



**House of Assembly
Newfoundland and Labrador**

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

Date: June 29, 2016

Location: House of Assembly Chamber

Time: 10:35 a.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 (Via Teleconferencing)

Mr. Keith Hutchings, MHA (PC) Ferryland

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

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

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

Regrets:

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

Other

Ms. Lisa Dempster, MHA (Lib), Cartwright – L'Anse au Clair, Deputy Speaker

Ms. Marie Keefe, Policy & Communications Officer

CM 2016-014 The Minutes of the House of Assembly Management Commission meeting held on November 6, 2015 were approved as read.

CM 2016-015 The Minutes of the House of Assembly Management Commission meeting held on March 16, 2016 were approved as read.

CM 2016-016 The Minutes of the House of Assembly Management Commission meeting held on March 23, 2016 were approved as read.

CM 2016-017

The Minutes of the House of Assembly Management Commission meeting held on May 30, 2016 were amended to include Mr. Paul Davis in the list of attendees.

The Speaker gave an update on rulings on allowance use under section 24 of the *House of Assembly Accountability, Integrity and Administration Act* for the period ending June 22, 2016 as follows:

- The amount of \$98.29 was approved for the Member for the District of Conception Bay South, Mr. Barry Petten, for expenses which were in compliance with the Rules but were submitted past the 60-day deadline.
- The amount of \$769.41 was approved for the Member for the District of Exploits, Mr. Jerry Dean, for expenses which were in compliance with the Rules but were submitted past the 60-day deadline.
- The amount of \$76.70 was approved for the Member for the District of Labrador West, Mr. Graham Letto, for expenses which were in compliance with the Rules but were submitted past the 60-day deadline.
- The amount of \$1,234.58 was approved for the Member for the District of Bonavista, Mr. Neil King, for expenses which were in compliance with the Rules but were submitted past the 60-day deadline.

The Speaker gave an update on an approval made under his Delegated Authority Respecting Financial Matters. (CM 2008 – 095 refers). The Department of Finance advised the House of Assembly that it wished to restate certain Estimates of the Legislature relating to the 2015-16 fiscal year in order to provide accurate comparative data. This is consistent with generally accepted accounting practices and often utilized when departments are reorganized. The Estimates of the Legislature must be approved by the Management Commission. At the time of the request the information was required to finalize Budget 2016, and because the Commission was unable to meet to discuss the issue, it was deemed to be an urgent financial matter. The Speaker, using his authority under CM 2008 – 095, approved the restatement of the Estimates for Budget 2016.

Pursuant to paragraph 23(8)(c) of the *House of Assembly Accountability, Integrity and Administration Act*, the 9th report of the Audit Committee was submitted to the Commission for review.

CM 2016-018 The Commission directed the Office of the Chief Electoral Officer to negotiate with the landlord a lease extension for one year, under the existing terms and conditions, with the possibility of a further 4 year extension, pending the outcome of the Transportation and Works space review.

CM 2016-019 The Commission gave approval to the Office of the Auditor General to permanently fill the position of Principal – Performance Audit.

CM 2016-020 The Commission gave approval to the Office of the Child and Youth Advocate to permanently fill the position of Executive Secretary.

CM 2016-021 Pursuant to subparagraph 20(6)(b)(ii) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission approved the proposed amendments to the following:

- Cellular and Landline Phone Services Policy for Members of the House of Assembly and Constituency Assistants;
- Standard Office Allocation Package for Members and Constituency Assistants; and
- Cellular and Landline Phone Services Policy for Employees of the House of Assembly Service, Caucus Offices and Statutory Offices.

The Commission approved an additional amendment to the Standard Office Allocation Package to provide for “one recording device for television” in place of the existing “one VCR or DVD recorder or one combination unit”.

CM 2016-022 Pursuant to Subsection 20(4) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission delegates to the Speaker of the House of Assembly, in consultation with the Government House Leader, the Official Opposition House Leader and the Third Party representative on the Commission, the power to make decisions respecting financial matters relating to the administration of

the House of Assembly and Statutory Offices provided that the decision is urgently required and the Commission is unable to meet on the matter in a timely manner. A decision made under this directive and reasons for it shall be recorded and reported back at the next meeting of the Commission.

