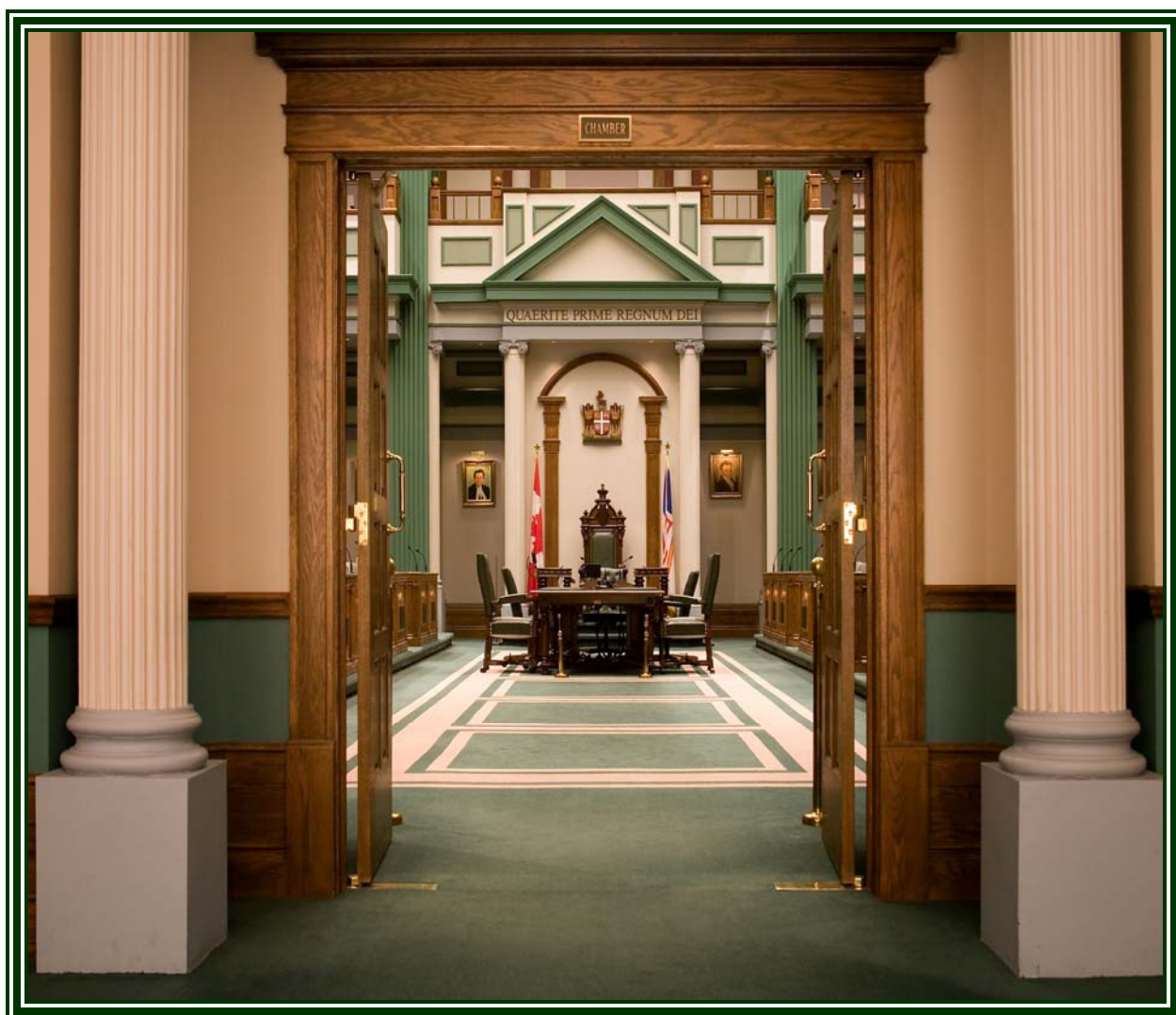




HOUSE OF ASSEMBLY
NEWFOUNDLAND AND LABRADOR



MEMBERS' HANDBOOK

October 2007

INTRODUCTION

This Members' Handbook is a complete revision of the Members' Handbook developed during the 45th General Assembly under the leadership of Speaker Harvey Hodder. As a result of the changes from the *House of Assembly Accountability, Integrity and Administration Act* and the Recommendations of the Review Commission on Constituency Allowances and Related Matters lead by Chief Justice Green, that handbook has now been divided into two separate guides: (1) a Members' Handbook and (2) a Members' Resources and Allowances Rules Manual.

These two volumes provide information respecting a range of issues affecting Members of the House of Assembly and attempt to present this information in a readily accessible manner and structure. The explanations contained in the Handbook and Manual, however, are summaries only and reference must be made to the appropriate statutes and policies for definitive authority.

The House of Assembly Service will circulate updates and new sections, as required, in loose-leaf format so that the Handbook and Manual can be kept current. We appreciate all feedback on ways to improve these guides. Recommendations respecting the Members' Handbook may be forwarded to Ms. Marie Keefe, Policy Officer in the Clerk's Office. Those recommendations respecting the Members' Resources and Allowances Rules Manual may be directed to Ms. Marlene Lambe, Chief Financial Officer.

William MacKenzie
Clerk of the House of Assembly

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1.0 ROLES AND RESPONSIBILITIES OF MEMBERS

The Legislature is one of the three Branches of government, along with the Executive branch and the Judicial branch.

In a responsible government, Members of the Legislature are elected by “the people” to represent their interests. In this forum of free expression, and protected by Parliamentary Privilege, members of the Legislature oversee the Executive branch of government and make it accountable for its actions. It does so through three main functions: passing legislation that provides power to the Executive branch, reviewing finances of the Executive branch and investigating policies and activities of the Executive branch.

The Executive Branch of government formulates policy and drafts legislation. Once these are sanctioned by the Legislature, Cabinet Ministers can direct the public service to implement programs and services which execute the policies and legislation. The Executive Branch itself is subject to the laws of the Legislature.

The Judicial Branch considers issues put to its courts by individuals or government and interprets and applies the law as the situation warrants. In doing so the Judicial Branch also ensures that the laws themselves are not contrary to the Constitution Act, 1982 or the Charter of Rights and Freedoms.

The Legislature of Newfoundland and Labrador is a diverse organizational structure that includes the House of Assembly Service and its six Statutory Offices. The six Statutory Offices include: the Offices of the Auditor General, Chief Electoral Officer, Commissioner for Legislative Standards, Information and Privacy Commissioner, Citizens’ Representative and the Child and Youth Advocate.

1.1 ROLES

Members of the House of Assembly are elected to represent one of 48 districts, often called constituencies, in the Province of Newfoundland and Labrador.

Members of the House of Assembly (often referred to as MHA or Member) help create laws, act as spokespersons for their constituents and help to solve problems. Regardless of whom constituents voted for, a MHA must represent everyone in his/her constituency.

The Member fulfils a number of roles, as outlined below:

1. **The Member and the House of Assembly**

- Makes statements and presents petitions in the House of Assembly about issues important to the constituency;
- Attends debates in the House of Assembly and votes on the Bills and other matters presented to the House; and
- Sits on committees of the House of Assembly as appointed.

2. **The Member and Caucus**

Members of a political party who are elected to the Legislature form a caucus. As a group, Members plan strategy and consider issues for debate in the House of Assembly. Caucus meetings give all Members the chance to present the views of their constituents which can help inform and develop party policies.

3. Member and Individual Constituents

Members are often contacted by their constituents who seek their support in resolving issues involving various levels of government departments/agencies. Often, the constituent may not be aware of where to go or who to talk with to resolve the issue. The Member, or his/her staff, is often aware of the appropriate government department, agency, or Minister who can assist. The Member can also be a source of information for his/her constituents and assist them in finding facts and necessary documentation.

4. Member and the Constituency

A Member maintains contact with constituents in person, by phone or by mail, to find out what they think about current issues. Members travel to their constituencies frequently and may have an office there where individual constituents/groups can meet with them to discuss problems and present viewpoints on issues of importance to the individual or the district.

Members are often asked to open public buildings, make speeches, and attend local events, such as performances/celebrations, sports events, cultural activities and to give recognition to achievements of their constituents.

1.2 RESPONSIBILITIES

Members' responsibilities include, but are not limited to, the following:

1.2.1 Statutory Oath/Affirmation of Allegiance

All members elected or re-elected to the House of Assembly must take and subscribe to the following oath of allegiance before being permitted to take their seat and vote in the House of Assembly:

I, _____, do swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors according to law, (in the case where the oath is taken, add "So help me God").

1.2.2 Oath/Affirmation of Office

The Member must also take an oath of office in the following form:

I, _____, do swear (or affirm) that

(a) I am fully qualified to hold the office of Member for the District of _____ to which I have been elected;

(b) I have not knowingly contravened the Elections Act, 1991 respecting any matter in relation to my election;

(c) I will faithfully, to the best of my ability, perform the duties and responsibilities of my office and will not allow any direct or indirect monetary or other personal or private interest to influence my conduct or affect my duties in public matters;

(d) I hereby affirm, subscribe to and agree to follow the Code of Conduct of Members adopted by the House of Assembly, (in the case where the oath is taken, add "So help me God").

1.2.3 Declaration of Direct Associates and Conflict of Interest

Each elected Member must file a disclosure document with the Commissioner for Legislative Standards (formerly Members' Interests) in accordance with Part II, *House of Assembly Act*, and agree to abide by the provisions of this Act. The Commissioner will then prepare an appropriate disclosure statement which is available for viewing by the public at the Commissioner's Office, during normal business hours.

1.2.4 Attendance at Sitting of House of Assembly

A Member is responsible to attend the House of Assembly when it is sitting. An amount of \$200 will be deducted from the Member's salary for each day the Member is absent from a sitting unless the Member is absent for one of the reasons identified in Subsection 13(3) of the *House of Assembly Accountability, Integrity and Administration Act*. Please refer to Section 6.1 of this Handbook for more details.

On or before January 31st of each year, a Member must file with the Clerk a declaration under oath or affirmation of the Member's attendance while the House of Assembly was sitting in the previous calendar year. This declaration must include dates of absence and provide an explanation for these absences.

1.2.5 Compliance regarding Travel Claims and Allowances

A Member is responsible for compliance with requirements for claims, payments and reimbursements of expenses under the *House of Assembly Accountability, Integrity and Administration Act* and the Members' Resources and Allowances Rules even if the Member delegates that responsibility to another individual. A detailed explanation of the rules is provided to each member in the Members' Resources and Allowances Rules Manual.

1.2.6 Code of Conduct

A Code of Conduct for members is to be developed by the Standing Committee on Privileges and Elections. This Standing Committee will bring the proposed Code of Conduct to the House of Assembly for adoption through a Resolution of the House. The Member must abide by the Code of Conduct for Members as adopted by the House of Assembly.

1.2.7 Records and Training

A Member is responsible for maintaining appropriate records, operating his/her constituency office and engaging and training support staff to ensure compliance with the *House of Assembly Accountability, Integrity and Administration Act*, the Members' Resources and Allowances Rules and directives that may be issued by the Commission. Further information is in Section 6 of the *House of Assembly Accountability, Integrity and Administration Act*.

2.0 STRUCTURE of the HOUSE of ASSEMBLY SERVICE

2.1 OFFICE OF THE SPEAKER

The Speaker is the impartial presiding officer of the House elected by secret ballot by his/her peers. He/she is the guardian of the privileges of the House and of Members.

The Speaker maintains order and regulates debate in the House in accordance with rules, practices, tradition and parliamentary authorities.

The Office of the Speaker is located behind the Assembly Chamber in the North Wing of the East Block, Confederation Building.

The Officers of the House are appointed by the Lieutenant Governor in Council(Cabinet), upon nomination by the House of Assembly.

2.2 OFFICE OF THE CLERK

The Clerk's Office supports the activities of the Clerk of the House of Assembly who is the principal procedural adviser to the Speaker and Members. The Clerk is responsible for the overall direction and administration of the House of Assembly.

Central services provided by the Office of the Clerk include Financial Services, Personnel and Administrative Services, Legislative Library, Broadcasting Centre, Sergeant-at-Arms, and Hansard. Hansard is the official transcript of the debates of both the House of Assembly and its committees.

The Office of the Clerk is also responsible for the support of parliamentary operations. The Office co-ordinates House of Assembly support services and ensures that all forms of business pass through each of the required procedural steps. The Office prepares, processes, and maintains all legislative records and documents of the Assembly. It ensures the accuracy and composition of the Votes and Proceedings, the Notice Paper, and the Minutes and Reports of the various legislative committees.

The Office co-ordinates the operation of and provides support service to Standing, Special and Select committees of the House of Assembly. This includes all logistical and legislative requirements of Committees as well as the provision of procedural advice.

The Office of the Clerk provides full administrative support to the House of Assembly Management Commission. Duties range from the provision of advice to the Speaker on all Commission matters to the distribution and implementation of all Commission directives.

