

**House of Assembly Management Commission
Agenda**

Date: January 26, 2022
Time: 9:30 am
Location: Via Videoconference (WebEx)

In Camera Meeting

Televised Meeting

2. Approval of Minutes
 - a) January 5, 2022
 - b) January 12, 2022
3. Appointment of Auditor for House of Assembly & Statutory Offices – Fiscal Year ended 31 March 2022
4. Caucus Funding



**House of Assembly
Newfoundland and Labrador**

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

Date: January 5, 2022

Location: via videoconference

Time: 9:30 a.m.

Members Present:

Hon. Derek Bennett, Speaker (Chair)

Hon. Steve Crocker, Government House Leader

Barry Petten, Opposition House Leader

Helen Conway Ottenheimer, MHA (PC), Harbour Main

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

Jim Dinn, MHA (NDP), St. John's Centre

Paul Pike (LIB), Burin - Grand Bank

Sandra Barnes, Clerk/Secretary to the Commission

Other

Brian Warr, Deputy Speaker

Kim Hawley George, Law Clerk/Clerk Assistant (A)

Bobbi Russell, Policy & Communications Officer

CM 2022-001 The Commission, at an *in camera* meeting, approved reimbursement of legal fees in accordance with the exception provisions of the Guidelines on the Reimbursement of Legal Fees for Members of the House of Assembly for the Member for Harbour Grace - Port de Grave in the amount of \$4,769.63.

CM 2022-002 The Commission, at an *in camera* meeting, approved the following transfer of funds:

To: 1.1.04.02 Members' Resources – Professional Services
\$4,100.00

From: 1.1.05.02 House Operations – Transportation and Communications
\$4,100.00

The Commission directed recommending to the Lieutenant-Governor in Council that Karen Gray be appointed Child and Youth Advocate on an acting basis in accordance with Section 8.1 of the *Child and Youth Advocate Act*, with compensation at the appropriate step of the EP-10 Pay Plan, and waived the two-day waiting period to expedite necessary action.

CM 2022-005 The Commission, at an *in camera meeting*, directed the Speaker to respond on behalf of the Management Commission to the Member for Humber - Bay of Islands regarding his letter dated August 12, 2021, outlining the powers and duties of the Commission in light of the Member's request.

Adjournment: 10:27 a.m.

Hon. Derek Bennett
Speaker (Chair)

Sandra Barnes
Clerk and Secretary to the Commission

DRAFT



**House of Assembly
Newfoundland and Labrador**

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

Date: January 12, 2022

Location: via videoconference

Time: 9:30 a.m.

Members Present:

Hon. Derek Bennett, Speaker (Chair)

Hon. Steve Crocker, Government House Leader

Barry Petten, Opposition House Leader

Helen Conway Ottenheimer, MHA (PC), Harbour Main

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

Jim Dinn, MHA (NDP), St. John's Centre

Paul Pike (LIB), Burin - Grand Bank

Sandra Barnes, Clerk/Secretary to the Commission

Other

Kim Hawley George, Law Clerk/Clerk Assistant (A)

Bobbi Russell, Policy & Communications Officer

Robert Hillier, Manager, Human Resources Services & Payroll Administration

CM 2022-006 The Commission approved the Minutes of the December 1, 2021 meeting as read.

CM 2022-007 The Commission directed that, effective January 12, 2022, compensation for constituency assistants be set at the PS-05 scale, with each constituency assistant to be transferred from their current step on the PS-04 scale to the same step on the PS-05 scale.

Adjournment: 9:49 a.m.

Hon. Derek Bennett
Speaker (Chair)

Sandra Barnes
Clerk and Secretary to the Commission

**House of Assembly Management Commission
Briefing Note**

Title: Appointment of Auditor

Issue: Appointment of auditor for the House of Assembly & Statutory Offices for the fiscal year ended 31 March 2022.

Background:

- Pursuant to subsection 43(2) of the *House of Assembly Accountability, Integrity and Administration Act (HOAAIAA)*, the Management Commission must appoint an auditor of the accounts of the House of Assembly and Statutory Offices before the end of each fiscal year, upon the recommendation of the Audit Committee.
- In correspondence dated January 7, 2022, the Audit Committee recommends that the Auditor General be appointed as auditor, pursuant to paragraph 27(7)(b) of the *HOAAIAA*.
- Should the Commission not appoint an auditor before the end of the fiscal year:
 - The auditor for that fiscal year defaults to the Auditor General (subsection 43(5) of *HOAAIAA* refers); and
 - The Speaker must report to the House that the Commission has not appointed an auditor (subsection 43(4) of *HOAAIAA* refers).

