



**House of Assembly
Newfoundland and Labrador**

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

Date: November 30, 2016

Location: House of Assembly Chamber

Time: 5:40 p.m.

Members Present:

Mr. Tom Osborne, MHA, Waterford Valley, Speaker

Ms. Sandra Barnes, Clerk of the House of Assembly

Hon. Andrew Parsons, Government House Leader

Mr. Paul Davis, MHA (PC) Topsail – Paradise (by telephone)

Mr. Keith Hutchings, MHA (PC) Ferryland

Ms. Lorraine Michael, MHA (NDP) St. John's East - Quidi Vidi

Hon. Siobhan Coady, MHA (Lib), St. John's West

Mr. Mark Browne, MHA (Lib) Placentia West - Bellevue

Other

Ms. Lisa Dempster, Deputy Speaker

Ms. Sandra Burke, Chair, Members' Compensation Review Committee

Ms. Lorna Proudfoot, Law Clerk

Ms. Marie Keefe, Policy & Communications Officer

CM 2016-043

The Commission approved the following transfer of funds:

From:

Subdivision 1.1.04.09 Members' Resources – Allowances and Assistance
\$ 26,500

To:

Subdivision 1.1.04.02 Members' Resources – Purchased Services
\$ 26,500

CM 2016-044

The Commission accepted recommendations 19 & 20 and directed House officials to issue a request for proposals (RFP) for hotel and apartment-type accommodations in the Capitol Region, with the terms and conditions outlined in these recommendations.

- CM 2016-045** The Commission accepted recommendations 1 & 2 and directed that MHA salaries shall be adjusted in accordance with those recommendations.
- CM 2016-046** The Commission accepted recommendation 3 that Legislative Office salaries shall not be adjusted in accordance with the Committee recommendations regarding MHA salaries during the 48th General Assembly.
- CM 2016-047** The Commission accepted recommendation 4 that subsection 12(1) of the Act be amended to change the salaries of the following Legislative Offices, effective April 1, 2017:
- a. Speaker of the House - \$48,665
 - b. Deputy Speaker and Chair of Committees - \$12,166
 - c. Leader of the Official Opposition - \$48,665
 - d. Opposition House Leader - \$24,330
 - e. Leader of the Third Party - \$24,330
 - f. Chair of the Public Accounts Committee - \$12,166
 - g. Vice-Chair of the Public Accounts Committee - \$9,300
- CM 2016-048** The Commission accepted recommendation 5 that subsection 12(1) of the Act be amended such that there be no salary for the following Legislative Offices, effective April 1, 2017:
- a. Deputy Chair of Committees;
 - b. Deputy Opposition House Leader;
 - c. Party Whip; and
 - d. Caucus Chair.
- CM 2016-049** The Commission adopted recommendation 6 that subsection 12(1) of the Act be amended to add a Legislative Office position and salary, effective April 1, 2017, as follows:
- a. Third Party House Leader - \$12,166
- CM 2016-050** The Commission accepted recommendation 10 and 11 that the recovery of expenses incurred for seasonal and special occasion cards and messages of welcome, greetings and congratulations are prohibited.
- CM 2016-051** The Commission accepted recommendation 17 that the Office Operations, Supplies & Communications remain capped at \$12,000 (inclusive of HST).

CM 2016-052

The Commission accepted recommendation 16 that, upon determination by the HOA as to the promotional items it has budgeted, such promotional items shall be made available to the MHAs based on the population in their respective districts, on a pro rata basis.

CM 2016-053

The Commission accepted recommendation 18 that Paragraph 28(e) "Private Accommodation" be amended to delete the reference to Members' children.

Adjournment: 6:50 p.m.

Tom Osborne, MHA
Speaker and Chair

Sandra Barnes
Clerk and Secretary to the Commission



**House of Assembly
Newfoundland and Labrador**

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

Date: December 7, 2016

Location: House of Assembly Chamber

Time: 5:05 p.m.

Members Present:

Mr. Tom Osborne, MHA, Waterford Valley, Speaker

Ms. Sandra Barnes, Clerk of the House of Assembly

Hon. Andrew Parsons, Government House Leader

Mr. Paul Davis, MHA (PC) Topsail – Paradise

Mr. Keith Hutchings, MHA (PC) Ferryland

Ms. Lorraine Michael, MHA (NDP) St. John's East - Quidi Vidi

Hon. Siobhan Coady, MHA (Lib), St. John's West

Mr. Mark Browne, MHA (Lib) Placentia West - Bellevue

Other

Ms. Lisa Dempster, Deputy Speaker

Ms. Sandra Burke, Chair, Members' Compensation Review Committee

Ms. Maureen McCarthy, Director of Pensions Administration, Department of Finance

Ms. Lorna Proudfoot, Law Clerk, House of Assembly

Ms. Marie Keefe, Policy & Communications Officer

CM 2016-054 The Minutes of the House of Assembly Management Commission meeting held on November 23, 2016 were approved as read.

CM 2016-055 The Commission, at an *in camera* meeting, recommended to the Lieutenant-Governor in Council that the new Chief Electoral Officer and Commissioner of Legislative Standards be compensated at EP-06, Step 1 with regular step increases to apply. In order to give immediate effect to this Decision, the Commission waived the usual two day waiting period for Management Commission decisions.

- CM 2016-056** The Commission, at an *in camera* meeting, recommended to the Lieutenant-Governor in Council that the new Child and Youth Advocate be compensated at EP-10, Step 21 with regular step increases to apply. In order to give immediate effect to this Decision, the Commission waived the usual two day waiting period for Management Commission decisions.
- CM 2016-057** The Commission accepted MCRC recommendation 39 and directed that there shall be no portability option to the Member of the House of Assembly Pension Plan. An amendment shall be necessary to the Portability of Pensions Act.
- CM 2016-058** The Commission accepted MCRC recommendation 40 and directed that eligibility for an MHA to receive a pension shall be at 60 years of age, and there shall be no option to select an early retirement option.
- CM 2016-059** The Commission accepted MCRC recommendation 41 and directed that the MHAPP shall have no indexing component.
- CM 2016-060** The Commission accepted MCRC recommendation 42 and directed that the current MHAPP vesting component and survivor's benefit remain unchanged.
- CM 2016-061** The Commission modified MCRC recommendation 43 and directed that the Defined Benefit Plan as outlined in the Morneau Shepell Report attached as Appendix H (Option 2) shall apply to Members of the House of Assembly who were first elected on or after December 7, 2016. Mr. Browne and Ms. Coady recused themselves from the vote.
- CM 2016-062** The Commission accepted MCRC recommendation 31 and directed that a Member must serve 3 years to be eligible to receive severance.
- CM 2016-063** The Commission accepted MCRC recommendation 32 and directed that severance shall be calculated as follows:
- a. If the Member's service ends at the conclusion of his/her 1st General Assembly, 20% of the Member's salary is payable as severance;

- b. If the Member's service ends at the conclusion of his/her 2nd General Assembly, 50% of the Member's salary is payable as severance;
- c. If the Member's service ends at the conclusion of his/her 3rd General Assembly or thereafter, a maximum of 75% of the Member's salary is payable as severance.

Provided that, if a Member's service ends prior to the end of an Assembly, the severance will be pro-rated for the years of service.

CM 2016-064 The Commission accepted MCRC recommendation 33 and directed that severance shall be paid monthly during the transition period.

CM 2016-065 The Commission accepted MCRC recommendation 34 and directed that a Member who is or becomes disqualified from being a Member pursuant to Part V of the Act (other than the failure to be re-elected or the resignation of his/her seat) is not eligible to receive severance.

CM 2016-066 The Commission accepted MCRC recommendation 35 and directed that no additional severance shall be paid to an MHA who has vacated or otherwise terminated his/her Legislative Office for any reason whatsoever.

CM 2016-067 The Commission accepted MCRC recommendation 36 and directed that severance benefits paid to an MHA from any other government source including, but not limited to, severance benefits available to Members through Executive Council (e.g. the receipt by a Minister of payment upon leaving a Ministerial office and an extended car allowance) shall be deducted from the severance payable to an MHA from the HOA, so that the overall severance payable to the MHA from all sources does not exceed severance payable to a Member pursuant to Severance Recommendation 32.

CM 2016-068 The Commission accepted MCRC recommendation 37 and directed that Severance benefits shall cease in the event that a Member:

- a. is eligible to receive a pension sponsored by the Government of Newfoundland and Labrador during the transition period;

- b. obtains fulltime employment with the public sector;
- c. is appointed a provincial or federal judge;
- d. is appointed to the Senate of Canada;
- e. is elected as a Member of the House of Commons;
- f. is appointed Lieutenant-Governor of Newfoundland and Labrador;
- g. is appointed Governor General of Canada;

CM 2016-069 The Commission accepted MCRC recommendation 38 and directed that if a Member becomes a Member again, following a break in service, prior service for which severance has already been paid is not to be counted towards years of service for future severance pay, and the Member shall be considered as commencing his/her first General Assembly, regardless of how many Assemblies he/she may have served previously.

CM 2016-070 The Commission modified MCRC recommendation 44 and directed that the severance recommendation shall not apply to Members of the House of Assembly who were elected before November 30, 2015 and directed that the pension recommendation shall not apply to Members of the House of Assembly who were elected before December 7, 2016.