2.2.1 The Clerk

The Clerk is selected by the House of Assembly and appointed by the Lieutenant Governor in Council. (*House of Assembly Accountability, Integrity and Administration Act, s. 7(1)*).

The Clerk is the non-partisan chief permanent officer of the House of Assembly with status equivalent to Deputy Minister in the public service. In that capacity, the Clerk exercises responsibilities in the following two areas:

Chief Parliamentary Advisor

The Clerk interprets the Standing Orders, conventions, precedents and usages of the House in order to advise the Speaker and Members of the House on parliamentary procedure. The Clerk is also responsible for the preparation of the Order Paper and the Minutes of the proceedings of the House. The Clerk is charged, as specified in the Standing Orders, with the safekeeping of the papers and records of the House.

The Clerk serves as secretary to the House of Assembly Management Commission and maintains custody of all records and minutes of the Commission.

The Clerk ensures and controls public access to the proceedings of the House of Assembly through the production and distribution of Hansard, through the facilitation of electronic access to proceedings by the media and through the publications scheme.

Chief Administrative Officer

The Clerk is the chief administrative officer of the House of Assembly responsible to the Speaker and, through the Speaker, to the House of Assembly Management Commission for the management of the operations of the House of Assembly Service and the administration of the Statutory Offices.

The Clerk is responsible for the provision of administrative, financial, human resource and other support services to the House of Assembly, its Members, and its statutory offices. The Clerk provides direction and supervision of the officers and staff employed in the House of Assembly Service and for the establishment of general administrative policies of the statutory offices. The Clerk prepares the estimates of the House of Assembly Service and provides analysis and commentary to the Commission, on the budget submissions of the Statutory Offices and the Office of the Auditor General.

The Clerk is responsible for the administration of all services and payments to Members and certifies to the Commission, as required, that the House of Assembly Service and Statutory Offices have in place appropriate systems of internal control which are operating effectively.

2.2.2 Clerk Assistant/Clerk of Committees

The Clerk Assistant is appointed in the same manner as the Clerk and works with the Clerk and Committees of the House in advising the Speaker and Members on parliamentary procedure.

The Clerk Assistant serves as secretary to the Audit Committee established pursuant to Section 23 of the *House of Assembly, Accountability, Integrity and Administration Act*.

The Clerk of Committees clerks Standing and Special Committees, providing procedural advice, drafting minutes and reports, keeping records, organizing meetings and performing other duties as required.

The Clerk Assistant performs the parliamentary and procedural duties of the Clerk whenever the Clerk is absent or unable to act or whenever the office of the Clerk is vacant.

2.2.3 Law Clerk

The Law Clerk provides legal advice on Parliamentary matters to the Speaker, the Clerk and to the House of Assembly, and provides in-house corporate legal advice to House of Assembly Service. The Law Clerk provides drafting services on amendments in committee where required and for Private Members' Bills.

2.2.4 Sergeant-at-Arms and Information Officer

The Sergeant-at-Arms preserves order and maintains security in the galleries, corridors and other areas in the Parliamentary Precinct. He/she serves all orders of the House upon those whom they may concern. He/she is responsible for the safekeeping of the Mace, the furniture, fittings, and movable property of the House of Assembly.

The Sergeant-at-Arms has the direction and control over all constables, commissionaires, messengers, pages and other such employees subject to such orders as he or she may receive from the Clerk and the Speaker of the House.

The Sergeant-at-Arms is responsible for all visits to the House of Assembly including arranged tours for school children. Tours are usually conducted from the Public Gallery. Times are as follows 9:00 a.m., 10:30 a.m., 2:00 p.m., and 3:00 p.m. daily when the House is not in session.

2.3 HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

The House of Assembly Management Commission establishes, implements and controls financial and administrative policies applicable to the House of Assembly, the House of Assembly Service and all Statutory Offices of the House of Assembly.

The Commission is constituted at the beginning of a new General Assembly. The Speaker, or in the Speaker's absence, the Deputy Speaker, presides over the meeting of the Commission.

2.3.1 Composition:

- The Speaker, chairperson of the Commission;
- The Clerk, who is the secretary to the Commission, but does not have voting privileges;
- The Government House Leader;
- The Official Opposition House Leader;
- Two Members who are members of the Government caucus, only one of whom may be a member of the Executive Council;
- One Member who is a member of the official opposition caucus; and
- 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. If there is no third party, the additional member will be chosen from the official opposition.

2.3.2 Duties

The duties of the Commission include the responsibility to:

- Oversee the finances of the House of Assembly including its budget, revenues, expenses, assets and liabilities;
- Review and approve the administrative, financial and human resource and management policies of the House of Assembly Service and its Statutory Offices;
- Implement and periodically review and update financial and management policies applicable to the House of Assembly service and its statutory offices;
- Give direction with respect to matters that the Commission considers necessary for the efficient and effective operation of the House of Assembly Service and its Statutory Offices;
- Make and keep current rules respecting the proper administration of allowances for Members and reimbursement and payment of their expenditures in accordance with the implementation of subsection 11 (2) of the *House of Assembly Accountability, Integrity and Administration Act*;
- Annually report, in writing, to the House of Assembly, with respect to its decisions and activities; and
- Exercise other powers given to the Commission and perform other duties imposed on the Commission.

2.3.3 Decision-making Authority

The decision-making authority of the Commission is exercised through several specific actions which are:

- (a) making rules;
- (b) issuing directives; and
- (c) making orders

Copies of rules, directives and orders of the Commission will be distributed to all Members. Members should insert these copies in the designated area of the Members' Resources and Allowances Rules Manual.

The complete range of Commission responsibilities is outlined in Part III of the *House of Assembly Accountability, Integrity and Administration Act*.

2.4 STATUTORY OFFICES OF THE HOUSE OF ASSEMBLY

The Offices of the Auditor General, Child and Youth Advocate, Citizens' Representative, Information and Privacy Commissioner, Chief Electoral Officer and Commissioner for Legislative Standards are established by statute and report to the House of Assembly through the Speaker. They are often termed Independent Offices because they are independent of the Executive Branch of Government and are not directed by Cabinet or Ministers. In many cases, these offices perform an overseeing role in reviewing Cabinet and departmental decisions and actions.

The process of appointing the Commissioners and Officers who hold these offices is a joint one, involving both a Resolution passed in the House of Assembly and the approval of the Lieutenant Governor in Council (Cabinet).

2.4.1 The Office of the Auditor General

The Office of the Auditor General of Newfoundland and Labrador is the independent Legislative Auditor of Government, its departments, all agencies of the Crown and Memorial University of Newfoundland. Implicit in the *Auditor General Act* is the requirement for the Auditor General to provide the House of Assembly with timely, relevant information, necessary to enhance public sector accountability and performance.

The Auditor General is appointed for a 10 year non-renewable term by the Lieutenant-Governor in Council and confirmed by a Resolution of the House of Assembly. The Auditor General reports to the House of Assembly on significant matters which result from the examination of government entities.

The *Auditor General Act* also appoints the Auditor General as the auditor of the accounts and financial statements of the Province. This results in an opinion as to the fair presentation of these financial statements. In addition, the Auditor General is the auditor of the financial statements of a number of agencies of the Crown and issues a separate report for each of these agencies as to the fair presentation of their financial statements.

2.4.2 The Office of the Child and Youth Advocate

The Office of the Child and Youth Advocate has the authority to represent the rights, interests and viewpoints of children and youth who are entitled to receive services and access programs provided by the Government of Newfoundland and Labrador.

The mandate of the Office is to protect and advance the rights of children and youth and to ensure their voices are heard; ensure children and youth have access to services and programs provided for them by the Government of the Province; provide information and advice to Government, its boards and agencies and to communities about the availability, effectiveness, responsiveness and relevance of the services they provide to children and youth; and act, generally, as an advocate of the rights and interests of the children and youth of the Province.

2.4.3 Citizens' Representative

The role of the Citizens' Representative is to act as an investigating body, ensuring decisions, acts or omissions by the Government of Newfoundland and Labrador are investigated in an analytical, impartial and timely manner for the citizens of Newfoundland and Labrador, when all other avenues of administrative appeal have been exhausted. The Citizens' Representative has responsibility for investigating Disclosures of Wrongdoing made under Part VI of the *House of Assembly, Accountability, Integrity and Administration Act*.

2.4.4 Office of the Information and Privacy Commissioner

The Office is responsible for protecting and upholding access to information and protection of privacy rights under the *Access to Information and Protection of Privacy Act* (ATIPPA). The Office investigates and mediates complaints, and makes recommendations to government departments and agencies, boards and municipalities.

The Commissioner has a broad range of responsibilities and powers and may make recommendations to ensure compliance with the access and privacy provisions of the ATIPPA and its Regulations.

2.4.5 Office of the Chief Electoral Officer

Elections Newfoundland and Labrador is responsible for conducting elections and for ensuring fairness, impartiality and compliance with all aspects of the *Elections Act, 1991*. The Chief Electoral Officer is responsible for selecting and appointing the 48 Returning Officers to administer the election in each electoral district. The Chief Electoral Officer is also accountable to ensure public disclosure of contributions and expenditures of political parties and candidates and to certify public reimbursement of election expenses.

In addition to responsibilities associated with provincial elections, the Office works co-operatively with Elections Canada, school boards and municipalities in exchanging data to maintain accurate voters' lists for other electoral events.

2.4.6 Commissioner for Legislative Standards

The Office of Commissioner for Legislative Standards has traditionally been held by the same individual who acts as Chief Electoral Officer. The Commissioner for Legislative Standards reports annually upon the affairs respecting the office to the Speaker of the Assembly, who then presents the report to the House of Assembly. As well as the responsibilities under Part II of the *House of Assembly Act*, the Commissioner is responsible for hearing appeals of public office holders under the *Conflict of Interest Act, 1995*. The Commissioner of Legislative Standards will contact Members soon after they are sworn in with instructions on filling out their Disclosure Statements as required under Section 36 of the *House of Assembly Act*.

Further information on the Statutory Offices of the House can be found on their websites by following the "Offices" link on the House of Assembly homepage. The statutes establishing these offices can be found by following the instructions outlined in Section 9 of the Members' Handbook.

2.5 CODE OF CONDUCT

Subsection 35(3) of the *House of Assembly Accountability, Integrity and Administration Act* requires that the House of Assembly Management Commission adopt a Code of Conduct to be applicable to “officers and other persons employed in the House of Assembly Service and in the statutory offices.” The House of Assembly Management Commission approved the Code on August 29, 2007 (Commission Minute 2007-010).

All officers and employees of the House of Assembly Service and the Statutory Offices are expected to uphold this Code of Conduct throughout their service:

1. We will serve the aims and objectives of the House of Assembly and ensure that personal interests and activities do not interfere, or appear to interfere, with this obligation.
2. We will perform our duties honestly, faithfully, ethically, impartially and efficiently, respecting the rights of the public and our colleagues. We will refrain from conduct that might impair our effectiveness or that would compromise our integrity.
3. We will ensure that we maintain the confidence and trust of Members of the House of Assembly and provide fair, confidential and impartial service equally to Members and staff of all parties.
4. We will treat colleagues, Members and the public with courtesy and respect.
5. We will avoid circumstances in which personal interest’s compromise or conflict with the interests of the House of Assembly and avoid circumstances in which there will be the appearance of a compromise or conflict. We are subject to the provisions of the *Conflict of Interest Act, 1995*.
6. We will not abuse our official position for personal gain. We will not accept any gift or other benefit that could be seen as an inducement or reward that might place us under an obligation to a third party. We will follow all requirements and policies of the House of Assembly Service with respect to gifts and rewards.
7. We will exercise due care and control of records created or collected in the exercise of our responsibilities, ensuring that they are organized, secured and managed according to applicable policy and legislation.
8. We will ensure that any contribution we make to public debate or discussion on matters of government or House of Assembly policy is appropriate to the position we hold and is compatible with our obligation to be politically impartial.
9. We will ensure that our participation in public bodies and voluntary associations does not create a conflict of interest or the appearance of a conflict of interest with our duty to act in a politically impartial manner.

3.0 MEMBERS' SERVICES

3.1 CORPORATE AND MEMBERS' SERVICES DIVISION

The Corporate and Members' Services Division provides financial, human resources, and administrative services to the Members of the House of Assembly, their staff, all Divisions of the House of Assembly and to five Statutory Offices: Office of the Child and Youth Advocate, Office of the Citizens' Representative, Office of the Chief Electoral Officer, Commissioner for Legislative Standards and the Office of the Information and Privacy Commissioner.

The Chief Financial Officer, Corporate and Members' Services, is responsible for the direction of the Division which includes four sections: Accounting Services, Financial Planning and Reporting, Human Resources Services and Payroll Administration, and General Operations and Purchasing. Also, in accordance with Section 10(b) of the *House of Assembly Accountability, Transparency and Integrity Act*, the Chief Financial Officer performs the duties of the Clerk as an accounting officer in the Clerk's absence.

3.1.1 Accounting Services

Accounting Services provides accounts payable and accounts receivable services.

