounts and operations of the House of Assembly is made to the auditor selected to review the activities of the House of Assembly;
- (e) consider and address on a timely basis any recommendations made by the auditor; and
- (f) annually report in writing to the House of Assembly or a Committee established by the House, on the results of the audit. If necessary, the report should also indicate the steps taken or to be taken to address matters of concern addressed in the audit. [20(5)]

1.1.7 The decision-making authority of the Commission is exercised through several specific actions which are:

- (a) making rules;
- (b) issuing directives; and
- (c) making orders.

1.1.8 The Commission may make rules of general application in relation to:

- the amounts that Members of the House of Assembly may claim for reimbursement or payment. This payment must be for reasonable and legitimate expenses as explained in subsection 11(4) of the *Act*;
- the manner in which allowances shall be calculated, substantiated and paid;
- the engagement by a Member and the amount and method of payment and other terms of engagement of constituency assistants and the reimbursement of reasonable expenses incurred by those individuals in carrying out their duties;
- the form of the documentation required to make a claim under the *Financial Administration Act*;
- the financial accountability of Members,
- the duties and responsibilities of the Clerk in terms of the financial administration of the House of Assembly and the statutory offices; and
- other matters that may be required to support the purpose of the *Act*. [20(6) (a)]

1.1.9 The Commission may issue directives on the following activities:

- interpreting, clarifying or strengthening the rules under which the Commission acts;
- establishing policies in order to guide members, the Clerk and staff of the House of Assembly service and statutory offices;
- in agreement with the *Act* and rules where there is a requirement for the issuing of directives; and
- where required, altering rulings of the Chair as to the application of the rules to particular circumstances where advance rulings have been sought. [20(6)(b)]

1.1.10 The Commission will make decisions in relation to:

- individual cases or appeals brought to the Commission for decision; and
- all other matters that call for action or decision of the Commission in relation to the House of Assembly. [20(6) (c)]

1.1.11

The Commission will not make changes to the level of amounts of allowances and resources provided for Members except in accordance with a rule and, notwithstanding section 64 of the *Act*, will not become effective until the change is placed before the House of Assembly and a resolution adopting the change has been passed. [20(7)]

DRAFT

1.2 Commission Rules

1.2.1 As defined in section 64 of the *Act*, the Commission may make rules:

- respecting allowances, reimbursements, allowable expenses and other resources available to members;
- establishing distinctions between member constituencies with respect to amounts and entitlements;
- establishing limits and restriction on amounts related to living, constituency and other expenses, including distance traveled, daily rates, meal rates and other rates payable by way of reimbursement or with respect to a claim of a member;
- respecting reimbursement and payment of members expenses and claims;
- respecting the preparation and circulation of manuals, agendas, codes, briefing and other materials;
- respecting the forms and manner in which reimbursement of claims may be made;
- respecting policies and procedures for proper financial management;
- respecting purposes, presumptions and principles underlying rules enacted by the commission;
- respecting member responsibility for finances, expenses, claims, liability and reimbursements;
- respecting records to be maintained and reports required of members, the commission, speaker, clerk and staff of the House of Assembly service and the statutory offices;
- respecting forms, receipts and other documentation required for monitoring claims, expenses, reimbursements and other payments;
- respecting eligibility for and prohibitions and restrictions related to expenses, claims, reimbursements and other payments;
- respecting allocations of resources for office, employee, administrative and other services for members;
- respecting the manner of engaging, regulating and paying for constituency assistants; and
- respecting another matter that the Commission considers necessary or advisable to give effect to the purpose of the *Act*.

1.3 Transparency of the Commission

- 1.3.1** With limited exceptions, proceedings of the Commission will be open to the public and will be electronically accessed through the media in the same manner as the proceedings of the House of Assembly. [19(6)]
- 1.3.2** Recordings of Commission meetings will be transcribed as part of the Hansard service. [19(7)]
- 1.3.3** Video recordings of Commission meetings will be made by the broadcast centre of the House of Assembly. [19(7)]
- 1.3.4** The meetings of the Commission will be open to the general public, except in the circumstances outlined in subsection 19(1) of the *Act*, which includes:
- personal matters relating to officers and employees of the House of Assembly as outlined in paragraph 2(1) (e) of the *Conflict of Interest Act, 1995*;
 - legal matters, including actual or potential litigation;
 - matters protected by privacy and data protection laws; and
 - budget deliberations involving the preparation of the annual estimates of expenditure of the House of Assembly and the statutory offices.
- 1.3.5** Where, in the opinion of the Commission, an issue is particularly sensitive or confidential in nature as defined in subsection 19(1), the Chair will clear the public from the location of the meeting. The Commission will proceed to discuss the matter in private. [19(2)]
- 1.3.6** Where a session or part of a session is held in private, the Commission must make a reasonable effort to disclose in the minutes the intent of the discussion without disclosing the confidential information as defined in 1.3.4 of this manual and indicated in subsection 19(4) of the *Act*.
- 1.3.7** Transcriptions of the meetings as part of the Hansard service will be posted to the website of the House of Assembly not more than 7 days from the time of the meeting. [19(7)]

1.4 Financial Management Obligations of the Commission

1.4.1 As identified in subsection 20(4) of the *Act*, the Commission must:

- review the financial performance of the House of Assembly at least quarterly as well as the actual expenditures of members compared with approved allocations;
- ensure that an annual financial audit is completed of the accounts of the House of Assembly and the statutory offices as outlined in section 43 of the *Act* at least once every General Assembly. This audit must be reported on within 90 days after the end of a fiscal year;
- ensure that a compliance audit is completed of the accounts of the House of Assembly and the statutory offices at least once every General Assembly, and reported on within 90 days after the end of the fiscal year to which it relates;
- provide full disclosure of the accounts and operations of the House of Assembly and statutory offices to the auditor appointed to review the activities of the House;
- report in writing annually to the House of Assembly, or a committee established by it, the results of an audit and the steps taken or to be taken to address matters of concern raised by an audit.

2.0 Members

2.1 Commission Membership

- 2.1.1** The Commission is constituted at the commencement of a new General Assembly and the appointed Commission members sit as members of the Commission until they are replaced.
- 2.1.2** The Speaker shall preside over the Commission. In the absence of the Speaker, the Deputy Speaker shall assume the responsibility of presiding over the activities of the Commission. [18(2)]
- 2.1.3** As outlined in section 18(3) of the *Act*, the Commission consists of:
- The Speaker, who is the chairperson of the Commission. The deputy Speaker will act as the chairperson in the absence of the Speaker;
 - The Clerk of the House of Assembly, who will act as the secretary to the Commission. The Clerk acts in a non-voting capacity;
 - The government house leader;
 - The official opposition house leader;
 - 2 members of the House of Assembly who are members of the government caucus. Only one of these two members may be a member of the Executive Council;
 - One member who is a member of the official opposition caucus; and
 - One member, if any, from a third party that is a registered political party and has at least one member elected to the House of Assembly.
- 2.1.4** Where there is no other party, other than the government party or official opposition party with a member elected to the House of Assembly, the member identified to be chosen from the third party above, will in this case be chosen from the official opposition caucus. [18(4)]
- 2.1.5** A member of the Commission shall not serve concurrently as a member of the Public Accounts Committee. [18(5)]
- 2.1.6** The Clerk of the House of Assembly has no voting privileges with the Commission. [18(3) (b)]
- 2.1.7** The Deputy Speaker, when not acting as the Chair, may attend meetings of the Commission in a non-voting capacity. [18(6)]
- 2.1.8** Members of the Commission will be chosen by their respective caucuses except the member of Executive Council who shall be appointed by the Lieutenant-Governor in Council. [18(7)]

- 2.1.9** In the second week of every session of the House of Assembly or as the need arises, the Speaker shall inform the House of Assembly of any appointments made to the Commission. [18(9)]
- 2.1.10** Where the Clerk is unable to attend the meeting, the Clerk Assistant shall act as the secretary to the Commission. [18(10)]
- 2.1.11** Alternate members are not permitted, except for the Speaker, who can be replaced by the Deputy Speaker.

2.2 Duties of Commission Members

- 2.2.1** As outlined in section 21 of the *Act*, a member of the Commission in exercising his or her power and discharging his or her duties:
- shall exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances;
 - shall not be considered to be in breach of their duty if he or she acts prudently and on a reasonably informed basis;
 - shall act honestly and in good faith on the basis of adequate information in arriving at decisions of the Commission;
 - shall attend all meetings unless unable to do so for a valid reason;
 - shall assign sufficient time on the affairs of the Commission to ensure they are complying with his or her duties and responsibilities;
 - shall consider and advocate policies that promote compliance with the *Act* and rules.

2.3 The Chair

- 2.3.1** The Speaker shall chair meetings, and in his or her absence the Deputy Speaker will chair the Commission.
- 2.3.2** The role of the Chair shall be:
- to preserve order and ensure that members have sufficient opportunity to express their views on any matter under discussion;
 - to decide in which order members wishing to speak shall do so;
 - to ensure that motions and/or amendments are clearly expressed; and
 - where no motion is under consideration, to summarize the discussion for the purposes of the minutes.

2.4 The Clerk and the staff of the House of Assembly

- 2.4.1** The Clerk is the chief administrative and financial officer responsible to the Speaker, and through the Speaker, to the Commission for the management of the operations of the House and the general administration of the statutory offices. Responsibilities include:
- providing administrative, financial and other support services;
 - establishing general administrative policies;
 - commenting to the Commission on the budget submissions of the statutory offices;
 - reporting to the Commission regarding the financial and budgetary performance of the statutory offices; and
 - accounting to the Public Accounts Committee for their administration.
- 2.4.2** The Clerk of the House of Assembly is the Secretary to the Commission. [18(3) (b)]
- 2.4.3** Officers and senior staff of the House of Assembly assist the Clerk with the preparation of material, attending meetings and assisting with briefings. This includes but is not limited to the Policy Officer of the House of Assembly and the Administration Division of the House of Assembly.
- 2.4.4** In conjunction with the Speaker, the Clerk of the House of Assembly reviews the items submitted for inclusion to the Commission.

2.5 Disclosure of Interest

- 2.5.1** A Commission member shall disclose any financial interest in any matter under consideration at a meeting. Where such an interest has been declared the member concerned shall take no part in the proceedings and shall withdraw from the meeting.
- 2.5.2** Where a Commission member has an interest, other than financial (e.g. family), advice should be sought as to whether the interest may be regarded as significant.
- 2.5.3** A Commission member may seek legal advice from the Law Clerk attached to the House of Assembly in relation to any particular circumstances which the Commission member believes may constitute a direct or indirect interest in a matter before a meeting.
- 2.5.4** All declarations of interest shall be recorded in the minutes.

2.6 Decorum

2.6.1 It is the responsibility of the Chairperson to encourage all members to fulfill their Commission obligations by:

- attending regularly and on time;
- preparing for meetings; and
- participating in meetings in a productive manner.

2.6.2 Actions which may warrant a review of a Commission member includes but are not limited to:

- failure to observe the rules and practices of the House as they apply to the procedures and operations of the Commission in a manner that obstructs, disrupts or interferes with the business of the Commission; or
- failure to attend to the business of the Commission as described; or
- failure to maintain the integrity and confidentiality of the Commission.

DRAFT

3.0 Orientation and Training

3.1 Orientation Delivery

- 3.1.1** The Speaker, assisted by the Clerk shall develop and offer an orientation and training program for Members of the House, members of the Commission, and officers and staff of the House of Assembly service and statutory offices. [22(1)]
- 3.1.2** The orientation sessions will be reviewed annually by the Clerk, prior to the Fall sitting of the House of Assembly to ensure material is up to date.
- 3.1.3** The Clerk of the House of Assembly will conduct the orientation sessions.
- 3.1.4** The orientation sessions are intended to assist the groups outlined in 3.1.1 above in understanding their respective duties and responsibilities and in applying and complying with the rules and directives of the Commission in relation to claims for allowances, expenses, and polices and procedures respecting financial management. [22(1)]

3.2 Orientation Session for the Management Commission

- 3.2.2** Following a provincial election or by-election, members of the Commission will be required to attend an orientation session which will brief members on policies and procedures of the Commission. The orientation session will help members in understanding their respective duties as indicated in 3.1.4 of this policy manual.
- 3.2.3** The orientations for Commission Members will include information as to:
- the responsibilities of the Commission and the members;
 - past minutes of the Commission that are of continuing relevance;
 - rules and directives of the Commission;
 - policies and guidelines issued to House of Assembly staff;
 - procedures and processes of the Commission; and
 - the role of the audit committee of the Commission.
- 3.2.4** If Commission members change prior to a new election, only new members will be required to participate in an orientation session.

3.3 Manual for Members of the House of Assembly

- 3.3.1** A Member of the House of Assembly manual will be prepared under the direction of the Commission not more than 6 months after the coming into force of the *Act*. [50(1)]
- 3.3.2** The manual will be provided to each member of the House of Assembly after the general election, or where relevant after a new member has been elected as the result of a by-election. [50(2) (b)]
- 3.3.3** The member's manual must be kept current. The manual should contain:
- information on allowances available to members of the House of Assembly;
 - information on duties of members with respect to claims for allowances and the management and expenditure of public money;
 - copies of applicable legislation including:
 - *The House of Assembly Accountability, Integrity and Administration Act*;
 - *Members of the House of Assembly Retiring Allowances Act*;
 - *Transparency and Accountability Act*;
 - *Conflict of Interest Act*; and
 - *The Access to Information and Protection of Privacy*.
 - copies of rules and directives made by the Commission;
 - information summarizing rulings and determinations made by the Speaker and the Commission respecting matters affecting member's responsibilities;
 - copies of the Code of Conduct;
 - instructions related to the manner in which duties of members are to be carried out with respect to making claims, the forms to be used and the documentation that is to be supplied; and
 - information on how to organize and operate a constituency office;
 - information on another matter that the Commission believes may be assistance to Members in the performance of their duties. [50(5)]
- 3.3.4** The Commission has the responsibility of keeping the Member's manual updated. [50(4)]
- 3.3.5** The Commission has the responsibility to develop and offer where required, training and information dissemination programs as are appropriate on various aspects of the duties of the Members of the House of Assembly.

4.0 Meetings

4.1 Notice of Meetings for Members of the Commission

4.1.1 Appropriate notice of a meeting must be given prior to any meeting of the Commission. Notice shall be given:

- (a) no less than 5 business days (inclusive of the notification day) before a meeting to be held on a day when the House of Assembly is scheduled to sit;
- (b) no less than 7 business days (inclusive of the notification day) before a meeting to be held on a day when the House of Assembly is not scheduled to sit;
- (c) at a lesser time where a special meeting is required and a majority of Commission members agree.

4.1.2 Notice of a meeting for a member of the Commission may be given:

- (a) in writing,
 - (i) by direct delivery, ordinary mail, internal mail, or facsimile transmission to the member of the Commission or his or her designated employee at the House of Assembly or in the constituency, or
 - (ii) delivered to the member personally; or
- (b) by telephone to the member of the Commission in person or to his or her designated employee; or
- (c) by electronic mail to the Commission member's office at the House of Assembly and in the member's constituency and his or her designate employee.

4.2 Notification of the Public

4.2.1 The Clerk will have posted a notice of all meetings of the Commission:

- on the House of Assembly website;
- through a media notification 2 business days prior to the meeting; and
- in as far in advance as possible in situations where a special meeting is required.

4.3 Location, Time and Broadcasting

- 4.3.1** The Commission shall meet in the House of Assembly at times directed by the Commission. Meetings are intended to take place in the House of Assembly where the appropriate audio-visual capacity exists to transmit the proceedings of the Commission. [19(6)] The Commission may decide to hold a meeting in an alternative location only if that location has full broadcast capabilities.
- 4.3.2** The guidelines for broadcasting meetings of the Commission shall be the same as those applied to the proceedings of the House of Assembly, insofar as they may reasonably be applied.
- 4.3.3** In the absence of a direction by the Commission, the Commission shall meet at a time determined by the Chair, or in the absence of the Chair, by the Deputy Speaker.
- 4.3.4** The use of a telephone conference is permitted where not more than two members join via telephone and the proceedings are fully audible to the general public.

4.4 Regularity of Commission Meetings

- 4.4.1** A minimum of 6 meetings will be held during the fiscal year. The commission may meet as often as required above the 6 required meetings.
- 4.4.2** After an election and delivery of the orientation session for members of the Commission, a meeting of the Commission must occur within a reasonable period of time.

4.5 Special Meetings requested by a Commission Member

- 4.5.1** A member of the Commission may request the Chair to convene a special meeting. It shall be a matter for the Chair to determine whether or not to grant such a request.
- 4.5.2** The Chair may convene a special meeting of the Commission when it appears to her/him that an item of business requires urgent attention. The Clerk shall arrange for such special meetings to be convened as soon as possible after the date of the request.

4.6 Special Meetings requested by a non-Commission Member

- 4.6.1** A special meeting may be requested by any Member of the House of Assembly through a written request to the Chair. The Chair will decide if a special meeting of the Commission is warranted.

4.7 Attendance of Commission members

- 4.7.1** It is expected that members of the Commission make every reasonable effort to attend the meetings of the Commission. Members shall, where practical, inform the Clerk in advance if they are unable to attend a particular meeting.
- 4.7.2** Where a member is, for whatever reason, unable to attend a meeting then he or she is permitted to submit written comments with views on any of the issues under consideration.
- 4.7.3** If a member is absent for greater than half of the meeting days in a calendar year, without a valid explanation in accordance with the regulations, the Commission may request that the appropriate caucus, or the Lieutenant Governor in Council, replace that member with a new appointee.

4.8 Attendance and Participation by non-Commissioners at Commission Meetings

- 4.8.1** Support staff of the House of Assembly may attend as required to join the discussion of a specific item on the agenda at the invitation of the Chair or a Commission member.
- 4.8.2** Any Member of the House of Assembly may request the Chair's permission to attend and present at a meeting of the Commission. This request may be made personally or by a Commission member on behalf of a Member of the House of Assembly. The request must be made a minimum of 3 business days prior to the meeting of the Commission. A one page Briefing Note (**see ANNEX A**) is required to be submitted with the request. The Office of the Clerk will assist with the preparation of the note. The note will ensure that members of the Commission are adequately informed regarding the nature of the presentation.

- 4.8.3** The Commission may require outside assistance with a matter under consideration. A Commission member or the Clerk may seek the Chair's permission for the attendance of a guest at a meeting. The request must be made a minimum of 3 business days prior to the meeting of the Commission. The Commission member or Clerk will prepare a one page briefing note (*see ANNEX A*) which is required to accompany the request. The briefing note will ensure that members of the Commission are adequately informed regarding the nature of the presentation.

4.9 Attendance by Spectators at Commission Meetings

- 4.9.1** As meetings will be held in the House of Assembly, the gallery of the House of Assembly will be open to the general public who wish to view the activities of the Commission. Visitors will be expected to remain quiet and maintain generally accepted House of Assembly gallery protocol.
- 4.9.2** Disruptions from the gallery may result in the suspension of the Commission meeting until order is restored.

5.0 Rules of Procedure

5.1 Standing Orders of the House of Assembly

- 5.1.1 The Standing Orders of the House of Assembly will be used by the Chair in so far as they can be reasonably applied to the proceedings of the Commission.

5.2 Amendments to Operating Procedures

- 5.2.1 The Commission has the authority and responsibility to establish policies respecting any matter for which the Commission has powers, duties or responsibilities under the *Act*. The Commission cannot change procedures which have been legislated.

5.3 Prior Circulation of Papers to Commission Members

- 5.3.1 The Clerk shall issue information papers and briefing notes, where practical, not later than 5 business days preceding the date of the meeting. Commission members may consult colleagues on an issue but all papers must remain confidential and should not be circulated to any member outside those appointed to the Commission until after the meeting of the Commission.

5.4 Quorum

- 5.4.1 A quorum of the Commission shall be 50% of its members. At least one member representing a party in opposition to the government must be present along with the Speaker or Deputy Speaker, during the meeting of the Commission. [18(8)]

5.5 Seating Arrangement of the Management Commission

To be discussed by the Commission

5.6 Issuing Directives

- 5.6.1** All directives of the Commission will be carefully filed, collated, indexed and numbered and will be:
- available for consultations by MHAs and for inspection by the public;
 - summarized and referred to in the annual report of the Commission;
 - published on the House of Assembly website;
 - included in an indexed Members' manual in an orderly fashion; and
 - made available to House staff charged with administering the allowance regime.
- 5.6.2** A directive issued or a decision made by the Commission is effective on the date specified in that directive or decision and will not be issued if it is inconsistent with the *Act* or the rules. [20(8)]
- 5.6.3** Where the Commission issues directives clarifying the rules respecting the acceptability of types of expenditures for reimbursement, or the Chair makes rulings in respect of such matters, those directives and rulings must be included in the member's Manual and must be brought to the attention of each member as per the procedures for providing notification of the minutes of the Commission.

5.7 Implementing Decisions of the Commission

- 5.7.1** The Clerk will provide members with a summary document outlining the decisions made at a Commission meeting 2 days after the Commission meeting. Forthwith from that day, Commission members are provided a further 2 days to consider the decisions rendered at the Commission meeting. After the end of the 2nd day, the decisions of the Commission will become confirmed and will be implemented by the Office of the Clerk.

Note: *The provision of transcripts by Hansard and the availability of recordings through the Broadcast Centre ensure full transparency of meetings. This access to Commission proceedings permits the approval and implementation of decisions of the Commission prior to the approval of the minutes at the next Commission meeting. Expedious confirmation of*

decisions will permit the implementation of decisions in a timely and effective manner.

- 5.7.2** If majority agreement cannot be confirmed on an issue under discussion, the decision will be deferred to the next meeting of the Commission.
- 5.7.3** Decisions made by the Commission will be tabled in the House of Assembly and provided to the general public through a media notice.

DRAFT

6.0 The Agenda and Minutes

6.1 Circulating the Agenda and related materials

6.1.1 The agenda (*see ANNEX B*) for each meeting will be set by the Clerk and the Chair. Other than a special meeting, the agenda shall include:

- date, time and location of the meeting;
- minutes of the previous meeting;
- matters arising; and
- notification of papers which are to be considered at the meeting along with the names of any officials attending for each item.

6.1.2 Matters that must be routinely considered are included in the agenda as they arise. A Commission member may request that an item be added to the agenda by notifying the Clerk. Items may also come from the offices of the House of Assembly reporting to the Speaker.

6.1.3 Before each meeting of the Commission, the Clerk reviews the agenda and supporting material with the Chair.

6.1.4 The agenda will be circulated 5 business days in advance of the meeting to the Speaker and the Commission members.

6.2 The Minutes

6.2.1 The minutes (*see ANNEX C*) include among other matters, the recorded decisions and recommendations of the Commission. [19(5)]

6.2.2 The minutes list the items on the agenda of the meeting followed by the manner of disposition of each item arrived at by the Commission.

6.2.3 The minutes of meetings shall record:

- The date, venue and time of the meeting;
- Members present;
- Officials and observers in attendance;
- Apologies of absence;
- Review of the previously approved minutes or any amendments;
- Matters arising from the previous minutes;
- A note of any issues considered by correspondence since the previous meeting and any decisions taken;
- Motions and amendments, if any;
- The outcomes of voting on any decision taken;

- Any actions arising.

6.3 Approval of the Minutes by the Commission

- 6.3.1** The minutes are formally drafted by the Clerk. Minutes of the Commission will be officially approved at the next meeting of the Commission. [19(5)]
- 6.3.2** After the minutes have been drafted, they will be circulated to the Commission for review. Members have two business days to review the minutes and suggest revisions or clarification on any items.
- 6.3.3** Where a clarification is sought this may be done in writing to the Chair and Clerk. The Chair shall inform members of the Commission of the request and eventual resolution of the clarification request.