CM 2016-023 The Commission approved payment of the invoice totaling \$114.21 for the Member for Cape St. Francis, with the expenses to be paid within the appropriate allocation for the 2016-17 fiscal year.

CM 2016-024 The Commission approved the payment of invoices for the former Members for Labrador West, Lake Melville and Conception Bay South.

The financial reports for the Legislature for the periods April 1, 2015 to March 31, 2016 were provided to the Commission for review. The Members' Accountability and Disclosure Reports were provided for the same period.

In accordance with the Transfer of Funds Policy, April 2008, budget transfers processed during fiscal 2015-2016 were reported to the Commission.

CM 2016-025 The Commission approved the following transfer of funds:

From:

Subdivision 1.1.06.10 Government Members Caucus–Grants and Subsidies \$1,200
Subdivision 1.1.04.09 Members' Resources – Allowances and Assistance \$ 100

To:

Subdivision 1.1.04.10 Members' Resources – Grants and Subsidies \$ 1,300

CM 2016-026

The Commission approved the draft Parliamentary Precinct Order subject to final wording by the Office of the Legislative Counsel:

NEWFOUNDLAND AND LABRADOR REGULATION /2016

Parliamentary Precinct Order
under the
House of Assembly Act

Under the Authority of section 19.2 of the *House of Assembly Act* and with the concurrence of the House of Assembly Management Commission, I hereby make the following Order.

Dated at St. John's, , 2016.

Tom Osborne
Speaker of the House of

Assembly

ORDER

Analysis

1. Short Title
2. Parliamentary Precinct

Short title

1. This Order may be cited as the *Parliamentary Precinct Order*.

Parliamentary precinct

2. The parliamentary precinct of the Legislature of Newfoundland and Labrador shall include:

(a) the Confederation Building, East Block, North Wing, second and third floors, including the House Chamber, Speaker and Clerk Offices, Caucus rooms and all corridors and offices within this area;

(b) offices within the Confederation Building Complex not within the area referred to in paragraph (a) which are the offices and space assigned to

- (i) the Government Member Caucus and its Members,
- (ii) the Opposition Member Caucuses and their Members,
- (iii) Independent Members; and
- (iv) Government, Official Opposition and other Opposition Party Members with offices located away from the general office space used by Members referred to in subparagraphs (i) and (ii) ;

(c) offices of the House of Assembly service as described in section 25 of the *House of Assembly Accountability, Integrity and Administration Act* including offices of the divisions of

- (i) Information Management, including the Legislative Library, Hansard, Broadcast Services and Records Management, and

- (ii) Corporate and Members' Services;

(d) vaults and storage areas used for records of the House of Assembly, Management Commission and the House of Assembly service;

(e) Confederation Building East Block, second floor, north east entrance where access and use is related to the functioning and business of the Speaker, the House, its Members, Officers and staff;

(f) Confederation Building, East Block access corridor through second floor doors, porches and lobby to areas referred to in paragraphs (a), (b) and (c) where access and use is related to the functioning and business of the Speaker, the House, its Members, Officers and staff;

(g) access through elevator and stairs to areas referred to in paragraphs (a), (b), (c) and (d) where access and use is related to the functioning and business of the Speaker, the House, its Members, Officers and staff;

(h) parking spaces in the northeast parking lot of the Confederation Building East Block and reasonable automobile access to those spaces from the Prince Phillip Parkway for Members and employees of the House of Assembly; and

(i) access by Members and employees of the House of Assembly from the Confederation Building East Block parking spaces referred to in paragraph (h) to the entrance referred to in paragraph (e).

Adjournment: 12:00 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: July 15, 2016

Location: Speaker's Boardroom

Time: 9:15 a.m.

Members Present:

Mr. Tom Osborne, MHA, Waterford Valley, Speaker

Ms. Sandra Barnes, Clerk of the House of Assembly

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

Hon. Andrew Parsons, Government House Leader (Via Teleconferencing)

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

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

Mr. Keith Hutchings, MHA (PC) Ferryland

Regrets:

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

Other

Ms. Marie Keefe, Policy & Communications Officer

The Commission made the following decisions at an *in camera* meeting held July 15, 2016:

CM 2016-027

The Commission recommended the appointment of Mr. Donovan Molloy in an acting capacity as Information and Privacy Commissioner to be compensated at EP-10, Step 25 until the position is filled on a permanent basis by resolution of the House; and, that the permanent Information and Privacy Commission be compensated at EP-10, Step 25. The Speaker's Office will be responsible for the

payment of Law Society or other fees associated with the practice of law for the Information and Privacy Commissioner.

