

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

MINUTES

The third meeting of the House of Assembly Management Commission was held in Committee Room 2, Dennis Building, on Tuesday, September 28th, 2010 at 1 p.m.

Present were all of the members of the Commission, namely: Mr Gordon Gosse, Hon. Frank Corbett, Ms. Pam Birdsall, Mr. Maurice Smith, Mr Manning MacDonald, Mr Andrew Younger, Mr Chris d'Entremont,, Mr Neil Ferguson (Acting Chief Clerk) and Hon. Charlie Parker, who acted as Chair. Also present was Gordon Hebb, Q.C., Counsel to the Commission, and Deborah Lusby, Director of Administration, Office of the Speaker.

1) The Commission met *in camera* pursuant to subsection 9(1) of the *House of Assembly Management Commission Act* and, pursuant to subsection 9(2) of that *Act*, advises in these Minutes that it made two decisions:

- a) The contract of the Sergeant at Arms will be renewed for a term of three years with an option to then renew it for a further two years.
- b) A Member who, at the date of the meeting, is paying severance to a former constituency assistant in accordance with the terms of an employment contract that pre-dates the coming into force of the *House of Assembly Management Commission Regulations* will be permitted to hire a new constituency assistant during the severance period notwithstanding the current *Regulation* that only provides for one such assistant.

The Commission then commenced the public portion of its meeting at 2 p.m.

2) It was moved by Hon. Corbett and seconded by Mr Younger that the Minutes of the meeting of July 7, 2010 be approved. **CARRIED.**

3) There was discussion regarding the establishment of a Committee to review the position of Chief Clerk of the House. Moved by Mr Smith and seconded by Mr d'Entremont that a Committee of the House of Assembly Management Commission be 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 Director of Administration of the Speaker's Office; and
- make a candidate recommendation to the Commission;

and that the Committee be composed of:

- 1) the Chair of the 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 (as a non-voting member).

CARRIED

4) It was moved by Ms. Birdsall and seconded by Mr Younger, that Mr Loughlan McKenzie be appointed Chair of the House of Assembly Management Commission Audit Committee. **CARRIED.**

5) There was discussion regarding the list of office furnishings that Members could be reimbursed for and whether the revised list circulated in advance of the meeting should be used to replace Directive # 1 of the Commission. It was moved by Hon. Corbett and seconded by Mr d'Entremont that Directive # 1 be replaced by the revised list.

CARRIED.

6) The proposed resolution that had been deferred from the meeting of July 7, 2010 respecting advertising during election periods was discussed and the following change to the *Regulations* was moved by Mr Younger and seconded by Ms. Birdsall:

**House of Assembly
Management Commission Regulations**

1 These Regulations may be cited as the *House of Assembly Management Commission Regulation 2010B*.

2 The *House of Assembly Management Commission Regulations* are amended by adding immediately after Section 24 the following Section:

24A (1) In this Section, "election period" means the period of time between the dissolution of the House, or the occurrence of a vacancy for which a writ for an election is issued, and when a candidate is declared elected.

(2) During an election period for an electoral district, a person who was the member for the electoral district at any time within three months preceding the commencement of the election period may not

(a) advertise, make donations, engage in constituency communications, engage additional constituency assistant services or utilize any telecommunications for which the member is or was reimbursed, or

for such activity during the election period claim reimbursement at any time;

(b) claim reimbursement for attendance during the election period at an event described in clause 21(1)(k); or

(c) utilize a constituency office, furniture, equipment or any employee for partisan purposes.

CARRIED.

7) The Acting Chief Clerk advised that there was the possibility that there was confusion over which version of an amendment had been carried at the previous Commission meeting, and asked whether the Annotated version of the *Regulations* contained the correct version of Section 25. It was **AGREED** that the Annotated *Regulations* contained the correct version of Section 25.

8) The Director of Administration for the Speaker's Office outlined the status of the project to put MLA expenses online.

The Director advised that several options had been investigated including using SAP, which is the government financial accounting system and using the MLA monitoring expense system currently in place in the office. It was determined that SAP is the most effective and efficient method to record and report the information. She outlined the various reasons for this and advised that this option would mean that the Speaker's Office would be consistently following the Department of Finance's controls and processes. One challenge will be that MLA expenses would have to move from a calendar financial year, which is January 1st to December 31st, to the Province's fiscal year which is April 1st to March 31st. In addition, there will be increased staff time required for the increased data entry needed to get the details into SAP.

The Director then reviewed samples of what different reports displayed by the on-line system would look like. She also advised that in the longer term, it is proposed that there be a Members' Web site available where each Member would, by a certain date, be able to go in, view these expense reports and sign off on the contents. The reports would then be posted on-line. The Director pointed out that additional IT resources would be needed and that there is an opportunity to pool IT resources to meet needs of the Legislative Library.

