

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

MINUTES

The eleventh meeting of the House of Assembly Management Commission was held in Committee Room 1, Dennis Building, on Wednesday, December 19, 2012 at 8:00 a.m.

Present were all of the members of the Commission, namely: Ms Becky Kent, Hon. Frank Corbett, Mr Mat Whynott, Hon. Maurice Smith, Q.C., Hon. Michel Samson, Mr Andrew Younger, Hon. Chris d'Entremont, Mr Neil Ferguson (Chief Clerk) and Hon. Gordie Gosse, who acted as Chair. Also present was Annette M. Boucher, Q.C., Assistant Clerk, Gordon D. 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 one decision:

The EC staff ratings as evaluated and set by the Public Service Commission were approved.

The Commission then commenced the public portion of its meeting at 8:34 a.m.

1) Minutes

It was moved by Hon. Chris d'Entremont and seconded by Hon. Frank Corbett that the Minutes of the March 28, 2012 meeting be approved as circulated.

CARRIED

2) 2011-12 Quarter 4 and 2012-13 Quarter 1 and 2 Financial Review

These documents were provided for the information of the Commission members.

3) Franking and Travel Discussion

Mr Ferguson informed the members of the Commission that subsection 42(3) of the ***House of Assembly Management Commission Regulations*** requires that within three months of the end of the 2011-12 fiscal year, the Commission review and assess the amounts pertaining to postage and travel as separate entities and reset the amounts accordingly. As the Commission last met prior to the end of the fiscal year, this meeting of the Commission was the first opportunity for discussion on this topic.

Mr Ferguson also informed the members of the Commission that the only available data are for a twenty-two month period since the regulations were approved in April 2010. He does not believe that this represents a sufficiently large data pool to analyze and from which to make conclusions to enable the re-setting of the amounts for postage and travel.

It was moved by Andrew Younger and seconded by Mat Whynott that Subsection 42(3) of the ***House of Assembly Management Commission Regulations*** be repealed.

CARRIED

4) Office of the Auditor General Audit Letter and Recommendations for House of Assembly Financial Statements for the years ending March 31, 2011 and March 31, 2012

The Auditor General's report is expected to be delivered on January 23, 2013. The Auditor General has identified three areas of the ***House of Management Commission Regulations*** where he recommends changes be made to improve the auditing process: a) late fees and overdraft interest be specifically excluded as an eligible expense; b) a copy of the advertisement and placement required to be submitted with the claim for advertising expenses and c) allow ninety days after year end for the submission of the prior year's expenses.

- a) Late fees and overdraft interest – members of the Commission pointed out that these fees do not necessarily arise because the member is not paying bills on time. Sometimes a bill is not received until after the 30 day period has almost completely eroded or in some cases after the 30 day period. The bill must then be paid by the member and submitted to the Speaker's Office for reimbursement. The MLA must prepare the claim and await proof of payment (if not paying electronically), submit the claim

to the Speaker's Office who reviews and processes the claim and then payment is made to the MLA by direct deposit to their bank account (The Regulations allow 7 days for the Speaker's Office to make the payment but this is usually accomplished within 3 days and can be in as little as 24 hours). The member is out of pocket from the time the expense is paid until the reimbursement is deposited. If the member delays in the payment of the expense, or there are any other delays in the process, it is possible that the bill is overdue by the time it is paid and late charges are applied by the vendor. The members of the Commission are of the view that the process itself could cause delays and that they should not be penalized by not being allowed to claim late fees or overdraft interest. The Director of Administration was asked to explore if many bills could be paid directly by the Speaker's Office which may help avoid late fees being applied. The members of the Commission deferred this item to the next Commission meeting to fully explore options available to avoid late fees and overdraft charges.

- b) Copy of advertising and placement be submitted with claim – members of the Commission pointed out that “advertising” is much broader than an advertisement placed in a hard copy newspaper. Advertising for an MLA could mean an ad placed in a newspaper or a community pamphlet, a banner hung at a community event, a radio or TV ad, or an ad placed in an electronic publication (website). The challenge for MLAs is that these ads are not always printed in an immediate time frame or are only flashed in a Powerpoint presentation at an event. For example an ad may be bought for a publication of a community event that will take place 6 months into the future. While it is possible for the members to submit the invoice/bill for the advertising and a copy of the “proof” of the ad they provided for publication or in the case of an audio ad perhaps the transcript of the ad, the ability of having a copy of the actual published ad to accompany the request for payment from the Speakers office is not possible. Rather than requiring a copy of the actual published advertisement being submitted with the MLA claim for the payment of the expenses, members of the Commission questioned whether given the circumstances set out above, the Auditor General would be satisfied with a copy of the proof of the ad sent for publishing rather than the actual published ad. This item was deferred until the next meeting of the Commission.

- c) Ninety days after year end for the submission of the prior year expenses – It was moved by Hon Frank Corbett and seconded by Mat Whynott that subsection 7(1) the ***House of Assembly Management Commission Regulations*** be amended by striking out “thirty” in the last line and substituting “ninety”.

CARRIED

5) Financial statement approval 2010-11 and 2011-12

It was moved by Hon Michel Samson and seconded by Hon Chris d’Entremont that the Nova Scotia House of Assembly Financial Statements March 31, 2011 and the House of Assembly Financial Statements March 31, 2012 be approved as presented.

CARRIED

6) Appointment of Auditor for the 2012-2013 fiscal year

The Chief Clerk explained that before the end of each fiscal year the Commission must appoint an auditor. The House of Assembly Management Commission Audit Committee at its November 27, 2012 meeting recommended to the Commission that the Auditor General be appointed auditor for the 2012-13 fiscal year.

It was moved by Mat Wynott and seconded by Andrew Younger as follows:

Be it resolved that upon the recommendation of the Audit Committee of the House of Assembly Management Commission made at their meeting of November 27th, 2012, the Nova Scotia Auditor General be appointed as the auditor of the accounts of the House of Assembly for the fiscal year ending March 31, 2013, pursuant to Section 22 of the *House of Assembly Management Commission Act*.

CARRIED

7) Security systems for constituency offices - Update

The Director of Administration circulated a letter dated November 30, 2012 to the members of the Commission setting information on constituency office security systems. The MLAs can now proceed accordingly.

8) CPI annual adjustment

Subsection 52(1) of the *House of Assembly Management Commission Regulations* provides for an increase on April 1st of each year of the fixed amounts set out in the Regulations by the CPI for Nova Scotia or the core CPI for Canada, whichever is lower. The Commission was informed that Canada's CPI at April 1, 2012 was 2.0% and Nova Scotia's CPI was 2.6%. Therefore the annual adjustment for April 1, 2012 will be 2%.

9) Other business

Hon Chris d'Entremont raised the issue of annualizing the monthly apartment/living allowance to insure there is sufficient funds to pay all the expenses when some bills are received less frequently such as the power bill which comes in once every two months. The Director of Administration indicated that this would be possible as it is done for advertising amounts and constituency allowances. It was agreed that this item would be deferred to the next meeting for discussion.

The meeting adjourned at 9:13 a.m.

These minutes were approved by the Management Commission on January 29th, 2013.

Certified

Speaker

Chief Clerk