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:

- Approve appointment of the Auditor General, as recommended by the Audit Committee, to audit the accounts of the House of Assembly and Statutory Offices.

Status:

- Appointment of auditor for the fiscal year ended 31 March 2022, pursuant to subsection 43(2) of the *HOAAIAA*, remains outstanding.

Action Required:

- Commission directs, 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 2022.

Drafted by: Bobbi Russell
Date: January 17, 2022

Approved by: Sandra Barnes

Attachments:

1. Letter dated January 7, 2022 from the Audit Committee to the Speaker.



January 7, 2022

Speaker Derek Bennett
Chair, House of Assembly Management Commission

Under section 43 of the *House of Assembly Accountability, Integrity and Administration Act* ("the Act"), the Commission is required to appoint an auditor, on recommendation of the Audit Committee, to audit the accounts of the House of Assembly and statutory offices.

At its meeting of November 26, 2021 the Audit Committee considered this matter, and recommends to the Management Commission that the Auditor General be the auditor for the House of Assembly and statutory offices for the fiscal year ending March 31, 2022.

Regards,

A handwritten signature in black ink, appearing to read "Paul Pike".

Paul Pike, MHA

Chair, Audit Committee

**House of Assembly Management Commission
Briefing Note**

Title: Caucus Funding

Issue: To address an inconsistency between the application of the caucus funding policy and the definition of caucus in the *House of Assembly Accountability, Integrity and Administration Act (HOAAIAA)*.

Background:

- An inconsistency between the application of the caucus funding policy and the definition of caucus in the *House of Assembly Accountability, Integrity and Administration Act (HOAAIAA)* was identified in May 2019 when considering the impacts of the election of the 49th General Assembly. It was realized that based on the current wording of the policy, there was no authority to provide caucus funding to a registered political party with one Member as it does not fit either the definition of a caucus or a non-affiliated member.

- The Management Commission has considered this matter at meetings in September 2019 (a decision was deferred) and July 2020, when the following direction was issued:

CM 2020-018 The Commission directed House officials to draft amendments to the caucus funding policy provisions to provide funding for a registered political party of one member, with the amendments to be brought forward at a future meeting for approval.

- To under the issue and the direction required from the Commission at this point in time, the background information is provided.
- The May 2007 Green Report, Rebuilding Confidence: Report of the Review Commission on Constituency Allowances and Related Matters, encouraged the Management Commission to review the funding arrangements provided to caucuses. An excerpt from Chapter 12 of the report discussing the matter of caucus funding is included at Attachment 1.
- The 46th General Assembly was elected in October 2007, with the following composition of the 48-Member House:
 - 44 Government;
 - Three Official Opposition; and
 - One Third Party.

- In November 2007, the Management Commission considered the matter of funding for the opposition caucuses and directed the following (CM 2007-019 refers and is included at Attachment 2):
 - Approved interim funding for the opposition caucuses; and
 - Engaged Metrics EFG Inc. to conduct a study into caucus funding requirements.
- Metrics EFG submitted its report and recommendations in August 2008, which was considered by the Commission at meetings held on October 15, 2008 and November 18, 2008. Direction provided from these meetings defined the caucus funding policy (CM 2008-085 and CM 2008-093 refer). These provisions were subsequently amended by CM 2011-010, CM 2012-002 and CM 2016-013. The direction provided from these decisions are collated in the draft Caucus Funding Policy document included at Attachment 3.
- The Third Party received caucus funding for the duration of the 46th General Assembly (2007-2011) although comprised of a single Member. This was consistent with the position outlined in the Green report, specifically:

In Chapter 6 I recommended that a third party ought to be represented on the IEC even if it had only one member elected to the House. In like manner, it seems to me that a third party ought also not to be constrained by minimum-member rules with respect to being provided sufficient floor funding to enable it to perform its parliamentary functions. Even a party represented by only one member in the House should have access to basic resources, over and above those available to him or her qua member, to enable research and other administrative functions to be carried out. It is not an objection to such an arrangement that it would open up the provision of extensive resources to “fringe” movements or nonaffiliated individuals who manage to get one member elected to the House. The arrangement could be limited to only those persons or groups who meet the criteria for registration and are registered as a political party under the provisions of the Elections Act, 1991.