CM 2016-028

In order to give immediate effect to **CM 2016-027**, the Commission waived the usual two day waiting period for Management Commission decisions.

Adjournment: 9:35 p.m.

Tom Osborne, MHA
Speaker and Chair

Sandra Barnes
Clerk and Secretary to the Commission

House of Assembly Management Commission

Briefing Note

Title: Payment of Expenses from Previous Fiscal Year

Issue: Appeal of Claim Ruling - Member for Placentia-St. Mary's

Background:

- The Member for Placentia-St. Mary's is appealing the denial of payment by Corporate and Members' Services Division of certain allowable expenses incurred by the Member. These expenditures were incurred in the 2015-16 fiscal year, but were not submitted for reimbursement within 30 days of the end of that year.
- Subsection 7(2) of the *Members Resources and Allowances 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.*
- Subsections 24(1), 24(8) and 24(9) of the *House of Assembly Accountability, Integrity and Administration Act* (the Act) state:
 - 24(1) *Where a member incurs an expense and a claim for reimbursement, or payment has been rejected by an officer or staff member of the House of Assembly service, or the member is unsure as to whether an expense, if incurred, will qualify for reimbursement or payment, he or she may request a ruling from the speaker.*
 - (8) *Where the ruling of the speaker is that the expenditure does not comply with the rules and directives of the commission, the member may appeal that ruling to the commission and, after giving the member an opportunity to make a submission in writing in support of the appeal, the commission may decide to reverse, uphold or modify the ruling of the speaker, and the decision of the commission is final.*
 - (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 expenses submitted, totaling \$683.19, have been reviewed by the Corporate and Members' Services Division and are allowable under the *Members' Resources and Allowances Rules*.
- 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 expense allocation for the current fiscal year (2016-17).
- The attached letter from the Member for Placentia-St. Mary's 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 payment of expenses totaling \$683.19 for the Member for Placentia-St. Mary's, with the expenses to be paid within the appropriate allocation for the 2016-17 fiscal year.
2. Deny payment of the expenses totaling \$683.19 for the Member for Placentia-St. Mary's.

Status:

- Claim for reimbursement of the expenses remains outstanding.

Action Required:

- Decision of the Commission is requested.

Prepared by: Bobbi Russell
Date: August 16, 2016

Approved by: Sandra Barnes

Attachments:

1. Letter dated July 13, 2016 from the Member for Placentia-St. Mary's to the Speaker.
2. Letter dated July 22, 2016 from the Speaker to the Member for Placentia-St. Mary's.



HOUSE OF ASSEMBLY
Newfoundland and Labrador

Sherry Gambin-Walsh, M.H.A.
Placentia St. Mary's District

July 13, 2016

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

Dear Mr. Osbourne:

Re: Member Expense Claim: MECMS966511

Dear Mr. Osbourne:

This expense claim was for House In Session expenses incurred March 20 to March 23, 2016. These expenses were, however, submitted more than 30 days after the end of the 2015-16 fiscal year. Consequently, Member Expense Claim MECMS966511 has been rejected by Corporate and Member Services.

I am enclosing a copy of this expense claim for your information. The details are as follows:

- HIS Temporary Accommodation: \$593.19 including HST
- HIS Meals: \$90 including HST
- Total Reimbursement Amount: \$683.19

I apologize for this oversight and respectfully request that this letter serve as an official appeal to the Management Commission for reimbursement of these expenses.

Thanking you in advance for your consideration of this matter, I remain,

Yours truly,

S. Gambin-Walsh

Sherry Gambin-Walsh, MHA
Placentia-St. Mary's District

Encl.



