



House of Assembly Management Commission Agenda

Date: February 22, 2023
Time: 9:30 a.m.
Location: HOA Chamber

Televised Meeting

1. Approval of Minutes – January 31, 2023
2. Provisions for Reimbursement of Legal Fees for Members
3. Intra & Extra Constituency Allowance Allocations
4. Eligibility of Language Training Expenses for Members



**House of Assembly
Newfoundland and Labrador**

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

Date: January 31, 2023

Location: House of Assembly Chamber (televised)/House of Assembly Committee Room (*in camera*)

Time: 1:30 p.m.

Members Present:

Hon. Derek Bennett, Speaker (Chair)

Hon. John Hogan, Government House Leader

Barry Petten, Opposition House Leader

Hon. Lisa Dempster, MHA (LIB), Cartwright - L'Anse au Clair

Lela Evans, MHA (NDP), Torngat Mountains

Craig Pardy, MHA (PC), Bonavista

Paul Pike, MHA (LIB), Burin - Grand Bank

Kim Hawley George, Clerk Assistant (A)/Secretary to the Commission (A)

Other

Brian Warr, Deputy Speaker

Bobbi Russell, Policy and Communications Officer

Regrets

Sandra Barnes, Clerk of the House of Assembly/Secretary to the Commission

As required by the *House of Assembly Accountability, Integrity and Administration Act*, the Chair reported decisions from *in camera* meetings held on December 5, 2022 and January 13, 2023. Details of decisions made at those meetings were included with the Minutes circulated to the Commission for approval and are posted on the House of Assembly website.

CM 2023-003 The Commission approved the Minutes of meetings held on November 24, 2022; December 5, 2022; and January 13, 2023.

The Speaker presented a report of rulings on allowance use, in accordance with Section 24 of the *House of Assembly Accountability, Integrity and Administration Act*. Since the last report, the Commission issued rulings to reimburse expenditures for the following Members:

- St. Barbe - L'Anse aux Meadows	\$438.66 & \$1,451.97
- Labrador West	\$1,095.94
- Harbour Grace - Port de Grave	\$58.56

It was noted for the Commission that there was a typo in correspondence from the Audit Committee dated November 3, 2022, and the correct date at the end of paragraphs one and two should be March 31, 2022.

CM 2023-004 The Commission approved the audited financial information for the fiscal year from April 1, 2021 to March 31, 2022 for the House of Assembly and Statutory Offices, as recommended by the Audit Committee.

CM 2023-005 The Commission directed, pursuant to subsection 43(2) of the *House of Assembly Accountability, Integrity and Administration Act*, that the Auditor General of Newfoundland and Labrador be appointed to audit the accounts of the House of Assembly and the Statutory Offices for the fiscal year ended 31 March 2023, as recommended by the Audit Committee.

CM 2023-006 The Commission approved the following transfer of funds:
From:
Subdivision 1.1.04.10 Members' Resources – Grants and Subsidies
\$900
To:
Subdivision 1.1.06.10 Government Members Caucus – Grants and Subsidies
\$900

CM 2023-007 The Commission concurred in recommendations of the Audit Committee and directed House officials to proceed with drafting the necessary policy amendments and/or directives, to be brought forward at a future meeting of the Commission for consideration.

The Chair recessed the televised portion of the meeting to transition to an *in camera* session.

The Chair resumed the *in camera* portion of the meeting.

The Commission directed no further action, at this time, respecting the response from the Citizens' Representative dated December 12, 2022. The Speaker recused from the discussion.

Adjournment: 2:30 p.m.

Hon. Derek Bennett
Speaker (Chair)

Kim Hawley George, KC
Clerk Assistant (A) and Secretary to the Commission (A)

**House of Assembly Management Commission
Briefing Note**

Title: Reimbursement of Legal Fees

Issue: To provide direction with respect to provisions for the reimbursement of legal fees.

Background:

- The Management Commission approved the Guidelines on Reimbursement of Legal Fees for Members of the House of Assembly (the Guidelines) at its December 4, 2019 meeting (**CM 2019-033** refers, see **Attachment 1**).
- The policy provisions are general in nature and do not address the reimbursement of legal fees specific to the matter (e.g. Code of Conduct, Harassment-Free Workplace Policy, actions in the courts, etc.). They apply generally to reimbursement of legal fees for Members respecting actions brought against them in carrying out their duties as MHAs.
- Current provisions are consistent with other jurisdictions that have established guidance on reimbursement of legal fees for Members. Many jurisdictions deal with the reimbursement of legal fees for Members on a case-by-case basis.
- During recent discussions on requests for reimbursement of legal fees for Members, the Commission directed House officials to review the current provisions and develop policy options for amendments.
- In addition, there is an outstanding Order of the House to the Management Commission related to the eligibility of legal fees under the Harassment-free Workplace Policy Applicable to Complaints Against MHAs (further to House's concurrence in the PEC report, April 2019), which directs the following:

“That the Management Commission determine policy direction with respect to reimbursement of legal fees under the proposed HFWP Applicable to Complaints Against MHAs for Members and employees of the Legislative branch.”
- Newfoundland & Labrador is unique in comparison to other jurisdictions in terms of the statutory provisions that allow reviews to be initiated against Members (e.g. Code of Conduct, Harassment-Free Workplace Policy, etc.). These provisions create a greater likelihood of a scenario where one Member is initiating a complaint against another Member, and creates potential for requests for reimbursement of legal fees on the same matter from both the complainant and respondent Members.

