

HANSARD

NOVA SCOTIA HOUSE OF ASSEMBLY

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

Tuesday, September 28, 2010

Committee Room 2

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**HOUSE OF ASSEMBLY
MANAGEMENT COMMISSION**

Hon. Charlie Parker (Chairman)
Mr. Gordon Gosse
Hon. Frank Corbett
Ms. Pam Birdsall
Mr. Maurice Smith
Hon. Manning MacDonald
Mr. Andrew Younger
Hon. Christopher d'Entremont

In Attendance:

Mr. Neil Ferguson
Acting Clerk of the Legislative Assembly

Mr. Gordon Hebb
Chief Legislative Counsel

Ms. Deborah Lusby
Director of Administration
Speaker's Office

HALIFAX, TUESDAY, SEPTEMBER 28, 2010

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

2:00 P.M.

CHAIRMAN
Hon. Charlie Parker

MR. CHAIRMAN: Okay, ladies and gentlemen, we'll get the public portion of our House of Assembly Management Commission meeting underway. For the record, my name is Charlie Parker, Speaker of the House and chairman of this commission. I'm going to ask members to identify themselves. Maybe before we do that, I'm going to introduce our new director of administration, who is with us for the first time, Deborah Lusby, so we're pleased to have her, and our Acting Chief Clerk as well, Neil Ferguson. Other than that, perhaps I'll go around the table and ask people to introduce themselves.

[The committee members introduced themselves.]

MR. CHAIRMAN: You have the agenda laid out before you, a number of different items. Before we come to the items I want to refer to the minutes of our last meeting on July 7th. The minutes are written up, 18 different items, and I'll ask if there are any comments on the minutes? Mr. Ferguson.

MR. NEIL FERGUSON: I just want to draw the attention of the members to No. 14: the commission authorized the Clerk, under Section 21(1) of the regulations to approve identified expenditures on behalf of the commission. I'm not sure if people have seen this draft of the minutes before, but I've inserted that the identified expenditures are part-time, casual constituency assistants or summer students. That wasn't reflected in either the minutes or Hansard accurately.

MR. CHAIRMAN: Okay, with that addition. Any other errors or omissions in the minutes? Any comments? I guess I'll ask for approval of those minutes from July 7th. Can I have a motion to approve those?

AN HON. MEMBER: Motion.

MR. CHAIRMAN: It has been moved. Is there a seconder? It was moved and seconded that we approve the minutes of July 7th. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The next item on the agenda is the establishment of a committee to review the chief clerk's position, to make recommendations on the structure, on how the responsibilities of the chief clerk should be and I guess work toward actually hiring a chief clerk or making a recommendation to this commission to forward on to the Executive Council.

[2:15 p.m.]

I think in your package you will find a resolution that has been prepared and perhaps I'll read it just for starters. It's a resolution regarding the committee to review the chief clerk position. It should be in order in your package; if you go down, the next thing after the minutes should be this resolution. The package you were given, everything is in sequence, so it's the next item underneath the minutes. Or perhaps, if you want to read through it and somebody could make it as a motion and we could have a discussion on it, but it's fairly clear there the way it is written out.

Perhaps I'll read it then:

Be it resolved that a Committee of the House of Assembly Management Commission is established to

- (a) review the position of the Chief Clerk of the Nova Scotia House of Assembly;
- (b) make recommendations to the Commission regarding the position;
- (c) conduct the recruitment and selection process with support from the Administrator of the Speaker's office and make a candidate recommendation to the Commission;

and that the Committee be composed of:

- 1) the Chair of this Commission;
- 2) the Deputy Speaker;
- 3) the Government House Leader;
- 4) the House Leader of the Official Opposition;
- 5) the House Leader of the Progressive Conservative Party; and
- 6) the Chief Legislative Counsel.

I think also as advice would be the director of administration. That should be added there. (Interruption) Oh, it's in (c), okay. So that's the proposed resolution. I'm open if somebody wants to discuss it or if they want to make this a motion.

HON. FRANK CORBETT: Mr. Chairman, again, No. 6, Chief Legislative Counsel, that's ex-officio, it's not a voting . . .

MR. CHAIRMAN: That's correct, yes, the Chief Legislative Counsel and the director of administration would both be ex-officio or advisers to the committee. Is anybody prepared to make that a motion?

It has been moved and seconded. Is there any further discussion?

AN HON. MEMBER: Who moved and seconded it?

MR. CHAIRMAN: It was moved by Mr. Smith and seconded by Mr. d'Entremont.

Are you ready for the question? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

Now I might ask perhaps, as chairman of the commission, that after our meeting today, if we have a few minutes, if this committee could meet for a few minutes to start the process. It's just that we're all together and I'm not sure when that opportunity might come again before October 28th, so just to get the process started.

In your package, too, you'll see details on the responsibilities of the Chief Clerk and it will give the full and detailed responsibilities in there. It's the House of Assembly Management Commission, position of the Chief Clerk, just some background information. I would ask those members who are on the committee if we could meet immediately after this commission meeting.

Okay, moving on in our agenda, the next one is the Audit Committee. We need to appoint a chairman. I should mention that I sent an e-mail out to the four members who have been selected to be on our Audit Committee. Two were appointed from this commission at a previous meeting and two were appointed by the Chief Justice. I sent an e-mail to each one of them, asking if they would be interested in serving as chairman. Lo and behold, I received three e-mails back: yes, I would be pleased to be chairman of the Audit Committee, and the fourth person said if necessary, so there's lots of interest in that. I'll throw it open to the floor for consideration at this point in time.

HON. MANNING MACDONALD: Just for clarification, Mr. Chairman, does the chairman of Audit Committee come from the outside members and the inside members, it can come from either?

MR. CHAIRMAN: I believe it can come from either, yes.