6.4 Circulating Approved Minutes to Members of the House of Assembly and the General Public

- 6.4.1** Minutes are formally approved at the next meeting of the Commission. Once the minutes of the meeting have been approved by the Commission they must be tabled in the House of Assembly by the Speaker no later than 5 business days after approval if the House of Assembly is sitting. If the House of Assembly is not sitting, the minutes must be tabled not later than 5 business days after the House of Assembly next sits. [19(5) (a)]
- 6.4.2** Once the minutes of the meeting have been approved, a paper copy must be provided by the Clerk to each Member of the House of Assembly within 15 days of their approval by the Commission. [19(5) (b)]
- 6.4.3** The minutes of the meetings of the Commission will be posted to the website of the House of Assembly no later than 15 days after they have been tabled in the House of Assembly. [19(5) (c)]

7.0 Annual Reports

7.1 The Annual Report of the Management Commission

- 7.1.1** The Chair of the Commission is required to table a detailed report (*see ANNEX D*) each year outlining the activities of the Commission
- 7.1.2** This report includes a listing of:
- attendance;
 - meetings;
 - directives;
 - changes to Policy; and
 - outstanding Issues
- 7.1.3** The report must contain the minutes of the decisions of the Commission made throughout the year.
- 7.1.4** The annual report of the Commission must be tabled in the House of Assembly within 90 days of year-end and if the House of Assembly is not sitting, within five days of the next sitting of the House; and
- 7.1.5** The Chair is required to deliver a copy of the report to every Member of the House of Assembly, post it on the House of Assembly's website and make it available on request by members of the public.

7.2 The Annual Report of the House of Assembly

- 7.2.1** The Chair of the Commission is required to table a detailed report in respect of Members of the House of Assembly salaries, allowances and expenses including all payments made to or for each Member.
- 7.2.2** The annual report must be tabled in the House of Assembly within 90 days of year-end and if the House of Assembly is not sitting, within five days of the next sitting of the House; and
- 7.2.3** The Speaker is required to deliver a copy of the report to every Member of the House of Assembly, post it on the House of Assembly's website and make it available on request by members of the public.

7.2.4 Included in the annual report will be the record of Members of the House of Assembly absences and explanations for absences and the declarations made by Members with respect to this. [Sect. 13]

7.2.5 The report, as described in section 51 of the *Act*, must contain:

- the audited financial statements and accounts of the House of Assembly and the auditor's report prepared by the auditor as outlined in section 43 of the *Act*;
- minutes of the substance of all decisions made at each meeting of the Commission prepared in accordance with subsection 19(4) of the *Act*;
- a report on the decisions and activities of the Commission for the past year prepared in accordance with paragraph 20(1) (f) of the *Act*;
- a report of recommendations made by the auditor appointed as per section 43 of the *Act* if any recommendations are made and the steps taken or to be taken, if any to address the recommendations in accordance with paragraph 20(5) (e) of the *Act*;
- a statement of the total salary, allowances and expenses permitted for each member and a statement of all payments made to or for each member with respect to their salaries, allowances and expenses;
- changes or adjustments to allowances and expenses approved by the Commission in the year covered by the report;
- a statement of the clerk certifying that the amounts of salary allowance and expense reflected in the report is consistent with the amounts recorded by the comptroller general and reflected in public accounts; and
- a statement of rulings made by the Speaker, the Commission or Commission member on matters related to the functioning of the House of Assembly or specific members of the House of Assembly under sections 24 and 52 of the *Act*.

8.0 The Audit Committee

8.1 Audit Committee Membership

- 8.1.1** The Audit Committee must be formed as a sub-committee of the Commission. [23(1)]
- 8.1.2** The Audit Committee, as referred to in subsection 23(2) of the *Act*, shall consist of:
- (a) two members of the Commission chosen by the Commission, at least one of which must not be a member of the governing party;
 - (b) two persons, chosen by the Chief Justice of the province, who are not members of the House of Assembly but who are resident in the province, and have demonstrated knowledge and experience in financial matters and are suitable to represent the public interest.
- 8.1.3** The Commission shall designate the Chair of the Audit Committee from the members of the Audit Committee. [23(3)]
- 8.1.4** People external to the House of Assembly appointed to the audit committee shall serve for a term of not more than 4 years and may be reappointed for one additional term of not more than 4 years. [23(4)]
- 8.1.5** The Clerk Assistant will act as secretary of the audit committee. [23(5)]
- 8.1.6** Compensation and reimbursement of expenses will be paid to those appointed to the Audit Committee as per standard provincial government policy for remuneration for committee membership.

8.2 Duties of the Audit Committee

- 8.2.1** As defined in subsection 23(7) of the *Act*, the Audit Committee shall:
- provide assistance to the Commission in fulfilling its oversight responsibility to the House of Assembly and the public with respect to stewardship of public money;
 - make recommendations to the Commission respecting the choice of and terms of engagement and compensation of the auditor appointed under section 43 of the *Act*;

- review the audit plans of the auditor appointed, including the general approach, scope and areas subject to risk of material misstatement;
- review the financial statements, audit report and recommendations of the auditor and give advice about them to the commission;
- review the compliance report issued and recommendations, if any, provided by the auditor general as a result of a compliance audit conducted under subsection 43(9) of the *Act* and provide advice on that report and recommendations to the Commission;
- review internal audit reports and make recommendations to the Commission as required on issues that arise;
- make recommendations with respect to internal audit procedures of the House of Assembly and statutory offices;
- review with the Clerk, the effectiveness of internal control and other financial matters, as well as compliance with legal requirements respecting accountability, record-keeping, tendering and conflict of interest;
- review the code of conduct applicable to the clerk and staff of the House of Assembly and make recommendations for improvement to the Commission where required;
- use reasonable efforts to ensure the integrity of the House of Assembly and statutory office's financial information systems and the competence of accounting personnel and senior financial management responsible for accounting and financial reporting;
- review disclosure practices of the Commission to ensure full, plain and timely disclosure of its decisions respecting financial matters;
- advise the Clerk of his or her responsibilities as accounting officer; and
- act on, advise and report on other matters relating to the financial affairs of the House of Assembly and statutory offices as may be required by the Commission.

8.3 Meetings of the Audit Committee

- 8.3.1** The audit committee will meet at least 4 times a year or more often as required. [23(8) (a)]
- 8.3.2** The audit committee will meet separately and periodically with the Clerk, the personnel responsible for the internal audit function and the auditor appointed under section 43 of the *Act*. [23(8) (b)]

8.4 Reporting of the Audit Committee

- 8.4.1** The Audit Committee must report regularly to the Commission with respect to its activities. [23(8) (c)]
- 8.4.2** The Audit Committee will provide a report to Commission members 14 business days after having met or prior to the next Commission meeting if the audit committee meeting was held at least 7 business days before the next Commission meeting.
- 8.4.3** The substance of reports, advice and recommendations made by the Audit Committee to the Commission will be tabled at meetings of the Commission and recorded in the minutes. [23(9)]
- 8.4.4** Where there is disagreement among members of the Audit Committee as to the report, advice or recommendations to be made to the Commission on a matter, and the 2 members appointed are in disagreement with the other members of the Committee or disagree with each other on that matter, the fact shall be recorded in the report, advice or recommendations and in the minutes of the Commission. [23(10)]
- 8.4.5** The Report of the audit committee will be in the form deemed most appropriate by the committee to best convey the information provided.

9.0 Appointing an Auditor

- 9.1** As part of its annual activities, the Commission must appoint an auditor before the end of each fiscal year, upon the recommendation of the Audit Committee. [43(2)]
- 9.2** The Auditor General may act as the auditor appointed, but in this case the audit performed will be of the House of Assembly and the statutory offices as a separate body and not as a part of the general audit of the accounts of the province. [43(3)]
- 9.3** If the Commission does not appoint an auditor, the Speaker is required to report to this to the House of Assembly. [43(4)]
- 9.4** If no auditor is appointed, the Auditor General shall conduct the audit. [43(5)]

10.0 Referrals to Cabinet or Cabinet Committees

- 10.1** The House of Assembly and its Statutory Offices must bring certain matters to Cabinet for its consideration. The most common matters are the budget of the Legislature and recommended legislation affecting the House of Assembly or Statutory Offices. The *Act* (Sections 26 & 27) outlines the authority of the Commission respecting annual Estimates. The *Act* does not address a process for referring other matters to Cabinet.
- 10.2** The Commission must approve all submissions which require consideration by Cabinet or a Cabinet Committee. Upon approval by the Commission, the Speaker shall refer the submission to be signed by the Attorney General, who will speak to the submission during Cabinet deliberations.
- 10.3** The Department of Justice has advised the House of Assembly and the Executive Council that the Attorney General is the appropriate person to receive Cabinet matters from the Legislative Branch for presentation to Cabinet. The Attorney General has a statutory and constitutional responsibility for the law which is distinct from other members of Cabinet and, pursuant to Subsection 4(5) of the *Executive Council Act*, “shall administer all Acts, orders and regulations not assigned to another Minister”.
- 10.4** The Clerk shall follow the various guidelines established by the Executive Council for the drafting, production, and distribution of submissions to Cabinet or Cabinet Committees.
- 10.5** Matters which will be referred to Cabinet must be kept confidential by Commission members. Consideration of these matters will be conducted in *in camera* sessions of the Commission, as authorized by paragraph 19(1) (c) of the *Act* (“matters protected by privacy and data protection laws”). The *Access to Information and Privacy Act* (Sect. 18) permits no-disclosure of Cabinet materials and Commission members must respect Cabinet confidentiality.

**ANNEX A - BRIEFING NOTE FORMAT FOR THE HOUSE OF ASSEMBLY
MANAGEMENT COMMISSION**

**House of Assembly Management Commission
Briefing Note**

Title:

Issue:

Background:

§

§

Status:

§

§

Action Required:

Drafted by/Phone #:

Approved by/Phone #:

Date:

ANNEX B - FORMAT FOR THE AGENDA OF THE HOUSE OF ASSEMBLY MANAGEMENT COMMISSION



HOUSE OF ASSEMBLY Newfoundland and Labrador

Agenda

House of Assembly Management Commission

Location: House of Assembly

Date [To be included]

Time: [To be included]

Item 1: [To be included]

Note 1: [1 paragraph summary, if required]

Item 2: [To be included]

Note 2: [1 paragraph summary, if required]

**ANNEX C - FORMAT FOR MINUTES OF THE HOUSE OF ASSEMBLY
MANAGEMENT COMMISSION**

Covering letter from the Speaker of the House of Assembly



**HOUSE OF ASSEMBLY
Newfoundland and Labrador**

[Date]

TO: Members of the House of Assembly

RE: Minutes of the House of Assembly Management Commission

In accordance with section 19(5) of the *House of Assembly Accountability, Integrity and Administration Act*, I forward herewith a copy of the minutes of the meeting of the the House of Assembly Management Commission, held on [Month Day, Year].

Speaker
House of Assembly

] **[House of Assembly]**

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

Date: [To be entered]

Location: House of Assembly of Newfoundland and Labrador

Time: [To be entered]

Members Present:

[To be entered with party affiliation]

Regrets:

[To be entered with party affiliation]

Decisions of the Management Commission:

Agenda Item: [To be entered]

Decision: [To be entered]

HoAMC 2007-xxx

Deferred Decisions:

[To be entered if any]

Outstanding issues: [To be entered if any]

Adjournment: [To be entered]

Hon. [To be entered], MHA
Speaker and Chair

Name [To be entered]
Clerk, House of Assembly

ANNEX D - FORMAT FOR REPORT ON THE ACTIVITIES OF THE HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

Covering letter from the Speaker of the House of Assembly



**HOUSE OF ASSEMBLY
Newfoundland and Labrador**

Date [To be included]

To All Members of the House of Assembly of Newfoundland and Labrador

I have the privilege of presenting for your information, the Annual Report of the House of Assembly Management Commission for the Fiscal year ended [date to be included].

Respectfully Submitted,

Speaker of the House of Assembly and
Chair of the House of Assembly
Management Commission

Section 1 – Composition of the Committee

Composition of the Commission

Members as of [Date]

Hon. [To be included], MHA
Speaker and Chairperson

Hon. [To be included], MHA
Government House Leader

Official Opposition House Leader

MHA

MHA

MHA

MHA

Secretary to the Commission

Clerk of the House of Assembly

Section 2 – Committee Process

- Duties and activities of Committee
- Schedule of meetings

REPORT OF THE HOUSE OF ASSEMBLY MANAGEMENT COMMISSION FOR THE FISCAL YEAR ENDED [TO BE INCLUDED]

COMMISSION PROCESS

This is the annual report of the House of Assembly Management Commission for the fiscal year ended [To be included]

Members of the Commission for the period were:

During the [Year to be included] fiscal year, the Commission held meetings on the following dates to consider various matters:

[Dates]

DUTIES AND RESPONSIBILITIES OF THE COMMISSION

The decision-making authority of the House of Assembly Management Commission is exercised through specific actions which include:

- making rules
- issuing directives; and
- making orders

As defined in the *House of Assembly Accountability, Integrity and Administration Act*, the Commission is responsible for:

- The financial stewardship of all public money, within the *Financial Administration Act*, that is delegated to the House of Assembly for the use and operation of the House of Assembly and statutory offices, and for all matters of financial and administrative policy affecting the House of Assembly, its members, offices and staff connected to the House of Assembly. The Commission shall:
 - oversee the finances of the House of Assembly including its budget, revenues, expenses, assets and liabilities;

- review and approve the administrative, financial and human resource and management polices of the House of Assembly service and statutory offices;
- implement and periodically review and update financial and management policies applicable to the House of Assembly service and statutory offices;
- give directions with respect to matters that the Commission considers necessary for the efficient and effective operation of the House of Assembly service and statutory offices;
- make and keep current rules respecting the proper administration of allowances for members and reimbursement and payment of their expenditures in the implementation of subsection 11(2) of the *Act*;
- Annually report in writing to the House of Assembly, through the Speaker, with respect to its decisions and activities in accordance with section 51; and
- Exercise other powers given to the Commission and to perform other duties imposed on the Commission under this or another *Act*

Section 3 – Chronological List of Committee Decisions

Section 4 – Committee Decisions by Subject

Section 5 – Minutes of Proceedings

ANNEX E - TIMELINE OF HOUSE OF ASSEMBLY MANAGEMENT COMMISSION MEETING PROCESS

1. Appropriate notice of a meeting must be given prior to any meeting of the Commission.
2. Notice shall be given no less than 5 business days (inclusive of the notification day) before a meeting to be held on a day when the House of Assembly is scheduled to sit;
3. Notice shall be given no less than 7 business days (inclusive of the notification day) before a meeting to be held on a day when the House of Assembly is not scheduled to sit;
4. Notice shall be given at a lesser time where a special meeting is required and a majority of Commission members agree.
5. The agenda will be circulated, where practical, 3 business days in advance of the meeting to the Speaker and the Commission members.
6. The Clerk shall issue information papers and briefing notes, where practical, not later than 5 business days preceding the date of the meeting.
7. Decisions of the Commission are provided to Commission members with a summary document outlining the decisions made at a Commission meeting 2 days after a Commission meeting. Forthwith from that day, Commission members are provided a further 2 days to consider the decisions rendered at the Commission meeting. After the end of the 2nd day, the decisions of the Commission will become confirmed and will be implemented by the Office of the Clerk.
8. Minutes of the Commission are approved at the next Commission meeting. Once the minutes of the meeting have been approved by the Commission they must be tabled in the House of Assembly by the Speaker no later than 5 business days after approval if the House of Assembly is sitting. If the House of Assembly is not sitting, the minutes must be tabled not later than 5 business days after the House of Assembly next sits.
9. Once the minutes of the meeting have been approved, a paper copy must be provided by the Clerk to each member of the House of Assembly within 15 days of their approval by the Commission.
10. Minutes of the meetings of the Commission will be posted to the website of the House of Assembly no later than 15 days after they have been tabled in the House of Assembly.

11. The annual report of the Commission must be tabled in the House of Assembly within 90 days of year-end and if the House of Assembly is not sitting, within five days of the next sitting of the House.

DRAFT

**House of Assembly Management Commission
Briefing Note**

Title: Status Report on Recommendations of “Green Report”

Issue: Summary of August 27, 2007, Status Report (attached)

Background:

- The attached spreadsheet provides a summary of the Green Report recommendations and the status of their implementation. Within the recommendations, there 275 separate subsections to be addressed.

- Many of these items address recommended provisions for legislation and rules to be adopted. With the adoption of the draft Bill and draft Members’ Resources and Allowances Rules as proposed by Green, all such recommendation have been completed.

- The majority of the remaining recommendations will be in place, as required, for October 9, 2007.

- Some recommendations which are not directly related to Members and the Rules have had to be put on hold until the various items required for October 9 have been completed. Recommendations such as management certification and administrative oversight of the Statutory Offices will require a significant investment of staff resources and time during the Fall/Winter of 2007/08.

Action Required:

- None required. For information purposes only.

Drafted by: Wm. MacKenzie
August 27 2007

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
1		<i>The existing Internal Economy Commission Act should be repealed and be replaced by substantive legislation respecting the effective administration of the House of Assembly, the standards of conduct of elected officials, and their ethical and accountable behaviour.</i>	Completed. Act repealed and new House of Assembly Accountability, Integrity and Administration Act passed.
2		<i>The new legislation should prescribe definitive guidance and requirements which will: (a) establish an administrative framework for the House of Assembly that is transparent and accountable; (b) place responsibility with individual Members to conduct their public and private affairs so as to promote public confidence in the integrity of each Members, while maintaining the dignity and independence of the House of Assembly; (c) promote the equitable treatment of each Member of the House of Assembly; (d) establish clear rules with respect to salary, allowances and resources for elected office holders and to provide for mandatory review at regular intervals; (e) provide for clear and timely disclosure in relation to operations of the House of Assembly establishment, including Members' salaries, pensions, allowances, resources and separation payments that are consistent with the public interest; (f) create an environment for Members in which full-time devotion to one's duties is encouraged; and (g) establish standards of conduct for Members and for those charged with the responsibility of administration of operations of the House of Assembly establishment.</i>	Completed with proclamation of House of Assembly Accountability, Integrity and Administration Act .