Analysis:

- The proposed policy approach is to identify the various circumstances under which MHAs may incur legal fees and develop policy options specific to each circumstance.
- The following table outlines the various circumstances that are contemplated at this time, under which a Member of the House of Assembly may incur legal fees, as well as the policy considerations and options for each.
- It is noted there are two circumstances under which a Member may incur legal fees that are not delineated in the table, as they **do not require** a decision of the Commission. These include:
 1. Court actions brought against a presiding officer of the House (e.g. Speaker, Deputy Speaker) acting in their role as presiding officer (these are covered by the House under House operations); and
 2. Court actions brought against a Minister in performance of their duties as Minister (these are covered by the Executive branch).

	<u>Circumstance Under Which Legal Fees May be Incurred</u>	<u>Related Requests to MC</u>	<u>Options</u>
1 (a)	Court action re Code of Conduct complaint – brought against MHA	Requests received/ Requests approved	1. Status quo – consider reimbursement in accordance with the current policy (e.g. case-by-case basis). 2. Prohibit reimbursement of legal fees in this context. 3. Provide financial assistance toward legal fees as a pre-established lump sum (amount to be determined by the Commission). No additional reimbursement would be provided regardless of total amount incurred. 4. Alternate direction provided by Commission. <i>*Also see information at the end of this table regarding possible legislative amendments to the HOAAIAA.</i>
1 (b)	Court action re Code of Conduct complaint – initiated by the MHA	No requests received to date	1. Status quo – consider reimbursement in accordance with the current policy (e.g. case-by-case basis). 2. Prohibit reimbursement of legal fees in this context.

	<u>Circumstance Under Which Legal Fees May be Incurred</u>	<u>Related Requests to MC</u>	<u>Options</u>
			<p>3. Provide financial assistance toward legal fees as a pre-established lump sum (amount to be determined by the Commission). No additional reimbursement would be provided regardless of total amount incurred.</p> <p>4. Alternate direction provided by Commission.</p> <p><i>*Also see information at the end of this table regarding possible legislative amendments to the HOAAIAA.</i></p>
2 a)	Actions in courts regarding other matters – initiated against MHA	No requests received to date	<p>1. Status quo – consider reimbursement in accordance with the current policy (e.g. case-by-case basis).</p> <p>2. Alternate direction provided by Commission.</p>
2 b)	Actions in courts regarding other matters – initiated by the MHA	No requests received to date	<p>1. Status quo – consider reimbursement in accordance with the current policy (e.g. case-by-case basis).</p> <p>2. Alternate direction provided by Commission.</p>
3 a)	Participation in Code of Conduct review – initiated against MHA ¹	Requests received/ Requests approved	<p>1. Status quo – consider reimbursement in accordance with the current policy (e.g. case-by-case basis).</p> <p>2. Prohibit reimbursement of legal fees in this context.</p> <p>3. Provide financial assistance toward legal fees as a pre-established lump sum (amount to be determined by the Commission). No additional reimbursement would be provided regardless of total amount incurred.</p> <p>4. Alternate direction provided by Commission.</p>
3 b)	Participation in Code of Conduct review – MHA initiates ¹	Requests received/ Requests approved	<p>1. Status quo – continue to consider reimbursement of legal fees in accordance with the current policy (e.g. case-by-case basis).</p>

	<u>Circumstance Under Which Legal Fees May be Incurred</u>	<u>Related Requests to MC</u>	<u>Options</u>
			2. Prohibit reimbursement of legal fees in this context. 3. Provide financial assistance toward legal fees as a pre-established lump sum (amount to be determined by the Commission). No additional reimbursement would be provided regardless of total amount incurred. 4. Alternate direction provided by Commission.
4	Complaints under Harassment-Free Workplace Policy Applicable to MHAs	Request received/ Request not approved	1. Prohibit the reimbursement of legal fees to remain consistent with the Executive branch policy, which is applicable to complaints against employees (consistent with precedent set by CM 2022-049) 2. Alternate direction provided by Commission.

¹ Retention of legal counsel is not a requirement to participate in the Code of Conduct review process, but rather is a personal choice of the Member.

- In consideration of recent decisions of the NL Supreme Court in *Joyce v. Gambin-Walsh*, 2022 NLSC 179 and *Kirby v. Chaulk*, 2022 NLSC 180, the Commission may wish to consider an amendment to the HOAAIAA to provide that civil actions or proceedings relating to the Code of Conduct do not lie with the Court, similar to statutory provisions that currently exist in other instances (e.g., s. 63 of HOAAIAA and s.51 of HOA Act).
- At the Commission’s direction, House officials will conduct an analysis related to the proposed amendment for consideration at a future meeting.

Legal Consultation:

Law Clerk

Internal Consultation(s):

Corporate and Members’ Services

External Consultation(s):

Jurisdictional information provided.

Comparison to Government Policy:

It is the understanding of House officials that the Executive branch will defend, negotiate or settle actions arising out of acts performed by Ministers, in good faith, in the course of their duties generally in accordance with government policy.

The Executive branch Harassment-Free Workplace Policy prohibits the reimbursement of legal fees related to complaints under that Policy. As noted, this policy applies to complaints against employees of the Legislative branch.

Financial Impact:

Cannot be determined at this time. However, costs related to the reimbursement of legal fees respecting Code of Conduct matters have been significant in recent years.

There has been one request to date for reimbursement of legal fees related to matters under the Harassment-Free Workplace Policy Applicable to Complaints Against Members, which was not approved (**CM 2022-049** refers).

Legislative Impact:

As outlined previously, the Commission may wish to consider an amendment to the HOAAIAA to provide that civil actions or proceedings relating to the Code of Conduct do not lie with the Court, similar to statutory provisions that currently exist in other instances (e.g., s. 63 of HOAAIAA and s.51 of HOA Act).

Options:

- Commission to provide direction with respect to the policy options outlined for each circumstance (#'s 1 to 4) in the preceding table.