- There is nothing in the Metrics EFG report, Management Commission briefing materials, Minutes or Hansard during that time frame indicating that the definition of caucus in the HOAAIAA (i.e., “a group of 2 or more members who belong to the same registered political party”) was inconsistent with the application of the policy to a registered political party with one Member in the House.
- The Green Report is clear that a single Member elected from a recognized political party, if that party forms the third party in the House, should be regarded differently than a non-affiliated member. This concept is reiterated in the HOAAIAA in the following sections:
 - Composition of the Management Commission
 18. *3(g) one member, if any, from a third party that is a registered political party and has at least one member elected to the House of Assembly.*

- Establishment of the Members' Compensation Review Committee

16. (2) *Before the appointments are made under subsection (1), the speaker shall consult with the government house leader, the opposition house leader and the leader of a **third party having one or more members** in the House and report the results of those consultations to the House.*

- There are no special provisions in the *HOAAIAA* for fourth or subsequent registered political parties of just one Member.
- In addition to the definition of caucus, the *HOAAIAA* contains seven other references to the word caucus (refer Attachment 4). The number of Members in the caucus is not relevant to the matter being addressed in either of these references.
- From a parliamentary perspective, privileges of a caucus or a Member of a registered political party in the House (e.g., responses to ministerial statements, time in question period and participation on Standing/Select Committees) are governed by the Standing Orders, not the *HOAAIAA*, which deals only with matters of administration.
- It is noted that since the early 2000s, the Third Party has been afforded privileges from a parliamentary perspective whenever represented by a single Member in the House (e.g., allocation of time in question period, right of a response to ministerial statements and representation on Standing/Select Committees). Funding is required for resources to support these parliamentary functions.
- To date, the House has not dealt with the circumstances of more than three registered political parties represented in the House at the same time. Should more than three registered political parties be represented in the House, a determination would need to be made at that time in accordance with Standing Order 1 (Unprovided Cases) as parliamentary entitlements are not codified.
- The decision for the Commission at this time is to determine specific funding provisions that will apply to a registered political party with one Member, specifically:
 - Provide direction regarding a **third registered political party with a single member**. An option includes that they would receive funding in the same manner as a third party caucus (two or more Members), as was the case during the 46th General Assembly.
 - Provide direction regarding **fourth and subsequent registered political parties** that are represented in the House by a single Member. Options include:
 - a) they would receive funding consistent with that provided to a third registered political party with a single Member; or
 - b) they would receive the same funding entitlements as a non-affiliated Member.

- A draft policy document consolidating the caucus funding provisions approved to date by the Management Commission is included at Attachment 3. In order to ensure the policy document reflects the current funding amounts, authorization is sought to update the current funding table as appropriate in accordance with the adjustment formula.
- Provisions related to funding for a registered political party with one elected Member will be added in accordance with direction provided by the Commission.

Analysis:

Legal Consultation:

N/A

Internal Consultation(s):

Corporate and Members' Services

External Consultation(s):

N/A

Comparison to Government Policy:

N/A

Financial Impact:

The financial impact will depend on the direction provided by the Commission to address funding for a registered political party with one elected Member. The financial impact will not be immediate – it will come into effect when/if circumstances arise where there is an additional registered political party represented by one Member in the House.

Legislative Impact:

N/A

Options:

1. Direct funding be provided to a third and subsequent registered political parties represented by a single Member consistent with the provisions for caucuses of additional registered political parties in accordance with **CM 2008-093**, which states the following:

“The Commission decided that the caucuses of any registered political parties will be treated the same as the Third Party.”

2. Direct funding be provided to:
 - a. third registered political party represented by a single Member consistent with the provisions for caucuses of additional registered political parties in accordance with **CM 2008-093** (as noted above); AND

- b. fourth and subsequent registered political parties that are represented by a single Member to be the same as that provided to a non-affiliated Member.
3. Direct another combination with specific amounts as directed by the Management Commission.

Status:

- The three caucuses – all of which have two or more Members – and four unaffiliated Members receive funding in accordance with the current policy provisions.
- Should a circumstance arise where there is a **registered political party with one Member elected** to the House, there is **no authority to provide funding**.

Action Required:

1. Direction of the Commission is requested regarding the provision of funding to a registered political party of one Member when the registered political party is:
 - a. the third party; and
 - b. a fourth or subsequent party.
2. The approval of the Commission is requested for the draft policy document (refer Attachment 3), subject to updates to reflect the latest decisions of the Commission.
3. The approval of the Commission is requested to update Section 8 of the Caucus Funding Policy as necessary to reflect changes to the funding amounts in accordance with the adjustment formula, without further reference to the Commission.