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
3		<i>A proper regime providing for claims for reimbursement by MHAs for expenditures made in the performance of their constituency duties should: (a) place ultimate responsibility on the MHA for compliance with the spirit and Intent of the regime as well as its specific limits and restrictions; (b) provide adequate resources, instruction and training to MHAs and their constituency assistants to enable them to understand and comply with the regime; (c) be clear and understandable in its application; (d) contain detailed rules and examples of the types and amounts of expenditures permitted; and (e) contain mechanisms whereby, in doubtful cases, MHAs can obtain rulings which they can reasonably rely on in making and claiming for a particular expense.</i>	Legislative requirement completed with proclamation of House of Assembly Accountability, Integrity and Administration Act. Operational requirements to be completed by October.
4	1	<i>Upon the legislative reforms recommended in this report coming into force, the Speaker should refer to the Standing Committee on Privileges and Elections, or to a special committee appointed for the purpose, the responsibility for developing and proposing to the House of Assembly the adoption, by resolution, of a code of conduct for Members to provide guidance on the standards of conduct expected of them in discharging their legislative and public duties;</i>	Code of conduct is in draft stage. Standing Committee on Privileges and Elections to be constituted to begin deliberations, prior to bring to House.
4	2	<i>The Commissioner for Members' Interests, constituted under the House of Assembly Act, should be assigned responsibility for investigating and conducting an inquiry, if necessary, to determine whether a Member has failed to fulfill any obligation under the code of conduct and to report to the House with recommendations as to appropriate sanctions similar to the ones that are available for breaches of conflict of interest duties in Part II of the House of Assembly Act. The Act should be amended accordingly;</i>	Appropriate sections of the House of Assembly Act amended by Section 68 of House of Assembly Accountability, Integrity and Administration Act.
4	3	<i>The Commissioner for Members Interests should be renamed "Commissioner for Legislative Standards" in recognition of this expanded role; and</i>	Completed. Subsection 68(2) of Act.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
4	4	<i>The oath or affirmation of office that a Member of the House of Assembly is required to swear or affirm upon election to the House should include an affirmation and an agreement to follow the code of conduct adopted by the House.</i>	Completed. Section 5 of Act.
5	1	<i>The Commission of Internal Economy should develop and adopt a code of conduct applicable to persons employed in the House of Assembly and in the statutory offices;</i>	Draft completed for HoAMC review at Aug 29 meeting.
5	2	<i>All policies and guidelines respecting standards of behaviour of House staff should be made by the Commission of Internal Economy or the Clerk in writing and published in a formal policy manual;</i>	To be done this Fall.
5	3	<i>The Conflict of Interest Act should, as a general rule, apply to the House of Assembly; and</i>	Completed. Subsection 48(2) of Act.
5	4	<i>If the Commission were to modify the existing conflict of interest regime and other standards of conduct applicable to staff in the executive branch of government, the IEC should be required to put in place an alternative substantive regime.</i>	Completed. Subsection 48(2) of Act.
6	1	<i>Subject to limitations designed to respect the different functioning of the legislative branch, Parts I, II and III of the Access to Information and Protection of Privacy Act should be amended to provide for its application to the House of Assembly administration, including financial information about Members' salaries and expenditures on allowances, and to the offices of the Citizens' Representative, the Child and Youth Advocate, the Chief Electoral Officer, the Information and Privacy Commissioner and the Commissioner of Members' Interests; and</i>	Completed. Section 67 of Act.
6	2	<i>It should be a legislated requirement that the House of Assembly be subject to a publication regime where basic information concerning the finances of the House, especially information about expenditures in relation to Members' allowances, is made publicly available as a matter of course.</i>	Completed. Section 49 of Act.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
7	1	<i>The application of the ATIPP Act to the House of Assembly administration should be excluded in relation to: (a) information protected by parliamentary privilege; (b) records of political parties and caucuses; and (c) personal, political and constituency records of individual MHAs.</i>	Completed. Subsection 67(3) of Act amends Paragraph 5(1)(c) of ATIPPA.
7	2	<i>The application of the ATIPP Act to statutory offices should be excluded in relation to records connected with investigatory functions or otherwise expressly required by law to be kept confidential; and</i>	Completed. Subsection 67(4) of Act.
7	3	<i>The ATIPP Act should not be extended to the Office of the Auditor General but the appropriateness of requiring access to information should be examined as part of a general legislative review of the Auditor General Act.</i>	Completed. Subsection 67(1) of Act.
8	1	<i>The publication scheme developed by the IEC, as recommended in Recommendation No. 6(2), should involve publication on the House's website;</i>	In progress. Will be implemented for first reports.
8	2	<i>The publication scheme should include publication of information about MHAs' expenditures on their constituency allowances, including, at the least, a breakdown of information by category of expenditure relating to each claim made by each MHA as and when processed by the existing financial management system;</i>	HoA, Office of Comptroller General and Office of the Chief Information Officer are working to ensure appropriate information is available for publication.
8	3	<i>The IEC should undertake a further study of the Scottish system of publication of information about Members' allowances with a view to expanding the amount of information that can be displayed, with the ultimate intent of publishing the details of individual items of expenditure on a regular basis;</i>	Will be reviewed in more detail this Fall, with advice from OCG and OCIO.
8	4	<i>The Clerk of the House should be required, prior to periodically publishing information about an MHA's allowance expenditures, to provide a statement to the MHA and give the MHA an opportunity to dispute the accuracy of the information;</i>	Completed under Section 11 of Members' Allowances and resources Rules.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
8	5	<i>If there is a dispute between an MHA and the Clerk about the accuracy of the information in a statement that cannot be resolved, the information should nevertheless be published, but the MHA should be allowed to publish at the same time and in the same place his or her disagreement and the reasons therefor; and</i>	Completed under Section 12 of Members' Allowances and resources Rules.
8	6	<i>In the case of publication of information about an MHA's allowance expenditures, the information, in addition to being published on the website of the House, should also be kept on file in the MHA's constituency office and in the office of the Speaker and made available for inspection by the public.</i>	Completed under Rules 11, 12 and 13
9		<i>It should be a legislative requirement: (a) that the IEC, officers of the House and the staff of the House of Assembly administration document decisions and recommendations; and (b) that it is an offence to fail to so document, or to destroy documentation recording decisions or the advice and deliberations leading up to those decisions.</i>	Completed under Act: (a) Subsection 19(4); (b) Section 66
10	1	<i>Subject to (2) below, the management and administration of the House of Assembly, including financial management, should continue to be under the supervision and control of a management board presently called the Commission of Internal Economy but to be henceforth renamed as the "House of Assembly Management Commission";</i>	Completed under Section 20 of Act.
10	2	<i>The existing Commission must: (a) be restructured legislatively with respect to its formal operating structure; (b) have greater controls over, and limits on, the types of decisions it can make and the manner of making those decisions; (c) have its operational procedures reorganized; and (d) have higher and more appropriate standards of responsibility, both as an institution and also with respect to its members individually, so that the Commission will be able to function efficiently, openly and with due regard to its stewardship mandate.</i>	Completed under Section 18-21 of Act.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
11	1	<i>Legislation governing the House of Assembly Management Commission should set out clearly the standards, diligence, prudence, knowledge acquisition, supervision and good faith expected of each member of the Commission;</i>	Completed under Section 21 of Act.
11	2	<i>Those standards should include: (a) a duty to exercise powers with the care, skill and diligence that a reasonably prudent person would exercise in comparable circumstances; (b) a duty to act in good faith, on the basis of adequate information in arriving at Commission decisions; (c) a duty to attend Commission meetings except in exceptional circumstances; (d) a duty to spend time on the affairs of the Commission to be able to comply with his or her responsibilities; and (e) a duty to act in such a way to promote compliance with law and policy and to advocate policies in support of such objective; and</i>	Completed under Section 21 of Act.
11	3	<i>It should also be stated in the legislation that a member of the Commission should not be considered in breach of these duties so long as he or she acts prudently on a reasonably informed basis.</i>	Completed under Section 21 of Act.
12	1	<i>New legislation should contain a broad statement of the responsibility of the House of Assembly Management Commission for the financial stewardship of all public money appropriated for the use of the House and for all matters of financial and administrative policy affecting the House administration;</i>	Completed under Section 20 of Act.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
12	2	<i>The specific duties and responsibilities of the Commission should be set out in legislation and should include responsibilities to: (a) oversee the budget, revenues, expenses, assets and liabilities of the House; (b) review and approve administrative, financial and human resource and management policies of the House; (c) implement financial and management policies for the House and keep them updated; (d) give general direction with respect to the efficient and effective operation of the House; (e) make and keep current rules respecting MHA allowances; (f) annually report in writing, fully and accurately, to the House through the Speaker; (g) regularly review the financial performance of the House and compare that performance with the House budgets; (h) ensure proper audits are conducted of the accounts of the House; (i) ensure that full and plain disclosure of the accounts and operations of the House is made to the auditor on a timely basis; and (j) consider and address on a timely basis any recommendations for improvement made by the auditors from time to time;</i>	Completed under Section 20 of Act.
12	3	<i>Delegation of duties by the Commission should not relieve it of ultimate responsibility for what is done or not done and, when delegation is made, the Commission should be required to establish oversight mechanisms by means of measurement of outcomes and accountability reporting;</i>	Completed under Section 20 of Act.
12	4	<i>The Commission should be guided by the spirit and letter of the Financial Administration Act; and</i>	Completed under Section 20 of Act.
12	5	<i>It should be stated in legislation that the financial and management policies of the executive branch shall apply to the House except to the extent that they may be modified by the Commission, in which case the Commission must put in place alternative policies deemed more appropriate.</i>	Completed under Section 20 of Act.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
13		<i>As one of the first orders of business of the newly restructured House of Assembly Management Commission, the Commission should develop and adopt rules with respect to the advance circulation of agendas and briefing materials respecting items on those agendas, and give instructions to the Clerk with respect to compliance with those rules.</i>	Draft Policy and Procedures Manual to be reviewed Commission at Aug 29 meeting.
14	1	<i>With limited exceptions, all proceedings of the House of Assembly Management Commission should be open to the public and should be able to be electronically accessed by the media in the same manner as proceedings of the House of Assembly;</i>	Commission meetings will be broadcast, beginning with first meeting Aug 29.
14	2	<i>Recordings of Commission meetings should be made as part of the Hansard service;</i>	Hansard transcripts will be available, beginning with first meeting Aug 29.
14	3	<i>Exceptions to public meetings of the Commission should include: (a) legal matters involving actual or impending litigation; (b) personnel issues relating to officers of the House; and (c) matters protected by privacy and data protection laws.</i>	Completed under Subsection 19(1) of Act.
15	1	<i>The substance of all decisions of the Commission, including the final decisions of matters decided in private meetings, should be recorded in publicly accessible records of the Commission;</i>	Minutes and decisions of the Commission will all be publicly accessible. The substance of decisions made under the <i>in camera</i> provisions of Subsection 19(1) will be public, with confidential details restricted.
15	2	<i>Minutes containing the substance of all decisions should, following approval, be tabled in the House within a short time frame, be provided to each MHA and be placed on the House website for inspection by the public.</i>	Minutes will be tabled and posted on House website, beginning with first meeting Aug 29.
16	1	<i>A Members' manual should be prepared under the direction of the House of Assembly Management Commission within six months (and, in any event, before the next general election scheduled for October 9, 2007) and made available to every Member following the election.</i>	Existing manual being updated. Will be ready for October 9.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
16	2	<i>As a minimum, the Members' manual should contain: (a) information with respect to allowances available to MHAs; (b) duties of MHAs with respect to claims for allowances and the management and expenditure of public money; (c) copies of applicable legislation including: i) legislation recommended in this report, ii) the House of Assembly Act, iii) the Financial Administration Act, iv) the Members of the House of Assembly Retiring Allowances Act; (d) copies of rules and directives made by the Commission; (e) information summarizing rulings and determinations made by the Speaker and the Commission respecting matters affecting Members' responsibilities; (f) copies of the Code of Conduct adopted from time to time by the House; (g) instructions as to the manner in which duties of MHAs are to be carried out with respect to making claims, and the forms to be employed and the documentation to be supplied; and (h) information as to how to organize and operate a constituency office;</i>	Existing manual being updated. Will be ready for October 9.
16	3	<i>The House of Assembly Management Commission should have responsibility to keep the Members' manual continuously updated;</i>	Subsection 50(4). Ongoing requirement.
16	4	<i>The Commission should be made responsible for causing to be developed and offered to all newly elected MHAs, whether in a general election or by-election, an orientation program on matters contained in the Members' manual and on other matters pertaining to expectations for MHAs; and</i>	Subsection 22(2) makes the Speaker responsible. Orientation program developed in February 2007 will be updated.
16	5	<i>The Commission should also be responsible for causing to be developed and offered to MHAs such training and information dissemination programs as may be appropriate from time to time on various aspects of an MHA's duties as well as changes in the rules.</i>	Ongoing operational requirement.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
17	1	<i>The Speaker should cause each new member of the House of Assembly Management Commission to be provided with an information package containing, at least, information as to: (a) the responsibilities of the Commission and individual members; (b) past minutes of the Commission that are of continuing relevance; (c) rules and directives of the Commission; (d) policies and guidelines issued to House staff; (e) procedures and processes of the Commission; and (f) the role of the audit committee of the Commission;</i>	Package distributed to Members prior to first meeting. Additional information will be added as finalized.
17	2	<i>The Clerk should be required to conduct a briefing session with all new members of the Commission within 30 days of their appointment.</i>	Scheduled for August 28.
18	1	<i>The Clerk of the House of Assembly should be designated as accounting officer for the House, to be directly accountable to the Public Accounts Committee for the authorities and responsibilities assigned by law or delegated by the House of Assembly Management Commission, including for: (a) measures taken to organize the resources of the House to deliver programs in compliance with established policies and procedures; (b) measures taken to implement appropriate financial management policies; (c) measures taken to maintain effective systems of internal control; (d) the certifications that are made in annual reports regarding accuracy of MHAs' transactions and the minutes of the Commission; and (e) the performance of other duties specifically assigned;</i>	Completed under Section 31 of Act.
18	2	<i>Where the Speaker or the House of Assembly Management Commission is unable to agree with the Clerk on the interpretation or application of a rule, directive, policy or standard applicable to an MHA, the House administration or the statutory offices, the Clerk should seek guidance from the Comptroller General or the Deputy Minister of Justice; and</i>	Completed under Section 31 of Act.
18	3	<i>The legislation should provide that no reprisal shall be taken against the Clerk for actions taken by him or her in good faith as accounting officer.</i>	Completed under Section 31 of Act.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
19	1	<i>The Public Accounts Committee of the House of Assembly should develop a program of action for regular investigation of matters of concern expressed in the Auditor General's annual reports, whether they relate to the executive or legislative branches of government; and</i>	For discussion with new Public Accounts Committee in next General Assembly.
19	2	<i>The Public Accounts Committee, additionally, should regularly examine and investigate matters dealt with in the annual reports of the House of Assembly Management Commission, including the financial statements of the House and auditors' opinions thereon, as well as matters disclosed in the course of compliance audits and any other matters of concern arising out of decisions of the Commission.</i>	For discussion with new Public Accounts Committee in next General Assembly.
19	3	<i>The Public Accounts Committee should regularly review with the Clerk of the House of Assembly, the Clerk's responsibilities as accounting officer of the House.</i>	Requirement under Section 47 of Act.
20	1	<i>A procedure should be established in legislation whereby an advance inquiry could be made in writing by a Member to the Speaker as to the appropriateness of an anticipated expenditure, or of an expenditure already made, with the resulting ruling being binding;</i>	Completed under Section 24 of Act.
20	2	<i>A procedure should be established in legislation whereby the review of an allowance use could be initiated at the request of a Member or of the Clerk or of the Speaker's own accord, and the Speaker would conduct, in his or her capacity as Chair of the House of Assembly Management Commission, a review to determine whether the Member's use of an allowance or other disbursement complies with the purposes for which the allowance or other disbursement was provided, or complies generally with legislation, the rules and the directives of the Commission;</i>	Completed under Subsection 52(1) of Act.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
20	3	<i>Both of the above described procedures should include procedural safeguards by way of further review and/or appeal mechanisms. In the case of advance inquiries, these would ultimately involve the House of Assembly Management Commission. In the case of review of allowance use, these would ultimately involve the Commissioner for Legislative Standards.</i>	Completed under Sections 24 and 52 of Act.
21	1	<i>A public interest disclosure (“whistleblower”) program should be implemented by legislation in the legislative branch of government;</i>	Completed under Part VI of Act.
21	2	<i>Under the program, members of the public service or MHAs who believe that wrongdoing, such as committing a statutory offence, gross mismanagement of public money, violation of a code of conduct or failure to disclose information required to be disclosed, has been committed by an MHA, the Speaker, persons employed in the House or its statutory offices, or members of the House of Assembly Management Commission should be provided with a mechanism to report such wrongdoing in confidence;</i>	Completed under Sections 55 and 56 of Act.
21	3	<i>The program should provide a means whereby the disclosure of alleged wrongdoing can be investigated in a fair manner and recommendations made for appropriate action to be taken;</i>	Completed under Section 58 of Act.
21	4	<i>The Citizens’ Representative should be designated as the investigator under the program;</i>	Completed under Subsection 54(1) of Act.
21	5	<i>The program should provide that no reprisals can be taken against any person making a disclosure in accordance with the program; and</i>	Completed under Section 59 of Act.
21	6	<i>The Clerk should be tasked with undertaking at an early date the development of explanatory material relating to the program, and how it should be used, for approval by the Commission, and then for general distribution to members of the public service and MHAs, stressing the importance of the program and its full support by the Commission.</i>	First draft of material has been completed, with assistance of Citizen’s Representative.
22	1	<i>Section 15 of the Auditor General Act should be amended to make it inapplicable to Members of the House of Assembly;</i>	Effect has been achieved by Subsection 45(7) but to date Auditor General Act has not been amended.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
22	2	<i>The new legislation recommended in this report should contain a provision dealing specifically with reporting of possible impropriety and criminality by MHAs by providing that, if during the course of an audit, or as a result of review of an audit report prepared by another auditor employed by the House of Assembly or as a result of any internal audit procedure, the Auditor General becomes aware of an improper retention or misappropriation of public money by a Member, or another activity by a Member that may constitute an offence under the Criminal Code or another Act of the Parliament of Canada or the Province, the Auditor General should be required immediately to report the improper retention, misappropriation of public money or other activity to: (a) the Speaker; (b) the Premier; (c) the leader of the political party with which the member involved may be associated; (d) the Attorney General; and (e) the Minister of Finance;</i>	Completed under Subsection 45(1) of Act.
22	3	<i>In addition to reporting the retention, misappropriation or other activity, the Auditor General should be required to attach to his or her annual report to the House a list containing a general description of these incidents and the dates on which those incidents were reported:</i>	Completed under Subsection 45(2) of Act.
22	4	<i>Before making a report, the Auditor General should be required to give to any Member involved and who may be ultimately named or identified in the report: (a) full disclosure of the information of which the Auditor General has become aware; (b) a reasonable opportunity to the Member to provide further information and an explanation; and (c) the Auditor General should take that information and explanation, if any, into account in deciding whether to proceed to make the report;</i>	Completed under Subsection 45(3) of Act.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
22	5	<i>The Auditor General should be under a duty not to make the existence or contents of a report referred to in Recommendation 22(1) known to any other person except (a) as part of his or her annual report to the House; (b) in accordance with court process; (c) as part of proceedings before the Public Accounts Committee; and (d) as a result of a request from the House of Assembly Management Commission.</i>	Completed under Subsection 45(4) of Act.
22	6	<i>The Auditor General should be a compellable witness in any civil or criminal proceeding and in a proceeding before the Public Accounts Committee relating to any matter dealt with in a report made under this section; and</i>	Completed under Subsection 45(5) of Act.
22	7	<i>Section 19.1 of the House of Assembly Act should not apply to a report made by the Auditor General under the new legislative provision.</i>	Completed under Subsection 45(6) of Act.
23	1	<i>Express statutory recognition should be given to a right of a member of the public to seek an order of mandamus, as well as consequential and declaratory relief, to enforce statutory duties imposed on the House of Assembly Management Commission, the members of the Commission as well as MHAs where the member of the public, acting in good faith, believes that a statutory duty has not been complied with and no other action to enforce it has been or is being contemplated;</i>	Completed under Subsection 53(1) of Act.
23	2	<i>A member of the public seeking an order of mandamus: (a) should not be denied standing on the ground that he or she is not affected by the alleged failure to perform the duty to any greater degree than any other person; and (b) should be required to serve notice of the application on the Attorney General who should have the right to intervene and be heard on the application; and</i>	Completed under Subsections 53(3) and 53(4) of Act.
23	3	<i>A person seeking a mandamus in the above circumstances should not be exposed to an adverse order as to costs, even if unsuccessful, provided he or she has acted in good faith in bringing the application.</i>	Completed under Subsection 53(6) of Act.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
24	1	<i>The new legislative regime being recommended should expressly provide mechanisms for the provision of information to the Attorney General concerning alleged failures by Members and public officials to comply with legal prescriptions, thereby improving the likelihood that the Attorney General will be in a position to take appropriate enforcement action;</i>	Completed under Subsections 45(1) and 58(10) of the Act.
24	2	<i>Examples of such mechanisms would include: (a) direct notification by the Auditor General if a notice of potential improper retention or misappropriation of funds or a possible criminal or statutory offence is proposed to be issued under section 15 of the Auditor General Act; and (b) notification of a finding of potential wrongdoing following a disclosure under the "whistleblower" legislation being recommended in this report.</i>	Completed under Subsections 45(1) and 58(10) of the Act.
25	1	<i>The next Clerk of the House of Assembly should be appointed on nomination by the House; and</i>	Completed under Subsection 7(1) of Act.
25	2	<i>The Speaker should initiate the selection process and should consult with the House of Assembly Management Commission, the Clerk of the Executive Council and the Public Service Commission to determine the appropriate process for recruitment of suitable candidates for appointment.</i>	Completed under Subsection 7(2) of Act.
26		<i>The roles, duties, and responsibilities of the Clerk of the House as (i) parliamentary advisor to the Speaker and (ii) as chief permanent head of the management and administration of the House should be set out in detail in legislation.</i>	Completed under Section 28 of the Act.
27	1	<i>The Clerk of the House should be charged, in legislation, with the responsibility of being the chief parliamentary advisor to the Speaker;</i>	Completed under Section 28 of the Act.
27	2	<i>The provisions of the Statutes and Subordinate Legislation Act appointing the chief legislative counsel and other legislative counsel as law clerks of the House of Assembly should be repealed;</i>	Completed under Section 69 of the Act.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
27	3	<i>The Clerk should be provided with sufficient resources to be able to perform that function without relying on legal and other advice from the executive branch of government; and</i>	Ongoing operational requirement.
27	4	<i>An office of law clerk should be created within the House of Assembly to advise and assist the Clerk in the performance of his or her functions.</i>	Completed under Subsection 7(1) of Act.
28	1	<i>The role of the Clerk as the chief permanent head of the management and administration of the House should be affirmed and the Clerk's principal duties and responsibilities should be specified in legislation;</i>	Completed under Section 28 of the Act.
28	2	<i>The duties of the Clerk, as specified in the legislation, should include: (a) acting as accounting officer for the House; (b) being responsible for management certification in accordance with a certification plan prepared by the Clerk and approved by the House of Assembly Management Commission;</i>	Completed under Section 28(3) of the Act.
28	3	<i>The imposition of responsibility for the management certification process should be delayed for one year to enable a proper management certification plan to be developed;</i>	Completed under Section 28(4) of the Act.
28	4	<i>The Clerk should be provided with sufficient additional resources to enable him to perform the additional duties and responsibilities flowing from the recommendations in this report; and</i>	Ongoing operational requirement.
28	5	<i>The Clerk of the House of Assembly Act should be repealed.</i>	Completed under Subsection 71(1) of Act.
29		<i>A review of the classification and remuneration of the office of the Clerk should be undertaken forthwith by the House of Assembly Management Commission, with the assistance of the Public Service Secretariat, to determine whether an adjustment in the remuneration of the office should be made commensurate with the office's level of responsibility and unique position in the government service.</i>	Review not yet undertaken.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
30	1	<i>The Commission of Internal Economy (House of Assembly Management Commission) should be restructured to consist of: (a) the Speaker, who will vote in case of a tie; (b) the Government House Leader; (c) the Official Opposition House Leader; (d) two members from the government party, only one of which should be a Cabinet minister; (e) one member from the Official Opposition (unless there is no third party in the House, in which case there should be two members from the Official Opposition); and (f) one member from a third party that is a registered political party under the Elections Act, 1991;</i>	Completed under Subsection 18(1) of Act.
30	2	<i>The right of a third party to have a representative on the Commission should not be dependent on having any minimum number, beyond one, of elected members in the House;</i>	Completed under Paragraph 18(3)(g) of Act.
30	3	<i>No member of the Commission should also serve concurrently as a member of the Public Accounts Committee of the House;</i>	Completed under Subsection 18(5) of Act.
30	4	<i>A member of the Public Accounts Committee should not participate in any hearings relating to decisions of the Commission when he or she may have been a previous member at the time those decisions were made;</i>	Must be dealt with under Public Accounts Committee policies and procedures.
30	5	<i>A quorum of the Commission should be 50% of its members provided the Speaker or Deputy Speaker and at least one member representing a party in opposition to the government be present; and</i>	Completed under Subsection 18(8) of act.
30	6	<i>The Clerk of the House of Assembly should act as secretary of the Commission.</i>	Completed under Paragraph 18(3)(b) of Act.
31	1	<i>The salary levels of members of the House of Assembly, and all other officers of the House, such as the Speaker and House leaders, should be specified in legislation; and</i>	Completed under Sections 11 & 12 of Act.
31	2	<i>The legislation should specify that a Bill to adopt an amendment to the legislation to change salary levels may only be enacted where first, second and third readings on the Bill are held on separate days in the session.</i>	Completed under Section 15 of Act.
32	1	<i>The allowance regime for MHAs should be embodied in rules formally passed by the House of Assembly Management Commission as subordinate legislation;</i>	Rules were Scheduled to the Act and constitute subordinate legislation [64(2)]. Section 64 and subsections 72(1) and 72(2).