Status:

- The current provisions of the Guidelines on Reimbursement of Legal Fees for Members remain in effect.

Action Required:

- Direction of the Commission is requested.

Prepared by: B. Russell/K. Hawley George
Date: February 10, 2023

Approved by: S. Barnes

Attachments:

1. Guidelines on Reimbursement of Legal Fees for Members of the House of Assembly – December 2019



House of Assembly

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

December 2019

Table of Contents

1.0 Approval

2.0 Purpose

3.0 Guidelines

4.0 Requests for Reimbursement

5.0 Financial Assistance for Initial Legal Consultation

1.0 Approval

Under the authority of subparagraph 20(6)(b)(ii) of the *House of Assembly Accountability, Integrity and Administration Act*, the House of Assembly Management Commission establishes these guidelines respecting the reimbursement of legal fees for Members of the House of Assembly.

2.0 Purpose

These guidelines are intended to provide guidance to Members of the House of Assembly as to the various considerations that will be applied by the Management Commission in considering requests for reimbursement of legal fees for Members.

3.0 Guidelines

All requests for reimbursement of legal fees for Members of the House of Assembly will be dealt with by the Management Commission on a **case-by-case basis with consideration of the following**:

- Whether the legal expenses arise out of, or are directly related to the Member carrying out duties as a Member (e.g. not electoral or personal in nature);
- Whether the Member initiated the proceedings;
- Whether the allegations against the Member have been substantiated at the conclusion of the matter;
- The Management Commission determines that the reimbursement is appropriate in the circumstance.

The Management Commission may, at its discretion, grant an exception to the above-noted guidelines if it determines that reimbursement of legal expenses is appropriate and in the public interest.

4.0 Requests for Reimbursement

Requests for reimbursement **can only be made** to the Management Commission **at the conclusion of the matter**, once all applicable recourse mechanisms have been exhausted (i.e. appeals, court costs awarded, etc.).

Requests must be submitted to the Speaker (as Chair of the Management Commission), and must include the following supporting documentation:

- Details with respect to the legal matter for which expenses were incurred;
- Total amount of legal expenses incurred;
- Detailed invoices for legal expenses incurred; and
- Any other information the Member feels pertinent to include with the request.

The Management Commission may, at its discretion:

- Request additional information from the Member; and/or
- Grant an exception to the above-noted guidelines if it determines that it is appropriate and in the public interest.

In accordance with Section 19 of the *House of Assembly Accountability, Integrity and Administration Act*, the matter will be considered at an *in-camera* meeting. **Any amounts approved for reimbursement and the name of the Member will be disclosed in the public Minutes of the Management Commission.**

5.0 Financial Assistance for Initial Legal Consultation

While requests for reimbursement of legal expenses will only be accepted and considered by the Management Commission at the conclusion of the matter, a Member may submit a request for financial assistance toward the initial legal consultation.

Requests must be submitted to the Speaker (as Chair of the Management Commission), and must include details with respect to the matter for which legal counsel is being sought.

Should the Member later proceed with a request for reimbursement of additional legal expenses on the same matter, the amount approved for financial assistance will be deducted from any future reimbursement approved by the Management Commission.

Requests for financial assistance for the initial legal consultation will be considered by the Management Commission **within 30 business days of receipt of the request by the Chair.**

In accordance with Section 19 of the *House of Assembly Accountability, Integrity and Administration Act*, the matter will be considered at an *in-camera* meeting. Any amounts approved for reimbursement and the name of the Member will be disclosed in the public Minutes of the Management Commission.

Should the Commission not be able to deal with the request within 30 days, authority is delegated to the Speaker to consider the request in consultation with the Government House Leader, Opposition House Leader and representative of the Third Party on the Management Commission. **Any amounts approved for reimbursement under this delegated authority and the name of the Member will be reported at a subsequent meeting of the Management Commission, and recorded in the public Minutes.**

**House of Assembly Management Commission
Briefing Note**

Title: Review of Intra & Extra (I&E) Constituency Allowances

Issue: Consideration of proposed formula and I&E constituency allowance allocations following review as recommended by the 2016 Members' Compensation Review Committee.

Background:

- The Intra & Extra Constituency Allowance (I&E) allocation is provided pursuant to Section 38 of the *Members' Resources and Allowances Rules* (the Rules) for the purpose of providing travel and living expenses for the following types of travel:
 - Within the constituency;
 - Between the constituency or the capital region and another constituency (outside the capital region);
 - To and from other parts of Canada for constituency business;
 - To and from St. Pierre-et-Miquelon where the purpose of the trip is directly related to constituency business; and
 - By the constituency assistant (where necessary) to attend to constituency business.
- It is the only allowance allocation provided for under the Rules that specifies funding on a district basis, the amounts of which are outlined in Schedule A. The current I&E funding is based on the following four elements, funding for each of which is notional (not fixed) and is not formula driven:
 1. meals;
 2. accommodations;
 3. mileage; and
 4. other travel (e.g. ferries, taxis, etc.)
- The order of reference for the 2016 Members' Compensation Review Committee (MCRC) included direction that the Committee to review and make recommendations to the Management Commission on the I&E allocation amounts established for each district.
- In its report, the MCRC instead recommended that the Management Commission appoint a subcommittee to conduct the review, utilizing public servant resources to assist with the task. The subcommittee consisted of MHA representation comprising the Member for Baie Verte - Green Bay; the Member for Conception Bay East - Bell Island; the Member for Virginia Waters - Pleasantville; and the former Members for Fortune Bay - Cape la Hune and St. John's Centre. It also consisted of staff resources from the Economics and Statistics Branch, Department of Finance and the House of Assembly.

