

# House of Assembly Management Commission Act

CHAPTER 5 OF THE ACTS OF 2010

*as amended by*

2010, c. 35, s. 37; 2012, c. 8, s. 9; 2014, c. 17;  
2014, c. 36, s. 4



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CHAPTER 5 OF THE ACTS OF 2010  
amended 2010, c. 35, s. 37; 2012, c. 8, s. 9; 2014, c. 17;  
2014, c. 36, s. 4

**An Act to Establish a Management Commission  
for the Effective Administration  
of the House of Assembly**

**Table of Contents**

(The table of contents is not part of the statute)

	Section
Short title.....	1
Interpretation.....	2
House of Assembly Management Commission.....	3
Term of office.....	4
Chair.....	5
Voting in the case of a tie.....	6
Quorum.....	7
Chief Clerk.....	8
Public proceedings and reporting duty.....	9
Duties of members.....	10
Responsibilities and powers of Commission.....	11
Commission may delegate.....	12
Commission reports to House of Assembly.....	13
Chief Clerk to provide orientation and training.....	14
Audit Committee.....	15
Chair.....	16
Secretary.....	17
Duties.....	18
Ruling on rejected or uncertain claim.....	19
Commission may review and reverse ruling of Chair.....	20
Appeal of ruling to Commission.....	21
Audit.....	22
Compliance audit by auditor General.....	23
Access to records.....	24
Reporting to misappropriation.....	25
Manual of appropriate conduct, policies and procedures.....	26
Regulations.....	27
Regulations of Legislature Internal Economy Board continue until replaced.....	28
Government Records Act amended.....	29
House of Assembly Act amended.....	30-34
Public Service Act amended.....	35-38

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**Short title**

**1** This Act may be cited as the *House of Assembly Management Commission Act*. 2010, c. 5, s. 1.

**Interpretation**

**2** In this Act,

- (a) “Assembly offices” means the offices established to support the functioning of the House of Assembly, its committees and its members, but does not include the Office of the Auditor General, caucus offices or constituency offices;
- (b) “Assistant Clerk” means the Assistant Clerk of the House of Assembly and, where there is more than one Assistant Clerk, the Assistant Clerk designated by the Chair;
- (c) “Audit Committee” means the Audit Committee of the Commission;
- (d) “Chair” means the Chair of the Commission;
- (e) “Chief Clerk” means the Chief Clerk of the House of Assembly;
- (f) “Commission” means the House of Assembly Management Commission established by this Act;
- (g) “Deputy Speaker” means the Deputy Speaker of the House of Assembly and, where there is more than one Deputy Speaker, the Deputy Speaker who is a member of the Government Caucus;
- (h) “Government” means the Government of the Province;
- (i) “Official Opposition” means the party of the Leader of the Opposition in the House of Assembly;
- (j) “Public Accounts Committee” means the standing committee of the House of Assembly established for the purpose of reviewing the public accounts of the Province;
- (k) “public money” means public money within the meaning of the *Provincial Finance Act*;
- (l) “recognized party” means a recognized party within the meaning of the *House of Assembly Act*;
- (m) “Speaker” means the Speaker of the House of Assembly. 2010, c. 5, s. 2

### House of Assembly Management Commission

**3 (1)** The Legislature Internal Economy Board established under the *Public Service Act* is replaced by the House of Assembly Management Commission.

- (2)** The Commission consists of
  - (a) the Speaker;
  - (b) the Deputy Speaker;
  - (c) the Government House Leader in the House of Assembly;

(d) two additional members of the Government Caucus in the House of Assembly, of whom only one may be a member of the Executive Council, selected in accordance with subsection (3);

(e) the house leader in the House of Assembly of the Official Opposition;

(f) one additional member of the caucus of the Official Opposition, selected by the caucus;

(g) one member of the caucus of each other recognized party, selected by the caucus; and

(h) the Chief Clerk, as a non-voting member.

**(3)** The Executive Council may select one member of the Executive Council and the Government Caucus may select one member or, where the Executive Council does not select one of its members, two members of the Caucus to be members of the Commission.