MR. MANNING MACDONALD: And you said Leo Gallant and Lauchlin McKenzie.

MR. CHAIRMAN: Mr. McKenzie is indicating he would be willing to serve as chairman of the Audit Committee.

MS. PAM BIRDSALL: I'd like to make a motion that Mr. McKenzie's name be put forward as the chairman of the Audit Committee.

MR. CHAIRMAN: Is there a seconder for that motion? It is moved and seconded that Lauchlin McKenzie be appointed as chairman of the Audit Committee. Is there any further discussion?

Are you ready for the question? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

No. 5 on our agenda is furniture and equipment listing. This is something that has been ongoing for some time and we have approved an interim furniture and equipment list for our two newest members who became MLAs this summer. Obviously there are some things that aren't complete, there are more things that have been added. In your package, again in sequence, is some information, possible revisions to our furniture and equipment list and our computer equipment list that is open for discussion. So there are two pages in there next in your pile of papers, so I'll open it up for discussion. Or perhaps, Deborah, do you want to talk about that?

MS. DEBORAH LUSBY: Just a couple of points changed since the first directive was issued. I just wanted to highlight that we said that most number of furniture items or equipment should be related to the number of individuals who are working in the office. It's also not meant to be exhaustive, but just meant to be a reasonable list of standard office equipment. Also highlighted on this directive is that TIR has most of these assets in surplus, so you can acquire whatever you need from them as opposed to spending money for new items.

MR. CHAIRMAN: It's quite an exhaustive list here of furniture and equipment, but always the question remains, is there something that has been overlooked or that we haven't thought of?

MS. LUSBY: The Auditor General specified in his report whether we should establish asset thresholds, meaning how many you should have, and also value for an item. I think that certainly is limiting on the list, but . . .

MR. CHAIRMAN: I guess we have to remember that all of these items as you purchase them belong to the Province of Nova Scotia and also they will be on-line, fully open to scrutiny to anyone who wants to look at it, so it is fully accountable as to what we purchase for our offices. Any discussion on the list or is there perhaps a motion to accept the list as presented?

HON. FRANK CORBETT: I'll move it as presented.

MR. CHAIRMAN: Mr. Corbett, you are moving that we accept the list as presented? Is there a seconder for that?

HON. CHRISTOPHER D'ENTREMONT: I second the motion.

MR. CHAIRMAN: Is there any discussion? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

Mr. Clerk.

MR. FERGUSON: Just for clarity, this is then to replace the original directive No. 1, so that's the way we'll treat it?

MR. CHAIRMAN: No. 6 on our agenda is restrictions on expenses during an election period and this was discussed at our last meeting. It was deferred, I guess, for clarification. Again, going down in sequence in your package is the draft motion and I'll ask our Clerk to speak to this.

MR. FERGUSON: Mr. Chairman, the issue, as I understand it, the last time this was discussed was that the draft Section 24A (2) appeared to be capable of being interpreted as though it restricted people's ability to attend events and there were some questions about that. What was intended was only to restrict the ability of a person to claim reimbursement for attendance during the election period, so that they and other candidates were all on the same playing field. So you'll see now if you look at it, Section 24A (2) (b) has been separated out to make it clearer that the person may not claim reimbursement for attendance during the election period at an event described in Clause 21(1). I think that hopefully that clarifies things for those members who had difficulty because it appeared restrictive.

MR. CHAIRMAN: Thank you. Any further discussion about the resolution that has been prepared in your package? Mr. Younger.

MR. ANDREW YOUNGER: Just one clarification. Section 24A (2) says, “. . . at any time within three months preceding the commencement of the election period . . .” - I’m not in Cabinet, so I don’t know when they’re going to call the election. Well, I’m sorry, that may sound stupid, but I have no idea when they’re going to call an election.

MR. CHAIRMAN: Mr. Ferguson.

MR. FERGUSON: To clarify, it says, “. . . a person who was a member for the electoral district at any time within three months preceding the commencement . . .” - it only matters going back three months whether you were a member or not, not whether you are going to events.

MR. YOUNGER: No, I know that.

MR. GORDON HEBB: It says: During an election period.

MR. YOUNGER: Yes, okay. During an election period for an electoral district, the person who is a member of the electoral district - okay, so it’s not. To clarify it . . .

MR. HEBB: It’s going forward, but it’s just saying if you were a member back then. It doesn’t require you to have any foretelling abilities in the future.

MR. YOUNGER: That’s fine.

MR. CHAIRMAN: Okay. This is presented as a motion that has been moved. Is there a seconder for it? Do we have a seconder for the resolution?

MS. BIRDSALL: I second the motion.

MR. CHAIRMAN: It has been moved and seconded. Is there any further discussion? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

No. 7 is payroll clarification, an amendment to Section 25(2) of the draft regulations. It is explained there, it is effective January 1st of next year that all members will be paid on a deferred basis in 26 biweekly equal instalments. I will ask our Clerk to explain this.

MR. FERGUSON: Mr. Chairman, this was discussed last time, there was a resolution. If you turn to what is shown in your packages, a draft House of Assembly Management Commission Regulations Annotated, if you go to Page 13 at the bottom you’ll see the new Section 25(2). When it was discussed last time the record reflects that people were told, okay, you all have it in front of you, is that agreed, but unfortunately there were a couple of different pieces of paper floating around. It is our belief that what is shown there

as Section 25(2) is the accurate one and we just wanted the commission to agree that that is the accurate one. It changed it from some employees being able to be paid on a quarterly basis so that effective the beginning of this upcoming year, everybody would be paid on 26 payments. I believe it was the correct one, we just wanted to confirm.

MR. CORBETT: Plus it would be retro. Am I right that you'll be drawing a deferred salary?

