



**House of Assembly
Newfoundland and Labrador**

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

Date: November 28, 2007

Location: House of Assembly Chamber

Time: 9:00 – 5:15

Members Present:

Hon. Roger Fitzgerald, Speaker

Mr. William MacKenzie, Clerk of the House of Assembly

Hon. Tom Rideout, Government House Leader

Mr. Kelvin Parsons, Opposition House Leader

Hon. Tom Marshall, Minister of Finance

Ms. Beth Marshall, MHA (PC) Topsail

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

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

Mr. Jack Byrne, Deputy Speaker

Other:

Ms. Marie Keefe, Policy & Communications Officer

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

Ms. Lorna Proudfoot, Law Clerk

Regrets:

None

Decisions of the Management Commission:

CM 2007 – 013

Agenda Item 2:

The minutes of the House of Assembly Management Commission Meeting held on August 29, 2007, were approved as read.

CM 2007 – 014
Agenda Item 3-1:

The Commission considered the proposed amendment to subsection 18(8) of the *House of Assembly Accountability, Integrity and Administration Act* respecting quorums for Commission meetings and approved the following:

Subsection 18(8) of the *House of Assembly Accountability, Integrity and Administration Act* is repealed and the following is substituted:

- “(8) A quorum of the commission shall be 50% of its members, provided that
- (a) one member, representing the government; and
 - (b) one member representing a party in opposition to the government; and
 - (c) the speaker or the deputy speaker

shall be present during a meeting of the commission.”

CM 2007 – 015
Agenda item 3-2:

The Commission considered the proposed amendment to subsection 14(2) of the *House of Assembly Accountability, Integrity and Administration Act* respecting reimbursement of expenses during the Election Writ period and approved the following:

Subsection 14(2) of the *House of Assembly Accountability, Integrity and Administration Act* is repealed and the following is substituted:

“(2) Notwithstanding subsection (1), a member shall not claim reimbursement of expenses under subsection 11(2) from and after the date an election is called until the date of the election provided that the member has been declared re-elected under the *Elections Act, 1991*.”

CM 2007 – 016
Agenda Item 3-3:

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

CM 2007 – 017
Agenda Item 3-4:

The Commission approved and adopted the October 2007 versions of the Members' Resources and Allowances Rules Manual and the Members' Handbook.

CM 2007 – 018
Agenda Item 7:

The Commission, in an *in camera* session, authorized the Speaker to refer to the appropriate Minister a Special Warrant funding request to cover unbudgeted costs associated with the implementation of the *Recommendations of the Review Commission on Constituency Allowances and Related Matters.*”

CM 2007 – 019
Agenda Item 6:

The Commission considered the issue of opposition party caucus resources for the 46th General Assembly

1. The Leader of the Official Opposition moved:

That the \$62.50 monthly allocation per caucus member for operational funding be continued, with a minimum amount of \$500.00 monthly established irrespective of caucus numbers.

The motion was carried.

2. The Hon. Tom Marshall moved:

That the Official Opposition maintain its current core staff complement; that the half-time position assigned to the Opposition House Leader be made a full-time position; that the Official Opposition annually receive \$100,000, plus the current \$21, 218 per private member, and that, in addition, the New Democratic Party would receive \$100,000, plus the current \$21, 118 per private member.

By leave of the Commission the Hon. Tom Marshall moved the following amendment which would restrict the application of his motion to the Official Opposition.

That the Official Opposition maintain its current core staff complement; that the half-time position assigned to the Opposition House Leader be made a full-time position; and that the Official Opposition annually receive \$100,000, plus the current \$21, 218 per private member.

The Opposition House Leader moved the following amendment:

That the motion put forward by Minister Marshall respecting caucus resources funding proposal be held in abeyance and not addressed until a study, as recommended by Chief Justice Green in Chapter 12 of his report, is presented back to the Commission for its review, and in the interim the caucus resource formula, as it existed prior to the dissolution of the Forty-Fifth General Assembly, be applied.

This amendment was defeated.

Ms. Elizabeth Marshall moved the following amendment:

*That the following be added to Minister Marshall's motion:
The study of caucus resources as recommended by Chief Justice Green in Chapter 12 of his report be conducted and brought back for the Commission's consideration as soon as possible.*

The amendment carried.

The main motion, as amended, was carried.

3. The Hon. Tom Marshall moved that :

The NDP continue to receive the \$21, 218 per private Member that they are receiving for caucus resources and, in addition, annually receive \$100,000, and that the issue of NDP resources also be part of the study recommended by Chief Justice Green in Chapter 12 of his report.

Ms. Michael moved the following amendment:

That the words "and funds for an administrative assistant/receptionist" be added after the words "\$100,000".

The amendment was defeated.

The main motion was carried.

Note: The following summarizes the key points of the motions respecting opposition caucus resources:

- i) The \$62.50 monthly allocation per caucus member for operational funding will continue, with a minimum amount of \$500.00 monthly established irrespective of caucus numbers.
- ii) The Office of the Leader of the Official Opposition will continue to receive funding for the core positions identified during the 45th General Assembly; that is, a Chief of Staff, Communications position, Executive Assistant, departmental secretary, as well as the secretary/legislative assistant position usually termed Constituency Assistant; and,
- iii) The funding for a half-time assistant position with the Opposition House Leader will be increased to funding for a full-time position; and,
- iv) The Official Opposition will continue to receive the \$21, 218 annually per private member; and,
- v) The Official Opposition will receive an additional \$100,000 annually for caucus staffing; and,
- vi) The New Democratic Party will continue to receive \$21, 218 annually per private member; and,
- vii) The New Democratic Party will receive an additional \$100,000 annually for caucus staffing;

- viii) A study will be conducted, as soon as possible, to advise on the appropriate levels of resources for the Official Opposition and the NDP Caucuses, with the study to be brought back to the Commission for approval.

CM 2007 – 020
Agenda Item 10-2:

The Commission considered the proposal from the Clerk respecting Reimbursement rates for Constituency Assistants and decided the following:

Pursuant to subparagraph 20(6)(b)(i) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission directs that Constituency Assistants be reimbursed at rates for travel, meals and accommodations (private and temporary) consistent with the rates provided for Members.

CM 2007 – 021
Agenda Item 10-2:

The Commission considered the proposal from the Clerk respecting phone lines in private residences and decided the following:

Pursuant to subsection 25(1) of the *Members' Resources and Allowances Rules*, the Commission hereby authorizes and directs that the Standard Office Allocation include a telephone package for the Member's residence, to be used for constituency business only. The telephone package will include message manager, call display and a long distance plan (if applicable).

CM 2007- 022
Agenda Item 10-2:

The Commission considered the proposal from the Clerk respecting the exclusion of intra-constituency travel and extra-constituency travel from the commuting distance limitation and decided the following:

Pursuant to subsection 20(6)(b)(i) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission directs that intra-constituency travel and extra-constituency travel are excluded from the commuting distance limitation of paragraph 29(1)(b) of the *Members' Resources and Allowances Rules*, effective October 9, 2007.

CM 2007- 023
Agenda Item 10-2:

The Commission considered the proposed amendment to subsection 40(1) of the *Members' Resources and Allowances Rules* to include "taxi" as a permissible means of travel and approved the following proposed amendment:

The Commission hereby approves the following draft amendment to subsection 40(1) of the *Members' Resources and Allowances Rules*:

- (a) at paragraph (d) by deleting the word "and";
- (b) at paragraph (e) by deleting the period and substituting a semicolon and the word

“and”; and

(c) by adding immediately after paragraph (e) the following

“(f) taxis.”

CM 2007- 024
Agenda item 10-2:

The Commission considered the proposal from the Clerk respecting delegated authority to the Clerk for the provision of promotional materials for Members and decided the following:

The Clerk is authorized to develop appropriate policies and processes for the selection, allocation and distribution of the promotional materials identified in subsection 27(1) of the *Members' Resources and Allowances Rules*.

Note: The briefing note submission of November 22, 2007 had a typo and referenced subsection 27(1)(b). It should have read subsection 27(1) only.

CM 2007- 025
Agenda Item 10-2:

The Commission considered the proposal from the Clerk respecting the use of Extra-Constituency Allowance for travel to the Capital Region and decided the following:

Pursuant to subparagraph 20(6)(b)(i), the Commission directs that subsection 39(1) of the *Members' Resources and Allowance Rules* does not permit travel from a constituency outside of the capital region to the capital region, except for the purpose of attendance at a conference or training course, as described in subsection 30(e) of the Rules.

CM 2007 – 026
Agenda Item 10-2

The Commission considered the proposed amendment to section 20 of the *Members' Resources and Allowances Rules* respecting the location of a Member's constituency office space outside the Member's constituency and approved the following amendment:

“Section 20 of the *Members' Resources and Allowances Rules* is amended by adding immediately after subsection (5) the following:

(5.1) Notwithstanding paragraph (5)(a), the Speaker may, upon the written request of a member, approve the locating of that member's constituency office space within a constituency that is not a constituency of that member provided that the requested office space is located in a constituency that is adjacent to the member's constituency.

Adjournment: 5:15
Hon. Roger Fitzgerald, MHA
Speaker and Chair

Wm. MacKenzie
Clerk and Secretary to the Commission

To: Members of the House of Assembly
From: Clerk of the House of Assembly
Date: December 10, 2007
Subject: Rule Amendment - Taxis

Taxis are not included as a permissible mode of travel under subsection 40 (1) of the *Members' Resources Allowances and Rules*. The addition of taxis as a permissible means of travel requires an amendment to a rule and not an interpretive directive by the House of Assembly Management Commission. The authority for an amendment respecting allowances falls under subsection 15(5) and section 64 of the *House of Assembly Accountability, Integrity and Administration Act*. The procedure is as follows:

1. A draft of the proposed amendment must be prepared.
2. The draft amendment must be tabled before a Management Commission meeting
3. Notice of the tabling must be:
 - (a) given by the Speaker to the House of Assembly if in session; OR
 - (b) given to every MHA if the House of Assembly is not in session
4. The draft amendment and notice must be posted on the House of Assembly website.
5. The draft amendment must be voted upon at a subsequent meeting of the Management Commission.
6. The approved amendment is signed by the Speaker and forwarded to the Legislative Council Office for preparation for Gazetting.
7. The rule is returned for the signature of the Speaker and is then Gazetted through the Legislative Counsel Office.

This memo serves to address the requirement of paragraph 15(5)(b) regarding appropriate notice to Members.

At the November 28, 2007 meeting, the Commission approved the following draft amendment:

Subsection 40(1) of the *Members' Resources and Allowances Rules* is amended

- (a) at paragraph (d) by deleting the word "and";
- (b) at paragraph (e) by deleting the period and substituting a semicolon and the word "and"; and
- (c) by adding immediately after paragraph (e) the following
 “(f) taxis.”

The draft amendment will be posted on the House of Assembly website and voted on at the next meeting of the Commission, scheduled for December 17, 2007. The rule will become effective on the date it is Gazetted. The Act does not provide for the retroactive application of amendments to rules.



HOUSE OF ASSEMBLY
NEWFOUNDLAND AND LABRADOR

OFFICE OF THE SPEAKER
TEL: (709) 729-3404
FAX: (709) 729-4820

P.O. BOX 8700
ST. JOHN'S, NL
A1B 4J6

To: House of Assembly Management Commission
From: Speaker of the House of Assembly
Date: January 23, 2008
Subject: Report on Subsection 18(4) – *Members' Resources and Allowances Rules*

Section 18 of the *Members' Resources and Allowances Rules* provides a maximum allowance of \$7000 (\$6,140, plus HST) for constituency office accommodations. Under the Rules, a Member may make application in writing to the Speaker requesting permission to exceed the maximum when accommodations can not be obtained within the maximum guidelines. The Speaker must report, in writing, to the Commission any authorizations made under this section of the rules.

Report on Subsection 18(4) – Period Ending: December 14, 2007

DISTRICT	MEMBER	AMOUNT APPROVED	REASON
Bay of Islands	Terry Loder	\$12,012.00	Only proposal received
Port - au - Port	Tony Cornect	11,748.00	Lowest proposal received
Isles of Notre Dame	Derrick Dalley	\$12,000.00 plus HST	Lowest proposal received
Baie Verte-Springdale	Tom Rideout	\$12,000.00 plus HST	Lowest proposal received

NOTE: Hon. Patty Pottle, Member for Torngat Mountains has requested permission to donate space in a building she owns to accommodate her constituency office. There is no costs as heat, light, cleaning, insurance, and security are all included. The member has requested this approval as she is unable to secure adequate approved space despite a public call for proposals.



HOUSE OF ASSEMBLY
PROVINCE OF NEWFOUNDLAND AND LABRADOR

LORRAINE MICHAEL, M.H.A.
SIGNAL HILL - QUIDI VIDI
OFFICE OF THE LEADER
NEW DEMOCRATIC PARTY

CONFEDERATION BUILDING
ST. JOHN'S, NL
CANADA
A1B 4J6

November 29, 2007

House of Assembly Management Commission
Chairperson
Speaker of the House

Dear Mr. *Roger* Speaker:

RECEIVED
NOV 29 2007

I am writing in follow-up to the first meeting of the Management Commission in the 46th Assembly. The purpose of my letter is to make some observations on the meeting with the goal of making some suggestions for change in procedure and meeting space. I do so with a spirit of just wanting to improve things as we continue our work.

I think we all survived yesterday, in spite of difficulties, and ended up making some satisfactory decisions. I would like to think we can do better.

Firstly, I believe that we are doomed to poor communication if we continue to meet in the configuration as it now exists. If we are going to take part in meaningful discussion I think we need, first of all, to sit around a table where all members can speak to each other. That table could be the legislative council table in the chamber. The capability for microphones on the legislative council table does not seem to be a problem since it is already equipped with three. I would imagine more could be added. I am wondering if another table extension, the same size as the one at the north end of the main table, could be added, thus allowing Commission members to sit in a more conference or meeting type configuration.

Secondly, I would like us to review how we want discussions to proceed. Using the discussion about caucus resources in yesterday's meeting as an example, I think we need to become more creative in thinking about how we work together. I imagined that we would have had discussions where we actually explored each others' proposals and come up with suggestions for change and solutions in a more consensus-type manner than actually happened. Instead, during the piece of the agenda on Caucus Resources we ended up getting into the type of posturing "discussion" that happens in the House of Assembly, something which I don't think will be conducive to good decision-making as we continue to work together. It will also mitigate against a non-partisan discussion.

Section 5.7.2 of the Management Commission Policies and Procedures Manual states: **If majority agreement cannot be confirmed on an issue under discussion, the decision will be deferred to the next meeting of the Commission.** The spirit of that wording to me is one of consensus-building, which I don't think we did well yesterday.

As I look through the Policies and Procedures Manual I note that there is nothing else but the above section written about how we discuss issues and the procedures that we would follow. I am suggesting that a new section be added to the manual dealing with procedures. There are a number of questions that need to be addressed, however. What rules do we use? Can we agree on consensus decision-making? If so, what procedures do we use to reach consensus? There are many people with experience and expertise in this area. I am sure there are some such experts inside the public sector. I think such expertise should be sought in putting together the suggested draft section for the manual.

Thirdly, in writing to the Commission prior to our meeting and submitting a proposal regarding Caucus Resources I knew I was doing something that had not been asked for. But I believed that by putting time into researching caucus resources in other jurisdictions, and using that information to support what I wanted to propose, that I would be helping discussion. It seemed I might as well have not have taken the time to put a submission together since no reference was made to it at all. However, I am encouraged by the fact that I can use that research in making representation to the committee that gets set up to study caucus resources.

Perhaps we could come to an agreement that supporting material to the agenda submitted by Commission Members get treated in the same way as other supporting material, i.e. the written material get addressed directly in the discussion that takes place.

I am submitting these suggestions for the consideration of all members of the Commission in a friendly spirit in the hope that we can improve the atmosphere of future meetings. I am sure we all have had extra-parliamentary experience where people meet in committee and discuss very difficult issues in a collegial manner. I know we can do the same.

Sincerely,



Lorraine A. Michael, MHA
Leader of the New Democratic Party, NL

cc. House of Assembly Management Commission Members

Mr. Kelvin Parsons
Ms. Yvonne Jones
Hon. Tom Rideout
Hon. Tom Marshall
Ms. Beth Marshall
Mr. William MacKenzie
Mr. Jack Byrne

House of Assembly Management Commission

Briefing Note

Title: *Transparency and Accountability Act*

Issue: Approval of categorization criteria and approval of submitted plans

Background:

- The *Transparency and Accountability Act* requires government entities to table plans in the House of Assembly and to report annually on their progress. Section 48 of the *House of Assembly Accountability, Integrity and Administration Act* requires the application of the *Transparency and Accountability Act* to the House of Assembly Services and its statutory offices.
- The T & A Act assigns authority and responsibility to Cabinet for government entities, while the House of Assembly Management Commission must exercise that role with respect to House of Assembly Service and the statutory offices.
- The type of plan required depends on the categorization which is determined through assessment using certain criteria. The Commission must first approve the assessment criteria (attached document). In March of 2007, the IEC approved the assessment criteria for the Statutory Offices but declined to approve criteria for the House of Assembly until the Green Report was received.
- The transition period for the legislation is expected to be completed by April 2008 at which time all public bodies are expected to be compliant with the Act. All bodies are required to deliver an annual report on progress by April 2008. New plans covering the 2008- 2011 period must be in place by June 30, 2008.
- The Office of the Child and Youth Advocate has submitted a business plan as appropriate for their category 2 designation. The Office of the Citizens' Representative and the Office of the Privacy Commissioner have submitted activity plans as appropriate for their category 3 designation. The plans for each of these statutory offices were developed in consultation with the Transparency and Accountability Office and now require Commission approval.
- The Offices of the Chief Electoral Officer, the Commissioner for Legislative Standards and the Office of the Auditor General have completed the categorization based on approved criteria and determined a Category 3 designation, which requires the submission of an activity plan by April 2008. The rating requires the approval of the Commission so the offices can proceed with developing their activity plan.

- Criteria for the House of Assembly must be approved by the Commission to allow the development of a plan compliant with the *Transparency and Accountability Act*.

Action Required:

The Commission hereby:

- Approves the categorization criteria as outlined in attached document "Guidelines for the Categorization of the Offices of the House of Assembly" for the House of Assembly.
- Approves the attached plans submitted by the 3 statutory offices: Office of the Child and Youth Advocate, Office of the Citizens' Representative, and the Office of the Privacy Commissioner
- Approves Category 3 designation for the Office of the Chief Electoral Officer, the Commissioner for Legislative Standards and the Office of the Auditor General.

Drafted by: Marie Keefe
Date: November 26, 2007

Approved by: Wm. MacKenzie

Guidelines for the Categorization of the Offices of the House of Assembly

INTRODUCTION

The *Transparency and Accountability Act* received royal assent December 16, 2004, at which time, amendments to the *Internal Economy Commission Act* were also approved. These amendments are summarized as follows (see Section 9.1 of the *Internal Economy Commission Act* for further details):

- An authority or responsibility given to a minister under that *Transparency and Accountability Act* shall be exercised by the speaker
- An authority or responsibility given to the Lieutenant-Governor in Council under that *Transparency and Accountability Act* shall be exercised by the commission
- Sections of the *Transparency and Accountability Act* referencing the use of the *Corporations Act*, the power to borrow and incur debt, three-year fiscal forecasts and budget preparation information, audits and information to the comptroller general, and commencement are not applicable to the Offices of the House of Assembly
- Where the *Transparency and Accountability Act* makes reference to a governing body, this reference shall be considered as the Internal Economy Commission
- Where the *Transparency and Accountability Act* makes reference to a government entity or a public body, this reference shall be considered as an Office of the House of Assembly
- Where the *Transparency and Accountability Act* requires a strategic/business/activity plan to be developed in consideration of the strategic directions of government, the Offices of the House of Assembly shall develop their plans in consideration of the strategic directions of the Internal Economy Commission
- Where the *Transparency and Accountability Act* requires a performance contract to be created between a deputy minister and the responsible minister, this requirement is now applied to each Officer of the House of Assembly

CATEGORIZATION CRITERIA FOR OFFICES OF THE HOUSE OF ASSEMBLY

The *Transparency and Accountability Act* requires that the Internal Economy Commission to establish criteria for the categorization of the Offices of the House of Assembly as either category 1, 2 or 3 (pursuant to Section 4(1)). Furthermore, the *Act* stipulates that the Internal Economy Commission will then apply these criteria to each Office of the House of Assembly to determine the appropriate categorization.

Categorization as either a category 1, 2 or 3 government entity establishes planning and reporting expectations. Category 1 entities are expected to provide a strategic plan and an annual performance report (i.e. plan and report outcomes), Category 2 entities are expected to provide a business plan and an annual performance report (i.e. plan and report outputs), and Category 3 entities are expected to provide an activity plan and an annual report (i.e. plan and report on activities). At any time, the Internal Economy Commission can also require an Office of the House of Assembly to plan and report at a different level from their categorization for a specified time period.

All of the plans have to be developed in consideration of the strategic directions of the Internal Economy Commission and must be within the Offices' mandates and fiscal resources. Reports must provide actual results and explain variances.

To distinguish between each category, entities can be characterized by mandate, organizational structure and public interest. Using the following general criteria it is possible to assign an Office to one of the three categories, which will serve as a basis for determinations regarding level of planning and reporting required.

1. Results Expected

Category 1 government entities typically have responsibilities that have a direct (and sometimes immediate) impact on the physical, social, and/or economic well-being of Newfoundlanders and Labradorians. These government entities are therefore considered to be mandated to address outcomes.

Category 2 government entities typically have responsibilities to provide programs, products and/or services to the general public and/or other government entities in the support of the achievement of outcomes. Their ability to affect the public at large is somewhat limited and indirect. These government entities are therefore considered to be mandated to produce outputs.

Category 3 government entities typically have responsibilities to complete activities (e.g. resolve disputes, provide policy advice upon request) and have little direct impact on the population at large.