3.1.2 Financial Planning and Reporting

Financial Planning and Reporting provides financial analysis, development, communication and advice on financial policies and procedures. It is also responsible for coordinating the annual estimates process; providing internal financial reports; external financial reporting including Members' expenses; and coordinating all audit processes.

3.1.3 Human Resources Services and Payroll Administration

Human Resources Services and Payroll Administration offers payroll administration and benefits coordination services as well as services in all areas of human resources including staffing; learning and development; staff relations and counselling; occupational health and safety; conflict of interest; service recognition; policy development and establishment of position classifications.

3.1.4 General Operations and Purchasing

General Operations and Purchasing is responsible for central purchasing and asset management activities. This includes the setting up of Members' constituency offices.

3.2 INFORMATION MANAGEMENT DIVISION

The Information Management Division is responsible for the development and implementation of policies, procedures, standards, infrastructure and products required to ensure effective operations within the Legislature, quality services to clientele, and to preserve and make public the operations, proceedings and history of the House of Assembly, its Committees and Management Commission. The Sections of the Division are: Legislative Library; Hansard, the Broadcast Centre and Records Management Section.

3.2.1 Legislative Library

In existence since 1836, the Legislative Library provides non-partisan parliamentary library services to all Members and Officers of the House of Assembly and their support staff. The Library currently operates under the following multi-part mandate:

- The Legislative Library's primary mandate is to provide non-partisan parliamentary library and information services to all Members and Officers of the House of Assembly and their support staff. These services include providing reference and research, and information access and awareness.
- In order to fulfil its primary mandate, the Library acts as the official depository of publicly released¹ government documents of Newfoundland and Labrador. It is the Library's responsibility to preserve these materials for long-term use and historical posterity regardless of their original format or storage medium.
- The Legislative Library has a secondary responsibility to provide information services to the public service at-large. Included in this responsibility is acting in an advisory capacity to, and cooperating with, other government libraries and the Provincial Archives. The Library does this without assuming any managerial responsibility for these other libraries.
- The Legislative Library has an informal responsibility to the general public to provide services and access to materials not available elsewhere. In this capacity, the Library consults and maintains relationships with other provincial, inter-provincial, national and international libraries.

¹ Publicly released documents include documents published by government and its agencies, and other documents such as agreements, letters, press releases, *etc.*, which are publicly released or tabled in the House of Assembly by government departments, boards, commissions or agencies. It does not include general administrative or operational records. Those records are the domain and responsibility of the OCIO and Provincial Archives.

Access

The Legislative Library is located on the Third Floor, East Wing, of the East Block, adjacent to the entrance to the Public Gallery. Direct access to the Legislative Library is available during standard work hours of 8:30 a.m. - 5:00 p.m. (8:30 a.m. - 4:30 p.m. in summer) Monday to Friday when the House of Assembly is not in session. The Library is open until the House adjourns for the day (or 10:00 p.m., whichever is earlier) when the House is in session. Twenty-four hour indirect access is available through the Library's message manager, fax machine or staff e-mail.

While the House is in session, Members may request reading or reference materials be sent to them in the House. If a Member is unable to leave his/her seat and come to the Library, a request may be sent to the Library through a Page or one of the Table Officers.

Borrowing And Circulation

Members are welcomed and encouraged to come to the Library for all their research requirements, to browse the latest periodicals or to read the current newspapers. Items from certain sections of the collection may be borrowed for up to two weeks. All borrowers, including Members, are asked to return or renew their borrowed item(s) promptly. Items from certain sections of the collection do not circulate and must be used only in the Library.

Research And Reference Services

The Legislative Library provides non-partisan, expert research and reference services to all its clientele on a first-come-first-served basis. All transactions are kept completely confidential. The Library staff is able to competently and efficiently answer all sorts of questions, from the straight forward (a fact or figure) to the complex (conducting and compiling in-depth research on a topic).

The Library has access to several in-house and commercial research databases. It maintains a complete collection of Hansard and is responsible for indexing Hansard. The Library also has indexed copies of news articles and news releases from the government and opposition parties. The news release collection dates back to the early 1970s.

Collection

The Legislative Library has a vast and diverse collection. Materials in the collection date from the 18th Century to present day. Its sections include:

- Newfoundland and Labrador Government Documents
- Provincial and Federal Government Documents
- Periodicals (including local, regional and NL community newspapers)
- Newfoundlandiana and Labradoriana
- Clipping Files (Parliamentary; Government and Subject files)
- Reference materials
- Professional Development
- General Monographs (political science, history, public administration and policy issues, etc.)

Tours

As part of their general orientation, new Members will be contacted by the Library shortly after they are sworn or affirmed into office to arrange a tour of the Library and introduction to its services. Staff tours can be arranged by contacting the Library at 729-3604.

3.2.2 Hansard

Hansard is the official and complete report of debates and proceedings of the House of Assembly and the meetings of the House of Assembly Management Committee. It is named after Thomas Hansard, a publisher of the report of debates of the U.K. Parliament in the early 19th Century. The Hansard document is essentially a verbatim transcript with editing limited to ensuring proper grammar, spelling and punctuation; observing parliamentary forms; and minimizing repetition and redundancy. Hansard's rule regarding interjections is that only those interjections responded to by the Member who has the floor at the time, or otherwise referenced by the Speaker or Chair, are included.

In order for Hansard to be of benefit to the members and the public, it is important that it be available in a timely manner. Each sitting day is divided into afternoon and evening segments. There is a separate issue of Hansard for each segment.

Afternoon sitting

Following a daily sitting of the House, the completed transcript is available online at approximately 10:30 p.m. on the same sitting day. This document is available on the House of Assembly Website www.assembly.nl.ca under "Proceedings".

The printed version of the Hansard document is available usually by 10:00 a.m. the following morning. Copies are also available in the Chamber on the next sitting day, or a copy can be mailed out, depending upon the preference of individual members. Anyone wishing to obtain a hard copy may do so by contacting the Hansard Division.

Evening sitting

The transcripts for evening sittings are completed when the House of Assembly breaks for the summer and fall recesses. Transcriptions of Committees of the House are also held over and completed when the House is no longer in session. These reports are available on the House of Assembly Web site when completed. If required, a request for a certain segment of an evening sitting can be made to Hansard for immediate transcription.

Question Period

Question Period is available, in its unedited format, as soon as transcription is complete, usually within an hour after the expiration of this particular House proceeding. Other portions of the proceedings are available upon the request of a Member as quickly as transcription allows. Members who wish to listen to a particular segment from the digital recording of any of the House proceedings may do so at the Hansard office.

For research or to use the Hansard index, please contact the Legislative Library at 729-3604.

Hansard offices are located on the Fifth Floor, West Wing, of the East Block of Confederation Building. Inquiries about the services provided by the Hansard office should be directed to the Manager of Hansard offices at 729-3413.

3.2.3 Broadcast Centre

Since November, 2001, the House of Assembly proceedings have been televised live on cable T.V. throughout the Province. All sittings of the House of Assembly are recorded in DVD format, with backups retained on VHS and digital cassette. The DVD format is archived and stored in the Broadcast Centre. Upon request, duplicates can be provided to the Members and staff of the House.

The live broadcast of the House of Assembly proceedings is up-linked via satellite by The Distance Education and Learning Technologies (DELT) Division of Memorial University of Newfoundland. It is then distributed to local cable providers throughout the Province free of charge by Rogers Cable. This service is distributed by local cable providers as part of the basic cable package to their customers.

In the House of Assembly Chamber, five cameras on robotic pedestals are mounted into recessed openings of the walls. There are two cameras on either side of the House and one above the main entrance. All cameras are remotely operated from the control room of the Broadcast Centre. Each Member's desk in the Chamber is equipped with a microphone, a tally light, a speaker and a headphone jack with volume control.

The Broadcast Centre is designed to be as automated as possible, but can also be fully operated manually. When the Speaker recognizes a Member, the audio operator switches on the Member's microphone which triggers a series of automatic events. The Crestron (our automation system) will select the camera assigned to that Member and move it into the pre-programmed position for that Member. The Crestron then brings the camera shot up on the switcher's preview for final adjustments by the camera operator before it goes to air and also brings up the Member's title information for the operators to insert on air when required.

Microphones are manually switched on and off by the Audio Operator. During a House of Assembly sitting, the microphone for the Speaker of the House is always on. When the Speaker of the House recognizes a Member, the audio operator switches on the Member's microphone. When the Member is finished speaking, the audio operator switches off the Member's microphone. If during a Member's speech the Speaker of the House rises to his feet, the Member's microphone is immediately switched off. While the Speaker of the House is on his feet, the Speaker's microphone is the only microphone on in the Chamber.

Since the creation of the Broadcast Centre in 2001, all of the televised proceedings of the House of Assembly have been recorded and archived to DVD and DV tape. DVD and VHS copies are available to the Members at anytime. Copies can be obtained by contacting the Broadcast Centre at 729-7448.

The Broadcast Centre provides new Members with a copy of their introductory (or maiden) speech on DVD. Copies can also be made on VHS if requested.

Members and their staff are encouraged to visit the Broadcast Centre on the ground floor of the East Block. For more information, please call 729-7448.

3.2.4 Records Management Section

The Records Management (RM) Section is responsible for the development and implementation of standard and electronic RM policies, procedures, quality services and related training throughout the House of Assembly and its Statutory Offices. The section is also responsible for access to information and protection of privacy matters as they relate to Members and the Legislature. Information is provided for Members regarding Constituency Office records management (Section 4.5) and the Access to Information and Protection of Privacy Act (ATIPPA) (Section 4.6) in other sections of this manual.

3.2.5 Website


The House of Assembly website provides information about, and is created by, the Legislature and its Offices. (See Section 3.2.6) Members are provided with one profile page each where contact and biographical information is found. Members are responsible for creating, supplying and up-dating content for their own pages. The Legislative Library is responsible for maintaining the website and facilitating changes to Members' pages. Questions can be directed to 729-3604.

The Legislative Library is responsible for maintaining web pages for Members of the House of Assembly on the House of Assembly website. In order to have your web page posted, at your earliest convenience, please complete the form at the end of this section and return to the Legislative Library.

3.2.6

HOUSE OF ASSEMBLY

www.assembly.nl.ca



House of Assembly

Newfoundland & Labrador

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Welcome to the House of Assembly of Newfoundland and Labrador, the legislative branch of government. This site contains information about the operation of the House and contains its business publications such as the Hansard, Bills and Order Papers. It also includes the Consolidated and Annual Statutes (laws) and Regulations and information about the House of Assembly Management Commission.

The House resumed sitting on March 22, 2007.

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- Members' Expense Reports

Offices includes:

- Office of the Clerk
- Corporate and Members Services
- Legislative Library
- Hansard Office
- Broadcast Centre
- Sergeant at Arms
- Office of the Auditor General
- Office of the Chief Electoral Officer
- Office of the Child and Youth Advocate
- Citizens' Representative
- Commissioner of Legislative Standards
- Office of the Information and Privacy Commissioner

Legislation includes:

- Status of Bills
- Statutes and Regulations

Publications and Information includes:

- Members' Expense Reports
- Green Report

Management Commission includes: information about the House of Assembly Management Commission and its meetings]

4.0 MEMBERS' OFFICES AND RESOURCES

4.1 CATEGORIES OF ALLOWANCE

The *Members' Resources and Allowances Rules* under the *House of Assembly Accountability, Integrity and Administration Act* allows Members to claim payment or reimbursement in each of the following categories of allowance:

- (a) office allowances;
- (b) operational resources;
- (c) travel and living allowances; and
- (d) constituency allowances

A detailed description of the rules under each of these categories is found in the Members' Resources and Allowances Rules Manual. It is the responsibility of each Member to know and understand the rules in all categories and to ensure compliance by the Member and any other person(s) to whom the Member may delegate responsibility.

4.2 MEMBER OFFICE LOCATIONS

1. Government Member Offices are located on the Third Floor, above the House of Assembly, East Block
2. Official Opposition Offices are located on the Fifth Floor, East Block
3. Third Party Offices are located on the Fifth Floor, East Block

4.3 POLITICAL SUPPORT STAFF – CONSTITUENCY ASSISTANTS

Each Member of the House of Assembly is entitled to hire one contractual employee, termed Constituency Assistant, to support the Member in his or her duties. (Other political support staff are hired to assist the entire party caucus, rather than individual Members, on matters such as research and communications.) Cabinet Ministers are also entitled to hire an Executive Assistant in addition to a Constituency Assistant.

A Member may recruit and select a Constituency Assistant through a process which ensures that necessary qualifications and skill levels are met. Ordinarily, a Member will require an assistant with good office management and computer skills, knowledge of the electoral district, effective communication skills and good interpersonal skills. The House of Assembly Service is not ordinarily involved in the selection of Constituency Assistants, but can provide advice if requested.