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
32	2	<i>No changes to the allowance regime should be capable of being made by the Commission except by the passage of an amendment to the rules;</i>	Completed under Subsection 20(7) and sections 64 and 72 of Act.
32	3	<i>No change to the rules respecting the allowance regime that would have the effect of creating a category of non-accountable discretionary allowance or authorizing such type of payment should be allowed to be made except in response to a review commission's recommendations;</i>	Completed under Subsection 20(7) and sections 64 and 72 of Act.
32	4	<i>No rule respecting changes to the allowance regime should be capable of being made and rendered legally in force unless: (a) the motion proposing it is made at a public meeting of the Commission, posted on the House's website and not voted on until at least the next meeting thereafter; (b) the rule, as passed by the Commission, is submitted to the House of Assembly and an affirmative resolution approving it is passed; and</i>	Completed under Subsection 20(7) of Act.
32	5	<i>All rules made by the Commission should be deemed to be subordinate legislation within the Statutes and Subordinate Legislation Act and subject to the filing and publication requirements of that statute.</i>	Completed under Subsection 64(2) of Act.
33	1	<i>The House of Assembly Management Commission should have the authority to entertain appeals from rulings of the Speaker as to the application of the rules to particular cases in which advance rulings have been sought from the Speaker by an MHA;</i>	Completed under Subsection 24(8) of Act.
33	2	<i>The Commission should have the authority, by the issuance of formal directives, to alter rulings on appeal from the Speaker, and to issue clarifications, amplifications and explanations generally with respect to the application of rules respecting MHA allowances; and</i>	Completed under Subparagraph 20(6)(b)(iv) of Act.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
33	3	<i>All directives of the Commission should be carefully filed, collated, indexed and numbered and should be: (a) available for consultations by MHAs and for inspection by the public; (b) summarized and referred to in the annual report of the Commission to the House; (c) published on the House's website; (d) included in an indexed Members' manual in an orderly fashion; (e) made available to House staff charged with administering the allowance regime.</i>	Ongoing operational directive.
34		<i>The decision-making authority of the House of Assembly Management Commission should be exercised by (a) making rules, (b) issuing directives and (c) making orders; and that the circumstances under which each method of decision-making may be exercised should be set out in legislation.</i>	Completed under Subsection 20(6) of Act.
35	1	<i>An Audit Committee of the House of Assembly Management Commission should be created by statute;</i>	Completed under Section 23 of Act.
35	2	<i>The committee should consist of two members of the Commission and two members who are residents of the province, but who are not MHAs, and have demonstrated knowledge and experience in financial matters;</i>	Subsection 23(2). Commission to be chosen at Aug 29 meeting. Request has been sent to Chief Justice Wells to select public members.
35	3	<i>The two lay members of the committee should be chosen by the Chief Justice of the province;</i>	Subsection 23(2). Commission to be chosen at Aug 29 meeting. Request has been sent to Chief Justice Wells to select public members.
35	4	<i>The lay members should have fixed terms that provide for rotation over time;</i>	Completed under Subsection 23(4) of Act.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
35	5	<i>The mandate of the committee should include: (a) making recommendations to the Commission with respect to choice and terms of engagement of auditors; (b) reviewing financial statements, audit reports and recommendations and giving advice thereon to the Commission; (c) reviewing any compliance audits undertaken by the Auditor General; (d) making recommendations respecting internal audit procedures; (e) reviewing with the Clerk the effectiveness of internal control; (f) reviewing a code of conduct applicable to the Clerk and House staff; (g) reviewing disclosure practices of the Commission; and (h) advising the Clerk with respect to the exercise of his or her responsibilities as accounting officer;</i>	Completed under Subsection 23(7) of Act.
35	6	<i>The committee should be required to meet regularly and frequently enough to discharge its duties;</i>	Completed under Subsection 23(8) of Act.
35	7	<i>Lay members on the committee should be paid from public funds with the level and type of remuneration being determined by the House of Assembly Management Commission; and</i>	Completed under Subsection 23(6) of Act.
35	8	<i>In the case of disagreement between the lay members of the committee and the Commission members, both points of view should be passed on to the Commission and recorded in the Commission minutes.</i>	Completed under Subsection 23(10) of Act.
36	1	<i>The House of Assembly Management Commission should require the Clerk to prepare revised estimates of what may be required to operate the House of Assembly at a reasonably acceptable level, taking into account the recommendations in this report;</i>	Future years' estimates will be based on requirements of the Report.
36	2	<i>The estimates so prepared should be submitted as part of the overall budget of the House pursuant to section 6 of the existing Commission of Internal Economy Act or any applicable successor legislation; and</i>	Section 26 of Act.
36	3	<i>If the budget process has been concluded for the current year, the Commission should seek a special warrant under the Financial Administration Act to ensure that funds are made available at the earliest opportunity.</i>	Determination of level of funding required in process, with intent of requesting special warrant in the Fall.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
37	1	<i>The Clerk should be designated in legislation to be the chief administrative and financial officer responsible to the Speaker and, through the Speaker, to the House of Assembly Management Commission for the management of the operations of the House and the general administration of the statutory offices, including, in relation to the statutory offices: (a) providing administrative, financial and other support services; (b) establishing of general administrative policies; (c) commenting to the Commission on the budget submissions of the statutory offices; (d) reporting to the Commission regarding the financial and budgetary performance of the statutory offices; (e) reporting to the Commission and the audit committee on the status of audits; (f) assessing and maintaining the effectiveness of internal controls in the statutory offices; and (g) accounting to the Public Accounts Committee for their administration;</i>	Completed under Subsection 28(3) and section 31 of Act.
37	2	<i>The office of the Auditor General should be exempted from the foregoing until such time as new legislation being considered for the revamping of that office is implemented;</i>	Subsection 2(r) - "definitions" - excludes Auditor General
37	3	<i>The Commission should continue with its current practice of approving appointments to the staff of the statutory offices except for the office of the Auditor General; and</i>	Authorized under Subsection 32(1) of Act. Ongoing operational issue.
37	4	<i>The Public Service Commission Act, except for section 11 with respect to appointments, should apply to the staff of the House and the statutory offices except where varied by directive of the Commission.</i>	Completed under Subsection 32(6) of Act.
38	1	<i>The Clerk should prepare and distribute appropriate organization charts depicting the organization of the House administration and its relationship with the statutory offices;</i>	Charts being developed.
38	2	<i>The Clerk should prepare and distribute appropriate administrative and financial policies outlining the degree of administrative supervision the office of the Clerk intends to apply to the statutory offices and how that supervision is to be effected; and</i>	To be undertaken this Fall in consultation with Statutory Offices.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
38	3	<i>The administration of the House operations, other than the statutory offices, should be designated the “House of Assembly Service” and consist of the following divisions: (a) the office of the Speaker (b) the office of the Clerk; (c) Financial and Administrative Services; (d) the Legislative Library; (e) the office of Hansard; and (f) the Broadcast Centre.</i>	Completed under Section 25 of Act.
39	1	<i>The Financial Administration Act should be amended to make it apply to the House of Assembly operations with respect to controls over the spending of public money;</i>	Effect has been achieved by Section 46, although FAA has not been amended.
39	2	<i>In particular, and for greater certainty, section 8 of the Internal Economy Commission Act should be repealed, and subsection 25(4) of the Financial Administration Act should be made applicable to the House; and</i>	Subsection 71(2) repeals entire IEC Act. Section 46 and Subsection 20(1) of Act address applicability of FAA.
39	3	<i>Where it is appropriate, in legislation, to allow for any deviation from financial control policies of the executive in its application to the House, the House of Assembly Management Commission should be statutorily required to deviate only if more appropriate or efficient alternative policies are to be put in place.</i>	Completed under Subsection 20(3) of Act.
40	1	<i>Management of the House, in particular the Clerk and the Chief Financial Officer, should implement and champion the need for effective internal controls. Regular review of the internal controls in place must occur, and suggestions for improvement to current systems must be implemented in a timely manner;</i>	Ongoing operational requirement.
40	2	<i>A strategic plan for the legislature should be developed as contemplated by the Transparency and Accountability Act. This plan should outline the goals of the House administration for the upcoming year as well as how the legislature plans to mitigate the risks in meeting its mandate;</i>	Policy Officer begins work September and will be responsible for coordination of the strategic plan.
40	3	<i>An organization chart, which details the hierarchy of the House administration should be developed. This chart will allow members and employees to know and understand their roles and responsibilities;</i>	Being developed as part of Members' Manual.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
40	4	<i>Job descriptions should be developed and documented for all employees of the House of Assembly. These descriptions must detail the job requirements and expectations of each job and should be written by someone who has the experience and knowledge to complete the description;</i>	External consultant has been contracted to assist House personnel in preparation of job descriptions.
40	5	<i>Management, particularly the Clerk, should ensure that people who are hired meet the job requirements as outlined in the descriptions;</i>	Ongoing operational requirement.
40	6	<i>Training programs or courses should be offered to key employees to ensure that these employees are kept abreast of the latest developments in their particular field; and</i>	Ongoing operational requirement.
40	7	<i>Management, particularly the Clerk, should develop, maintain and update as required, appropriate management information systems to assist in the financial reporting and budgeting processes, and to assist in reporting in a useful and transparent manner the spending patterns of each Member with respect to allowances and to enable significant variances to be identified and dealt with.</i>	Government's Financial Management System is being updated to accommodate new expense categories and report formats are being developed and will be ready for October.
41	1	<i>The estimates of the House of Assembly, as approved by the House of Assembly Management Commission, should continue to be submitted to the Minister of Finance with the expectation that they be placed on the floor of the House as part of the provincial estimates without change, but recognizing that the executive may retain a residual discretion to refuse to present them in that form in exceptional cases;</i>	Subsection 26(6) of Act outlines Estimates requirements.
41	2	<i>Estimates for the statutory offices should continue to be prepared by the offices concerned and presented to the Commission for approval;</i>	Completed under Subsections 26(2) & (3) of Act.
41	3	<i>Before the Commission makes a decision on the estimates submitted by the statutory offices, it should request the Clerk to provide an analysis and commentary to the Commission on those estimates; and</i>	Completed under Subsection 26(4) of Act.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
41	4	<i>Before the Commission makes a decision on the budgetary estimates for the operation of the House prepared by the Clerk and on those prepared by the statutory offices, the Commission should avail itself of independent advice in respect of the estimates and, in particular, should submit the estimates to the Budget Division of the Department of Finance for analysis and comment.</i>	Completed under Subsection 26(5) of Act.
42	1	<i>In preparing the budget for the House, the “revised” estimates for the current year, to be included with the budget for the coming year, should be based on a comprehensive analysis of expenditures to date and best estimates of expenditures for the balance of the year, and these revised estimates should be reviewed with the House of Assembly Management Commission together with an up-to-date variance analysis as an integral part of the budgetary process;</i>	Completed under Section 26 of Act.
42	2	<i>The Commission should only approve the House estimates for submission and inclusion in the overall estimates of the Province after it completes detailed reviews of the information explaining the basis for the items making up the overall estimates;</i>	Completed under Section 26 of Act.
42	3	<i>Monthly budget reports on the accounts of the House should be prepared and submitted to the Budget Division of the Department of Finance on a regular basis and along with an explanation of any significant variances. The Budget Division should provide the Clerk with any questions or comments it may have on such reports. These reports should also be provided to the Commission for review and discussion along with any questions or comments from the Budget Division;</i>	Legislative requirement completed under Paragraph 28(3)(i) of Act. Monthly budget reports are being submitted to Budget Division. Reports to be provided to HoAMC as required.
42	4	<i>Any errors identified from the monthly review of the budgets to actual expenditures should be corrected on a timely basis;</i>	Ongoing operational requirement.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
42	5	<i>The Allowance and Assistance account in the Estimates of the House of Assembly should be subdivided into at least two separate accounts such that allowances are budgeted and reported separately from MHA salary compensation; and each separate account should be appropriately named in a manner that is indicative of the nature of the expenditures encompassed by each account;</i>	Will be done in conjunction with Budget Division and Office of the Comptroller General for next year's Estimates.
42	6	<i>The budgets prepared for the separate account relating to allowances should be segregated by Member and monitored accordingly;</i>	Will be done in conjunction with Budget Division and Office of the Comptroller General for next year's Estimates. Funds control by individual MHA account already exists.
42	7	<i>A Transfer of funds policy should be developed by the House of Assembly Management Commission generally consistent with the government practice as outlined in TB Directive 97-07, except that the approval of both the Clerk and the Chief Financial Officer should be required for the transfers otherwise authorized by a deputy minister in a department. For transfers that would require Treasury Board approval in the case of a government department, the prior approval of the Commission should be required (including all transfers that involve the movement of funds in respect of salaries and allowances accounts (formerly "allowances and assistance") and transfers across the parameters of the statutory offices; and</i>	Policy is being developed for approval by HoAMC.
42	8	<i>The approval of all transfers should be ratified by the Commission and clearly documented in the public minutes of the Commission .</i>	Will be part of HoAMC policy.
43	1	<i>The purchases, payables, payment process applicable to the executive branch of government should be adopted within the House of Assembly. Should any policy not be implemented due to particular circumstances within the House, alternate policies approved by the House of Assembly Management Commission should be implemented;</i>	Completed under Subsection 20(3) of Act.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
43	2	<i>The Public Tender Act should generally apply to the House of Assembly administration and to the statutory offices, but the House of Assembly Management Commission should have the authority, by directive, to modify its application in particular cases where the differing circumstances of House administration may require modification. In such cases, however, the Commission should be required to put in place alternate and more appropriate tendering and purchasing regimes rather than simply declaring the Act's non-application.</i>	Completed under Subsection 48(2) of Act.
43	3	<i>A complete review of the purchases, payables, payment systems for the statutory offices should be undertaken. This review should include an analysis of whether all purchases for these offices should be centralized in the House or whether each individual office is better served by having a separate purchases department based on government policy;</i>	Will be undertaken this Fall, in consultation with Statutory Offices.
43	4	<i>A list of approved individuals to whom tasks within the House can be delegated should be prepared by the Clerk for circulation, and updated when staff functions change. The government policy should be reviewed to ensure that the delegation limits of the government are followed within the House;</i>	In development stage. Will be finalized when positions and organization structure are finalized.
43	5	<i>A full review of the House's staffing needs should be undertaken. Presently, staff seconded from other departments resolve the segregation of duties issue on a temporary basis. It is necessary to ensure that adequate staffing is hired on a full time-basis to ensure the issue of incompatible duties does not reoccur;</i>	Ongoing with review of positions being undertaken by external consultant.
43	6	<i>The proposed new "Iexpenses" program should be implemented in the House to assist with the processing of expense reports;</i>	Currently this is in a pilot stage in the executive branch of government. A determination as to the level of implementation in the House will be made when further review is completed.
43	7	<i>A separate account structure within the financial management system for each MHA should be assigned to allow for monitoring expenditures against individual budgeted allowances. These accounts should be monitored at the "absolute" category so that only expenditures not over the limit are processed; and</i>	Funds control is already applied to individual MHA accounts.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
43	8	<i>The concept of on-line access to allow MHAs to review their constituency allowance expenditure information and compare it with their budgetary allocation should be examined and subsequently implemented within a reasonable period of time.</i>	For review this Fall.
44	1	<i>An examination should be undertaken of the reimbursement claims of Ministers and Parliamentary Assistants from the fiscal years 2000-01 to 2005-06 and a comparison be made with claims by those persons made to the House of Assembly in respect of constituency allowances to ensure that duplicate claims have not been submitted and funds administered by the House unnecessarily spent; and</i>	Examination has been completed by Auditor General. Report not yet issued.
44	2	<i>In the future, a review should be undertaken by the House of Assembly Management Commission and the Executive Council jointly to develop claims monitoring and classification processes that will identify and control duplicate claims billing across the legislative and executive branches of government.</i>	Office of Comptroller General is developing with input from HoA and Executive Council.
45		<i>A full review of the payroll process in the House and statutory offices should be undertaken to determine the adequacy of the current process and to confirm that the necessary changes have been implemented to ensure that the process now followed is in accordance with government policy.</i>	The Professional Services and Internal Audit Division of the Office of the Comptroller General will undertake this Fall.
46	1	<i>Use of the Financial Management System in its entirety should be implemented and followed in the House of Assembly and, in particular, the Oracle Fixed Asset and Financial Analyzer modules should be extended to and used by the House;</i>	FMS, including Oracle Financial Analyzer (OFA), is currently used. Oracle Fixed Asset module is not used in government departments and is not appropriate to HoA needs. Inventory tracking system developed in response to Recommendation 72(4) will be used for asset control.
46	2	<i>All staff of the House should be provided with initial and ongoing training on the Oracle system;</i>	Ongoing.
46	3	<i>If the "Expenses" module presently being piloted within government is deemed suitable for general government use, it should be implemented within the House as well;</i>	Consideration will depend on success of implementation throughout government.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
46	4	<i>If there are policies that are deemed inappropriate for application in the House because of differences in House administration, it should be a requirement that they be replaced by the House of Assembly Management Commission with policies that improve controls, not just provide a means of opting out of controls; and</i>	Subsection 20(3). Policies will be developed where and when needed.
46	5	<i>Security procedures over the use of computers should be implemented to ensure that all data and information not maintained on the system be adequately controlled and protected from inappropriate access or loss, either accidental or deliberate, through the use of mandatory access restrictions, and the use of automatic backups.</i>	OCIO is actively working with HOA to effect changeover to new, secure system (Active Directory) being implemented throughout government. The new system incorporates restricted access and appropriate automatic backups.
47	1	<i>The financial accounts of the House of Assembly and its statutory offices should be subject to appropriate and effective internal audit processes;</i>	Paragraphs 23(7)(f), 28(3)(j), 28(3)(k) and 28(3)(l) of Act. Discussions are ongoing with OCG on all aspects of internal audit requirements.
47	2	<i>The internal audit function of the House should be performed by the Professional Services and Internal Audit Division of the Office of the Comptroller General;</i>	Discussions are ongoing with OCG on all aspects of internal audit requirements.
47	3	<i>Sufficient human and financial resources should be provided to the Professional Services and Internal Audit Division to enable it to provide dedicated, appropriate and effective internal audits for the House;</i>	Discussions are ongoing with OCG on all aspects of internal audit requirements. OCG is recruiting additional staff for internal audit function.
47	4	<i>If resources are not made available to the Professional Services and Audit Division to enable it to perform, on a dedicated basis, an appropriate internal audit function for the House, sufficient resources should be forthwith made available within the House budget to enable it to perform its own internal audit function;</i>	Will review depending on OCG staffing success.
47	5	<i>At least until the new “Iexpenses” module of the Oracle operating system has been applied to the House and the security features of the module are found to be operating effectively, each MHA expense report should be examined, by way of internal audit, for appropriateness and compliance with policy;</i>	Discussions are ongoing with OCG on all aspects of internal audit requirements.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
47	6	<i>Any apparent violations of MHA expense policies should be brought to the attention of the Speaker and the MHA concerned, and mechanisms should be legislated whereby the Speaker can, in a fair manner and subject to appropriate appeal, investigate potential violations and make orders requiring rectification; and</i>	Completed under Section 52 of Act.
47	7	<i>Mechanisms should also be put in place to enable an MHA who has had a claim rejected by House staff to have the matter reassessed by the Speaker.</i>	Completed under Subsection 24(1) of Act.
48	1	<i>The Clerk and senior management in the House, with the support of the House of Assembly Management Commission, should forthwith implement a management certification process by developing processes to: (a) establish and maintain disclosure controls and procedures; (b) enable the Chief Financial Officer and Clerk to certify that they designed, or caused to be designed, a system of internal control to provide reasonable assurance regarding the reliability of financial reporting in accordance with the required policies; and (c) enable the Chief Financial Officer and Clerk to certify that the internal controls environment is operating effectively;</i>	Paragraph 28(3)(l) of Act makes the Clerk solely responsible. Formal management certification process will begin this Fall.
48	2	<i>Assistance in developing a plan of implementation should be provided from the internal auditors in the Professional Services and Internal Audit Division and by other staff in the Office of the Comptroller General; and</i>	Preliminary discussions have been held with the OCG.
48	3	<i>The obligation to provide the necessary certifications should be stipulated in legislation respecting the duties of the Clerk.</i>	Completed under Paragraph 28(3)(l) of Act.
49		<i>A forensic accounting investigation should be conducted to determine if the transactions contemplated by the decisions of the Commission of Internal Economy on March 6, 2002, and February 26, 2003, with respect to potential payments to MHAs of sums related to their constituency allowances occurred, and if so, if they reflected the intent of the decision so made.</i>	Request for Proposals is being drafted.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
50	1	<i>A complete financial statement and legislative compliance audit should be conducted forthwith of the accounts of the House of Assembly, as a separate entity, for the fiscal years 1999-00 and 2000-01, with appropriate levels of materiality, taking into account the size of the organization and the experience of subsequent years; and</i>	Request for Proposals has been issued.
50	2	<i>Upon issuance of financial statements, auditor's report and management letter, if any, in relation to the fiscal years in question, they should be referred to the Public Accounts Committee for review.</i>	Will be actioned once auditor's report are received and new Public Accounts Committee is established in 46th General Assembly.
51	1	<i>The Speaker and the House of Assembly Management Commission should be required by legislation to ensure that appropriate audits of the House of Assembly and its statutory offices are commenced and completed on a timely basis;</i>	Completed under Paragraphs 20(5)(b) and 20(5)© of Act.
51	2	<i>Careful attention should be given by the Commission and its audit committee to the detailed terms of engagement of each auditor to ensure that the scope of the audit is appropriate to the purpose of the proposed audit;</i>	Required under Subsection 23(7) of Act. Both Commission and audit committee will be engaged.
51	3	<i>To remove doubt as to what is required, the types and broad scope of any audits that are required to be conducted of the House and its statutory offices should be stated in legislation; and</i>	Completed under Subsections 43(6) and 43(9) of Act.
51	4	<i>For each type of audit to be performed for the House of Assembly, the appropriate communications and reports should be issued within 60 days of the completion of the audits and management should respond with any comments within a further 60 days.</i>	Ongoing operational requirement.
52	1	<i>The accounts of the House of Assembly and its statutory offices should be audited annually by either the Auditor General or an independent external auditor chosen by the House of Assembly Management Commission assisted by the advice of its audit committee;</i>	Established under Section 43 of Act.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
52	2	<i>Such an annual audit should consist of a financial audit of the House of Assembly and its statutory offices separate from that of the government as a whole and should include: (a) an analysis of and an expression of opinion on whether or not the expenses incurred by the House of Assembly administration are in accordance with the policies of the House of Assembly Management Commission and, where applicable, the policies of the executive branch of the government; and (b) an analysis of and an expression of opinion on whether the Clerk's assessment of the effectiveness of internal controls of the House and statutory offices is fairly stated and whether internal controls are operating effectively;</i>	Established under Subsections 43(3) and 43(6) of Act.
52	3	<i>Where the Commission fails to appoint an auditor for a particular fiscal year by the end of the previous fiscal year, the Auditor General should be deemed by legislation to be the auditor for that year;</i>	Established under Subsection 43(5) of Act.
52	4	<i>Subject to paragraph (5), a compliance audit should be conducted by the Auditor General on the House of Assembly and its statutory offices once every General Assembly;</i>	Established under Subsection 43(9) of Act.
52	5	<i>Until the controls in the House of Assembly administration have been assessed as having no significant weaknesses, a compliance audit should be performed by the Auditor General, initially within six months of the adoption of the revised controls as implemented in response to this report, and then within one year of the first assessment; and</i>	The House expects that the Auditor General will undertake this.
52	6	<i>Any such audits shall not be considered to entitle the Auditor General or any other auditor to question the merits of policy objectives of the House of Assembly service, the House of Assembly Management Commission or the statutory offices.</i>	Established under Subsection 43(10) of Act.
53	1	<i>The Speaker should, at any time, have the authority to review a Member's allowances to ensure that the expenditures are for the intended purposes and are in accordance with the policies and rules so established; and</i>	Completed under Subsection 52(1) of Act.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
53	2	<i>If the Speaker determines that such expenditures, in his or her view, are not appropriate, the Member should have the option of requesting the matter to be reviewed by the Commissioner of Legislative Standards.</i>	Completed under Subsection 52(4) of Act.
54	1	<i>An annual report should be tabled in the House of Assembly;</i>	Completed under Section 51 and Paragraph 20(1)(f) of Act. First Annual Report will be tabled in House for FY 2007/08.
54	2	<i>The annual report should contain the items noted in this report and be tabled in the House within 90 days of year-end and if the House is not then sitting, within five days of the next sitting of the House; and</i>	Will be accomplished in May, 2008.
54	3	<i>In addition, the Speaker should be required to deliver a copy of the report to every MHA, post it on the House's website and make it available on request by members of the public.</i>	Will be accomplished in May, 2008.
55		<i>Remuneration paid to Members of the House of Assembly should henceforth be denominated as "salary" rather than "indemnity."</i>	Completed under Subsection 11(1) of Act.
56	1	<i>The Member's non-taxable allowance should be eliminated;</i>	Completed under Subsection 11(1) of Act.
56	2	<i>No further non-taxable allowance should be permitted to be created by the House of Assembly Management Commission or the House of Assembly unless the rationale for its re-introduction has first been re-examined and recommended by an independent commission; and</i>	Completed under Subsection 15(1) of Act.
56	3	<i>The salary of a Member of the House of Assembly should as of July 1, 2007, be adjusted to a taxable amount of \$92,580, representing the amount of the existing indemnity plus a taxable amount equivalent to an after-tax value of the existing non-taxable allowance.</i>	Completed under Subsection 11(1) of Act.
57	1	<i>The MHA pension plan rules should be adjusted to ensure that the effect of the restructuring of the MHA salary component of Members' compensation not result in any increase in the pension entitlement of any Member; and</i>	Amendments are being drafted by Pensions Division, Department of Finance. Will be ready for legislative amendments in next session of House of Assembly.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
57	2	<i>The Members of the House of Assembly Retiring Allowances Act and the directives issued thereunder should be accordingly amended, effective July 1, 2007, to provide that the pensionable salary of a Member for the purposes of section 2(g) of the Act shall be 81.2% of the highest amount of one salary received by a Member in any calendar year.</i>	Amendment will be proposed in next session of the House and effect will be retroactive to July 1, 2007.
58		<i>For the purposes of determining the appropriate level of remuneration to be paid to a Member of the House of Assembly, the types of supports that should be provided to assist an MHA to carry out his or her functions, and the standards and level of commitment expected from elected representatives, the work should be regarded as the work of a professional.</i>	Represents a statement of principle only.
59	1	<i>It should be a legislative requirement that when the House of Assembly is not sitting, a Member should devote his or her time primarily to the discharge of his or her duties and responsibilities as a Member, making reasonable allowances for such matters as personal and family commitments, the need for some rest and vacation time, and ministerial and parliamentary assistant's duties, if any;</i>	Legislative requirement is completed under Subsection 13(7) of Act. Ongoing operational requirement.
59	2	<i>Where the Speaker becomes aware of circumstances that indicate that a Member may not be devoting his or her time primarily to discharge of his or her duties as a Member, the Speaker should be required to refer the matter to the appropriate House committee for investigation and report to the House; and</i>	Completed under Subsection 13(9) of Act.
59	3	<i>To eliminate confusion on the point, the legislation should also state that a Member, qua Member, is not prohibited from carrying on a business or engaging in other employment or a profession, provided that the nature of the business, work or profession is such that it does not prevent him or her from attendance in the House when it is in session and from devoting time primarily to the discharge of his or her duties as a Member when the House is not in session.</i>	Completed under Subsection 13(8) of Act.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
60	1	<i>There should be a clearly stated legislative requirement that, except for special circumstances, a Member is required to attend the House on each day when it sits;</i>	Completed under Subsection 13(1) of Act.
60	2	<i>Exceptions to the requirement of daily attendance at sittings of the House should include: (a) Sickness; (b) Serious illness of the Member's family; (c) Bereavement; (d) Attendance at committee meetings or the House of Assembly Management Commission or its related business; (e) Attendance at caucus or constituency business where the Member remains within the precincts of the House as defined in the House of Assembly Act; (f) Attendance to ministerial duties; (g) Attendance to duties as premier or leader of the opposition; or (h) Other exceptional circumstances approved by the Speaker.</i>	Completed under Subsection 13(3) of Act.
60	3	<i>Where a Member is absent from the House without acceptable reason, he or she should face a deduction of \$200 a day from salary for each day of absence;</i>	Completed under Subsection 13(2) of Act.
60	4	<i>A Member should be required to file a declaration with the Speaker annually, detailing any absences and the reasons therefor; and</i>	Completed under Subsection 13(5) of the Act, which requires filing such declaration with the Clerk.
60	5	<i>Failure to file the declaration should result in withholding of payment of any further salary until the filing is completed; and where unexplained absences are disclosed, the appropriate deductions should be made from the Member's future salary payments.</i>	Legislative requirement completed under Subsection 13(6) of Act. Ongoing operational requirement.
61	1	<i>Subject to paragraph (2), there should be no increase in the level of remuneration paid to Members of the House of Assembly until a review of salary levels is conducted during the next General Assembly;</i>	Completed under Subsection 16(1) of Act.
61	2	<i>Interim cost-of-living adjustments to the basic level of remuneration of Members may, until the review of salary levels during the next General Assembly, continue to be made on an annual basis based on annual changes in the executive pay plan of government;</i>	Legislative requirement completed under Subsection 15(2) of Act. Ongoing annual operational requirement.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
61	3	<i>The issue of continuing on a go-forward basis, and, if advisable, the type and manner of interim, annual cost-of-living adjustments to basic levels of remuneration between general salary level reviews, should be referred to the next salary review committee for consideration and recommendation; and</i>	Completed under Section 16 of Act.
61	4	<i>Unless the Public Accounts Committee actively engages in the types of activities recommended in this report, the next salary review committee should give consideration to recommending elimination of the special salary supplement now paid to the chair, vice-chair and members of the Public Accounts Committee and replacing it with a per diem attendance payment similar to that paid to other committee members.</i>	Completed under Subsections 12(1) and 12(3) of Act. Committee members salary supplement has been eliminated and per diem implemented. Needs to be considered by salary review committee on an ongoing basis.
62	1	<i>The rules with respect to calculation of severance payments for MHAs should be adjusted to ensure that the amount of severance a retiring MHA will receive will not be greater, in absolute terms as a result of implementation of a fully taxable salary for MHAs, than it would be under the existing payment arrangement of an indemnity plus a non-taxable allowance; and</i>	Severance calculation will be based on formula set by HoAMC directive. Severance calculations completed since Green Report have adhered to the principle of this recommendation.
62	2	<i>The manner of calculation of severance payments to Members of the House of Assembly who cease to be Members, and the conditions, if any, to be attached to such payments, should be referred to the review of salary levels to be conducted during the next General Assembly for consideration and recommendation, taking into account, amongst other things: (a) severance levels in the public service; (b) severance arrangements applicable to Members in other Canadian provincial and territorial legislatures; and (c) the special impact that leaving public life may have on future employment prospects</i>	Completed under Paragraph 13(3)(a) of Act.
63	1	<i>Once during each General Assembly, the House of Assembly should cause an independent committee to conduct an inquiry and prepare a report respecting the salaries, allowances, severance payments and pensions to be paid to Members during the next General Assembly;</i>	Completed under Subsection 16(1) of Act. Committee will be established during 46th General Assembly.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
63	2	<i>The persons appointed to the committee should not be Members of the House and should be regarded as independent persons capable of representing the public interest in ensuring that fair and reasonable remuneration is paid to Members of the House, while at the same time preventing the unnecessary expenditure of public funds;</i>	Completed under Subsection 16(1) of Act. Committee will be established during 46th General Assembly.
63	3	<i>Before appointments are made to a review committee, the Speaker should first consult with the Government House Leader, the Opposition House Leader, and the leader of any third party having one or more Members in the House and report the results of those consultations to the House;</i>	Completed under Subsection 16(2) of Act. Committee will be established during 46th General Assembly.
63	4	<i>Upon receipt of the report of a review committee, the Speaker should be required to refer the recommendations to the House of Assembly Management Commission for consideration;</i>	Completed under Subsection 16(2) of Act.
63	5	<i>The Commission should have the power to modify the review committee's recommendations, but only in a manner that would not exceed the maximum amounts recommended by the committee to be paid;</i>	Completed under Subsections 16(5) and 16(6) of Act.
63	6	<i>Upon acceptance or modification of a review committee's recommendations, the Commission should be required to submit the items relating to salaries and other matters that may be necessary to be implemented by legislation to the appropriate minister for the preparation of a Bill to amend applicable legislation accordingly, and place the remaining items on the agenda of a meeting of the Commission for the adoption of appropriate rules implementing those recommendations; and</i>	Completed under Subsection 16(5) of Act.
63	7	<i>A review committee should remain constituted after delivering its report for a period of time to enable the Commission to consult with it on matters in the report that may require clarification or amplification.</i>	Completed under Subsection 16(7) of Act.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
64		<i>Accommodation and meal allowance rules should be structured in such a manner that Members whose primary residence is in a district outside of reasonable commuting distance from St. John's and who remain in St. John's over one or more weekends while the House of Assembly is in session should be able to claim reasonable accommodation and meal expenses, as determined by rules established by the House of Assembly Management Commission, during such periods.</i>	Completed under Members' Resources and Allowances Rules, Part VI.
65	1	<i>The rules respecting allowances should be designed on the basis of what is the most appropriate regime to assist Members of the House of Assembly in carrying out their constituency and other duties as Members without reference to other expense reimbursement regimes that might also be applicable to them in other capacities; and</i>	Rules were developed and recommended with the intent they could be applied consistently across constituencies without being impacted by other reimbursement regimes of individual members. Rules are attached to the Act as a Schedule.
65	2	<i>All other expense reimbursement regimes, such as those applicable to Ministers or Parliamentary Assistants, should be designed in such a manner that they complement the floor of allowances applicable to MHAs as Members, and do not permit, as a result of the rules or their application, double claiming for the same expense or leaving legitimate expenses not reimbursed.</i>	Policies for Ministerial expenses are being developed by the executive branch so as to complement MHA allowances, and avoid double claims or rejection of legitimate claims.
66	1	<i>The rules respecting allowances should stipulate that the Member of the House of Assembly making or incurring an expenditure is the person responsible for compliance with requirements for claims, payments and reimbursements of expenses under the allowance regime and that the Member is not relieved of that responsibility even if: (a) he or she delegates that responsibility to another person; (b) the claim is accepted for payment by an official of the House; (c) the claim is ultimately paid.</i>	Completed under Subsection 6(1) of the Rules.
66	2	<i>Members should be required to maintain proper records pertaining to claims and should be responsible for operating their constituency offices and engaging and training support staff in a manner that will facilitate compliance with the requirements of both the letter and the spirit of the allowance regime;</i>	Completed under Subsection 6(4) of the Rules.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
66	3	<i>In keeping with the notion of personal responsibility, the Clerk of the House, the House of Assembly Management Commission and an auditor of the House should be able to require a Member to certify that an expense that he or she is claiming, or has claimed, has actually been incurred in compliance with the rules of the allowance regime;</i>	Completed under Subsection 6(3) of the Rules.
66	4	<i>Where a Member makes an expenditure or a commitment to an expenditure that exceeds a maximum allowable or is otherwise inappropriate, he or she should be personally responsible for the payment of that expenditure; and</i>	Completed under Subsection 8(1) of the Rules.
66	5	<i>The rules of the allowance regime should state that where through inadvertence or otherwise a claim is paid when it should not have been, the Member is liable to repay that amount to the public treasury.</i>	Completed under Subsection 8(2) of the Rules.
67	1	<i>The rules respecting allowances for Members of the House of Assembly should provide that allowances may only be used exclusively and necessarily in relation to “constituency business,” which should be defined as: any activity directly connected with a Member’s responsibilities in relation to the ordinary and proper representation of electors and their families and other residents in the constituency;</i>	Defined in S. 2(f) of Rules.
67	2	<i>The rules should also provide that a claim against an allowance should not be made if it relates to: (a) partisan political activities; (b) a personal benefit to a Member or an associated person of a Member; or (c) a matter that calls into question the integrity of the Member or brings the House of Assembly into disrepute.</i>	Completed under Section 5 of the Rules.
68	1	<i>The rules respecting allowances for Members of the House of Assembly should, subject to the overriding requirement that an expenditure be for a proper purpose, contain lists of types of expenditures that would normally qualify for reimbursement;</i>	Completed under Rules.
68	2	<i>The rules should also contain examples of types of expenditures that would normally be regarded as not qualifying for reimbursement; and</i>	Completed under Rules.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
68	3	<i>Where the House of Assembly Management Commission issues directives clarifying the rules respecting the acceptability of types of expenditure for reimbursement, or the Speaker makes rulings in respect of such matters, those directives and rulings should be included in the Members' Manual and should be brought to the attention of each Member in a timely manner.</i>	All directives and decisions of the Commission will be communicated to all Members.
69	1	<i>The use of block funding as the basic means of administering the allowance regime should be done away with;</i>	Completed with adoption of Members' Resources and Allowances Rules.
69	2	<i>Broad categories of allowances should be established, each with its own set of rules and controls appropriate to the control and administration of each type of expenditure;</i>	Completed under Section 14 of the Rules.
69	3	<i>All expenditures for which an allowance claim is made should be supported by original receipts except where the claim is based on mileage or a standard daily amount allowed for meals;</i>	Legislative requirement is completed under Subsection 16(4) of the Rules.
69	4	<i>The nature of the original receipts that should be acceptable should be defined by the House of Assembly Management Commission in rules issued by it, and where, in exceptional cases, it is deemed appropriate to accept some lesser form of verification, such as affidavits with a reasonable explanation where a receipt has been lost, the Commission should define the nature of such alternative verification in the rules; and</i>	Subsections 16(3) and 5(2) of the Rules authorize the Clerk, subject to directives and approval of the Commission, to determine adequate documentation.
69	5	<i>To the extent reasonably possible, the Commission should require that: (a) expenditures in relation to allowances be coordinated in advance with House of Assembly staff, and that payments to suppliers be made directly by the House rather than by the Member with subsequent claim for reimbursement; and (b) payments to Members by way of reimbursement of expenses be made by direct deposit to Member's bank accounts.</i>	Ongoing operational requirement.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
70	1	<i>The types of allowances available to Members of the House of Assembly to defray legitimate expenses associated with constituency business should be broken down into the following categories: (a) office allowances; (b) operational resources; (c) travel and living allowances; (d) a residual, constituency allowance; and</i>	Completed under Section 14 of the Rules.
70	2	<i>Each category of allowance should be dealt with separately in rules adopted by the House of Assembly Management Commission with conditions attached to their use being adopted to ensure proper administration and control as may be appropriate to each separate category.</i>	Completed under Parts IV, V, VI, and VIII of the Rules.
71	1	<i>Every Member of the House of Assembly should be entitled to office accommodation in the Confederation Building complex in the area of the offices of the party caucus to which that Member belongs;</i>	Discussions have been initiated with Department of Transportation and Works to ensure the best possible use of the available space.
71	2	<i>The Speaker should be required to ensure that the quality and size of office accommodation in the Confederation Building complex for an MHA of one political party is not materially different than that for an MHA of another political party;</i>	Completed under Subsection 20(3) of the Rules. Standards are being developed and will be implemented with the assistance of the Department of Transportation and Works, to the extent practicable taking into consideration infrastructure constraints.
71	3	<i>Every Member should also be entitled to set up and operate an office in his or her constituency, subject to such restrictions, conditions and controls as may be stipulated from time to time in general rules made by the House of Assembly Management Commission. In the alternative, each MHA should be entitled to: (a) rent short-term accommodation in the district to facilitate meetings with constituents from time to time; or (b) operate an office from his or her residence provided he or she does not pay rent to himself or herself or a spouse or other associated person;</i>	Each member has the option of establishing a constituency office in his/her district, or having a constituency office in Confederation Building. Standards are being developed for leasing of constituency offices and will be ready for October 9, 2007.
71	4	<i>The costs of setting-up, maintaining and operating a constituency office should be paid by the House of Assembly out of the House budget;</i>	Ongoing. House Budget will be adjusted accordingly when figures have been determined, by Special Warrant in the existing fiscal year and by budget appropriation for future years.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
71	5	<i>The House of Assembly Management Commission should provide funds to each party caucus to enable sufficient numbers of secretarial assistants be made available on a shared basis to Members whose constituency assistants work in the district and not out of the Confederation Building office; and</i>	Caucus funding formula is under review by House staff.
71	6	<i>No Member should be permitted to rent property for a constituency office that is owned by the Member or a person not at arm's length with or related to or associated with the Member, or in which any of such persons may have an interest; nor should the Member be permitted to enter into other financial dealings relating to the constituency office that involve himself or herself or other associated persons.</i>	Completed under Rule 21.
72	1	<i>The House of Assembly Management Commission should, as part of its rules respecting allowances, and subject to such restrictions, conditions and controls as may be stipulated from time to time, make available a standardized package of office equipment and other resources to each Member to enable the member to serve constituents properly;</i>	A standard office equipment and services package has been developed and will be presented to the Commission at Aug 29 meeting for approval.
72	2	<i>The standardized package should include: basic office furniture; telephone and facsimile services; computer; data communication devices; photocopier; printer; scanner; internet services; and such other items as may be approved by way of general directive of the Commission;</i>	A standard office equipment and services package has been developed and will be presented to the Commission at Aug 29 meeting for approval.
72	3	<i>All property acquired by or for a Member should remain the property of the House and be identified as such by appropriate markings;</i>	An inventory tracking system has been developed in-house, pending adoption of a government-wide standard.
72	4	<i>The Clerk should be required to maintain and update an inventory report of all House assets entrusted to each Member;</i>	An inventory tracking system has been developed in-house, pending adoption of a government-wide standard.
72	5	<i>It should be stated in the allowance rules that each Member is responsible personally for all items entrusted to him or her and should account annually or on demand to the Speaker for such items;</i>	Completed under Rule 25(5). Will be reinforced in policy and procedures manuals for Members.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
72	6	<i>A Member should not be permitted to purchase artwork or crafts with public money, but should be allowed to participate in the government art procurement program for the purpose of selecting items on a temporary loan basis to be used for decorating a constituency office;</i>	Completed under Rule 25(1).
72	7	<i>Disposal and replacement of House assets entrusted to a Member should be undertaken in accordance with a general policy established by the Commission and embodied in rules of the Commission; and</i>	Rules provide this authority to the Clerk, in consultation with Government Purchasing Agency. Rule 25(7), (8), (10) and (11).
72	8	<i>To the extent possible, arrangements for the acquisition of office equipment, data communication devices and telephone lines by lease or purchase should be made and coordinated by the House rather than undertaken by individual members on an ad hoc basis.</i>	House administration will handle arrangements, to the extent possible.
73	1	<i>Rules respecting allowances adopted by the House of Assembly Management Commission should contain provision for reimbursement of the cost of travel by a Member of the House: (a) between the Member's permanent residence and the Confederation Building, provided it is outside reasonable commuting distance; (b) between the Member's constituency and the Confederation Building, provided it is outside reasonable commuting distance; (c) within his or her district; (d) to another district in relation to matters affecting his or her district; (e) to attend conferences and training courses; and (f) to other parts of Canada on matters related to constituency business;</i>	Completed under Part VI - Travel and Living Allowance - of the Rules.
73	2	<i>It should be a condition of reimbursement for travel that the Member must be engaged in constituency business and the travel must be outside of commuting distance of the Member's permanent residence;</i>	Completed under Rule 29(1).
73	3	<i>The limits on travel between district and the capital should not be determined by a maximum allowance, but by rules governing the number and frequency of trips;</i>	Completed under Part VI of the Rules.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
73	4	<i>Travel within a particular district should be limited by a maximum allowance determined specifically in relation to the special circumstances of each particular district affecting the modes and extent of travel required to provide reasonable contact between the Member and constituents. The specific amounts applicable to each district should be stipulated in rules adopted by the Commission and updated by amendment from time to time.</i>	Completed under Rule 38(3).
74	1	<i>The allowance rules adopted by the House of Assembly Management Commission should provide for claims, supported by receipts, for accommodation while on travel status on constituency business on the basis of a maximum accommodation amount per night and a maximum number of nights per year; and</i>	Completed under Part VI of the Rules.
74	2	<i>The allowance rules should also provide for claims for maximum per diem amounts for meals, without receipts, while on travel status on constituency business.</i>	Completed under Part VI of the Rules.
75	1	<i>In accordance with recommendation No. 70(1)(d), a residual category of constituency allowance should be made available to each MHA to defray other expenditures necessarily incurred in relation to constituency business;</i>	Completed under Rule 39(2).
75	2	<i>The allowance rules adopted by the House of Assembly Management Commission should contain a list of expenditures that would normally qualify for reimbursement if spent on constituency business, including: (a) meals (but not alcohol) for meetings with constituents or other members of the public; (b) memberships in community organizations; (c) magazine, newspaper and journal subscriptions; (d) travel, accommodations, meals and registration fees for conferences and training courses for the MHA or his or her constituency assistant, if approved by the Speaker; and (e) expenses associated with attending meetings or hearings involving advocacy on behalf of a constituent;</i>	Completed under Rule 46(3).