**(4)** Where there is no recognized party other than the Government party and the Official Opposition, the Commission includes an additional member of the caucus of the Official Opposition selected by the caucus.

**(5)** Notwithstanding subsection (2), where a member is unable to attend a meeting of the Commission

(a) the Deputy Government House Leader may attend in place of the Government House Leader;

(b) the deputy house leader in the House of Assembly of the Official Opposition may attend in place of the house leader in the House of Assembly of the Official Opposition;

(c) another member of the Executive Council may attend in place of a member of the Executive Council selected pursuant to clause (2)(d); and

(d) another member of the same party caucus may attend in place of a party caucus member.

**(6)** Notwithstanding the dissolution of the House of Assembly, a member of the Commission is deemed to continue to be a member of the Assembly for the purpose of this Section until the day preceding the polling day fixed in the writ immediately following the dissolution. 2010, c. 5, s. 3; 2012, c. 8, s. 9.

#### **Term of office**

**4** The members of the Commission remain in office until they are replaced. 2010, c. 5, s. 4.

#### **Chair**

**5 (1)** The Speaker is the Chair of the Commission.

(2) In absence of the Chair, the Deputy Speaker shall act in place of the Chair. 2010, c. 5, s. 5.

#### **Voting in the case of a tie**

6 The person presiding at a meeting of the Commission may only vote in the case of a tie. 2010, c. 5, s. 6.

#### **Quorum**

7 A quorum of the Commission must include at least

- (a) the Speaker or the Deputy Speaker;
- (b) one member of the Commission pursuant to clause 3(2)(c) or (d); and
- (c) one member of the Commission pursuant to clause 3(2)(e), (f) or (g). 2010, c. 5, s. 7.

#### **Chief Clerk**

8 (1) The Chief Clerk is the secretary of the Commission.

(2) In the second week of every session of the House of Assembly and as the need arises, the Chair shall inform the House of Assembly of the appointments made to the Commission.

(3) In the absence of the Chief Clerk, the Assistant Clerk shall act in place of the Chief Clerk.

(4) The Chief Legislative Counsel is counsel to the Commission. 2010, c. 5, s. 8.

#### **Public proceedings and reporting duty**

9 (1) All meetings of the Commission are open to the public except proceedings

- (a) respecting personnel matters relating to officers and employees of the House of Assembly and the staff of members of the Assembly;
- (b) to request, receive or discuss legal advice;
- (c) respecting litigation or potential litigation; and
- (d) respecting matters protected by privacy and data protection laws.

(2) The substance of all decisions of the Commission, including any decisions made in private, must be recorded and form a part of the public record.

(3) After each meeting of the Commission, the Chief Clerk shall prepare, for consideration and approval by the Commission at its next meeting, minutes containing the substance of all decisions of the Commission.

(4) Following approval by the Commission of the minutes, the Chief Clerk shall file a copy of the minutes with the Legislative Library and place a copy of them on a public website. 2010, c. 5, s. 9.

#### **Duties of members**

**10 (1)** A member of the Commission shall

(a) in discharging the member's duties, exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances;

(b) act honestly and in good faith on the basis of adequate information in arriving at decisions of the Commission;

(c) attend meetings of the Commission unless unable to do so for good reason;

(d) spend sufficient time on the affairs of the Commission to comply with the member's duties and responsibilities; and

(e) consider and advocate policies that promote compliance with this Act and the regulations.

(2) A member of the Commission is not in breach of the duty in clause (1)(a) if the member acts prudently and on a reasonably informed basis. 2010, c. 5, s. 10.

#### **Responsibilities and powers of Commission**

**11 (1)** The Commission is responsible for the financial stewardship of all public money that may be voted by the House of Assembly for the use and operation of the Assembly, and for all matters of financial and administrative policy affecting the Assembly and its members, offices and staff and in connection with them and, in particular, the Commission shall

(a) monitor the expenditures of the Assembly;

(b) review and approve the administrative, financial, human-resource and management policies and procedures of the Assembly offices;

(c) implement and periodically review and update financial and management policies applicable to the Assembly offices;

(d) give directions with respect to matters that the Commission considers necessary for the efficient and effective operation of the Assembly offices;

(e) make and keep current regulations respecting the proper administration of allowances for members of the Assembly and reimbursement and payment of their expenditures;

(f) annually report, in writing, to the House of Assembly, through the Chair, with respect to its decisions and activities; and

(g) exercise other powers given to the Commission and perform other duties imposed on the Commission under this or another Act.