Analysis:

- There were a number of assumptions outlined by the 2016 MCRC further to its recommendation. Based on those assumptions, the subcommittee identified two components that could be used in developing a formula to calculate I&E allocations for each district:
 1. Geographic/demographic component:
 - Kilometres of road
 - Population
 - Number of communities
 - Cluster of communities
 2. Quantum component:
 - The level of funding is needed to provide for travel and living expenses included under the I&E allocation based on the geographic/demographic component.

Geographic/demographic component:

- For this component of the formula, spatial analysis was conducted by the Economics and Statistics Branch of the Department of Finance.
- The Spatial Distribution Index, which is referred to as the Density Index, is a measure of how widely the population is distributed inside of a Provincial Electoral District. The index value represents the average distance between a resident and all other residents of the district based on kilometers of travel (road + ferry).
- This analysis resulted in a four category classification based on a Natural Break formula (refer **Attachment 1**).

Quantum component:

- For this component of the formula, an analysis was conducted of current funding for each district against the density index. Detailed data from I&E usage between April 1, 2012 and March 31, 2022 for each of the four components (mileage, accommodations, meals and other travel) was analyzed and modelled.
- In conducting this analysis, the subcommittee aimed for a fair and consistent approach by:
 - Assigning the same level of funding for all districts in a category (funding levels based on historical funding usage within the group);
 - Accounting for anomalies; and
 - Staying within the current funding envelope to the extent possible.

- As a result of this analysis, the districts were grouped into five categories, as follows:

Category	Definition
Category 1	Density index < 10
Category 2	Density index 10-30
Category 3	Density index 31-70
Category 4	Density index 71-118
Category 5	Anomalies (based on special characteristics of the district): <ul style="list-style-type: none"> - Cartwright - L'Anse au Clair - Conception Bay East - Bell Island - Torngat Mountains

- The analysis resulted in the following assignments to each of the I&E components for the five density index categories:

Category /Density index	Meals (# of days)	Accommodations (# of nights)	Mileage (Kilometers)	Other Travel (\$)
Category 1 - Density index < 10	15	6	5,800	\$1,000
Category 2 - Density index 10-30	25	10	8,800	\$1,000
Category 3 - Density index 31-70	40	20	14,000	\$1,000
Category 4 - Density index 71-118	50	25	16,000	\$1,000
Category 5 – anomalies:				
Cartwright - L'anse au Clair	50	40	18,000	\$11,100
Conception Bay East - Bell Island	40	28	5,800	\$1,000
Torngat Mountains	60	48	0	\$11,680

Proposed formula & calculation assumptions:

- The numbers assigned for each funding component were used to calculate an I&E allocation for each district category (and anomaly districts) using the following proposed formula and calculation assumptions:
 1. Meals [# of days x \$50¹]; +
 2. Accommodations [# of nights x \$125²]; +
 3. Mileage [# of kms x \$0.53³]; +
 4. Other travel.
- Using the formula outlined, the following proposed I&E allocations were calculated:

Category	Proposed I&E Allocation (HST incl.)
Category 1- Density index < 10	\$5,600
Category 2 - Density index 10-30	\$8,200
Category 3 - Density index 31-70	\$12,200
Category 4 - Density index 71-118	\$14,100
Category 5 – Anomalies:	
- Cartwright - L'Anse au Clair	\$26,800
- Conception Bay East - Bell Island	8,400
- Torngat Mountains	\$20,700

Impacts of proposed funding formula:

- A comparison of the current I&E allocations mapped against the density index for each district is provided in **Attachment 2**.
- The table in **Attachment 3** provides the current and proposed I&E allocation for each district.
- The graph in **Attachment 4** compares the proposed I&E allocations for each district category and anomaly districts, against the current allocations and historical usage. When comparing the proposed allocations against historical usage since 2015/16 (when the most recent electoral boundary changes came into effect), **no district is adversely impacted**.
- The proposed formula provides a consistent framework and approach for future adjustments to I&E allocations should it be required. The subcommittee

¹ Daily meal per diem rate as established by the Rules.

² Average nightly rate in temporary accommodations based on analysis of I&E historical usage.

³ Average of the designated Government of Newfoundland and Labrador mileage reimbursement rates in 2022.

recommends that reassessment of formula components and possible I&E allocation adjustments be carried out under the following circumstances:

- New census
 - Electoral boundary changes
 - Significant price increases
 - Changes to per diem rates
 - Resettlement of remote communities
- The original density index was calculated using the 2011 census data. In the summer of 2022, Statistics Canada released the 2021 census data. The Economics and Statistics Division recalculated the density index based on current data. While there were minor changes to several density indices, there were no changes needed to the assignment of districts to the categories.

Legal Consultation:

Not applicable.

Internal Consultation(s):

Not applicable.

External Consultation(s):

Economics and Statistics Branch – Department of Finance

Comparison to Government Policy:

Not applicable.

Financial Impact:

With the proposed I&E allocations, the total annual funding envelop would increase from \$386,000 (HST incl.) to \$391,700 (HST incl.). The increase of \$5,700 (HST incl.) would be absorbed into existing appropriations.

Legislative Impact:

Should the Commission approve the proposed formula and calculations, an amendment will be required to Schedule A of the *Members' Resources and Allowances Rules*. In accordance with subsection 15(5) of the HOAAIAA, the following process must be followed where the Commission proposes to amend, or add to, the level of Members' allowances:

1. The draft amendment must be tabled at a meeting of the Commission (see **Attachment 5**);
2. If the House is not in Session, notice of the draft amendment must be distributed to each Member and posted on the House of Assembly website; and
3. The draft amendment must be voted on at a subsequent meeting of the Commission.