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
75	3	<i>The allowance rules adopted by the Commission should contain a list of expenditures that will not qualify for reimbursement, whether or not they can be said to be related to constituency business, including: (a) the acquisition, creation or distribution of anything that uses a word, initial or device that identifies a political party; (b) artwork and crafts; (c) sponsorship of individuals or groups; (d) donations; (e) raffle or other tickets; (f) hospitality other than meetings listed in recommendation (2)(a) above;(g) gifts; (h) items of a personal nature; (i) travel costs for constituents; (j) travel costs for spouses or dependents; and (k) financial assistance for constituents;</i>	Completed under Rule 46(4).
75	4	<i>Non-partisan information relating to the availability of an MHA to his or her constituents, in the form of fridge magnets or other means of communication, should be able to be purchased as part of the MHA's budget respecting office operation; and</i>	Completed under Rule 24..
75	5	<i>The Commission should develop standards for creation and distribution of certificates of recognition and provincial promotional material that may be given by MHAs to individuals or groups in the district, and should arrange to have such material purchased in bulk and on hand for reasonable use by each MHA.</i>	Under development, as per Rule 27. Will be ready for 9 October 2007.
76	1	<i>Members of the House of Assembly should be prohibited from making donations and other gratuitous payments to or on behalf of individuals, charities, community groups or agencies using their constituency allowance or other public money;</i>	Completed under Rules 46(4)(e).
76	2	<i>A Member should be prohibited from making donations or gratuitous payments out of his or her own funds unless: (a) the donation is expressed to be made in his or her personal capacity without any reference to the fact that he or she is a Member of the House; (b) if there is to be a public acknowledgement of the donation or payment attributing it to the Member, the Member stipulates that there is to be no reference in the acknowledgement that he or she is an MHA or a member of a political party;</i>	Completed under Rules 46(5) and 46(6).

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
76	3	<i>Upon adoption of a rule dealing with prohibitions on donations and other gratuitous payments, the Speaker should forthwith cause notification to be published to the residents of the province informing them of the restrictions placed on Members in this regard.</i>	A public advisory from the Speaker will be published throughout the Province in September.
77	1	<i>Each member of the House of Assembly should be required to submit to the Clerk an estimate of the amount of money he or she reasonably estimates will be required by him or her for travel in the following fiscal year reflecting the principles and parameters set out in the rules; and</i>	Requirement completed under Rule 43(1). Will be submitted for next budget process beginning in the fall.
77	2	<i>The figure so submitted should be taken into account by the House staff and the House of Assembly Management Commission in developing the House's budget for the following year.</i>	Requirement completed under Rule 43(3). Will be reviewed during next budget process beginning in the fall.
78	1	<i>The House of Assembly Management Commission, assisted by the Department of Finance, should proceed to develop a proposed new pension structure for MHAs: (a) eliminating the existing defined benefit plan and implementing a defined contribution, RRSP type of arrangement that takes account of cost and level of benefits relative to other public service plans; or (b) significantly modifying the terms of the existing defined benefit plan to make it conform more closely, in terms of levels of benefits, with other public service plans;</i>	Department of Finance, Pensions Division, is preparing proposals for review.
78	2	<i>The new pension structure should be developed on the basis that it will apply only to MHAs who have not already been elected to the House and that existing and former MHAs be "grandfathered" under the existing system ;</i>	Department of Finance, Pensions Division, is preparing proposals on that basis.
78	3	<i>The proposed new pension structure should be submitted to the next committee on Members' salaries, benefits and allowances constituted under the new House of Assembly Accountability, Integrity and Administration Act as recommended elsewhere in this report, and that that committee should be provided with sufficient funding to engage actuarial and other advice to enable a thorough study of the appropriate levels and features of the plan that should be adopted ; and</i>	Will be undertaken as required under Section 16 of the Act.

Green Report Recommendations Implementation Status

Rec #	Sub #	Recommendation	Status/Comments
78	4	<i>Following receipt of this Commission's report, government should introduce legislation within six months effecting the recommended changes.</i>	Will be undertaken as required under Section 16 of the Act.
79		<i>In the future, matters of pension policy related to the pension benefit structure for MHAs should be referred to the review committee on Members' salaries, benefits and allowances constituted under the new House of Assembly Accountability, Integrity and Administration Act as recommended elsewhere in this report, as part of the committee's mandate as a matter of course so that they can be addressed in the same context as salaries and other key compensation arrangements for MHAs.</i>	Legislative requirement completed under Subsection 16(1) of the Act.
80	1	<i>The draft Bill, styled the House of Assembly Accountability, Integrity and Administration Act, as set out in Schedule I to this chapter of this report, should be presented to the House of Assembly as soon as possible for debate and, if thought advisable, enactment;</i>	Received Third Reading and Royal Assent on June 14, 2007
80	2	<i>Upon the coming into force of the House of Assembly Accountability, Integrity and Administration Act, the draft set of rules, styled the Members' Resources and Allowances Rules, as set out in Schedule II to this chapter, should be forthwith presented to the House of Assembly Management Commission, as reconstituted under the Act, for adoption in accordance with the Act;</i>	The Rules were Scheduled to the Act on June 14, 2007. Section 72 of the Act authorized this means of adoption of Rules.
80	3	<i>Sufficient resources should be appropriated by the House of Assembly to enable the implementation of the new statutory and regulatory regime to be effected in a timely and efficient manner;</i>	Personnel have been seconded from the Executive Branch of government to assist with implementation. Ongoing operational requirements to be determined.
80	4	<i>Upon the coming into force of the House of Assembly Accountability, Integrity and Administration Act, the Commission should proceed to cause the appointment of the audit committee of the Commission in accordance with s. 23 of the Act; and</i>	For decision at August 29 meeting of Commission.
80	5	<i>In accordance with s.35 of the Act, the House should proceed with the adoption of a code of conduct for Members.</i>	Code of conduct is in draft stage. Standing Committee on Privileges and Elections to be constituted to begin deliberations, prior to bring to House.