9) The Commission received an annotated version of the *House of Assembly Management Commission Regulations* from the Acting Chief Clerk and considered a number of issues arising from staff's review of the *Regulations* and from day-to-day problems that have arisen in the application of the *Regulations*:

a) The first issue discussed by the Commission was whether posting or advertising an employment vacancy for a constituency assistant constitutes a constituency expense that should be included within the list of items allowed under subsection 21(1) of the *Regulations*. The following resolution was moved by Mr Smith and seconded by Mr Younger:

“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;’”. **CARRIED.**

b) The Commission discussed funding for annual constituency office open-houses for constituents, which had been authorized by the former Internal Economy Board but which were not addressed under the *Regulations*. The Commission asked the Director to research the extent to which such events have occurred in the past and historical costing, and to report back to the Commission. The item was deferred.

c) The Commission discussed whether accommodation and meal expenses of constituency assistants should be included in the expenses disbursed to the constituency assistants under subsection 24(5) of the *Regulations*. It was moved by Mr d'Entremont and seconded by Mr Smith:

“Be it resolved that subsection 24(5) of the House of Assembly Management Commission Regulations be amended by:

- a) adding “training or attends” after “attends” in the first line; and
- b) adding “accommodation and meals” after “mileage” in clause (a).” **CARRIED.**

The Director clarified that constituency assistants will be reimbursed for mileage for attending meetings or events but that this did not include mileage for errands or deliveries on behalf of a Member. The Chair asked if the Commission agreed? **AGREED.**

d) The Commission discussed the interpretation of Section 34 of the *Regulations* with respect to whether allowable expenses for attendance at caucus meetings included meetings that moved from one location to another. Subsection 34(2) restricts reimbursement for attendance at “task force” meetings to one location and staff wondered if this applied to caucus meetings under subsection 34(1). It appeared that the consensus of the Commission members was that it did not and the Chair asked if the Commission agreed? **AGREED.**

e) There was considerable discussion about the interpretation of Clause 42(1)(b) of the *Regulations* with respect to travel within and outside a Member’s constituency and in particular about reimbursement for meals or accommodation incurred by Members with large constituencies. A proposal for allowing such expenses for trips of greater than 250 kilometers had been included in the agenda as follows:

Recommend that these types of expenses be approved so long as:

- i. expenses are for trips recorded in the Member’s mileage log, which must identify the purpose of the trip,
- ii. the mileage for the trip exceeds 250 km, and
- iii. the expenses must be paid from the amount allocated to that Member under subsection 42(1) or (2).

The Chair asked the Commission if the proposal was agreed to? **AGREED.**

f) Staff proposed that Section 43 of the *Regulations* be amended to permit the carrying forward of advertising expenses allowed under subsection 43(4), in the same manner that

general expenses allowed under subsection 43(3) can be carried forward. It was moved by Mr Smith and seconded by Ms. Birdsall:

“Be it resolved that subsection 43(5) [of the *Regulations*] be amended, effective June 9, 2010, by striking out “subsection (3)” and substituting “subsections (3) or (4)”.”
CARRIED.

There was further discussion regarding the decision of the Commission contained in Directive # 2 that staff utilize the date that a bill is paid for the purpose of recording advertising for a month. The Director advised that the proper accounting method is to use date of the invoice as the date of the expense, not the date that the Member makes payment for the expense. It was moved by Mr Younger and seconded by Mr Smith that Directive # 2 be changed to have staff utilize the date of the invoice for the purpose of recording advertising for a month. **CARRIED.**

The Director advised that the requirement that Members apply to the Commission for approval of advertising expenses under subsection 43(4) of the *Regulations* was cumbersome and she recommended that the Commission delegate its authority to approve such expenditures to her. The Chair asked the Commission if the Commission agreed to delegate its authority under subsection 43(4) to the Director? **AGREED.**

g) The Acting Chief Clerk advised that the restriction under subclause 47(b)(ii) of the *Regulations* to reimbursing Members for no more than two nights accommodation to attend a meeting of the Commonwealth Parliamentary Association or a meeting of any other parliamentary or legislative group, appeared to be unfair as most of these events required the Member to attend for three nights or more and it was also inconsistent with normal practices of the government of the Province, which would reimburse employees for actual expenses incurred in carrying out their duties. It was moved by Hon. Corbett and seconded by Mr Smith:

“Be it resolved that subclause 47(b)(ii) be amended by striking out “than two nights accommodation” and substituting “nights accommodation than are necessary to attend the planned program for the meeting”.” **CARRIED.**

The Commission considered a schedule for future meetings and agreed to the following dates and tentative times:

October 19, 2010, at 2 p.m.

November 9, 2010, at 11 a.m.

November 30, 2010, at 1:30 p.m.

December 14, 2010 at 1:30 p.m.

It was moved by Mr Younger and seconded by Mr d’Entremont that the meeting be adjourned. **CARRIED.**

The Chair declared the meeting adjourned at 3:21 p.m.

These Minutes were approved by the Management Commission on October 19, 2010.

Certified

Speaker

Clerk (Acting)