CM 2016-071 The Commission accepted MCRC recommendation 21 that a Member may opt to receive a lump sum for his/her accommodations rather than avail of the Secondary Accommodation, Private Accommodation or Temporary Accommodation:

- a. such lump sum shall be a taxable benefit to the Member;
- b. shall apply to the Capital Region only, for the entire fiscal year, whether the House in Session or the House not in Session;
- c. the Member must elect this option no later than 30 days before the commencement of the fiscal year. If he/she does not so elect, the Member will not be permitted this option and shall have to choose from the Secondary Accommodation, Private Residence or Temporary Accommodation options;
- d. The lump sum will be calculated as follows:

- i. The number of sitting days in the parliamentary calendar OR the average number of sitting days the House is in Session calculated over the previous 8 year period

multiplied by

- ii. the Temporary Accommodation rate (at the RFP price).
- e. the Member may not seek other accommodation expense reimbursement for the remainder of that fiscal year;
- f. if the Member leaves office prior to the end of the fiscal year, the Member must repay the lump sum on a pro rata basis.

CM 2016-072 The Commission accepted MCRC recommendation 24 and directed that there will be no mileage allowance for any Member travelling within the 60 km zone (commuting distance). This restriction does not apply to Intra/Extra Constituency Allowance.

CM 2016-073 The Commission accepted MCRC recommendation 27 that MHAs in the Capital Region and in the Corner Brook district only, have the option at the beginning of each fiscal year to choose between:

- a. Claiming mileage; or
- b. A monthly automobile allowance of \$200, which will be a taxable benefit to the Member.

The remainder of the current I&E Allowance (until it is changed as recommended herein) to be allotted for the other uses permitted by the Allowance.

CM 2016-074 The Commission accepted MCRC recommendation 12 that all advertising by Members be restricted to the size of a business card.

CM 2016-075 The Commission adopted MCRC recommendation 13 and directed House of Assembly officials to develop a template which will be used by all Members for advertising. The template must be approved by the Management Commission.

- CM 2016-076** The Commission adopted MCRC recommendation 14 to amend paragraph 24(i) of the Members' Resources and Allowances Rules to comply with the advertising recommendations.
- CM 2016-077** The Commission adopted MCRC recommendation 15 to permit recovery of advertising expenses in an organization's brochure/pamphlet despite any reference to a donation or gift by the organization.
- CM 2016-078** The Commission accepted MCRC recommendation 26 that Section 30 of the Rules be amended to add the following:
A member may claim reimbursement for travel and associated accommodation and meal costs related to travel ...
to another district in relation to matters affecting his or her district
- CM 2016-079** The Commission accepted MCRC recommendation 29 that the recovery of meal expenses from restaurants, pubs, delicatessens and the like under the Constituency Allowance shall be prohibited. Members shall not be permitted to claim this expense as part of their meal per diem.
- CM 2016-080** The Commission accepted MCRC recommendation 30 that if incurring an expense as an adjunct to a community event in the district, the Member or his/her Constituency Assistant is required to be present at the event, but is not required to host the event.
- CM 2016-081** The Commission adopted MCRC recommendation 7 that there shall be no meeting per diems for the chair and/or committee members for meetings held when the House is not in session.
- CM 2016-082** The Commission adopted MCRC recommendation 8 that the chair and committee members are expected to take advantage of electronic media to participate in Committee work where practical.
- CM 2016-083** The Commission adopted MCRC recommendation 9 that the chair and committee members shall be reimbursed for expenses associated with travel and

accommodations when meetings are required to be held when the House is not in session.

Adjournment: 6:55 p.m.

Tom Osborne, MHA
Speaker and Chair

Sandra Barnes
Clerk and Secretary to the Commission



**House of Assembly
Newfoundland and Labrador**

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

Date: February 1, 2017

Location: House of Assembly Chamber

Time: 12:35 p.m.

Members Present:

Mr. Tom Osborne, MHA, Waterford Valley, Speaker

Ms. Sandra Barnes, Clerk of the House of Assembly

Hon. Andrew Parsons, Government House Leader

Mr. Paul Davis, MHA (PC) Topsail – Paradise

Mr. Keith Hutchings, MHA (PC) Ferryland

Ms. Lorraine Michael, MHA (NDP) St. John's East - Quidi Vidi

Hon. Siobhan Coady, MHA (Lib), St. John's West

Mr. Mark Browne, MHA (Lib) Placentia West - Bellevue

Other

Ms. Lisa Dempster, Deputy Speaker

Ms. Wanda Lee Mercer, Chief Financial Officer, House of Assembly

Ms. Jennifer Bragg, Manager, Financial Planning, House of Assembly

Ms. Marie Keefe, Policy & Communications Officer

CM 2017-001 The Commission, at an *in camera* meeting, approved the 2017 -2018 estimates for the Legislature to be forwarded to the Minister of Finance for inclusion in the 2017 Estimates and voted on in the Legislature.

CM 2017-002 In order to give effect to budget decisions, the Commission, at an *in camera* budget meeting, approved the creation of the following positions:

1. Two Permanent Sessional Security Support positions at a combined salary of \$13,200
2. Permanent Sessional Administrative Support position for office of the Speaker at a salary of \$18,700

Adjournment: 2:55 p.m.

Tom Osborne, MHA
Speaker and Chair

Sandra Barnes
Clerk and Secretary to the Commission



**House of Assembly
Newfoundland & Labrador**

To: House of Assembly Management Commission
From: Speaker of the House of Assembly
Date: February 20, 2017
Subject: Rulings on Allowance Use

The process for rulings on allowance use is outlined in Section 24 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act). The Act gives authority for the Speaker to make rulings when expenditures of Members have been rejected for payment, provided that the ruling is distributed to and receives concurrence of the Management Commission.

The report below provides the details with respect to all such rulings for the **period ended: February 20, 2017**. These expenditures were rejected for payment because they were not submitted within 60-days of being made; however they are permitted and are in compliance with all other provisions of the *Members' Resources and Allowances Rules*.

DISTRICT	MEMBER	AMOUNT	DETAILS
Fogo Island-Cape Freels	Mr. Derrick Bragg	\$172.08	Expenses for the constituency assistant were submitted past the 60-day deadline, but are in compliance with all other provisions of the Rules.

House of Assembly Management Commission

Briefing Note

Title: Request for Appeal - Member for Waterford Valley

Issue: Payment of expenses submitted past the 60-day deadline.

Background:

- The Member for Waterford Valley is appealing the denial of payment by Corporate and Members' Services Division of expenses incurred by the Member. The expenses were rejected for payment because they were incurred more than 60 days prior to the claim being made.
- Subsection 7(6) of the *Members Resources and Allowances Rules* (the Rules) states that:
 - (6) *A claim against an allowance for payment or reimbursement shall not be made more than 60 days after the date on which the expenditure was made.*
- The expenses submitted, totaling \$91.86, are permitted under the Rules, but could not be approved for payment as per the provisions of subsection 7(6).
- The Member for Waterford Valley is appealing this decision and has made a request to the Management Commission in accordance with Section 24 *House of Assembly Accountability, Integrity and Administration Act* (the Act).
- The Commission may make a ruling these expenses as per subsection 24(9) of the Act which states:
 - (9) *Notwithstanding that an expense claim has been denied by an officer, staff member or the speaker, in accordance with the rules, where there is an appeal to the commission under this section and the commission determines that that claimed expense amount*
 - (a) *has been incurred by the member; and*
 - (b) *is a permitted expense under the Act and rules; and*
 - (c) *does not exceed an expense amount or allowance allocation permitted under the rules,*

and a denial of payment of the expense amount would, in the opinion of the commission, be unjust, the commission may approve the expenditure for the claimed expense to the extent that the commission considers to be just and the decision of the commission is final.

- The attached letter from the Member for Waterford Valley provides details.

Analysis:

Legal Consultation:

Not applicable.

Internal Consultation(s):

Not applicable.

External Consultation(s):

Not applicable.

Comparison to Government Policy:

Not applicable.

Financial Impact:

Not applicable.

Legislative Impact:

Not applicable.

Options:

1. Approve the payment of expenses totaling \$91.86 for the Member for Waterford Valley.
2. Deny the payment of expenses totaling \$91.86 for the Member for Waterford Valley.

Status:

- Not applicable.

Action Required:

- The decision of the Commission is requested.

Prepared by: Bobbi Russell
Date: January 27, 2017

Approved by: Sandra Barnes

Attachments:

1. Letter dated January 6, 2017 from the Member for Waterford Valley to the Clerk.



HOUSE OF ASSEMBLY
Newfoundland and Labrador

Tom Osborne, M.H.A.
District of Waterford Valley

January 6, 2017

Sandra Barnes
Clerk of the House of Assembly
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Ms. Barnes,

I am writing today to respectfully request an appeal to the House of Assembly Management Commission regarding the late filing of my constituency claim. I have been notified by Corporate Members Services that the claim # MECMS991262 recently submitted, falls outside the 60 day filing deadline. The claim in question is dated January 5, 2017 in the amount of \$91.86.

Please accept this correspondence as a formal request for an appeal. Your attention regarding this matter is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Tom Osborne".

TOM OSBORNE, M.H.A.
District of Waterford Valley

House of Assembly Management Commission

Briefing Note

Title: Request for Appeal – Member for Humber-Bay of Islands

Issue: Appeal of ruling rejecting payment of advertising expenses.

Background:

- The Member for Humber-Bay of Islands is appealing the denial of payment by Corporate and Members’ Services Division of two expenses related to advertising.
- The first advertising expense, totaling \$250.00, was for an advertisement which appeared at the Humber Arm South Medical Travel Fund 5K/10K run and walk. The second advertising expense, totaling \$400.00, was for an advertisement which appeared at the Steers Insurance Charity Golf Tournament.
- Both expenses were incurred in August 2016, prior to the recommendations of the Members’ Compensation Review Committee with respect to advertising, which were accepted by the Commission at its December 7, 2016 meeting.
- MHAs are permitted to conduct advertising provided it complies with the provisions of the Advertising Policy for Members of the House of Assembly. Section 4.1.2 states the following:

4.1.2 Event Programs, Calendars, Other Not-for-Profit Publications

- *Circulation should target all households or a significant group or segment of the Member’s Constituents;*
 - *The standard “business card” format is the most appropriate form;*
 - *Advertisements should be in black and white (unless the medium is predominantly color); and*
 - *Costs should be reasonable in relation to the type of advertising and should be generally comparable to commercial rates, that is, the cost should not represent a donation to the organization.”*
- Following a review of the expenses, Corporate and Members’ Services Division determined they are not eligible for reimbursement as they do not comply with the provisions of section 4.1.2 of the Advertising Policy, specifically that “costs should be reasonable in relation to the type of advertising and should be generally comparable to commercial rates, that is, the cost should not represent a donation to the organization.”