2. Organizational Structure

Category 1 government entities typically have a multi-layered organizational structure consisting of an Officer of the House of Assembly with at least two other levels of management (e.g. Directors and Managers). This type of government entity also typically provides multiple programs/services/products to the public and therefore has a budget which must manage many competing demands.

Category 2 government entities typically have an Officer of the House of Assembly and one other level of management. The budgetary demands are less competing because this type of government entity usually provides 2-3 programs/services/products to their primary clients.

Category 3 government entities are typically supported by 1 or 2 government officials, with no additional management-level employees. The number of programs/services/products provided to their primary clients normally range between 1 and 2.

3. Public Interest

Category 1 government entities make decisions that affect the general population. As a result, multiple sectors of the population of the province are interested in the decisions made and the resulting outcomes of the entity. They also have the potential to generate moderate to high public reaction in their decisions. Issues dealt with by these entities can be highly sensitive to explosive in nature.

Category 2 government entities make decisions that affect specific areas of the population. As a result, these specific stakeholders, who may be made up of multiple groups, are interested in the decisions made and the resulting outputs of the entity. They also have the potential to generate low to moderate public reaction in their decisions. Issues dealt with by these entities can generate a significant reaction from specific stakeholders.

Category 3 government entities make decisions that are case specific. As a result, specific individuals or groups are interested in the activities of the entity. They typically generate little or no public reaction in their decisions. Issues dealt with by these entities are case specific and generate reaction only from the involved stakeholders.

These three criteria for the categorization of government entities are provided in the Summary Table (see next page). The process provided below shall be followed:

- Officers of the House of Assembly are responsible to apply the criteria in the summary table to determine a proposed categorization
- The summary table must be signed by the person assessing the Office and dated, approved by the Clerk of the House of Assembly, and presented for sign off to the Speaker of the House of Assembly
- A copy of the completed and approved summary table is to be forwarded to the Transparency and Accountability Office with the original copy maintained in the Office for auditing or other purposes
- The Speaker of the House of Assembly is responsible for reviewing the categorization summary tables and making recommendations to the Internal Economy Commission as to the appropriate categorization for each Office
- When approved by the Internal Economy Commission, the Speaker of the House of Assembly is responsible for notifying the Offices of their categorization
- When there is a significant change with an Office, the Officer of the House of Assembly is responsible to re-apply the criteria, complete another summary table and notify the Transparency and Accountability Office
- The Transparency and Accountability Office is available to provide advice to Offices of the House of Assembly on the application of the categorization criteria
- The Speaker of the House of Assembly shall notify reporting entities of the categorization assigned by the Internal Economy Commission and the associated planning and reporting requirements.

The summary table on the following page will be used to complete the categorization process for each Office.

Offices of the House of Assembly Categorization Criteria - Summary Table

Instructions: Please read each criterion and select the response option that best describes the entity. Place the number of points designated to the response chosen in the right column. A response is required for all criteria. When finished, tally the points to determine the appropriate categorization.

Entity Name: _____

Criteria	Response Options	Points
Mandate	<input type="checkbox"/> has a direct influence on the physical, social and/or economic well-being of the citizens of Newfoundland and Labrador (70 points) <input type="checkbox"/> provides goods/services to the public and/or other government entities in support of the achievement of outcomes (40 points) <input type="checkbox"/> typically completes activities (20 points)	
Organizational Structure	In addition to the Officer of the House of Assembly... <input type="checkbox"/> has multiple levels of management and typically provides many programs, services and/or products to its primary clients (20 points) <input type="checkbox"/> has one other level of management and typically provides a couple of programs, services and/or products to its primary clients (15 points) <input type="checkbox"/> has no other level of management and typically provides one or two programs, services and/or products to its primary clients (8 points)	
Public Interest	<input type="checkbox"/> generates moderate to high public reaction (10 points) <input type="checkbox"/> generates low to moderate public reaction (6 points) <input type="checkbox"/> generates little or no public reaction (2 points)	
Total Points		

Categorization: Based on the total points, check one of the categorization boxes below:

- 80 Points or above Category 1
 79 – 51 Points Category 2
 50 Points or below Category 3

Assessed by: _____ Date: _____

Clerk of the House of Assembly: _____ Date: _____

Speaker of the House of Assembly: _____ Date: _____



Office of the Child and Youth Advocate
PROVINCE OF NEWFOUNDLAND AND LABRADOR

BUSINESS PLAN

FISCAL YEAR ENDING MARCH 31, 2008



Message from the Speaker
of the House of Assembly

April 1, 2007

Government is committed to ensuring that the rights and interests of children and youth are protected and advanced and their views are heard and considered. This Business Plan will provide government with an independent perspective regarding the availability, effectiveness, responsiveness and relevance of services currently available to children and youth within the province.

This plan has been prepared in accordance with the *Transparency and Accountability Act* provisions for a Category 2 entity. This plan focuses on the processes necessary to meet government's commitments to children and youth.

As Speaker of the House of Assembly, I am accountable to ensure the preparation of this plan by the Office of the Child and Youth Advocate. I look forward to the realization of the stated goals which will promote greater awareness of the rights of children and youth and increased access to government programs and services by children and youth.

Harvey Hodder, MHA
Speaker

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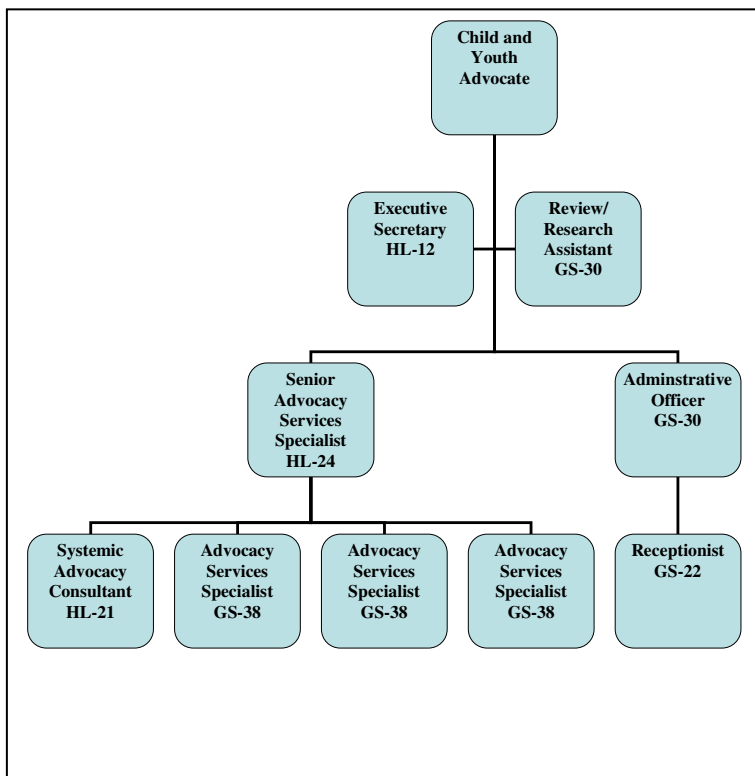
1.0 OVERVIEW

The Office of the Child and Youth Advocate opened on November 18, 2002. The Office was established by statute, *The Child and Youth Advocate Act*, which was proclaimed on May 12, 2002.

The current Child and Youth Advocate, Darlene Neville, was appointed to the position of Child and Youth Advocate on August 1, 2005, and her appointment was confirmed by resolution of the House of Assembly on November 29, 2005.

The Advocate is an Independent Officer of the House of Assembly and reports directly to the Legislature through the Speaker of the House. The staff of the Office of the Child and Youth Advocate are members of the Public Service, Government of Newfoundland and Labrador.

Advocacy services are provided to children and youth through a central office located in St. John's with outreach to all areas of the province. Services can be accessed through office visits, advocacy clinics held by staff throughout the province, use of a toll-free number and the website.



The Office has a total of 10 staff including: the Child and Youth Advocate; one Executive Secretary; one Review/ Research Assistant; one Senior Advocacy Services Specialist; one Administrative Officer; one Systemic Advocacy Consultant; three Advocacy Services Specialists; and a Receptionist.

The Commission of Internal Economy approved a budget of \$781,900 for the Office of the Child and Youth Advocate for Fiscal Year 2006-2007. The details are noted below:

Salaries	\$498,600
Employee Benefits	2,500
Transportation and Communications	100,000
Supplies	25,000
Professional Services	75,000
Purchased Services	75,800
Property, Furnishings and Equipment	5,000
TOTAL	\$781,900

Contact Information:

The Office of the Child and Youth Advocate
Suite 604, TD Place
140 Water Street
St. John's, NL
A1C 6H6

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2.0 MANDATE

The Office of the Child and Youth Advocate was established by statute which may be cited as the *Child and Youth Advocate Act*, SNL. 2001 cC-12.01.

The mandate of the Office is contained in Section 3 of the Act, which states:

3. The Office of the Child and Youth Advocate is established
 - (a) to ensure that the rights and interests of children and youth are protected and advanced and their views are heard and considered;
 - (b) to ensure that children and youth have access to services and that their complaints relating to the provision of those services receive appropriate attention;
 - (c) to provide information and advice to the government, agencies of the government and to communities about the availability, effectiveness, responsiveness and relevance of services to children and youth; and
 - (d) generally, to act as an advocate of the rights and interests of children and youth.

The powers and duties of the Child and Youth Advocate are contained in Section 15 of the Act, which states:

15. (1) In carrying out the duties of his or her office, the advocate may
 - (a) receive and review a matter relating to a child or youth or a group of them, whether or not a request or complaint is made to the advocate;
 - (b) advocate or mediate or use another dispute resolution process on behalf of a child, youth or a group of them, whether or not a request or complaint is made to the advocate;
 - (c) where advocacy or mediation or another dispute resolution process has not resulted in an outcome the advocate believes is satisfactory, conduct an investigation on behalf of the child or youth or a group of them, whether or not a request or complaint is made to the advocate;
 - (d) initiate and participate in, or assist children and youth to initiate and participate in, case conferences, administrative reviews, mediations, or other processes in which decisions are made about the provision of services;
 - (e) meet with and interview children and youth;

- (f) inform the public about the needs and rights of children and youth including about the office of the advocate; and
 - (g) make recommendations to the government, an agency of the government or communities about legislation, policies and practices respecting services to or the rights of children and youth.
- (2) The advocate may not act as legal counsel.

3.0 LINES OF BUSINESS

The *Child and Youth Advocate Act* mandates the Advocate to provide advocacy services on behalf of children and youth in four main capacities:

- Individual/Group Advocacy
- Emerging Issues/ Systemic Advocacy
- Reviews and Investigations
- Public Education

Individual Advocacy

Individual Advocacy includes the provision of information, self-advocacy, basic and comprehensive advocacy services. Individual Advocacy differs depending upon the type of intervention provided.

- Information - involves the provision of information and/or referral to another government department, board, or agency.
- Self-Advocacy Assistance - involves the provision of information regarding programs, services, appeal procedures, options, and strategies, and may include coaching.
- Basic Advocacy Intervention - involves the provision of advocacy services requiring consultation and/or referral to other agencies and is usually completed within a short time frame. Advocacy staff engage in problem-solving strategies; make initial calls to service providers; and provide self-advocacy assistance.

- Comprehensive Advocacy Intervention - involves the provision of intensive advocacy intervention when basic advocacy intervention and/or self-advocacy assistance is not sufficient. Comprehensive Advocacy Intervention may involve in-depth self-advocacy coaching; meetings with multiple service providers; meetings with the child/youth and/or his or her natural advocate; attending/arranging case conferences/meetings; and engaging in alternate dispute resolution processes.

Emerging Issues/Systemic Advocacy

Emerging issue files relate to issues that appear to be impacting a group(s) of children/youth, but require further research to determine if the issues are systemic. Often, individual files highlight emerging issues which require further advocacy work. If an emerging issue is determined to be systemic, the emerging issues file is closed, and a systemic file is opened.

Systemic issue files are opened when issues presented to the Office of the Child and Youth Advocate impact a group(s) of children/youth and, therefore, require advocacy from a systemic perspective.

Reviews/Investigations

Reviews and investigations are carried out pursuant to Section 15 (1) and (c) of the Child and Youth Advocate Act. The Child and Youth Advocate may review or investigate a matter on behalf of a child or youth, or group of them, whether or not a complaint has been made and may conduct an investigation if advocacy, mediation, or another dispute resolution process has not resulted in an outcome satisfactory to the Advocate.

Public Education

Section 3 of the *Act* requires the Advocate to “protect and advance the rights of children and youth.” In fulfillment of this mandate, advocacy staff engage children and youth, child and youth serving agencies, government departments, and the general public in discussions and consultations

regarding issues affecting children and youth in Newfoundland and Labrador. Also, staff provide presentations to such groups regarding children/youth rights.

Section 2 (c) of the *Act* defines a child

“child” means a person under the age of 16 years.

Section 2 (g) of the *Act* defines youth

“youth” means a person who is 16 years of age, but under 19 years of age and includes youth

- (i.) in care or custody under the *Child, Youth and Family Services Act*,
 - (ii.) on remand under the *Criminal Code* or the *Young Offenders Act (Canada)*,
 - (iii.) subject to a sentence under the *Criminal Code*, or
 - (iv.) subject to a disposition under the *Young Offenders Act (Canada)*,
- who is under 21 years of age.

Section 2(f) of the *Act* defines service

“service” means a service provided by a department or agency of the government to children and youth the principal objective of which is to benefit children and youth.

Section 2(b) of the *Act* defines agency of the government

“agency of the government” means a board, commission, association, or other body of persons, whether incorporated or unincorporated, included in the Schedule.

Section 2(e) of the *Act* defines department

“department” means a department created under the *Executive Council Act*, or a branch of the executive government of the province.

4.0 VALUES

The values expressed in this plan are intended to reflect values for the operation of the Office of the Child and Youth Advocate and the conduct of its staff.

Respect: Each individual is committed to protecting and advancing the rights of children and youth.

Collaboration: Each individual will work with others to maintain a cooperative work environment that contributes to the development a strong, effective team required to “protect and advance” the rights of children and youth.

5.0 PRIMARY CLIENTS



Children (under 16 years of age) and youth (16 years of age, but under 19 years of age and, in the case of extended care or a custodial sentence, up to age 21) are the primary clients of the Office of the Child and Youth Advocate.

Sections 3 and 15 of the *Child and Youth Advocate Act* mandate/authorize the Office of the Child and Youth Advocate to provide recommendations to government regarding the overall effectiveness of services for children and youth, including recommendations regarding changes to existing legislation, policy and service delivery.

Also, pursuant to Section 28 of the *Act*, the Advocate must report annually to the House of Assembly through the Speaker on the exercise and performance of her functions and duties under this *Act*. Both requirements reflect the government as a primary client of the Office.

6.0 VISION



The vision of the Office of the Child and Youth Advocate is a province where the rights and interests of every child and youth are protected and respected and each child and youth has access to all the government services they require.

7.0 MISSION

You Have Rights!

Office of the Child and Youth Advocate
PROVINCE OF NEWFOUNDLAND AND LABRADOR

Protects and advances your rights and interests

- Helps voice your concerns
- Works to make sure your concerns are taken seriously
- Helps you access government services and programs
- Informs and advises government about gaps in services and the need for improvements
- Advocates for your rights and interests

www.ChildAndYouthAdvocate.nl.ca
1-877-753-3888
TTY 709-753-4366
(709) 753-3888
Suite 604, TD Place, 140 Water Street
St. John's, NL A1C 6H6

The mission statement identifies the priority focus areas of the Child and Youth Advocate over the next two planning cycles. It represents the key longer-term result that the Office of the Child and Youth Advocate will be working towards as it implements its Business Plan.

It has been recognized that public education is required if the rights of children and youth are to receive the recognition and attention required to ensure their rights are accorded to them. Increased level of awareness is a prerequisite to “protecting and advancing” the rights and interests of children and youth.

Increasing awareness through public education is required to ensure that children and youth are aware of their rights and the existence of government services and programs related to their needs. Integral to promoting and advancing the rights of children and youth is promoting accessibility to government services and programs.

Therefore, promoting awareness of the rights and interests of children and youth, with a view to enhancing the delivery of advocacy services, shall constitute the priority focus of the Office of the Child and Youth Advocate for the next four years.

Mission Statement:

By 2011, the Office of the Child and Youth Advocate will have enhanced its processes to support increased awareness of the rights and interests of children and youth within the province.

Measure:

Enhanced processes

Indicators:

1. Increased awareness regarding the rights and interests of children and youth and the existence of government programs and services available to them as provided by the Office of the Child and Youth Advocate through the following:
 - Increased number of advocacy clinics conducted
 - Increased number of public presentations and individuals who attended presentations
 - Increased number of presentations to students (K – 12) and number of students who attended
2. Increased number of formal reports completed and presented to government
3. Increased distribution of Office of the Child and Youth Advocate brochures, reports and advocacy calendars.

8.0 ISSUES

The issues identified relate to year one of the four-year mission cycle. The plan of the Office of the Child and Youth Advocate for the next phase (April 1, 2008 – March 31, 2011) will be to continue its focus on promoting awareness of the rights and interests of children and youth and the existence of government programs and services available to them.

Awareness by Children and Youth

The *United Nations Convention on the Rights of the Child*, which Canada has ratified, is an International recognition of the rights of children and youth. It has also been recognized by the United Nations and party states to the *Convention*, which includes Canada, that the rights and interests of children and youth require protection and advancement.

The experiences of the party states to the *UN Convention on the Rights of the Child* strongly support the need for increased awareness amongst children and youth of their rights and of the government programs and services which enable them to exercise these rights. This awareness is viewed as essential to achieving the overall objectives of the protection and advancement of the rights and interests of children and youth.

Issue 1:

Awareness by children and youth

Goal:

By April 1, 2008, the Office of the Child and Youth Advocate will have improved its educational advocacy services to children and youth throughout the province.

Measure:

Improved educational advocacy services

Indicators:

- increased number of advocacy clinics conducted throughout the province
- increased number of presentations throughout the province provided to students (K-12) and the number of students who attended
- increased distribution of brochures, reports and advocacy calendars throughout the province

The Need for a Systemic Advocacy Approach

The legislative intent of the *Child and Youth Advocate Act* requires that the Office of the Child and Youth Advocate provide an independent perspective regarding the availability, effectiveness, responsiveness and relevance of services to children and youth within the province. This perspective is necessary to ensure that government is better informed of the issues impacting children and youth and, therefore, better able to ensure the issues are addressed appropriately.

When it has been determined by the Office of the Child and Youth Advocate that issues presented to the Office impact groups of children and youth within the province, a systemic advocacy approach is required. This approach requires preparation of formal reports provided to government which identify gaps in services and contain recommendations regarding the need for improvements in the areas of policy, legislation and service delivery related to children and youth.

Issue 2:

Recommendations to government regarding issues of a systemic nature affecting children and youth within the province

Goal:

By April 1, 2008 the Office of the Child and Youth Advocate will have better informed government on issues of a systemic nature affecting children and youth within the province.

Measure:

Improved information

Indicators:

- increased number of formal reports containing recommendations provided to government regarding systemic issues affecting children and youth in comparison to 2007

Reviews of Government Programs and Services

Pursuant to Section 15(1.)(a) of the *Child and Youth Advocate Act*, the Advocate is authorized to

receive and review a matter relating to a child or youth or a group of them, whether or not a request or complaint is made to the advocate;

The *Act* provides discretionary powers to the Advocate to decide which cases involving the provision of government programs and services will be reviewed. However, in exercising this discretion, the Advocate considers cases where the information suggests the standard of service did not ensure the rights and interests of children and youth were protected and appropriately addressed.

The Advocate is also required to review matters brought to her attention by the specific direction of the Lieutenant-Governor-in-Council pursuant to Section 16(a) of the *Act*.

The underlying rationale for conducting Reviews of cases, where the inadequacies in areas of service and program delivery appear to be significant, is the requirement that the Advocate identify these inadequacies and provide recommendations for the improved delivery of services in either the specific case under review or in the general delivery of services and programs to children and youth.

Issue 3:

Reviews of government programs and services

Goal:

By April 1, 2008 the Office of the Child and Youth Advocate will have supported the improvement of government services and programs provided to children and youth.

Measure:

Supported improved delivery of services

Indicators:

- number of recommendations contained in completed Reviews provided to government and released publicly.



*Office of the Information and Privacy
Commissioner*

Activity Plan
2007 – 2008

Message from the Speaker of the House of Assembly

I am pleased to present the 2007-2008 activity plan for the Office of the Information and Privacy Commissioner. This plan was prepared under my direction in accordance with the *Transparency and Accountability Act*. It is the product of consultation with the staff of the Commissioner's Office.

This activity plan focuses on a mission and objectives that will facilitate the Office's mandate and guide it in overseeing access to information and protection of privacy issues which affect the citizens of our Province.

I am confident in the timely realization of the goals outlined in this activity plan and the maintenance of the exceptional service standards, which our citizens deserve.

Harvey Hodder, MHA
Speaker

July 12, 2007

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Introduction

The Office of the Information and Privacy Commissioner of Newfoundland and Labrador is accountable to the House of Assembly of the Province and to the people of Newfoundland and Labrador.


This Activity Plan has been prepared in accordance with Government's commitment to accountability as outlined in the *Transparency and Accountability Act* (the "Act"). The Act provides the legislative framework for strengthening accountability of government entities through multi-year performance-based plans and annual performance reports that are presented to the House of Assembly.

This Activity Plan covers the fiscal year ending March 31, 2008. It will allow us to measure and shape our performance and our goals for the current year and will serve as a foundation for the future.

Our office has been designated a Category 3 Government Entity under the *Transparency and Accountability Act*. As such, we are required to prepare an activity plan that sets a clear direction for our activities, taking into account the legislative framework and mandate as well as our resources.