MR. FERGUSON: Yes, that's what is intended there, but because there were a couple of pieces of paper we just thought we would make sure, if everybody agrees that is the right one, then we're good to go forward.

MR. CHAIRMAN: Is it agreed?

It is agreed. Section 25(2) is agreed to.

No. 8 on our agenda is the MLA expenses going on-line and this has been an ongoing work in progress. We are making good progress on it, I do believe, and I'm going to ask our director of administration to give us an update on just where we're at on this issue.

[2:30 p.m.]

MS. LUSBY: There is a handout in your material there. For the last few weeks, or since I got here anyway, we've been investigating several options. One is to use SAP which is the government financial accounting system and the other is an MLA monitoring expense system that we currently had in place in the office. We determined that SAP is the most effective and efficient method to record and report this information and there are several reasons why. It is a single system for data entry and cheque production.

Right now we're entering your data in the MLA monitoring system that we have in our office and then taking those totals and entering them in SAP. With some modifications within SAP, we can do it all within one system. We'll have the support of the Finance group for report writing and technical assistance and I've been meeting with them already, once or twice a week over the last few weeks, and they have been very helpful and supportive in moving ahead with this project. We'll be consistently following Finance's controls and processes.

The challenges, or just a few things I think I should highlight about us moving to SAP, is that MLAs would have to move from a calendar financial year, which currently you are January 1st to December 31st, to the fiscal year which is April 1st to March 31st. This is required in order to use SAP for the detailed financial reports that we're going to need in order to get them on-line and the details that are required to be on-line.

In addition, there will be increased staff time required for the increased data entry that we need to do to get the details into SAP, so that you can get the year detailed MLA expense reports on-line, also to manage the process of monthly reporting to MLAs. In the regs it says by the 21st of each month we will get these reports out for you to review, give you so much time before we then post them on-line. There will be increased queries and questions because of this increased communication, which is all good, and also to manage the process of posting these detailed expense reports on-line for public viewing. So there is not only the increased communication with MLAs but also the public posting of the information.

As I said, SAP, one data-entry system. It is going to be great for future reporting capabilities, along with the administration's ability of next year's project of getting the recurring payments for the MLA office and apartment expenses and leases, having them managed through our office and paid on behalf of the members. So the monthly reports, what I have there at the bottom of the page, is just the detail that the regulations say that we need to have in the reports.

If you flip the page, there are three examples of the different types of reports. Now this is just data that we put in a development system, a SAP, so it is not accurate. It wasn't myself who set it up but one of the analysts in Finance. This would be, say, for the constituency office in Inverness. The first column there is the actual expenses for office rentals, advertising and equipment purchases. The next line, called Plan, is the budget, so that would be the \$4,198 per month times 12. Then the next column, Variance, is how much they have not spent out of their \$50,000 budget for constituency expenses. That would be a sample report for period 1 to 12 so that would be an entire year, a summary report.

The next page is just for one period. I'll go through this quickly. It just shows the plan is \$4,198 for your constituency expenses, how much was spent, so \$748 was underspent from the allowance that you were entitled to for constituency expenses.

The next one is a similar report but a sample of, say, year to date, so for period 1 to 6. The \$25,188 is the \$4,198 times 12. They've spent, if the actual would have been six months of expenses and the variance isn't correct in this report. It shows \$20,000, but really it would be closer than that.

In the short term, again this is about what the MLAs could get for summary reports, they can also get the detailed reports which we'll show later. We can e-mail these statements as an attachment to the members, or we can mail them. In the longer term, we propose to have a members only Web site available where the member would, by a certain date you would go in, view these expense reports, make sure that everything looks okay. We'd have a sign-off process and then we'd go to posting to the public. That timeline is pending the availability of IT resources to the administration of the Speaker's Office, so that we can get that members only site up and running.

I know the Legislative Chief Librarian is also eager for some IT resources as well, so we can pool them and get someone in there who can get this up and running for our office and also for all of the members.

The next page is the statements. This is kind of the crux of the requirement to get the detailed expenses on-line. The regulations say twice in each year but as this is rolling, we could do it more frequently. For example, we'll go to the second line, under Office Rentals. For constituency expenses the office rentals is the GL account and then a description would be entered when we're doing the data entry and we'd say: office rent for September 2010 and it would have the amount. The far column has a number with 2002 there. That is an MLA's vendor number. We will have that fixed, so it will actually show the vendor name.

For the county, just a summary of the constituency office of Inverness, under Constituency Expenses it will show the date, description and amount of each transaction under constituency expenses, so it will have them roll up under constituency expenses. The same for living expenses. We'll have the detail of each payment that we make relating to living allowances and that detail will show there again by the date, the amount and the description. Travel expenses, again, depending if it's airfare, if it's mileage, if it's a commuting travel, if it's a caucus trip, that type of detail will show here, as well, for each constituency.

The member can get this detail as well as a summary report. The summary report will have, obviously, the summary. This is going to be the detailed report that will back it up and that could go to the member each month. That same report is what we're going to use to post the detailed information on the public Web site.

What we're proposing is that it would be under the Nova Scotia Government Legislature, House of Assembly Management Commission and then the members page, so you can follow that through on the Web site. It can be one report that rolls in constituency order, electoral district number, or alphabetically by constituency, or it could be 52 reports by constituency office. They could click on a constituency or member's name and go directly to that report or it could all be in one.

We can start entering this data, we are proposing, by November 1st, into SAP, so if we can get the members' information or their expense claims in through November, it will be entered into SAP in this new format which is all the details. By the middle of December onward, we would be able to send it out to the members who could then approve it and get it posted publicly on-line.

MR. CHAIRMAN: Okay, thanks very much, a good detailed report. A lot of work in getting the right system, I guess, that's going to work and I know you've been looking at different options and different possibilities, but it seems like this SAP will provide the details that the Act requires and we'll have it up and running certainly before the year is out.