(2) The administrative, financial, management and human-resource policies and procedures of the public service of the Province apply to the House of Assembly unless it is reasonably necessary for them to be changed or varied.

(3) In carrying out its duties under subsection (1), the Commission shall

(a) cause to be placed on a public website, as soon as practical, details of all expenditures of members of the Assembly for which they are reimbursed;

(b) regularly, and at least quarterly, review the financial performance of the House of Assembly as well as the actual expenditures of members compared with approved allocations;

(c) ensure that an annual financial audit is completed of the accounts of the Assembly in accordance with Section 22 before November 30th immediately following the fiscal year to which that audit relates;

(d) ensure that a compliance audit is completed of the accounts of the Assembly in accordance with Section 23 at least once every General Assembly and reported on before September 1st immediately following the last fiscal year to which the audit relates;

(e) ensure that full and plain disclosure of the accounts and operations of the Assembly is made to the auditor appointed under Section 22 and to the Auditor General for the purpose of Section 23;

(f) consider and address on a timely basis recommendations of the auditor appointed under Section 22 and of the Auditor General pursuant to Section 23; and

(g) report, in writing, annually to the Assembly, or a committee established by it, the results of each audit and the steps taken or to be taken to address matters of concern raised by each audit.

(4) In carrying out its duties, the Commission may

(a) issue directives

(i) interpreting, clarifying or amplifying the regulations,

(ii) establishing policies for the guidance of members of the House of Assembly, the Chief Clerk and staff of the Assembly offices,

(iii) in accordance with this Act and the regulations calling for the issuing of directives, and

(iv) altering, on appeal, rulings of the Chair as to the application of the regulations to particular cases where advance rulings have been sought under Section 19;

(b) make decisions

(i) on individual cases or appeals brought to the Commission for decision, and

(ii) on all other matters that call for action or decision of the Commission in relation to the Assembly.

(5) A change may not be made to the level of amounts of allowances and resources provided to members except in accordance with a regulation and, notwithstanding Section 27, that regulation is not effective unless first laid before the House of Assembly and a resolution adopting it passed.

(6) A directive issued or decision made by the Commission

(a) is effective on the date specified in that directive or decision; and

(b) must not be issued or made if it is inconsistent with this Act or the regulations. 2010, c. 5, s. 11; 2014, c. 17, s. 1.

#### **Commission may delegate**

**12 (1)** The Commission may, by directive, delegate a power or duty to the Chair or the Chief Clerk.

(2) Wherever possible and practicable, the Commission shall arrange with various departments of the public service of the Province to utilize members of the public service within the departments to discharge and perform duties and functions required for the purposes of the House of Assembly and conducting the business of the Commission. 2010, c. 5, s. 12.

#### **Commission reports to House of Assembly**

**13 (1)** The Commission may at any time report to the House of Assembly on matters referred to in this or another Act relating to the Assembly. 2010, c. 5, s. 13.

#### **Chief Clerk to provide orientation and training**

**14 (1)** The Chief Clerk shall develop and offer appropriate orientation and training programs for

- (a) members of the House of Assembly;
- (b) members of the Commission; and
- (c) officers of the Assembly and staff of the Assembly offices,

to assist them in understanding their respective duties and responsibilities and, in particular, in applying and complying with the regulations and directives of the Commission relating to claims for allowances and expenses and policies and procedures respecting financial management.

**(2)** Within thirty days of a member's election for the first time to the House of Assembly, the Chief Clerk shall ensure that an appropriate orientation program is given to the member respecting

- (a) the types of services offered to members by the Assembly offices and how those services may be accessed;
- (b) the proper procedures to be followed in making claims for reimbursement or payment for proper expenses incurred by the member in carrying out the member's duties;
- (c) recommendations for proper systems to be employed in operating a constituency office and employing a constituency assistant; and
- (d) other matters that the Chief Clerk considers appropriate to assist the member in carrying out the member's duties.