A Political Support Staff Employment Agreement is entered into between the Speaker (rather than the Member) and the Constituency Assistant (a copy of this agreement is included at end of this section). The salary is based on a pay scale called PS-4 (i.e., Political Staff) and entry level salary is \$34, 743 annually. This salary increases on an annual step basis over an eight year period, reaching a maximum at Step 25 of \$45, 155. Political staff must join the Group Insurance Plan and, unless already an existing member of the Public Service Pension Plan, must join government's Money Purchase Pension Plan.

Once an assistant has been selected, the Member and assistant will need to provide the necessary information to Corporate and Members' Services Division for completion of the employment contract and other required forms.

The *House of Assembly Accountability, Integrity and Administration Act* [S.20 (6) (a) (ii)] authorizes the Management Commission to determine the terms of engagement for Constituency Assistants. It is anticipated that the employment contract will be reviewed by the Commission in the near future.

4.4 OFFICIAL PHOTOGRAPHS OF MEMBERS

Following each General Election, a framed composite is created of photographs of all Members of that General Assembly. This is mounted in the corridor outside the House Chamber near the Security Office. Members elected in by-elections are added to the display through individual framed photographs. The House covers the cost of the photographer's sitting and the framing and mounting for display. Members may order additional prints at their own expense.

4.5 BUSINESS CARDS AND STATIONERY

The House provides both business cards and letterhead, which adhere to approved design standards, through the Queen's Printer at no charge to Members. As Members of the Legislative Branch of Government, Members of the House of Assembly may choose a business card or letterhead design which features the Coat of Arms and a background photograph of the House of Assembly Chamber. Members also have the option of choosing the design which incorporates the Pitcher Plant brand used by those in the Executive Branch. In the latter case, a prominent yellow bar distinguishes Members from public employees.

If Members wish to use external printers for other than the approved designs, those costs cannot be claimed as a constituency allowance expense.

Each Office Manager of Caucus Operations can assist Members in ordering these items.

4.6 CONSTITUENCY OFFICES – RECORDS MANAGEMENT

4.6.1 Organization of Members' Records

The House of Assembly has adopted standardized records management policies and practices. While Members are not obliged to follow those policies and practices, it is strongly recommended that they adopt standardized records management practices in their own offices. Adopting such standards will result in more efficient and effective office operations. It will also greatly assist Members in identifying which of their records are, and are not, subject to the *Access to Information and Protection of Privacy Act*, (ATIPPA).

It is suggested that the Members adopt the following file structure for both paper and electronic documents. A more detailed version of the structure, with definitions and file naming conventions, will be made available at orientation and training sessions for Members and Constituency Assistants.

01 Constituency Management

- 01-01 Constituency Management – Case Files – Community
- 01-02 Constituency Management – Case Files – Individuals
- 01-03 Constituency Management – Case Files – Issues
- 01-04 Constituency Management – Case Files - Reference Materials
- 01-05 Constituency Management – Events and Public Appearances
- 01-06 Constituency Management – Media Relations

02 Caucus Management

- 02-01 Caucus Management – Meetings
- 02-02 Caucus Management – Polls
- 02-03 Caucus Management – Strategy and Research

03 [Federal Party Name] Business

- 03-01 [Federal Party Name] – Elections
- 03-02 [Federal Party Name] – Events
- 03-03 [Federal Party Name] – Fundraising

04 [Provincial Party Name] Business

- 04-01 [Provincial Party Name] – Elections
- 04-02 [Provincial Party Name] – Events
- 04-03 [Provincial Party Name] – Fundraising

05 Legislature Operations

- 05-01 Legislature Operations – Committees
- 05-02 Legislature Operations – House of Assembly
- 05-03 Legislature Operations – Learning and Development

06 Member's Operations

- 05-04 Member's Operations – Accommodations
- 05-05 Member's Operations – Asset Management
- 05-06 Member's Operations – Financial Management
- 05-07 Member's Operations – Public Relations
- 05-08 Member's Operations – Staff Management
- 05-09 Members' Operations – Members' Resources and Allowances

07 House of Assembly Management Commission Business

08 Personal Management

4.6.2 Executive Branch Records

Executive Branch records are those which a Member may create or obtain in his/her role as a Minister, Parliamentary Secretary or Assistant. These records are government records as defined by the *Management of Information Act* and must be organized according to the agency, board, commission or departmental classification schedule from where they originated.

4.6.3 Electronic Records

Proper management of electronic records is as important as management of paper records. It is suggested that:

- A Member and his/her assistant(s) adopt a shared directory system. Using the file structure suggested here, everyone in an office files electronic documents in the shared directory in the same manner they would paper files. [In this context 'office' refers to an individual Member and his/her Constituency Assistant and other assistants, not the entire caucus.]

- Members and their assistant(s) adopt the standardized file structure suggested here in their e-mail directories and/or save or file e-mails to their network file structure.
- Members and their assistant(s) adopt the habit of immediately filing e-records and e-mails (incoming and outgoing) into the standardized file structure as soon as they are created or received.
- Members and their assistant(s) should adopt standardized naming conventions when titling documents or files. For example, titles names should be descriptive – BeeTownFireDept.doc instead of btfd.doc. Also, titles should maintain consistency, for example not using BeeTownFireDept.doc and FireDeptAppleTown.doc. Each should follow the same convention.
- When using dates, always use the standard format of YYYY-MM-DD, for example, 2007-08-02 for August 2, 2007.
-

4.6.4 Exit Policy

Upon resigning, retiring or losing his/her seat, a Member may:

- personally retain all of his/her records;
- destroy his/her records using an approved method;
- pass records on to the incoming Member of the district (transfer agreements may be required);
- donate the records to The Rooms Provincial Archives of Newfoundland and Labrador.

Members **may not retain Executive Branch Government records**. Upon leaving office, Members must return Executive Branch Government records in their possession to their office of origin (agency, board, commission or department).

4.7 ACCESS TO INFORMATION AND PROTECTION OF PRIVACY ACT(ATTIPA)

The access provisions of the ATTIPA (Parts I, II, III) apply to the House of Assembly, its Members and Statutory Offices as of 9 October 2007. The protection of privacy provisions (Part IV) of the ATTIPA will apply to House of Assembly Service and Statutory Office records on the date of proclamation of Part IV. Members are exempt from privacy provisions.

Generally, the access provisions of ATIPPA will apply to all operational records of the House of Assembly Service and Statutory Offices. Members' records that will be subject to ATIPPA will include, for example, financial records filed with the Corporate and Member Services Division for reimbursement. Routine disclosure of these types of records (e.g., on the website) does not exempt them from access requests. The ATIPPA will apply to records that both pre- and post-date 9 October 2007.

4.7.1 Records Exempt from ATIPPA

Records that are exempt from ATIPPA (beyond the general exceptions already defined in the Act) are:

- Members' records: s.67.3(c) a personal or constituency record of a member of the House of Assembly, that is in the possession or control of the Member; or (c.1) records of a registered political party or caucus.
- House of Assembly records: s.67(4) where the record's non-disclosure is required for the purpose of avoiding an infringement of the privileges of the House of Assembly or a member of the House of Assembly; and that is advice or a recommendation given to the speaker or the Clerk of the House of Assembly or the House of Assembly Management Commission established under the House of Assembly Accountability, Integrity and Administration Act that is not required by law to be disclosed or placed in the minutes of the House of Assembly Management Commission.
- Statutory Offices' records: s.67 (4) records connected with the investigatory functions of the Statutory Office.

ATTIPA guidance provided here is not absolute. Every ATIPPA request must be evaluated on its merits under the Act. The classification scheme suggested in this section is meant to be a general guide only and should not be interpreted as definitive for an ATIPPA request. The ATIPP Coordinator of the House of Assembly Service can provide further guidance on a case-by-case basis.

4.7.2 Access Requests

Members do not respond to ATIPPA requests on their own. All requests should be submitted to the Speaker as the head of the Public Body. If a Member receives a request, he/she should direct the request to the ATIPP Coordinator assigned to the House of Assembly Service.

4.7.3 Privacy Issues

While they are exempt from the privacy provisions of ATIPPA, Members are encouraged to adopt the spirit of the Act surrounding the collection and retention of personal information. Members should refrain from referring to a constituent by name in the Legislature unless they have the individual's permission to do so. See Part IV of the ATIPPA for best practices. The ATIPP coordinator and Senior Privacy Analyst can provide advice to Members.

4.7.4 Electronic Infrastructure

The electronic infrastructure provided to Members is owned and operated by the Office of the Chief Information Officer (OCIO). Accordingly, electronic records, including e-mails, stored on that infrastructure are subject to the same policies as government records and are therefore backed-up on a scheduled basis. Back-up tapes exist for **a minimum of 30 days** and, while constituency and other categories of Members' records are exempt from ATIPPA, records stored on OCIO infrastructure may be subject to legal search and disclosure if a warrant to that effect were ever issued by the Courts.

4.8 INFORMATION TECHNOLOGY SERVICES

The House does not have its own Information Technology support staff. IT support is provided by the Office of the Chief Information Officer (OCIO) of the Executive Branch. The Office Manager of each Caucus Operations can provide assistance on IT matters.

5.0 THE HOUSE OF ASSEMBLY- STRUCTURE PROCEDURE AND PRACTICE

5.1 THE LEGISLATURE

5.1.1 Structure

The Legislature is composed of two elements - the elected Members (the House of Assembly) and the Lieutenant Governor.

The Lieutenant Governor, appointed by the Governor General of Canada in Council, serves as the representative of the Sovereign in Newfoundland and Labrador in the discharge of certain functions.

The Lieutenant Governor calls together, prorogues and dissolves the House of Assembly, approves orders-in-council and gives Royal Assent to legislation.

The House of Assembly is the elected body which approves, or otherwise, legislation within the areas over which it has jurisdiction in accordance with the constitution of Canada.

The Government is formed from the Members of the political group which returns the majority in a General Election. The Official Opposition comprises the Members of the political group having the second largest representation in the House.

In Newfoundland and Labrador, in order to be recognized in the House as a parliamentary group, a political group must belong to a registered party in accordance with the *Elections Act, 1991*, must have contested two thirds of the number of seats in the House at the preceding General Election and have elected at least three Members at the preceding General Election or at a by-election. (Appendix to Standing Orders, Practice Recommendation 2.)

5.1.2 Duration

An amendment to the *House of Assembly Act* passed in 2004 provides that there will be a general election every four years on the second Tuesday of October. (*An Act Respecting the House of Assembly, RSNL 1990 c. H-10, s. 3(2)*). The Premier still must formally request the Lieutenant Governor to dissolve the House of Assembly. This amendment does not preclude an earlier election if the Government loses a vote of confidence in the House.

5.1.3 Sessions of the House of Assembly

Each General Assembly or Parliament comprises one or more periods known as sessions, typically one session per year divided into two segments, Spring and Fall.

After a General Election, the Lieutenant Governor, on the advice of the Premier, summons the Members of the House to meet for its first session. The period

between the first meeting of a new Assembly and its prorogation or dissolution is a session. Assemblies have typically lasted three or four years and comprised the same number of sessions. As of September 17, 2007, there have been 45 General Assemblies in Newfoundland/Newfoundland and Labrador.

The prorogation, or formal termination of a session, automatically closes all proceedings and business in progress at the time. For example, any Bills which have not been passed before prorogation are said to die on the Order Paper and must be re-introduced if Government wishes to pass them.

5.1.4 Sittings of the House

A sitting, normally the daily meeting of the House, starts with the Speaker calling the House to order and ends with the adoption of the adjournment motion. At the beginning of the daily sitting the Sergeant-at-Arms places the Mace, the symbol of the authority of the House, on brackets at the end of the Table. The presence of the Mace on the Table indicates that the House is in session with the Speaker in the Chair. A sitting may extend beyond a calendar day in which case the period is still considered a single parliamentary day.

5.1.5 Time of Sittings

The House sits on Monday, Tuesday and Thursday from 1:30 to 5:30 p.m. and on Wednesday from 2:00 to 5:00 p.m.

These times can be extended by the adoption of a motion, of which notice has been given at a previous sitting, that the House not adjourn at the normal time of interruption. (S.O.11) (Standing Orders (S.O.) of the House of Assembly comprise the rules which govern the House).

5.1.6 Quorum

In order for the House to meet and exercise its powers there must be at least fourteen Members present, excluding the Speaker. If there is no quorum the Speaker adjourns the House until the next day. (S.O. 13(3)).

5.1.7 Attendance

All Members must attend the daily sittings of the House except in stipulated circumstances. Failure to attend the sittings of the House, except as permitted, will result in a deduction of \$200.00 a day for sittings missed. (*S.O. 19; House Of Assembly, Accountability, Integrity and Administration Act, s.13*)

5.1.8 Adjournment

At the end of each sitting day, the House adjourns to the next sitting day. At the end of a series of sitting days, the House will adjourn for a stated longer period (e.g. from before Christmas until the New Year and from end of spring sitting until the fall). While Newfoundland and Labrador has no parliamentary calendar, the Standing Orders do include a practice note recommending that the House sit from the second Monday in March until the Friday before the Victoria Day weekend with a break for Easter and for not less than four weeks in the Fall. (Standing Orders Appendix, Practice Recommendation 1).