Are there any comments or questions for our director of administration? Mr. Younger.

MR. YOUNGER: Mr. Chairman, just one question. On the first page it was something I was going to add to the agenda, but I noticed you mentioned it in here, where it talks about the administration's management of recurring payments for MLA office and apartment leases and similar ones. I'm just wondering where we are on that, because obviously under Regulation 18(7) there's a provision that that should have been able to be taken over immediately. I understand there were challenges with that and I'm trying to get a firm timeline, especially now, because we have two new members. The MLAs are now in a situation until that comes into place where they have to pick up all the carrying costs associated with expenses that can actually exceed their take-home income at the end of the day.

MR. CHAIRMAN: Ms. Lusby.

MS. LUSBY: We did send out a request for copies of the constituency office leases and we'll be doing the same for the apartment leases so that our information is accurate, then we'll be putting together a database to get all that information on file. That's the first step. The next step is to talk to Finance and get it set up so that we can manage it. It's going to be a bit more complicated than we thought and, as you know, I'm new in the office and have set a few priorities. One of them is this expenses-on-line project and then also the members handbook which has to be done by the middle of November and that is on the list as well. If you want a firm date I'm afraid I can't say right now, but it is on the list and it is a priority.

MR. CHAIRMAN: Any other comments on the on-line project? It's a work in progress, it looks like it's moving along and, within the next reasonable period this Fall we should be up and running on-line. That was just for information, if there are no comments, that's your own information to have, so we'll look forward to our new system.

Moving on with our agenda, No. 9 is Regulation Clarifications and/or Recommended Amendments. In your package you'll see one page, I guess it is, Regulation Clarifications and/or Recommended Amendments. There are seven of these. We're going to go through them one by one and I'm going to turn to Mr. Ferguson here to guide us through these.

MR. FERGUSON: Thank you, Mr. Chairman. Actually, I think Ms. Lusby is going to take us through most of them because there are some operational questions that are being raised. By way of introduction to members of the commission, one of the things you have in your package is titled House of Assembly Management Commission Regulations annotated. In trying to give legal advice on the transition from the old to the new, it became very clear to us that a lot of decisions that were made by the Internal Economy Board and had already been made by the commission were not direct amendments to the regulations, which get reflected in the regulations as they get circulated. There are lots of interpretation motions passed.

If you flip through this, just as an example, to Pages 10 and 11, what we're trying to do is whenever there's a resolution that something is to be interpreted a certain way or that there's a slight change for a certain time period, we are including after the relevant section, in italics, any motions that apply to those sections so that there's one central place that everybody, including the members, can go to see the full state of what the commission has decided. Also, at the end you'll see that we have provided, starting at Page 27, where the commission issues a directive, those will be included. Where things like the caucus funding guidelines are approved, those will also be included at the end.

Eventually, if we have this on-line, it will be possible to click on the word "directive" and be taken to the directives and so on. What we plan for the time being is that as we go from meeting to meeting, we'll update this. The version, as you'll see on the front page, says: includes changes from July 7th not yet approved in minutes. So the members will get that, even though things haven't been approved yet in the minutes, the members of the commission will have a working copy that they can go to and see the current state of everything that has been decided. So that's by way of introduction.

I guess I'll turn it over to Deborah for the sheet of changes, except the last one, which I believe is mine.

MR. CHAIRMAN: Okay, Ms. Lusby.

MS. LUSBY: We didn't do everything on here, we are just spreading them out over the next few meetings. The first is there have been a few queries about posting or advertising for an employment vacancy, is that considered part of the advertising allowance? We just want to clarify that it would not be and it's part of the constituency office expense. We would recommend that it be included in Subsection 21(1), in a listing of what's included in constituency expenses.

MR. CHAIRMAN: I think there's a motion in your package on that, the next paper down. Mr. Ferguson.

MR. FERGUSON: I'll let the members know that when we anticipate resolutions, we're trying to draft them in advance so that you have them, so the wording accurately amends the regulations as needed. Of course, with any staff-proposed resolution that's in your package, obviously the commission members are free to change the wording and propose something else. We're just trying to do that for your convenience, so that first one is the one titled "Proposed Resolution Amending s.21"

[2:45 p.m.]

MR. CHAIRMAN: I think it reads:

“Be it resolved that subsection 21(1) of the House of Assembly Management Commission Regulations be amended by adding immediately after clause (h) the following clause: ‘(ha) advertising employment opportunities for constituency assistants;’”.

Is there anybody who would be prepared to move that particular resolution? It has been moved by Mr. Smith.

Is there a seconder? Mr. Younger.

Is there any discussion? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

MS. LUSBY: No. 2, annual open house. I’ve heard lots about this since I started but there isn’t anything in the regulations, so would this be covered? If yes, is there an existing clause it could be covered under?

MR. CHAIRMAN: I think a number of MLAs hold an annual open house, either at Christmas or at other times of the year. I call mine my holiday open house between Christmas and New Year, but some have a summer event instead. Apparently it’s not in our regulations per se, but within a reasonable cost it has been approved in the past for food or any other reasonable expenses that go with that. I guess we’re just asking should we have, somewhere in the regulations, coverage for that particular item within reasonable limits? I’ll open it up to the floor for discussion.

I think I can recall in the past it ranges from maybe \$200 to \$400 if you advertise it and go to your local supermarket and buy a few trays of food and some soft drinks and whatever, it’s usually in that price range somewhere whether it’s winter or summer, it’s usually about the same cost. It’s just that as it exists at the moment there’s nothing in the new regulations that would allow for that to happen. The question is, would we like to be able to continue this? Mr. Corbett.

MR. CORBETT: Can I say this, and maybe Deborah would have this information on hand, how many people avail themselves of it and is there an average cost? If not, could you find out for the next meeting?