Options:

1. Status quo – continue with the current I&E allocations.
2. Implement the proposed funding formula as outlined previously, which allocates consistent funding for districts in the same category according to the density index and uses historical usage data to assign estimates for funding components and calculation assumptions. Should the Commission choose this option, a motion will be required to approve the proposed funding formula and components, which will provide the framework for future adjustments when they are required. The subsequent amendment to Schedule A will follow the process as outlined in the “Legislative Impact” section.
3. Refer to the next Members’ Compensation Review Committee.

Status:

- The current I&E allocations as outlined in Schedule A of the *Members’ Resources and Allowance Rules* remain in effect.

Action Required:

- To be directed by the Commission.

Prepared by: B. Russell
Date: February 10, 2023

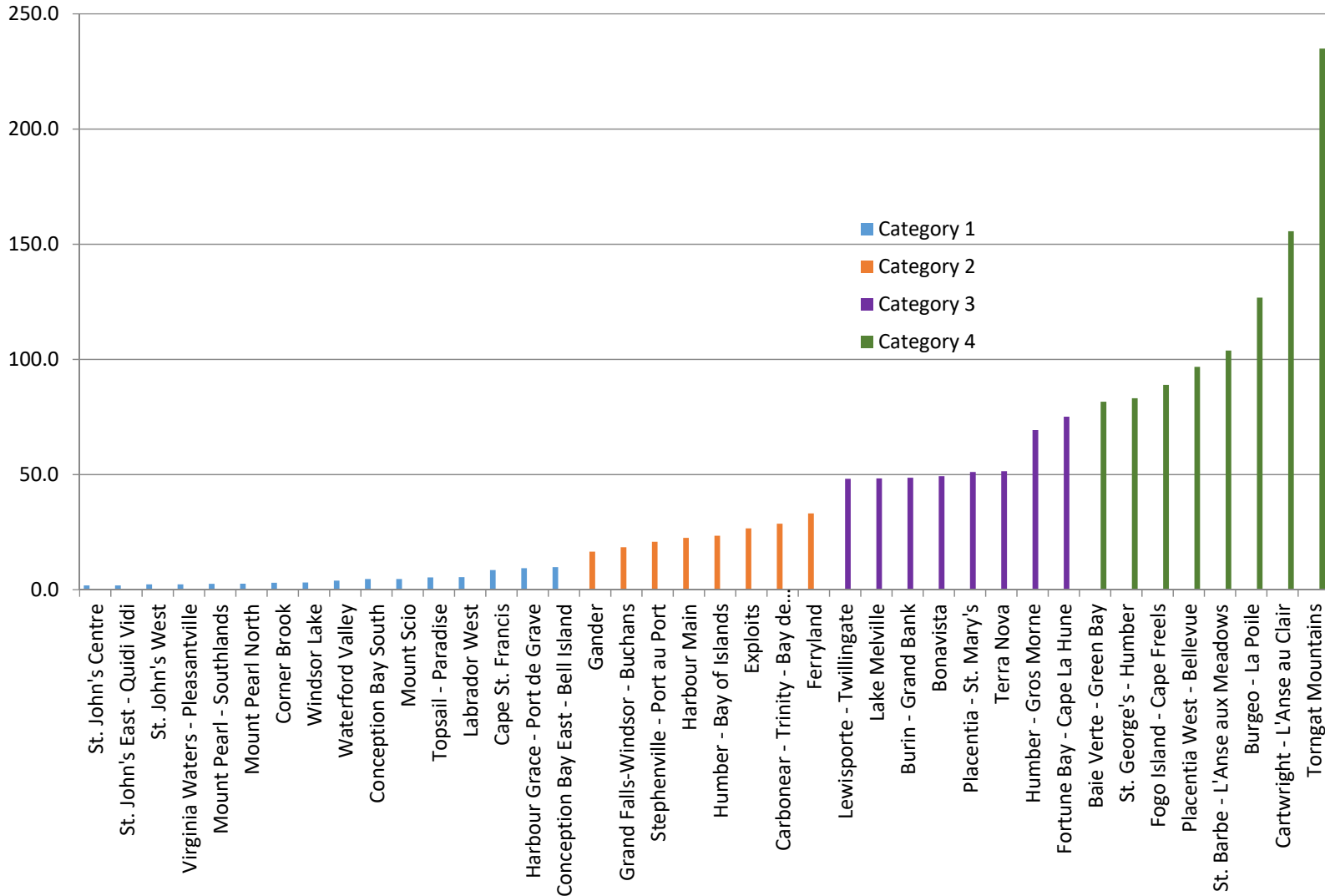
Approved by: S. Barnes

Attachments:

1. Density indices for 40 provincial electoral districts.
2. Comparison of proposed I&E allocations versus current I&E allocations.
3. Comparison of current and proposed I&E allocation for each district.
4. Comparison of proposed I&E allocations for each district category and anomaly districts, against the current allocations and historical usage.
5. Proposed amendment to Schedule A, *Members’ Resources and Allowances Rules*.