- The Member for Humber - Bay of Islands is appealing this decision and has made a request to the Management Commission in accordance with Section 24 *House of Assembly Accountability, Integrity and Administration Act* (the Act).
- The Commission may make a ruling on these expenses as per subsection 24(9) of the Act which states:

(9) *Notwithstanding that an expense claim has been denied by an officer, staff member or the speaker, in accordance with the rules, where there is an appeal to the commission under this section and the commission determines that that claimed expense amount*

(a) *has been incurred by the member; and*

(b) *is a permitted expense under the Act and rules; and*

(c) *does not exceed an expense amount or allowance allocation permitted under the rules,*

and a denial of payment of the expense amount would, in the opinion of the commission, be unjust, the commission may approve the expenditure for the claimed expense to the extent that the commission considers to be just and the decision of the commission is final.

- The attached letters from the Member for Humber-Bay of Islands provides further details.

Analysis:

Legal Consultation:

Not applicable.

Internal Consultation(s):

Corporate and Members' Services Division

External Consultation(s):

Not applicable.

Comparison to Government Policy:

Not applicable.

Financial Impact:

Not applicable.

Legislative Impact:

Not applicable.

Options:

1. Approve the payment of the advertising expenses totaling \$250.00 and \$400.00 for the Member for Humber-Bay of Islands.
2. Deny the payment of the advertising expense totaling \$250.00 and \$400.00 for the Member for Humber-Bay of Islands.

Status:

- Not applicable.

Action Required:

- The decision of the Commission is requested.

Prepared by: Bobbi Russell
Date: February 8, 2017

Approved by: Sandra Barnes

Attachments:

1. Correspondence dated January 11, 2017 from the Member for Humber-Bay of Islands to the Speaker.
2. Correspondence dated January 19, 2017 from the Speaker to the Member for Humber-Bay of Islands.
3. Correspondence dated January 20, 2017 from the Member for Humber-Bay of Islands to the Speaker.



HOUSE OF ASSEMBLY
Newfoundland and Labrador

HON. EDDIE JOYCE, M.H.A.
District of Humber- Bay of Islands

January 11, 2017

Hon. Tom Osbourne, Speaker
House of Assembly
P.O.Box 8700
St. John's, NL
A1B 4J6

Dear Mr. Speaker:

RE: Expense Claims

Please accept this letter as my appeal of the decision by Corporate and Members' Services denying my claims, MECMS983237 for \$400.00 and MECMS980506 for \$250.00, for advertising done at events in the District.

I have been advised that the \$400.00 advertisement does not comply with the "Purchasing and Advertising Policies" as "Advertising to solicit funds is a non-allowable expense".

The \$250.00 ad was denied because of Section 4.1.1. which states, " the cost should not represent a donation to an organization".

I do not see how the advertising done at these events is any different than advertising done at any other event. For both events, constituents were in attendance and participating.

These two events in question are no different than previous events where I advertised such as the Children's Wish Foundation/RCMP tournament, Volleyball Tournament, Steps for Life Walk, Special Olympics and the advertising expense was approved.

A copy of the advertising sign approved by Corporate and Members Services that could be used at events was included with the claims. Local businesses advertised at the events using the same

.../2

type of advertising. Method of advertising can take many forms such as a booklet, brochure, bill-board advertising or in the event of a golf tournament or a walk, advertising is done throughout the route. I am not aware that the current policy states that advertising can only be done in a booklet.

In reviewing claims submitted by other MHAs including the Members for Mount Pearl-Southlands and Topsail districts, advertising expenses were claimed for organizations' events such as Kinette Club of Mount Pearl Annual Night Out brochure - \$100.00; Mount Pearl Intermediate 2016 Etcetera 29 Concert Program - \$250.00 from both MHAs; Campia Gymnastics Club -\$200.00 and \$50.00 respectively, Mount Pearl Synchronized Swimming Competition for the Atlantic Regionals- \$178.57; Mount Pearl Frosty Festival Inc- \$250.00; O'Donnell High School Musical program - \$200.00., Tricom Bantam AAA Calendar-\$ 178.57, Conception Bay Regional Minor Hockey for 2016 PeeWee Provincial B Championship. All these events offered advertising to businesses as a means to raise funds for the groups involved, no different than the two groups that I advertised with or any other non-profit organization.

My question to the Committee is what is the purpose that any club like the Kinette Club use the money raised? What did Mount Pearl Intermediate 2016 Etcetera Concert Program use the funds towards? Why did Tricom Bantam AAA raise funds? What was Conception Bay Regional Minor Hockey 2016 PeeWee Provincial B Championship funds used towards?

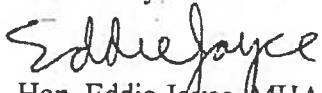
All the events mentioned are for fundraising for the organizations and funds raised help to operate these events for such things as ice time, travel, meals, donations, etc.

During a meeting to discuss this matter with you and Sandra Barnes, Ms. Barnes indicated that the advertising didn't reach enough constituents. There was never any official reason in writing for this reason for refusal. Has any member on the Committee ever been advised of the percentage of constituents that must be reached before an ad is an eligible expense? I have asked for written confirmation as to how many constituents is deemed an appropriate number for advertising purposes. To date, I have not received a reply to my request and the claims were not denied due to percentage of constituents reached but classified as a donation.

In the Bay of Islands area, this form of advertising at local events is a regular way to advertise and get your information across.

Mr. Speaker, I am requesting that the Management Committee review these two decisions at its earliest opportunity and I look forward to your reply.

Yours truly,


Hon. Eddie Joyce, MHA
Humber-Bay of Islands



HOUSE OF ASSEMBLY
Newfoundland and Labrador
OFFICE OF THE SPEAKER

January 19, 2016

Hon. Eddie Joyce, MHA
District of Humber- Bay of Islands
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Minister:

I am writing in acknowledgement of your correspondence of January 11, 2017 regarding expense claims MECMS983237 for \$400.00 and MECMS980506 for \$250.00, for advertising carried out at events in the your District.

Please note I will accept your correspondence as an official appeal to the Commission and will make arrangements for it be included on the agenda of an upcoming Management Commission meeting.

Regards,

A handwritten signature in black ink, appearing to read "Tom Osborne".

HON. TOM OSBORNE
Speaker of the House of Assembly
Chair of the House of Assembly Management Commission

c.c. Ms. Wanda Lee Mercer, Chief Financial Officer



HOUSE OF ASSEMBLY
Newfoundland and Labrador

HON. EDDIE JOYCE, M.H.A.
District of Humber- Bay of Islands

January 20, 2017

Hon. Tom Osbourne, Speaker
House of Assembly
P.O.Box 8700
St. John's, NL
A1B 4J6

Dear Mr. Speaker:

Re: Claim Re-imbusement- Advertising

Further to my letter of January 11, 2017 regarding my appeal of the decisions by Corporate and Members Services to deny two claims for advertising, I would like to make it clear that I do not participate in the organizing of the events with the committees or organizations and I am not involved in the decision as to how funds raised will be spent. This is the responsibility of the organization and I do not and would not dictate to them how to spend the money collected.

As per the organizations indicated on my letter, I assume that the MHAs representing those areas are not involved in the distribution of funds or decision making. The two events in my District are no different than those listed.

Thank you for your time and I look forward to your reply.

Yours truly,

A handwritten signature in cursive script that reads "Eddie Joyce".

Hon. Eddie Joyce, MHA
Humber-Bay of Islands District

House of Assembly Management Commission

Briefing Note

Title: Request for Appeal – Member for St. John’s East-Quidi Vidi

Issue: Payment of invoice from previous fiscal year (2015-16).

Background:

- The Member for St. John’s East-Quidi Vidi is appealing the denial of payment by Corporate and Members’ Services Division of certain expenses incurred by the Member. The expenditures were rejected for payment as they were incurred in the 2015-16 fiscal year, but not submitted for payment within 30 days of the end of that year.

- Subsection 7(2) of the *Members Resources and Allowances Rules* (the Rules) states that

(2) A claim against an allowance for a payment or reimbursement shall be made in respect of the fiscal year in which the expenditure was made or incurred, and shall be submitted and received by the clerk not more than 30 days after the end of that fiscal year.

- The invoice submitted, totaling \$53.18, contains permitted expenses under the Rules, but could not be approved for payment as per the provisions of subsection 7(2).
- The Member for St. John’s East-Quidi Vidi is appealing this decision and has made a request to the Management Commission in accordance with Section 24 *House of Assembly Accountability, Integrity and Administration Act* (the Act).
- The Commission may make a ruling on payment of this invoice as per subsection 24(9) of the Act which states:

(9) Notwithstanding that an expense claim has been denied by an officer, staff member or the speaker, in accordance with the rules, where there is an appeal to the commission under this section and the commission determines that that claimed expense amount

(a) has been incurred by the member; and

(b) is a permitted expense under the Act and rules; and

(c) *does not exceed an expense amount or allowance allocation permitted under the rules,*

and a denial of payment of the expense amount would, in the opinion of the commission, be unjust, the commission may approve the expenditure for the claimed expense to the extent that the commission considers to be just and the decision of the commission is final.