MS. LUSBY: I could.

MR. CHAIRMAN: Do you want defer this to the next meeting based on more information?

MR. CORBETT: Yes.

MR. CHAIRMAN: The number of MLAs that have had an open house and the average cost. Mr. Younger.

MR. YOUNGER: I was just going to say, if you're going to go down this road and I don't have a strong opinion one way or the other really, there should be a recommendation in terms of what are the allowable costs. I think we all accept that booze wouldn't be allowed, that's obvious, but is it an ad and is that ad outside of the advertising limits. You know, just so we all have a sense and we don't run into - because God knows, half the problems we've had is from not having clarity in the regulations. I don't think it's a problem having it, but make sure it's clear.

MR. CORBETT: I think that was the purpose of my asking because let's find out the average cost and if a lot of people avail themselves of it, it may be worth saying it there, but capping it so that you don't have a \$2,000 party.

MR. CHAIRMAN: Mr. d'Entremont.

MR. D'ENTREMONT: I'm also just wondering, you're talking about open houses at constituency offices, where else do we have meetings - like if we have a community meeting in one of our distance communities and you want to bring some coffee or a box of Timbits, where does that fit into this as well? I know a lot of us would have a town hall meeting, whatever, in some of the farther reaches of our constituencies, would that qualify?

MR. CHAIRMAN: Smaller expenses like that, if they're not unreasonable, I think often have been covered under regular constituency expenses - tea, coffee or whatever. I think that's already allowed for.

MR. YOUNGER: I don't think it's in the regulations.

MS. LUSBY: No. You could buy those supplies for your office.

MR. CHAIRMAN: For your office, yes. Okay, the idea is to defer this to our next meeting pending further information. Okay.

No. 3, Ms. Lusby.

MS. LUSBY: It just came to light that the CAs have been allowed to travel for training and they could include meal and accommodation expenses when approved by the Speaker in advance. That was approved for the Liberal CA training that just occurred and so we wanted to update the regulations to provide that universally.

MR. CHAIRMAN: Mr. Ferguson.

MR. FERGUSON: There is another draft resolution which amends the existing regulations to provide that training is also eligible when a constituency assistant attends a meeting, for accommodation and meals. The only thing I would point out is that this amendment doesn't require advance approval of the Speaker, as has been being done. It just provides that they would present the claim in the usual way and the claim would be submitted to the Office of the Speaker for disbursement, which would be made directly to the constituency assistant. The one before you doesn't require the advance approval, just wanted to make that clear.

MR. CHAIRMAN: There is a proposed resolution in your package, as outlined by our Clerk. Is anyone prepared to make that a motion? Mr. d'Entremont.

MR. D'ENTREMONT: I so move.

MR. CHAIRMAN: Is there a seconder? Mr. Smith.

Is there any further discussion? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

Ms. Lusby. No. 4.

MS. LUSBY: Just 3(b), I want to clarify that they would be reimbursed for mileage for attending meetings or events, but it does not refer to errands or deliveries around the town or on behalf of their member.

MR. CHAIRMAN: Is it agreed?

It is agreed.

MS. LUSBY: No. 34(1), re caucus meetings, I just wanted to clarify that it should allow for a caucus meeting to be within a constituency in a few locations, rather than just one location, which had been the interpretation.

MR. CHAIRMAN: So for example, if a caucus wanted to go out of town and go to Cumberland County, they could meet in Springhill or Amherst or Parrsboro, or whatever.

MS. LUSBY: Perfect example.

MR. CHAIRMAN: Rather than just all in one spot they could actually move their caucus meeting around to different towns or villages within the area, that's what this would allow for. Mr. Younger.

MR. YOUNGER: Not to really complicate matters, but if you were going to go to industrial Cape Breton, why would you need to limit that to one constituency? If you go to Cumberland South, it's a whole different thing. If you go to Yarmouth, well, you might end up in Argyle, I guess, a lot of the larger constituencies, but industrial Cape Breton where I think all caucuses have had meetings.

MR. CHAIRMAN: Maybe instead of constituency perhaps it should be a region?

MR. YOUNGER: Do we have to define it? If you're having an out-of-town caucus, you're having an out-of-town caucus. It's limited by days, obviously your out-of-town caucus isn't going to take place from Meat Cove to Yarmouth, probably not.

MR. CHAIRMAN: Mr. Corbett.

MR. CORBETT: Has it happened? I work better by examples, like it wouldn't be uncommon to have a morning meeting in North Sydney, where you guys just were and then reconvene in Sydney in the afternoon. I know it's stretching it, but I'm looking for a reason why. Is there a problem now that we have to change it? Pictou is another example of . . .

MR. CHAIRMAN: A perfect example.

MR. CORBETT: If it's going to resolve a problem, I'm all for it; if it's going to create a problem, I might not be for it.

MR. CHAIRMAN: So the suggestion is to leave it alone, that we're creating a problem more than we're solving it here. Is that what I hear?

MS. LUSBY: It's just the words "within a constituency" that's the problem.

MR. YOUNGER: Why don't you just take out those words. An out-of-town caucus meeting will be defined elsewhere anyway. We're trying to redefine something that's defined elsewhere.

MR. CORBETT: An out-of-town caucus, to my mind, is already defined by the fact of what an outside member is.

MR. CHAIRMAN: Okay, take those three words out "within a constituency." Is it agreed?

It is agreed.

MR. FERGUSON: If you're looking at 34(1), I don't see "within a constituency."

MR. CHAIRMAN: It refers to 34(1) in the regulations.