5.1.9 Prorogation

An Assembly session is terminated by prorogation, the act of bringing a session to an end, or dissolution, the act of terminating a General Assembly. The Lieutenant Governor prorogues the session by a proclamation issued on the

advice of the Premier through an order-in-council. The Lieutenant Governor delivers a short address to the House on the day the House is prorogued.

Business in progress at the time of prorogation must be re-introduced if Government wishes to proceed. This does not apply to Returns, which are documents ordered by the House to be tabled.

5.1.10 Dissolution

Dissolution is the means by which the General Assembly is terminated. Although the Province has instituted fixed-date elections, the Premier must still formally advise the Lieutenant Governor to issue the proclamation terminating the House of Assembly. Once the proclamation is issued, Members cease to be Members. However, the Speaker and Executive Council remain in office until replaced.

5.1.11 Privilege

Parliamentary privilege, as defined by Sir Erskine May in his *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, is the sum of the peculiar rights enjoyed by each House collectively and by each Member individually. Without these rights, which exceed those possessed by other bodies or individuals, they could not discharge their functions. The foremost of these privileges is freedom of speech. No action can lie against a Member for anything said during a proceeding in the House or a Committee of the House. Members also enjoy freedom from arrest in civil actions, exemption from jury duty and exemption from appearing as a witness in court and freedom from obstruction, interference and intimidation as they engage in their parliamentary duties.

The violation of any of the known and enumerated rights or immunities of the House or its Members is a breach of privilege. Other offences against the dignity of the House or the authority of the Chair are contempts which are, like breaches of privilege, punishable under the law of parliament.

If a Member becomes aware of a breach of privilege he/she must raise it in the House at the earliest opportunity. The Speaker will then decide if a *prima facie* (apparent) case of breach of privilege has been established. If the Speaker decides that there appears to be a breach, a motion is moved to refer the matter to a committee which will decide if there has been a breach and recommend the action to be taken.

Some examples of contempts which have occurred in the House of Assembly are assaults on Members by other Members and the disclosure of the contents of a committee report before the committee had submitted its findings to the House.

When a breach of privilege or a contempt is established, the Member at fault is usually expelled from the House for a period of time.

5.1.12. House of Assembly Precinct

The Parliamentary Precinct is that area, space or part of a building, parking lot and grounds which fall under the authority of the Speaker, or constitutes premises that the House of Assembly occupies for its corporate purposes. The Parliamentary Precinct includes the areas over which the Speaker must exercise physical control to enable members to perform their parliamentary duties. The *House of Assembly Act* allows the Speaker to define more precisely the precinct of the House. The definition is necessary in the particular circumstances of the House of Assembly of Newfoundland and Labrador since the Assembly Chamber and related office space are housed in a government office building and the

precinct of the House must be distinguished from the parts of the building which are outside the purview of the Speaker.

5.1.13 Parliamentary Procedure

Parliamentary procedure refers to the rules by which the House conducts its business based on statutes, the Standing Orders, authoritative procedural works, precedents, and tradition.

In the conduct of business the House is governed first by the Standing Orders, then by the usages, customs and precedents of this House, then by the customs and usages of the House of Commons, Canada and other Canadian jurisdictions. If none of these is useful in a particular case, the House looks to the usages, customs and precedents of the House of Commons, Westminster.

The principal parliamentary authorities to which the House of Assembly refers are Marleau and Montpetit, *House of Commons Procedure and Practice, 2000*; Beauchesne, *Parliamentary Rules and Forms*; and, Sir Erskine May, *Parliamentary Practice*.

Procedure in the House is similar in principle to the rules by which most meetings are conducted. It is designed to ensure that all who wish to speak have the opportunity to do so in such a way as to make the most efficient use of the time available. In a legislative assembly the Speaker must always keep in mind the balance that must be struck between the right of the minority to be heard and the right of the majority to govern.

5.2 COMMITTEES OF THE HOUSE

5.2.1 Standing Committees

At the beginning of each General Assembly a committee of five Members, the Striking Committee, prepares a list of Members to comprise the Standing Committees of the House. Standing Order 6.5 (S.O.65) provides for the following Standing Committees:

- The Government Services Committee,
- The Social Services Committee,
- The Resource Committee,
- The Public Accounts Committee,
- The Privileges and Elections Committee,
- The Standing Orders Committee, and
- The Miscellaneous and Private Bills Committee

These Committees continue for the life of the parliament. They may sit whenever they choose, although they usually do not meet during the sitting hours of the House.

The **Government Services, Social Services and Resource Committees** may be asked to review any matter the House wishes to refer to them in their specified area of interest. These three committees are particularly active during the Budget period in reviewing departmental and other Estimates.

Standing Committees may be asked to review draft legislation before its introduction in the House (S.O.79) and Bills which have received Second Reading. (S.O.80)

The **Public Accounts Committee** traditionally reviews the annual report of the Auditor General from which they select matters on which to hold hearings. This Committee also reviews the audited accounts of the House and the Clerk's role as accounting officer of the House (*House of Assembly, Accountability, Integrity and Administration Act, ss.47 and 31*) and enquires into such other matters relating to the public accounts of the Province as it may decide. The Chair of the Public Accounts Committee is traditionally an Opposition Member.

The **Privileges and Elections Committee** does not meet frequently. The House has referred matters of privilege arising in the House to this committee. The *House of Assembly, Accountability, Integrity and Administration Act, s.35* charges the Privileges and Elections Committee with developing a code of conduct for Members.

5.2.2 Select/Special Committees

The House may also strike Select and Special committees as required to review matters that the House may choose to refer to them. Select Committees and Special Committees differ from Standing Committees in that they cease to exist once they have reported to the House.

5.2.3 Committees of the Whole House

A Committee of the Whole House comprises all the Members sitting in the Assembly Chamber with the Deputy Speaker presiding as Chair. The Speaker's chair is vacant and the Mace is removed from the table to indicate that the House is no longer in session. Debate is freer than in the House in that Members may speak as often as they like. The rules which apply in Committees of the Whole make this forum more suitable than the House for discussing the details of legislation. Historically, these committees developed to enable Members to deliberate removed from the constraining influence of the Speaker who was at that time expected to look after the interests of the King. (Marleau and Montpetit, *House of Commons Procedure and Practice, Edition 2000, p.171*).

5.2.4 The House of Assembly Management Commission

The House of Assembly Management Commission is a statutory committee comprising seven members, chaired by the Speaker, which is responsible for administering the financial and administrative policies of the House of Assembly and related offices.

5.2.5 The Audit Committee

The Audit Committee is a committee of the Management Commission comprising two members of the Commission and two persons who are not Members of the House of Assembly. The Audit Committee assists the House of Assembly Management Commission which is responsible for overseeing the House of Assembly respecting its stewardship of public money. (*House of Assembly Accountability, Integrity and Administration Act, s. 23*)

5.3 ASSEMBLY OFFICIALS

5.3.1 The Speaker

The Speaker is the impartial presiding officer of the House elected by secret ballot by his peers. The Speaker has procedural, administrative and ceremonial roles.

The Speaker maintains order and regulates debate in the House in accordance with rules, practices, tradition and authorities. He/she does not participate in debate and votes only in the event of a tie. (S.O.6). The Speaker's decisions cannot be appealed. The Speaker does not engage in partisan activities.

The Speaker chairs the House of Assembly Management Commission which is responsible for the administration of the House of Assembly and related statutory offices.

The Speaker serves as the President of the Newfoundland and Labrador Branch of the Commonwealth Parliamentary Association.

The Speaker, like all elected Members, must carry out his/her duties to his constituents.

The Speaker remains in office until replaced.

5.3.2 The Deputy Speaker and Chair of Committees

The Deputy Speaker is appointed by the House on motion of the Premier usually seconded by the Leader of the Opposition. The Deputy assists the Speaker and stands in during the Speaker's absence. The Deputy Speaker chairs the Committees of the Whole House and decides all questions of order therein subject to an appeal to the House.

5.3.3 Deputy Chair of Committees

The Deputy Chair of Committees is appointed in the same manner as the Deputy Speaker for whom he/she substitutes as Chair of Committees of the Whole.

5.3.4 House Leaders

House Leaders act as spokespersons for their respective parliamentary groups and make submissions to the Speaker on questions of procedure which arise from time to time in the course of debate in the House. The Government House Leader is responsible for organizing the work of the Assembly and liaises with his/her counterparts in order to facilitate the conduct of the business of the House.

5.3.5 Whips

The Whips are the Members designated by each parliamentary group to ensure that Members of their caucuses are present in the Assembly especially when a vote is expected. Members are expected to advise their Whip if they must absent themselves from the House. While the office of Whip is not recognized in the

rules, the Whips have a traditional function in parliaments in the Westminster system.

5.3.6 Committee Chairs

Committee Chairs are selected by the members of the Committee usually for the life of the Committee. The Chair of a Committee is usually a Government Member, the exception being the Chair of the Public Accounts Committee who is traditionally an Opposition Member. The Chair is the servant and spokesperson of the Committee. It is the duty of the Chair to maintain order in the committee and to decide all questions of procedure and order subject to an appeal to the committee. The Chair does not move motions and has only a casting vote. When a Committee has completed its work, the Chair reports to the House on behalf of the Committee.

5.3.7 Parliamentary Secretaries/Parliamentary Assistant

The *Parliamentary Secretaries Act* provides for the appointment of a maximum of four parliamentary secretaries to Ministers of the Crown who assist Ministers as required.

The *Parliamentary Assistant Act* provides for the appointment of one parliamentary assistant to the Premier whose duties are similar to those of the Secretaries.

5.4 LEGISLATIVE DOCUMENTS

5.4.1 The Order Paper

The Order Paper is the official agenda of the House. Prepared by the Clerk for each sitting day, the Order Paper is published by the Queen's Printer under the authority of the Speaker and provides a comprehensive overview of the status of business before the House. The Order paper comprises the list of Routine Proceedings followed by the Legislation and Resolutions to be debated indicating the status of each piece of legislation. Questions submitted in writing to the Minister pursuant to Standing Order 51 also appear on the Order Paper.

5.4.2 Votes and Proceedings, Journals of the House

The Votes and Proceedings are the Minutes of the proceedings of the House recorded daily, bound in a volume at the end of a Session and issued as the Journals and Proceedings of the House of Assembly.

5.4.3 Hansard

Hansard is the verbatim official report of the proceedings of the House that is published daily by the Queen's Printer under the authority of the Speaker.

5.4.4 Sessional Papers

Sessional Papers are documents that are required to be tabled in the House such as annual reports of departments, estimates and the public accounts of the Province. The originals are retained for the official record and copies are distributed to Members and made available to the public.

5.4.5 Tabled Documents

Documents tabled in the House that are not required to be tabled are not considered sessional papers.

5.4.6 Returns

Returns are documents that are ordered by the House to be tabled.

5.5 THE PARLIAMENTARY CYCLE

5.5.1 Swearing of Members

After a General Election, before a Member can take his/her seat in the House of Assembly, he/she must take and subscribe to the Oath/ Affirmation of allegiance and Oath/Affirmation of office.

5.5.2 Election of Speaker

Immediately after the administration of the oath or affirmation of office to the Members, the first order of business must be the election of a Speaker. Any Member except the leader of a recognized party or a cabinet minister is eligible for the office. The Clerk presides over the election.

Pursuant to a 1999 amendment to the Standing Orders, the Speaker is elected by secret ballot. The first Speaker to be elected by secret ballot was Speaker Harvey Hodder, who was acclaimed on November 12, 2003.

5.5.3 The Speech from the Throne

A new session of parliament opens with the Speech from the Throne delivered by the Lieutenant Governor. The first day of a new session is a ceremonial day on which the Lieutenant Governor, in a speech prepared by his/her ministers, sets forth the policies government intends to pursue and the legislation they intend to introduce.

The first order of business following the Speech from the Throne is the introduction and first reading of a Bill, a practice which dates from the 16th century in England. This Bill is introduced to assert and symbolize the right of the Assembly to proceed with their own business before that of the Crown.

5.5.4 The Address in Reply to the Speech from the Throne

After the Throne Speech, when the Lieutenant Governor has been led from the chamber by the Sergeant-at-Arms, a Member, usually a government private member, moves that a committee be struck to draft an address of thanks to be presented to the Lieutenant Governor in reply to the Throne Speech. The motion is traditionally seconded by an Opposition Member. The Leader of the Opposition, the Premier and the Leader of the third party speak to the motion which is then voted on.

Later in the session, the committee reports that it has drafted the address in reply. The debate which follows, known as the Address in Reply debate, is a debate on the motion that the report of the committee be adopted.

The Opposition may propose an amendment to this motion. This amendment is one of the traditional motions of non-confidence in the Government.

5.5.5 Interim Supply

The spring segment of a session of the House is devoted largely to the Budget and related matters.