HOUSE OF ASSEMBLY
Newfoundland and Labrador
OFFICE OF THE SPEAKER

July 22, 2016

Hon. Sherry Gambin-Walsh, MHA
District of Placentia -St. Mary's
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Minister:

I am writing in response to your correspondence of July 13, 2016 regarding expense claim MECMS966511 for expenses incurred in the 2015-2016 fiscal year that were not submitted for reimbursement within 30 days of the end of that year.

The process for Members to follow respecting allowance use is outlined in Section 24 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act). and involves the Speaker, in the first instance, with the Commission having the final authority. Subsection 24 (4) of the Act states that the Speaker's approval confirms that the expenditures comply with the *Members' Resources and Allowances Rules* (the Rules).

Given the provisions of Subsection 7(2) of the Rules, it is not possible for me to state that the expenditures are in compliance with that Rule. The next step, therefore, is for you to request that the issue be brought to the House of Assembly Management Commission for a final decision.

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

Regards,

A handwritten signature in cursive, 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: Letter of Appeal – Payment of Expenses from Previous Fiscal Year

Issue: Appeal of Ruling - Member for Mount Pearl-Southlands

Background:

- The Member for Mount Pearl-Southlands is appealing the denial of payment by Corporate and Members' Services Division of certain allowable expenses incurred by the Member. These expenditures were incurred in the 2015-16 fiscal year, but the invoice was not submitted for payment within 30 days of the end of that year.
- Subsection 7(2) of the *Members Resources and Allowances 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.*
- Subsections 24(1), 24(8) and 24(9) of the *House of Assembly Accountability, Integrity and Administration Act* (the Act) state:
 - 24(1) *Where a member incurs an expense and a claim for reimbursement, or payment has been rejected by an officer or staff member of the House of Assembly service, or the member is unsure as to whether an expense, if incurred, will qualify for reimbursement or payment, he or she may request a ruling from the speaker.*
 - (8) *Where the ruling of the speaker is that the expenditure does not comply with the rules and directives of the commission, the member may appeal that ruling to the commission and, after giving the member an opportunity to make a submission in writing in support of the appeal, the commission may decide to reverse, uphold or modify the ruling of the speaker, and the decision of the commission is final.*
 - (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 expenses submitted, totaling \$200.00 and \$60.00, have been reviewed by the Corporate and Members' Services Division and are allowable under the *Members' Resources and Allowances Rules*.
- 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, they 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 these expenses, they will be charged to the Member's expense allocation for the current fiscal year (2016-17).
- The attached letter from the Member for Mount Pearl-Southlands 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 payment of the expenses totaling \$200.00 and \$60.00 for the Member for Mount Pearl-Southlands, with the expenses to be paid within the appropriate allocation for the 2016-17 fiscal year.
2. Deny payment of the expenses totaling \$200.00 and \$60.00 for the Member for Mount Pearl-Southlands.

Status:

- Reimbursement of the expenses remains outstanding.

Action Required:

- Decision of the Commission is requested.

Prepared by: Bobbi Russell
Date: August 16, 2016

Approved by: Sandra Barnes

Attachments:

1. Letter dated July 25, 2016 from the Member for Mount Pearl-Southlands to the Speaker.
2. Letter dated July 26, 2016 from the Speaker to the Member for Mount Pearl-Southlands.



HOUSE OF ASSEMBLY
Newfoundland and Labrador

PAUL LANE, M.H.A.
District of Mount Pearl-Southlands

July 25, 2016

Speaker Tom Osborne
Speaker of the House of Assembly
Main Floor, East Block
P.O. Box 8700
St. John's, NL
A1B 4J6

Dear Speaker Osborne:

I am requesting your approval for payment of the two attached invoices:

1. Calendar ad for Tricom Bantam AAA – Mount Pearl Minor Hockey. Payment was not made within the two month time frame as they were not set up on the Govt. payment system.
2. Booking of Southlands Community Center for public meeting. City of St. John's took too long in sending in the invoice.

I have been informed by Govt. Member's Services that other than the time delay in submission of these claims, they both fall within policy for approval.

Thanking you in advance for your anticipated cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Lane', enclosed in a large, loopy oval.



HOUSE OF ASSEMBLY
Newfoundland and Labrador
OFFICE OF THE SPEAKER

July 26, 2016

Mr. Paul Lane
District of Mount Pearl- Southlands
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Mr. Lane:

I am writing in response to your correspondence of July 25, 2016 regarding your request for approval for payment of expenses incurred in the 2015-2016 fiscal year that were not submitted for reimbursement within 30 days of the end of that year.