Prepared by: Bobbi Russell
Date: November 23, 2021

Approved by: Sandra Barnes

Attachments:

1. Caucus Funding – excerpt from Rebuilding Confidence: Report of the Review Commission on Constituency Allowances and Related Matters Rebuilding.
2. CM 2007-019.
3. Caucus Funding Policy.
4. References to caucus in *HOAAIAA*.

understandable, particularly when the flight involves a medical emergency. However, there are other flights that are planned well in advance, and if there was appropriate interdepartmental co-operation, this could facilitate travel to some remote areas for no additional cost. It is therefore both in the interest of better serving constituents and cost saving to undertake a review of planned travel of those departments that are involved in providing such services, and to establish a protocol for communication between the described departments and MHAs having constituencies with remote communities in order to facilitate and reduce the cost of MHAs' travel to such communities.

Caucus Funding

There can be no doubt that for an opposition to do its job in the House and on House committees effectively, its MHAs have to have sufficient levels of support in the form of administrative assistance and research capability.

A number of opposition MHAs expressed concerns about the levels of funding provided by the House to the caucus offices, particularly with respect to the levels of funding for research purposes. These expressions of concern took two forms. First, it was pointed out that a special arrangement had been made to accommodate the third party in the House to enable a floor of funding to be made available for such purposes, but that this arrangement had not been applied to the Official Opposition. The rules presently in place contemplate the provision of \$20,000 of such funding per caucus member. In the case of the third party, with (until recently) two members in the House, that would have meant only \$40,000 - not a large amount to engage additional personnel with research capability and defray all associated costs. Notwithstanding those general rules, however, the Commission of Internal Economy ordered that, for the current General Assembly only, the third party ought to be given a floor amount of \$100,000 to be allocated and spent by the third party caucus as it thought best.⁵

It was suggested to me that a floor amount of \$100,000 should also be made available to the Official Opposition caucus over and above the \$20,000 per member that it would otherwise be entitled to. If that were to be the case, that would result in a more generous formula than that applied to the third party. I understand that the order of the IEC providing the floor of \$100,000 to the third party was interpreted as not being *additional* to the per member allocation. In other words, the third party would not receive any per member allocation until the number of its caucus members multiplied by \$20,000 would exceed \$100,000. Applying that formula to the Official Opposition would mean that it should not be entitled to an additional \$100,000, because the number of its existing members times \$20,000 would already exceed the floor.

Having said that, however, I believe it is time to review the funding arrangements for

⁵ "Official Minutes of the Internal Economy Commission," November 29, 2004 meeting at minute 2(1) (a). This order was made retroactive to April 1, 2004.

all opposition parties to ensure that adequate arrangements are in place for them. It is essential that they have sufficient resources to be able to carry out their vital democratic functions. I have not been able, as part of the work of this inquiry, to do a cost analysis of what would be required. The House of Assembly Management Commission should, I believe, undertake such a study directed at determining appropriate funding levels, taking into account submissions from the caucuses concerned and the practices in other Canadian jurisdictions.

The second concern I have with respect to caucus funding relates to the third party's role generally.⁶ To qualify as a "parliamentary group" within the *Standing Orders* of the House, the practice has been to recognize such a group only if that party contested two-thirds of the number of seats in the House in the preceding general election and has elected three members at that election or in a subsequent by-election.⁷ Notwithstanding that position, past rulings of the Speaker have accorded certain rights to the New Democratic Party in the House so long as it has two members in the House.⁸

It would be inappropriate, and certainly not within my terms of reference, for me to comment generally on how the status of a third party should be treated with respect to its parliamentary role. That is a matter within the privileges of the House. I believe it is a different matter, however, with respect to how the House of Assembly Management Commission should treat a party that has minimal representation in the House with respect to *financial* matters.

In Chapter 6 I recommended that a third party ought to be represented on the IEC even if it had only one member elected to the House.⁹ In like manner, it seems to me that a third party ought also not to be constrained by minimum-member rules with respect to being provided sufficient floor funding to enable it to perform its parliamentary functions. Even a party represented by only one member in the House should have access to basic resources, over and above those available to him or her *qua* member, to enable research and other administrative functions to be carried out. It is not an objection to such an arrangement that it would open up the provision of extensive resources to "fringe" movements or non-affiliated individuals who manage to get one member elected to the House. The arrangement could be limited to only those persons or groups who meet the criteria for registration and are registered as a political party under the provisions of the *Elections Act, 1991*.