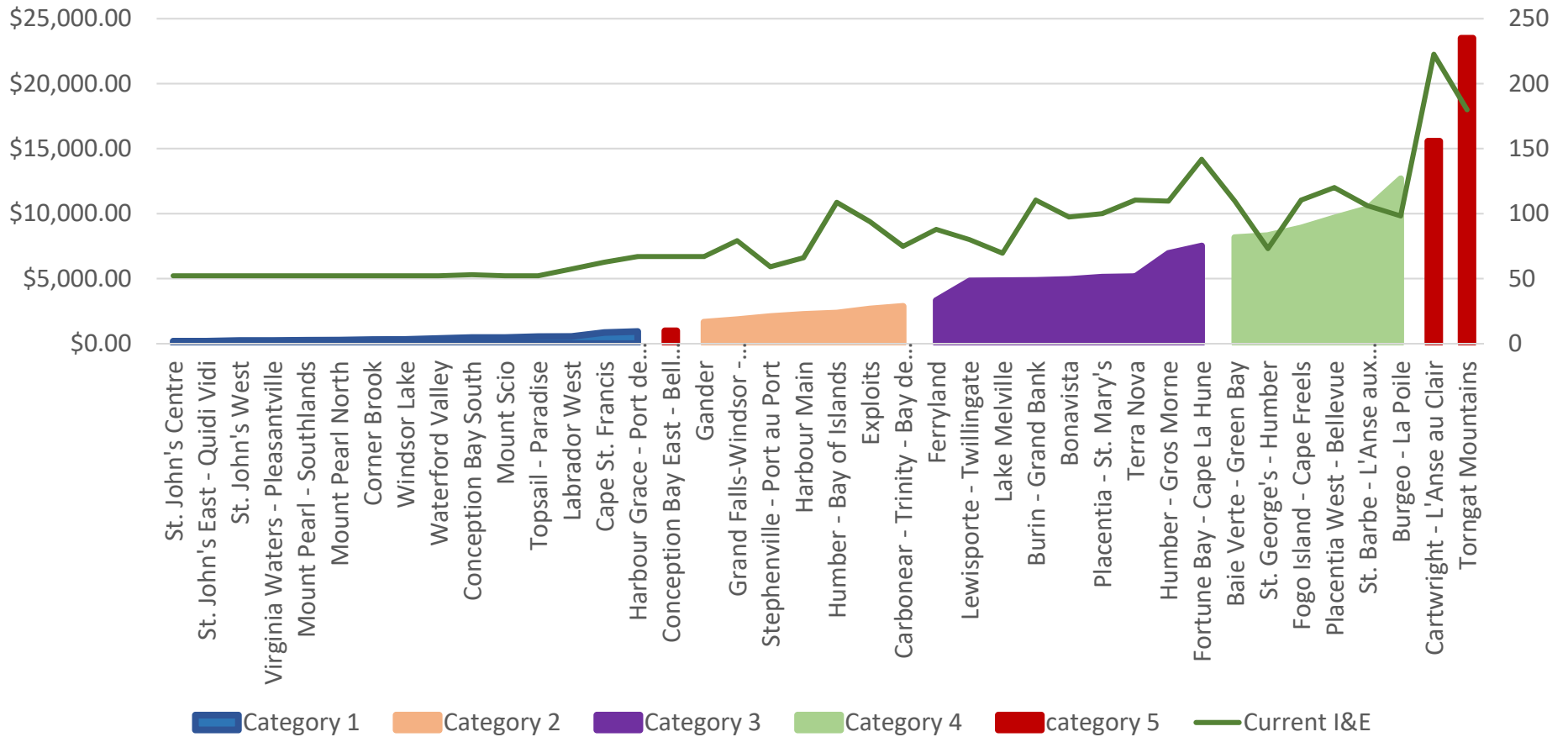
Attachment 1

Density Index as computed By Economics and Statistics



Attachment 2

Current I&E mapped against Density index

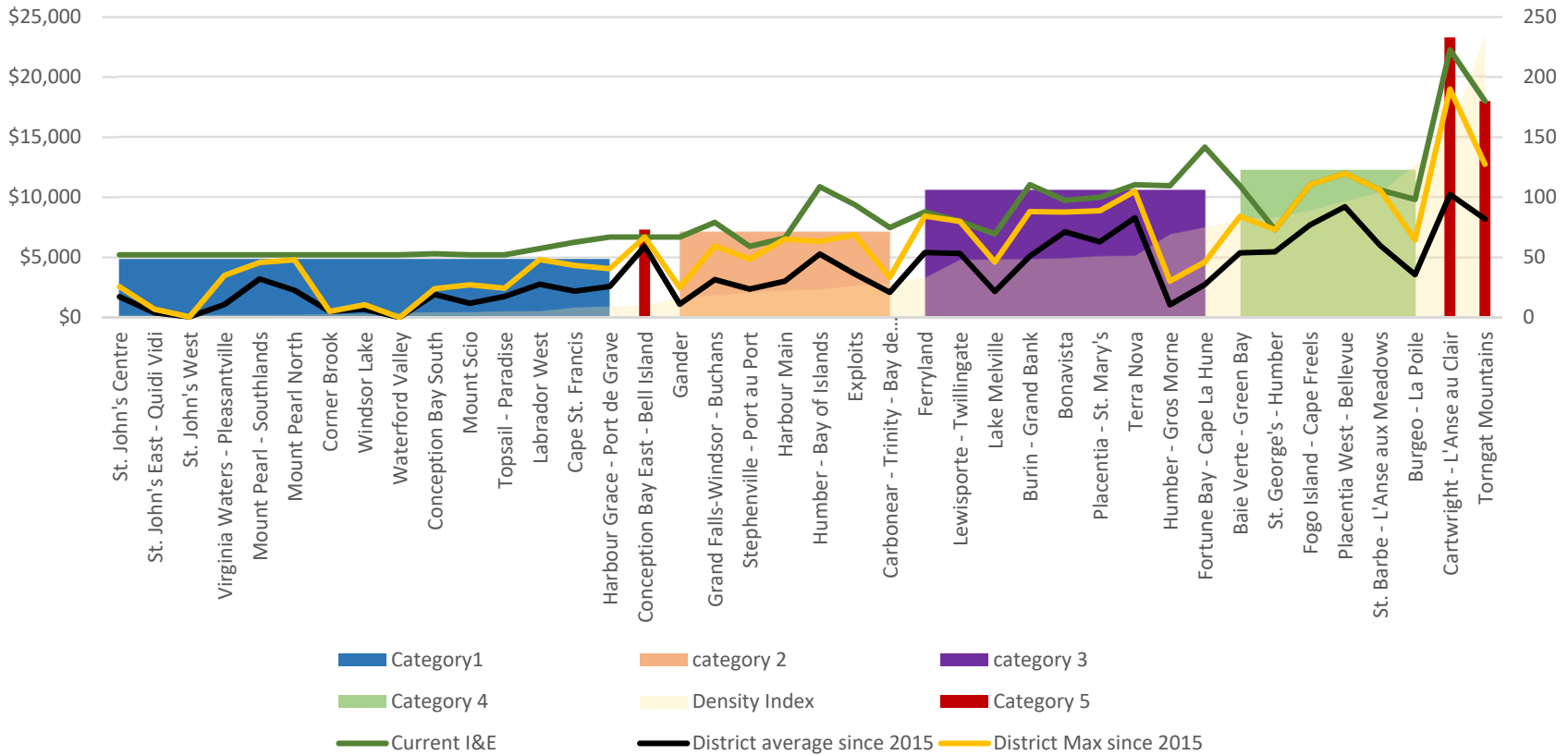


Current and Proposed Intra and Extra Constituency Allowance Allocations

Category	Electoral District#	District Name	Density Index 2021	Current I&E (HST incl.)	Proposed I&E (HST incl.)
Category 1	31	St. John's Centre	1.8	\$6,000	\$5,600
	32	St. John's East-Quidi Vidi	1.8	\$6,000	\$5,600
	33	St. John's West	2.3	\$6,000	\$5,600
	38	Virginia Waters-Pleasantvill	2.3	\$6,000	\$5,600
	24	Mount Pearl-Southlands	2.5	\$6,000	\$5,600
	25	Mount Pearl North	2.6	\$6,000	\$5,600
	10	Corner Brook	3	\$6,000	\$5,600
	40	Windsor Lake	3.1	\$6,000	\$5,600
	39	Waterford Valley	3.9	\$6,000	\$5,600
	9	Conception Bay South	4.6	\$6,100	\$5,600
	26	Mount Scio	4.6	\$6,000	\$5,600
	36	Topsail-Paradise	5.3	\$6,000	\$5,600
	21	Labrador West	5.4	\$6,600	\$5,600
	5	Cape St. Francis	8.5	\$7,200	\$5,600
	17	Harbour Grace - Port de Gr	9.3	\$7,700	\$5,600
Category 2	15	Gander	16.5	\$7,700	\$8,200
	16	Grand Falls-Windsor- Bucha	18.4	\$9,100	\$8,200
	34	Stephenville - Port au Port	20.8	\$6,800	\$8,200
	18	Harbour Main	22.5	\$7,600	\$8,200
	19	Humber - Bay of Islands	23.4	\$12,500	\$8,200
	11	Exploits	26.6	\$10,800	\$8,200
	6	Carbonear - Trinity - Bay de	28.6	\$8,600	\$8,200
Category 3	12	Ferryland	33.1	\$10,100	\$12,200
	23	Lewisporte-Twillingate	48.1	\$9,200	\$12,200
	22	Lake Melville	48.3	\$8,000	\$12,200
	4	Burin - Grand Bank	48.6	\$12,700	\$12,200
	2	Bonavista	49.3	\$11,200	\$12,200
	27	Placentia-St. Mary's	51.1	\$11,500	\$12,200
	35	Terra Nova	51.4	\$12,700	\$12,200
	20	Humber - Gros Morne	69.3	\$12,600	\$12,200