The process for Members to follow respecting allowance use is outlined in Section 24 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act). and involves the Speaker, in the first instance, with the Commission having the final authority. Subsection 24 (4) of the Act states that the Speaker's approval confirms that the expenditures comply with the *Members' Resources and Allowances Rules* (the Rules).

Given the provisions of Subsection 7(2) of the Rules, it is not possible for me to state that the expenditures are in compliance with that Rule. The next step, therefore, is for you to request that the issue be brought to the House of Assembly Management Commission for a final decision.

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

Regards,

A handwritten signature in cursive, 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: Letter of Appeal – Payment of Invoice from Previous Fiscal Year

Issue: Appeal of Ruling - Member for Gander

Background:

- The Member for Gander is appealing the denial of payment by Corporate and Members' Services Division of certain allowable expenses incurred by the Member. These expenditures were incurred in the 2015-16 fiscal year, but the invoice was not submitted for payment within 30 days of the end of that year.
- Subsection 7(2) of the *Members Resources and Allowances 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.*
- Subsections 24(1), 24(8) and 24(9) of the *House of Assembly Accountability, Integrity and Administration Act* (the Act) state:
 - 24(1) *Where a member incurs an expense and a claim for reimbursement, or payment has been rejected by an officer or staff member of the House of Assembly service, or the member is unsure as to whether an expense, if incurred, will qualify for reimbursement or payment, he or she may request a ruling from the speaker.*
 - (8) *Where the ruling of the speaker is that the expenditure does not comply with the rules and directives of the commission, the member may appeal that ruling to the commission and, after giving the member an opportunity to make a submission in writing in support of the appeal, the commission may decide to reverse, uphold or modify the ruling of the speaker, and the decision of the commission is final.*
 - (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 invoice submitted, totaling \$84.75, has been reviewed by the Corporate and Members' Services Division and contains expenditures that are allowable under the *Members' Resources and Allowances Rules*.
- 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 the invoice; the expenses will be charged to the Member's expense allocation for the current fiscal year (2016-17).
- The attached letter from the Member for Gander 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 payment of the invoice totaling \$84.75 for the Member for Gander, with the expenses to be paid within the appropriate allocation for the 2016-17 fiscal year.
2. Deny payment of the invoice totaling \$84.75 for the Member for Gander.

Status:

- The invoice remains outstanding.

Action Required:

- Decision of the Commission is requested.

Prepared by: Bobbi Russell
Date: August 16, 2016

Approved by: Sandra Barnes

Attachments:

1. Letter dated July 29, 2016 from the Member for Gander to the Speaker.
2. Letter dated August 15, 2016 from the Speaker to the Member for Gander.



HOUSE OF ASSEMBLY
Newfoundland and Labrador

DR. JOHN HAGGIE, M.D., M.H.A.
District of Gander

July 29, 2016

The Honourable Tom Osborne
Speaker, House of Assembly
Confederation Building
P. O. Box 8700
Prince Philip Drive
St. John's, NL
A1B 4J6

Dear Mr. Speaker:

Please find attached an invoice in the amount of \$84.75 from the Town of Gander, dated May 31, 2016. This invoice covers the cost of a wreath on behalf of the MHA for the 30th anniversary ceremonies of the Arrow Air crash on December 12, 2015.

By the time it was processed, the province was in a new fiscal year. Therefore, I am asking your approval for payment of this invoice which will be charged to my Constituency Allowance for the 2016-17 fiscal year.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Haggie".

John Haggie, MHA
District of Gander



HOUSE OF ASSEMBLY
Newfoundland and Labrador
OFFICE OF THE SPEAKER

August 15, 2016

Hon. John Haggie M.H.A.
Minister of Health and Community Services
District of Gander
P.O. Box 2222
Gander, NL A1B 4J6

Dear Dr. Haggie:

I am writing in response to your correspondence of July 29, 2016 regarding an **invoice** for the amount of \$84.75 for expenses incurred in the 2015-2016 fiscal year that were not submitted for reimbursement within 30 days of the end of that year.

