

HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

MINUTES

The thirteenth meeting of the House of Assembly Management Commission was held in the Red Room, Province House, on Thursday, May 30, 2013 at 1:00 p.m.

Present were the following members of the Commission: Ms Becky Kent, Hon. Frank Corbett, Hon. Maurice Smith, Q.C., Hon. Leonard Preyra, Hon. Chris d'Entremont, Mr Andrew Younger, Ms Diana Whalen, Mr Gordon D. Hebb, Q.C. counsel to the Commission, Mr Neil Ferguson (Chief Clerk) and Hon. Gordie Gosse, who acted as Chair. Also present was Annette M. Boucher, Q.C., Assistant Clerk and Deborah Lusby, Director of Administration, Office of the Speaker.

1) Minutes of the January 29, 2013 meeting

A correction is to be made to the heading of item 7) where it states "2012-13 Quarter 1 Financial Reports" – that should read Quarter 3. It was moved by Hon. Chris d'Entremont and seconded by Hon. Frank Corbett that the January 29, 2013 minutes with the noted correction be approved as circulated.

CARRIED

2) Direct payments to select vendors for MLAs

The Director of Administration reported that several MLAs piloted the process since the January 29, 2013 meeting and this was very successful. It was moved by Hon. Leonard Preyra and seconded by Ms Beck Kent that the direct payment option to select vendors be offered to all MLAs.

CARRIED

3) Amendment to House of Assembly Management Commission Regulations regarding late fees

This item was deferred from the January 29, 2013 meeting and arose from the Auditor General's Report. It was moved by Hon. Chris d'Entremont and seconded by Mr Andrew Younger that Section 8 of the *House of Assembly Management Commission Regulations* be amended by adding immediately after subsection (3) the following subsection:

(4) A member is personally responsible for and cannot claim for payment or reimbursement for the payment of late fee charges by vendors on overdue accounts or overdraft interest charges by financial institutions.

CARRIED

4) Amendment to the House of Assembly Management Commission Regulations regarding advertising

This item was also deferred from the January 29, 2013 meeting and arose from the Auditor General's Report. It was moved by Hon. Frank Corbett and seconded by Mr Andrew Younger that Section 15 of the *House of Assembly Management Commission Regulations* be amended by adding immediately after subsection (4) the following subsections:

(4A) A member's claim for payment or reimbursement in respect of an expense for placing an advertisement or communication must include for

(a) a printed advertisement, in a newspaper or magazine, on a banner, in a pamphlet or some other like medium, the copy of the proof provided by the member for publishing;

(b) an advertisement in an electronic publication such as a website, television or newsletter, a printed copy of the electronic page where the advertisement appeared showing the name of the publication; and

(c) an audio advertisement a transcript of the spoken words.

(4B) Notwithstanding subsection (4A) where a member is unable to provide the supporting documentation, the member may submit a claim providing reasons for the absent documentation and personally undertake to provide the supporting documentation as soon as it becomes available.

CARRIED

5) Review accommodation options for outside members pursuant to subsection 27(7) of the *House of Assembly Management Commission Regulations*

It was noted that subsection 27(7) of the *House of Assembly Management Commission Regulations* requires a review of fair-market rates for apartment rental and utilities, and other like services to identify options for members while attending the business of the House. It was moved by Mr Andrew Younger and

seconded by Hon. Leonard Preyra that the Director of Administration proceed with the required review and submit a report of her findings to the House of Assembly Management Commission.

CARRIED

6) Directive # 1 amendments regarding office furniture and equipment

This Directive was put in place to provide assistance for the practical application of the *House of Assembly Management Commission Regulations*. Over the years staff kept a list of items that have come forward for additions to the Directive to further assist MLAs. The Chief Clerk recommended that small appliances such as kettle, drip coffee maker or toaster oven to a maximum amount of \$50.00 each as well as slightly larger appliances such as a mini fridge, microwave, heater, dehumidifier, water cooler or vacuum to a maximum amount of \$200.00 each be included in the Directive.

The Commission members were informed that the assets purchased would become assets of the Crown when they were no longer required for use in the constituency office by the MLA who purchased them.

It was moved by Hon. Frank Corbett and seconded by Ms Becky Kent that the Directive # 1 be amended to include purchases by MLAs of small appliances such as kettle, drip coffee maker or toaster oven to a maximum amount of \$50.00 each as well as slightly larger appliances such as a mini fridge, microwave, heater, dehumidifier, water cooler or vacuum to a maximum amount of \$200.00 each.

CARRIED

7) Constituency Assistant expenses pursuant to subsection 24(5) of the *House of Assembly Management Commission Regulations*

The Director of Administration informed the Commission that at the time the new Regulations were put in place expenses related to Constituency Assistant errands and deliveries were excluded – however over time it has become apparent that the personal assumption of these expenses are causing hardship for some employees. It is suggested that the Regulations be amended to include these expenses as they are work related.

It was moved by Ms Becky Kent and seconded by Hon. Chris d'Entremont that subsection 24(5) of the *House of Assembly Management Commission Regulations* be deleted and replaced by the following subsection:

(5) Where the constituency assistant attends training, a meeting or event on behalf of the member, or carries out an activity that is necessary for the operation of the member's constituency office, at the member's request,

CARRIED

8) 2012-13 Quarter 4 Financial Review

The Director of Administration pointed out that this review was for information purposes and covered the fiscal period ending March 31, 2013. It was noted that all areas were within their respective budgets.