MS. LUSBY: In No. 2 is where it says in one location only. Prior to the Liberals having a caucus meeting that went to several locations, Springhill and Oxford, that it had been interpreted that a caucus meeting was for one location only because of the last line in 34(2), that was questioned because they had several different locations. We just wanted to clarify that it is agreeable that a caucus meeting could be in several locations and not count as four caucus meetings or three caucus meetings.

MR. SMITH: So it should be a correction for 34(2), not 34(1).

MR. YOUNGER: I think the problem is that 34(1) refers to out-of-town caucus meetings but doesn't limit it to one location; 34(2) actually refers to task force meetings which says they can only be in one location. I don't think it's a change in the rules as clarifying the interpretation of the rules. Everybody knows what was intended.

MR. CHAIRMAN: Mr. Ferguson.

MR. FERGUSON: So in other words we're saying that the words relating to task forces meeting only in one location do not apply to the interpretation, the plain meaning of 34(1), so that the office is free to interpret 34(1) without that restriction.

MR. CHAIRMAN: Are we agreed to that change or to that interpretation of the change? Is it agreed?

It is agreed.

No. 5. Ms. Lusby.

MS. LUSBY: In 42(1)(b), I just wanted to clarify because it says for expenses incurred ". . . on account of travel within the member's constituency OR in relation to the member's duties as a member." So it's kind of conflicting - first it says within a constituency, they're not mutually exclusive. You could claim expenses for travel within your constituency or outside of your constituency is how we're interpreting that regardless. Good.

Related to that is the word "travel" and in some cases in the regs it seems to refer to mileage only and in other cases it seems to include meals and accommodation, which lets me just leap into the next one because we've kind of interpreted, or we could lead to 42(1)(b) having travel meaning including meals and accommodation for those who work in large constituencies, and the MLAs are on the road a lot and so they are in cars for four hours going one place and they used to get the franking and travel allowance so they could buy their meals and now there's no allowance for them to claim for lunch or for any other meal while they're on the road.

We wanted to recommend on behalf of those members that these types of expenses be approved with some conditions; that they are tied into their mileage log, which must identify the purpose of the trip and the mileage exceeds 250 kilometres; and that the expense would still be within the cap of \$13,000 to \$18,000, depending on which constituency you're in. For example, I could use the member for Guysborough-Sheet Harbour who has a large constituency - and I know there are a few others - where it's four hours from end to end and if he were to go to a meeting and it was ending late on a Saturday night, 10:00 p.m. or 11:00 p.m., or a Thursday night, we could approve him his accommodation expense for that night and, if he were good on his time management, he could plan a meeting the next morning at the other end of his constituency as well. I know this wouldn't apply to everybody, but it certainly applies to some members.

[3:00 p.m.]

MR. CHAIRMAN: Only those members who have 250 kilometres, round trip, I guess, within their constituency - for example, northern Cape Breton, Inverness or Victoria County and, as you mentioned, Guysborough. Those large, large ridings where they might have a meeting up at the far end of the riding, it would make it worth their while to stay over if they have another meeting the next morning, rather than going all the way back and back up again. It makes sense.

MS. LUSBY: It kind of connects though, as well, where we said earlier, in relation to the member's duties as a member, it could be outside the constituency. Like Mr. Younger could go to Yarmouth to visit someone there for some reason relating to his constituency and he could put in for a meal.

MR. CHAIRMAN: Mr. Younger.

MR. YOUNGER: Mr. Chairman, I assume the 250 kilometres is meant to be the amount driven in the day, not the distance between locations, and the reason is - it doesn't make much difference to me one way or the other, but - I think it's about 250 kilometres to Yarmouth to drive. Are we talking 250 kilometres from point of origin? I'm just trying to figure out where we're going with that? I could be in New Brunswick by then.

MS. BIRDSALL: You mean within the constituency?

MS. LUSBY: Oh, I see, driving around versus point A to point B.

MS. BIRDSALL: Is that what you mean?

MS. LUSBY: Well, you could go outside your constituency in this class, but if it's relating to your duties as a member . . .

MR. CHAIRMAN: So it would ask, in 5(a), are there any limits - for example, if I'm in Pictou and there's something relating to my constituency in Shediac, New Brunswick, could I drive to that to find out on behalf of some constituent something about their issue? I don't know, I'm just asking, but it asks are there any limits. Perhaps there should be.

HON. MANNING MACDONALD: Well, the limit is set on the amount of money you can spend.

MR. CHAIRMAN: Well, that's true, if it's within your \$13,000 to \$18,000 that you have to spend.

MR. CORBETT: I'm getting confused here because really when this was put forward to me and I read this, I really read this not so much of travelling outside of your constituency, I read this in response to what I would call the big three constituencies, where if Allan leaves Judique and goes to Cheticamp, which is a fair distance and he does the installation of the fire department there and it's not over until 10:00 p.m., would he be able to stay in Cheticamp overnight, conduct some business the next day and drive back home, or is he duty bound to jump in the car and go somewhere, like get home that night in a snowstorm or whatever? As opposed to driving outside the constituency which means, in my years around, you travel outside the constituency you gobble up your Critic money on that.

MR. MANNING MACDONALD: A good example, Frank, would be the hearings, for example, that you might attend on Canada Pension, they're all held in Sydney. From your constituency you would have to leave your constituency to get to those.

MR. CHAIRMAN: I'd just ask that you maybe come through the chairman if you're going to speak, please? Mr. Younger.

MR. YOUNGER: I don't disagree, Mr. Chairman, with what the Deputy Premier is saying, but the regulations approved by the House now provide that because the mileage under the postage and franking is no longer given as a lump sum and members used that to go up to Truro and back to attend a meeting, like absorb those sorts of costs. Now that has to be claimed and the regulations which are already approved by the House do say that can be claimed against for mileage outside the constituency. It's very clear in those regulations.

The Judique example is great except that's not 250 kilometres either, that's not anywhere close, you're talking 60 kilometres maybe.