The process for Members to follow respecting allowance use is outlined in Section 24 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act). and involves the Speaker, in the first instance, with the Commission having the final authority. Subsection 24 (4) of the Act states that the Speaker's approval confirms that the expenditures comply with the *Members' Resources and Allowances Rules* (the Rules).

Given the provisions of Subsection 7(2) of the Rules, it is not possible for me to state that the expenditures are in compliance with that Rule. The next step, therefore, is for you to request that the issue be brought to the House of Assembly Management Commission for a final decision.

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

Regards,

A handwritten signature in cursive, 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 *Elections Act, 1991* requires candidates to file with the Chief Electoral Officer a financial statement of income and expenses relating to the election along with an auditor's report within 4 months of polling day. The Act further provides for the payment of auditor subsidies for all campaigns and a subsidy to candidates that receive at least 15% of the popular vote.
- In the 2015-2016 budget submission, candidate and auditor subsidies were estimated to total \$650,000, with \$500,000 being payable in 2015-2016 and \$150,000 in 2016-2017. The timing of this funding requirement was premised on an October 2015 general election. The amount was an estimate as the exact funding requirement is not known until all the filings are made and reviewed by the Office of the Chief Electoral Officer.
- In June 2015, legislation was passed which set the provincial general election date to November 30, 2015. Consequently the filing deadline for the candidate and auditor subsidies became March 30, 2016. As the fiscal year ended March 31, 2016, the date change meant that the majority of candidate and auditor subsidies would need to be paid in fiscal 2016-17.
- \$108,199 was paid out in 2015-16 to candidates that filed before the March 30, 2016 deadline. Budget 2016-17 provided \$500,000 for payment of the remaining subsidies. To date \$499,746 has been paid out in 2016-17. Based on the file reviews by the OCEO, an additional \$74,000 is required for the remaining candidate and auditor subsidies to be paid.
- 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.
- The Transfer of Funds Policy, April 2008 requires 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 refers).

Analysis:

Legal Consultation:

Not applicable

Internal Consultation(s):

Not applicable

External Consultation(s):

Not applicable

Comparison to Government Policy:

Not applicable

Financial Impact:

The Electoral Office does not have sufficient funds within its appropriations to cover the additional funding requirement. Funds will be transferred from Members' Resources – Allowances and Assistance. Savings are anticipated in this appropriation as historically Members do not spend their full allocations as provided for under the Members' Rules.

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 \$ 74,000

To:

Subdivision 3.1.01.10 Office of the Chief Electoral Officer – Grants and Subsidies \$ 74,000

Drafted by: Jennifer Bragg
Date: August 18, 2016

Approved by: Sandra Barnes

Attachments:

1. Budget Transfer No. HOABT2017-006

LEGISLATURE

Budget Adjustment No.: HOABT2017-006

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	\$74,000

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	\$74,000

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: Renewal of Lease

Issue: Approval to Renew the Lease for the Office of the Chief Electoral Officer

Background:

- The Office of the Chief Electoral Officer leases 9,150 square feet of space at 39 Hallett Crescent in St. John's. The space consists:
 - 3,650 square feet of office space
 - 3,000 square feet of warehouse/assembly space – used to store all the ballot boxes (in excess of 2,000) and election material
 - 2,500 square feet of special ballot/warehouse space - used to store equipment between elections and provide work space for additional temporary staff hired during elections.
- The tender was awarded to Fairview Investments Limited for a 10 year term, on May 18, 2006 at an annual lease rate of \$109,520, exclusive of HST. The lease did not contain any renewal provisions. Since the lease expired on May 17, 2016, it has been continued on a month-to-month basis.
- The Department of Transportation and Works (TW) is in the process of optimizing Government of Newfoundland and Labrador (GNL) real estate holdings with the goal of terminating any unnecessary leases and improving the use of GNL-owned space. As this process is ongoing, TW is recommending that expiring leases be renewed.
- To date, the review has not identified any available space for the OCEO. As the OCEO requirements are unique and specific, TW is recommending that leased space continue at this time.
- When the Management Commission considered this matter at its meeting of June 29, 2016, it directed the Office of the Chief Electoral Officer to negotiate with the landlord a lease extension for one year, under the existing terms and conditions, with the possibility of a further 4 year extension, pending the outcome of the Transportation and Works space review (CM 2016-018 refers.)