9) Amendments to the *House of Assembly Management Commission Regulations* to provide for "barrier free" constituency offices

A draft proposed amendment to the *House of Assembly Management Commission Regulations* was circulated to the Commission members in advance of the meeting. At the request of the Speaker, the draft was read by the Chief Clerk, who pointed out that there were two resolutions as follows:

Be it resolved that Section 19 of the *House of Assembly Management Commission Regulations* be amended as follows:

1. striking subsection (2) and substituting the following subsection:

(2) The space should be on a public transit route if feasible.

2. adding immediately after subsection (2) the following subsections:

(2A) In any lease entered into or renewed after the coming into force of this subsection, the space must, notwithstanding Section 3 of the *Building Code Act*, before occupancy by the member or within such time, not exceeding six months after occupancy, as approved by the Clerk, meet the barrier-free access and design requirements applicable to offices in the *Nova Scotia Building Code Regulations*, as amended from time to time.

(2B) Notwithstanding subsection (2A), temporary space that does not meet the barrier-free access and design requirements may be occupied for such time, not exceeding six months, as approved by the Clerk.

(2C) Notwithstanding subsection (2A), within three years of the coming into force of this subsection, the office space must meet the requirements set out in subsection (2A) or the space must be vacated.

Be it resolved that Section 20 of the *House of Assembly Management Commission Regulations* be amended by adding immediately after subsection (2) the following subsection:

(3) A constituency office in a member's residence must, notwithstanding Section 3 of the *Building Code Act*, meet the barrier-free access and design requirements applicable to offices in the *Nova Scotia Building Code Regulations*, as amended from time to time.

The Speaker informed the Commission that he had been contacted by the James McGregor Stewart Society and they cautioned that the proposed new subsection 19(2C) may be overstepping what they had proposed in their discussions with the Speaker.

A lengthy discussion followed. Mr Younger indicated they he and his party were supportive of this amendment; however he raised the practical challenges regarding the renewal of his constituency office lease and the moving to a barrier-free space. The first relates to the length of the lease – while a landlord may be prepared to make the barrier-free changes they will require a 7 to 10 year lease agreement in return and MLAs are not permitted to enter into long term leases. The second option is for the MLA to pay leasehold improvements and pay for the renovations – while MLAs can pay for constituency office renovations from their constituency allowances in keeping with Regulations 18(1)(h), it is expected that the improvements to make the space barrier free would greatly exceed the available allowance. Mr Younger stated he would like to be permitted to sign a long-term lease with a buyout clause as a solution to this issue.

Hon. Corbett indicated that various options must be examined and that in some rural areas it may be more difficult to access barrier-free space for constituency offices. He supports the motion but would like to have the Commission take more time to find out what office space is available and to determine whether the three year period to obtain barrier-free space is realistic.

Hon. d'Entremont pointed out that in rural areas it can be challenging finding wheelchair-accessible office space and he fears that barrier-free office space may not be available. This may mean that new office construction may be necessary to provide such office space. He also noted that some rural constituencies are becoming larger geographically and thus two constituency offices may be required in one constituency – thereby adding additional challenges in implementing barrier-free office space. He suggested deferring this agenda item until the next meeting.

On the issue of deferring the item until the next meeting, Mr Younger noted that it would be helpful if the date for the next Commission meeting was known. He suggested that the motion be passed at this point and that the issue left to be

determined by the Commission would be where the funds would come from to cover the expenses for barrier-free office space once costs were known.

The Speaker indicated based on the discussions that more research is required to address the concerns raised by the Commission members. He directed staff to look into the issues raised and the matter returned to the next Commission meeting which he will call as soon as possible. Mr Younger requested that the information gathered by the Speaker be circulated in advance of the next Commission meeting to the caucuses so that the next meeting discussion on this agenda item would be as productive as possible. The Speaker agreed to proceed in this fashion. Ms Whalen made note of her desire that this matter be dealt with promptly.

10) Other business

Hon. Corbett moved and Hon Smith seconded the following resolution: I so move that Legislative Counsel report back to this committee on what steps are necessary to ensure the committee can exercise its power of forfeiture with regard to Mr Manning MacDonald and any other member who resigns before consideration can be given to a question of unexcused absence from the House of Assembly during a legislative session.

CARRIED

Hon. Corbett moved a second resolution which was seconded by Hon. Preyra: Pending the report of my previous motion; I so move that Mr MacDonald forfeit one day's pay for each of the following days absent without permission during the Spring Session of the legislature. April 2nd, 3rd, 4th and 5th. April 8th, 9th, 10th, 11th and 12th. April 15th, 16th, 17th, 18th and 19th. April 22nd, 23rd, 24th, 25th and 26th. April 29th, 30th and May first.

CARRIED

Much discussion took place prior to voting on the second resolution. Mr Younger noted his support of the motion but also wanted an amendment to the motion to expand the scope to include all MLAs who have been absent from the Chamber. His amendment was defeated.

Hon. Chris d'Entremont moved and Hon. Frank Corbett seconded the following: that the House of Assembly Management Commission develop regulations that provide for penalties to Caucus office budgets if a member of that Caucus is absent from the House for more than one day without express, written permission of the Speaker. The amount of the penalty should be equal to the

prorated funding provided to the Caucus office for that MLA. Hon. D'Entremont explained that this Caucus penalty would be in addition to any penalty to be paid by the absent member personally.

On a procedural issue, Mr Hebb pointed out that the motion infringed on the privileges of the members of the House, as the subject matter of the motion is within the House prerogative to control. As a result Mr d'Entremont amended his motion above to have the House Committee on Assembly Matters deal with the issue.

Ms Whalen raised concern over deadlines for the holding of an Assembly Matters committee meeting as she noted the committee has not met in the past 4 years.

CARRIED

The meeting adjourned at 2:09 p.m.

These minutes were approved by the Management Commission on December 19, 2013.

Certified

Speaker

Chief Clerk