	14	Fortune Bay - Cape La Hunc	75.1	\$16,300	\$12,200
Category 4	1	Baie Verte - Green Bay	81.6	\$12,600	\$14,100
	30	St. George's - Humber	83.1	\$8,400	\$14,100
	13	Fogo Island - Cape Freels	88.9	\$12,700	\$14,100
	28	Placentia West - Bellevue	96.7	\$13,800	\$14,100
	29	St. Barbe - L'Anse aux Meac	103.8	\$12,200	\$14,100
	3	Burgeo & LaPoile	126.8	\$11,300	\$14,100
Category 5	8	Conception Bay East - Bell I	9.8	\$7,700	\$8,400
	7	Cartwright-L'Anse au Clair	155.6	\$25,600	\$26,800
	37	Torngat Mountains	234.9	\$20,700	\$20,700
				\$386,000	\$391,700

Attachment 4

I&E: Current, Proposed and Impact



Attachment 5 – Proposed Amendment to Schedule A

1. The *Members' Resources and Allowances Rules* are amended by repealing Schedule A and by substituting the following:

Schedule A

House Operations Estimates of Intra-constituency Costs

	Electoral District	Total
District No.		
1	Baie Verte - Green Bay	\$14,100
2	Bonavista	\$12,200
3	Burgeo - La Poile	\$14,100
4	Burin - Grand Bank	\$12,200
5	Cape St. Francis	\$5,600
6	Carbonear - Trinity - Bay de Verde	\$8,200
7	Cartwright - L'Anse au Clair	\$26,800
8	Conception Bay East - Bell Island	\$8,400
9	Conception Bay South	\$5,600
10	Corner Brook	\$5,600
11	Exploits	\$8,200
12	Ferryland	\$12,200
13	Fogo Island - Cape Freels	\$14,100
14	Fortune Bay - Cape La Hune	\$12,200
15	Gander	\$8,200
16	Grand Falls-Windsor - Buchans	\$8,200
17	Harbour Grace - Port de Grave	\$5,600
18	Harbour Main	\$8,200
19	Humber - Bay of Islands	\$8,200
20	Humber - Gros Morne	\$12,200
21	Labrador West	\$5,600
22	Lake Melville	\$12,200
23	Lewisporte - Twillingate	\$12,200
24	Mount Pearl - Southlands	\$5,600
25	Mount Pearl North	\$5,600
26	Mount Scio	\$5,600
27	Placentia - St. Mary's	\$12,200