- While there were sufficient funds remaining in the Member's allocation to pay the invoice had it been submitted in the 2015-16 fiscal year, the expenses cannot be charged to the Member's expense allocation for that year because they were not submitted by the deadline of April 30, 2016. Should the Commission approve payment of this invoice, the expenses will be charged to the Member's allocation for the current fiscal year (2016-17).
- The attached letter from the Member for St. John's East-Quidi Vidi provides further details.

Analysis:

Legal Consultation:

Not applicable.

Internal Consultation(s):

Not applicable.

External Consultation(s):

Not applicable.

Comparison to Government Policy:

Not applicable.

Financial Impact:

Not applicable.

Legislative Impact:

Not applicable.

Options:

1. Approve the payment of expenses totaling \$53.18 for the Member for St. John's East-Quidi Vidi with the expenses to be paid within the appropriate allocation for the 2016-17 fiscal year.

2. Deny the payment of expenses totaling \$53.18 for the Member for St. John's East-Quidi Vidi.

Status:

- Not applicable.

Action Required:

- The decision of the Commission is requested.

Prepared by: Bobbi Russell
Date: January 31, 2017

Approved by: Sandra Barnes

Attachments:

1. Letter from the Member for St. John's East-Quidi Vidi to the Speaker.
2. Letter from the Speaker to the Member for St. John's East-Quidi Vidi.



Lorraine Michael, M.H.A.
St. John's East – Quidi Vidi

January 17, 2017

Honourable Tom Osborne
Speaker of the House
Office of the Speaker

Dear Mr. Speaker,

I am writing to request coverage in this year for invoice #40712242 sum of \$53.18 from STAPLES Advantage dated February 11, 2017 but which was not received by Corporate & Members Services until December 23, 2016.

This late receipt meant that the request for reimbursement could not be made by the end of the calendar year.

I thank you in advance for your understanding consideration of this request.

Respectfully,

Lorraine Michael, MHA



HOUSE OF ASSEMBLY
Newfoundland and Labrador
OFFICE OF THE SPEAKER

January 19, 2017

Ms. Lorraine Michael, M.H.A.
District of St. John's East- Quidi Vidi
5th Floor, East Block, Confederation Building
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Ms. Micheal:

I am writing in response to your correspondence of January 17, 2017 regarding an **invoice** for the amount of \$53.18 for expenses incurred in the 2015-2016 fiscal year that was not submitted for reimbursement within 30 days of the end of that year.

Please note I will accept your correspondence as an official appeal to the Commission and will arrange for it be included on the agenda of an upcoming Management Commission meeting.

Regards,

A handwritten signature in black ink, appearing to read 'Tom Osborne'.

HON. TOM OSBORNE
Speaker of the House of Assembly
Chair of the House of Assembly Management Commission

c.c. Ms. Wanda Lee Mercer, Chief Financial Officer

House of Assembly Management Commission

Briefing Note

Title: Request for Appeal – Member for Bonavista

Issue: Payment of invoice from previous fiscal year (2015-16).

Background:

- The Member for Bonavista is appealing the denial of payment by Corporate and Members' Services Division of certain expenses incurred by the Member. The expenditures were rejected for payment as they were incurred in the 2015-16 fiscal year, but not submitted for payment within 30 days of the end of that year.
- Subsection 7(2) of the *Members Resources and Allowances Rules* (the Rules) states that

(2) A claim against an allowance for a payment or reimbursement shall be made in respect of the fiscal year in which the expenditure was made or incurred, and shall be submitted and received by the clerk not more than 30 days after the end of that fiscal year.

- The expenses submitted, totaling \$120.00, are permitted under the Rules, but could not be approved for payment as per the provisions of subsection 7(2).
- The Member for Bonavista is appealing this decision and has made a request to the Management Commission in accordance with Section 24 *House of Assembly Accountability, Integrity and Administration Act* (the Act).
- The Commission may make a ruling on payment of these expenses as per subsection 24(9) of the Act which states:

(9) Notwithstanding that an expense claim has been denied by an officer, staff member or the speaker, in accordance with the rules, where there is an appeal to the commission under this section and the commission determines that that claimed expense amount

(a) has been incurred by the member; and

(b) is a permitted expense under the Act and rules; and

(c) *does not exceed an expense amount or allowance allocation permitted under the rules,*

and a denial of payment of the expense amount would, in the opinion of the commission, be unjust, the commission may approve the expenditure for the claimed expense to the extent that the commission considers to be just and the decision of the commission is final.

- While there were sufficient funds remaining in the Member's allocation to pay the expenses had they been submitted in the 2015-16 fiscal year, the expenses cannot be charged to the Member's expense allocation for that year because they were not submitted by the deadline of April 30, 2016. Should the Commission approve payment, the expenses will be charged to the Member's allocation for the current fiscal year (2016-17).
- The attached letter from the Member for Bonavista provides further details.

Analysis:

Legal Consultation:

Not applicable.

Internal Consultation(s):

Not applicable.

External Consultation(s):

Not applicable.

Comparison to Government Policy:

Not applicable.

Financial Impact:

Not applicable.

Legislative Impact:

Not applicable.

Options:

1. Approve the payment of expenses totaling \$120.00 for the Member for Bonavista with the expenses to be paid within the appropriate allocation for the 2016-17 fiscal year.
2. Deny the payment of expenses totaling \$120.00 for the Member for Bonavista.

Status:

- Not applicable.

Action Required:

- The decision of the Commission is requested.

Prepared by: Bobbi Russell
Date: February 9, 2017

Approved by: Sandra Barnes

Attachments:

1. Letter from the Member for Bonavista to the Speaker.
2. Letter from the Speaker to the Member for Bonavista.



HOUSE OF ASSEMBLY
Newfoundland and Labrador

Neil King, MHA
District of Bonavista

Feb 7, 2017

Honourable Tom Osbourne
Office of the Speaker
Main Floor, East Block
Confederation Building
P.O. box 8700
St. John's, NL A1B 4J6

Mr. Speaker,

Please accept this as a request to appeal for coverage for Member Expense Claim MEMCMS988275 in the amount of \$120.00. This payment was for Christmas Greetings on the Community Channel for the dates of December 21, 2015 to January 4, 2016. Invoice did not get paid until Nov 16, 2016.

Thank you for considering this request.

Respectfully,

Wanda Tremblett, CA
For MHA Neil King
District of Bonavista



HOUSE OF ASSEMBLY
Newfoundland and Labrador
OFFICE OF THE SPEAKER

February 9, 2017

Mr. Neil King, M.H.A.
District of Bonavista
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Mr. King:

I am writing in response to your correspondence of February 7, 2017 regarding Member Expense Claim MEMCMS988275 for the amount of \$120.00. These expenses were incurred in the 2015-2016 fiscal year that was not submitted for reimbursement within 30 days of the end of that year.

Please note I will accept your correspondence as an official appeal to the Commission and will arrange for it be included on the agenda of an upcoming Management Commission meeting.

Regards,

A handwritten signature in black ink, appearing to read "Tom Osborne".

HON. TOM OSBORNE
Speaker of the House of Assembly
Chair of the House of Assembly Management Commission

c.c. Ms. Wanda Lee Mercer, Chief Financial Officer

**House of Assembly Management Commission
Briefing Note**

Title: **Budget Transfer Request**

Issue: **Approval of a Transfer of Funds – Office of the Chief Electoral Officer**

Background:

- The Transfer of Funds Policy, April 2008 requires the House of Assembly Management Commission approval to transfer funds to or from the Grants and Subsidies Main Object of expenditure. Section 4.2.1 of the Transfer of Funds Policy, states:

“ House of Assembly Management Commission approval is required to transfer funds to or from the following Main Objects of Current Account Expenditure of an Activity:

- Loans, Advances and Investments;*
 - Allowances and Assistance;*
 - Grants and Subsidies; and*
 - Debt Expenses.*
- In the 2015-2016 budget submission, candidate and auditor subsidies were expected to total \$650,000, with \$500,000 being payable in 2015-2016 and \$150,000 in 2016-2017.
 - As the election was held on November 30, 2015, the filing deadline for the candidate and auditor subsidies was March 30, 2016, which was significantly later than expected.
 - \$500,000 has already been approved during the 2016-2017 budget process. An additional \$74,000 was requested and approved on August 24, 2016 (**CM 2016-034**). Based on the file reviews by the OCEO, an additional \$500 is required for the candidate and auditor subsidies.
 - A transfer of funds is required to the Office of the Chief Electoral Officer (OCEO) – Grants and Subsidies to provide additional funding for the candidate and auditor subsidies.

Analysis:

Legal Consultation:

Not applicable

Internal Consultation(s):

Not applicable

External Consultation(s):

Not applicable

Comparison to Government Policy:

Not applicable

Financial Impact:

Not applicable

Legislative Impact:

- These costs have to be incurred as they are statutory payments under the Elections Act, 1991.

Options:

Not applicable

Status:

Not applicable

Action Required:

- The Commission's approval of the following transfer of funds is required:

From:

Subdivision 1.1.04.09 Members' Resources – Allowances and Assistance \$ 500

To:

Subdivision 3.1.01.10 Office of the Chief Electoral Officer – Grants and Subsidies \$ 500

Drafted by: Jennifer Bragg

Approved by: Sandra Barnes

Date: January 12, 2017

Attachments:

1. Budget Transfer No. HOABT2017-017

LEGISLATURE

Budget Adjustment No.: HOABT2017-017

TRANSFER TO:

Accounting Distribution					Description	Amount
RC	ACAT	ACEL	LOBJ	DTC		
0211	130	0600	1061	000000	3.1.01.10 Office of the Chief Electoral Officer – Grants and Subsidies	\$500

FUNDS REQUIRED FOR:

General Election 2015 subsidy payments related to fiscal year 2015/16.