As our office and its operations are to a large extent reactive to issues that are brought to us by the citizens of the Province, it is likely that this Activity Plan will need to be revised and updated on a regular basis to account for changing responsibilities, volumes and complexities as we move forward.

In particular, during the period of this Activity Plan, it is anticipated that the privacy provisions of the *Access to Information and Protection of Privacy Act* (the "ATIPPA") will be proclaimed.



We have attempted to account for these new responsibilities in the Plan. In addition, government has indicated its intention to introduce a new *Personal Health Information Act* in the near future for which this Office will be the oversight mechanism. It is obvious that with respect to both of these new responsibilities, significant revisions to our Activity Plan will be inevitable.

Our Office, its organization and resources will continue to be aware of the changing access and privacy environment and will monitor related issues as we move forward. As the Information and Privacy Commissioner, I am responsible for the preparation of this plan and for the achievement of its goals.

Philip J. Wall
Information and Privacy Commissioner

Overview

The Office of the Information and Privacy Commissioner was created pursuant to Part IV.1 of the *ATIPPA*. The Office has oversight responsibilities under the *ATIPPA* and will soon have similar oversight under the *Personal Health Information Act* when it is proclaimed.

Under *ATIPPA*, the Office is responsible for protecting and upholding access to information and protection of privacy rights. The *ATIPPA* was proclaimed January 17, 2005 and provides individuals with the right of access to information maintained and in the control of public bodies, including provincial government departments, Crown corporations, municipalities, and health care and education bodies. When the privacy provisions (Part IV) are proclaimed it will restrict the collection, use and disclosure of personal information by public bodies.

For the year ending March 31, 2008, the annual budget for the Office is \$439,000 and there is a staffing allotment of 5 plus the Commissioner. We are located on the 5th Floor, East Block of Confederation Building in St. John's and our telephone numbers is 729-6309. Our website, www.oipc.gov.nl.ca provides general information about this Office, instructions on how to submit a Request for Review and copies of our Reports in pdf format. In addition, our website contains appropriate forms and other resources as well as links to the legislation, fee schedule and all provincial and federal oversight offices.

Mandate

The mandate of the Office of the Information and Privacy Commissioner is derived from the provisions of the *ATIPPA* and includes:

- giving the public a right of access to records;
- giving individuals a right of access to, and a right to request correction of, personal information about themselves;
- preventing the unauthorized collection, use or disclosure of personal information by public bodies;
- providing for an independent review of decisions made by public bodies under the *ATIPPA*.

Lines of Business

In delivering its mandate, the Office of the Information and Privacy Commissioner provides the following lines of business.

Investigations

The Office reviews decisions, acts or failure to act by heads of public bodies, with respect to access to information requests, including decisions to extend the timeframe to respond to access requests and decisions with respect to third party claims. The Office also conducts reviews into the failure to respond to access requests within the timeframes required by the *ATIPPA* and the failure or refusal by a head of a public body to correct personal information that is in its control.

Public Education

The Office ensures that the public is aware of its rights to access information and is aware of how it can exercise those rights. As appropriate, the Office informs the public about the rights through public commentary and education programs aimed at explaining the administration and operations of the *ATIPPA* and our Office.

Oversight

The Office acts as an oversight body and comments on the implications for access to information or for protection of privacy of proposed legislative schemes or programs of public bodies.

Values

January 17, 2007 was the second anniversary of the proclamation of the *ATIPPA* (with the exception of Part IV). The initial priority of this Office was to build an awareness of access to information principles and best practices both within provincial government institutions and within the larger public body sector. We also needed to build our own capacity within this Office including basic knowledge of the legislation, and of our general role and activities plus the key role of accessing and interpreting the relevant judicial and Commissioner rulings and precedents. The challenges in this latter area are many as there has been a worldwide expansion in laws covering access to information and privacy issues. In addition, there are growing challenges related to the changing environment of information technology, and the rapid expansion of surveillance practices throughout the world. It is a key challenge of this Office to be aware and to be current on all advances in the information management field in order to provide citizens of Newfoundland and Labrador with the appropriate and best available assistance as they exercise their information rights.

We made significant progress in this area early on in our mandate. Our main focus has been dealing with requests from the public for reviews of decisions by public bodies. The volume of these requests has increased dramatically over our initial two years. We have also taken considerable time to provide advice and assistance to public bodies on access and privacy related issues. Lastly, as time and resources have permitted, we have promoted education and awareness to the general public through presentations, preparation of brochures and media contact.

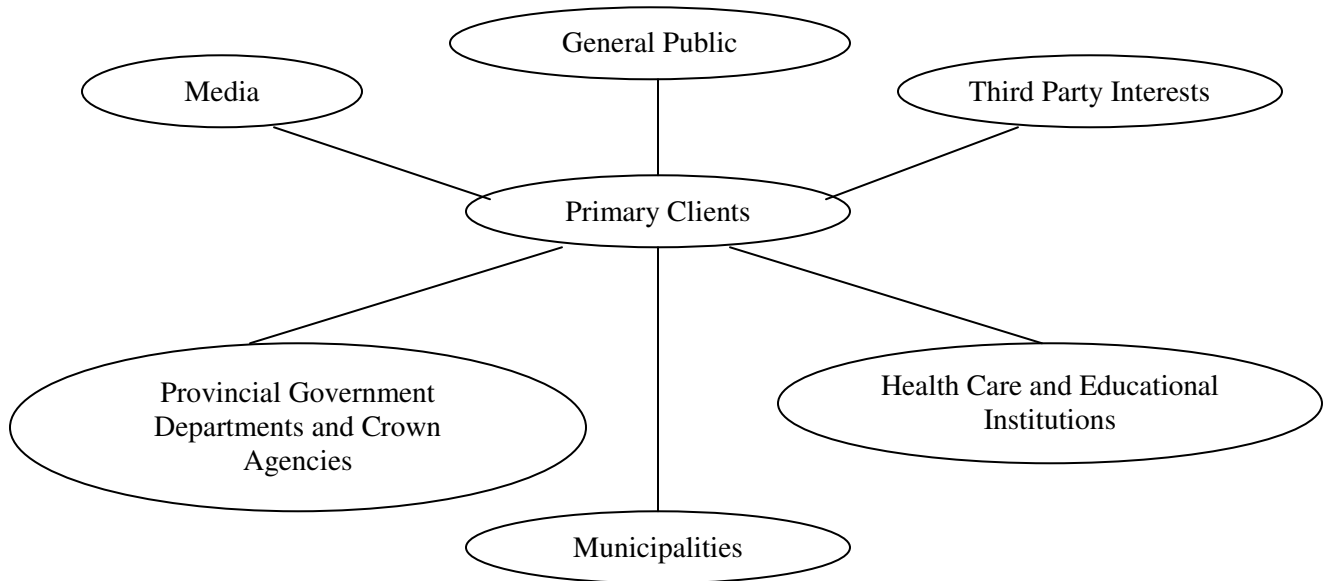
This Office values our role as an independent support and arbitrator for the citizens of the Province. Every effort is taken to insure our integrity such that we are trusted to represent them in their dealings with public bodies. The following actions flow from these value statements and will guide the Office as we move forward.



Value	Action Statements
Independence	Each individual will conduct investigations independent of any influence.
Integrity	Each individual will ensure the provision of accurate, unbiased advice and recommendations.
Confidentiality	Each individual will exercise absolute confidentiality in accordance with the <i>ATIPPA</i> .
Judgment	Each individual will use their professional knowledge and judgment in interpreting policies, practices and procedures in the interests of their clients.
Respect	Each individual listens to and considers the ideas and opinions of others and works collaboratively to achieve results.

Primary Clients

The Office of the Information and Privacy Commissioner defines its primary clients as those individuals who are the principle beneficiaries of the services which it provides. These clients are made up of two groups – those public bodies which have information and those people or groups which have rights to access that information. They include the following.



VISION

Our vision is one where public bodies operate in a fashion that is accountable to the people and transparent, always in consideration of the privacy rights of the citizens of Newfoundland and Labrador.

Mission

The mission statement of the Office of the Information and Privacy Commissioner outlines the priority focus over the next two planning cycles. It represents our plan for the future and identifies various measures and indicators which will assist in the monitoring and evaluation process.

Mission: By 2011, the Office of the Information and Privacy Commissioner will have improved the capacity and effectiveness of the Office such that the citizens of the Province enjoy the full measure of the access to information as well as the privacy rights which are guaranteed by the laws of the Province.

Measure: Improved capacity to provide service and support decisions.

Indicators:

- Reduced timeframes to conduct reviews
- Published review reports and recommendations
- Increased awareness
- Increased ability to deal with privacy complaints

Our Core Business


Goal 1: By 2008, the Office of the Information and Privacy Commissioner will have improved the capacity to provide service and support decisions

Discussion

Under the *ATIPPA*, the Commissioner's office attempts to resolve requests for review under Section 43 or complaints under Section 44 informally to the satisfaction of the applicant and the public body. Where an informal settlement is not successful within 30 days of receipt of the request, a formal review is conducted with a requirement that it be completed within 90 days of the request.

As of March 31, 2007 there are 30 active files for review relating to access to information requests. During the year ended March 31, 2007 the office received 101 Requests for Review compared to 55 Requests during the first fourteen months of operation of the Office ended March 31, 2006. This is an 83.6% increase. Based on these statistics, and our resources being severely stretched, authority was provided by the House of Assembly Management Commission to hire an additional Investigator in February. This brought the staffing level in addition to the Commissioner (part time) to four including the Executive Director, two Investigators and an Office Manager.

To date, meeting the timeframes outlined in the *ATIPPA* has been difficult in some cases, especially those which require the examination of thousands of documents and/or the utilization of specialized knowledge of access law, practices and technology. In such cases, applicants have been understanding, however it is not desirable to experience such instances and every effort is being taken to improve our report timing. As the workload increases, additional resources may indeed be required to achieve this goal.




Accessing information and providing the review mechanism to applicants in a timely fashion is key to enhancing public awareness and confidence about accountability and transparency. Delays, particularly on the review side could result in diminished respect for the Office of the Information and Privacy Commissioner. Delays also reflect on the fundamental right to know of the people of the Province.

When the privacy provisions of the *ATIPPA* are proclaimed this year, our resources will be stretched even further. In recognition of this, authority has also been provided by the House of Assembly Management Commission for an additional investigative position. At this point, we can only speculate on the level of privacy related activity which will ultimately be required of our Office. However, based on activity in other provincial jurisdictions, we expect it to be very demanding. In the meantime, our Office continues to investigate privacy issues on an informal basis leading up to the proclamation.

Measure: Improved capacity to provide service and support decisions.

Indicators:

- Increased capacity of the Office
- Processes for monitoring activity with respect to requests for review are enhanced
- Increased number of requests for review conducted within 90 days compared to the total number of review requests
- Increased number of requests for review which are resolved by informal processes compared to the total number of review requests



Goal 2: By 2008, the Office of the Information and Privacy Commissioner will have in place a comprehensive reporting and tracking process for its request for review reports.

Discussion

As required by the provisions of the *ATIPPA*, this Office conducts formal reviews of decisions, acts or failures to act by the heads of public bodies. Each review results in the preparation of a written report of the Commissioner with recommendations. This process is key to achieving the accountability and transparency commitments of the government.

In publishing such reports, applicants are provided with accurate and definitive discussions of the issues involved and the rationale for recommendations. Reports provide useful guidance to departmental coordinators, heads of government departments and institutions, and heads of government agencies and municipalities. In some cases, they should hopefully improve compliance with the legislation and the government's policies and procedures. They also provide information to the media and the general public and are an avenue for citizens to be aware of what is transpiring on issues that they may have an interest in, or on issues that they may have previously requested information.

Measure: Publish review reports and recommendations.

Indicators:

- Post the full text of all reports from this Office to our website www.gov.nl.ca/oipc


- Reports will indicate the name of the public body, but for privacy reasons not the applicant's name or other identification
- Develop an index by topic and by public body, to readily identify those reports which involve specific sections of the legislation

Goal 3: By 2008, the Office of the Information and Privacy Commissioner will have improved processes in place to increase awareness on the part of government departments and agencies, health and education bodies, and municipalities with respect to statutory requirements.

Discussion

During the two year period leading up to the proclamation of the access provisions of the *ATIPPA*, the Department of Justice which has responsibility for the administration of this *Act* conducted training programs aimed at informing all public bodies covered by the legislation about the access provisions of the *ATIPPA*. In addition, a comprehensive Policy and Procedures manual was prepared and distributed to those public bodies.

The Department of Justice is currently providing similar training with respect to the protection of privacy provisions of the *ATIPPA*. This Office is very supportive of those efforts and encourages the Department of Justice to continually review and update their training programs as well as their Policy and Procedures manual.




Despite the Department's efforts, this Office has encountered many instances of inconsistency in the treatment of applicants and their access requests. Various public bodies continue to demonstrate lower accountability standards than are required by the legislation. Often basic administrative standards are found to be lacking. This may be the result of complacency, staff turnover, lack of commitment/attention to the principles of accountability and transparency or even incompetence. Whatever the reason, this Office is often faced with attempting to resolve issues between applicants and public bodies which can and should be resolved through the exercise of good judgment, common sense and proper interpretation of the law.

This Office will continue to work with the Department of Justice and public bodies in the Province to promote effective training materials related to the *ATIPPA*. We will continue to correspond and meet with appropriate officials in public bodies to attempt to better explain the role and responsibilities of our Office and their obligations under the legislation.

Measure: Increase Awareness.

Indicators:

- Co-host a major conference in Newfoundland and Labrador focused on *ATIPPA*
- Maintain a close contact with the Department of Justice with respect to interpretation of the provisions of the *ATIPPA*
- Regularly address any misinterpretation of the *ATIPPA* with the related public bodies



Goal 4: By 2008, the Office of the Information and Privacy Commissioner will have adequate resources and procedures in place to deal with privacy complaints on a timely basis.

Discussion

The privacy rights of the people of the Province are equally important as their access to information rights. Consequently many of the above discussions related to access also apply to privacy rights as well. Government has clearly identified privacy protection as a priority and this Office is committed to investigate complaints under the privacy provisions of the *ATIPPA* in a timely fashion and without undue delay.

Since the inception of this Office, we have dealt in an informal fashion, ie. without legislative responsibility, with various privacy related issues and complaints. As the privacy provisions of the *ATIPPA* become law, and as the public bodies and the citizens of the Province become more aware of their responsibilities and rights, the efforts of this Office will be divided based upon activity and need between access and privacy. It is critical that the perception of public cynicism about privacy rights stemming from the many privacy breaches which have occurred on the national scene be addressed. Citizens must be reassured of their fundamental right of privacy and all efforts must be taken to renew their confidence in public bodies and in particular the collection, use and disclosure by public bodies of their personal information.

Consequently, as privacy complaints are channeled to this Office, citizens must understand that their issues will be given priority and attention. Where appropriate, their complaints will be the

subject of a full investigation, they will be contacted for further information and confirmation of issues, and they will be kept up to date on progress and provided with the results of our investigation.



Measure: Increase the ability to deal with privacy complaints.

Indicators:

- Hire an additional investigator to assist in dealing with privacy issues by September 30, 2007
- Acknowledge privacy complaints within two days of receipt
- Conduct investigations of privacy complaints and resolve the issues and/or issue a report within 90 days
- Publish reports on significant privacy complaints on our website www.gov.nl.ca/oipc

**Office of the
Citizens' Representative**

***2007/08
Activity Plan***

Message from the Speaker

I am pleased to present the first Office of the Citizens' Representative Activity Plan for 2007/08. It reflects the Office's values, missions and its goals for the planning cycle. Pursuant to the provision of the Transparency and Accountability Act the office has been characterized as a Category Three entity. The office will comply with the typical three year planning cycle as outlined in the legislation as the expiration of this plan.

This Activity Plan was proposed by the Citizens' Representative. While acknowledging the independence of his office, and recognizing my obligation under the Act, I am accountable for the preparation of this plan and for the achievement of the specific goals and objections contained therein.

Honourable Harvey Hodder

Speaker

House of Assembly

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OVERVIEW

The Office of the Citizens' Representative provides a province wide Ombuds services for citizens with respect to their dealings with the provincial public service. Barry Fleming is the Citizens' Representative and is responsible for the management of the Office and coordinating its work. The Office has a staff compliment of five including:

- one senior investigator
- three investigators, and
- one office administrator

In 2005, the last reporting period, the Office of the Citizens' Representative received 386 complaints/inquiries, completed 257 inquiries/investigations and made 101 recommendations to government.

To accomplish its work, the Office has a budget of \$467,800 for 2006/07.

This Office can be contacted by:

Telephone: (709) 729-7647
(800) 559-0079
Address: 20 Crosbie Place
4th Floor Beothuck Building
P.O. Box 8400
St. John's, NL A1B 3N7
Email: citrep@gov.nl.ca

MANDATE

The Office of the Citizens' Representative derives its mandate from the provisions of the *Citizens' Representative Act*. It includes,

- the receipt and independent investigation of complaints of unfairness from citizens concerning matters of administration by a government department or agency.
- the investigation of matters referred to it by the Lieutenant Governor in Council, the House of Assembly or otherwise determined by the Citizens' Representative of requiring investigation.
- by implication, the mediation of citizens complaints when possible.
- reporting the results of the investigations and recommending responses when appropriate.

LINES OF BUSINESS

In fulfilling its mandate, the Office of the Citizens' Representative provides the following lines of business.

1. Investigation and Mediation of complaints

The Office of the Citizens' Representative ensures that citizen's complaints and matters referred to it by the Lieutenant Governor in Council, the House of Assembly or on its own motion are:

- a. investigated and mediated in a timely, thorough, and objective manner.
- b. mediated to the satisfaction of all stakeholders if possible.
- c. reported upon in a concise and easily understood format.
- d. when appropriate, are subject to recommendations which would ameliorate the cause of the complaint and/or improve the overall provision of public service by departments and agencies.

2. Promoting Good Governance

The Office of the Citizens' Representative identifies systematic issues within the public administration which may have an impact on a large number of citizens and:

- a. concisely articulates a concern which may warrant public comment.
- b. develops and conducts investigations into these concerns, and
- c. reports upon the result of the investigation with an overall goal of alleviating citizens' concerns and improving the delivery of government programs.

VALUES

The following values are fundamental to all interactions and communications between the Office of the Citizens' Representative, citizens and public officials.

<i>Value</i>	<i>Action Statement</i>
Fairness	Each individual undertakes to perform his or her duties in an open, unbiased and independent manner.
Respect	Each individual considers, weighs and appreciates the circumstances and contributions of others and communicates in a manner that enhances the working environment.
Ingenuity	Each individual respects the importance of precedent and corporate history but looks for new ways to enhance the Office's Mandate. All suggestions are respected, considered, analyzed and discussed to ascertain their effectiveness in meeting stakeholders needs.
Courage	While appreciating the vulnerability of citizens and the power of various government offices each individual exercises his or her duties emboldened by the principal of truth to power and the recognition that ultimately everyone strives for, and benefits from, excellence in the public service.

PRIMARY CLIENTS

The primary clients of the Office of the Citizens' Representative are citizens who allege they have been treated unfairly when pursuing or receiving access to public services.

Secondary clients include:

- a) the Lieutenant Governor in Council
- b) the House of Assembly and
- c) the Public Service

VISION

A citizenry confident in a public service that is fair and grounded in integrity and good governance.

MISSION

By March 31, 2011 the Office of the Citizens' Representative will have implemented effective procedures to ensure consistent, timely and effective responses to citizens' complaints.

1) **Measure:** *By 2011 the OCR will have improved capacity to support fair, timely and effective investigations.*

Indicators:

- Increased human resource expertise in conducting investigations.
- Provided leadership in effective investigative techniques.

GOALS

- 1) By March 31, 2008 the Office of the Citizens' Representative has increased its capacity to inform citizens about its work.

Measure: Increased communication.

Indicator:

- Website has been updated.
- Brochures have been developed and distributed.

- 2) By March 31, 2008 the Office of the Citizens' Representative will have identified benchmarks to assess efficient and effective ombuds investigations.

Measure: Identification and Implementation

Indicator:

- Researched average time frame for concluding investigations in other jurisdictions.
- Ascertained the average time frame for the Office of the Citizens' Representative to complete investigations.
- Developed realistic average time frames for the Office of the Citizens' Representative to complete investigations.



House of Assembly
Newfoundland and Labrador
Office of the Chief Electoral Officer

39 Hallett Crescent, St. John's, NL A1B 4C4
Tel: (709) 729-0712 Toll Free: 1-877-729-7987 Fax: (709) 729-0679 Email: oceo@gov.nl.ca

November 26, 2007

Mr. William MacKenzie
Clerk
House of Assembly
Main Floor, East Block
Confederation Building
St. John's, NL

Dear Bill:

Reference: Transparency & Accountability Act

As per our previous discussions, attached is an original signed copy of the Categorization Criteria Summary Table for the Office of the Chief Electoral Officer and Commissioner for Legislative Standards.

Based on total point value, it is determined that our Office would be a Category 3 as indicated.

I trust this document meets with your approval, but if you have any questions please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in cursive script that reads "Paul Reynolds".

Paul Reynolds
Chief Electoral Officer &
Commissioner for Legislative Standards

Offices of the House of Assembly Categorization Criteria - Summary Table

Instructions: Please read each criterion and select the response option that best describes the entity. Place the number of points designated to the response chosen in the right column. A response is required for all criteria. When finished, tally the points to determine the appropriate categorization.