Before the end of the fiscal year, March 31, the House must pass an Interim Supply Bill to enable government to meet its financial commitments between the end of the fiscal year and the passage of the Main Supply Bill. The Interim Supply Bill authorizes an advance of approximately one-quarter of the amount of funding contained in the main estimates. This funding permits Government to cover the needs of the public service from the end of the fiscal year until the end of June or until the Main Supply Bill.

5.5.6 The Budget

The Minister of Finance usually delivers the Budget Speech in mid-March. The Minister in delivering the Budget Speech is the first speaker to the motion: "That this House approves in general the budgetary policy of the Government". Most Members take the opportunity to participate in this debate. The Opposition traditionally propose an amendment to the Budget motion which is considered a motion of want of confidence in government. It is also permissible to move a sub-amendment to the Budget motion.

There is no time limit on the Budget Debate, such as there is on the Estimates procedure, although there is a time limit on each Member's speech. The amendment and sub-amendment give all Members the opportunity to speak a second time and even a third time on the financial policies of Government.

5.5.7 Estimates (Standing Orders 71-77)

On Budget day, following the speech, the Minister of Finance refers the Estimates of expenditure for the coming fiscal year to a Committee of Supply. The Committee meets briefly, then rises and reports having made progress and asks leave to sit again.

On the same day, or shortly thereafter, the Government House Leader refers the Estimates to three Standing Committees which meet over a three-week period to review these proposed expenditures. The Committees meet in the morning and in the evening. At the end of the period, they report having approved (or otherwise) the estimates referred to them. While the Committees may meet for as many hours as they wish within the three-week period, they are deemed to have used three hours for each of the departmental or other estimates referred to them.

The following three Heads of Expenditure are traditionally debated in the Committee of the Whole, rather than in the Standing Committees: the Legislature, the Executive Council and the Consolidated Revenue Fund.

When all the committees have reported, the House debates their reports and concurs in (or otherwise) their decisions. The time limit on each of these Concurrence Debates is three hours.

In total, seventy-five hours are allocated for these debates in Committee of Supply in the House, in the Standing Committees, on the concurrence motions in the House and in the debate on the Interim Supply Bill.

5.5.8 Supplementary Supply

If the budgetary amounts voted under the main estimates prove insufficient for the needs of the Province in the course of the fiscal year, Government may ask the House to approve additional expenditures. These must be approved in the same way as the main estimates and Supply Bill.

In certain circumstances, if the House is not in session when additional funds are required by the Legislature, the Lieutenant Governor, on the advice of the Executive Council, may issue a special warrant authorizing the additional expenditure. This warrant must then be ratified by the House when it next meets through a Supplementary Supply Bill.

The House usually adjourns for the summer once the Budget and related legislation have been passed by the House.

The House usually reconvenes in the fall for a month or six weeks to address the remaining legislative program.

5.6 THE BUSINESS OF THE HOUSE

5.6.1 Routine Proceedings

The following eight proceedings occur every day when the House is in session in the same order. No notice is required of these proceedings.

a) Statements by Members

This proceeding affords private Members the opportunity to make a non-partisan statement, often concerning matters of significance in their Districts. The time limit on these statements is 60 seconds. These statements should be submitted to the Speaker not later than 12:00 Noon on the day they are to be made.

b) Statements by Ministers

Ministerial statements usually concern governmental or departmental policy or matters but there are no rules governing the content of these statements. No debate is permitted but the Official Opposition may respond using half the time used by the Minister. The Third Parliamentary Group may respond using half the time allocated to the Official Opposition.

c) Oral Questions

The Oral Question period is a thirty-minute segment during which Members may question Ministers of the Crown. While Members usually

direct their questions to a particular minister, any Minister may answer. The Member who first catches the Speaker's eye is recognized to speak. The Speaker usually recognizes the Leader of the Official Opposition first. The recognition of speakers is entirely within the discretion of the Speaker. The Speaker's rulings respecting Oral Questions are not subject to appeal.

Questions are meant to elicit information and should be brief and to the point, as should answers, in order to allow the maximum number of questions to be asked. The main question may be prefaced by a short preamble. Supplementary questions ought not to have a preamble. Among the guidelines that have been established for Oral Questions are the following: questions should not express or seek an opinion, should not be argumentative, must relate to matters within the competence of Government, should be of some urgency and should not be frivolous.

- d) Presenting Reports by Standing and Special Committees**
The Chair of a Committee which must report to the House would table its report at this point. While no debate is permitted, leave is usually given for the Member submitting the report to make a brief statement.
- e) Tabling of Documents**
This proceeding was added in 2005 to accommodate the tabling of documents other than reports. Only Ministers may table documents.
- f) Notices of Motion**
Notices must be given at a previous sitting of substantive motions which are to be debated in the House.
- g) Answers to Questions for which Notice has been given**
During this proceeding Ministers may answer questions which have been placed on the order paper or which the Minister, or the Speaker, has decided should be tabled because of their complexity or length.
- h) Petitions**
The presentation of Petitions (S.O.90-97) is a venerable tradition of the House of Assembly. Members may speak for three minutes in presenting a Petition. Petitions must be addressed to the House of Assembly, not to the Government, and should be submitted to a Table Officer for vetting before being presented in the House. There is a sample Petition form on page 66 of the Standing Orders. (2005 ed.)

5.6.2 Orders of the Day

- a) Government Business**
The Orders of the Day, listed in the second part of the Order Paper, are the matters that have been appointed by an order of the House at an earlier sitting to be dealt with by at a later sitting. They would include the Address in Reply, Committee of Supply, the various stages of Bills which have been introduced, Motions of which notice has been given of Bills and Resolutions, and Questions submitted for inclusion on the Order

Paper. Government business has priority on Monday, Tuesday and Thursday.

- b) Private Members' Business (Members who are not Ministers)**
Wednesday is Private Members' Day and Private Members' business has priority. Private Members' Resolutions which have been given notice of on the preceding Monday appear on the Order Paper on Wednesday and are called in the order decided by each caucus, alternating weekly between the two sides of the House. The Speaker must ensure that Opposition Members who do not sit with the Official Opposition have the opportunity to introduce a motion once per session.

5.7 THE DECISION-MAKING PROCESS

The House is a decision-making body. The stages in arriving at a decision in the parliamentary context are: notice; moving a motion; the proposing of the question by the Chair; debate; the putting of the question by the Chair and the collection of voices by the Chair at the end of the process.

5.7.1 Motions

A motion is a proposal made to the House by a Member that the House do something, order something to be done or express an opinion about some matter. There are two classes of motions: substantive and subsidiary. Substantive motions stand on their own and generally require notice, while subsidiary motions generally depend on another motion and do not require notice. Private Member's Resolutions and Government motions for the introduction of Bills are substantive motions, while motions in amendment and adjournment motions are subsidiary in that they depend on another motion or are moved in the course of debate on another motion.

5.7.2 Notice

Notice of substantive motions must be given in writing at a previous sitting. (S.O 55)

5.7.3 Proposing the question

Once Notice has been given of the intention to move a motion in the House, on the day appointed for the debate of the motion, the Speaker will recognize the proponent who moves the motion, usually naming the seconder. The Speaker then proposes the question to the House at which point the House is said to be seized of the question. The Speaker then recognizes the proponent who will be the first speaker to the motion.

5.7.4 Amendments

In the course of the debate on a question, amendments and sub-amendments may be proposed which, if ruled in order, become separate debates within the main debate. Members who have already spoken to the main motion may speak again to the amendments and sub-amendments.

5.7.5 Putting the Question

When the debate has concluded, the Speaker puts the question, asking if the House wishes to adopt the motion. Having heard the voices in favour and against the motion, the Speaker will announce the result. If three Members wish to have a standing or recorded vote, they rise in their places and request a Division. The Speaker causes the Division bells to ring for ten minutes. When the ten minutes have elapsed the Sergeant-at-Arms places the bar of the House across the main entrance to the Chamber. At this point no Member may enter. The Speaker puts the question again and the Clerk calls the name of each Member noting the affirmative and negative votes. The Clerk announces the result to the Speaker who then declares the motion carried or lost. The results of the standing vote are entered in the Minutes and recorded in Hansard.

5.7.6 The Legislative Process

Legislation goes through a number of stages before becoming law. The multi-stage process developed as a means of ensuring that the laws of the land are thoroughly considered before they are enacted. The Minister proposing to introduce legislation first gives notice of his/her intention to introduce a Bill which is the legislation in draft form.

The Bill is then introduced and given **First Reading** which is a formal stage at which there is no debate. The Bill is printed and distributed after it has received First Reading.

Second Reading is the stage at which the principle of the Bill is debated. Members may speak once for 20 minutes, except for the Minister introducing the Bill who is entitled to speak for one hour, and the member replying immediately to the proponent who is also entitled to one hour. An exception to this rule is that the proponent of a Bill is entitled to speak a second time to close debate.

There are a number of amendments which are admissible at Second Reading: the six month hoist which if carried would result in the withdrawal of the Bill; the reasoned amendment which enables a Member to state why he/she opposes Second Reading of the Bill, which if agreed to would effectively defeat the Bill; and the referral of the subject matter of the Bill to a Standing Committee.

After Second Reading, the Bill is referred to a Committee of the Whole for consideration of the details, the so-called Clause by Clause stage. In Committee of the Whole, Members may speak as often as they wish. When the Committee has concluded consideration of the Bill, a Member moves that the Committee rise and report. The Chair of Committees returns to his or her place in the House and makes his/her report. If the Bill has been carried in Committee, the House will order that the Bill be read the third time which is usually done forthwith. Third Reading is usually a formality, although debate can and sometimes does occur at this stage. The amendments admissible at Third Reading are the same as those admissible at Second Reading.

The three readings must be carried out on separate days unless leave is given by the House to waive this requirement.

When a Bill has received **Third Reading**, it must be given Royal Assent by the Lieutenant Governor, or, in his/her absence, the Administrator, in order to become law. Once this stage has been carried out, a Bill is in force unless it is subject to proclamation at a later date. Sometimes a Bill receives Royal Assent with the exception of certain provisions which are reserved for later proclamation.

There is provision in the Standing Orders as well for draft bills to be sent to Standing Committees for consideration before they are introduced in the House (S.O.79) and for Bills which have received Second Reading to be examined by a Standing Committee (S.O.80). Bills referred to Standing Committees after Second Reading still go to a Committee of the Whole for detailed consideration.

Bills which have as their object the expenditure of public funds go through a slightly different procedure than other Bills. They must be accompanied by a Recommendation of the Lieutenant Governor, as the Crown alone initiates public expenditure. Appropriation Bills also include a Resolution setting out the amount to be voted. The debate on the Resolution and the clauses of the Bill takes place in Committee of the Whole after which the Bill receives three readings in the House without further debate.

5.8 DECORUM IN THE HOUSE AND RULES OF DEBATE

1. Members stand when the Speaker enters the Chamber.
2. Members must be properly attired in the House. Men should wear a business suit or jacket and tie and women should wear appropriate business attire. The Speaker is not obligated to recognize Members who are improperly dressed.
3. When entering and leaving the Chamber or crossing the centre point it is customary for Members and staff to make an obeisance (bow) to the Speaker/Chair occupant.
4. Members must be at their own places to be recognized. In order to be recognized to speak a Member merely stands in his/her place and “catches the Speaker’s eye”. The Speaker usually recognizes the first Member standing, alternating between the two sides of the House. The Speaker has complete discretion in respect of recognition of Members wishing to speak. On the occasion of a Member’s first speech in the House, the Speaker may recognize him/her in preference to others who rise at the same time.

A Member who adjourns debate on a motion is entitled to speak first when the motion is next called for debate.

5. A Member may speak only once to a question in the House (S.O.50(1)). In Committees of the Whole and Standing Committees, Members may speak as often as they wish. (S.O.60)
6. When speaking in debate, Members address their remarks to the Speaker and refer to each other in the third person by the names of their Districts or in the case of Ministers by their portfolios. Leaders of Recognized Parliamentary Groups and House Leaders are referred to by their titles. Language in the House must be temperate.

7. In the House, as distinct from Committees of the Whole, Members may speak only once to a question except for the proponent of a motion who may speak a second time to close debate. (S.O.50).
8. Notice must be given of substantive motions at a sitting prior to the day on which debate is to take place. (S.O.55)
9. Speaking times (S.O.46)

Member's Statement	60 seconds (S.O.25 (2))
Petitions:	3 minutes (S.O.92)
Private Member's Motions:	15 minutes (S.O.63 (5))
Resolutions:	20 minutes (S.O.46)
Second and Third Reading:	20 minutes (S.O.46)
Committee of the Whole:	15/10 minutes (S.O.46 (6))
Minister moving a Government Order:	60 minutes (S.O.46 (2))
Member replying to Minister Moving a Government order:	60 minutes (S.O.46 (2))
Premier and Leader of the Opposition generally:	60 minutes (S.O.46 (2))
Member responding to Minister of Finance in Budget debate:	One hour or twice the time used by the Minister, whichever is greater (S.O.46 (4))
10. If a Member perceives a breach of order in the House, he/she must call the attention of the Speaker to the incident immediately by raising a point of order.
11. Members may not use displays or props to illustrate their remarks.
12. Members must be in their seats to vote.
13. While no official guidelines have been issued respecting the use of electronic devices in the Chamber, it has been the practice to allow Members to use Blackberries to gain access to textual information provided that the devices are programmed to operate silently.