TRANSFER FROM:

Accounting Distribution					Description	Amount
RC	ACAT	ACEL	LOBJ	DTC		
0206	130	0410	0910	000000	1.1.04.09 Members' Resources – Allowances and Assistance	\$500

REASON FUNDS ARE AVAILABLE:

Expenditures for Allowances and Assistance may be less than anticipated as it is estimated that Members will not avail of maximum allowable funds.

VERIFIED BY: _____ Chief Financial Officer Date: _____	APPROVED BY: _____ House of Assembly Management Commission Date: _____
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House of Assembly Management Commission

Briefing Note

Title: 2016 Members' Compensation Review Committee (MCRC)

Issue: Proposed legislative amendments resulting from recommendations of the 2016 Members' Compensation Review Committee

Background:

- At meetings held on November 30, 2016 and December 7, 2016, the House of Assembly Management Commission approved a number of recommendations of the 2016 Members' Compensation Review Committee which require amendments to either the *House of Assembly Accountability, Integrity and Administration Act* (the Act) or the *Members' Resources and Allowances Rules* (the Rules).
- The Law Clerk has drafted the proposed wording for the required amendments, which require the approval of the Commission.
- The amendments to the Rules will be tabled by the Speaker in the House and brought to the next meeting of the Commission for final approval. Those amendments which establish new allowances will also be the subject of a resolution in the House.
- The Government House Leader will be asked to bring the proposed amendments to the Act forward to Cabinet for approval subject to final drafting by the Office of the Legislative Counsel and presentation to the House of Assembly as a Bill.

Analysis:

Legal Consultation:

Law Clerk

Internal Consultation(s):

Not applicable.

External Consultation(s):

Not applicable.

Comparison to Government Policy:

Not applicable.

Financial Impact:

Not applicable.

Legislative Impact:
Proposed Amendments Attached

Options:

1. Approve the proposed amendments to the *House of Assembly Accountability, Integrity and Administration Act* and to the *Members' Resources and Allowances Rules*.
2. Do not approve the proposed amendments to *House of Assembly Accountability, Integrity and Administration Act* and to the *Members' Resources and Allowances Rules*.

Status:

N/A

Action Required:

Pursuant to subsections 15(5) and 20(7) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission approves the proposed amendments, subject to final wording by the Office of the Legislative Counsel.

Prepared by: Marie Keefe
Date: February 17, 2017

Approved by: Sandra Barnes

Attachments:

1. Proposed Amendments

Proposed Amendments

House of Assembly Accountability, Integrity and Administration Act

Recc. #	Proposed Amendment
1 & 2	<p>Section 11 of the <i>House of Assembly Accountability, Integrity and Administration Act</i> is amended by adding immediately after subsection (1) the following:</p> <p>(1.1) Notwithstanding subsection (1), after the coming into force of this section, member salaries shall be adjusted within 30 days of the implementation of salary adjustments under the last negotiated collective agreement contract of the following public sector entities</p> <ul style="list-style-type: none">(a) general service;(b) health professionals;(c) registered nurses; and(d) Royal Newfoundland Constabulary, <p>in an amount that is the average negotiated percentage of those entities.</p> <p>(1.2) A member's annual salary adjusted under subsection (1.1) shall be paid in 26 equal instalments in arrears.</p>
3 - 9	<p>Section 12(1) of the <i>House of Assembly Accountability, Integrity and Administration Act</i> is repealed and the following is substituted:</p> <p>Other remuneration</p> <p>12(1) A member who holds one of the following positions shall be paid an additional salary as follows</p> <ul style="list-style-type: none">(a) speaker, \$48, 665;(b) deputy speaker and chair of committees \$12,166;(c) leader of the official opposition, \$48,665;(d) opposition house leader, \$24,330;

Recc. #	Proposed Amendment
	<p>(e) leader of the third party, \$24,330; (f) third party house leader, \$12,166; (g) chairperson of the public accounts committee, \$12,166; and (h) vice chairperson of the public accounts committee, \$9,300.</p> <p>(2) A member who sits on a committee of the House of Assembly, the commission or a committee of the commission, shall not be paid for attendance at meetings.</p> <p>(3) A member who sits on a committee of the House of Assembly, the commission or a committee of the commission may be reimbursed reasonable expenses in relation to attendance at meetings when the House is not in session.</p> <p>(4) Subsection (1) shall come into force on April 1, 2017.</p>

Members' Resources and Allowances Rules

Recc. #	Proposed Amendment
11 & 14	<p>Paragraph 24(i) of the Rules is repealed and the following is substituted:</p> <p><i>(i) advertising in the form and with the content outlined in the policies of the commission,</i></p>
10	<p>Paragraph 24(j) of the Members' Resources and Allowances Rules is repealed.</p>
18	<p>Paragraph 28(e) of the Rules is repealed and the following is substituted:</p> <p><i>(e) "private accommodation" means accommodation maintained by a person other than the member or the member's spouse and which may be used by the member when traveling;</i></p>

Recc. #	Proposed Amendment
24	<p>Section 29 of the Rules is amended by adding immediately after subsection (5) the following:</p> <p><i>(5.1) Notwithstanding subsection 29(1), paragraphs 30(a), (b) and (d), 31(1)(a), 32(2)(a), 33(a), subsection 33.1(1), paragraphs 35(a), 36(2)(a) and section 37.2 a Member shall not claim reimbursement for travel to and from the capital region within commuting distance of the Confederation Building Complex.</i></p>
26	<p>Section 30 of the Rules is amended by adding immediately after paragraph (c) the following:</p> <p><i>(c.1) between his or her constituency and another constituency to attend to constituency business;</i></p>
27	<p>Section 38 of the Rules is amended by adding immediately after subsection (2) the following:</p> <p><i>(2.1) Notwithstanding paragraph (2)(a), a member who represents the district of Corner Brook or a district in the capital region may elect to receive the sum of \$200 per month for an entire fiscal year in lieu of receiving the cost of transportation referred to in that paragraph provided that</i></p> <p><i>(a) the election must be made before April 1 of the fiscal year to which the election applies; and</i></p> <p><i>(b) the \$200 per month shall be a taxable benefit to the member.</i></p>
26	<p>Subsection 39(1) of the Rules is repealed and the following is substituted:</p> <p><i>Extra constituency travel allowance</i></p> <p><i>39(1) A member may be reimbursed in accordance with this section for reasonable travel, accommodation and meal expenses incurred with respect to circumstances referred to in paragraphs 30(c.1), (d), (e) (f) and (g).</i></p>
7 & 9	<p>Section 45 of the <i>Members' Resources and Allowances Rules</i> is repealed and the following is substituted:</p> <p><i>Committee expenses</i></p> <p><i>45(1) A member who is a member of a standing or select committee of the House of Assembly, the commission or a committee of the commission may claim for reasonable expenses related to attendance at a committee or commission meeting when the House is not in session.</i></p>

Recc. #	Proposed Amendment
	<p>(2) Reasonable expenses claimed under subsection (1) shall be</p> <p style="padding-left: 40px;">(a) in accordance with the travel and allowance rates permitted under these rules; and</p> <p style="padding-left: 40px;">(b) approved by the speaker before being reimbursed to the member.</p>
29 & 30	<p>Paragraph 46(3)(a) of the Rules is repealed and the following is substituted:</p> <p style="padding-left: 40px;"><i>(a) the purchase of food, non-alcoholic beverages and other supplies for meetings with constituents or other members of the public in relation to constituency business and food and non-alcoholic beverages for other constituency related events provided that the member or his or her constituency assistant is in attendance at those events;</i></p> <p>Paragraph 46(4)(g) of the Rules is repealed and the following is substituted:</p> <p style="padding-left: 40px;"><i>(g) meal expenses from restaurants, pubs, delicatessens and similar establishments for constituents, their family members and other guests and hospitality food and beverages except as provided for in paragraph (3)(a);</i></p>

**House of Assembly Management Commission
Briefing Note**

Title: 2016 Members Compensation Review Committee (MCRC) Report

Issue: Update on implementation of recommendations 19-21 respecting temporary accommodations.

Background:

- At its meeting on November 30, 2016, the Management Commission accepted recommendations 19, 20 and 21 respecting an RFP for temporary accommodations and the option of a lump sum payment for Members for temporary accommodations.
- During a briefing with the MCRC Chair, MHAs expressed concerns regarding security and work/life balance if there was an absence of choice for those who require temporary accommodation in the capital when the House is in session. The MCRC Chair indicated the intent of the recommendation was to: (i) create a transparent pricing mechanism for temporary accommodations that would still allow MHAs to choose from a list of eligible establishments; and (ii) provide a taxable lump sum payment for those who might wish to procure other leased accommodation (e.g. apartment rental).
- In developing the RFP, the House of Assembly Service consulted with the Government Purchasing Agency (GPA). GPA advised that while an RFP process would create an eligibility list, under the *Public Tender Act*, MHAs would be required to select the least cost accommodation available. Consequently, this could considerably limit choice of accommodation.
- In a subsequent discussion between the MCRC Chair and the Clerk, the Chair advised that the recommendation was not intended to be that restrictive and agreed that the RFP would not yield the intended result.
- The House of Assembly Service looked at other options that might fulfill the intent of the recommendations to provide a transparent process and establish a mechanism for calculating the lump sum.
- The Government of Newfoundland and Labrador has a travel management agreement with Harvey's Travel. Accommodations for employees of the Executive Branch are booked through Harvey's which is responsible for negotiating the best rate available. A review of accommodation claims for calendar 2016 from data provided by GPA indicates that:

- Accommodation booked in the capital region under this agreement averaged \$147/night;
 - The agreement has sufficient flexibility to specify requirements such as general location, access to a restaurant on the premises, free parking, or access to kitchen facilities;
 - There were more than 20 establishments utilized, but the greatest number of bookings were in premises closest to Confederation Building;
 - Additionally, a fee of \$5 is charged for accommodations booked online. There is no fee for accommodations booked via phone.
- In addition, MCRC recommended that the RFP would provide for the Member keeping his/her room available for the duration that the House is in Session. Currently, if a Member remains in the capital over the weekend when the House is sitting, he or she can claim the accommodation costs. Previously, some Members have had informal arrangements with accommodations establishments who agree to hold the same room from one week to the next, where possible.
 - It is noted that while the definition of temporary accommodation specifies a standard room, Members have been permitted to utilize apartment-style accommodations provided that the nightly rate was comparable to nightly hotel rates.
 - Following a meeting with GPA and Harvey's Travel, the House of Assembly has been advised that it may be possible negotiate a weekly rate under the travel management agreement for temporary accommodations when the House is in Session.
 - If we are able to secure weekly rates, the Rules will have to be amended to allow such rates to be permitted. The Commission's will need to provide direction as to whether holding a room unoccupied over the weekend if a Member returns to his/her district should be allowed.
 - Should the Commission decide that neither the RFP process or the Travel Management Agreement with Harvey's Travel is a suitable method for Members booking temporary accommodations, the other option is to allow Members to continue booking their own arrangements. However, this would conflict with recommendations 19 and 20 which were adopted by the Commission at its November 30, 2016 meeting. **CM2016-044 refers.**
 - MCRC Recommendation #21 anticipated the RFP rate for accommodation would be used to inform a lump sum amount for accommodations. In the absence of an RFP, the MCRC Chair agreed that the lump sum could be calculated using the average cost of temporary accommodation booked through the travel management system for the previous calendar year (\$147.00 per night).
 - The Commission could also consider using the average cost of MHA temporary accommodations during the previous calendar year (\$178.00 per night).

Analysis:

Legal Consultation:

Law Clerk

Internal Consultation(s):

Corporate & Members' Services

External Consultation(s):

Government Purchasing Agency, Harvey's Travel

Comparison to Government Policy:

N/A

Financial Impact:

The parliamentary calendar provides 55 sitting days during the 2017-18 fiscal year. The taxable lump sum amount using the average from the Travel Management agreement is \$8,085. The taxable lump sum amount using the average cost of MHA temporary accommodations during 2016 is \$9,790.

Legislative Impact:

Amendments will be required to the *Members Resources and Allowances Rules*.

Options:

Motion 1:

- The Commission directs that either:
 - i. the House of Assembly adopt the use of Government's travel management agreement for booking accommodations in the capital; **or**
 - ii. Members will continue to make individual temporary accommodations arrangements in the Capitol Region.

***Note:** If option 2 is considered, the Commission will need to rescind **CM 2016-044** which adopted recommendations 19 & 20.

Motion 2:

- The Commission directs that either:
 - i. In the absence of an RFP, the lump sum taxable benefit will be calculated using the average cost of temporary accommodation booked through the travel management system for the previous calendar year; **or**

- ii. In the absence of an RFP, the lump sum taxable benefit will be calculated using the average cost of MHA temporary accommodations during the previous calendar year.

Status:

- Current provisions of the *Members' Resources and Allowances Rules* remain in effect.

Action Required:

- The direction of the Commission is requested.

Prepared by: Sandra Barnes
Date: February 8, 2017

**House of Assembly Management Commission
Briefing Note**

Title: 2016 Members' Compensation Review Committee (MCRC) Recommendations

Issue: Update on the Sub-committee for I/E Allowances

Background:

- At its November 23, 2016 meeting, the Management Commission accepted recommendation 28 of the 2016 MCRC that a sub-committee be appointed to assess the realistic level of I/E allowances for all districts under the terms and conditions outlined by the MCRC, and that the sub-committee include MHA representation (**CM 2016-041 refers**).
- During the discussion, the Commission raised the following points:
 - The sub-committee is to include MHA representation, which will be determined by the Commission;
 - The Commission is to be provided with interim reports on the composition and the progress of the sub-committee;
 - The proposed allocations recommended by the sub-committee are to be based on the fixed characteristics of the district rather than the travel and spending patterns of the individual representing the district, which may vary.
- The MCRC recommendation outlined that the sub-committee was to include representation from the Economics and Statistics Branch, the Clerk of the House of Assembly, the Chief Financial Officer, or designates. Based on these conditions, the sub-committee is currently comprised of the following:
 - Ms. Sandra Barnes - Clerk of the House of Assembly
 - Ms. Wanda Lee Mercer - Chief Financial Officer, House of Assembly
 - Ms. Bobbi Russell - Policy, Planning & Research Analyst, House of Assembly
 - Mr. Robert Reid - Director, Economics and Statistics Branch
 - Mr. Conrad Power - Senior Manager, Economics and Statistics Branch
 - Mr. Brett Forsey - Manager, Economics and Statistics Branch
 - MHA representation to be determined by the Commission
- The MCRC also outlined specific factors to be used in determining an appropriate allocation for each district:
 - Kilometers of roads
 - Number of communities
 - Cluster of communities
 - Kilometers of unpaved roads (extra wear and tear on vehicles)
 - Population

- Unique travel requirements of certain districts (e.g. ferries, snowmobile, small boat)
- Following the meeting of November 23, 2016, the Economics and Statistics Branch was engaged to assess how the above-noted factors could be considered and weighted in calculating an I/E travel estimate for each district.
- Upon thorough analysis, the Branch concluded that calculating a measure of population dispersion for each district might be the best way to combine the various factors outlined by MCRC. The calculation, which was completed by the Economics and Statistics branch using their data and spatial modelling tools, takes into account number of households in a district and the distance between them to generate a population dispersion measure, which essentially quantifies how dispersed/spread-out the district is (see attached population dispersion chart).
- Once the population dispersion measures were calculated for each district, the Economics and Statistics Branch assessed the numbers and placed each district into one of four categories (category 1 having the lowest population dispersion measures; category 4 having the highest population dispersion measures).
- House officials on the sub-committee have reviewed the information and analysis provided by the Economics and Statistics Branch and have developed a possible approach for calculating I/E estimates taking into account the population dispersion measures and categorization.
- Each category would be assigned a mileage estimate (travel), an estimate for nights (accommodations) and an estimate for meals. For example, category 1 (smaller/less dispersed district) would be assigned less mileage and nights than category 4 (larger/more dispersed).
- Each district would then be assessed on an individual basis to determine special travel requirements or anomalies of that district (e.g. ferry travel; isolated communities requiring unique travel such as snowmobile, small boat or aircraft charters; unpaved roads, etc.). An estimate for other travel would then be determined based on the individual characteristics of the district.
- In order to calculate an estimate in dollar figures using assumptions for mileage, nights, meals and other travel, the following estimates are also required:
 - Per kilometre rate estimate
 - Nightly accommodations rate estimate
 - Estimate for meal cost

- The formula to calculate the travel estimate for each district would be as follows:

$$\begin{array}{rclcl}
 \text{Mileage} & & \text{Nights} & & \text{Meal cost estimate} & & \text{Other travel cost} \\
 \text{assumption} & & \text{assumption} & & & & \text{estimate (based on} \\
 \text{(assigned by} & & \text{(assigned by} & & & & \text{individual} \\
 \text{category)} & + & \text{category)} & + & & + & \text{characteristics of} \\
 \underline{x} & & \underline{x} & & & & \text{district)} \\
 \text{km rate estimate} & & \text{nightly rate} & & & & \\
 & & \text{estimate} & & & &
 \end{array}$$

- The following provides an example for illustrative purposes (the totals do not represent actual estimated allocations for those categories):

District	Pop. Disp.	Mileage Est.	Accom. Est.	Meal Est.	Other Travel Est.	Total
District W	2.6 (Cat. 1)	5,000 km x .3755 ¹ = <u>\$1,877.50</u>	2 nights x \$145/night ² = <u>\$290</u>	<u>\$3,750.00</u> ³	<u>\$1,000</u> ⁴ (Ottawa trip)	<u>\$6,917.50</u>
District X	22.2 (Cat. 2)	10,000 km x .3755 ¹ = <u>\$3,755.00</u>	5 nights x \$145/night ² = <u>\$725.00</u>	<u>\$3,750.00</u> ³	<u>\$1,000</u> ⁴ (Ottawa trip) + \$1,500 (ferry travel) = <u>\$2,500.00</u>	<u>\$10,730.00</u>
District Y	49.5 (Cat. 3)	13,500 km x .3755 ¹ = <u>\$5,069.25</u>	10 nights x \$145/night ² = <u>\$1,450.00</u>	<u>\$3,750.00</u> ³	<u>\$1,000</u> ⁴ (Ottawa trip)	<u>\$11,269.25</u>
District Z	118.4 (Cat. 4)	15,000 km x .3755 = <u>\$5,632.50</u>	15 nights x \$145/night ² = <u>\$2,175</u>	<u>\$3,750.00</u> ³	<u>\$1,000</u> ⁴ (Ottawa trip) + \$5,000 (fixed wing, sm. boat, snowmobile travel) = <u>\$6,000.00</u>	<u>\$17,557.50</u>

¹ 0.3755 is the current government mileage reimbursement rate for private vehicle

² Estimate for average per night rate for temporary accommodations

³ Estimate for meal cost (same as Green estimates - \$50 meal per diem has not changed)

⁴ All districts are provided an extra \$1000 for an Ottawa trip under current estimates

- The sub-committee is seeking direction from the Commission on the process and formula outlined and MHA representation on the committee.
- The MCRC recommendation requires that the work of the sub-committee be completed within 120 days of the recommendation being accepted (November 23, 2016). Based on

this timeline, the final I/E allocations will need final approval of the Management Commission by **March 24, 2017**.