MR. CHAIRMAN: Mr. Corbett.

MR. CORBETT: Mr. Chairman, I'm not going to beleaguer the debate here but the fact is there are three to four ridings in this province where there's considerable distance to go from tip to tip. The 250 rule, I know, when we first talked about putting these in regs, the primary idea around could you put in for mileage outside of your constituency was exactly

what Manning said, I'm representing somebody at a CPP hearing in Sydney, which is outside of my constituency, do I start charging mileage when I get to the town limits? Unless I hook up with Gordie and he drives me the rest of the way.

Anyway, this is not something that's going to keep me awake at night, but the fact is that we make sure it's used wisely and it is my assumption that it was more about actual driving in and around your constituency. But you know, if that's the will, if you feel there's an issue, if you have a constituent who goes to the Agricultural College in Truro, seriously, and they have an issue with housing and you want to help them, fill your boots.

MR. CHAIRMAN: Mr. d'Entremont.

MR. D'ENTREMONT: Take my riding, my constituency, for example, the majority of government meetings, hospital meetings and those kinds of things all happen outside of my riding, they happen in Yarmouth. Do I get to claim in Yarmouth? I don't want to see a restriction there because the franking and mileage covered that for me and it wouldn't be able to cover that for me if I can't claim outside that - but it's definitely not 250 kilometres. It's 30 kilometres return or 60 kilometres at a max from one end to the other.

MR. CHAIRMAN: So we have No. 5 here, Clause 42(1)(b) that has three different sections to it. Ms. Lusby.

MS. LUSBY: I just want to clarify. You will get your mileage for that trip the way it's written right now but what we're introducing, if it's over 250 kilometres, could you put in for accommodations or for meals.

MR. CHAIRMAN: So No. 5(a), (b) and (c), we have here as one unit. Are we agreed that all three of those are acceptable as written out or not? Is it agreed to accept those clauses under Clause 42(1)(b)?

It is agreed.

No. 6 has to do with advertising. Ms. Lusby.

MS. LUSBY: Section 43(4) states that the maximum amount that can be spent per month on advertising is "10 % of the amount in subsection 3", which is your \$4,198 of constituency expenses. So it states the monthly amount is \$419.80. Based on clarification from Neil and Gordon, the regulations do not allow for this amount to carry forward month to month the way they're written right now. What we would propose is that rather than putting the 10 per cent limit on a monthly amount, that it would be 10 per cent of the annual amount and then members can spend 10 per cent of the \$50,376, which is \$4,198 times 12. So it's \$5,037 as a maximum on advertising, rather than limiting it to an amount per month.

MR. CHAIRMAN: Mr. Ferguson.

MR. FERGUSON: The resolution that you have in your package is drafted to allow the \$419 to carry forward from month to month, which is slightly different from allowing you to spend it all in any given month. Just to be clear, the \$4,198 provided per month - this is on Page 22 of the annotated regulations - by virtue of Subsection (5) gets carried forward, but you'll see that only applies to Subsection (3) with the total amount, it doesn't apply to the 10 per cent. What we proposed was amending it to say Subsection (3) or (4).

MR. CHAIRMAN: Mr. MacDonald.

MR. MANNING MACDONALD: I guess Deborah can answer this one, \$4,198 is the monthly allowance, so if you decided to spend an inordinate amount in one month on advertising which pushed you over the \$4,198, you're only going to get \$4,198. Is that right?

MS. LUSBY: Do you mean per month or annually?

MR. MANNING MACDONALD: No, each month we're allowed \$4,198 . . .

MS. LUSBY: Of constituency expenses.

MR. MANNING MACDONALD: Yes.

MS. LUSBY: And 10 per cent of that in advertising.

MR. MANNING MACDONALD: Right. So say I submit bills for \$5,000 for a month, am I going to get the \$5,000 or just the \$4,198?

MS. LUSBY: No.

MR. MANNING MACDONALD: So in other words, you can't just take that advertising money and spend it all in one month.

MS. LUSBY: No, and I wasn't suggesting that. It was more, rather than limiting it to \$419.80 per month, that it be limited to \$5,037 per year.

MR. MANNING MACDONALD: But in any case, you're not going to approve constituency monies over \$4,198 per month.

MS. LUSBY: No.

MR. MANNING MACDONALD: Right.

MR. CHAIRMAN: But right now, is the yearly total not calculated? If you don't spend it in January you save it into February, into March, so it accumulates every month anyway. If you don't spend the \$4,198, you have extra left over. Mr. Corbett.

MR. CORBETT: Mr. Chairman, so if I spend zero in September, can I spend my October allotment plus my September allotment in October?

MS. LUSBY: After this resolution is passed.

MR. CORBETT: After this resolution is passed. You're saying that you're of the understanding that you can't retro money, it dies on the 31st or the 30th or whatever.

MS. LUSBY: Because of the flaw in the regulations.

MR. FERGUSON: Because it isn't mentioned in Subsection (5) that allows you to carry forward the \$4,198, the \$419.80 technically isn't allowed to be carried forward, so you're going to lose it. This is just designed to give you the same flexibility on the 10 per cent that you have on the whole.

MR. CORBETT: Okay, thank you.

MR. CHAIRMAN: Mr. Younger.

MR. YOUNGER: Thank you, Mr. Chairman. Didn't we already approve this a couple of months ago, this exact thing, where we said it would be calculated on an annualized basis? (Interruptions)

MR. CHAIRMAN: I don't recall either, no.

MR. YOUNGER: Apparently I'm having ideas in my head. I'm dreaming about Management Commission meetings - not in them, for the record.

MR. CHAIRMAN: Quite a dream. Anyway, do we have a motion prepared on this or not? I don't see one here.

MR. FERGUSON: Yes, we do. There's "Proposed Resolution Amending s.43", this one here.