Inasmuch as the present funding arrangement for the existing third party (which, as I read the order, was not expressly made contingent on the third party continuing to have a minimum of two members in the House) was, by the terms of the order of the IEC referred to

⁶ For this purpose, I assume that the third party is a registered party under s. 278 of the *Elections Act*, S.N.L. 1992, c. E-3.1

⁷ *Standing Orders of the House of Assembly*, Appendix (Practice Recommendation 2).

⁸ See reference to a ruling of Speaker McNicholas in 1987, in Practice Recommendation 2 attached to the *Standing Orders*.

⁹ Recommendation 30(2).

previously, only intended to last for the duration of the current General Assembly, the issue of the continued funding of the third party will have to be re-addressed after the next election if only a limited number of persons in that party are elected. If the matter is addressed, I would encourage the House of Assembly Management Commission to give consideration to the forgoing discussion in arriving at an appropriate formula for funding of the third party at an acceptable level to enable it to discharge its parliamentary duties effectively.

Advancing to “Best Practices”

The recommendations in this report have been designed to facilitate the advancement of the administration of the House of Assembly to a “best practices” standard as stipulated in the terms of reference. The recommended approach represents a significant departure from the past, as well as a significant departure from existing practices, not only in the House of Assembly, but also in the executive branch of government.

It is important to appreciate that the rationale for many of my recommendations is not based solely on the unique circumstances of the House of Assembly. In many respects, the underlying thrust of the best practices approach is generic. The principles might be considered universally applicable. To note some of the more prominent examples: high ethical standards emanating from a strong tone at the top; the importance of a code of conduct; clear articulation of accountability; increasing access to government information; executive due diligence responsibility; ongoing financial performance review and analysis; management certification of compliance; an ongoing obligation for full, true, plain and timely disclosure; “whistleblower” protections; and a formalized procedure for objective input into the audit process. My recommendations reflect research encompassing trends in various jurisdictions, new policy directions in Canada that have evolved following the Gomery Inquiry with the *Federal Accountability Act*, and international regulatory and corporate governance trends following the Enron and WorldCom scandals. Many of those trends are, in fact, evident in non-legislative areas of government, and I have adapted them for application to the legislative branch.

I note as well that there has been a backlash against the extent of certain regulatory trends in the private sector, with some taking the position that the regulators have gone too far - that they have overdone it by placing *micro-managing* control mechanisms, undue reporting burdens and governance responsibilities on organizations at a disproportionately high cost. I understand those concerns. In our exuberance to regain control, we must not let the remedies surpass the requirements of practical and meaningful standards of transparency, compliance and accountability and degenerate into counterproductive activities. Given the events that were the catalyst for this inquiry, and given the lack of accountability and transparency that has become evident from our investigations, I am satisfied that, in the context of the political affairs in this province, we have not gone too far in the recommendations that have been made. Credibility must be re-established. The process has begun, but we still have a long way to go. Many of the most basic ingredients of control, accountability and governance were missing. I am convinced that, given our experience and the imperative that public confidence be restored, a comprehensive regime is vital.

2007-NOV-28

Management Commission

CM 2007 - 019

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

1. The Leader of the Official Opposition moved:

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

The motion was carried.

2. The Hon. Tom Marshall moved:

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

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

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

The Opposition House Leader moved the following amendment:

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

This amendment was defeated.

Ms. Elizabeth Marshall moved the following amendment:

That the following be added to Minister Marshall's motion:

The study of caucus resources as recommended by Chief Justice Green in Chapter 12 of his report be conducted and brought back for the Commission's consideration as soon as possible.

The amendment carried.

The main motion, as amended, was carried.

3. The Hon. Tom Marshall moved that :

The NDP continue to receive the \$21, 218 per private Member that they are receiving for caucus resources and, in addition, annually receive \$100,000, and that the issue of NDP resources also be part of the study

recommended by Chief Justice Green in Chapter 12 of his report.

Ms. Michael moved the following amendment:

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

The amendment was defeated.

The main motion was carried.