- The sub-committee has reviewed historical usage of I/E allowances and have noted there are no districts that have exhausted its current annual allocation.

Analysis:

Legal Consultation:

N/A

Internal Consultation(s):

N/A

External Consultation(s):

Economics & Statistics Branch – Department of Finance

Comparison to Government Policy:

N/A

Financial Impact:

Cannot be fully assessed at this time.

Legislative Impact:

Changes to I/E allocations for each district will require amendments to Schedule A of the *Members' Resources and Allowances Rules*.

Options:

- N/A

Status:

- Current provisions of the *Members' Resources and Allowances Rules* remain in effect.

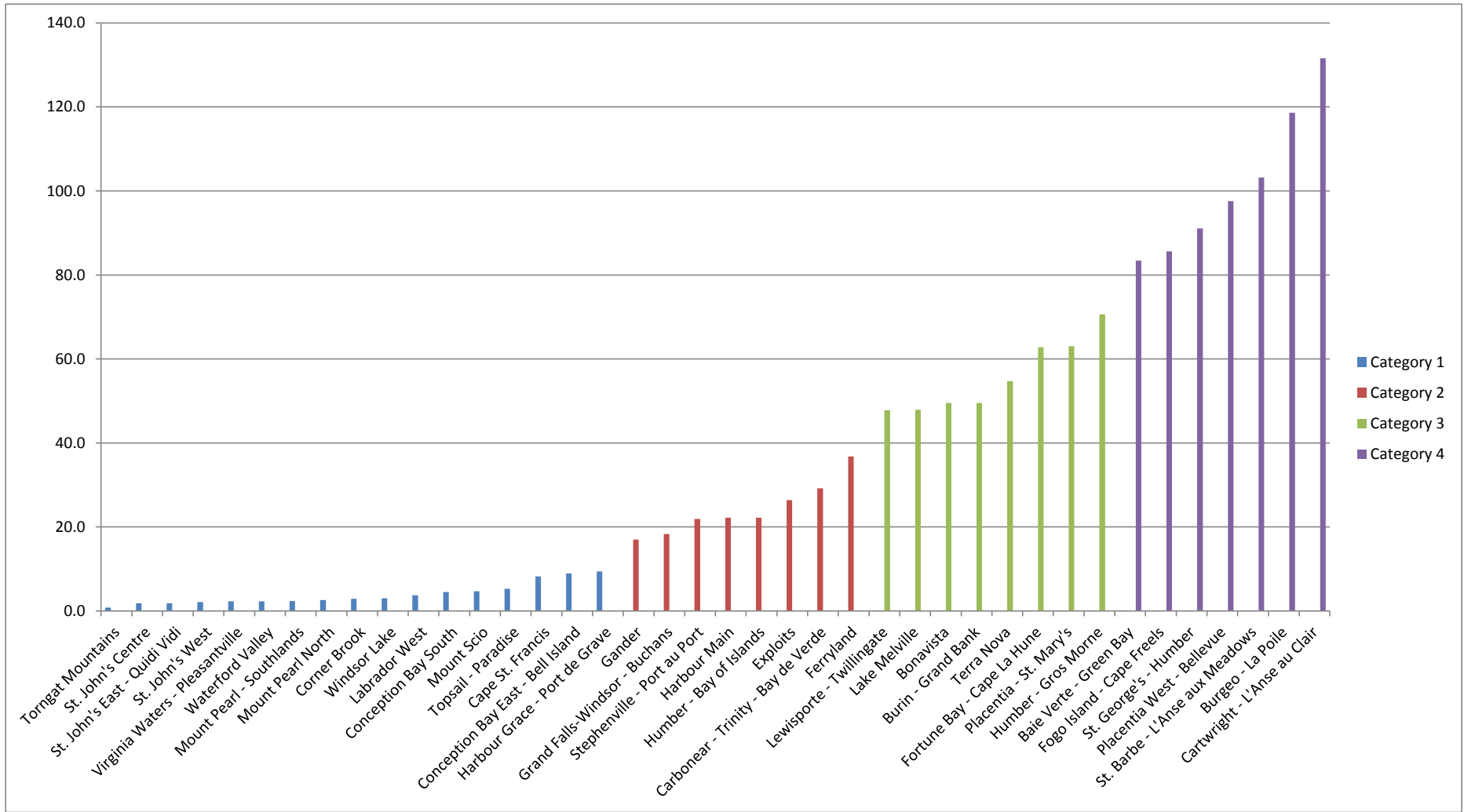
Action Required:

- The direction of the Commission is requested.

Prepared by: Bobbi Russell
Date: January 30, 2017

Approved by: Sandra Barnes

Attachment:
Population Dispersion Chart – provided by Economics & Statistics Branch



**House of Assembly Management Commission
Briefing Note**

Title: 2016 Members' Compensation Review Committee (MCRC) Implementation

Issue: Amendments to Advertising Policy for Members of the House of Assembly

Background:

- At its meetings on November 30 and December 7, 2016, the Management Commission accepted recommendations 11 to 15 of the 2016 MCRC Report respecting MHA advertising (**CM 2016-050, CM 2016-074 – CM 2016-077 refer**).
- As a result of accepting these recommendations, amendments are required to the Advertising Policy for Members of the House of Assembly – March 2011.
- The amendments required to action the MCRC recommendations include:
 - Changes to the principles (Section 4.0) to reflect references to a donation in requests from community groups/organizations;
 - Changes to guidelines for advertising (Section 6.0) to:
 - prohibit messages of greeting;
 - restrict messages of welcome and congratulations to national/provincial/constituency-level days/weeks/events;
 - restrict print advertising to business card format and size only;
 - restrict television and web-based advertising to business card format only (size is not applicable);
 - Development of a template for advertising (Appendix A).
- The MCRC recommendations also restrict seasonal and other greetings, and certain messages of welcome and congratulations to MHA newsletters.
- The House of Assembly is recommending additional amendments to include guidelines for publications such as newsletters, posters, door hangers, post cards and other householders (Section 7.0), and recommends the title of the policy be amended to Advertising and Publications Policy for Members of the House of Assembly to more fully reflect the revised content.
- Section 7.0 will also address the issue raised by the Member for St. John's East-Quidi Vidi in her correspondence of February 8, 2017. While Members are not permitted to pay for advertisements via a private medium with a meeting notice unless it complies with the business card format and size, they are permitted to create and distribute posters

with such notices provided it complies with the provisions of the policy related to publications.

- There is currently no requirement for Members to have advertising or publications pre-approved by the House of Assembly prior to incurring costs, but it is recommended in section 8.0 of the Policy. The Management Commission may wish to consider whether the current practice should continue or be amended to require mandatory pre-approval prior to incurring costs.
- The draft Advertising and Publications Policy for Members of the House of Assembly is attached.

Analysis:

Legal Consultation:

Law Clerk

Internal Consultation(s):

Corporate and Members' Services

External Consultation(s):

N/A

Comparison to Government Policy:

N/A

Financial Impact:

N/A

Legislative Impact:

N/A

Options:

- N/A

Status:

- Provisions of the Advertising Policy for Members of the House of Assembly – June 2011 remains in effect.

Action Required:

- The direction of the Commission is requested.

Prepared by: Bobbi Russell
Date: February 1, 2017

Approved by: Sandra Barnes

Attachments:

1. Draft Advertising and Publications Policy – Revised February 2017



House of Assembly

**Advertising & Publications Policy
For Members of the House of Assembly**

February 2017

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1.0 Approval

Under the authority of subparagraph 20(6)(b)(ii) of the *House of Assembly Accountability, Integrity and Administration Act* (the Act), the House of Assembly Management Commission establishes this policy respecting advertising and publications for Members of the House of Assembly.

2.0 Accountability

Members are responsible for compliance with the requirements for claims, payments and reimbursement of expenses under the *House of Assembly Accountability, Integrity and Administration Act*, the *Members' Resources and Allowances Rules* (the Rules), and directives/policies of the Management Commission.

Expenses for advertising and publications that **do not comply** with the provisions of this policy **cannot be reimbursed** by the House of Assembly.

3.0 Purpose

The purpose of this policy is to establish guidelines to ensure that all expenses for advertising and publications paid out of public funds are in accordance with Section 24 of the *Members' Resources and Allowances Rules*, and are in keeping with the intent and principles of the Rules, the Act and directives of the Commission.

4.0 Principles

The following principles must be adhered to for all expenses related to advertising and publications. The Member must ensure that:

- Expenses are incurred in the conduct of constituency business;
- Contact information is included to assist constituents;
- All households or a significant group/segment of the Member's constituency is targeted;
- Costs are reasonable in relation to the type of advertising/publication;
- Costs do not represent a donation to an organization/group*.

** If a donation is referenced in a request to advertise from a community/group organization, it is allowable provided the advertisement complies with all provisions of the policy; the word "donation" is not referenced in the ad; and something tangible (the advertisement) is received in exchange for the associated costs.*

Costs related to advertising and publications **are not permitted** during the **Election Writ period**.

5.0 Content

The following section provides criteria on allowable and non-allowable content for advertising and publications. **Costs** related to advertising and publications that contain any **non-allowable** content **will not** be reimbursed by the House of Assembly.

5.1 Allowable

- Name of Member
- Photo of Member
- Name of Electoral District
- Email address of Member
- Telephone number of Member/Constituency Office
- Address of Member/Constituency Office
- Location of Constituency Office
- Constituency Office Hours
- Name of Constituency Assistant
- Contact Information for Constituency Assistant (phone number and email address)
- Fax Number for Constituency Office
- NL Coat of Arms
- Official symbols advising of social media presence (i.e. Facebook, Twitter, Instagram, Snapchat, etc.)