Entity Name: _____

Criteria	Response Options	Points
Mandate	<input type="checkbox"/> has a direct influence on the physical, social and/or economic well-being of the citizens of Newfoundland and Labrador (70 points) <input type="checkbox"/> provides goods/services to the public and/or other government entities in support of the achievement of outcomes (40 points) <input checked="" type="checkbox"/> typically completes activities (20 points)	20
Organizational Structure	In addition to the Officer of the House of Assembly... <input type="checkbox"/> has multiple levels of management and typically provides many programs, services and/or products to its primary clients (20 points) <input checked="" type="checkbox"/> has one other level of management and typically provides a couple of programs, services and/or products to its primary clients (15 points) <input type="checkbox"/> has no other level of management and typically provides one or two programs, services and/or products to its primary clients (8 points)	15
Public Interest	<input checked="" type="checkbox"/> generates moderate to high public reaction (10 points) <input type="checkbox"/> generates low to moderate public reaction (6 points) <input type="checkbox"/> generates little or no public reaction (2 points)	10
Total Points		45

Categorization: Based on the total points, check one of the categorization boxes below:

- | | |
|---|------------|
| <input type="checkbox"/> 80 Points or above | Category 1 |
| <input type="checkbox"/> 79 – 51 Points | Category 2 |
| <input type="checkbox"/> 50 Points or below | Category 3 |

Assessed by:

Paul Reynolds

Date:

Nov 26/07

Speaker of the
House of Assembly:

Date:



Office of the Auditor General of Newfoundland and Labrador

Head Office
15 Dundee Ave., Mount Pearl
Box 8700 ♦ St. John's, NL ♦ A1B 4J6
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23 November 2007

Ref: oag1107E26.01

Mr. William MacKenzie
Clerk of the House of Assembly
House of Assembly
P.O. Box 8700
St. John's, Newfoundland and Labrador
A1B 4J6

Dear Mr. MacKenzie:

Please find enclosed a completed Categorization Criteria - Summary Table for the Office of the Auditor General.

As the Table shows, the Office should be considered as a Category 3 entity for purposes of the *Transparency and Accountability Act*.

I am available to meet at your convenience if you have any questions or require any additional information.

Yours truly,

JOHN L. NOSEWORTHY, CA
Auditor General

RECEIVED
NOV 23 2007

Enclosure

c.c. Honourable Roger Fitzgerald, M.H.A.
Speaker

Offices of the House of Assembly Categorization Criteria - Summary Table

Instructions: Please read each criterion and select the response option that best describes the entity. Place the number of points designated to the response chosen in the right column. A response is required for all criteria. When finished, tally the points to determine the appropriate categorization.

Entity Name: Office of the Auditor General

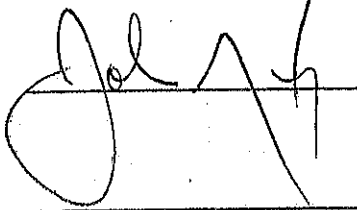
Criteria	Response Options	Points
Mandate	<input type="checkbox"/> has a direct influence on the physical, social and/or economic well-being of the citizens of Newfoundland and Labrador (70 points)	20
	<input type="checkbox"/> provides goods/services to the public and/or other government entities in support of the achievement of outcomes (40 points)	
	<input checked="" type="checkbox"/> typically completes activities (20 points)	
Organizational Structure	In addition to the Officer of the House of Assembly... <input checked="" type="checkbox"/> has multiple levels of management and typically provides many programs, services and/or products to its primary clients (20 points)	20
	<input type="checkbox"/> has one other level of management and typically provides a couple of programs, services and/or products to its primary clients (15 points)	
	<input type="checkbox"/> has no other level of management and typically provides one or two programs, services and/or products to its primary clients (8 points)	
Public Interest	<input checked="" type="checkbox"/> generates moderate to high public reaction (10 points)	10
	<input type="checkbox"/> generates low to moderate public reaction (6 points)	
	<input type="checkbox"/> generates little or no public reaction (2 points)	
Total Points		50

Categorization: Based on the total points, check one of the categorization boxes below:

- 80 Points or above
 79 – 51 Points
 50 Points or below

Category 1
 Category 2
Category 3

Assessed by:



Date: 23 November 2007

Speaker of the House of Assembly:

Date: _____

**House of Assembly Management Commission
Briefing Note**

Title: Publication Scheme

Issue: Approval of the attached Publication Scheme as required by subsection 49(1) of the Act

Background:

- The attached House of Assembly Publication Scheme is prepared in accordance of Section 49 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act). Subsection 49(1) of the Act states:

“In addition to providing access to information under the *Access to Information and Protection of Privacy Act*, the commission shall

- (a) adopt and maintain a scheme, to be known as a publication scheme, which relates to the publication of information by the commission;
 - (b) publish information in accordance with the publication scheme; and
 - (c) review and update the publication scheme.
- The intent is to ensure certain types of information created, prepared and managed by the House of Assembly and its Management Commission are open and accessible in a standardized and systematic fashion. Such access will allow for public scrutiny and consideration of the work of the House of Assembly, its Members and the Management Commission.
 - Subsection 49(2) of the Act specifically requires the Commission to make its documents routinely available to the public. The House of Assembly will make documents public, within the following four categories:
 - House of Assembly Management Commission Records
 - Members’ Financial Reports
 - Parliamentary Proceedings
 - Other Publications

Action Required:

- The Commission hereby approves and adopts the Publication Scheme dated November 28, 2007.

Drafted by: Marie Keefe
Date: November 22, 2007

Approved by: Wm. MacKenzie



HOUSE OF ASSEMBLY
Newfoundland and Labrador

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

PUBLICATION SCHEME

NOVEMBER 28, 2007

TABLE OF CONTENTS

PUBLICATION SCHEME

- 1.0** House of Assembly Management Commission
- 2.0** Members' Financial Reports
- 3.0** Parliamentary Proceedings
 - 3.1** House of Assembly
 - 3.2** Committees of the House of Assembly
- 4.0** Other Publications

PUBLICATION SCHEME

The **House of Assembly Publication Scheme** is prepared in accordance of s.49 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act):

49. (1) In addition to providing access to information under the *Access to Information and Protection of Privacy Act*, the commission shall
- (a) adopt and maintain a scheme, to be known as a publication scheme, which relates to the publication of information by the commission;
 - (b) publish information in accordance with the publication scheme; and
 - (c) review and update the publication scheme.
- (2) The publication scheme required to be adopted under subsection (1) shall
- (a) include information about the expenditures made by or on behalf of members under subsection 11(2) and in accordance with the rules;
 - (b) include other classes of information relating to the operation of the House of Assembly which the commission intends to publish, taking into account the appropriateness, with respect to each class, of public access to information concerning that class; and
 - (c) specify the manner, including written or electronic publication on a website, in which it is to be published.

The intent is to ensure certain types of information created, prepared and managed by the House of Assembly and its Management Commission are open and accessible in a standardized and systematic fashion. Such access will allow for public scrutiny and consideration of the work of the House of Assembly, its Members and the Management Commission.

The House of Assembly will make documents public, within the following four categories:

- House of Assembly Management Commission
- Members' Financial Reports
- Parliamentary Proceedings
- Other Publications

1.0 HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

The House of Assembly Management Commission's principal function is its duty to ensure the effective and transparent administration of the House of Assembly of Newfoundland and Labrador as outlined in the Act. The decision-making authority of the House of Assembly Management Commission is exercised through specific actions that include: making rules; issuing directives and making orders. For more information about the duties and responsibilities of the Commission see *House of Assembly Accountability, Integrity and Administration Act*, SNL 2007, c.H-10.1

In the course of its business, the House of Assembly Management Commission will produce certain routine documents. The Act specifically compels the Commission to make its documents routinely available to the public. These documents are:

1.1 **Policy and Procedure Manual** – The operating guidelines of the HOAMC (s.19.3).

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Once approved. Up-dated as required

Online Retention: Long-term/permanent¹

1.2 **Agenda** – An itemized list of the business to be conducted by the Commission during any given meeting.

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Posted 2 days prior to meeting

Online Retention: Current General Assembly + two years

¹ When an online retention of "long-term/permanent" is cited, the intent is to maintain the item on the website as long as it technically possible to do so. If storage space becomes an issue in the future, notice of the removal of certain items will be given well in advance of their removal. The official version will always retain its permanent retention as indicated in the publication scheme, even if the online version is removed from the website.

- 1.3 Papers** – briefing materials or reports provided to the Commission typically as supplementary information for agenda items.

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Posted not later than 9:00a.m. of the day of the meeting

Online Retention: Current General Assembly + two years

- 1.4 Minutes** – A brief summary of the business conducted and decisions made during a Commission meeting.

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Posted not later than 5 days after being tabled in the House of Assembly (s.19.5)

Online Retention: Current General Assembly + two years

- 1.5 Hansard** - is the verbatim transcript of the actual proceedings of the Commission.

Responsibility: Hansard Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Posted immediately after prepared, usually within seven days of the meeting

Online Retention: Long-term/permanent

- 1.6 Rules, Directives and Decisions** – Orders or rules issued by the House of Assembly Management Commission.

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Posted not later than 5 days after being issued (s.19.5(a,b,c))

Online Retention: Retained until superseded

1.7 Audit Committee – this HOAMC sub-committee will assist the Commission in providing oversight and make recommendations regarding the stewardship of public money (s.23.7):

1.7.1 **Compliance Audit Report** once per General Assembly (s.20.5(c)) by the Auditor General.

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Immediately after Tabled with the Commission

Online Retention: Current General Assembly + two years

1.7.2 **Financial Audit Report** annually (s.20.5(f))

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Immediately after Tabled with the Commission

Online Retention: Current General Assembly + two years

1.8 Annual Report – a report issued annually that summarizes the work and decisions of the Commission (s.20.1(f); s.51)

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Posted immediately after tabled in House

Online Retention: Long-term/permanent

1.9 Compensation Review Committee - will issue a Report once per General Assembly.

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Immediately after Tabled with the Commission

Online Retention: Long-term/permanent

1.10 Inquiries under Conflict of Interest s.38

The Commissioner for Legislative Standards is responsible for these documents under this section of the Act. A link will be provided to the Commissioner's website.

2.0 MEMBERS' FINANCIAL REPORTS

A report of each Member's finances will be posted annually and mid-year. Each report will contain a summary and information in tabular form from four categories:

1. Office Allowances
 - Office Accommodations
 - Rental of Short-term Accommodations
 - Office start-up costs
 - Office Operations
2. Operational Resources
 - Operational Resources
3. Travel and Living Allowances
 - House in session
 - House not in session
 - Intra & Extra-Constituency Travel constituency travel
4. Constituency Allowances
 - Constituency allowance

Responsibility: Corporate and Members' Services

Official Version: Paper

Permanent Retention: Clerk's Office

Online Version:

- Mid-year (semi-annual): Posted 50 days after the end of September (Rule 11.3 and 13.1 + 1 day)
- Annual: Posted 50 days after the end of the Fiscal Year

Online Retention:

- Mid-year (semi-annual): 5 years after the end of the fiscal year to which the statement relates (Rule 13.3)
- Annual: 5 years (Rule 13.3) or as long as the individual remains a sitting Member of the House of Assembly + 2 years, which ever is greater

3.0 PARLIAMENTARY PROCEEDINGS

3.1 HOUSE OF ASSEMBLY

The parliament, or legislature, of Newfoundland and Labrador is more commonly referred to as the House of Assembly. The House produces certain types of standard documents that are typical of any legislature. They include:

- Order Papers
- Progress of Bills
- Bills
- Statutes and Regulations
- Journals
- Hansard
- Tabled Documents

A. Order Papers are effectively agendas of the business to be conducted in the House during any given sitting. They are prepared by the Clerk's Office in consultation with the Government House Leader.

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Posted morning of the sitting

Online Retention: Current General Assembly + one year

B. Progress of Bills is a table that indicates the stage at which any current Bill finds itself in the parliamentary process. It is up-dated regularly.

Responsibility: Clerk's Office

Official Version: Online until prorogation of the Session, then paper

Permanent Retention: Legislative Library

Online Version: Posted at beginning of Session and up-dated as required

Online Retention: Long-term/permanent

C. Bills are the draft versions of legislation presented to the House for debate and consideration. They go through several stages, including First, Second and Third Readings and Committee of the Whole House, they may be amended and may or may not eventually be passed by the House to become law.

Responsibility: Legislative Counsel – Dept. of Justice

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Posted after distributed in the House.

Online Retention: Minimum three years

- D. Statutes** are the official versions of laws as passed by the House (Bills become Statutes). Regulations are the rules that supplement certain Statutes. Regulations are published in the Newfoundland and Labrador Gazette (maintained by the Queen's Printer, see <http://www.gs.gov.nl.ca/gs/oqp/gazette/>).

Responsibility: Legislative Counsel – Dept. of Justice

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Posted about 1 month after Royal Assent

Online Retention: Long-term/permanent

- E. Journals** are effectively the minutes, or brief summaries, of the business conducted in the House.

Responsibility: Clerk's Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Once completed

Online Retention: Long-term/Permanent

- E. Hansard** is the verbatim transcript of the actual proceedings of the House – what is said in the House.

Responsibility: Hansard Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Afternoon sittings are posted before midnight of the day of the sitting. Night sittings are posted as they are completed after the House adjourns for the winter or summer break

Online Retention: Long-term/permanent

F. Tabled Documents can be any manner of documents, but are typically reports or studies. They are tabled (literally laid on the Clerk's table) or deemed to be tabled (s.19.1 HOA Act), by Ministers in accordance with provisions of certain legislation or at the pleasure of a Member of the House of Assembly.

Responsibility: Clerk receives the documents tabled by a Member

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: The House website will maintain a list of tabled documents. Where the issuing agency provides an online version of the document, the House will link to it. Online retention will be for current General Assembly + two years where the issuing agency maintains their online version

Online Retention: List of documents will be retained indefinitely.

Availability of the tabled document depends on the issuing department or agency

3.2 COMMITTEES OF THE HOUSE OF ASSEMBLY

Parliamentary proceedings also include the activities of the official committees of the House of Assembly. Committees can fall into two categories:

- Standing Committees
- Select Committees

3.2.1 Standing Committees

Standing Committees are committees of the House that are predetermined by the related Standing Orders of the House of Assembly (s.65). They are normally formed during every session of every parliament. They include:

Striking Committee - A committee of 5 Members who at the beginning of a parliament determines the membership of the other committees. Other than to record membership of the other committees, the Striking Committee does not issue any reports.

Public Accounts Committees - Reviews the Public Accounts and other related matters of the province each year.

Privileges and Elections – Reviews matters related to parliamentary privileges and elections. The committee is struck at the beginning of each parliament but meets only as needed. This Committee develops the Members' Code of Conduct.

Standing Orders Committee - Reviews matters related to the Standing Orders. The committee is struck at the beginning of each parliament but meets only as needed.

Resource Committee – Reviews matters related to resources including reviewing budget estimates submitted by related departments and agencies as well as reviewing related legislation.

Government Services Committee - Reviews matters related to government services including reviewing budget estimates submitted by related departments and agencies as well as reviewing related legislation.

Social Services Committee – Reviews matters related to social services including reviewing budget estimates submitted by related departments and agencies as well as reviewing related legislation.

Miscellaneous and Private Bills Committee - Reviews matters related to the miscellaneous issues and private Bills. The committee is struck and meets only as needed.

3.2.2 Select Committees

Select Committees are created as needed at the pleasure of the House of Assembly according to Standing Order 66. They conduct in-depth studies and reviews of particular issues. An example of a past Select Committee is the *Select Committee on Tobacco Related Health Care Costs*.

The following Standing and Select Committee records will be posted:

A. Hansard is the verbatim transcript of the actual public proceedings of the Committee.

Responsibility: Hansard Office

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: Posted within six months of the meeting

Online Retention: Long-term/permanent

B. Reports of the Committee include their findings, conclusions and recommendations.

Responsibility: Clerk of Committees

Official Version: Paper

Permanent Retention: Legislative Library

Online Version: When tabled in the House of Assembly

Online Retention: Long-term/permanent

4.0 OTHER PUBLICATIONS

Unless otherwise indicated, other publications, including the following, will be posted as they are tabled in the House, approved by the Management Commission or otherwise become available:

- Annual Report of the House of Assembly
- Activity Plan of the House of Assembly
- Standing Orders
- News Releases
- Code of Conduct – Staff
- Code of Conduct – Members
- Publication scheme
- Members' Handbook and Rules Manuals – posted within 10 days of being tabled in the House of Assembly and revised or up-dated as appropriate (s.50.4)

House of Assembly Management Commission
Briefing Note

Title: Financial Statement Audits for 1999-2000 and 2000-2001 fiscal years

Issue: Whether to proceed with financial statement audits for these two years

Background:

- Financial Statement audits were not conducted for the House of Assembly for 1999-2000 and 2000-2001. The Internal Economy Commission (IEC) reviewed this matter in early 2007 and wrote the Auditor General for his advice on 15 March 2007 and 03 April 2007 (attached). The Auditor General replied on 15 March 2007 and 05 April 2007 (attached) stating that in light of his legislative audit work in the House since 2004, completing financial statement audits for those two years would be of no benefit.
- The Review Commission on Constituency Allowances and Related Matters (“the Green Commission”), in Recommendation 50(1), recommends that

“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.”
- In accordance with Recommendation 50(1), the House of Assembly Service issued a Request for Proposals on 18 August 2007, seeking an accounting firm to undertake these audits. No bids were received in response to this RFP.
- In light of the lack of response to the RFP, the Speaker wrote the Auditor General on 11 October 2007(attached), requesting that his Office undertake these two financial statement audits. The Auditor General replied on 15 October 2007, again stating that he saw no benefit in applying his office’s resources to this undertaking.
- The Commission must now balance the Recommendation of the Green Commission against the advice of the Auditor General. If the Commission determines that the Green Commission recommendation must be undertaken, the Auditor General can be requested to undertake this under Section 16 of the *Auditor General Act* or another Request for Proposals could be attempted.

- If, alternatively, the advice of the Auditor General, that there is little value in conducting these financial statement audits, is accepted by the Commission, no further action will be taken on Green Recommendation 50(1). The Auditor General's letters of 15 March, 05 April and 18 October 2007 would form the basis of this decision.
- The Clerk and the Chief Financial Officer have considered these two alternatives and recommend that the Auditor General's advice, as outlined in his correspondence, be accepted. Given the exhaustive efforts undertaken for his compliance audit respecting constituency allowances, it is unlikely that an audit of the financial statements would uncover any matters of significance. It is unclear whether an auditor, seven or eight years after the fact, would be in a position to offer anything but a qualified opinion on the statements, such that little additional assurance would be provided. Finally, the cost of the audit – whether performed by the Office of the Auditor General or a public accounting firm – would far exceed any possible benefits at this late date.

Action Required:

- The Clerk recommends that the two financial statement audits not proceed and that the following Minute be issued:

“The Commission directs the Clerk, in light of the advice received from the Auditor General, not to proceed with further steps to procure financial statement audits of the House of Assembly for 1999-2000 and 2000-2001”.

Drafted by: Marlene Lambe
Date: November 22, 2007

Approved by: Wm. MacKenzie



HOUSE OF ASSEMBLY

NEWFOUNDLAND AND LABRADOR

OFFICE OF THE SPEAKER
TEL: (709) 729-3404
FAX: (709) 729-4820

P.O. BOX 8700
ST. JOHN'S, NL
A1B 4J6

March 15, 2007

Mr. John Noseworthy, CA
Auditor General
Office of the Auditor General
Dundee Avenue
Mount Pearl, NL

Dear Mr. Noseworthy:

Further to the discussion held at yesterday's meeting of the Commission of Internal Economy (IEC), I write to seek your advice requesting audits of the House of Assembly accounts for the 2000/01, 2003/04, 2004/05 and 2005/06 fiscal years.

As you are aware, Section 9 of the *Internal Economy Commission (IEC) Act* requires that the accounts of the House of Assembly be audited annually by an auditor appointed by the Commission.

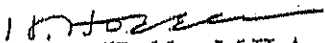
Although Minutes of Commission meetings held in 2002 indicate that an auditor was to be appointed to audit the accounts for the three years beginning with the 2000/01 fiscal year, a subsequent IEC Minute in April of 2003 indicates a Request For Proposals had been developed to appoint an auditor for the fiscal years 2001/02, 2002/03 and 2003/04 instead. No audit was conducted by an independent auditor for the 2000/01 fiscal year.

The independent auditor – Deloitte - appointed to conduct audits for the three years 2001/02, 2002/03 and 2003/04 only completed the first two of the three fiscal years. The audit for 2003/04 was not completed when your Summer 2006 Reports were released, and was subsequently terminated.

The IEC is concerned that the absence of audits for 2000/01 and 2003/04 can be viewed as non-compliance with the IEC Act. Additionally, no financial statement audits of the accounts of the House of Assembly have been conducted for 2004/05 or 2005/06, since your office was invited back into the House. In that regard, the Commission requests your opinion as to whether it is necessary to have these audits conducted in order to comply with the IEC Act.

The Commission appreciates receiving your views on this matter.

Sincerely,


Harvey Hodder, M.H.A.
Speaker



Office of the Auditor General of Newfoundland and Labrador

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15 March 2007

Ref: oag0307E15.01

Honourable Harvey Hodder, M.H.A.
Speaker
House of Assembly
P.O. Box 8700
St. John's, Newfoundland and Labrador
A1B 4J6

Dear Sir:

I am writing further to your letter of 15 March 2007 regarding the annual audit requirement of section 9 of the *Internal Economy Commission Act (IEC Act)*.

Section 9 of the *IEC Act* states that "*Notwithstanding another Act, the accounts of the House of Assembly shall, under the direction and control of the commission, be audited annually by an auditor appointed by the commission.*"

Section 9 of the *IEC Act* was added on 12 May 2000 as a way for the Internal Economy Commission (IEC) to demonstrate that it wanted to be fully accountable and subject to audit after directing the Auditor General to stop all audit work at the House of Assembly establishment.

As a result of the addition of section 9 and the subsequent appointment of a private sector firm, financial statement audits of the House of Assembly establishment were performed for fiscal years 2002 and 2003. However, the required annual financial statement audits were not performed for fiscal years 2001, 2004, 2005 and 2006.