- In accordance with CM 2016-018, the Department of Transportation and Works (who conducts leasing activities on behalf of the House of Assembly) approached the landlord with the following outcome:
 - The landlord has offered a five year lease extension under the same terms, conditions and rental rate of \$109,520.
 - The landlord has offered a one year extension at a rate of \$190,045.
- Transportation and Works recommends that the lease be renewed for the five year term as:
 - i. this rate is considered to be below market value for the St. John's area; and
 - ii. staying in the existing lease would avoid a disruption of services and the cost of moving (estimated at \$3-\$5 per square foot; or \$27,450-\$45,750 for this lease).
- If the one year renewal option is exercised, a new tender will need to be issued. The length of time between issuance of a tender and occupation of space can be expected to take in excess of 6 months.
- Section 48(2) of the *House of Assembly Accountability, Integrity and Administration Act* states:
 - (2) *The Public Tender Act and the Conflict of Interest Act, 1995 shall apply to the House of Assembly and the statutory offices except to the extent that the application may be modified by a rule or directive of the commission putting in place alternative and more appropriate requirements dealing with tendering processes and the conflict of interest of persons employed in the House of Assembly and statutory offices.*
- Subsection 4(2) of the *Public Tender Act* states the following:
 - (2) *The Lieutenant-Governor in Council may exempt particular leasing situations from the application of this section where, in his or her opinion, the government funded body reasonably requires a particular space.*
- While the House of Assembly follows the *Public Tender Act* for tendering and contract purposes, the appropriate body for approving lease renewals for the Legislature is the Management Commission.
- In accordance with subsection 48(2) of the *House of Assembly Accountability, Integrity and Administration Act*, adaptations may be made by rule or directive of the Management Commission with respect to the *Public Tender Act* to more appropriately reflect the tendering needs of the House of Assembly.
- The present lease is stated as being between the Lessor and Her Majesty the Queen in Right of the Newfoundland and Labrador as represented by the Minister of Transportation and

Works. This lease was entered into in 2006, prior to the coming into force of the *House of Assembly Accountability, Integrity and Administration Act*.

- Leases for the Legislature should be between the Lessor and Her Majesty the Queen in Right of the House of Assembly as represented by the Speaker. Therefore any lease renewal should be headed as between the Lessor and Her Majesty the Queen in Right of the House of Assembly of Newfoundland and Labrador as represented by the Speaker.

Analysis:

Legal Consultation:

Law Clerk of the House of Assembly

Internal Consultation(s):

Not applicable.

External Consultation(s):

Not applicable.

Comparison to Government Policy:

Not applicable.

Financial Impact:

If the Management Commission directs a one year renewal, funding will need to be identified for the additional lease cost. There are insufficient funds within the appropriations of the Office of the Chief Electoral Office. If savings cannot be identified elsewhere in appropriations of the Legislature, a special warrant will be required.

Legislative Impact:

Not applicable.

Options:

1. The Management Commission approves the renewal of the lease for premises occupied by the Chief Electoral Office, for a further term of 5 years under the same terms and conditions contained in the present lease dated May 18, 2006. The lease will be between the Lessor (Fairview Investments Limited) and Her Majesty the Queen in Right of the House of Assembly as represented by the Speaker.
2. The Management Commission approves the renewal of the lease for premises occupied by the Chief Electoral Office, for a term of 1 year under the same terms and conditions contained in the present lease dated May 18, 2006, but with an increase of \$80,525 for the term. The lease will be between the Lessor (Fairview Investments Limited) and Her Majesty the Queen in Right of the House of Assembly as represented by the Speaker.

Status:

- The current lease continues on a month to month basis. Without a renewal, the landlord can serve notice.

Action Required:

- The Management Commission issue a directive stating that in accordance with subsection 48(2) of the *House of Assembly Accountability, Integrity and Administration Act* and for the purposes of the *Public Tender Act*, approvals shall be given by the Management Commission.
- The direction of the Commission is requested regarding the lease extension.

Prepared by: Sandra Barnes
Date: August 18, 2016