5.2 Non-Allowable

- Name, logo or predominant colour of a political party;
- Statements of a partisan nature;
- Statements which advocate a particular position, or attempt to influence public opinion on a matter before the House of Assembly;
- Thank you to the constituents for voting for, or electing, the Member
- Statements to solicit funds;
- Content that disparages any political position, or the political position of an individual;
- Content related to departmental business/matters (if the Member is a Minister);
- Advertising on articles of clothing;
- Other items as deemed non-allowable by the Management Commission;
- Social media handles/links to social media pages.

6.0 Advertising

The primary purpose of advertising by a Member is to provide constituents with contact information and constituency office hours/location. Advertising may also recognize weeks, days and events at the national level (e.g. Canada Day, Remembrance Day, Labour Day), provincial level (Volunteer Week, Injured Workers' Week, other days/weeks formally recognized in the province) and constituency level (community

days/weeks/events, Come Home Years), provided it is done within the parameters for advertising as outlined in this section.

Advertising of messages of **welcome and congratulations** are not permitted, unless the purpose of the message is recognizing a **week/day/event** at the **national/provincial/constituency level**.

The following is not permitted:

- Advertising of messages of **greeting**;
- Advertising on signs/banners that **do not comply** with **business card size**.

Advertising that contains any of the **non-allowable content** outlined in **section 5.2** of this policy **cannot be reimbursed**.

6.1 Print Media

Print media includes newspapers, magazines, event programs/calendars and other publications.

The following criteria must be followed when advertising in print media:

- Be in business card format and size as per the **attached template**;
- Be in black and white (unless the medium is predominantly color).

If advertising in print media with a **message of welcome/congratulations** related to **week/day/event at the national/provincial/constituency level**, the advertisement must still **comply with the business card format/size** as per the attached template.

6.2 Radio

The following criteria must be followed when advertising on radio:

- Aired on stations that broadcast in the Member's District;
- Contain a brief message:
 - recognizing a week/day/event at the national, provincial or constituency level; or
 - which includes a message of welcome or congratulations related to a week/day/event at the national, provincial or constituency level;
- Include contact information.

6.3 Television

The following criteria must be followed when advertising on television:

- Must be still image only;
- Be in business card format as per the **attached template**;
- Broadcast on stations in the Member's District.

6.4 Web-based Advertising

The following criteria must be followed when using web-based advertising:

- Be in business card format as per the **attached template**.

7.0 Publications

The following section provides criteria for publications such as newsletters, posters, door hangers, post cards, etc.

The primary purpose of these publications is to provide constituents with contact information, constituency office hours/location, and other information that is relevant to the constituency including (but not limited to):

- Notice of meetings;
- Messages of welcome;
- Messages of greetings (Christmas and/or other holidays);
- Messages of congratulations (Recognizing an individual, or group of individuals, on a significant achievement or award);
- Recognition of special weeks/days/events at the national/provincial/constituency-level.

Costs for publications containing any of the **non-allowable content** outlined in **section 5.2** of this policy **cannot be reimbursed**.

8.0 Approval & Payment Process

All advertising and publications **may be submitted for pre-approval** to the Corporate and Members' Services Division (CMS) to ensure it complies with the provisions of this policy prior to any costs being incurred. If the advertisement/publication is not submitted for pre-approval prior to costs being incurred by the Member, those costs cannot be reimbursed if the provisions of this policy are not met.

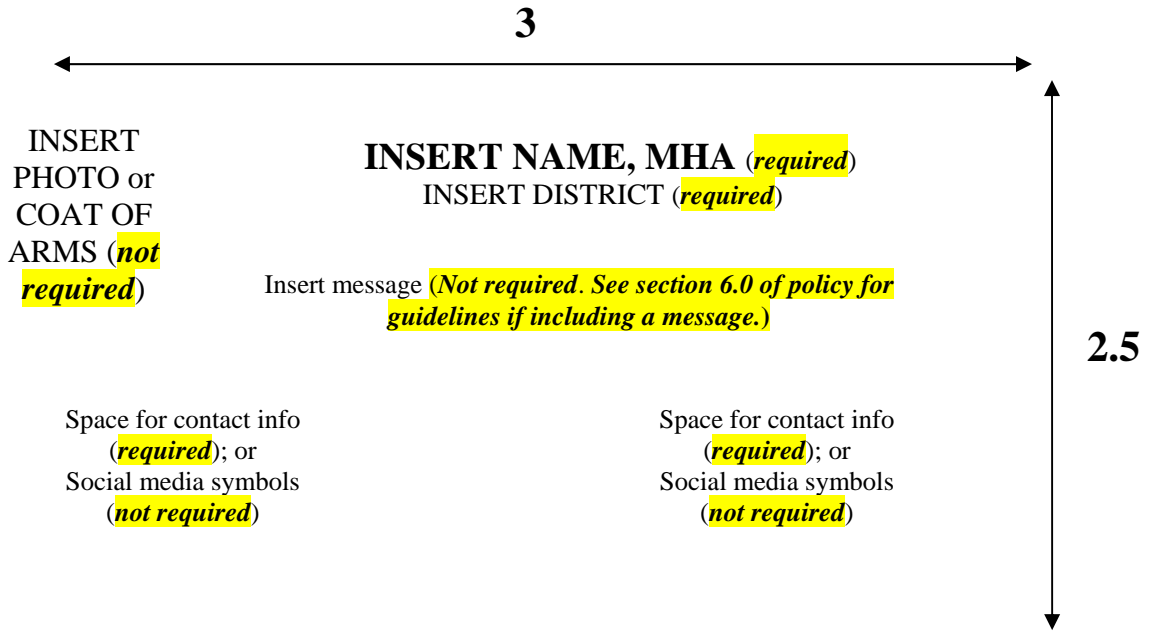
Members **must submit a requisition** for costs related to advertising/publications in advance to allow CMS to make payments on the Member's behalf.

CMS is responsible for administering this policy, including established criteria for all advertising and publications for Members of the House of Assembly.

Advertising template

Business card format & size (2.5 x 3)

*Note: **Business card size** applies to advertising in **print media only**. It does not apply to television and web-based advertising. **Business card format must be followed for all.***



**House of Assembly Management Commission
Briefing Note**

Title: Request from Commission Members (MHA for Topsail & MHA for Ferryland)

Issue: Motion to rescind Decisions Respecting Recommendation 43 & 44 of the 2016 Members' Compensation Review Committee (MCRC) Report

Background:

- At its meeting on December 7, 2016, the Management Commission made the following Decisions with respect to recommendations 43 and 44 of the 2016 MCRC Report:

CM 2016-061 The Commission modified MCRC recommendation 43 and directed that the Defined Benefit Plan as outlined in the Morneau Shepell Report attached as Appendix H (Option 2) shall apply to Members of the House of Assembly who were first elected on or after December 7, 2016. Mr. Browne and Ms. Coady recused themselves from the vote.

CM 2016-070 The Commission modified MCRC recommendation 44 and directed that the severance recommendation shall not apply to Members of the House of Assembly who were elected before November 30, 2015 and directed that the pension recommendation shall not apply to Members of the House of Assembly who were elected before December 7, 2016.

- On December 12, 2016, the Speaker received correspondence from the MHA for Topsail and the MHA for Ferryland stating their intention to bring forward a motion at the next meeting of the Management Commission to rescind the above Decisions with respect to recommendations 43 and 44 of the 2016 MCRC Report. (Correspondence attached).
- In accordance with the Policy and Procedures manual of the Management Commission, the Standing Orders of the House of Assembly are to be used as far as they can reasonably be applied to the proceedings of the Commission. As the proposed motion is a procedural matter of the Commission, and not a business agenda item (e.g. Minutes, letters of appeal), the Standing Orders apply. Under the Standing Orders, a notice of motion must be given at one meeting and the motion dealt with at a subsequent meeting. However, with unanimous consent, the Commission can proceed to address the motion at this meeting.
- If the motion is carried, recommendations 43 and 44 will be outstanding and the Commission will need to provide further direction with respect to these recommendations.

Analysis:

Legal Consultation:

Law Clerk – House of Assembly

Internal Consultation(s):

Corporate & Members' Services

External Consultation(s):

N/A

Comparison to Government Policy:

N/A

Financial Impact:

To be determined

Legislative Impact:

Any changes to pension provisions for MHAs will require amendments to the *Members of the House of Assembly Retiring Allowances Act*.

Options:

- The Commission approves the motion to rescind **CM 2016-061** and **CM 2016-062**.
- The Commission does not approve the motion to rescind **CM 2016-061** and **CM 2016-062**.

Status:

- **CM 2016-061** and **CM 2016-062** remain in effect.

Action Required:

- The direction of the Commission is requested.

Prepared by: Bobbi Russell
Date: December 14, 2016

Approved by: Sandra Barnes

Attachment:
Email dated December 12, 2016 to Members of the Commission from the Member for Topsail

Barnes, Sandra M.

From: Davis, Paul A (MHA- District of Topsail)
Sent: Monday, December 12, 2016 11:40 AM
To: Osborne, Tom; Hutchings, Keith
Cc: Parsons, Andrew; Dempster, Lisa; Coady, Siobhan; Browne, Mark; Michael, Lorraine; Barnes, Sandra M.
Subject: MCRC Recommendation 43

Mr. Speaker.....

On Wednesday December 7, 2016 the Management Commission considered and passed an amended resolutions on Recommendations 43 and 44 of the Members Compensation and Review Committee (MCRC). This is to advise that MHA Keith Hutchings and I will at the next meeting of the Management Commission bring forward a motion to rescind the said previous decisions on Recommendations 43 and 44.

Sincerely,
Paul

Paul Davis, MHA
District of Topsail-Paradise
Leader of the Opposition

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