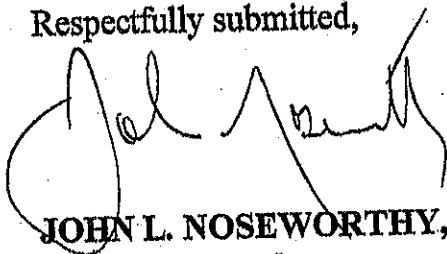
A financial statement audit is not a substitute for a legislative audit and therefore was never an acceptable alternative to allowing the Auditor General to conduct a legislative audit in accordance with the *Auditor General Act*. Furthermore, there is no legislative requirement for either the House of Assembly establishment or any Department of Government to have a separate financial statement audit performed. In fact, the Public Accounts submission (financial statements of the House of Assembly establishment), are included each year in the Public Accounts of the Province which are audited by the Office of the Auditor General.

In my opinion, the legislative audit work performed by my Office since being granted unfettered access in 2004 is more than sufficient to meet the annual audit requirement of section 9 of the *IEC Act*. Furthermore, as a result of the legislative audit work performed by my Office from prior to fiscal year 2000 and up to 2007, I see no benefit of having a financial statement audit performed for any of the fiscal years where the Commission did not appoint an auditor to perform an annual audit.

However, if the IEC so desires, my Office would, on a go-forward basis, commencing with the 2008 fiscal year, perform a separate financial statement audit in addition to any legislative audit work that may be performed. In any event, it is necessary that section 9 of the *IEC Act* be either eliminated if no separate annual financial statement audit is desired or amended so that the Auditor General shall be the auditor if a separate annual financial statement audit is desired.

I am available to meet at your convenience if you have any questions or require any additional information.

Respectfully submitted,



JOHN L. NOSEWORTHY, CA
Auditor General

Enclosure

c.c. Mr. Bill MacKenzie
Clerk of the House of Assembly



HOUSE OF ASSEMBLY

NEWFOUNDLAND AND LABRADOR

OFFICE OF THE SPEAKER
TEL: (709) 729-3404
FAX: (709) 729-4820

P.O. BOX 8700
ST. JOHN'S, NL
A1B 4J6

April 3rd, 2007

Mr. John Noseworthy, CA
Auditor General
Office of the Auditor General
Dundee Avenue
Mount Pearl, NL

Dear Mr. Noseworthy:

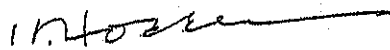
The Internal Economy Commission, at its meeting of March 14, 2007 directed that the Government House Leader bring forward for Cabinet consideration a request from the Commission that the *Internal Economy Commission Act* be amended to require the Auditor General to conduct an annual financial statement audit of the Legislature (incorporating an externally conducted audit of the Office of the Auditor General) beginning with the 2007/08 fiscal year.

The Commission is of the view that such an annual audit is necessary to restore and enhance public confidence in the financial affairs of the Legislature and the Commission appreciates your willingness to undertake this annual effort. The Government House Leader has initiated efforts to have Cabinet consider this amendment expeditiously, perhaps in time to be addressed during the Spring session of the House.

Should the Review Commission on Constituency Allowances and Related Matters (the "Green Commission") recommend an alternative practice for auditing the accounts of the Legislature, we will of course give it careful consideration. However, it is the view of the Commission that having the Auditor General conduct annual audits ensures the greatest degree of public confidence and we do not anticipate that this proposed amendment would be contrary to any recommendations forthcoming from the Green Commission.

On a related matter, the IEC reviewed your correspondence of March 15, 2007 respecting Section 9 of the IEC Act and your recent reviews of various financial matters in the House. You state that the work performed by your Office since 2004 "is more than sufficient to meet the annual audit requirement of Section 9 of the IEC Act". Because of the importance the Commission attaches to compliance with the requirements of the IEC Act, Members wanted to confirm that, in your view, Section 9 of the IEC Act has been complied with.

Sincerely,


Harvey Hodder, M.H.A.
Speaker

c.c. IEC Members



Office of the Auditor General of Newfoundland and Labrador

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5 April 2007

Ref: oag0407E30.01

Honourable Harvey Hodder, M.H.A.
Speaker
House of Assembly
P.O. Box 8700
St. John's, Newfoundland and Labrador
A1B 4J6

Dear Sir:

I am writing further to your letter of 3 April 2007 regarding (1) the annual financial statement audit of the Legislature and (2) a confirmation as to whether, in my view, section 9 of the *Internal Economy Commission Act (IEC Act)* has been complied with. I offer the following:

1. Annual Financial Statement Audit

My Office would be pleased to conduct an annual financial statement audit of the Legislature. If the *IEC Act* is amended to require this annual financial statement audit, my Office would certainly be ready to assume this work beginning with the 2008 fiscal year. As you indicated in your letter, it will still be necessary for an externally conducted annual financial statement audit to be completed for the Office of the Auditor General.

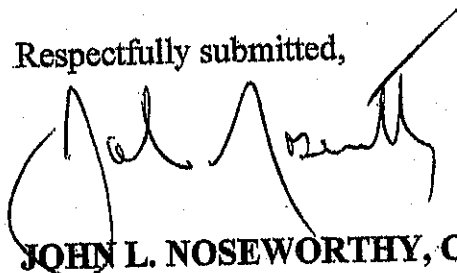
2. Section 9 of the *IEC Act*

As I stated in my letter dated 15 March 2007, in my opinion, the legislative audit work performed by my Office since being granted unfettered access in 2004 is more than sufficient to meet the annual audit requirement of section 9 of the *IEC Act*. Furthermore, as a result of the legislative audit work performed by my Office from prior to fiscal year 2000 and up to 2007, I see no benefit of having a financial statement audit performed for any of the fiscal years where the Commission did not appoint an auditor to perform an annual audit.

To provide more clarity of the situation I can, therefore, confirm that, in my opinion, section 9 of the *IEC Act* has been complied with.

I am available to meet at your convenience if you have any questions or require any additional information.

Respectfully submitted,



JOHN L. NOSEWORTHY, CA
Auditor General

Enclosure

c.c. Mr. Bill MacKenzie
Clerk of the House of Assembly



HOUSE OF ASSEMBLY
NEWFOUNDLAND AND LABRADOR

OFFICE OF THE SPEAKER
TEL: (709) 729-3404
FAX: (709) 729-4820

P.O. BOX 8700
ST. JOHN'S, NL
A1B 4J6

October 11, 2007

Mr. John Noseworthy, C.A.
Auditor General
Office of the Auditor General
15 Dundee Avenue
Mt. Pearl, NL

Dear Mr. Noseworthy:

The House of Assembly recently issued a Request for Proposals to satisfy Recommendation 50(1) of the report **Rebuilding Confidence: Report of the Review Commission on Constituency Allowances and Related Matters**, which states:

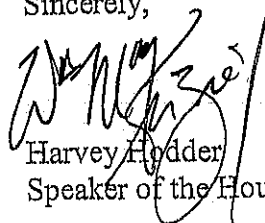
A complete financial statement and legislative compliance audit should be conducted forthwith of the accounts of the House of Assembly, as a separate entity, for the fiscal years 1999-00 and 2000-01, with appropriate levels of materiality, taking into account the size of the organization and the experience of subsequent years;

We received only one response, which was unacceptable as it failed to address the needs of the House, as stated in the proposal call.

I am writing now to request that the Office of the Auditor General assist us by carrying out the financial statement and legislative compliance audits for the House of Assembly for the fiscal years 1999/2000 and 2000/01, as directed by the Report. I would appreciate you giving this request your most serious consideration.

I look forward to your cooperation on this important issue. Please call me at 729-3403 or the Clerk at 729-3405, if you wish to discuss further.

Sincerely,



Harvey Hodder
Speaker of the House of Assembly



File

Office of the Auditor General of Newfoundland and Labrador

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18 October 2007

Ref: oag1007E123.01

Honourable Harvey Hodder, M.H.A.
Speaker
House of Assembly
P.O. Box 8700
St. John's, Newfoundland and Labrador
A1B 4J6

Dear Sir:

I am writing further to your letter received 15 October 2007 wherein you request that my Office conduct the financial statement and legislative compliance audits for the House of Assembly for the fiscal years ended 31 March 2000 and 2001.

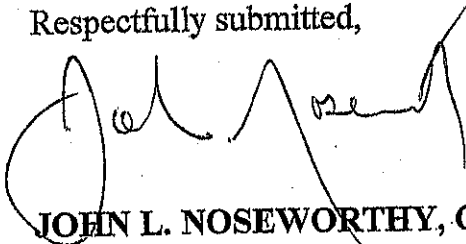
In terms of providing background on this matter, I refer you to my earlier letters dated 15 March 2007 and 5 April 2007 (see attached) dealing with the audit of the Legislature. In those letters, I indicated that if the *IEC Act* was amended to require an annual financial statement audit by my Office, I would certainly be ready to assume this work beginning with the 2008 fiscal year (audit requirements since replaced by section 43 of the *House of Assembly Accountability, Integrity and Administration Act*).

I also indicated that, as a result of the legislative audit work performed by my Office from prior to fiscal year 2000 and up to 2007, I saw no benefit of having audits performed for any of the fiscal years where the Commission did not appoint an auditor to perform an annual audit. I concluded by confirming that, in my opinion, section 9 of the former *IEC Act* had been complied with.

My opinion has not changed in this regard, and therefore, I would not consider it an efficient use of my resources to perform the requested audits. Given the extensive work my Office has just completed on Members' Constituency Allowances, I must now refocus resources to my primary responsibilities as outlined in the *Auditor General Act*. I trust you will understand and accept my decision in this regard.

I am available to meet at your convenience if you have any questions or require any additional information.

Respectfully submitted,



JOHN L. NOSEWORTHY, CA
Auditor General

Attachments

c.c. Mr. Bill MacKenzie
Clerk of the House of Assembly

**House of Assembly Management Commission
Briefing Note**

Title: Financial Reports

Issue: Financial performance of the House of Assembly and actual expenditures of Members compared with approved allocations as of 31 October 2007

Background:

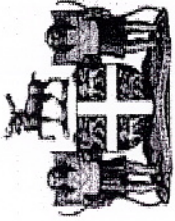
- Paragraph 20(5)(a) of the *House of Assembly Accountability, Integrity and Administration Act* (the Act) states that the House of Assembly Management Commission shall “regularly, and at least quarterly, review the financial performance of the House of Assembly as well as the actual expenditures of members compared with approved allocations.”
- The Statement of Expenditure provides the details of the financial performance of the House of Assembly for the nine-month period ended 31 December 2007.
- The Schedule of Constituency Allowance Allocations and Expenditures provides the approved allocations and actual expenditures for Members for the period 1 April 2007 to 08 October 2007. This schedule includes expenditures for all claims processed to 31 December 2007. The total actual expenditures for a Member may increase as all claims for expenses to 08 October 2007 have not yet been received and processed.

Action Required:

- For reporting purposes only. No decision required.

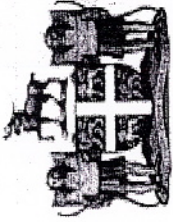
Drafted by: Marlene Lambe
Date: January 16, 2008

Approved by: Wm. MacKenzie



HOUSE OF ASSEMBLY
STATEMENT OF EXPENDITURE
 For the Nine Months Ended 31 December 2007
 Unaudited

	Estimates	Operating Budget	Expenditures Plus Encumbrances	Projected Total Expenditures	Savings (Over-runs) from Original Budget	Savings (Over-runs) from Operating Budget
1.1.01. ADMINISTRATIVE SUPPORT						
01. Salaries	1,126,000	1,126,000	977,936	1,126,000	0	0
02. Employee Benefits	3,000	3,000	1,866	3,000	0	0
03. Transportation and Communications	55,000	55,000	53,065	55,000	0	0
04. Supplies	50,000	50,000	21,371	43,000	7,000	7,000
05. Professional Services	221,000	778,000 ^a	34,476	778,000	(557,000)	0
06. Purchased Services	617,000	617,000	418,392	617,000	0	0
07. Property, Furnishings and Equipment	70,000	70,000	33,305	70,000	0	0
Total: Administrative Support	2,142,000	2,699,000	1,540,411	2,692,000	(550,000)	7,000
1.1.02. HOUSE OPERATIONS						
01. Salaries	457,000	457,000	277,831	457,000	0	0
02. Employee Benefits	9,000	9,000	2,504	6,000	3,000	3,000
03. Transportation and Communications	173,000	151,000 ^b	73,357	151,000	22,000 ^b	0
04. Supplies	21,000	21,000	6,913	21,000	0	0
06. Purchased Services	48,000	48,000	26,440	61,000	(13,000)	(13,000)
07. Property, Furnishings and Equipment	15,000	15,000	5,385	15,000	0	0
Total: House Operations	723,000	701,000	392,430	711,000	12,000	(10,000)



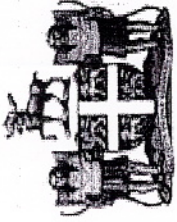
HOUSE OF ASSEMBLY
STATEMENT OF EXPENDITURE
 For the Nine Months Ended 31 December 2007
 Unaudited

1.1.03. CAUCUS OPERATIONS AND MEMBERS' EXPENSES

	Estimates	Operating Budget	Expenditures Plus Encumbrances	Projected Total Expenditures	Savings (Over-runs) from Original Budget	Savings (Over-runs) from Operating Budget
01. Salaries	2,191,300	2,289,500 a,c	2,110,612	2,801,600	(610,300) d	(512,100) d
03. Transportation and Communications	290,000	290,000	127,318	290,000	0	0
04. Supplies	30,000	36,000 a	27,560	45,000	(15,000)	(9,000)
06. Purchased Services	190,000	190,000	131,189	190,000	0	0
07. Property, Furnishings and Equipment	30,000	30,000	21,016	30,000	0	0
09. Allowances and Assistance	5,380,000	7,270,800 c	4,280,205	7,270,800	(1,890,800)	0
10. Grants and Subsidies	36,000	36,000	18,000	36,000	0	0
Total: Caucus Operations and Members' Expenses	8,147,300	10,142,300	6,715,900	10,663,400	(2,516,100)	(521,100)

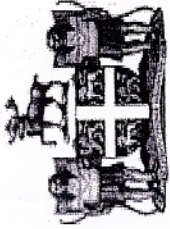
1.1.04. HANSARD AND THE BROADCAST CENTRE

01. Salaries	502,800	502,800	284,187	416,800	86,000	86,000
02. Employee Benefits	1,500	1,500	1,201	1,500	0	0
03. Transportation and Communications	469,500	140,800	70,069	128,800	340,700	12,000
04. Supplies	6,200	6,200	4,384	6,200	0	0
06. Purchased Services	31,000	31,000	13,835	31,000	0	0
07. Property, Furnishings and Equipment	10,000	360,700	15,924	360,700	(350,700)	0
Total: Hansard and the Broadcast Centre	1,021,000	1,043,000	389,600	945,000	76,000	98,000



HOUSE OF ASSEMBLY
STATEMENT OF EXPENDITURE
 For the Nine Months Ended 31 December 2007
 Unaudited

	Estimates	Operating Budget	Expenditures Plus Encumbrances	Projected Total Expenditures	Savings (Over-runs) from Original Budget	Savings (Over-runs) from Operating Budget
1.1.05. LEGISLATIVE LIBRARY						
01. Salaries	344,600	344,600	257,375	346,600	(2,000)	(2,000)
02. Employee Benefits	1,500	1,500	362	1,500	0	0
03. Transportation and Communications	5,000	5,000	2,782	3,000	2,000	2,000
04. Supplies	50,000	50,000	15,613	50,000	0	0
06. Purchased Services	11,500	11,500	7,575	11,500	0	0
07. Property, Furnishings and Equipment	5,000	5,000	1,775	5,000	0	0
Total: Legislative Library	417,600	417,600	285,482	417,600	0	0
TOTAL HOUSE OF ASSEMBLY	12,450,900	15,002,900	9,323,823	15,429,000	(2,978,100)	(426,100)



HOUSE OF ASSEMBLY
STATEMENT OF EXPENDITURE
For the Nine Months Ended 31 December 2007
Unaudited

^a The increase in Operating Budget compared to Original Budget reflects the funds provided under the Special Warrant funding approved by the Commission related to the implementation of the Green Report. Funds were provided under this Warrant as follows:

Administrative Support - Professional Services	\$557,000
Caucus Operations and Members' Expenses - Salaries	\$39,000
Caucus Operations and Members' Expenses - Supplies	\$6,000
Caucus Operations and Members' Expenses - Allowances and Assistance	<u>\$1,406,700</u>
	<u>\$2,008,700</u>

^b Savings of \$22,000 were identified as attendance at conferences were less than anticipated. The funds were transferred to Hansard and Broadcast for the purchase of broadcasting equipment

^c Severance payments costs for outgoing Members and Constituency Assistants were transferred into the House of Assembly vote from Consolidated Fund Services, as follows:

Caucus Operations and Members' Expenses - severance and paid leave for political support staff	\$59,200
Caucus Operations and Members' Expenses - severance for former Members of the House of Assembly	<u>\$484,100</u>
	<u>\$543,300</u>

^d Projected expenditures include additional funding request of severance payments totalling \$426,100 anticipated to be paid during January 2008. Additional funds were transferred to the Legislature from Consolidated Fund Services per TBA2008-D0003 as of 10 January 2008 and thus are not included in the operating budget at 31 December 2007.



Newfoundland &
Labrador

HOUSE OF ASSEMBLY

SCHEDULE OF CONSTITUENCY ALLOWANCE ALLOCATIONS AND EXPENDITURES

Summary of Claims Submitted by Members of the 45th General Assembly for Expenditures Incurred During the Period 1 April 2007 to 8 October 2007
Includes All Claims Processed up to 31 December 2007

District (45th General Assembly)	Member (45th General Assembly)	Member's Allocation to 8 October 2007	Per Diem		Accommodations	Other	Travel	Total Expenditure to 31 December 2007	Balance as of 31 December 2007
			Meals	Per Diem					
Torngat Mountains	Anderson, Wally	47,700	4,844	3,679	2,239	21,343	32,105	15,595	
Labrador West	Baker, Jim	31,300	2,259	2,950	2,716	7,628	15,553	15,747	
Humber Valley	Ball, Dwight	25,800	1,360	1,924	13,144	5,359	21,787	4,013	
Bellevue	Barrett, Percy	21,200	4,167	2,371	3,279	7,124	16,941	4,259	
St. George's-Stephenville East	Burke, Joan	25,900	2,969	3,161	2,532	7,536	16,198	9,702	
Port de Grave	Butler, Roland	17,400	3,333	0	1,955	5,374	10,662	6,738	
Cape St. Francis	Byrne, Jack	10,400	0	0	1,965	0	1,965	8,435	
Placentia & St. Mary's	Collins, Felix	17,400	877	279	3,959	3,869	8,984	8,416	
Port au Port	Cornect, Tony	25,800	1,316	1,560	2,926	4,558	10,360	15,440	
Mount Pearl	Denine, David	8,100	0	0	2,710	439	3,149	4,951	
Kilbride	Dinn, John	8,300	0	0	938	0	938	7,362	
Virginia Waters	Dunderdale, Kathy	8,100	0	0	202	0	202	7,898	
Bonavista South	Fitzgerald, Roger	21,400	5,250	3,043	2,091	5,275	15,659	5,741	
Grand Bank	Foote, Judy	21,400	4,443	3,917	5,402	4,092	17,854	3,546	



Newfoundland &
Labrador

HOUSE OF ASSEMBLY
SCHEDULE OF CONSTITUENCY ALLOWANCE ALLOCATIONS AND EXPENDITURES

Summary of Claims Submitted by Members of the 45th General Assembly for Expenditures Incurred During the Period 1 April 2007 to 8 October 2007
Includes All Claims Processed up to 31 December 2007

District (45th General Assembly)	Member (45th General Assembly)	Member's Allocation to 8 October 2007	Per Diem Meals	Per Diem Accommodations	Other	Travel	Total Expenditure to 31 December 2007	Balance as of 31 December 2007
Exploits	Forsy, Clayton	21,400	4,801	2,338	8,182	4,754	20,075	1,325
Conception Bay South	French, Terry	11,000	0	0	6,443	1,157	7,600	3,400
Bonavista South	Harding, Harry	21,400	2,588	2,899	2,512	4,184	12,183	9,217
Harbour Main-Whitbourne	Hedderson, Thomas	16,300	0	1,974	5,075	0	7,049	9,251
Lake Melville	Hickey, John	29,700	0	0	6,219	2,487	8,706	20,994
Waterford Valley	Hodder, Harvey	8,100	0	0	1,397	0	1,397	6,703
Windsor-Springdale	Hunter, Ray	24,100	3,684	1,797	7,034	5,962	18,477	5,623
Ferryland	Hutchings, Keith	18,500	1,001	46	2,342	2,571	5,960	12,540
Burin-Placentia West	Jackman, Clyde	21,100	3,134	0	4,569	5,023	12,726	8,374
Trinity-Bay de Verde	Johnson, Charlene	19,100	2,917	1,889	3,059	4,548	12,413	6,687
Cartwright-L'anse Au Clair	Jones, Yvonne	38,900	4,912	2,855	15,474	12,316	35,557	3,343
Bay of Islands	Joyce, Ed	24,300	2,452	2,102	8,517	6,411	19,482	4,818
Fortune Bay-Cape la Hune	Langdon, Oliver	30,900	4,079	3,157	2,700	13,676	23,612	7,288
Topsail	Marshall, Elizabeth	9,000	0	0	2,559	0	2,559	6,441



Newfoundland &
Labrador

HOUSE OF ASSEMBLY
SCHEDULE OF CONSTITUENCY ALLOWANCE ALLOCATIONS AND EXPENDITURES

Summary of Claims Submitted by Members of the 45th General Assembly for Expenditures Incurred During the Period 1 April 2007 to 8 October 2007
Includes All Claims Processed up to 31 December 2007