MEMO

To: Members of the House of Assembly

From: Speaker of the House of Assembly

Date: August 24, 2007

Subject: Responsibilities of Members during Election Writ Period

With the proclamation of the *House of Assembly Accountability, Integrity and Administration Act* (the Act) certain changes from past practice have come into effect respecting the duties and responsibilities of Members during the Election Writ period.

With the issuance of the writ by the Chief Electoral Officer upon the proclamation of the Lieutenant Governor in Council, the House of Assembly is dissolved and Members, technically, cease to be Members of the House of Assembly. However, the new Act contains provisions which clearly indicate that Members continue to have certain duties and entitlements during the writ period.

Subsection 11(2) of the Act states:

A member is entitled, subject to those conditions and limitations that may be prescribed by rules of the commission, to be reimbursed or have payment made on his or her behalf for reasonable and legitimate expenses incurred by the member in carrying out his or her duties as a member.

Section 14 states:

14. (1) For the purpose of entitlement to the payments provided for in subsection 11(1), (2) and (4), a person is a member from the date of his or her election until his or her seat is vacated or until the date of the next following election, whichever first occurs.

(2) Notwithstanding subsection (1), a member may not claim reimbursement of expenses under subsection 11(2) from and after the

date an election is called where those expenses relate to partisan political activities or election activities.

The reference in S.14(1) to a seat being “vacated” refers to events such as resignation of a Member, not dissolution of the House. Reading the two sections together, it is clear that legitimate expenses (not partisan or election activities) continue to be eligible for reimbursement during the writ period. With respect to legitimate expenses, the definition of “constituency business” as prescribed in the Members’ Resources and Allowances Rules [2(f)] will apply:

“constituency business” means an activity directly connected with a member’s responsibilities as a member in relation to the ordinary and proper representation of electors and their families and other residents in the constituency, but does not include partisan political activities.

Members can expect that any claims submitted for expenses incurred during the writ period will be subject to very close scrutiny. Beyond the review conducted by House administration to ensure the Act and all applicable policies have been adhered to, all claims including cell phone and blackberry expenses, will now be subject to internal audit review of the Office of the Comptroller General and compliance audit review of the Office of the Auditor General. In addition, Members who are candidates in the General Election must be careful that there is no appearance of any violation of Part III – Election Finances of the *Elections Act, 1991*. Beginning October 9, all Members’ expenses, including expenses reimbursed or incurred prior to that date, will be a matter of public record. All Members are strongly advised to exercise due diligence and appropriate caution.

If Members are expected to continue legitimate constituency business during the writ period, as noted above, it follows logically that the other services and resources which the House provides to Members to conduct legitimate constituency business must also be continued. Therefore, the House will not be requiring Members to return their cell phones or blackberries for the writ period, as was the case during previous General Elections. Similarly, any other services and resources provided by the House to Members for legitimate constituency business will continue to be available. However, as a precautionary action, should any Member wish to deactivate or return his/her cell phone or blackberry for the duration of the election period, arrangements should be made with the Clerk of the House.

Another consequence of these provisions of the Act is that the percentage of the annual constituency allowance which can be reimbursed up to election day must be changed from the information provided to you in the Clerk’s memo of 11 April 2007. That memo, written before the Green Report was received, assumed that no reimbursable expenses could be incurred during the election writ period. As such expenses are now allowed, the maximum percentage of the annual constituency allowance which is eligible for reimbursement up to election day must be changed to cover the complete period of April 1 to October 8.

For clarity, Members should understand that the specific district constituency allowance annual allocation as approved by the IEC for the 2007/08 fiscal year, as well as all existing rules, are in effect until October 9. This annual allocation can be found in Schedule E of the 2006/07 Annual

Report of the IEC. A maximum of 52% of that specific District total in Schedule E will be reimbursed for expenses incurred up to October 8. Expenses beyond that maximum will not be reimbursed.

On October 9, the new Members' Resources and Allowances Allocation, scheduled to the Act, come into effect. With approximately 48% of the fiscal year remaining from that date Members will be allocated 48% of the various annual allocations listed in the Rules for the balance of the fiscal year.

In summary, the Act clearly indicates that Members are expected to continue to serve constituents during the election writ period, despite the dissolution of the House of Assembly. Members will continue to avail of the resources needed to provide that service, but must be guided by S.14(2) of the Act and the definition of "constituency business" in serving constituents.

Should a Member wish to discuss these matters in more detail, please do not hesitate to contact my office.

Briefing Note
House of Assembly Management Commission

DRAFT

Title: Application of the *Access to Information and Protection of Privacy Act* (ATIPPA) to the House of Assembly, its Members and Statutory Offices.

Issue: The ATTIPA will apply to the House of Assembly, its Members and Statutory Offices as of October 9, 2007 per s. 67 of the *House of Assembly Accountability, Integrity and Administration Act* SNL 2007 c.H-10.1.

Background:

- Prior to the Green Commission report, the ATIPPA did not apply to the House of Assembly, its Members or Statutory Offices. Green recommended that the ATTIPA be amended so that it apply to the “House of Assembly administration, including financial information about Members’ salaries and expenditures on allowances” and to the Statutory Offices of the House (excluding the Auditor General) - Recommendation #6(1). The *House of Assembly Accountability, Integrity and Administration Act* amended the ATIPPA accordingly.

- The ATIPPA, regarding both access to information and protection of privacy, will now apply with the following exceptions (in addition to the exceptions already defined in the ATIPPA):
 - Members’ records: s.67.3(c) *a personal or constituency record of a member of the House of Assembly, that is in the possession or control of the member; or (c.1) records of a registered political party or caucus.*
 - House of Assembly records: s.67(4) *where the record’s non-disclosure is required for the purpose of avoiding an infringement of the privileges of the House of Assembly or a member of the House of Assembly; and that is advice or a recommendation given to the speaker or the Clerk of the House of Assembly or the House of Assembly Management Commission established under the House of Assembly Accountability, Integrity and Administration Act that is not required by law to be disclosed or placed in the minutes of the House of Assembly Management Commission.*
 - Statutory Offices’ records: s.67(4) *records connected with the investigatory functions of the Statutory Office.*

- The heads of the newly defined public bodies are the Speaker for the House of Assembly and the applicable Officer of the Statutory Offices. Consequently, access to information requests will be filed with one of those individuals, not individual Members.

- The ATIPPA will apply to records both pre- and post-dating October 9.

- Members' records that will be subject to ATIPPA will include financial records filed with the Administration office for reimbursement and records kept in the execution of duties related to House of Assembly Committees. Routine disclosure of these types of records (*e.g.*, on the website) will not exempt them from access requests.
- The Office of the ATIPP Coordinator, Dept. of Justice, has been advising the House on ATIPPA matters. At that Office's recommendation, the House of Assembly has advertised for an ATIPP Coordinator/ Senior Privacy Analyst to be in place ASAP until March 2008 to advise on and manage access requests and privacy issues. Continuation of the position beyond the end of the 2007/08 fiscal year will depend on volume of access requests.
- Information sessions for House of Assembly Service and Statutory Offices staffs have been scheduled for the week of August 20.

Status:

- The access provisions of the ATTIPA (Parts I, II, III) will apply to the House of Assembly, its Members and Statutory Offices as of October 9, 2007. The protection of privacy provisions (Part IV) of the ATTIPA will apply as of [the date of proclamation of Part IV] or October 9, 2007, whichever is later.
- Clear written definitions of which records are and are not excluded under access and protection of privacy requirements of the Act will be provided to Members prior to October 9. Appropriate training and information sessions will be provided post-October 9.
- Privacy Impact Assessments will be scheduled and undertaken by the Office of the ATTIP Coordinator before September 1.

Drafted by: Kimberley Hammond
19 August 2007

Approved by: Wm. MacKenzie

**House of Assembly Management Commission
Briefing Note**

Title: Harmonized Sales Tax and Members' Allowances

Issue: The maximum allocations outlined in the Rules are inclusive of HST which complicates tracking and reporting of expenditures

Background:

- The Members' Resources and Allowances Rules (the Rules) are Scheduled to the *House of Assembly Accountability, Integrity and Administration Act* (the Act) and come into force on October 9, 2007. Various maximum dollar amounts for Members' expenses are established by the Rules - some respecting annual maximums (such as constituency office accommodations allowance of \$7,000), while others establish daily maximums (such as \$125 per day for temporary accommodations).
- Subsection 14(3) of the Rules states:

An allowance provided for in these rules shall include the harmonized sales tax as defined in the agreement of the Tax Agreement Act and other taxes imposed on the sale or use of goods and services by the government of the province or of Canada.
- The Government of Newfoundland and Labrador pays HST/GST on its purchases and then claims input tax credits from the federal government for all amounts paid. Government's Financial Management System (FMS) has only one account for this HST/GST receivable, which is used for all departments and divisions within government. The FMS does not have the capability to charge an HST expenditure against an individual Member's account while still being accounted for as an HST/GST receivable from the federal government.
- As a result of this, the tracking and reporting of Members' expenditures will be problematic. Since the data for the Members' reports must be generated directly from FMS to avoid all the pitfalls of a "second set of books", the HST/GST component cannot be included in Members' reports from FMS data.

- For clarity and transparency of reporting Members' expenses, Members' allocations must be interpreted as being 14% less than the dollar amount stated in the Rules. Although HST is not charged on all goods, the difference from the full 14% on an annual maximum allowance would be insignificant. Therefore, the reported figures from FMS will be 14% less than the actual expenditures which are inclusive of HST. The Commission is authorized under Section 20(6)b(i) of the Act to issue directives "interpreting, clarifying or amplifying the rules" and under 20(6)b(ii) to establish policies "for the guidance of the Clerk". Given the need to coordinate these Rules with the capabilities of FMS, a Commission directive is desirable to clarify the issue.
- It should be noted that a Member will be reimbursed 100% of the actual expenditures incurred (which includes HST), up to the maximum as currently listed in the Rules. This recommended restatement is required for tracking and reporting purposes only and will not affect the Members' overall entitlements under each of the allocations.

Action Required:

- It is recommended that the Commission issue the following directive:

Directive:

[S. 20 (6)(b)(i) and(ii)]

Pursuant to subparagraphs 20(6)(b)(i) and 20(6)(b)(ii) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission authorizes the Clerk 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.

Drafted by: Marlene Lambe

Approved by: Wm. MacKenzie

August 22, 2007

**House of Assembly Management Commission
Briefing Note**

Title: Travel and Living Allowances

Issue: Clarification of items included in Rules, Subsection 31(1) – travel and living allowances: residence outside capital; Sub-paragraph 32(2)(b)(i) – sessional travel and living allowances: residence within capital; and Paragraph 35(b)(i) – intersessional travel and living expenses: residence outside capital

Background:

- The Members’ Resources and Allowances Rules (the Rules) are scheduled to the *House of Assembly Accountability, Integrity and Administration Act* (the Act) and come into force on October 9, 2007. The Commission is authorized under Subparagraph 20(6)b(i) of the Act to issue directives “interpreting, clarifying or amplifying the rules”. This recommended directive is intended to provide clarification of the three items as noted above.

- Subsection 31(1) of the Rules states:

“A member who travels from his or her permanent residence outside the capital region to temporary 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:”

Subsection 31(1) then goes on to list the various costs which may be claimed for reimbursement. These costs include the following as stated in subsection 31(1)(b)(ii): *“daily amount, without receipts, of \$25 when staying in private accommodation;”*

Since Sub-paragraph 31(1)(b)(ii) provides for a daily amount for private accommodations, it is clear that it was intended that Subsection 31(1) should also make reference to private accommodations. The sections should be amended to read:

“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) of the Rules states:

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

The other parts under the Travel and Living Allowances category which relate to the reimbursement of costs of temporary accommodations are Sections 31(1)(b)(i), 33(b)(i), 35(b)(i), 36(2)(b)(i), 37(b)(i), and 38(2)(b). All of these require receipts to be submitted when claiming reimbursement; therefore, it is clear that it was intended that receipts would also be required when claiming reimbursement for temporary accommodations under Subparagraph 32(2)(b)(i). The section should be amended to read “

“ 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) of the Rules states:

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

The other parts under the Travel and Living Allowances category which relate to the maximum amounts are 31(1)(b)(i), 32(2)(b)(i), 33(b)(i), 36(2)(b)(i), 37(b)(i) established for temporary accommodations. All of these allow for reimbursement of the actual costs of temporary accommodations up to a maximum of \$125 a night; therefore, it is clear that it was intended that Section 35 (b)(i) should also provide for up to a maximum of \$125 a night rather than \$125 a night as currently stated. The paragraph should be amended to read

“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”

Action Required:

- It is recommended that the Commission issue the following directive:

Directive:

[S. 20(6)(b)(i)]

Pursuant to subsection 20(6)(b)(i) of the House of Assembly Accountability, Integrity and Administration Act, the Commission issues the following interpretation directive 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”

Drafted by: Marlene Lambe

Approved by: Wm. MacKenzie

August 22, 2007

House of Assembly Management Commission
Briefing Note

Title: Standard Office Allocation

Issue: Determination of the standard office allocation for the office furniture, equipment package and services pursuant to subsection 25 (1) of the Members' Resources and Allowance Rules.

Background:

- Under the Rules, Members are entitled to a standard office allocation including office furniture, equipment and services as approved by directive of the House of Assembly Management Commission.
- Section 25 (1) of the Rules states:

“A member is entitled to office furniture, equipment and services for his or her constituency office based on a standard office allocation approved by directive of the commission and may include:

 - a) an office furniture and equipment package;*
 - b) artwork from the Government procurement program;*
 - c) telephone and facsimile services;*
 - d) a computer or laptop computer;*
 - e) personal data communication services;*
 - f) internet services; and*
 - g) other items that may be identified and approved by a directive of the commission.”*
- A review of other jurisdictions with regard to Members' Constituency Office equipment and services was completed by House staff and discussions were held with existing House and caucus staff, the Department of Transportation and Works, and the Office of the Chief Information Officer to receive their advice. An office furniture, equipment package and services have been defined using the information collected from all sources.

Specifications for these items will be established following consultation with Government's Purchasing Agency and the Office of the Chief Information Officer.

Action Required:

- It is recommended that the Commission issue the following directive:

Directive:

[Rules-Subsection 25(1)]

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

Office Furniture and Equipment package - for Member and his/her Constituency Assistant

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

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 telephone for residence (if requested)
- > Two Cell phones or blackberries

Other furniture and equipment as pre-approved for purchase by the Office of the Clerk of the House of Assembly.

Services

Telephone services :

- > Message manager
- > Call display
- > Long distance plan
- > A 1-800 number (if requested)
- > In addition, a member may choose to have telephones, for constituency business only, installed and maintained in a Member's residence and his/her constituency assistant's residence.
 - The package in the residence/residences will include message manager, call display, & a long distance plan.

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 include 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.

**House of Assembly Management Commission
Briefing Note**

Title: Start-up Allowance

Issue: Clarification of the types of expenses to be included in the \$1,000 start up office allowance under subsection 19(4) of the Members' Resources and Allowances Rules and its applicability to Members of the 45th General Assembly.

Background:

- The Members' Resources and Allowances Rules (the Rules) are scheduled to the *House of Assembly Accountability, Integrity and Administration Act* (the Act) and come into force on October 9, 2007. The Commission is authorized under Subparagraph 20(6)(b)(i) of the Act to issue directives "interpreting, clarifying or amplifying the rules".
- Under the Rules, Members may claim from public monies payment or reimbursement against four categories of allowances: office allowances, operational resources, travel and living allowances and constituency allowances. Part IV of the Rules outlines office allowances and, in particular, sections 18 and 19 outline the eligibility for office expenses and constituency office accommodation.

Subsection 19(4) states:

"Following a general election or by-election, a new member who was not a member in the preceding session of the House of Assembly is, in addition to the constituency office accommodation allowance, entitled to claim amounts associated with the start-up of the member's office in an amount of not more than \$1,000 to defray expenses as may be specified by the commission."

- The specific types of expenditures a Member is entitled to claim against the \$1,000 are not outlined in the Rules or in the Green Report. Therefore, since Subsection 19(4) states that the expenses may be as specified by the commission, it is recommended that a directive be issued to provide more clarity regarding the types of expenses claimable against the start-up allowance.

- It is clear that it was intended that this one-time allowance would provide additional funds to assist a new member with the initial costs associated with setting up an office. Therefore, the types of expenditures covered here should only be one-time items that are not specifically provided for under the furniture and office equipment packages provided to each new member.
- With respect to the reference in subsection 19(4) to “a new member who was not a member in the preceding session of the House of Assembly”, it would not be logical to apply that restriction to those who were Members of the House of Assembly during the 45th General Assembly, which began in 2003. The start-up allowance is part of the new regime respecting constituency offices, standard office equipment package, etc. Members re-elected for the 46th General Assembly, most of whom would be establishing constituency offices for the first time, would not be able to avail of this start-up allowance.
- The application of this restriction should begin with the 47th General Assembly, when Members of the 46th General Assembly will have established constituency offices and the start-up allowance will not be required.

Action Required:

- It is recommended that the Commission issue the following directives:

Directive:

[(Rules - Subsection 19(4)]

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:

- (1) Office supplies, such as paper trays, 3 hole punch, staplers, pencil holders, scissors, hanging folders, kettle, coffee maker; and
- (2) Office Equipment, such as computer monitor stand, non-glare screen, blackberry or cell phone accessories; and
- (3) Any other non-consumable items directly related to establishing a constituency office

Directive:

[(Act - Subparagraph 20 (6)(b)(i)]

Pursuant to Subparagraph 20 (6)(b)(i)] of the *House of Assembly Accountability, Integrity and Administration Act*, the element of Rule 19(4) which restricts the start-up allowance to new Members, will be interpreted as becoming effective beginning with the 47th General Assembly.

Drafted by: Marlene Lambe

Approved by: Wm. MacKenzie

August 25, 2007

**House of Assembly Management Commission
Briefing Note**

Title: Secondary Residences

Issue: Clarification of the allowable secondary residence accommodation expenses covered by the travel and living allowances under the Members' Resources and Allowances Rules.

Background:

- The Members' Resources and Allowances Rules (the Rules) are scheduled to the *House of Assembly Accountability, Integrity and Administration Act* (the Act) and come into force on October 9, 2007. The Commission is authorized under Subparagraph 20(6)b(i) of the Act to issue directives "interpreting, clarifying or amplifying the rules". This recommended directive is intended to provide clarification of the allowable expenses for secondary residences.
- Chief Justice Derek Green discussed the issue of Members' allowances in Chapter 10 of the Green Report and included a detailed discussion of travel and living expenses. The Chief Justice maintained that "A system that requires elected representatives to pay legitimate expenses necessarily incurred if properly working on constituency business out of their pockets is not adequate."

In addition, the Chief Justice recognized that there is no "one size fits all" solution to the living situation of an MHA. He further states:

"For that reason, it is not unreasonable to provide for reimbursement of travel costs in a variety of circumstances and even to recognize that it may well be reasonable in some situations that a Member operate out of, and travel to and from, a secondary residence, as well as his or her permanent residence.

Members should have the flexibility to adopt whatever arrangement seems best for their individual circumstances and how they perceive they can best serve their constituents. The travel rules should be flexible enough to accommodate these differing possibilities provided, of course, that controls against abuse are built in."

- It is clear that the Green Report agrees with Members maintaining secondary residences and the travel rules must be flexible enough to accommodate living arrangements that best suit an individual MHA.
- The ability for Members to claim travel and living expenses is governed by the Members' Resources and Allowances Rules which were developed as part of the Green Report. In particular Part VI covers the travel and living allowances.

Section 28 defines a variety of terms that are relevant for Part VI. Secondary residence is defined as “ a residence that is not a permanent residence but is owned or leased by the member and is available for occupancy by the member but does not include a seasonal or recreational dwelling or cabin.” The Rules specifically state that a Member may operate and maintain only one permanent residence but a Member may operate and maintain a secondary residence and may stay in a secondary residence when travelling. This supports the position taken by the Chief Justice that Members may have a secondary residence and avail of it when travelling. However, this does not entirely confirm whether a Member can be reimbursed for costs associated with staying in a secondary residence when they are travelling.

- The types of accommodation expenses that may be claimed by a Member are outlined in section 41 of the Rules. Specifically, subsection 41(2) outlines the types of expenses a Member may claim related to a stay in a secondary residence. Therefore, one could reasonably assume that within the Rules there would be corresponding provisions that allow for the reimbursement of secondary residence expenses if the types of expenses a member can submit under a claim have qualified. In addition, the Rules provide under subsection 41(3) that a Member should pro-rate daily amounts to use as a basis of his or her claim with respect to secondary residence expenses. Again, such a provision presupposes that such a claim for expenses was allowable under the Rules.
- The next step is to review the Rules to determine what provisions authorize a member to claim for the types of expenses outlined under section 41. A review of the *Rules* shows that the word “secondary” was omitted from the following seven sections which detail expenses related to travel and living allowances that are eligible for reimbursement: 31(1)(b)(i); 32(2)(b)(i); 33(b)(i); 35(b)(i); 36(2)(b)(i); 37(b)(i) and 38(2)(b)(i). Therefore, the above sections should be interpreted as if they included references to secondary residence accommodations.

Action Required:

- It is recommended that the Commission issue the following directive:

Directive:

[S. 20(6)(b)(i)]

Pursuant to subsection 20(6)(b)(i) of the House of Assembly Accountability, Integrity and Administration Act, the Commission issues the following interpretation directive with respect to Sections 31, 31, 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”

Drafted by: Marlene Lambe

Approved by: Wm. MacKenzie

August 22, 2007

**House of Assembly Management Commission
Briefing Note**

Title: Memorial Wreaths

Issue: Are Memorial Wreaths an allowable expense under the Members' Resources and Allowances Rules?

Background:

- The Members' Resources and Allowances Rules (the Rules) are scheduled to the *House of Assembly Accountability, Integrity and Administration Act* (the Act) and come into force on October 9, 2007. The Commission is authorized under Subparagraph 20(6)(b)(i) of the Act to issue directives "interpreting, clarifying or amplifying the rules".
- Under the Rules, Members may claim from public monies payment or reimbursement against four categories of allowances: office allowances, operational resources, travel and living allowances and constituency allowances.

Part VIII of the Rules outlines a Member's constituency allowance (\$3,000 per fiscal year) and specifies the allowable expenses "necessarily incurred by a member to carry out his or her constituency business". Subsection 46(3) outlines the specific expenses that may be reimbursed and Subsection 46(4) outlines the expenses which may not be reimbursed. However, both these sections allow for other items to be added. Specifically, Paragraph 46(3)(g) states "*other categories of items as directed by the commission*". Therefore, the commission may direct other specific eligible expenses incurred to carry out constituency business to be added to the list of allowable expenses.

- Constituency business is defined under subsection 2(f) of the Rules as follows

"constituency business" means an activity directly connected with a member's responsibilities as a member in relation to the ordinary and proper representation of electors and their families and other residents in the constituency, but does not include partisan political activities;"

In order to make a claim against the Member's constituency allowance, an expenditure must be directly connected to the Member's responsibilities in representing his or her constituents and not to further partisan political activities.

- The issue at hand is whether or not Members may claim for expenses related to the presentation of Memorial Wreaths to commemorate and remember veterans, fallen soldiers, prisoners of war and the missing in action. In a plain reading of Subsection 46(3), this specific type of expenditure is not enumerated. Memorial Wreaths are also not specifically referred to under the non-allowable list (Subsection 46(4)). Clearly “gifts” have been excluded and therefore Christmas Wreaths and similar wreaths which may be interpreted as a “gift” are not allowed. However, a reasonable interpretation would most likely not consider a Memorial Wreath as a gift.
- These items are not specifically addressed under the Rules and because it is not specifically allowed it is, by default, not a reimbursable expense. In order for a Member to claim for Memorial Wreath expenses this would have to be added by directive of the Commission as an eligible expense as authorized under paragraph 46(3)(g).

