



Newfoundland &  
Labrador

## HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

### DIRECTIVE

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<b>Effective Date:</b> June 13, 2011	<b>Commission Minute:</b> CM 2011-026
<b>Subject:</b> Guidelines on Dissolution of the Newfoundland and Labrador House of Assembly	<b>Reference:</b> HOAMC Meeting: June 7, 2011 Agenda Item: Tab # 9
<b>Issued To:</b> All Members of the House of Assembly; Comptroller General; Directors of Government Accounting, Professional Services and Internal Audit, Financial Systems Control, and Corporate Services; Office of the Auditor General; Office Managers of Government Caucus, Official Opposition Caucus, NDP Caucus; Assistant Deputy Clerk, Executive Council; Director of Operations, Office of the Premier.	<b>Contact:</b> Marlene Lambe Chief Financial Officer 729 – 2923

### BACKGROUND

During democratic elections, an incumbent should not have an advantage over another candidate because of access to public funds, or because of the status associated with being a Member of the House of Assembly. Dissolution Guidelines provide guidance to Members on the salaries, allowances and services that are available to them during the writ period (the day the General Assembly is dissolved until the polling day of the ensuing General Election).

The Dissolution Guidelines used for the 2007 election had not yet been updated for the October 2011 General Election. At its June 7, 2011 meeting, the Commission adopted the attached Guidelines on the Dissolution of the Newfoundland and Labrador House of Assembly, dated June 2011.

### DIRECTIVE

Pursuant to subparagraph 20(6)(b)(ii) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission approved the Guidelines on Dissolution of the Newfoundland and Labrador House of Assembly, dated June 2011.

William MacKenzie  
Clerk of the House of Assembly



**House of Assembly**

**Guidelines on Dissolution of the Newfoundland and Labrador  
House of Assembly**

**June 2011**

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## 1.0 Approval

Under the authority of subparagraph 20(6)(b)(ii) of the *House of Assembly Accountability, Integrity and Administration Act*, the House of Assembly Management Commission establishes these guidelines relating to Members' allowances, benefits and services following dissolution of the House of Assembly.

## 2.0 Purpose

These guidelines are provided for Members of the House of Assembly and Constituency Assistants. They are intended to provide policies and procedures to be followed between the day the General Assembly is dissolved and the polling day of the ensuing general election.

## 3.0 General

### The Calling of an Election

Section 3 of the *House of Assembly Act* states:

3. (1) *Notwithstanding subsection (2), the Lieutenant-Governor may, by proclamation in Her Majesty's name, prorogue or dissolve the House of Assembly when the Lieutenant-Governor sees fit.*
- (2) *A polling day at a general election shall be held on the second Tuesday in October, 2007 and afterward on the second Tuesday in October in the fourth calendar year following the polling day at the most recently held general election.*

The common procedure for calling an election is:

1. The Premier requests the Lieutenant Governor to grant a dissolution of the House of Assembly.
2. The Lieutenant-Governor in Council issues a proclamation under Section 57 of the *Election Act, 1991* which:
  - (a) appoints a day and place for the nomination of candidates and fixes a day of polling in each electoral district in which the election is to be held;
  - (b) directs the issue of a writ of election for each electoral district in which an election is to be held; and

- (c) fixes the date on which the writs shall be issued and directs that they shall be returned at the time and in the manner prescribed by the Act.

Votes are counted immediately after the close of the poll; however, the official vote count takes place 3 days after election day. A further 12 clear days are then provided for results to be delivered to the Chief Electoral Officer and that candidate is then declared elected.

#### Entitlements during the writ period

Upon dissolution, there are no Members of the House of Assembly. During the election campaign, no one can claim to be a Member of the House of Assembly or MHA and these titles may not be used on campaign signs and literature. However, salary and certain expenses continue to be paid during the writ period.

Section 14 of the *House of Assembly Accountability, Integrity and Administration Act* states:

- (1) *For the purpose of entitlement to the payments provided for in subsections 11 (1), (2) and (4), a person is a member from the date of his or her election until his or her seat is vacated or until the day immediately before the date of the next following election, whichever first occurs.*
- (2) *Notwithstanding subsection (1), a member shall not claim reimbursement of expenses under subsection 11(2) from the date an election is called until the date of his or her reelection as a member.*

Subsection 11 (2) of the *House of Assembly Accountability, Integrity and Administration Act* states:

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

## **4.0 Guidelines**

### **4.1 Salaries for Members**

Members of the House of Assembly will continue to receive their salary until the day before polling day. Salaries for Members-elect commence on polling day.

## **4.2 Salaries for Constituency Assistants**

Salaries will continue to be paid to Members' Constituency Assistants during the writ period. Constituency Assistants who wish to become involved with the election campaign during normal working hours must either take paid leave or a leave of absence.

Constituency Assistants will receive 30 days notice of layoff. This notice will be given 20 days prior to polling day. This will provide 10 days after polling day for assistants whose Members are retiring or who are not re-elected to conclude matters in their offices. This notice will include a clause that the notice is rescinded if the Member for whom they work is re-elected.

## **4.3 Travel and Living Allowances**

In accordance with Section 14 of the *House of Assembly Accountability, Integrity and Administration Act*, Members may not claim reimbursement for travel, meals and accommodations during the writ period.

## **4.4 Constituency Business**

Members may assist their constituents with ongoing or nonpartisan concerns. Constituency Assistants may not be involved in the election campaign while occupying their offices in the Confederation Building Complex or other constituency offices located outside Confederation Building.

## **4.5 Constituency Offices**

Constituency offices may remain open during the election period and payments for rent and services will continue to be made from each Member's Office Accommodations and Operational Resources allocations.

Offices may only be used for constituency business and not for the purpose of conducting partisan political activities. Offices may not be used to prepare, store or distribute party, constituency association or election campaign material, nor can offices display any material advocating the choice of any party or candidate.

During the election period, all office equipment (e.g. photocopiers, desktop computers, etc.) must remain in the offices of Members and caucus offices. This equipment must not be used for partisan purposes. Members

who are not re-elected will be required to confirm a listing of assigned inventory items as part of the concluding HR processes.

#### **4.6 Online Services**

E-mail and internet services that are accessed through the House of Assembly continue throughout the writ period but their use should be limited to dealing with nonpartisan constituency related matters and may not be used for election purposes.

#### **4.7 Promotional and Communication Expenses**

Members must not incur any promotional or communications-related expenses during the writ period.

#### **4.8 Office Supplies**

During the writ period, bulk orders of stationary and office supplies acquired for Members by Corporate and Members' Services Division (CMS) will be suspended. Only minimum quantities of these supplies for regular office maintenance will be provided.

#### **4.9 Cell Phones, Blackberries and Telephones**

During the writ period, Members may continue to use cell phones, blackberries and telephones provided by the House of Assembly. However, Members are responsible for the cost of calls related to partisan activities during the writ period or other personal usage. Upon determination of the total cost of calls, Members should issue a cheque made payable to the Newfoundland Exchequer Account and deposit to the Consolidated Revenue Fund or forward the cheque to Corporate and Members' Services Division for deposit.

A Member may choose to return his or her cell phone or blackberry to Corporate and Members' Services Division for safe-keeping during the writ period. All cell phones or blackberries will be returned to re-elected Members following polling day.

Purchase of new cell phones or blackberries is limited to replacement of broken, lost or stolen phones.