5.9 PARLIAMENTARY ASSOCIATIONS

5.9.1 Commonwealth Parliamentary Association

The Commonwealth Parliamentary Association (CPA) consists of the national, provincial, state and territorial Parliaments and Legislatures of the countries of the Commonwealth. Members of the CPA, irrespective of sex, race, religion or culture, share the Association's mission to promote knowledge and

understanding about parliamentary democracy and respect for the rule of law and individual rights and freedoms.

Within the CPA organizational framework, Canada is one region made up of fourteen Branches: the federal Branch, ten provincial Branches and three territorial Branches. The Newfoundland and Labrador Branch is an autonomous and full-fledged member of the CPA comprising all Members of the House of Assembly. The Speaker is president of the Newfoundland and Labrador Branch of the Commonwealth Parliamentary Association.

Annual Plenary Conference

The CPA General Conference and Small Countries Conference is an international annual meeting of representatives of all branches which takes place in a Commonwealth country. The delegates debate matters of parliamentary and general concern in the Commonwealth and the world.

Regional Conferences

Canada is a Region within the parent organization made up of 14 branches. Each branch is entitled to send a delegate to the Annual Regional Conference which is held in a different Province or Territory each year.

Parliamentary Seminars

The Canadian Region holds an annual Parliamentary Seminar hosted by a different Province or Territory. The Newfoundland and Labrador delegation usually consists of two Members plus the Speaker and a parliamentary officer.

5.9.2 Council of State Governments, Eastern Regional Conference (CSG/ERC)

Established in 1933, the Council of State Governments is a non-partisan, public, non-profit organization that provides information, research, and training to state officials in all 50 states and U.S. territories. CSG/ERC's purpose has long been to facilitate the exchange of ideas among state policy makers, business leaders and the academic community in our 17 member jurisdictions. These jurisdictions include the ten northeastern states, from Maine to Delaware, Puerto Rico, the U.S. Virgin Islands, and the Canadian Provinces of Quebec, New Brunswick, Newfoundland and Labrador, Ontario and Nova Scotia. The Eastern Region holds an annual meeting.

5.9.3 Canadian Council of Public Accounts Committees (CCPAC)

The Canadian Council of Public Accounts Committees is made up of legislators who are members of all Canadian Public Accounts Committees or of similar legislative committees scrutinizing public spending and post expenditure accounts committees. The Council meets annually. Meetings are open to Members and staff of Public Accounts Committees.

5.9.4 Assemblée parlementaire de la Francophonie (APF)

Founded in 1967 in Luxembourg, L'Assemblée parlementaire de la Francophonie is the sole inter-parliamentary organization representing the French-speaking world. It comprises 73 parliaments from five continents grouped into three regions Europe, Africa and America.

The objectives of the American Region of the APF are to extend the influence of the French language and to defend and promote the French culture in totally or partially French-speaking areas of the American continent.

6.0 MEMBERS' COMPENSATION AND BENEFITS

6.1 SALARY

Members are paid every two weeks and all new Members are required to receive this through Government's direct deposit payroll system.

- A Member is entitled, effective July 1, 2007, to be paid an annual salary of \$92, 580 payable in 26 equal instalments, in arrears.
- A Member who also holds one of the following positions shall be paid an additional salary, effective July 1, 2007, as follows:

i.	Speaker.....	\$52,497
ii.	Deputy Speaker and Chair of Committees.....	26,246
iii.	Deputy Chair of Committees.....	13,123
iv.	Leader of the Opposition.....	52,497
v.	Opposition House Leader.....	26,246
vi.	Deputy Opposition House Leader.....	17,919
vii.	Leader of a recognized Third Party.....	18,367
viii.	Party Whip.....	13,123
ix.	Caucus Chair.....	13,123
x.	Chair, Public Accounts Committee.....	13,123
xi.	Vice Chair, Public Accounts Committee.....	10,032

- A Member who sits on a committee of the House of Assembly, the House of Assembly Management Commission or a Committee of the Commission may be paid, in accordance with prescribed conditions and limitations, a daily amount to a maximum of \$200 for attendance at meetings (unless in receipt of office holder or minister salary), plus reimbursement of reasonable expenses.
- A deduction of \$200 shall be made from the salary payable to a Member for each day on which the Member is absent from a sitting of the House of Assembly for reasons other than the following:
 - i. the sickness of the Member;
 - ii. a serious illness related to the Member's family;
 - iii. bereavement;
 - iv. attendance at a meeting of a Committee of the House of Assembly, the Commission or a Committee of the Commission;
 - v. 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 prescribed by the House of Assembly Act;
 - vi. attendance to ministerial duties where that Member is a Minister;
 - vii. other exceptional circumstances as may be approved by the Speaker.
- A Member who is currently in receipt of Canada Pension Plan (CPP) benefits must obtain a Notice of Entitlement from Human Resources Development Canada and forward to the Corporate and Members' Services Division. Otherwise, CPP deductions will be made from the Member's salary at the prescribed rate.

6.2 SEVERANCE

Members of the House of Assembly have traditionally been provided with severance pay when they leave office. The most recent severance pay policy, established by the former Internal Economy Commission, provided for one month pay for each year of MHA service, up to a maximum of 12 months.

Under the *House of Assembly Accountability, Integrity and Administration Act [S. 11(3)(a)]*, a severance allowance will be determined by the House of Assembly Management Commission, following the receipt of advice from a Members' Compensation Review Committee [S. 16(1)]. This committee will be established at some point during the 46th General Assembly.

In the interim, the existing severance pay policy will apply, with one notable exception. Effective July 1, 2007, a Member's salary no longer included a non-taxable allowance as a portion of overall salary. To compensate for this change, the gross salary was increased to \$92, 580, such that net pay remained the same. However, the Review Commission on Constituency Allowances and Related Matters (the "Green Commission") recommended that "the amount of severance a retiring MHA will receive will not be greater, in absolute terms, as a result of implementation of a fully taxable salary for MHAs, than it would be under the existing payment arrangement of an indemnity plus a non-taxable allowance". Therefore, since July 1, 2007, severance pay for Members has been calculated based on the salary which would have existed without the change to a fully taxable salary. This practice will continue until a new severance plan is implemented.

6.3 MEMBERS OF THE HOUSE OF ASSEMBLY RETIRING ALLOWANCES ACT

The Pension Plan, currently in effect, for Members of the House of Assembly was introduced in 1976, replacing for all intents and purposes the 1962 Plan. The Plan is constituted under *The Members of the House of Assembly Retiring Allowances Act*, as amended together with the regulations. The Act was revised in 2005 to comply with pension plan registration requirements of the *Income Tax Act (Canada)* and the provincial *Pension Benefits Act*.

6.3.1 Important Note to New Members

The House of Assembly Management Commission, assisted by the Department of Finance, is developing a proposed new pension structure for Members. The new pension structure will be developed on the basis that it will apply only to Members who were elected for the first time to the House of Assembly on, or after, October 9, 2007. Until the new pension structure is in place, new Members will be subject to the provisions of the current Act and will contribute 9% of defined salary.

6.3.2 Important Note to Previously Elected Members

Existing and former Members will be grandfathered under the existing system.

6.3.3 Provisions of plan for existing Members

Participation

All Members must participate in the Pension Plan unless they are contributing to some other private or employer related Pension Plan. In order to continue participation in another Plan, and effectively opt out of the MHA Plan, an Election Form (included at end of section) must be signed before the first payment of any salary. This option may only be made for the first General Assembly. A Member will be required to participate in the MHA Pension Plan upon subsequent re-election.

Contributions

Members contribute to the Plan at the rate of 9% of their salary and Parliamentary Office Holder positions. Ministers, in addition, also contribute 9% of their Ministerial salary. Included in the definition of a Minister are the Speaker and the Leader of the Opposition. Canada Pension Plan contributions are paid in addition to Pension Plan contributions.

Pension Benefits

The Plan provides for three types of pension benefits: retirement, disability, and survivor benefits. A former Member who is not entitled to a pension may receive a refund of his or her contributions together with interest calculated in accordance with the rates prescribed by the *Pension Benefits Act*, if he or she so elects.

(a) Retirement Pension

A Member is entitled to a pension after serving in two General Assemblies for not less than five years, if he or she has made the contributions required by this Act.

A Member is eligible to receive that pension upon termination when age plus years of service as a Member total 60. For the Premier, age plus service as a Member must total 55.

(b) Disability Pension

A Member is entitled to receive immediately a Disability Pension upon the disability being duly certified by two medical officials of the Department of Health and Community Services. There are no age or service requirements. The pension is calculated in the same way as the retirement pension. It may not be less than 40% of the Members rate of indemnity and where applicable, the rate of ministerial salary.

(c) Survivor Pension

A Survivor Pension is payable to a spouse upon a Member's death if the Member has served in two General Assemblies for not less than five years or is in receipt of a pension under the Pension Plan. In addition, supplementary benefits are paid according to the number of children. Children's benefits increase in the event there is no surviving spouse.

The basic survivor pension for the spouse is 60% of the Member's pension or 25% of the Member's indemnity, whichever is greater.

NOTE: The maximum survivor benefits payable to a spouse and children cannot exceed the Member's retirement pension.

6.3.4 Calculation of Pension

The calculation of pension requires three separate calculations, based on (A) service as a member, (B) service as a minister, and (C) other credited pensionable service. Other service refers to service worked with an affiliated organization that a Member had elected to transfer to the MHA Plan.

6.3.5 Pensionable Salary Defined

The pensionable salary used in calculating pension is based on the average of the best three calendar years remuneration.

In the case of a Member, pensionable salary is based on the amount of the Member salary, plus salary paid as Parliamentary Office holders, in a calendar year.

In the case of a Minister, pensionable salary is based on the salary authorized by the Legislature to be paid to a Minister.

In the case of other service, pensionable salary is the total of the average pensionable salaries as a Member and as a Minister.

NOTE: Consistent with the recommendations of the Green Report, a Member's pensionable salary shall be defined as 81.2 % of the Member's salary.

6.3.6 Integration with Canada Pension Plan

A Pension paid under the MHA Pension Plan will be reduced from the first of the month following the month in which a Member reaches age 65. The formula for calculating this reduction considers pensionable salary for CPP purposes and years of service criteria.

For further information, contact:

Mr. Bill Nofall, Manager of Pension Benefits, Department of Finance 729-5913

6.4 GROUP INSURANCE

This section provides a summary of provisions available under the Group Insurance program. The effective date for Group Insurance Benefits for newly elected members is October 9, 2007.

For more detailed information, please refer to the section entitled Benefits in the online Human Resource Policy manual at www.exec.gov.nl.ca/hrpm. Click on "Benefits".

6.4.1 Eligibility for Group Insurance

All elected Members of the Legislature are covered under the program on a voluntary basis. All retired Members who are receiving a pension from the Members of the House of Assembly Pension Plan may elect to continue coverage.

The following summarizes the various benefits which are available for the security and well being of Members and their families, while serving as a Member, upon retirement and in the event of a Member's death before or after retirement.

6.4.2 Basic Group Life Insurance

In the event of death, an amount of life insurance equal to two times the annual salary of the Member is payable to the beneficiary appointed on a Member's Group Enrolment Card.

Dependent Life Insurance

In the event of the death of a Member's insured spouse or dependent child, an amount of life insurance is payable to the Member in the amount of \$6000.00 for dependent spouse or \$3000.00 for dependent child.

6.4.3 Accidental Death and Dismemberment Insurance

In the event of an accidental death, accidental dismemberment, loss of use, paralysis or loss of speech or hearing, within 365 days of an accident, a benefit is payable equal to two times the annual salary of the Member, plus the amount payable under Basic Group Life Insurance.

6.4.4 Supplementary Health Insurance

This plan provides benefits not covered under the Provincial medical services and hospital insurance programs, for you and your insured dependents including:

- Semi Private Hospital Benefit
- Extended Health Benefit
- Prescription Drug Benefit
- Emergency Ambulance Benefit
- Out-of-Province Benefit
- Non-Emergency Transportation Benefit
- Vision Care Benefit

6.4.5 Group Travel Insurance

This plan covers a wide range of benefits which may be required as a result of an accident or unexpected illness incurred outside the province while travelling on business or vacation.

6.4.6 Optional Long Term Disability Insurance

This plan is available on an optional and employee-pay-all basis. Long term disability insurance may provide disability benefits for periods of total disability which exceed 119 days. The coverage is based on a maximum annual salary of \$45,000.00 (equivalent of \$2500.00 per month). To be eligible for this program, you must be a member of the Members of the House of Assembly Pension Plan.

6.4.7 Optional Dental Care Insurance

This plan is available to Members and their insured dependents on an optional and employee-pay-all basis.