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

i)The \$62.50 monthly allocation per caucus member for operational funding will continue, with a minimum amount of \$500.00 monthly established irrespective of caucus numbers.

ii)The Office of the Leader of the Official Opposition will continue to receive funding for the core positions identified during the 45th General Assembly; that is, a Chief of Staff, Communications position, Executive Assistant, departmental secretary, as well as the secretary/legislative assistant position usually termed Constituency Assistant; and,

iii)The funding for a half-time assistant position with the Opposition House Leader will be increased to funding for a full-time position; and,

iv)The Official Opposition will continue to receive the \$21, 218 annually per private member; and,

v)The Official Opposition will receive an additional \$100,000 annually for caucus staffing; and,

vi)The New Democratic Party will continue to receive \$21, 218 annually per private member; and,

vii)The New Democratic Party will receive an additional \$100,000 annually for caucus staffing;

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

Additional Information

Subject(s)

Caucus Resources -- Funding

Notes

Revised February 3, 2010, CM 2010-13



House of Assembly

Caucus Funding Policy

Table of Contents

INSERT

1.0 Purpose

Under the authority of subparagraph 20(6)(b)(ii) of the *House of Assembly Accountability, Integrity and Administration Act*, this policy provides a summary of funding provisions as directed by the Management Commission to:

- caucuses (as defined in the *House of Assembly Accountability, Integrity and Administration Act*);
- registered political parties comprising one member; and
- non-affiliated members.

2.0 Authorities

All Management Commission decisions pertaining to this policy are recorded in chronological order in Appendix A.

3.0 Definitions

The following definitions apply:

"caucus" means a group of 2 or more members who belong to the same registered political party (subsection 2(d) of the *House of Assembly Accountability, Integrity and Administration Act*);

"registered political party" means an organization formed for the purpose of contesting an election of members to the House of Assembly and which is registered in the register of political parties under section 278 of the *Elections Act, 1991* (subsection 2(o) of the *House of Assembly Accountability, Integrity and Administration Act*);

"Private Member" means a Member who is not the Speaker or a Member of the Executive Council (CM 2008-085)

Unaffiliated Member means an independent member not affiliated with a registered political party.

4.0 Caucus Funding Allocation

4.1 Base Funding

Base funding for the purposes of research and administration is allocated in accordance with CM 2008-085 and as amended by CM2012-002 as follows:

Government: \$100,000/fiscal year
Official Opposition: \$250,000/fiscal year
Third Party: \$100,000/fiscal year

These initial amounts are adjusted in accordance with the Adjustment Formula.

The current level of base funding for each caucus is contained in [Section 9.0](#).

4.2 Variable (Per private Member) Funding

Variable (per private Member) funding for the purposes of research and administration is allocated in accordance with CM2008-085 as \$18,000/fiscal year for each private Member

This initial amount is adjusted in accordance with the Adjustment Formula.

The current level of funding provided under this component is contained in [Section 9.0](#).

4.3 Allocation to Party Leaders

Funding is provided to the Leader of the Official Opposition and Leader of the Third Party in accordance with CM2008-085 as follows:

Official Opposition: Leader shall be entitled to \$253,600 per fiscal year for core staff support.

Third Party: Leader of the Third Party shall be entitled to 50% of the amount allocated to the Leader of the Official Opposition for core staff support.

These initial amounts are adjusted in accordance with the Adjustment Formula.

The current level of funding provided under this component is contained in [Section 9.0](#).

4.4 Assistants to House Leaders

In accordance with CM 2008-085, funding is provided for an assistant to the Government House Leader and an assistant to the Official Opposition House Leader, each to be compensated on the PS-05 salary scale.

The current funding allocation for this component is contained in **Section 9.0.**

4.5 Operational Funding

Operational funding for the purpose of miscellaneous operational purchases in accordance with the **Caucus Operational Funding Grants Policy** is allocated in accordance with CM2008-085 as follows:

Caucuses: \$100/month for each Member of that caucus (\$800/month minimum)
Office of the Speaker: \$100/month

These initial amounts are adjusted in accordance with the Adjustment Formula.

The current level of funding provided under this component is contained in **Section 9.0.**

4.6 Adjustment Formula

The adjustment formula is prescribed by CM2008-085 as follows:

Base Funding: Beginning with the 2008-2009 fiscal year, each allocation is adjusted to reflect any salary adjustments made to the Management Pay Plan of the Executive Branch.

Variable (per private member) Funding: Beginning with the 2008-2009 fiscal year, the variable allocation is adjusted to reflect any salary adjustments made to the Management Pay Plan of the Executive Branch.

Allocation to Party Leaders: Beginning with the 2008-2009 fiscal year, the allocation to Party Leaders is adjusted to reflect any salary adjustments made to the Management Pay Plan of the Executive Branch.

Operational Funding: Beginning with the 2009-2010 fiscal year, this allocation shall be adjusted based on the provincial Consumer Price Index for the prior calendar year.

4.7 Changes to Caucus Composition

In accordance with CM2016-013 when a caucus changes in composition, the related changes to funding allocations shall be effective immediately.