District (45th General Assembly)	Member (45th General Assembly)	Member's Allocation to 8 October 2007	Per Diem Meals	Per Diem Accommodations	Other	Travel	Total Expenditure to 31 December 2007	Balance as of 31 December 2007
Humber East	Marshall, Thomas	22,600	2,368	4,418	2,031	8,107	16,924	5,676
Signal Hill-Quidi Vidi	Michael Lorraine	8,100	0	0	2,574	142	2,716	5,384
Gander	O'Brien, Kevin	18,600	2,193	1,184	4,191	4,800	12,368	6,232
Terra Nova	Oram, Paul	21,400	2,956	1,688	2,226	5,133	12,003	9,397
St. John's West	Osborne, Sheila	8,100	0	0	1,715	0	1,715	6,385
St. John's South	Osborne, Thomas	8,100	0	0	1,659	56	1,715	6,385
St. John's East	Ottenheimer, John	8,100	0	0	1,588	0	1,588	6,512
Burgeo & LaPoile	Parsons, Kelvin	30,900	3,745	2,576	8,647	9,662	24,630	6,270
Twillingate-Fogo	Reid, Gerry	21,800	1,508	659	5,829	4,200	12,196	9,604
Lewisporte	Rideout, Thomas	21,400	1,116	1,004	6,043	10,324	18,487	2,913
St. John's North	Ridgley, Bob	8,100	0	0	878	0	878	7,222
Baie Verte	Shelly, Paul	25,900	550	438	7,044	4,312	12,344	13,556
St. John's Centre	Skinner, Shawn	8,100	0	0	3,075	0	3,075	5,025
Carbonear-Harbour Grace	Sweeney, George	18,500	2,575	0	6,673	5,060	14,308	4,192



Newfoundland &
Labrador

HOUSE OF ASSEMBLY

SCHEDULE OF CONSTITUENCY ALLOWANCE ALLOCATIONS AND EXPENDITURES

Summary of Claims Submitted by Members of the 45th General Assembly for Expenditures Incurred During the Period 1 April 2007 to 8 October 2007
Includes All Claims Processed up to 31 December 2007

District (45th General Assembly)	Member (45th General Assembly)	Member's Allocation to 8 October 2007	Per Diem		Other	Travel	Total Expenditure to 31 December 2007	Balance as of 31 December 2007
			Meals	Accommodations				
Straits-White Bay North	Taylor, Trevor	26,100	3,792	3,413	3,767	10,301	21,273	4,827
Grand Falls-Buchans	Thistle, Anna	21,400	4,108	3,623	5,782	6,034	19,547	1,853
Conception Bay East and Bell-Island	Whalen, Dianne	10,100	0	0	4,985	0	4,985	5,115
Humber West	Williams, Danny	16,600	44	0	7,687	508	8,239	8,361
Trinity North	Wiseman, Ross	20,900	1,842	1,974	3,451	4,801	12,068	8,832
St. Barbe	Young, Wallace	25,900	5,075	4,400	6,759	7,346	23,580	2,320
Total		934,700	92,258	67,318	208,744	216,472	584,792	349,908



**HOUSE OF ASSEMBLY
STATEMENT OF EXPENDITURE
For the Nine Months Ended 31 December 2007
Unaudited**

^a The increase in Operating Budget compared to Original Budget reflects the funds provided under the Special Warrant funding approved by the Commission related to the implementation of the Green Report. Funds were provided under this Warrant as follows:

Administrative Support - Professional Services	\$557,000
Caucus Operations and Members' Expenses - Salaries	\$39,000
Caucus Operations and Members' Expenses - Supplies	\$6,000
Caucus Operations and Members' Expenses - Allowances and Assistance	<u>\$1,406,700</u>
	<u>\$2,008,700</u>

^b Savings of \$22,000 were identified as attendance at conferences were less than anticipated. The funds were transferred to Hansard and Broadcast for the purchase of broadcasting equipment

^c Severance payments costs for outgoing Members and Constituency Assistants were transferred into the House of Assembly vote from Consolidated Fund Services, as follows:

Caucus Operations and Members' Expenses - severance and paid leave for political support staff	\$59,200
Caucus Operations and Members' Expenses - severance for former Members of the House of Assembly	<u>\$484,100</u>
	<u>\$543,300</u>

^d Projected expenditures include additional funding request of severance payments totalling \$426,100 anticipated to be paid during January 2008. Additional funds were transferred to the Legislature from Consolidated Fund Services per TBA2008-D0003 as of 10 January 2008 and thus are not included in the operating budget at 31 December 2007.



HOUSE OF ASSEMBLY
SCHEDULE OF CONSTITUENCY ALLOWANCE ALLOCATIONS AND EXPENDITURES
 Summary of Claims Submitted by Members of the 45th General Assembly for Expenditures Incurred During the Period 1 April 2007 to 8 October 2007
 Includes All Claims Processed up to 31 December 2007

District (45th General Assembly)	Member (45th General Assembly)	Member's Allocation to 8 October 2007	Per Diem Meals	Per Diem Accommodations	Other	Travel	Total Expenditure to 31 December 2007	Balance as of 31 December 2007
Torngat Mountains	Anderson, Wally	47,700	4,844	3,679	2,239	21,343	32,105	15,595
Labrador West	Baker, Jim	31,300	2,259	2,950	2,716	7,628	15,553	15,747
Humber Valley	Ball, Dwight	25,800	1,360	1,924	13,144	5,359	21,787	4,013
Bellevue	Barrett, Percy	21,200	4,167	2,371	3,279	7,124	16,941	4,259
St. George's-Stephenville East	Burke, Joan	25,900	2,969	3,161	2,532	7,536	16,198	9,702
Port de Grave	Butler, Roland	17,400	3,333	0	1,955	5,374	10,662	6,738
Cape St. Francis	Byrne, Jack	10,400	0	0	1,965	0	1,965	8,435
Placentia & St. Mary's	Collins, Felix	17,400	877	279	3,959	3,869	8,984	8,416
Port au Port	Cornect, Tony	25,800	1,316	1,560	2,926	4,558	10,360	15,440
Mount Pearl	Denine, David	8,100	0	0	2,710	439	3,149	4,951
Kilbride	Dinn, John	8,300	0	0	938	0	938	7,362
Virginia Waters	Dunderdale, Kathy	8,100	0	0	202	0	202	7,898
Bonavista South	Fitzgerald, Roger	21,400	5,250	3,043	2,091	5,275	15,659	5,741
Grand Bank	Foote, Judy	21,400	4,443	3,917	5,402	4,092	17,854	3,546



HOUSE OF ASSEMBLY
SCHEDULE OF CONSTITUENCY ALLOWANCE ALLOCATIONS AND EXPENDITURES
 Summary of Claims Submitted by Members of the 45th General Assembly for Expenditures Incurred During the Period 1 April 2007 to 8 October 2007
 Includes All Claims Processed up to 31 December 2007

District (45th General Assembly)	Member (45th General Assembly)	Member's Allocation to 8 October 2007	Per Diem Meals	Per Diem Accommodations	Other	Travel	Total Expenditure to 31 December 2007	Balance as of 31 December 2007
Exploits	Forsey, Clayton	21,400	4,801	2,338	8,182	4,754	20,075	1,325
Conception Bay South	French, Terry	11,000	0	0	6,443	1,157	7,600	3,400
Bonavista South	Harding, Harry	21,400	2,588	2,899	2,512	4,184	12,183	9,217
Harbour Main-Whitbourne	Hedderson, Thomas	16,300	0	1,974	5,075	0	7,049	9,251
Lake Melville	Hickey, John	29,700	0	0	6,219	2,487	8,706	20,994
Waterford Valley	Hodder, Harvey	8,100	0	0	1,397	0	1,397	6,703
Windsor-Springdale	Hunter, Ray	24,100	3,684	1,797	7,034	5,962	18,477	5,623
Ferryland	Hutchings, Keith	18,500	1,001	46	2,342	2,571	5,960	12,540
Burin-Placentia West	Jackman, Clyde	21,100	3,134	0	4,569	5,023	12,726	8,374
Trinity-Bay de Verde	Johnson, Charlene	19,100	2,917	1,889	3,059	4,548	12,413	6,687
Cartwright-L'anse Au Clair	Jones, Yvonne	38,900	4,912	2,855	15,474	12,316	35,557	3,343
Bay of Islands	Joyce, Ed	24,300	2,452	2,102	8,517	6,411	19,482	4,818
Fortune Bay-Cape la Hune	Langdon, Oliver	30,900	4,079	3,157	2,700	13,676	23,612	7,288
Topsail	Marshall, Elizabeth	9,000	0	0	2,559	0	2,559	6,441



HOUSE OF ASSEMBLY
SCHEDULE OF CONSTITUENCY ALLOWANCE ALLOCATIONS AND EXPENDITURES
 Summary of Claims Submitted by Members of the 45th General Assembly for Expenditures Incurred During the Period 1 April 2007 to 8 October 2007
 Includes All Claims Processed up to 31 December 2007

District (45th General Assembly)	Member (45th General Assembly)	Member's Allocation to 8 October 2007	Per Diem Meals	Per Diem Accommodations	Other	Travel	Total Expenditure to 31 December 2007	Balance as of 31 December 2007
Humber East	Marshall, Thomas	22,600	2,368	4,418	2,031	8,107	16,924	5,676
Signal Hill-Quidi Vidi	Micheal, Lorraine	8,100	0	0	2,574	142	2,716	5,384
Gander	O'Brien, Kevin	18,600	2,193	1,184	4,191	4,800	12,368	6,232
Terra Nova	Oram, Paul	21,400	2,956	1,688	2,226	5,133	12,003	9,397
St. John's West	Osborne, Sheila	8,100	0	0	1,715	0	1,715	6,385
St. John's South	Osborne, Thomas	8,100	0	0	1,659	56	1,715	6,385
St. John's East	Ottenheimer, John	8,100	0	0	1,588	0	1,588	6,512
Burgeo & LaPoile	Parsons, Kelvin	30,900	3,745	2,576	8,647	9,662	24,630	6,270
Twillingate-Fogo	Reid, Gerry	21,800	1,508	659	5,829	4,200	12,196	9,604
Lewisporte	Rideout, Thomas	21,400	1,116	1,004	6,043	10,324	18,487	2,913
St. John's North	Ridgley, Bob	8,100	0	0	878	0	878	7,222
Baie Verte	Shelly, Paul	25,900	550	438	7,044	4,312	12,344	13,556
St. John's Centre	Skinner, Shawn	8,100	0	0	3,075	0	3,075	5,025
Carbonear-Harbour Grace	Sweeney, George	18,500	2,575	0	6,673	5,060	14,308	4,192



HOUSE OF ASSEMBLY
SCHEDULE OF CONSTITUENCY ALLOWANCE ALLOCATIONS AND EXPENDITURES
 Summary of Claims Submitted by Members of the 45th General Assembly for Expenditures Incurred During the Period 1 April 2007 to 8 October 2007
 Includes All Claims Processed up to 31 December 2007

District (45th General Assembly)	Member (45th General Assembly)	Member's Allocation to 8 October 2007	Per Diem Meals	Per Diem Accommodations	Other	Travel	Total Expenditure to 31 December 2007	Balance as of 31 December 2007
Straits-White Bay North	Taylor, Trevor	26,100	3,792	3,413	3,767	10,301	21,273	4,827
Grand Falls-Buchans	Thistle, Anna	21,400	4,108	3,623	5,782	6,034	19,547	1,853
Conception Bay East and Bell-Island	Whalen, Dianne	10,100	0	0	4,985	0	4,985	5,115
Humber West	Williams, Danny	16,600	44	0	7,687	508	8,239	8,361
Trinity North	Wiseman, Ross	20,900	1,842	1,974	3,451	4,801	12,068	8,832
St. Barbe	Young, Wallace	25,900	5,075	4,400	6,759	7,346	23,580	2,320
Total		934,700	92,258	67,318	208,744	216,472	584,792	349,908

House of Assembly Management Commission

Briefing Note

Title: Ministerial Expense Reimbursement Policies

Issue: Adoption of Ministerial Expense Reimbursement Policies for the Speaker of the House of Assembly and for the Leader of the Official Opposition

Background:

- The Provincial Government reviewed ministerial expenses in light of the Justice Green Report, *Rebuilding Confidence: The Report of the Review Commission on Constituency Allowances and Other Matters*.
- On December 14, 2007 the Provincial Government released the Ministerial Expense Reimbursement Policies that are to be followed by members of Cabinet.
- Traditionally, expense reimbursement policies for ministers have applied to the Speaker of the House of Assembly and the Leader of the Official Opposition in recognition of the unique demands of their respective roles.
- The Ministerial Expense Reimbursement Policies will undergo revisions in the next few months to reflect the language, titles and processes of the House of Assembly. Immediate revisions are necessary to allow applicability of the policies to the Speaker and to the Leader of the Official Opposition. The word “Minister” will be replaced with “Speaker” or “Leader of the Official Opposition”; the words “Treasury Board” will be replaced with “House of Assembly Management Commission”; and, the words “Premier” or “Premier’s Chief of Staff” will be replaced with “Speaker”.

Action Required:

- The Commission hereby approves the adoption of the attached Ministerial Expense Reimbursement Policies for the Speaker and the Leader of the Official Opposition, effective October 9, 2007, with the following immediate modifications:
 - “Minister” is interpreted as “Speaker” or “Leader of the Official Opposition”;
 - “Treasury Board” is interpreted as “House of Assembly Management Commission”; and,
 - “Premier” or “Premier’s Chief of Staff” is interpreted as “Speaker”.

Drafted by: Marie Keefe
Date: January 9, 2008

Approved by: Wm. MacKenzie



Ministerial Expense Reimbursement Policies

December, 2007

Executive Council

MINISTERIAL EXPENSE REIMBURSEMENT POLICIES

1.0 Accommodation

- 1.1. *Policy Statement*
- 1.2. *Definitions*
- 1.3. *Responsibilities*
- 1.4. *Accommodation Reimbursement Policy While on Ministerial/Departmental Travel Status*
 - 1.4.1 *Travel Within Newfoundland and Labrador*
 - 1.4.2 *Travel outside of Newfoundland and Labrador*

2.0 Automobile Reimbursement

Option A Automobile Allowance

- 2.1 *Policy Statement*
- 2.2 *Definitions*
- 2.3 *Responsibilities*
- 2.4 *General*
- 2.5 *Discontinuance of the Automobile Allowance*
- 2.6 *Claiming Automobile Travel Expenses*
- 2.7 *Rental Vehicles*
- 2.8 *Use of Taxis*

Option B Automobile Expense Reimbursement Based on Mileage Claimed

- 2.9 *Policy Statement*
- 2.10 *Responsibilities*
- 2.11 *General*
- 2.12 *Travel Log*
- 2.13 *Claiming Automobile Travel Expenses*
- 2.14 *Rental Vehicles*
- 2.15 *Use of Taxis*

3.0 Corporate Credit Card

- 3.1 *Policy Statement*
- 3.2 *Definitions*
- 3.3 *Responsibilities*
- 3.4 *Using the Corporate Charge Card*

4.0 Entertainment Expenses

- 4.1 *Policy Statement*
- 4.2 *Definitions*
- 4.3 *Responsibilities*
- 4.4 *Entertainment Expenses*
- 4.5 *Entertainment Expense Limits*
- 4.6 *Submission of Entertainment Expenses*

5.0 Meal Rates Policy

- 5.1 *Policy Statement*
- 5.2 *Definitions*
- 5.3 *Responsibilities*
- 5.4 *Meal Reimbursement Policy – While on Ministerial/Departmental Travel Status*
 - 5.4.1 *Travel within Newfoundland and Labrador*
 - 5.4.2 *Travel outside of Newfoundland and Labrador*

6.0 Miscellaneous Expenses

- 6.1 *Policy Statement*
- 6.2 *Definitions*
- 6.3 *Responsibilities*
- 6.4 *Incidental Expenses*
- 6.5 *Telephone Calls and Internet Charges*
- 6.6 *Passport and Related Expenses*
- 6.7 *Hospital and Medical Insurance*
- 6.8 *Foreign Currencies and Traveler's Cheques*
- 6.9 *Excess Luggage*

7.0 Travel Policy

- 7.1 *Policy Statement*
- 7.2 *Definitions*
- 7.3 *Responsibilities*
- 7.4 *General Rules*
- 7.5 *Air Travel*
- 7.6 *Sea Travel*
- 7.7 *Travel in Government or Rental Vehicles*
- 7.8 *Use of Taxis or Public Transportation*
- 7.9 *Toll, Bridge, Ferry and Parking Fees*
- 7.10 *Spousal and Dependant Travel*
- 7.11 *Completing Travel Claim Expense Forms*

**8.0 Travel and Living Expenses
(When Conducting Ministerial Business at Headquarters)**

- 8.1 *General Principles*
- 8.2 *Policy Statement*
- 8.3 *Definitions*
- 8.4 *Responsibilities*
- 8.5 *For a Minister who maintains a permanent residence within his or her headquarters area*
- 8.6 *For a Minister who maintains a permanent residence outside his or her headquarters area*
- 8.7 *Reimbursement*

Table 1: Travel and Living Expense Allowances

Table 2: District Categorization

1.0 ACCOMMODATION

1.1 Policy Statement

Ministers on travel status, where overnight accommodation is required, may stay in a temporary accommodation, or where the Minister chooses, in private accommodation. In some unique circumstances, the type, standard and cost of temporary accommodation may be reflective of the nature of the Ministerial duties while on travel status, for example where the accommodation is the only facility available in proximity of a meeting location.

Ministers are responsible for ensuring accommodation reimbursement is claimed from only one source as follows:

Source: Ministerial / Departmental Vote	Source: MHA / Constituency Allowance
When overnight travel is related to Ministerial/Departmental business pursuant to the Ministerial Expense Reimbursement Policy outlined below.	When overnight travel is related to constituency business pursuant to the Members' Resources and Allowances Rules.

1.2 Definitions

- Permanent residence:* The place that a Minister declares in an affidavit to the Speaker of the House of Assembly is (i) the place where a Minister in fact resides on a settled basis with his or her family, or (ii) where there is no single place where the Minister resides on a settled basis, the place that the Minister otherwise regards as his or her permanent residence, and does not include a seasonal or recreational dwelling or cabin.
- Private accommodation:* Accommodation arrangements made by a Minister in lieu of staying in temporary accommodation.
- Temporary accommodation:* Short-term, temporary or transient accommodation such as a hotel, motel, bed and breakfast or boarding house.
- Overnight travel status:* The overnight absence of a Minister from his or her headquarters on Ministerial/Departmental business.
- Travel status:* The absence of a Minister from his or her headquarters on Ministerial/Departmental business.
- Capital region:* The area encompassing the following electoral districts as described and delineated in the *House of Assembly Act* as follows: (i) Cape St. Francis, (ii) Conception Bay

Ministerial Expense Reimbursement Policies

East & Bell Island, (iii) Conception Bay South, (iv) Kilbride, (v) Mount Pearl, (vi) Ferryland (North of Witless Bay Line), (vii) St. John's Centre, (viii) St. John's East, (ix) St. John's North, (x) St. John's South, (xi) St. John's West, (xii) Signal Hill-Quidi Vidi, (xiii) Topsail, (xiv) Virginia Waters, and (xv) Waterford Valley.

Headquarters: The actual building or other place that the Minister uses as a base of operations as deemed by Government.

Headquarters Area: An area within a radius of 60 kilometres of the Minister's headquarters.

Commuting Distance: Sixty (60) kilometres or less.

1.3 Responsibilities

Minister

It is the responsibility of Ministers to:

- provide to the Department a copy of the affidavit presented to the Speaker of the House of Assembly in which the Minister declares the location of their permanent residence;
- claim overnight travel related to Ministerial/Departmental business pursuant to the Ministerial Expense Reimbursement Policy;
- provide justification of temporary accommodation rates in excess of the rate for a standard room. For example, through the provision of an explanation as to why the particular temporary accommodation was required for overnight purposes rather than a less expensive alternative – such as corresponding with a specific meeting location/venue;
- ensure that advantage is taken of any special discounts or rates afforded to government employees; and
- claim overnight travel related to constituency business pursuant to the Members' Resources and Allowances Rules.

Department

It is the responsibility of individual departments to:

- forward a copy of the affidavit in which the Minister declares the location of their permanent residence to the Comptroller General's Office; and
- approve the justification of temporary accommodation rates in excess of the rate for a standard room.

**1.4 Accommodation Reimbursement Policy
While on Ministerial/Departmental Travel Status**

1.4.1 Travel within Newfoundland and Labrador

Where a Minister is on overnight travel status, and is conducting Ministerial/Departmental business, the Minister may claim reimbursement from the Departmental vote, as follows:

- A Minister who maintains a permanent residence within commuting distance of the travel destination is not entitled to claim for accommodation.
- For the actual cost of temporary accommodation, with detailed original receipts indicating proof of payment, per night actually occupied by the Minister. Economy is expected when booking temporary accommodation; or
- Ministers may make arrangements for private accommodation and will be reimbursed, without receipt, per night actually occupied by the Minister pursuant to the rates established via **TBM 99-165**. In Newfoundland the rate is \$53 CAD per night and in Labrador \$71 CAD per night.
- When conducting Ministerial/Departmental business at a headquarters located outside the capital region that coincides with his or her permanent residence the Minister is not entitled to claim accommodation reimbursement. (**MC 2006-0540** refers)

1.4.2 Travel outside of Newfoundland and Labrador

Where a Minister is on overnight travel status outside of Newfoundland and Labrador to conduct Ministerial/Departmental business, the Minister may claim reimbursement from the Departmental vote as follows:

- For the actual cost of temporary accommodation, with detailed original receipts indicating proof of payment; or
- Ministers may make arrangements for private accommodation and will be reimbursed, without receipt, per night actually occupied by the Minister pursuant to the rates established via **TBM 99-165**. Rates are outlined in the table below.