6.4.8 Optional Group Life Insurance

This plan is available on an optional, employee-pay-all basis and Members may apply to purchase additional group life insurance coverage for themselves and their spouses. Coverage is available from a minimum of \$10,000 to a maximum of \$300,000 in increments of \$10,000.

6.4.9 Optional Accidental Death and Dismemberment Insurance

This plan is available on an optional, employee-pay-all basis and enables Members to purchase additional amounts of accidental death and dismemberment insurance on an employee and/or family plan basis. Coverage is available from a minimum of \$10,000 a maximum of \$300,000 in increments of \$10,000.

6.4.10 Optional Life-Link Insurance

This plan is available on an optional, employee-pay all basis and enables Members to purchase coverage for themselves and their families which will provide a lump sum payment in the event of a Critical Condition, providing the necessary Criteria are met. Maximum Benefit is \$25,000 for Employee, \$10,000 for Spouse, and \$5,000 for Dependent Child.

6.4.11 Change of Beneficiary

Members may change their designated beneficiary(ies) at any time subject to any legal requirements affecting such right. For further information, please contact the Corporate and Members' Services Division.

6.4.12 Continuation of Benefits

An employee who retires may elect to continue group insurance coverage by providing a signed completed copy of the "Continuation of Coverage" form to the Corporate and Members' Services Division prior to retirement. This is necessary in order to arrange for payment of premiums during retirement.

Note: When your insurance terminates, Members must return identification card(s) to the Administrator.

6.4.13 Definition of Dependent

For the purpose of the group insurance program, the following definition of dependent is applicable

Spouse

- a) An individual to whom you are legally married; or
- b) An individual of the opposite sex who has been publicly represented as your spouse for at least one year; or
- c) An individual of the same sex who has been publicly represented as your spouse for at least one year.

Dependent Children

A Member or Member's spouse's unmarried, natural, adopted, foster, or step-children, including a child of an unmarried minor dependent, who are:

- (a) under 21 years of age and dependent upon the Member for support and maintenance; or
- (b) under 25 years of age and in full-time attendance at a recognized post-secondary educational institution and dependent upon the Member for support and maintenance; or
- (c) age 21 or over, who, by reason of mental or physical infirmity, are incapable of self-sustaining employment, and are dependent upon the Member for support and maintenance, provided they were disabled and insured under the plan on the day before they reached age 21.

Note 1: Children of your spouse are considered dependents only if they are also your children or your spouse is living with you and has custody of the children.

Note 2: This plan does not cover a spouse or dependent child who is not a resident in Canada nor does it cover any child who is working more than 30 hours per week, unless the child is a full-time student.

Note 3: A Member may opt out of the medical plan if covered by a spouse in the same plan.

6.4.14 How To Submit A Claim

Hospital Insurance:

- Present your identification card upon admission to hospital.
- The hospital will forward your claim directly to the Insurance Company Benefit Payments Office for payment of eligible expenses.

Prescription Drugs:

- Present your identification card to the pharmacist when purchasing eligible drugs.
- Pay the pharmacist's professional fee and any applicable surcharge while the cost of the eligible ingredient is payable under this program.

Vision Care:

- Obtain a Claims Submission form from the Corporate and Members' Services Division.
- Obtain a completed Vision Care Claim form from the provider of service (i.e. Optometrist and Optician).
- Complete the Claims Submission form, attach a paid-in-full receipt and the completed Vision Care Claim form.
- Forward to the Insurance Company Benefits Payments Office (see below).

Extended Health:

- Obtain a Claims Submission form from the Corporate and Members' Services Division.
- Attach a paid-in-full receipt which shows:
 - Patient's name,
 - Date and nature of treatment, and
 - Complete itemization of charges.
- Forward the above items to the Insurance Company Benefits Payments Office.

The address of the Desjardins Financial Benefits Payment Office is:

43 Topsail Road (Village Shopping Centre)
P. O. Box 97
St. Johns, Newfoundland
A1E 4N1
Telephone: 1-877-838-7763
Fax: (709) 747-8476

Note: All claims must be submitted to the insurance company as soon as reasonably possible but not later than one year after the date the expense was incurred.

7.0 CONFEDERATION BUILDING COMPLEX

7.1 ACCESS TO WEST BLOCK

An indoor passageway called the Link connects East and West Blocks. This is accessible from the basement level of East Block and connects with the first floor of West Block.

7.2 PARKING

Parking for Members is assigned in the parking lot on the north-east corner of East Block, except for Ministers and their Parliamentary Secretaries whose offices are located in the West Block. Members of Cabinet and the Speaker of the House are assigned spaces closest to the entrance door, with other Members having spaces assigned on a seniority basis. Each assigned space has a sign noting the District of the Member. Questions respecting parking spaces should be directed to the Sergeant-at-Arms.

7.3 SECURITY AND ID CARDS

Both East and West Blocks have Security Desks near the main entrances through which everyone must pass. Members will be provided with a photo ID card, which provides electronic swipe access, as are public employees who work in the building. Others must stop at the Security Desk to sign in and obtain a visitor's pass.

Arrangements should be made as soon as possible to obtain an ID card. The Department of Transportation and Works provides these cards and the Sergeant-at-Arms can make arrangements for Members.

The Security Desks are staffed 24 hours a day and Members ID cards can be used at any time.

As Members of the Legislative Branch of Government, distinct from the Executive Branch, Members of the House of Assembly may choose an ID card design which features the Coat of Arms and a background photograph of the House of Assembly Chamber. Members also have the option of choosing the design which incorporates the Pitcher Plant brand used by those in the Executive Branch. In the latter case, a prominent yellow bar distinguishes Members from public employees.

7.4 CAFETERIA

There is a small cafeteria located on the Ground Floor of East Block and a larger cafeteria located in the basement of the West Block. Both facilities are open to the public.

7.5 WELLNESS CENTRE

There is a small wellness centre available for use by both public employees and Members in the basement of West Block. Basic gym equipment is available and exercise classes are offered most lunch hours. Showers and lockers are available.

7.6 DAYCARE

The Confederation Building Daycare Centre is a non-profit workplace co-operative established to provide quality care in a stimulating environment for the children of employees of the Government of Newfoundland and Labrador. Members are also entitled to use the facility.

The Centre's hours of operation are Monday to Friday, between 7:45 a.m. and 5:30 p.m. (summer hours 8:00 am to 5:00 pm). The Centre is closed on all Provincial Government holidays. To arrange a tour, or for more information, contact the Centre at 729-6038 or daycare@gov.nl.ca.

7.7 SMOKING AREAS

Smoking is permitted in designated outdoor areas only. For East Block, the area is near the basement doors entering from the large central parking lot. In the West Block, smoking is permitted near basement doors at the north and south ends of the building.

8.0 REFERENCE

8.1 TELEPHONE DIRECTORY

Speaker's Office

To be completed	Speaker	3404
	Executive Assistant, Speaker	1121
	Secretary	3403

Clerk's Office

William MacKenzie	Clerk	3405
Rosalind Dawe	Secretary	2579
Elizabeth Murphy	Clerk Assistant	3434
Maureen Dooley	Secretary	3412
Elizabeth Gallagher	Sergeant-at-Arms/Information Officer	3630
Lorna Proudfoot	Law Clerk	4559
Marie Keefe	Policy Officer	6943

Corporate and Members' Services

Marlene Lambe	Chief Financial Officer	2923
Mark Noseworthy	Manager of Accounting Services	0769
Sandra Mitchell Cooney	Manager of Human Resources Services & Payroll Administration	1478
Scott Jones	Manager of Financial Reporting & Planning	0201
Kevin Collins	Manager of General Operations/Purchasing	0290
Allison Murphy	Payroll Administrator	7210
Dianne Batten	Purchasing Clerk	7211
Donna Cahill	General Office Clerk	1480
Jocelyn Ledwell-Norman	Accounts Payable Clerk	1479
Marian Burry	Accounts Payable Clerk	0202
Dale Whelan	Management Analyst	0201

Information Management Division

Kimberley Hammond	Director of Information Management	5646
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Legislative Library

Carolyn Morgan	Manager of Legislative Library	3586
Trine Schioldan	Information Specialist (Bibliographic Control)	7636
Dolores Hammett	Library Technician	3604

Broadcast Centre

Vacant	Manager of Broadcast Services	3855, 7448
Cathy Simms	Senior Broadcast Technician	7448, 7498
Don Brewer	Senior Broadcast Technician	7448, 7498

Records Management

Don Hynes	ATIPP Coordinator and Senior Privacy Analyst	7408
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Hansard

Irene Tapper	Manager	3413
Madeline O'Brien	Editor	0960
Debbie Dwyer	Editor	0207
Lorie Roebbotham	Transeditor	0783
Madonna O'Connell	Transeditor	0601
Armored Tucker	Transeditor	0782
Roxanne Manning	Transeditor	7417
Vanessa Tobin	Transeditor	7148

8.2 OTHER WEBSITES

House of Assembly main site: <http://www.assembly.nl.ca/>

Hansard & other Legislature documents: <http://www.assembly.nl.ca/business/default.htm>

House of Assembly Management Commission: <http://www.assembly.nl.ca/mancomm/default.htm>

Members' biographies and phone lists: <http://www.assembly.nl.ca/members/default.htm>

Statutes and Regulations: <http://www.assembly.nl.ca/legislation/default.htm>

Statutory Offices: <http://www.assembly.nl.ca/offices/default.htm>

Government of Newfoundland and Labrador main site: <http://www.gov.nl.ca/>

Popular links: <http://www.gov.nl.ca/whathere.htm>

Departments and Agencies: <http://www.gov.nl.ca/deptnew.htm>

New Releases: <http://www.releases.gov.nl.ca/releases/>

Reference:

Members of Parliament (Senators and Members):
<http://www.parl.gc.ca/common/SenatorsMembers.asp?Language=E>

Robert Marleau and Camille Montpetit. *House of Commons Procedure and Practice*:
<http://www.parl.gc.ca/MarleauMontpetit/>

Federal and Provincial Political Websites:

Bloc Quebecois: <http://www.blocquebecois.org/fr/default.asp>

Conservative Party of Canada: <http://www.conservative.ca/>

Green Party of Canada: <http://www.greenparty.ca/>

Labrador Party: <http://www.labradorparty.ca>

Liberal Party of Canada: http://www.liberal.ca/default_e.aspx

Liberal Party of Newfoundland and Labrador: <http://www.liberal.nf.net/>

New Democratic Party of Newfoundland and Labrador: <http://www.nl.ndp.ca/>

New Democratic Party of Canada: <http://www.ndp.ca/>

Newfoundland and Labrador First Party: <http://www.nfirst.ca/>

Progressive Conservative Party of Newfoundland and Labrador: <http://www.pcparty.nf.net/>

9.0 LEGISLATION

- House of Assembly Accountability, Integrity and Administration Act
- House of Assembly Act
- Financial Administration Act
- MHA Retiring Allowances Act
- Related Legislation

9.1 RELATED LEGISLATION

All of these statutes may be accessed through the House of Assembly website. The House of Assembly website is located at www.assembly.nl.ca.

Access to Information and Protection of Privacy Act

establishes the Office of the Information and Privacy Commissioner and outlines obligations of government to provide information upon request.

Auditor General Act

establishes the Office of the Auditor General and authorizes the responsibilities and powers of the Auditor General.

Child and Youth Advocate Act

establishes the Office of the Child and Youth Advocate and authorizes the responsibilities and powers of the Child and Youth Advocate.

Citizens' Representative Act

establishes the Office of the Citizens' Representative and authorizes the responsibilities and powers of the Citizens' Representative.

Coat of Arms Act

describes and adopts the Province's Coat of Arms.

Conflict of Interest Act

establishes the standards of conduct for civil servants and political staff. (Note: Members' issues respecting conflict of interest are addressed in the House of Assembly Act.)

Elections Act, 1991

establishes the Office of the Chief Electoral Officer and directs how elections must be conducted.

Electoral Boundaries Act

authorizes the Commission which recommends the electoral districts. (Note: The actual descriptions of districts are contained in a Schedule to the House of Assembly Act.)

Executive Council Act

authorizes the creation of the Executive Council, departments, Cabinet committees, acting Ministers and associated matters.

Financial Administration Act

establishes the financial management practices which must be followed by departments and provides the authorities for the Treasury Board of Cabinet.

House of Assembly Act

establishes the composition, procedures and practices for the operations of the legislative assembly.

House of Assembly Accountability Act

establishes an administrative framework for the House of Assembly that is transparent and accountable.

Lobbyist Registration Act

requires certain lobbyists to register with government to enhance accountability.

Members of the House of Assembly Retiring Allowances Act

establishes the pension plan for MHAs. (*Members are encouraged to seek advice from the Pensions Division, Dept. of Finance, in interpreting provisions of the Act.*)

Parliamentary Assistant Act

authorizes the creation of a position of Parliamentary Assistant to the Premier.

Parliamentary Secretaries Act

authorizes the creation of Parliamentary Secretaries for up to four to Ministers.

Transparency and Accountability Act

establishes the planning and reporting requirements for public entities.