Action Required:

- It is recommended that the Commission issue the following directive:

Directive:

[(Rules - Paragraph 46(3)(g))

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 and remember veterans, fallen soldiers, prisoners of war and the missing in action

Drafted by: Marlene Lambe

Approved by: Wm. MacKenzie

August 23, 2007

House of Assembly Management Commission
Briefing Note

Title: Advertising

Issue: Clarification with respect to the forms of acceptable advertising

Background:

- The Members' Resources and Allowances Rules (the Rules) are scheduled to the *House of Assembly Accountability, Integrity and Administration Act* (the Act) and come into force on October 9, 2007. The Commission is authorized under Subparagraph 20(6)(b)(i) of the Act to issue directives "interpreting, clarifying or amplifying the rules".

- Under Part IV of the Rules related to Office Allowances , advertising is an acceptable expense if the expense satisfies subsection 24(i), which states:

A member may claim against the office operations and supplies allowance for reimbursement to cover operational costs of operating a constituency office including...

(i) advertising, including constituency office hours, contact telephone numbers for the member, email addresses, notices of constituency meetings, and advertising messages of welcome or congratulation...

- Within the Green Report, there is the underlying principle that "the overriding determination of the acceptability of a particular expenditure is not its type but its *purpose*." Expenditures must be for a proper purpose and a purpose in line with the spirit of the allowance regime. Only advertising which meets the requirements of subsection 24(i) will be claimable against the office operations and supplies allowance. However, while the expense may be advertising, the purpose behind such an expense must not be to provide a donation by other means, as donations are prohibited under Paragraph 46(4)(e) of the Rules.

- Some ambiguity may be common when it comes to interpreting certain types of advertising expenses that were commonly incurred by Members prior to the implementation of the Green Report recommendations.

For example,

Are ads in community booklets (which are essentially programs for events) or radio ads for these events acceptable? This would include events such as school plays, concerts, CLB, community festivals, garden parties, Come Home Year events, etc. These ads would essentially say something like: "congratulations to the CLB on its anniversary"; "welcome to Come Home Year"; etc.

- At first glance, advertising in a booklet or on radio for an event which outlines these items would satisfy subsection 24(i) (quoted above) and be claimable. However, one must go a step forward to determine whether the placement of such information is in fact an advertisement. If such booklets are used for fundraising it could be argued that parties who place "advertisements" are indirectly making a donation, as the primary reason for such booklets is to generate donations from the community. Such expenses would appear to fall into the "donations" category. Therefore it could be argued that it is not an advertisement in the true sense of the word and therefore would not be covered by section 24(i).

Alternatively, if such a booklet was for a profit oriented organization and all parties placing advertisements were paying a required monetary fee then one could argue it is not a donation but a valid form of advertisement.

- The essence of the issue is ensuring that the purpose of such advertisements is not to use an indirect method of making donations. The purpose behind the advertisement must be to provide constituents the Member's contact information, but it may also provide messages of welcome or congratulations. Therefore, the costs of the advertisement should be the reasonable costs for such advertisements and should not be inflated such that it could be perceived to be a donation.

Action Required:

- It is recommended that the Commission issue the following directive:

Directive:

[(Rules – Subsection (24)(i)]

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
- Advertising expenses claimed by a Member shall be supported by the original invoice. Members must keep the supporting documentation, such as sample copies of the product received and/or distributed and transcripts of the radio or television communication, on file for inspection by the Office of the Clerk.

Drafted by: Marlene Lambe

Approved by: Wm. MacKenzie

August 25, 2007

**House of Assembly Management Commission
Briefing Note**

Title: Meal Allowances

Issue: Clarification of the proration of meal allowances under Subsection 29(7) of the Members' Resources and Allowances Rules.

Background:

- The Members' Resources and Allowances Rules (the Rules) are scheduled to the *House of Assembly Accountability, Integrity and Administration Act* (the Act) and come into force on October 9, 2007. The Commission is authorized under Subparagraph 20(6)b(i) of the Act to issue directives "interpreting, clarifying or amplifying the rules".

Under the Rules, Members may claim from public monies payment or reimbursement against four categories of allowances: office allowances, operational resources, travel and living allowances and constituency allowances. Part VI of the Rules outlines travel and living allowances. Sections 28 to 30 outlines the definitions, principles and types of travel and living allowances covered under the Rules.

Subsection 29(7) states:

"On a day when a member may claim a meal allowance while on constituency business, but only a portion of that day is spent on constituency business, his or her daily meal allowance shall be prorated in a manner established by a directive of the commission."

- As outlined in Treasury Board Minute 99-165, effective 1 April 2000, Ministers who travel within the province are entitled to \$10 for breakfast, \$15 for lunch and \$25 for dinner for a total of \$50 per day. Since this Treasury Board Minute is still in effect and the total claimable per day for a Minister is the same as for Members, it is recommended that the proration currently applied to meal allowances for Ministers be applied to Members of the House of Assembly.

Action Required:

- It is recommended that the Commission issue the following directive:

Directive:

[(Rules - Section 29(7))]

Pursuant to subsection 29(7) of the Members' Resources and Allowances Rules, the Commission issues the following directive with respect to the proration of meal allowances for Members while on constituency business:

Meals allowances for Members will be prorated so as to provide \$10 for breakfast, \$15 for lunch and \$25 for dinner.

Drafted by: Marlene Lambe

Approved by: Wm. MacKenzie

August 23, 2007

**House of Assembly Management Commission
Briefing Note**

Title: Code of Conduct for Members of the House of Assembly.

Issue: The development and adoption of a Code of Conduct for Members of the House of Assembly.

Background:

- The Green Report recommends that MHAs develop a Code of Conduct. Subsection 35(1) of the *House of Assembly Accountability, Integrity and Administration Act* (the Act) requires the Speaker to, immediately after the coming into force of the Act (June 14, 2007), refer the issue of developing a Code of Conduct to the Committee on Privileges and Elections. This Code of Conduct would be adopted by a resolution of the House of Assembly.
- There is currently no operational Standing Committee on Privileges and Elections, as one was not struck for the 45th General Assembly. The Speaker has written the Government House Leader requesting that the Striking Committee (Standing Order 65) immediately appoint Members and hold one meeting before the October election. This meeting would permit the Law Clerk to brief Members and receive their feedback, which would facilitate her work on a Code of Conduct during the election period.
- Section 5 of the Act requires Members-elect take an Oath of Office (as well as Oath of Allegiance to the Queen) which states, “I affirm, ascribe to and agree to follow the Code of Conduct of Members adopted by the House of Assembly”. As the Code of Conduct must be adopted through a resolution of the House, it will not have been adopted when Members-elect take their Oath of Office this Fall.

Status:

- A draft House resolution and Code of Conduct for Members has been prepared. This draft is quite broad and contains commentary and notes so that Members of the Committee can discuss and determine the best Code for their purposes. Additional material has also been prepared consisting of four sample codes of

conduct of other provincial or commonwealth assemblies and a paper by Meredith Burghmann which addresses the making of Legislative Codes of Conduct.

Action Required:

- Presented for information purposes only, as the Standing Committee on Privileges and Elections is charged with development of the Code, while adoption of the Code is through House of Assembly resolution.

Drafted by: Lorna Proudfoot 729-3406

Approved: William MacKenzie 729-3405

2007.08.21

Draft Code of Conduct for Members

Resolution:

Whereas the House of Assembly and the Standing Committee of the House of Assembly on Privileges and Elections have reached an agreement on a Code of Conduct that is to apply to all Members of the House of Assembly,

Now therefore be it resolved that this House of Assembly, for the purposes of section 35 of the *House of Assembly Accountability, Integrity and Administration Act* and for the benefit of the electorate of Newfoundland and Labrador, adopt the following Code of Conduct

Commitments:

Members of this House of Assembly recognize that we are responsible to the people of Newfoundland and Labrador and will responsibly execute our official duties in order to promote the human, environmental and economic welfare of Newfoundland and Labrador.

Members of this House of Assembly respect the law and the institution of the Legislature and acknowledge our need to maintain the public trust placed in us by performing our duties with accessibility, accountability, courtesy, honesty and integrity,

Principles:

1. It is a fundamental objective of public office to serve our fellow citizens with integrity in order to improve the economic and social conditions of the people of the province. (*This is duplicated in commitments*)
2. We reject political corruption and will refuse to participate in unethical political practices which tend to undermine the democratic traditions of our province and its institutions.
3. We will carry out our official duties and arrange our private financial affairs in a manner that protects the public interest and enhances public

confidence and trust in government and in high standards of ethical conduct in public office.

4. Members will conduct themselves in accordance with the provisions and spirit of the *Standing Orders of the House of Assembly*, the *House of Assembly Accountability, Integrity and Administration Act*, rules made under that Act, this Code of Conduct, the *Elections Act, 1991* and the *House of Assembly Act* and ensure that their conduct does not bring the integrity of their office or the House of Assembly into disrepute. (*Note: These statutes and rules cover conflict of interest, election and financial accountability as well as setting up the Commissioner for Legislative Standards providing a person to whom conflict of interest issues can be brought*)
5. Members will act lawfully and in a manner that will withstand the closest public scrutiny. Neither the law nor this code is designed to be exhaustive and there will be occasions on which Members will find it necessary to adopt more stringent norms of conduct in order to protect the public interest and to enhance public confidence and trust. (*Note: there is a requirement to act lawfully anyway. The concept of more stringent norms is captured in Burghmann's paper on constructing Legislative Codes of Conduct. Is this needed?*)
6. Members of this Assembly will, in good faith, strive to maintain the public trust placed in them, and exercise the influence gained from their membership in the House of Assembly to advance the public interest. (*Note: This is similar to #6 . A wording choice*)
7. Members have a particular obligation to behave in a manner that is consistent with their roles as public representatives and legislators. (*Note: Repeating concepts of #s 5 re: acting with integrity.*)
8. Members will not engage in personal conduct that exploits for private reasons our positions or authorities or that would tend to bring discredit to our offices.
9. Members will not use or allow the use of public property or services for personal gain. (*Note: This is really the same concept as #8. A wording choice.*)

10. When leaving public office and when having left public office, we will not take improper advantage of our former office. (*Note: This issue is covered by the conflict of interest provisions of Part II of the House of Assembly Act.*)
11. Members will endeavour to arrange our private financial affairs to prevent conflicts of interest arising and will take all reasonable steps to resolve any such conflict quickly and in a manner which is in the best interests of the public. (*Note: required by Part II of the House of Assembly Act. A wording choice considering what # 12 says*)
12. Members will conscientiously fulfil the requirements of Part II of the *House of Assembly Act*, and all other laws and rules in respect of the disclosure of interests and should familiarize ourselves with the relevant legislation and guidelines and forms published from time to time by the Commissioner for Legislative Standards and the House of Assembly Management Commission.
13. Members will base their conduct on a consideration of the public interest and are individually responsible for preventing conflicts of interest. (*Note: individual responsibility is important issue here.*)
14. Members will not accept a gift that may pose a conflict of interest or which might interfere with the honest and impartial exercise of official duties. (*Note: required by Part II of the House of Assembly Act. May not need as #12 applies*)
15. In performing their official duties, Members will apply public resources prudently and only for the purposes for which they are intended. (*Overkill??*)
16. Members will not use official information which is not in the public domain, or information obtained in confidence in the course of our official duties, for personal gain or the personal gain of others. (*Note: required by Part II of the House of Assembly Act.*)
17. Relationships between Members and government employees should be professional and based upon mutual respect and should have regard to the duty of those employees to remain politically impartial when carrying out their duties.

18. Members should promote and support these principles by leadership and example.

19. This resolution has a continuing effect except as amended or rescinded by the House of Assembly.

August 21, 2007

Code of Conduct (New South Wales)

Resolution:

Whereas the House of Assembly and the Standing Committee of the House of Assembly on Privileges and Elections have reached an agreement on a Code of Conduct that is to apply to all members of the House of Assembly,

And whereas Members of the House of Assembly recognize that they are in a unique position of being responsible to the electorate and that the electorate has the right to dismiss them from office at regular elections,

And whereas Members of the House of Assembly acknowledge their responsibility to maintain the public trust placed in them by performing their duties with honesty and integrity, respecting the law and the institution of the Legislature and using their influence to advance the common good of the people of Newfoundland and Labrador,

And whereas Members of the House of Assembly acknowledge that their principal responsibility in serving as members is to the people of Newfoundland and Labrador,

Now therefore be it resolved that this House of Assembly adopt, for the purposes of section 35 of the *House of Assembly Accountability, Integrity and Administration Act* the following Code of Conduct

Disclosure

1(1) Members of the House of Assembly must take all reasonable steps to declare any conflicts of interest between their private financial interests and decisions in which they participate in the execution of their office.

(2) A declaration of a conflict of interest may be made to the Commissioner for Legislative Standards or by declaring an interest when speaking on the matter in the House of Assembly, in a committee of the House of Assembly or in another public and appropriate manner.

(3) There is no conflict of interest where the member is only affected as a member of the public or a member of a broad class. (*Note: This must be rationalized against the requirements of the House of Assembly Act Part II conflict of interest disclosures. It may be sufficient to simply require compliance with those provisions. If divested of conflicting properties, are there instances where a potential conflict could arise? Potentially even a private home of an MHA could be found to be subject to a new development plan that may have financial implications for the MHA or even conversely, be not wanted by the MHA but wanted by others in the neighbourhood.*)

Bribery

2(1) A member shall not knowingly or improperly promote a matter, vote on a Bill or resolution or ask a question in the House of Assembly or its committees in return for remuneration, a fee, payment, reward or benefit in kind of a private nature at the time, prior to or after that promotion, vote or question.

(2) A member shall not knowingly or improperly promote a matter, vote on a Bill or resolution or ask a question in the House of Assembly or its committees in return for remuneration, a fee, payment, reward or benefit in kind of a private nature which any of the following persons has received, is receiving or expects to receive:

- (a) a relative of the member;
- (b) a business associate of the member;
- (c) another person from whom the member expects to receive a financial benefit.

(3) A breach of the prohibition of bribery shall be considered to be a substantial breach of the code of conduct.

Gifts

3(1) A member shall declare all gifts and benefits received in connection with his or her official duties in accordance with the requirements of Part II of the *House of Assembly Act*.

(2) A member shall not accept gifts that may pose a conflict of interest or that might give the appearance of an attempt to improperly influence a member in the exercise of his or her duties.

(3) A member may accept political contributions in accordance with the *Elections Act, 1991*.

Use of public resources

4. A member shall apply public resources to which he or she has access in accordance with laws, rules and guidelines respecting the use of those resources.

Use of confidential information

5. A member shall not knowingly and improperly use official information which is not in the public domain or information obtained in confidence in the course of their parliamentary duties, for the benefit of the member or the member's family.

Duties as a member of the House of Assembly

6. It is recognized that some members may not be aligned and others belong to political parties. Organised parties are a fundamental part of the democratic process and participation in their activities is within the legitimate activities of the members of the House of Assembly.

Secondary employment

7(1) A member shall take all reasonable steps to disclose at the start of a debate in the House of Assembly

- (a) the identity of a person by whom they are engaged or employed or by whom they were engaged or employed within the past 2 years, but not if it was before member was sworn in as a member???
- (b) the identity of a client or former client of a person referred to in paragraph (a) who benefited from the member's services within the previous 2 years, but not if it was before a member was sworn is as a member; and
- (c) the nature of the interest held by a person, client or former client in the parliamentary debate.

(2) Subsection (1) only applies if the member is aware or ought to be aware that the person, client or former client may have an interest in the House of Assembly debate. If the member has already disclosed the information to the Commissioner

for Legislative Standards he or she is not required to make a further disclosure during the debate.

(3) Subsection (1) does not apply if a member simply votes on a matter but only if he or she participates in the debate. If the member has already disclosed the information to the Commissioner for Legislative Standards he or she is not required to make a further disclosure during the debate.

Continuing effect

8. This resolution has a continuing effect except as amended or rescinded by the house of Assembly.???

(Note: much of this is contained in our conflict of interest Part II of the H of A Act.)

August 21, 2007

Code of Conduct (Saskatchewan)

As Members of the House of Assembly we recognize that our actions have a profound impact on the lives of the people of Newfoundland and Labrador. Fulfilling our obligations and discharging our duties responsibly requires a commitment to the highest ethical standards.

Statement of Commitment

- To the people of this province we owe the responsible execution of our official duties in order to promote human and environmental welfare.
- To our constituents we owe honesty, accessibility, accountability, courtesy and understanding.
- To our colleagues in this Assembly, we owe loyalty to shared principles, respect for differences and fairness in political dealings.
- We believe that the fundamental objective of public office is to serve our fellow citizens with integrity in order to improve the economic and social conditions of the people of the province.
- We reject political corruption and will refuse to participate in unethical political practices which tend to undermine the democratic traditions of our province and its institutions.

Declaration of Principles

- Members of this Assembly must carry out their official duties and arrange their private financial affairs in a manner that protects the public interest and enhances public confidence and trust in government and in high standards of ethical conduct in public office.
- Members of this Assembly must act not only lawfully but also in a manner that will withstand the closest public scrutiny, neither the law nor this code is designed to be exhaustive and there will be occasions on which Members

will find it necessary to adopt more stringent norms of conduct in order to protect the public interest and to enhance public confidence and trust.

- Every member is individually responsible for preventing potential and actual conflicts of interest and must arrange private financial affairs in a manner that prevents such conflicts from arising.

- Members of the Assembly must carry out their official duties objectively and without consideration of personal or financial interests.

- Members of the Assembly must not accept gifts, benefits or favours except for incidental gifts or customary hospitality of a nominal value as provided for in legislation.

- Members of the Assembly must not take personal advantage of or private benefit from information that is obtained in the course of or as a result of their official duties or positions and that is not in the public domain.

- Members of the Assembly must not engage in personal conduct that exploits for private reasons their positions or authorities or that would tend to bring discredit to their offices.

- Members of the Assembly must not use or allow the use of public property or services for personal gain.

- Members of the Assembly, when leaving public office and when they have left public office, must not take improper advantage of their former office.

Code of Conduct (Ireland)

Members of the House of Assembly recognize that it is in their individual and collective interest to foster and sustain public confidence and trust in their integrity as individuals and in the House of Assembly as an institution. To this end, members should be at all times guided by the public good and ensure that their actions and decisions are taken in the best interests of the public.

Members are in the unique position of being responsible to the electorate which is the final arbiter of their conduct and has the right to dismiss them from office at regular elections. Accordingly, and as a matter of principle, individual members are not answerable to their colleagues for their behaviour, except where it is alleged to breach the obligations to answer to them which have been placed on them by law, by Standing Orders or by Codes of Conduct established by the House of Assembly.

To this end the Members of the House of Assembly hereby resolve to adopt this Code of Conduct, the purpose of which is to assist members in the discharge of their obligations to the House of Assembly, their constituents and the public at large, without, however, trespassing into areas where members more properly submit themselves to the judgment of their electors rather than to the jurisdiction of the House of Assembly.

CODE:

1. Members must, in good faith, strive to maintain the public trust placed in them, and exercise the influence gained from their membership in the House of Assembly to advance the public interest.
2. Members must conduct themselves in accordance with the provisions and spirit of the Code of Conduct and ensure that their conduct does not bring the integrity of their office or the House of Assembly into serious disrepute.
- 3(a) Members have a particular obligation to behave in a manner which is consistent with their roles as public representatives and legislators, save where there is a legitimate and sustainable conscientious objection.

(b) Members must interact with authorities involved with public administration and the enforcement of the law in a manner which is consistent with their role as public representatives and legislators.

4.(a) Members must base their conduct on a consideration of the public interest and are individually responsible for preventing conflicts of interest.

(b) Members must endeavour to arrange their private financial affairs to prevent such conflicts of interest arising and must take all reasonable steps to resolve any such conflict quickly and in a manner which is in the best interests of the public.

5.(a) A conflict of interest exists where a member participates in or makes a decision in the execution of his or her office knowing that it will improperly and dishonestly further his or her private financial interest directly or indirectly.

(b) A conflict of interest does not exist where the member or other person benefits only as a member of the general public or a broad class of persons.

6. Members may not solicit, accept or receive financial benefit or profit in exchange for promoting or voting on a Bill, motion, resolution or order or any question put to the House of Assembly or to any of its committees.

7. Members must conscientiously fulfil the requirements of the House of Assembly and of the law in respect of the registration and declaration of interests and, to assist them in so doing, should familiarize themselves with the relevant legislation and guidelines published from time to time by the Commissioner for Legislative standards and the House of Assembly Management Commission.

8.(a) Members must not accept a gift that may pose a conflict of interest or which might interfere with the honest and impartial exercise of their official duties.

(b) Members may accept incidental gifts and customary hospitality.

9. In performing their official duties, members must apply public resources prudently and only for the purposes for which they are intended.

10. Members must not use official information which is not in the public domain, or information obtained in confidence in the course of their official duties, for personal gain or the personal gain of others.

11. Members must cooperate with all Tribunals of Inquiry and other bodies inquiring into matters of public importance established by the House of Assembly.

Code of Conduct (Wales)

Purpose:

1. The purpose of this Code is to provide
 - (a) guidance to members of the House of Assembly with respect to standards of conduct expected of them in their discharge of their House of Assembly and public duties; and
 - (b) the openness and accountability necessary to reinforce public confidence in the way in which members of the House of Assembly perform their House of Assembly and public duties.

2. This code applies to all members of the House of Assembly. (*Note: Who have not taken a leave of absence? Is that relevant to us??*)

General Standards of Conduct:

Personal conduct

3. Members of the House of Assembly
 - (a) shall comply with this code of conduct;
 - (b) should act always on their personal honour;
 - (c) shall not accept a financial inducement as an incentive or a reward for exercising (parliamentary) influence; and
 - (d) shall not vote on an order or motion or ask a question in legislative session or in committee, or promote a matter in return for payment or another material benefit. (No paid advocacy)

Principles

4. Members of the House of Assembly should (*shall?? Make best efforts to??*) observe the following principles
 - (a) **Selflessness:** Members should (*shall, make best efforts to?*) make decisions solely in terms of the public interest and not to gain financial or

other material benefit for themselves, their family or their friends. Members should (*shall, make best efforts to?*) avoid conflict between the two immediately and in favour of the public interest;

- (b) **Integrity:** Members should (*shall, make best efforts to?*) not place themselves under a financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties. Assembly members should at all times conduct themselves in a manner that will maintain and strengthen the public's trust and confidence in the integrity of the House of Assembly and refrain from any action that would bring the House of Assembly or its members into disrepute. Members should not (*shall not, make best efforts not to?*) ask civil servants to act in a manner that would compromise the political impartiality of the civil service or conflict with laws, policies and procedures and codes??? that apply to the civil service.
- (c) **Objectivity:** In carrying out public business including making public appointments, awarding contracts or recommending individuals for rewards and benefits, members should make choices on merit.
- (d) **Accountability:** Members are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office. Improper use of a payment or allowance to members for public purposes shall not be made by a member and the legislated and administrative rules that apply to those payments and allowances must be strictly observed.
- (e) **Openness:** Members should (*shall, make best efforts to?*) be as open as possible about all of their decisions and actions. They should (*shall, make best efforts to?*) give reasons for their decisions and only restrict information when the wider public interest clearly requires it. Members must not prevent a person from gaining access to information to which that person is entitled by law but shall not disclose confidential information, including confidential information from committees of the House of Assembly, without consent unless required to do so by law. Confidential information received by a member in the course of his or her duties for the House of Assembly should only be used in connection with those duties and never for financial gain. In activities related to or on behalf of an organization with which a member has a financial relationship, including activities that may not be a matter of public record such as informal meetings and functions, members must always consider the need to be frank with other members and with officials. (*Note: This paragraph should be carefully reviewed. The detail is a bit confusing as unclear as to what outside groups are being referred to and this may be*

an area covered by Part VI of the House of Assembly Act (conflict of interest disclosure))

- (f) Honesty:** Members have a duty to declare private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest. *(Note: Again, this crosses over into conflict of interest disclosure area. May want to simply state that declarations or disclosure shall be made in accordance with the law and that conflicts should be resolved so as to protect public interest???)*
- (g) Leadership:** Members should promote and support these principles by leadership and example.