Location	Reimbursement Rate
Within Canada	\$71 CAD per night
Within the United States	\$71 USD per night
International	\$84 CAD per night

2.0 AUTOMOBILE REIMBURSEMENT

A Minister may choose only one of the following reimbursement methods:

- (i) **Automobile Allowance; or**
- (ii) **Reimbursement Based on Mileage Claims**

The chosen reimbursement mechanism will be effective for the duration of the fiscal year. Should a Minister wish to adopt the alternate reimbursement mechanism, such a decision should only be made prior to March 31 for implementation in the following fiscal year,

Option A: Automobile Allowance

2.1 Policy Statement

Ministers are entitled to an automobile allowance as outlined in this policy.

Claims based on mileage are not eligible for reimbursement.

2.2 Definitions

<i>Automobile Allowance</i>	An \$8,000 per year allowance paid to Cabinet Ministers.
<i>Consumable Liquids</i>	Includes gas, oil, windshield washer fluid, brake fluid, and related expenses.
<i>Related Expenses</i>	Expenses directly related to consumable liquids, such as labour costs for completing an oil change. These expenses do NOT include expenses for other forms of maintenance, tire installation, or additional expenses.

2.3 Responsibilities

Minister

It is the responsibility of Ministers to:

- claim expenses related to Ministerial/Departmental business pursuant to the Ministerial Expense Reimbursement Policy; and
- provide original detailed receipts indicating proof of payment for reimbursement under this policy.

Department

It is the responsibility of individual departments to:

- ensure the Minister's automobile allowance, fuel expenses, consumable liquids and related expenses are submitted to payroll for payment on payroll cheques rather than General Account Cheques.

2.4 General

The automobile allowance is \$8,000 per year, prorated for the portion of the fiscal year for which the Minister serves in Cabinet (based on **MC 90-1135**).

Ministers will be reimbursed fuel expenses, consumable liquids and related expenses incurred while traveling on government business. Detailed original receipts indicating proof of payment must be provided.

Ministers receive the automobile allowance as a bi-weekly payment that coincides with the usual pay cycle.

The automobile allowance, fuel expenses, consumable liquids and related expenses will be issued on payroll cheques rather than General Account Cheques and is taxable in accordance with Canada Revenue Agency requirements.

Claims based on mileage are not eligible for reimbursement.

Vehicle repairs, tires, etc. are not eligible for reimbursement.

Ministers with multiple departmental assignments, where the headquarters of one of more assigned departments is located outside the capital region, are entitled to receive one car allowance (**MC 2006-0540** refers).

2.5 Discontinuance of the Automobile Allowance

Ministers who leave office for any reason shall retain their entitlement for a period of 3 months following the date of departure. The Minister shall repay the balance of money received during the fiscal year prorated for the period following the expiration of his or her entitlement.

2.6 Claiming Automobile Travel Expenses

The automobile allowance is provided for the purposes of ground travel. Ministers may not claim for automobile storage, traffic violations, repairs or towing.

2.7 Rental Vehicles

Reimbursement, with detailed original receipt indicating proof of payment, for a rental vehicle is provided where the rental is preceded by air travel outside the capital region.

Where the automobile allowance is the chosen mechanism of reimbursement, vehicle rentals within, or originating from, the capital region are eligible for reimbursement under occasional and reasonable circumstances only. Prior approval of the Premier's Chief of Staff is required. Examples of situations which may be eligible for reimbursement include where it can be demonstrated that the use of a rental vehicle is more practical and/or economical than scheduled non-business class airfare.

Long-term rentals (in excess of five days) are not eligible for reimbursement unless prior authorization from the Chief of Staff is received.

Rental vehicle expenses are not eligible for reimbursement from the Ministerial/Departmental vote when within commuting distance of the Minister's permanent residence or within the Minister's constituency. Please note that the Members' Resources and Allowances rules would apply for vehicle rental within a Minister's constituency for constituency-related business.

2.8 Use of Taxis

Reimbursement for taxi expenses within the capital region and the Minister's constituency is limited. For example: travel to or from an airport, to an official business meeting in an area where parking may be an issue and in extenuating circumstances.

Where the trip is billed directly to the department, Ministers may use a taxi chit. Detailed original receipts indicating proof of payment are required for reimbursement of all other taxi charges.

Option B: Automobile Expense Reimbursement Based on Mileage Claimed

2.9 Policy Statement

Ministers are entitled to be reimbursed for travel via private vehicle related to Ministerial/Departmental business as outlined in this policy.

Ministers are responsible for ensuring mileage is claimed from only one source as follows:

Source: Ministerial / Departmental Vote	Source: MHA / Constituency Allowance
When travel is related to Ministerial/Departmental business pursuant to the Ministerial Expense Reimbursement Policy outlined below.	When travel is related to constituency business pursuant to the Members' Resources and Allowances Rules.

2.10 Responsibilities

Minister

It is the responsibility of Ministers to:

- maintain one vehicle travel log and complete separate detailed original Vehicle Usage Reports for constituency-related and Ministerial/Departmental related claims;
- claim expenses related to Ministerial/Departmental business pursuant to the Ministerial Expense Reimbursement Policy;
- claim expenses related to constituency business pursuant to the Members' Resources and Allowances Rules.

Department

It is the responsibility of individual departments to:

- ensure that mileage expenses are claimed as per the provisions of this policy.

2.11 General

Where a Minister (regardless of where their constituency or permanent residence is located) travels by his or her own vehicle on Ministerial/Departmental business, he or she may claim reimbursement from the Departmental vote as follows:

for the number of kilometres reasonably necessary to accomplish the travel objectives multiplied by the rates payable to government employees who are required to use private vehicles as a condition of employment (i.e.: the two-tiered rate).

Fuel expenses, consumable liquids and related expenses incurred while traveling on government business are not eligible for reimbursement.

A Minister who chooses reimbursement based on mileage claimed is not entitled to the \$8,000 annual automobile allowance.

2.12 Travel Log

Where a Minister travels by his or her own vehicle, he or she shall at all times maintain a vehicle travel log in which he or she shall record the dates and destinations of a trip, including the number of kilometres actually and reasonably traveled in connection with the trip. When claiming reimbursement for the use of private automobiles, Ministers must complete a detailed original Private Vehicle Usage report for each expense claim. The Private Vehicle Usage report must be attached to the Travel Expense Claim (constituency and Department expense claims).

The distance traveled to reach individual travel destinations should approximate distances calculated by the Newfoundland and Labrador Road Distance Database (<http://www.stats.gov.nl.ca/DataTools/RoadDB/>).

2.13 Claiming Automobile Travel Expenses

Ministers may not claim for automobile storage, traffic violations, repairs or towing while on government business.

2.14 Rental Vehicles

Reimbursement for rental vehicles may be provided with the provision of detailed original receipts indicating proof of payment.

Long-term rentals (in excess of five days) are not eligible for reimbursement unless prior authorization from the Chief of Staff is received.

Rental vehicle expenses are not eligible for reimbursement from the Ministerial/Departmental vote when within commuting distance of the Minister's permanent residence or within the Minister's constituency. Please note that the Members' Resources and Allowances rules would apply for vehicle rental within a Minister's constituency for constituency-related business.

2.15 Use of Taxis

Reimbursement for taxi expenses within the capital region and the Minister's constituency is limited. For example: travel to or from an airport, to an official business meeting where parking may be an issue, and in extenuating circumstances.

Ministerial Expense Reimbursement Policies

Where the trip is billed directly to the department, Ministers may use a taxi chit. Detailed original receipts indicating proof of payment are required for reimbursement of all other taxi charges.

3.0 CORPORATE CHARGE CARD

3.1 Policy Statement

Government's corporate charge card is available to all Ministers who travel frequently on Ministerial/Departmental business. This card may be used for the purchase of airline tickets (or other modes of transportation), car rentals, temporary accommodation and food. The corporate charge card carries a number of additional benefits that are free of charge, such as Travel Accident Insurance and collision damage waivers on rental vehicles. This benefit is in addition to other personal or government-provided insurance that cardholders may have. [TBM 2000-073 refers]

Ministers are responsible for ensuring the corporate charge card is used only for intended business purposes.

3.2 Definitions

Corporate Charge Card A charge card issued to Ministers to provide a means to pay for most expenses incurred while traveling on Ministerial/Departmental business.

Subrogation Agreement An agreement between cardholder and the employer, allowing the employer to recover monies for seriously delinquent accounts from cardholders travel claims and/or pay cheques.

3.3 Responsibilities

Minister

It is the responsibility of the Ministers to:

- use the card only for official business purposes;
- complete a Corporate Account Supplementary Card Application and sign a subrogation agreement with the employer;
- safeguard the corporate card by immediately signing new cards and destroying old cards; and
- ensure that the card is paid in full upon receipt of the monthly statement.

Department

It is the responsibility of the individual departments to:

- ensure that Ministers who travel frequently on Ministerial/Departmental business are aware that they may apply for and use the corporate charge card;
- notify the Charge Card Coordinator when a Minister terminates employment or transfers to another department; and
- take the appropriate action to ensure that any delinquent accounts are brought up to date.

3.4 Using the Corporate Charge Card

The corporate charge card is issued for a 2 (two) year period. Renewal cards will not be issued where cards have been inactive for the previous year.

Cardholders should remit payment in full upon receipt of statement. American Express has agreed, however, that delinquent charges will not be assessed to the cardholder's account provided full payment is received on or before the 59th day from the original statement date. Corporate charge cards may be canceled without notice when payment is 75 days overdue.

Ministers whose corporate charge cards are lost or stolen should notify American Express immediately at the following toll free numbers: 1-800-268-9824 or 1-800-668-2639.

Ministers who travel on a frequent and regular basis should use the corporate charge card. Where Ministers use their personal credit cards for travel on Ministerial/Departmental business, they can not claim any extra costs incurred.

The corporate charge card automatically provides collision damage waivers on rental vehicles (subject to criterion – available upon request), free of charge. Where a Minister has access to a corporate charge card which reduces or eliminates Government's liability for collision damage to rental vehicles, such cards should be used.

4.0 ENTERTAINMENT EXPENSES

4.1 Policy Statement

Ministers who incur expenses when entertaining persons with whom Government conducts business (from the Ministerial/Departmental perspective) will be reimbursed entertainment expenses from the Departmental vote as outlined in this policy. Detailed original receipts indicating proof of payment must be provided for all entertainment expenses.

Ministers are responsible for ensuring entertainment expenses are claimed from only one source as follows:

Source: Ministerial / Departmental Vote	Source: MHA / Constituency Allowance
When entertainment is related to Ministerial/Departmental business pursuant to the Ministerial Expense Reimbursement Policy outlined below.	When entertainment is related to constituency business pursuant to the Members' Resources and Allowances Rules.

4.2 Definitions

Entertainment The provision of food, drink, and/or other forms of hospitality (i.e.: musical entertainment, tours, etc.) to persons with whom Government business is being conducted.

4.3 Responsibilities

Minister

It is the responsibility of Ministers to:

- ensure entertainment expenses are in keeping with the mandate of the department;
- claim entertainment expenses related to Ministerial/Departmental business pursuant to the Ministerial Expense Reimbursement Policy;
- ensure that entertainment expenses to be incurred are in accordance with this policy;
- refer, where required, requests for entertainment expenses to the Department for referral to Treasury Board;
- ensure the purchase of alcoholic beverages is appropriate to the occasion, moderate and reasonable;
- claim expenses associated with working lunches/dinners attended solely by Government of Newfoundland and Labrador employees to the Departmental Supplies vote;
- submit detailed original receipts indicating proof of payment for all entertainment expenses; and
- claim entertainment expenses related to constituency business pursuant to the Members' Resources and Allowances Rules.

Department

It is the responsibility of individual departments to:

- refer, where required, requests for entertainment expenses to Treasury Board;
- ensure expenses associated with working lunches/dinners attended solely by Government of Newfoundland and Labrador employees are claimed to the Departmental Supplies vote; and
- ensure entertainment expenses are in keeping with the mandate of the department.

4.4 Entertainment Expenses

Entertainment expenses are applicable to the provision of food, drink, and/or other forms of hospitality (i.e.: musical entertainment, tours, etc.) to persons with whom government business is being conducted. [based on **MC 97-0410**]

Expenses associated with working lunches/dinners attended solely by Government of Newfoundland and Labrador employees must be claimed to Departmental Supplies.

The purchase of alcoholic beverages is limited to circumstances where it is appropriate to the occasion, and must be moderate and reasonable.

Meal per diems must not be claimed where an entertainment expense is being claimed for that particular meal. Where eligible pursuant to the Meal Rates policy, the Minister may claim a prorated meal per diem as appropriate for the other meals on that particular day.

4.5 Entertainment Expense Limits

Ministers may claim for entertainment expenses, within or outside the province, up to \$500 daily (including taxes and gratuities) with the provision of detailed original receipts indicating proof of payment. Claims for entertainment expenses in excess of the \$500 daily limit require the approval of Treasury Board. [**MC 97-0410** refers]

4.6 Submission of Entertainment Expenses

Entertainment expenses must be submitted on a separate travel claim form and must indicate the nature of the entertainment (i.e., luncheon, dinner, etc.) and the number of persons involved.

5.0 MEAL RATES POLICY

5.1 Policy Statement

Ministers will be reimbursed for meals purchased as per this policy.

Ministers are responsible for ensuring meals are claimed from only one source as follows:

Source: Ministerial / Departmental Vote	Source: MHA / Constituency Allowance
When travel is related to Ministerial/Departmental business pursuant to the Ministerial Expense Reimbursement Policy outlined below.	When travel is related to constituency business pursuant to the Members' Resources and Allowances Rules.

5.2 Definitions

Headquarters: The actual building or other place that the Minister uses as a base of operations as deemed by Government.

Headquarters Area: An area within a radius of 60 kilometres from the Minister's place of work.

Travel Status: The absence of a Minister from the capital region or headquarters on Ministerial/departmental business.

5.3 Responsibilities

Minister

It is the responsibility of Ministers to:

- submit claims for meals in a timely manner;
- claim meals related to Ministerial/Departmental business pursuant to the Ministerial Expense Reimbursement Policy; and
- claim meals related to constituency business pursuant to the Members' Resources and Allowances Rules.

Department

It is the responsibility of individual departments to:

- monitor the cost of meals claimed to the Departmental vote.

5.4 Meal Reimbursement Policy - While on Ministerial/Departmental Travel Status

Ministers will claim a pro-rated meal allowance for part days that qualify under the meal rates policy.

Ministers may claim for breakfast when they begin travel status 2 (two) hours or more prior to the beginning of their regular work day.

Ministers may claim for dinner when they are unable to return to headquarters or place of residence until at least 2 (two) hours after the end of their regularly scheduled work day.

Ministers may not claim for meals, while on travel status, where the cost of meals is included as part of another reimbursable item or included as part of an official function.

Meal per diems must not be claimed where an entertainment expense is being claimed for that particular meal. Where eligible pursuant to the Meal Rates policy, the Minister may claim a prorated meal per diem as appropriate for the other meals on that particular day.

When conducting Ministerial/Departmental business at a headquarters, located outside the capital region that coincides with his or her permanent residence the Minister is not entitled to claim per diem meal reimbursement. However, Ministerial/Departmental business-related meal expenses may be claimed from the Departmental vote with the provision of detailed original receipts indicating proof of payment. [MC 2006-0540 refers]

5.4.1 Travel within Newfoundland and Labrador

Where a Minister is on travel status, and is conducting Ministerial/Departmental business, the Minister may claim reimbursement, pursuant to the rates established via **TBM 99-165**, from the Departmental vote as follows:

Breakfast	Lunch	Dinner	Total
\$10.00 CAD	\$15.00 CAD	\$25.00 CAD	\$50.00 CAD

5.4.2 Travel outside of Newfoundland and Labrador

Where a Minister is on travel status outside of Newfoundland and Labrador to conduct Ministerial/Departmental business, the Minister may claim reimbursement, pursuant to the rates established via **TBM 99-165**, from the Departmental vote as follows:

	Breakfast	Lunch	Dinner	Total
Canada (\$CAD)	\$11.00	\$16.50	\$27.50	\$55.00
USA (\$USD)	\$11.00	\$16.50	\$27.50	\$55.00
International (\$CAD)	\$12.00	\$18.00	\$30.00	\$60.00

Special per diem allowances for meals for foreign travel may be used where the cost of meals is known to be high. In applying this policy, Ministers may reference, as a guide, the meal rates as set out in the Federal Treasury Board Travel Directive (Appendix D: Allowances, Module 4).

http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/TBM_113/d_e.asp

6.0 MISCELLANEOUS EXPENSES

6.1 Policy Statement

Ministers on Ministerial/Departmental travel status may claim miscellaneous expenses from the Departmental vote as outlined in this policy.

[Based on **TBM 99-106**].

Ministers are responsible for ensuring miscellaneous expenses are claimed from only one source as follows:

Source: Ministerial / Departmental Vote	Source: MHA / Constituency Allowance
When travel is related to Ministerial/Departmental business pursuant to the Ministerial Expense Reimbursement Policy outlined below.	When travel is related to constituency business pursuant to the Members' Resources and Allowances Rules.

6.2 Definitions

<i>Incidental Expenses</i>	Those expenses (such as laundry, valet or various sundry items, etc.) incurred by Ministers on overnight travel status.
<i>Overnight Travel Status</i>	The overnight absence of Ministers from their headquarters on Ministerial/departmental-related business.
<i>Travel Status</i>	The absence of a Minister from their headquarters on Ministerial/departmental-related business.

6.3 Responsibilities

Minister

It is the responsibility of Ministers to:

- ensure that detailed original receipts indicating proof of payment are included, where required, when claiming miscellaneous expenses;
- claim miscellaneous expenses to the Departmental vote when travel is related to Ministerial/Departmental business pursuant to the Ministerial Expense Reimbursement Policy; and
- claim miscellaneous expenses when travel is related to constituency business pursuant to the Members' Resources and Allowances Rules.

Department

It is the responsibility of the individual departments to:

- ensure that miscellaneous expenses are claimed within the provisions of this policy.

6.4 Incidental Expenses

Ministers may claim \$5.00 CAD per night for incidental expenses for every night on overnight travel status (without receipts), or laundry, valet, and other reasonable expenses, subject to the submission of detailed original receipts indicating proof of payment.

6.5 Telephone Calls and Internet Charges

Ministers may claim (with detailed original receipts indicating proof of payment) the cost of official long distance phone calls, or internet charges related to Ministerial/Departmental business, while on travel status. Where the cost is not submitted for payment as part of the Minister's official government (cellular) telephone bill, the cost may be submitted for reimbursement as part of a detailed original hotel bill receipt indicating proof of payment.

6.6 Passport and Related Expenses

Ministers who are required to travel outside Canada may claim (upon submission of detailed original receipts indicating proof of payment) for the cost of a passport and/or visa where these documents are required for travel and are expired or not currently owned.

Ministers may claim (upon submission of detailed original receipts indicating proof of payment) the cost of certificates of health, inoculations, vaccinations and/or other medical procedures where these are required prior to traveling.

6.7 Hospital and Medical Insurance

Where a Minister is required to travel outside Canada, and he or she is enrolled in the group medical insurance plan, hospital and medical insurance is provided under that plan.

Ministers who are not enrolled in the group insurance plan are not eligible to claim the cost of purchasing additional individual hospital and medical insurance.

6.8 Foreign Currencies and Traveler's Cheques

Ministers may claim (upon submission of detailed original receipts indicating proof of payment) the cost of converting Canadian dollars to other currencies and converting other currencies to Canadian dollars.

Ministers may claim (upon submission of detailed original receipts indicating proof of payment) the cost of converting in excess of \$100 into traveler's cheques or the cost associated with withdrawal of foreign currency from an international automated banking machine.

6.9 Excess Luggage

Ministers may claim (with the approval of the Deputy Minister and upon submission of detailed original receipts indicating proof of payment) for the costs incurred in transporting government equipment at excess luggage rates.

7.0 TRAVEL POLICY

7.1 Policy Statement

Ministers on travel status will be reimbursed for incurred transportation costs as outlined in this policy.

Ministers are responsible for ensuring travel costs are claimed from only one source as follows:

Source: Ministerial / Departmental Vote	Source: MHA / Constituency Allowance
When travel is related to Ministerial/Departmental business pursuant to the Ministerial Expense Reimbursement Policy outlined below.	When travel is related to constituency business pursuant to the Members' Resources and Allowances Rules.

7.2 Definitions

Travel Status The absence of a Minister from their headquarters on Ministerial/Departmental business.

Headquarters The actual building or other place that the Minister uses as a base of operations as deemed by Government.

7.3 Responsibilities

Minister

It is the responsibility of Ministers to:

- avail of special discounts offered to government employees by airlines or automobile rental companies, where available and practical;
- claim reimbursement from the Departmental vote when travel is related to Ministerial/Department business pursuant to the Ministerial Expense Reimbursement Policy;
- provide justification and appropriate documentation of transportation expenses in excess of the most economical rate. For example, through the provision of an explanation as to why an airfare was in excess of the most economical fare class rather than the less expensive alternative; and
- claim travel expense reimbursement related to constituency business pursuant to the Members' Resources and Allowances Rules.

Department

It is the responsibility of the individual departments to:

- ensure that travel expenses are claimed within the provisions of this policy.

7.4 General Rules

Ministers must complete, and have approved, an Official Journey Authorization prior to commencement of travel.

All Ministerial/Departmental travel outside of the province must be pre-approved by the Premier's Office. No bookings or other liabilities associated with out-of-province travel should be incurred until the Official Journey Authorization is signed by the Chief of Staff to the Premier, unless those liabilities are completely refundable.

Ministers must provide the Premier's Chief of Staff with at least 48 hours notice of leaving the province.

Ministers should notify the Intergovernmental Affairs Secretariat when Ministerial/Departmental travel is out-of-province or international.

Economy is expected while on travel status.

7.5 Air Travel

Where possible, the most economical method of booking air travel must be used, for example, via the airline website.