4.8 Caucus Management

In accordance with CM2008-085, each caucus will designate an administrative staff person to liaise with the Office of the Clerk and Corporate and Members' Services Division on financial and human resource management matters.

5.0 Fourth and Subsequent Caucuses

In accordance with CM 2008-093, caucuses of additional registered political parties shall be allocated funding in accordance with provisions provided for the Third Party caucus.

6.0 Registered Political Parties Represented by One Member

Registered political parties shall be allocated funding in accordance with

[INSERT AS PER COMMISSION DIRECTION].

7.0 Unaffiliated Members

In accordance with CM2008-093, Members not affiliated with a registered political party shall be entitled to the following:

- a) Variable (per Private member) funding of \$18,000/fiscal year for the purpose of research and administration, subject to the adjustment formula as outlined in Section 4.6.
- b) Operational Funding of \$100/month for miscellaneous operational purposes, subject to the adjustment formula as outlined in Section 4.6.

The current level of funding provided to unaffiliated members is contained in Section 9.0.

8.0 Speaker

In accordance with CM2008-085, the Speaker is entitled to Operational Funding of \$100/month for miscellaneous operational purposes, subject to the adjustment formula as outlined in Section 4.6.

The current level of funding provided to the Speaker is contained in Section 8.0.

9.0 Current Caucus Funding Allocations

The following table provides the current funding allocations. In accordance with [insert commission minute], this table will be updated whenever a change is required in accordance with the adjustment formula.

Caucus/ Member	Base	Variable	Operational Funding Grant	Other
Government	\$127,632/ fiscal year	\$22,974/ fiscal year for each private Member ²	\$123.65/month for each Member (with a monthly minimum based on 8 Members)	Assistant to Government House Leader (paid on the PS- 05 salary scale)
Official Opposition	\$285,222/ fiscal year	\$22,974/ fiscal year for each private Member ²	\$123.65/month for each Member (with a monthly minimum based on 8 Members)	\$323,675/fiscal year (core staff support for Leader) Assistant to Opposition House Leader (paid on the PS-05 salary scale)
Third Party	\$127,632/fis cal year	\$22,974/ fiscal year for each private Member ²	\$123.65/month for each Member (with a monthly minimum based on 8 Members)	50% of the amount allocated to the Leader of the Official Opposition (core staff support for Leader)
Independent/ Unaffiliated Member	\$0	\$22,974/ fiscal year	\$123.65/month	N/A
Speaker	\$0	\$0	\$123.65/month	N/A

Appendix A – Management Commission Minutes Respecting Caucus Funding

CM 2008 – 085

The Commission considered the recommendations of the Report on Caucus Resources and approved the following caucus resources:

1. Base Caucus Funding:

Government Members' Caucus and the Third Party Caucus shall be entitled to base caucus funding of \$100,000 per fiscal year for the purpose of research and administration.

2. Variable (per private Member) Funding:

Each caucus shall be entitled to \$18,000 per fiscal year for each private Member, for the purpose of research and administration. A private Member is defined as a Member who is not the Speaker or a Member of Executive Council.

3. Allocation to Party Leaders:

The Leader of the Official Opposition shall be entitled to \$253,600 per fiscal year for core staff support. The Leader of the Third Party shall be entitled to 50% of the amount allocated to the Leader of the Official Opposition for that purpose.

4. Assistant to House Leaders:

The Government House Leader and the Opposition House Leader shall each be entitled to an assistant to be paid on the PS-05 salary scale.

5. Salary Adjustments:

The allocations under items 1 to 4 above shall reflect any salary adjustments made to the Management Pay Plan of the Executive Branch, beginning with the 2008-2009 fiscal year.

6. Operational Funding:

Each caucus shall be entitled to \$100 per month for each Member of that caucus, with a monthly minimum of \$800, to fund miscellaneous operational purchases. The Speaker shall be entitled to \$100 per month. Beginning with the 2009-2010 fiscal year, this allocation shall be adjusted based on the provincial Consumer Price Index for the prior calendar year. Guidelines respecting eligible and ineligible purchases under this allocation shall be determined by the Commission. Each caucus shall submit a report detailing expenditures on the use of this allocation to the Commission within 90 days after the end of each fiscal year.

7. Funding Adjustments:

When a caucus increases in number and becomes entitled to additional amounts, that increase shall be effective immediately. When a caucus decreases in number, the calculated reduced amount shall not take effect until the beginning of the next fiscal year.