MR. CHAIRMAN: We do have a motion in our package, then: "Be it resolved that subsection 43(5) be amended, . . ." it's (5), is it?

MR. FERGUSON: It's (5) that allows the rollover and right now it only refers back to (3) and we're saying it should also refer to (4).

MR. CHAIRMAN: Okay, it's in your package. Is anybody prepared to move it? It has been moved by Mr. Smith and seconded by Ms. Birdsall.

Are you ready for the question? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

Okay, No. 6(b).

MS. LUSBY: At the last meeting it was recommended - and I think this is because you thought you were limited to \$419.80 per month - to make an advertising expense valid on the date the expense is paid by the member. The proper accounting method is to use the date of the invoice as the date of the expense, not the date that the member makes the payment.

MR. CHAIRMAN: So we had changed the regulation at the last meeting to allow for it to be paid on the date that it was paid and we're saying now that it should be the date of the invoice.

MS. LUSBY: And it isn't really that important since we've agreed to (a), which would be on an annualized basis but it was important if we were going to be recording the expenses to a maximum of 10 per cent per month. Then I think the commission determined that we would keep track of those advertising expenses, based on the date that the member pays them. Then it could be accounted for under the \$419 per month. Am I confusing you?

MR. CHAIRMAN: So our director of administration is recommending that it be changed to the date of the invoice. Is there any discussion on that? Mr. Younger.

MR. YOUNGER: It's the proper accounting procedure, let's do it that way. I'll move the motion.

MR. CHAIRMAN: It has been moved that we move to the date of the invoice. Is there a seconder for that? Seconded by Mr. Smith. Is there any further discussion?

Are you ready for the question? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

Ms. Lusby.

[3:15 p.m.]

MS. LUSBY: There is one other item that came up just this morning, if we could discuss it quickly. In Section 43(4), the \$1,000 that a member is entitled to spend on additional advertising or special additional promotional advertising, the regulations require

that the member has to apply to the commission each year for approval. The few requests that we've had are very similar and quite easy to approve and I don't know that we want to hold up those approvals by coming to the commission. Perhaps they could come to the director's office and if there's any dispute or question about it, Neil, Mr. Speaker and I could confer.

MR. CHAIRMAN: Is it agreed?

MR. CORBETT: Give the authority to administration?

MR. CHAIRMAN: To our director of administration. Okay, thank you.

I think we have one final item on our regulation list, No. 7. Mr. Ferguson.

MR. FERGUSON: This is a very strange provision that is contained in the regulations. If a member of the House is going on a trip to a parliamentary or legislative conference, it's contained on Page 24, for some reason it says that the member cannot claim more than two nights accommodation. The standard CPA events involve three nights accommodation and the member is usually away on their weekend. If we're going to be consistent with the policies that apply to employees of government, then I think we should be reimbursing the people for the actual expense, rather than requiring them to pay one night out of their own pocket. If an employee goes to a conference on the employer's behalf, particularly on a weekend, I find it strange if they were to be told, we're not going to pay the third night, which is a standard length for the Commonwealth Parliamentary regional seminars.

The proposal simply is that we strike out the words "than two nights accommodation" and substitute that they are able to claim the nights of accommodation that are necessary to attend the planned program for the meeting. The other wrinkle on it is they may be flying to attend something in Nunavut or Whitehorse and they may need to go a day ahead in order to be able to attend the events. So the restriction to two nights appears completely unreasonable and not in keeping with the way the government carries on its business. That was the reason for drawing that to the commission's attention.

MR. CHAIRMAN: Thank you. The very last page of your complete package would have that resolution, it's written there as outlined by the Clerk. What's your pleasure on that? Make it a motion?

MR. CORBETT: So moved.

MR. SMITH: I second it.

MR. CHAIRMAN: Is there further discussion? Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

That completes our list of regulation clarifications and takes us down near the bottom of our agenda. On the bottom you'll see some suggested dates or dates we want to hold our House of Assembly Management Commission meetings in the future. The next meeting would be on Tuesday, October 19th at 1:30 p.m. Beyond that are some additional dates, I guess as long as it doesn't interfere with the sitting of the House, and the November 9th meeting we may have to look at a different time of day for that, but at least for the next meeting it will be October 19th at 1:30 p.m.

Any further discussion on those dates? Are we happy with the dates as outlined? Mr. MacDonald.

MR. MANNING MACDONALD: Mr. Chairman, not on the date but on the time. Could we push that back to 2:00 p.m.? Those of us who live in the hinterland, we have to get up at 6:30 a.m. or 7:00 a.m. in the morning to get up here.

MR. CHAIRMAN: It would work for October 19th. Beyond that if the House is sitting we may have to find a different time, but you'd be here anyway.

MR. MANNING MACDONALD: Just when the House is not sitting if you could bump it up to 2:00 p.m.

MR. CHAIRMAN: So 2:00 p.m. on October 19th? Okay, we'll change that. Mr. Younger.

MR. YOUNGER: Would it also be possible, I know it's not always possible, but it would be great to have some of these documents, at least the public ones, even the day before? Then we could review them and at least take a cursory look at them before walking in and looking at them, if nobody has any objection to that.

MR. CHAIRMAN: It seems like a reasonable request.

MR. YOUNGER: It might make us more efficient, too, because we will have read through it a bit.

MR. CHAIRMAN: That's a good suggestion.

Just a reminder, then, before we wrap up. I've asked the committee that was established here earlier to meet for a few minutes before we . . .

MR. CORBETT: We're running late now, I'm past my best-before date.

MR. CHAIRMAN: You're past your time? Well, we'll have to find another time. Okay, we'll do it another time. A motion to adjourn is in order.

We are adjourned.

[The commission adjourned at 3:21 p.m.]