Ministers traveling by air may claim, with detailed original receipts indicating proof of payment, the actual cost of airfare.

Economy is expected. Non-business/non-executive class fares are eligible for reimbursement. For example, Air Canada Latitude fares allowing ticket changes and refunds are considered acceptable. All air travel on scheduled flights must be based on achieving economy, except where (based on **MC 2003-0375**):

- there are no non-business/economy class tickets (i.e. economical option) available and the travel is urgent;
- continuous travel is to a location west of Toronto, ON;
- the travel is international; or
- prior authorization is received from the Premier's Chief of Staff.

Where business/executive class travel is used, an explanation (including appropriate supporting documentation) must be included in the Official Journey Authorization as well as the travel claim.

Where possible, Ministers should avail of special discounts and advanced booking discounts. The purchase of cancellation insurance will not be reimbursed.

Airline change fees incurred, or cancelled flights, are eligible for reimbursement where:

- (i) the meeting concludes early, is cancelled, the date rescheduled, or location changed; or
- (ii) a Minister is required to return to headquarters on an urgent basis.

Air travel that has been cancelled, and for which credit is being provided by the airline toward future travel, may only be used for official Ministerial/Departmental travel.

All Ministers on travel status are automatically covered by air travel insurance.

Advance seat selection charges, to ensure availability of seats and attendance at a required meeting, may be eligible for reimbursement with detailed original receipts indicating proof of payment.

7.6 Sea Travel

Ministers traveling by sea may claim, with detailed original receipts indicating proof of payment, the following:

- the standard passenger fare;
- the cost of cabin accommodation, where a cabin is required; and
- the cost to transport the Minister's vehicle, where required.

7.7 Travel in Government or Rental Vehicles

Where the automobile allowance is the chosen mechanism of reimbursement, vehicle rentals within, or originating from, the capital region are eligible for reimbursement under occasional and reasonable circumstances only. Prior approval of the Premier's Chief of Staff is required. Examples of situations which may be eligible for reimbursement include where it can be demonstrated that the use of a rental vehicle is more practical and/or economical than scheduled non-business class airfare.

Reimbursement for a rental vehicle is provided with the provision of detailed original receipts indicating proof of payment where the rental is preceded by air travel outside the capital region.

Where mileage is the chosen reimbursement option for ground travel, long-term vehicle rentals (in excess of five days) are not eligible for reimbursement where travel is within Newfoundland and Labrador (including the capital region) unless prior authorization from the Chief of Staff is received.

Ministers using government or rental vehicles must:

- be duly licensed drivers;
- adhere to the rules and procedures established by the department;
- ensure that unauthorized personnel are not carried in the vehicle;
- pay all tickets and fines incurred while operating the vehicle; and
- report, in writing, all accidents and ensure that the required action is taken.

Government or rental vehicles must not be used for personal purposes.

The use of Government vehicles must be limited to official business purposes only and stored in, or on, government provided storage facilities or at a place approved by the Department's permanent head (i.e.: Deputy Minister, CEO, etc.).

Ministers must charge necessary expenses incurred in the operation of a government vehicle to the corporate charge allocated to that particular vehicle. In circumstances where that charge card is unavailable, the Minister may claim from the Departmental vote those necessary expenses with the provision of detailed original receipts indicating proof of payment.

The corporate charge card should be used for the rental of vehicles. Wherever possible, Ministers should take advantage of specials or discounts offering the lowest price.

Ministers will not purchase collision damage waivers and/or personal life insurance when renting vehicles for government business as Government retains responsibility for payment of physical damage claims on leased or rented vehicles. The use of the corporate charge card will reduce or eliminate Government's liability for collision damage to rented vehicles.

Rental vehicle expenses are not eligible for reimbursement from the Ministerial/Departmental vote when within commuting distance of the Minister's permanent residence or within the Minister's constituency. Please note that the Members' Resources and Allowances rules would apply for vehicle rental within a Minister's constituency for constituency-related business.

Claims for reimbursement for rental vehicles must include all detailed original receipts indicating proof of payment.

7.8 Use of Taxis and Public Transportation

Reimbursement for taxi expenses within the capital region and the Minister's constituency is limited.

Ministers may use taxis, when on travel status, when such use is justifiable and taxis are the only or most economical means of transportation. For example, Ministers may use taxis (shuttle service or airport buses) for transportation to and from airports, including where it is not feasible to use the Minister's private vehicle.

Ministers using taxis (limousines or airport buses) must note the starting point and destination of the taxi trip on their travel claim or on the taxi chit, where the trip is billed directly to the department.

Detailed original receipts indicating proof of payment are required for reimbursement of all taxi charges.

7.9 Toll, Bridge, Ferry, and Parking Fees

Ministers traveling by private vehicle from home or the workplace to a point of departure (such as an airport or ferry dock) and return, may claim parking fees with detailed original receipts indicating proof of payment.

Parking fees incurred, while on travel status, for parking a vehicle in a parking garage or parking lot may be reimbursed with the provision of detailed original receipts indicating proof of payment.

Ministers may claim for bridge, ferry and highway tolls, without receipts, where these tolls have been paid and a receipt is not normally issued. Where a receipt is issued, the Minister must submit, with their Travel Claim, the detailed original indicating proof of payment.

7.10 Spousal and Dependant Travel

Spousal and dependant travel expenses are not eligible for reimbursement.

7.11 Completing Travel Claim Expense Forms

Travel claims must be submitted on a Travel Expense Claim form and must state the purpose of the trip.

Individual entries on travel claims must be completed in chronological order by date of expense. Receipts, ticket stubs, etc., should be numbered in the sequence in which the expenses are listed on the claim. Please refer to Financial Management Circular 2.040 (May 2007) for specific details on the requirements for attachments accompanying a travel claim.

Details must be provided for all travel claim entries. Where explanations for certain expenditures are required and insufficient space is available on the claim form, a separate sheet with dates quoted as a cross reference, should be attached to the claim.

Travel Expense Claims must be signed by the Minister and signed-off by the Department's permanent head (i.e.: Deputy Minister, CEO, etc.).

In accordance with the *Access to Information and Protection of Privacy Act*, Ministers must ensure that supporting documentation limits disclosure of personal information to that which is required to allow the Comptroller General of Finance to effectively meet his or her responsibilities as set out in the *Financial Administration Act* (e.g. blackout by claimant of credit card number and unrelated payment information, etc.).

8.0 TRAVEL AND LIVING EXPENSES

8.1 General Principles

Travel and living expenses incurred by a Minister within the capital region when the House of Assembly is in session must be claimed pursuant to the Members' Resources and Allowances Rules.

It is recognized that Ministers may choose to reside either: (i) within their constituency; (ii) outside their constituency but outside the capital region; or (iii) within the capital region.

No Minister should have to carry out public duties at serious personal financial sacrifice.

Ministers should be provided with sufficient resources and should be reimbursed for reasonable expenses incurred while performing Ministerial/departmental duties.

Legitimate expenses incurred by a Minister conducting Ministerial/Departmental business should be eligible for reimbursement.

There is no 'one size fits all' and therefore flexibility is provided for the Minister to adopt an arrangement that best meets individual needs.

The Government of Newfoundland and Labrador Executive employee reimbursement rates are considered as a benchmark and Members' Resources and Allowances are used as a 'floor'.

It is recognized that Ministerial/departmental duties require the Minister to attend regularly scheduled Committees of Cabinet and Cabinet meetings for which participation (normally on a weekly basis) is mandatory.

A Minister is required to oversee, and is accountable for, all departmental matters including the provision of direction within the Ministry to which they were appointed. Hence, a significant portion of the Minister's time is required for the conduct of Ministerial/departmental business.

8.2 Policy Statement

Ministers may be eligible to receive additional travel and living provisions, as outlined in this policy. The purpose of these provisions is to offset travel and living expenses, that a Minister maintaining a permanent residence outside his or her headquarters area may incur, when conducting Ministerial business at headquarters.

The Travel and Living Expense provisions are in addition to the provisions under the Members' Resources and Allowances Rules.

Ministers are responsible for ensuring travel and living expenses are claimed from only one source as follows:

Source: Ministerial / Departmental Vote	Source: MHA / Constituency Allowance
Where travel and living expenses are related to the conduct of Ministerial/Departmental business at headquarters pursuant to the Ministerial Expense Reimbursement Policy outlined below.	When the House of Assembly is in session and travel is to the capital region, expenses are claimed pursuant to the Members' Resources and Allowances Rules. Constituency-related travel outside the capital region is claimed pursuant to the Members' Resources and Allowances.

8.3 Definitions

Capital region: The area encompassing the following electoral districts as described and delineated in the *House of Assembly Act* as follows: (i) Cape St. Francis, (ii) Conception Bay East & Bell Island, (iii) Conception Bay South, (iv) Kilbride, (v) Mount Pearl, (vi) Ferryland (North of Witless Bay Line), (vii) St. John's Centre, (viii) St. John's East, (ix) St. John's North, (x) St. John's South, (xi) St. John's West, (xii) Signal Hill-Quidi Vidi, (xiii) Topsail, (xiv) Virginia Waters, and (xv) Waterford Valley.

Headquarters: The actual building or other place that the Minister uses as a base of operations as deemed by Government.

Headquarters Area: An area within a radius of 60 kilometres from the Minister's headquarters.

Commuting Distance Sixty (60) kilometres or less.

Permanent residence: The place that a Minister declares in an affidavit to the Speaker of the House of Assembly is (i) the place where a Minister in fact resides on a settled basis with his or her family, or (ii) where there is no single place where the Minister resides on a settled basis, the place that the Minister otherwise regards as his or her permanent residence, and does not include a seasonal or recreational dwelling or cabin.

Private accommodation: Accommodation arrangements made by a Minister in lieu of staying in temporary accommodation.

8.4 Responsibilities

Minister

It is the responsibility of Ministers to:

- provide to the Department a copy of the affidavit presented to the Speaker of the House of Assembly in which the Minister declares the location of their permanent residence;
- claim expenses when on Ministerial/Departmental travel status pursuant to the Ministerial Expense Reimbursement Policy;
- ensure travel and living expenses incurred as a result of conducting Ministerial/Departmental business at headquarters are claimed for reimbursement from the Departmental vote pursuant to the Ministerial Expense Reimbursement Policy; and
- claim constituency-related travel and living expenses pursuant to the Members' Resources and Allowances Rules.

Department

It is the responsibility of the individual departments to:

- ensure that travel and living expenses incurred while conducting Ministerial/Departmental related business are claimed within the provisions of this policy.

8.5 For a Minister who maintains a permanent residence within his or her headquarters area

A Minister who maintains a permanent residence within his or her headquarters area is not entitled to claim for travel and living expenses incurred when conducting Ministerial business at headquarters.

When conducting Ministerial/Departmental business at a headquarters located outside the capital region that coincides with his or her permanent residence the Minister is not entitled to claim accommodation or meal reimbursement.

8.6 For a Minister who maintains a permanent residence outside his or her headquarters area

For the purposes of conducting Ministerial/Departmental business at headquarters, where a Minister maintains a permanent residence outside his or her headquarters area, the Minister may claim reimbursement from the Departmental vote to a maximum number of return trips, accommodation nights and meal per diems.

Where continuous travel between the Minister's permanent residence and headquarters is not possible, in-transit accommodation expenses and prorated meal per diems are eligible for reimbursement. Detailed original receipts indicating proof of payment is required for accommodation expense reimbursement where temporary accommodation expenses are incurred. Examples of circumstances where in-transit costs would be eligible for reimbursement include: (i) where regularly scheduled transportation routes do not offer a connecting link on that particular day; or (ii) where inclement weather occurs and it is no longer safe to continue travel to the destination.

Where a Minister chooses the option of mileage claim reimbursement for ground Transportation purposes and returns nightly to his or her permanent residence, the Minister may claim reasonable mileage traveled provided that the amount claimed does not exceed accommodation or meal per diem expenses that would otherwise have been claimed.

Claims for accommodation and meal per diems are not eligible for reimbursement where a Minister returns to his or her permanent residence on a nightly basis.

8.7 Reimbursement

Reimbursement is dependant on the location of the Minister's permanent residence / constituency. Table 2 – District Categorization refers.

Travel Expenses To a Maximum Number of Return Trips

- Economy is expected and based on the Travel Policy outlined above.
- The maximum number of trips will be calculated based on the difference between the 20 intersessional trips plus the number of sessional trips available to the Minister pursuant to the Members' Resources and Allowances. **The combined maximum will not exceed 48 return trips per year.**
- Airfare (economy expected) will be considered an eligible expense for reimbursement only where a Minister's permanent residence is located within Category IV or V of Table 2 below. Detailed original receipts indicating proof of payment are required for reimbursement.

Accommodation When the House of Assembly is Intersessional

- The **actual cost of temporary accommodation**, with detailed original receipts indicating proof of payment, for every night actually occupied by the Minister (economy expected); or

Ministerial Expense Reimbursement Policies

- Ministers may make private arrangements for overnight accommodation and will be reimbursed for every night actually occupied by the Minister, without receipt, **\$53 CAD per night** consistent with the rate outlined in **TBM-99-165**.
- Accommodation expenses incurred within the capital region when the House of Assembly is in session must be claimed pursuant to the Members' Resources and Allowances Rules.

Meal Expenses (Per Diems) When the House of Assembly is Intersessional

- **Per diems** (\$50 per day prorated for part days that qualify under the Meals Allowance Policy as established via TBM 99-165) toward the cost of meals. In a single day, per diems must be entirely charged against either the Ministerial allowance or the MHA allowance.
- Ministerial/Departmental business-related meal expenses may be claimed from the Departmental vote with the provision of detailed original receipts indicating proof of payment. The per diem meal allowance must be prorated accordingly.
- When the House of Assembly is in session meal per diems must be claimed pursuant to the Members' Resources and Allowances Rules.

TABLE 1: TRAVEL AND LIVING EXPENSE ALLOWANCES

Category	Travel	Accommodation	Meals
<p>CATEGORY I (Capital Region)</p>	<p>Ministers representing constituencies within the capital region would not be entitled to receive a supplementary travel and living allowance.</p>		
<p>CATEGORY II Adjacent to the Capital Region</p> <p>Intended for circumstances where the Minister is unable to return to his or her permanent residence overnight.</p> <p>For example: in the event of inclement weather.</p>	<p>Economy is expected as outlined in the Travel Policy.</p> <p>Automobile allowance or mileage claims (pending on alternative chosen by the Minister) is intended for ground transportation purposes.</p>	<p>Maximum of 10 nights per year.</p> <p>Temporary Accommodation, with receipt</p> <p>Private Accommodation: \$53/ night without receipt.</p>	<p>Maximum of 10 daily meal per diems per year.</p> <p>Prorated</p> <p>Without receipt</p>
<p>CATEGORY III</p>	<p>Economy is expected as outlined in the Travel Policy.</p> <p>Automobile allowance or mileage claims (pending on alternative chosen by the Minister) is intended for ground transportation purposes.</p>	<p>Temporary accommodation, with receipt</p> <p>Private Accommodation: \$53/ night without receipt.</p>	<p>Prorated</p> <p>Without receipt</p>

Ministerial Expense Reimbursement Policies

Category	Travel	Accommodation	Meals
CATEGORY IV CATEGORY V	<p>Economy is expected as outlined in the Travel Policy.</p> <p>Combined maximum of 48 return trips in a year.</p> <p>Non-business class airfare deemed an eligible expense, with receipt.</p>	<p>Temporary accommodation, with receipt.</p> <p>Private Accommodation: \$53/ night without receipt.</p>	<p>Prorated</p> <p>Without receipt</p>

TABLE 2 - DISTRICT CATEGORIZATION

Category I	Category II	Category III	Category IV	Category V
Capital Region	Adjacent to the Capital Region		Airfare	Airfare
No Additional Provisions	Accommodation Meals	Accommodation Meals	Accommodation Meals	Accommodation Meals
Cape St. Francis	Carbonear - Harbour Grace	Bonavista North	Humber East	Labrador West
Conception Bay East & Bell Island	Harbour Main	Bonavista South	Humber Valley	Lake Melville
Conception Bay South	Trinity - Bay De Verde	Bellevue	Humber West	Torngat Mountains
Kilbride	Port De Grave	Green Bay South	Bay Of Islands	Cartwright - L'Anse Au Clair
Mount Pearl North	Placentia – St. Mary's	Terra Nova Trinity North	Burgeo - La Poile	
Mount Pearl South	Ferryland (South of the Witless Bay Line)	Burin - Placentia West	The Isles Of Notre Dame	
Ferryland (north of Witless Bay Line)		Fortune Bay - Cape La Hune	The Straits - White Bay North	
St. John's Centre		Grand Bank	Port Au Port	
St. John's East			St. Barbe	
St. John's North			St. George's - Stephenville East	
St. John's South			Gander	
St. John's West			Baie Verte – Springdale	
Signal Hill-Quidi Vidi			Exploits	
Topsail			Lewisporte	
Virginia Waters			Grand Falls – Windsor / Buchans	
Waterford Valley			Grand Falls - Windsor / Green Bay South	

House of Assembly Management Commission Briefing Note

Title: Law Clerk – House of Assembly

Issue: Approval of recruitment process for the position of Law Clerk

Background:

- Subsection 7(1) of The *House of Assembly Accountability, Integrity and Administration Act* (the Act) deals with the process of appointment of officers of the House of Assembly, including the Law Clerk, and states as follows:

Upon nomination by the House of Assembly, the Lieutenant-Governor in Council shall, by Commission under the Great Seal, appoint the following officers:

- (a) the Clerk of the House of Assembly;*
 - (b) the Clerk Assistant of the House of Assembly;*
 - (c) the Law Clerk; and*
 - (d) the Sergeant-at-Arms of the House of Assembly.*
- Subsection 7(2) of the Act says that:

Before a nomination is made under subsection (1), the speaker shall consult with the Commission, the Clerk of the Executive Council and the chairperson of the Public Service Commission to determine an appropriate process for recruitment of suitable candidates for appointment.
 - The required consultations have been made with the Clerk of the Executive Council and with the Chair of the Public Service Commission (PSC). The recommended process is the standard PSC recruitment process outlined below:
 1. Advertise the position;
 2. Evaluate the candidates (paper screening, interviews, reference checking); and
 3. Short list the recommended candidates.
 - Upon conclusion of the recruitment process, a resolution endorsing the nominee will be prepared for the House of Assembly. If passed by the House, the resolution will be forwarded to the Lieutenant-Governor in Council for final appointment of the candidate.

Action Required:

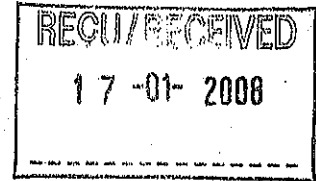
- The Commission hereby approves the standard PSC recruitment process for the position of Law Clerk.

Drafted by: Marie Keefe
Date: January 9, 2008

Approved by: Wm. MacKenzie



HOUSE OF ASSEMBLY
PROVINCE OF NEWFOUNDLAND AND LABRADOR



LORRAINE MICHAEL, M.H.A.
SIGNAL HILL - QUIDI VIDI
OFFICE OF THE LEADER
NEW DEMOCRATIC PARTY

CONFEDERATION BUILDING
ST. JOHN'S, NL
CANADA
A1B 4J6

January 17, 2008

Hon. Roger Fitzgerald, Speaker
House of Assembly of Newfoundland and Labrador
Confederation Building
St. John's, NL
A1B 4J6

Dear Mr. ^{Roger}Speaker:

I am writing regarding Section 45 of the HOA Accountability, Integrity and Administration Act and its relation to Section 15 of the Auditor General Act. I am concerned about the perceived double standard between civil servants and members and staff of the House of Assembly. I would like a discussion of what changes can be made to one of the two pieces of legislation to remove any possibility of double standards.

I am requesting that this item be added to the meeting agenda of the HoA Management Commission. I am assuming that as we build that agenda we all understand that items may have to be dealt with over more than one meeting.

Thank you.

Sincerely,

Lorraine A. Michael, MHA
Signal Hill - Quidi Vidi

cc. Members of the HoA Management Commission
Clerk of the House of Assembly
Deputy Speaker of the House of Assembly



HOUSE OF ASSEMBLY
NEWFOUNDLAND AND LABRADOR

Leader of the Official Opposition

Mr. Bill Mackenzie
Clerk of the House of Assembly
Main Floor, East Block
Confederation Building
St. John's, NL
A1B 4J6

RECEIVED January 15th, 2008
JAN 15 2008

Dear Mr. Mackenzie:

I am writing to discuss the core funding arrangements currently in place for the Office of the Official Opposition and ask that you place this item on the agenda for discussion at the next meeting of the House of Assembly Management Commission.

As you are aware, The Leader of the Official Opposition currently has a core staffing complement of four positions. This is composed of:

1. Chief of Staff
2. Director of Communications
3. Executive Assistant
4. Departmental Secretary/ Office Manager

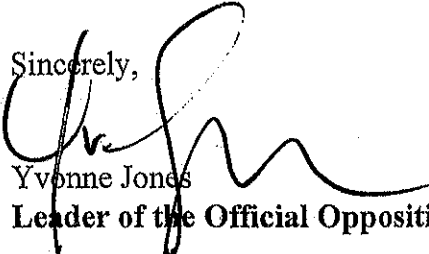
While these positions and their salaries are considered core funding, I am asking that this arrangement be changed. Instead of attaching core position titles with specific job descriptions, we would prefer to have block funding that would allow us more discretion in filling vacancies within our office.

While the same dollar value attached to the five current core staffing positions and any incremental increases owed to staff would continue, providing a block of funding would enable the Opposition more discretion when hiring staff and assigning employment duties.

To permit an efficient and effective transition, we are requesting that this change come into effect on April 1st, the first day of the 2008-2009 fiscal year.

I thank you for your time and attention to this matter.

Sincerely,



Yvonne Jones

Leader of the Official Opposition