8. Caucus Management:

Each caucus will designate an administrative staff person to liaise with the Office of the Clerk and Corporate and Members' Services Division on financial and human resource management matters.

CM 2008 – 093

The Commission considered recommendations 2, 14 and 16 of the Report on Caucus Resources and decided the following:

1. The Commission rejected recommendation 2 to provide base funding of \$250,000 to the Official Opposition.
2. The Commission decided that the caucuses of any registered parties will be treated the same as the Third Party.
3. The Commission decided that Independent Members not affiliated with a registered political party shall be entitled to the Variable (per Private member) funding of \$18,000 per fiscal year, subject to the approved salary adjustment formula, for the purpose of research and administration, and Operational Funding of \$100 per month for miscellaneous operational purposes, subject to the approved adjustment formula.

CM 2011-010

The Commission directed that variable and operational caucus funding adjustments will continue in accordance with CM 2008-085 following by-elections, but adjustments will be effective immediately after each general election.

CM 2012-002

The Commission adopted the 2008 Metrics EFG Report, "Review of Caucus Resources – House of Assembly".

CM 2016-013

In order to give effect to budget decisions, the Commission, at an *in camera* budget meeting, directed that when a caucus increases in number and becomes entitled to additional funding amounts, that increase shall be effective immediately. When a caucus decreases in number, the calculated reduced amount shall be effective immediately.

[INSERT ADDITIONAL AS REQUIRED]

Attachment 4

Excerpts from the *House of Assembly Accountability, Integrity and Administration Act*

Definitions

2. In this Act

(d) "caucus" means a group of 2 or more members who belong to the same registered political party;

Time at Duties

13. (1) On a day when the House of Assembly is sitting, a member shall attend that sitting.

(2) A deduction shall be made from the salary payable to a member under subsection 11 (1) in the amount of \$200 for each day on which the member is absent from a sitting of the House of Assembly for a reason other than one set out in subsection (3).

(3) Where a member is absent from a sitting of the House of Assembly because of

(a) the sickness of the member;

(a.1) adoption, pregnancy or parental leave as established by directive;

(b) a serious illness related to the member's family;

(c) bereavement;

(d) attendance at a meeting of a committee of the House of Assembly, the commission or a committee of the commission;

(e) attendance to duties as a member of a caucus or attendance to constituency business, where the member remains within the precincts of the House of Assembly as determined under section 19.2 of the *House of Assembly Act*;

House of Assembly Management Commission

18. (1) The Commission of Internal Economy of the House of Assembly established under the *Internal Economy Commission Act* is continued under the name of the House of Assembly Management Commission.

(2) The speaker, or in his or her absence, the deputy speaker, shall preside over the commission and when presiding, shall vote in the case of a tie .

(3) The commission shall consist of

(a) the speaker, or, in his or her absence, the deputy speaker, who shall be the chairperson;

(b) the clerk, who shall be the secretary and shall not vote;

(c) the government house leader;

(d) the official opposition house leader;

(e) 2 members who are members of the government caucus, only one of whom may be a member of the Executive Council;

(f) one member who is a member of the official opposition caucus; and

(g) one member, if any, from a third party that is a registered political party and has at least one member elected to the House of Assembly.

(4) Where there is no third party, the member chosen for the purposes of paragraph (3)(g) shall be an additional member from the official opposition caucus.

(7) Members referred to in paragraphs (3)(e) to (g) and subsection (4) shall be chosen by their respective **caucuses** except that the member of the Executive Council referred to in paragraph (e) shall be appointed by the Lieutenant-Governor in Council.

25. (1) The House of Assembly service consists of operations established, whether by law or otherwise, for the purpose of supporting the functioning of the House of Assembly, its committees and members, and includes

- (a) the speaker;
- (b) the office of the clerk and other officers of the House of Assembly;
- (c) the law clerk;
- (d) the financial and administrative services;
- (e) the legislative library;
- (f) the office of Hansard;
- (g) the broadcast centre; and
- (h) other divisions that may be assigned by law or designated and provided for by the commission.

(2) For the purpose of this Act, the House of Assembly service does not include a statutory office, the office of the auditor general, or staff employed for political purposes to assist a member or a **caucus**.

Consequential amendments section 67 – amendments to ATIPPA

(3) Paragraph 5(1)(c) of the Act is repealed and the following substituted:

- (c) a personal or constituency record of a member of the House of Assembly, that is in the possession or control of the member;
- (c.1) records of a registered political party **or caucus** as defined in the *House of Assembly Accountability, Integrity and Administration Act*;