Disclosure

5. Members shall disclose all interests as required under the *House of Assembly Act*. (Note: Green report reference application of Conflict of Interest Act as well. The Wales Standards of Conduct on which this is based has a Registrar who maintains a list of registrable interests of all members as required under their Standing Orders. These include

-Directorships of member and to his or her knowledge, of a spouse, partner or child in public and private companies including those unremunerated but where remuneration paid through another company of same group.

-Employment, office, trade, profession or vocation of member that is remunerated (apart from remuneration as member) for which the member or to his or her knowledge, his or her spouse, partner, child or dependant is remunerated or in which member has a pecuniary interest.

-Names of clients when services above include services by the member or to his or her knowledge, his or her spouse, partner, child or dependant arise out of being a member.

-Gifts, hospitality, material benefit or advantage above a value specified by resolution of the House of Assembly received by member or to his or her knowledge, his or her spouse, partner, child or dependant from a company, organization or person relating to or arising out of being a member.

-Remuneration or other material benefit member or to his or her knowledge, his or her spouse, partner, child or dependant receives from a public or private

company or other body that has tendered for or is tendering for or has a contract with the Assembly???(Government of the province??)

-Financial sponsorship as candidate exceeding 25% of expenses from election...(*We have rules re: this already*)

-Travel outside province that benefits member or to his or her knowledge, his or her spouse, partner, child or dependant relating to being a member where cost is not borne wholly by member or by public funds. (*i.e. a trip paid for by a 3rd party*)

-Land and property of the member or to his or her knowledge, his or her spouse, partner, child or dependant having a substantial value as specified by a resolution of the House of Assembly or from which a substantial income is derived other than home used for personal residential purposes...(Note: *Conflict rules apply*)

-The names of companies or other bodies in which a member has or to his or her knowledge, his or her spouse, partner, child or dependant a beneficial interest in an amount greater than value specified by a resolution of the House of Assembly...(Note: *Conflict rules apply*)

-Paid or unpaid chairmanships of member or to his or her knowledge, his or her spouse, partner, child or dependant of a body funded in whole or in part by the Assembly?(*government of province?—also in our conflict rules??*)

Declaration of registrable interests

6. Members must declare before taking part in any assembly proceedings, an interest that is a relevant interest under Standing Order 31 (*Not applicable to us*) in the context of debate of the matter under discussion. A declaration must relate to a decision being made at the meeting in question where member or to his or her knowledge, his or her spouse, partner, child or dependant might gain a direct financial interest to the member or spouse etc. other than an interest that might accrue to members of the public. (*Note: a phrase stating that members shall not vote on a matter where they or spouse etc. might gain a financial interest other than that accruing to a member of the public might be sufficient here. If all financial interests have been declared under the H of A Act, is this an issue at all. See next section as well. Must think through*)

Prohibition on voting re: registrable interests

7. A member shall not vote in a proceeding of the House of Assembly if, in relation to an interest that must be registered, he or she might gain a direct financial advantage from a particular decision of the Assembly greater than that which might accrue to a person affected by the decision generally.

Use of House of Assembly resources

8. Members shall comply with the Standing Orders of the House of Assembly, Rules of the Management Commission and other Committees of the House of Assembly, the *House of Assembly Accountability, Integrity and Administration Act* and rules made under that Act and all administrative procedures and requirements of the House of Assembly and the House of Assembly Service, the *Elections Act, 1991*, the *House of Assembly Act*, the *Access to Information and Protection of Privacy Act* and all other laws of the province and of Canada. (*Note: this may be self evident re: laws and regulations. Consider whether we need to specify?*)

Purpose

9. The purpose of this Code is to set out the principles for Members of the House of Assembly and their approach to the promotion of open and accountable government. (*Note: Wales has an additional code referred to here which is a code describing the member's access to resources and information and appropriate channels to be used when approaching staff for advice.*)

Relationship between members and staff

10. Members shall comply with the protocol for Relationships between Members and staff approved by the house of Assembly. (*We have no such protocol. Should we? This would presumably come from Management Commission*) Relationships between members and staff should be professional and based upon mutual respect and relationships between members and staff should have regard to the duty of staff to remain politically impartial when carrying out their duties.

Investigations

11. A members shall cooperate at all stages with any investigation into his or her conduct by the House of Assembly Management Commission, Commissioner for Legislative Standards, or (*investigator from Citizen's Rep or another officer acting to investigate under a law of the province????*)

Enforcement of Code of Conduct

12. An allegation of non-compliance with the code shall be enforced by the Commissioner for Legislative Standards(*Note: report to the Commissioner for Legislative Standards who deals with conflict of interest issues. S. 42 of H of A Act allows Code of Conduct issues to be reviewed.*)

Constructing Legislative Codes of Conduct*

Meredith Burgmann

Today I will be talking about the way in which we in the Legislative Council in New South Wales went about constructing a code of conduct, why we were asked to do that, and what the problems were along the way.

I want to start by talking about the big issue in Canberra at the moment, which is the way in which a ministerial code of conduct keeps changing. I see a ministerial code of conduct as quite different to an ordinary member's code of conduct, in that a ministerial code of conduct is quite specifically about conflict of interest—meaning mainly financial interest.

That sort of code is much less problematic than a backbencher's code of conduct, because there are a whole lot of other issues that come into a backbencher's code of conduct. A ministerial code should simply say: 'You should have no financial interests that can in any way conflict with anything you do as a minister', and there's no point in just changing the rules as more and more of your ministers get caught in it. Basically, if you are taking on public office to some extent you end up with less rights than a normal member of the public, and you've just got to cop it, even if it means that your spouse gets less rights as well.

I remember once reading an article about Bob and Helena Carr, and they were sitting in their very beautiful house, which is in his electorate, in Maroubra. The house has 180-degree views over the sea, and right in the middle of the view is this very ugly telegraph pole. Bob Carr commented to the journalist that if he were anyone other

* This paper was presented as a lecture in the Department of the Senate Occasional Lecture Series at Parliament House on 23 July 1999.

The first job this committee had was to produce a code of conduct. One of the problems that faced us when we went about trying to work out how politicians should behave was that the public thought we behaved terribly. My view is, even if the Greiner/Metherall affair had not occurred, the New South Wales Parliament would have eventually been called upon to adopt a code of conduct, because codes of conduct are now widely expected in the community and are being developed and enacted worldwide. I always say that in the 1980s everyone was doing mission statements, and in the 1990s everyone is doing codes of conduct.

If you look at what the public think of politicians, you realise we need a code of conduct. In a recent poll in which citizens were asked the question: 'Which person do you believe would tell you the truth?' nurses scored 87 percent and politicians scored only 12 percent—but what was really galling was that police scored 55 percent. The one bit of joy I got out of it was that journalists actually scored lower than us. But when only 12 percent of people believe that politicians tell the truth, we have a problem. My view is that politicians actually feed into the problem, and I'll talk about that as I go along.

Codes of conduct in the legislative sphere are problematic. They have their limitations and clarity is needed regarding the purposes and type of code to be adopted. For instance, should the code aim to provide members with a frame of reference for making decisions that involve competing values? Someone said that we should have in our code a statement that every decision that we make should be in the public interest, and I—as an ex-academic—said *no*. What is the public interest? How on earth could you have a code that said decisions you make should be 'in the public interest'? Because I can assure you that the public interest that I stand for is a very different public interest than the one David Oldfield stands for. There is no such thing as the public interest, in fact, so I was very clear that I wanted all that absolutely meaningless rhetoric out of the code of conduct.

Alternatively, should it attempt to provide detailed statements of the conduct required of members in all conceivable situations? Then again, there's a middle path, as our proposed code suggested, and I'll just quote a part of our report, which was good and solid. This is only the first volume; there are two volumes of report on our code.

The Committee believes that the code of conduct has an important role to play in combination with other factors. In particular, it considers that, combined with an effective program of ethics training and induction, the code of conduct will heighten members' awareness of ethical issues, such as conflicts of interest.

Secondly, combined with appropriate tools, such as a casebook of specific examples, illustrating the principles embodied in the code, the code will provide guidance in areas where members are uncertain or confused as to the nature of their ethical obligations.

Thirdly, combined with an effective enforcement mechanism, which is applied fairly and in a non-partisan manner, the code of conduct may enhance public confidence in the institution of parliament by

follow that course and it's not right and it comes back to him or her for judgement, then that's a classic legal problem. You cannot sit in judgement on something you have already advised on.

In the United States, where an enormous bureaucracy has sprung up around the ethics committees—and they have two ethics committees in the States too, one for the lower house and one for the upper house, and I suspect that also arose out of the sort of problems we had in our house—one of the problems is that it has split into two divisions to reflect this dichotomy of roles. One arm does not know what the other arm has done. Perhaps a better solution would be to have two commissioners; one who provides advice and one who may eventually arbitrate on the facts. Certainly closer consideration of the powers of such commissioners is needed. I might also say that it's proving very hard to find one. Ours has just resigned and we're still trying to find another one.

The other model, of course, is the 'catch-and-kill-your-own' model, which is favoured by most legislators. I often wonder why. I mean, who on earth wants to be on a committee which looks at the ethics of your fellow members of Parliament? I was on a committee that looked at whether one of my sister members of Parliament should be expelled from the Parliament. It was a privilege committee rather than an ethics committee situation, and it was horrible. For a year and a half we sat there trying to decide whether she should be expelled, and it was not a pleasant experience.

Members of Parliament want an inside model, because they imagine that an outside commissioner will be like our former head of ICAC, Ian Temby, whose findings led to the downfall of Greiner. There is an absolute fear in New South Wales that we'll get another Temby and then we'll all be thrown out of Parliament. People who adopt this position argue that the real sanction anyway is always a political one, that is, losing your party's support or having the public turn against you in an election.

However, the problem with a 'catch-and-kill-your-own' approach is that the ethics committee, and unfortunately the chair, then becomes the police person of Parliament. In fact we've even had one of our quite eccentric upper house members (and you can guess which one) suggest that members of Parliament should be random breath tested. I have visions of myself wandering the corridors with an RBT trolley, testing parliamentarians as they come out of the bar. Those are the sort of issues that some people see as ethical issues—should parliamentarians be drunk in Parliament? I always get rid of that discussion by saying: well look, if you sit sensible sitting hours you won't see drunk parliamentarians, because quite frankly I've never seen anyone drunk before five o'clock—not in the chamber. Still, one might end up as the new McCarthyite ogre, gaining enormous power through being the chair of the ethics committee, and that has happened in America. The chairs of the ethics committees are *enormously* powerful.

When I discussed with the Canadian members of Parliament what they liked about the outside ethics commissioner in the Saskatchewan model, they thought the idea of the ethics commissioner being an ex-MP was a good one. When I discussed it with members of Parliament in New South Wales they also thought it was a good idea—not because they think they'll get more favourable advice, but because he or she would actually understand the issues.

However then *real politik* reared its ugly head. There was an election coming, and we had an ICAC commissioner who was looking at us a bit askance, so the executive government came up with a code of conduct and everybody immediately said: oh yes, we'll have that. It was interesting. The lower house had their code, which was pretty ordinary, and we had our code, which we thought was terrific. Basically this new code was called the Premier's Code, but then the executive government said 'we'll have that'. I call the Premier's Code the 'credit card code' because our Deputy Clerk had it printed on a card the size of a credit card, to show how limited it is.

However, the Premier's Code was extremely popular with members of Parliament, because no one actually wanted a code of conduct anyway. The code that we eventually adopted comes down to six points—it was originally five points, but a sixth point was added, and this is the one that I wanted to talk about. It is actually a useful point. It talks about the fact that we are members of Parliament and members of parties. It says:

It is recognised that some members are non-aligned and others belong to political parties. Organised parties are a fundamental part of the democratic process, and participation in their activities is within the legitimate activities of members of Parliament.

That, for us, has solved the ever-present problem, which we always had, of what is legitimate parliamentary or legislative use, and what is political party use. Our resources are meant to be for legitimate legislative or parliamentary purposes. That really means that you are very limited on what you can use your travel vouchers for, what you can use your stamps for, what you use even your stationery for. Having had that point added, it is now clear that if we want to catch the train to Goulburn in winter for a country conference, then that is part of our work and not just wanting to go to Goulburn for a weekend in winter—which, for some reason, people always thought we were doing for fun.

That, I think, was a very good aspect of the code. When we grappled with the idea of what you could do with parliamentary resources in the upper house code, we've actually used the expression 'parliamentary resources are not to be used for private financial benefit.' We've been quite happy with that, because we didn't want to get into the distinction between what is political and what is parliamentary.

When we asked our distinguished public witnesses, the people who were giving evidence to our committee, what they felt was parliamentary and what they thought was political, we got very odd answers. In fact our auditor-general, who is an interesting character, was of the view that anything you did to get yourself re-elected was private gain, because you were getting your wage again, which of course was private gain. His view was that if you used the parliamentary conference room to have a press conference where you talked about how good you were, then that was using it for private gain, because that might get you re-elected and you therefore got money out of it. Basically that meant that you couldn't walk around Parliament House, because that would have been private gain. So there were differing views, and they have been cleared up and I'm very pleased about it.

difficult for backbenchers because there is no party voting system, so every vote is for sale—and it's *literally* for sale. I've always felt, in Australia, that tight party voting protects backbenchers, particularly, enormously. We say, 'Don't even bother to talk to me about that, Caucus will decide', and then I just put my hand up. And it does mean that lobbying in that American sense doesn't actually happen to us. But over the years, I've decided that what we do need is a case book, where cases are put to members and then the correct ethical action, or way of dealing with it, is put forward, because there are just so many differing views on what is ethical and what isn't.

The other thing that we were meant to do, of course, is to have ongoing education. I'm no longer responsible for the ongoing education of members of Parliament about ethics, because I'm no longer the Chair of the Ethics Committee. However, as President, the Speaker and I decided to put on a compulsory induction for all members of Parliament about their responsibilities under the various acts—the Ombudsman's Act, the ICAC Act—and I would have thought it would have been pretty important and that people would have responded. We asked that Parliament be held up for an hour and a half so that this seminar could take place, and we did that specifically because we wanted everyone to be in the building so that they would all come to the seminar. We were actually refused the right by executive government to hold up Parliament for an hour and a half, so we had to put it on before Parliament started, and we didn't get a terribly good roll up. We refused to let the press attend, mainly because I was terrified they would report that less than half the politicians turned up.

So, not only do we have a problem with it being a much more complicated area than most people think—it is not black and white, there is this huge area in the middle. I always say to members when they ask, 'If something came out tomorrow in the press, would you be able to say: yes, I did that, and I stand by it?' That's a good rule of thumb to use.

At the moment we don't actually have an outside ethics adviser. The same ad hoc advice systems go on, and they're all totally inappropriate. You can ask your own Whip—who may be a very wise person and give you good advice, but I tell you what, the media isn't going to accept that as an excuse. You can ask the clerks—the media think that's alright, but the clerks hate it, because there's a sense in which they are your servants, and then they are also having to tell you that no, you can't do that, so they get into trouble from the members of Parliament. You can ask Pat in the Printing Office—you say, 'Can I use my crest for this?' And some poor, lowly person in an office has to make a totally inappropriate decision, and feels very put upon by it. You can ask the presiding officers—well, my experience after two or three months as a presiding officer is that no one has asked me anything, and I wouldn't know the answer anyway. Also, I don't think that members from the opposite party would feel comfortable about that. So who knows? Some of my more formal friends say they just send everything they're going to do to ICAC, and ICAC has to give a response to it, which is a strange way of going about things.

So, at the moment we have a situation where it's all ad hoc, nothing much is working, and we have to come to some sort of decision and stick to it.

because you have no comeback then when the final arbiter, which is the media and the public, find out about it.

As I said, politicians do a lot of things that are unethical, but they don't see it as unethical or corrupt. They actually think it's all right to ask for an upgrade. No wonder only twelve percent of the public like us.

Question — The small card that you had with regard to a code of ethics from the Parliament, and then the massive one you referred to, presumably that big one is a Federal USA code and not a state one?

Meredith Burgmann — It's called the House Ethics Manual. It's the lower house American one. The states also have them like that.

Question — The small card you had, and the code of ethics written into that—is that good enough, would that have stopped the Metherall/Greiner affair?

Meredith Burgmann — You'd have to pull a long bow, but probably not, no. The essence of the Greiner affair was that they created a public service job and did not use proper public service procedures in order to put someone into it, out of which they gained another liberal vote, that is, they got Metherall out of Parliament and put someone else in who was another vote for them. You need a fairly prescriptive code. This is a totally aspirational code. This is a 'be good and eat your greens code', into which you can read almost anything.

I actually don't accept that there's right and wrong. To me there are all these areas in the middle. I know I myself need guidance on it all the time. It's very difficult. What gifts do you accept? Now, in our code we struggled with the issue of a private organisation saying, we really want you to see this tunnel that we have in Hong Kong, because we think that's the tunnel you should vote to have in Australia. If they then send you up to Hong Kong, is that a junket or a bribe, or is that a fact-finding tour to see if it's a good tunnel or not? We sat down with our committee, and said, if you go for a specified number of days and you don't take your wife and kids and you don't stay on afterwards etcetera, etcetera, then it's a fact-finding tour. We actually wrote down what's considered an acceptable gift of travel. I would find something like that enormously helpful. If there was a guideline there, I'd read it through and I would stick to it. Whereas now, people say, should I have taken that? I think you need an ethics manual like that.

Use of letterhead is one situation which I angst about all the time—it never occurs to a lot of other members of Parliament, they use their letterhead for everything. It got Geoff Prosser into a lot of trouble, didn't it? He wrote on his ministerial letterhead to the local council about beautifying his street. That got him into a lot of trouble.

In America they have a system where they have four different sorts of stationery. The first is the totally official one that says Senator Bob Bloggs, US Congress, etc, for totally official stuff; then you have one that says Senator Bob Bloggs, but doesn't say US Congress; then you've got one that says Bob Bloggs, etc—there are four different grades of stationery. I would find that pretty useful. I have just been travelling, and part of what I was doing was totally official, and part was totally private. I kept

Question — You started off with the problem that most of the country thinks you're a bunch of crooks. Do you think the country trusts you to set up your own ethics process? And how do you move to the next stage, of validating and gaining confidence in your ethics process?

Meredith Burgmann — I don't think they trust us, but they certainly want us to do it. What has amazed me is that no member of the media has had a go at this. Journalists' ethics is another story. They don't trust us to do it ourselves, but they want us to do it, so we're going to have to do it, and do it a bit better than we're doing it at the moment.

Even though I'm sad at what's happening in New South Wales, we're still well ahead of most other parliaments. I'm shocked to discover that they have stalled in other parliaments.

In Queensland they're *obsessive* about use of travel, that's the only thing they think ethics is about. They're not in the slightest bit interested in the noisy cocky or what sort of stationery to use. They're obsessive about travel. But of course—half their previous ministers ended up in jail over use of their travel. So, they're stalled on travel.

In Western Australia they just don't believe there's such a thing as a corrupt politician, so they just send them to jail.

In New South Wales we've battled on quite well. One of the sad things is that one of the few people to have been caught in some ethical problem was Brian Langton, who was basically doing nothing which helped himself. There, but for the grace of God, would have been me. When I was asked if I could lend my travel warrants to one of the shadow ministers, the only thing that saved me was that I'd been such a good little hardworking MLC and I'd used all my warrants, so I didn't have any to hand over. So the one person that's caught under the so-called 'travel rorts affair' is a bloke who simply used someone else's travel warrants to get his job done as shadow minister. As far as I can see there's a lot more unethical stuff going on than that.

**House of Assembly Management Commission
Briefing Note**

Title: Code of Conduct for Officers and Employees of the House of Assembly

Issue: The development of a Code of Conduct for Officers and Employees of the House of Assembly

Background:

- The Green Report recommends the development of a Code of Conduct for Officers and Employees of the House of Assembly. Subsection 35(3) of the *House of Assembly Accountability, Integrity and Administration Act* requires the House of Assembly Management Commission to develop and adopt such a Code within 90 days of the coming into force of the Act, i.e. September 11, 2007.

Status:

- A draft Code of Conduct for officers and employees of the House of Assembly has been prepared for review by the House of Assembly Management Commission (attached).
- The draft code has been reviewed by the Clerk's Office but it has only recently been vetted with other divisions of the House of Assembly Service or the Statutory Offices of the House. The Clerk is strongly of the view that, for the Code of Conduct to be truly meaningful, officers and staff of the House must participate in its development as is the case for the Members' Code of Conduct.
- The Clerk will receive the comments of officers and staff in the period leading up to the Commission's August 29 meeting and present a revised code to the Commission at that time.

Action Required:

- A revised draft will be presented at the Commission's August 29 meeting for its consideration.

Drafted by: Wm. MacKenzie 729-3405

August 28, 2007

**House of Assembly Service and Statutory Offices
Code of Conduct**

As Officers and Staff of the House of Assembly:

1. We will serve the aims and objectives of the House of Assembly and ensure 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.

August 28, 2007

**House of Assembly Service and Statutory Offices
Code of Conduct**

[Edits from August 22 draft, previously circulated:

~~strikethrough~~ = deletion; ***bold italics*** = addition]

As Officers and Staff of the House of Assembly:

1. We will serve the aims and objectives of the House of Assembly and ensure that personal interests and activities do not interfere, or appear to interfere, with this obligation.
2. We will perform our official 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 ~~act to~~ ensure that we maintain the confidence and trust of the Members of the House of Assembly and ~~establish a fair and impartial relationship with present and future Members~~ ***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 its Members~~ and also 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 a ***any gift or other benefit*** that could be seen as an inducement or a 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 diligence with respect to recordkeeping as a function of our employment.~~ *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 ~~a matter~~ *matters* of government or House of Assembly policy is appropriate to the position we hold and is compatible with our ~~need~~ *obligation* to be politically ~~neutral~~ *impartial*.

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

House of Assembly Management Commission
Briefing Note

Title: Audit Committee of the Commission

Issue: Selection of Two Representatives to Serve on Audit Committee

Background:

- Section 23 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act) establishes an Audit Committee of the Commission and outlines the committee's various responsibilities. (These are also outlined in Section 8 of the draft HoAMC Policy and Procedures Manual.)
- Subsection 23(2) provides for the composition of the Audit Committee, as follows:

The audit committee shall consist of

(a) 2 members of the commission chosen by the commission, at least one of whom shall not be a member of the government party; and

(b) 2 persons, chosen by the Chief Justice of the province, who are not members but who are resident in the province, and have demonstrated knowledge and experience in financial matters and are suitable to represent the public interest.

- The Speaker has written Chief Justice Wells, requesting him to name the two members of the public to serve on the committee.
- Paragraph 23 (2) (a) does not provide direction as to how the Commission will choose its two committee members. It is suggested that Members volunteer their service or accept nomination by others and that, if only two names come forward, they be accepted by acclamation. If more than two names come forward, a secret ballot process can be administered by the Clerk.

- The Commission should note that at least one of the two members chosen must be Mr. Reid, Mr. Parsons, or Ms. Michael, pursuant to Paragraph 23(2)(a).
- Although it is not certain that the Audit Committee can be fully operational before the October General Election, it is desirable for the Commission to choose its representatives now so that the Audit Committee can attempt to establish itself and begin its work.

Action Required:

- Selection of two Commission members, at least one of whom is from the Opposition side of the House, to serve on the Audit Committee.

Drafted by: Wm. MacKenzie
August 27, 2007