28	Placentia West - Bellevue	\$14,100
29	St. Barbe - L'Anse aux Meadows	\$14,100
30	St. George's - Humber	\$14,100
31	St. John's Centre	\$5,600
32	St. John's East - Quidi Vidi	\$5,600
33	St. John's West	\$5,600
34	Stephenville - Port au Port	\$8,200
35	Terra Nova	\$12,200
36	Topsail - Paradise	\$5,600
37	Torngat Mountains	\$20,700
38	Virginia Waters - Pleasantville	\$5,600
39	Waterford Valley	\$5,600
40	Windsor Lake	\$5,600
	Total	\$391,700

**House of Assembly Management Commission
Briefing Note**

Title: Language Training Expenses for Members

Issue: To provide clarification on the eligibility of language training expenses under the *Members' Resources and Allowances Rules* (the Rules).

Background

- In recent months, a Member inquired about availing of French language training offered through the Centre for Learning and Development (CLD) of the Public Service Commission, while another Member inquired whether training in a different language would be an eligible expense.
- An analysis undertaken of the relevant provisions of the Rules identified that it may be difficult, depending on the characteristics and demographic of an electoral district, to establish a direct connection between the requirement for language training and a Member's responsibilities as it relates to constituency business (a requirement of all expenses charged under the Rules).
- The House does not have a general budgetary allocation to procure training for Members. Any funding for language training would have to be covered by either Members' allowances (under the Rules) or through caucus funding; and consequently, subject to the eligibility provisions for those funding sources.
- In the circumstance of the request for French language training, the costs were covered by the caucus and were not charged to the Member's allocations under the Rules, as the training requirement was related to the Member's caucus responsibilities. In the request for training in a different language, the Member was advised the expense would not be eligible for reimbursement.

Analysis:

- Paragraph 46(3)(e) of the Rules provides that expenses related to travel, accommodations, meals and registration fees for conferences and training courses for the member or constituency assistant are eligible for reimbursement under the constituency allowance allocation, with approval of the Speaker.
- The constituency allowance allocation provides for the reimbursement of expenses related to constituency work. Subsection 46(1) states:

46. (1) A member is entitled to be reimbursed for his or her constituency expenses necessarily incurred by that member to carry out his or her constituency business.

- Subsection 24(1) of the Rules provides for reimbursement of expenses incurred with operating a constituency office, with paragraph 24(1)(f) authorizing expenditures related to staff professional development.
- Constituency business is defined in the Rules as:

“an activity directly connected with a member's responsibilities as a member in relation to the ordinary and proper representation of electors and their families and other residents in the constituency, but does not include partisan political activities.”
- In reviewing requests for reimbursement of expenses related to conferences or training course, the analysis includes an assessment of whether the conference or training course is directly connected with the member's responsibilities in carrying out constituency business. As mentioned, this may be difficult as it relates to language training, depending on the characteristics and demographics of some electoral districts.
- Given the changing demographics within our province, it is increasingly possible that any language training (including French) could be of value for a Member as it relates to conducting constituency business.
- Subparagraph 20(6)(b)(i) of the *House of Assembly Accountability, Integrity and Administration Act* provides authority to Commission to issue directives “interpreting, clarifying or amplifying the rules”.
- Considering the provisions of paragraph 46(3)(e) as it relates to training expenses, and paragraph 24(1)(f) as it relates to professional development, the Commission may wish to consider issuing a directive to clarify whether language training expenses would be considered eligible under either, or both, the constituency allowance allocation or the office expenses allocation for all Members. Further, it may also wish to provide clarity on whether it would be language training expenses generally, or specific to French.
- Any language training expenses approved for reimbursement for a Member would have to be covered within the Member's current allocation for the constituency allowance (\$3,000 HST incl., per member, per fiscal year) or the office allowances allocation (\$12,000 HST incl, per member, per fiscal year). No additional funding is contemplated.

Legal Consultation:

Law Clerk

Internal Consultation(s):

Corporate and Members' Services

External Consultation(s):

Not applicable.

Comparison to Government Policy:

The Centre for Learning and Development contracts French Language training through LRDG, an on-line second language evaluation and training provider, and provides it at no cost to full-time public service employees and Ministers. The House of Assembly was advised that French language training costs could not be covered by the CLD for Members (except Ministers), as they are not considered employees.

Financial Impact:

Any language training expenses would be approved for reimbursement under existing allocations; that is, either the constituency allowance allocation or the office allowance allocation.

Legislative Impact:

Not applicable. Section 46 of the Rules provides for expenses related to training which are directly connected to constituency-related work. Section 24 of the Rules provide for professional development expenses related to running the constituency office. The Commission could issue a directive to clarify whether language training expenses are eligible under Section 46 and/or Section 24, pursuant to its authority under subparagraph 20(6)(b)(ii) of the HOAAIAA.

Options:

1. Consider issuing a directive, pursuant to subparagraph 20(6)(b)(i) of the HOAAIAA, to clarify whether language training expenses (or French language training specifically) are eligible under Section 46 and/or Section 24 of the Rules.
2. Take no action at this time. Requests for expenses related to language training will be assessed in accordance with the provisions of Rules and the definition of constituency business under the Rules (that is, Members will be required to establish a direct connection between the expenses and their responsibilities as it relates to conducting constituency business).

Status:

- The current provisions of the Rules apply.

Action Required:

- Direction of the Commission is requested.

Prepared by: B. Russell
Date: February 14, 2023

Approved by: S. Barnes