**(3)** Within thirty days of a member's election for the first time to the House of Assembly, the Chief Clerk shall ensure the delivery to the member of a copy of

- (a) this Act and the regulations;
- (b) the directives of the Commission pertaining to members;
- (c) the written policies of the Assembly offices that may affect the member;
- (d) the code of conduct for members of the Executive Council; and
- (e) the manual required by Section 26. 2010, c. 5, s. 14.

#### **Audit Committee**

**15 (1)** There is established a committee of the Commission to be called the Audit Committee.

**(2)** The Audit Committee consists of

(a) two members of the Commission selected by the Commission, at least one of whom may not be a member of the Government party; and

(b) two residents of the Province, selected by the Chief Justice of Nova Scotia in consultation with the Public Accountants Board of the Province of Nova Scotia, who are not members of the House of Assembly and who have demonstrated knowledge and experience in financial matters and are suitable to represent the public interest.

(3) A person appointed under clause (2)(a) serves for such term as is determined by the Commission.

(4) A person appointed under clause (2)(b) serves for a term of not more than four years and may be re-appointed for one additional term of not more than four years, as determined by the Chief Justice of Nova Scotia.

(5) The Commission shall fix and direct the level of compensation and reimbursement of expenses to be paid to persons appointed under clause (2)(b). 2010, c. 5, s. 15.

#### **Chair**

**16** The Commission shall designate one of the members of the Audit Committee as its chair. 2010, c. 5, s. 16.

#### **Secretary**

**17** The Chief Clerk is the secretary of the Audit Committee. 2010, c. 5, s. 17.

#### **Duties**

- 18 (1)** The Audit Committee shall
- (a) provide assistance to the Commission in fulfilling its oversight responsibility to the House of Assembly and the public with respect to stewardship of public money;
  - (b) make recommendations to the Commission respecting the choice of and terms of engagement and compensation of the auditor appointed under Section 22;
  - (c) review the audit plans of the auditor, including the general approach, scope and areas subject to risk of material misstatement;
  - (d) review the audit report and recommendations of the auditor and give advice about them to the Commission;
  - (e) review the compliance report issued and recommendations, if any, provided by the Auditor General as a result of a compli-

ance audit conducted under Section 23 and give advice on that report and those recommendations to the Commission;

(f) review internal audit reports and make recommendations to the Commission as required in respect of matters arising from those reports and generally make recommendations with respect to internal audit procedures of the Assembly;

(g) review with the Chief Clerk the effectiveness of internal control and other financial matters, as well as compliance with legal requirements respecting accountability, record-keeping, tendering and conflict of interest in the Assembly offices;

(h) establish procedures for the receipt and treatment of complaints regarding accounting and internal controls, and the confidential submission by staff of the Assembly offices and by members of the public service of concerns regarding questionable accounting or auditing matters;

(i) use reasonable efforts to satisfy themselves as to the integrity of the Assembly's financial information systems and the competence of accounting personnel and senior financial management responsible for accounting and financial reporting;

(j) review disclosure practices of the Commission to ensure full, plain and timely disclosure of its decisions respecting financial matters; and

(k) act on, advise and report on other matters relating to the financial affairs of the Assembly as may be required by the Commission.

**(2)** The Audit Committee shall

(a) meet at least four times a year or more often as required;

(b) meet separately and periodically with the Chief Clerk, the personnel responsible for the internal audit function and the auditor appointed under Section 22; and

(c) report regularly to the Commission with respect to its activities.

**(3)** The substance of the reports, advice and recommendations made by the Audit Committee to the Commission must be tabled at meetings of the Commission and recorded in the minutes.

**(4)** Where there is disagreement among members of the Audit Committee as to the report, advice or recommendations to be made to the Commission on a matter, and the two members of the committee appointed under clause 15(2)(b) are in disagreement with the other members of the Committee or disagree with each other on that matter, that fact must be recorded in the report, advice or

recommendations and in the minutes of the Commission. 2010, c. 5, s. 18; 2014, c. 17, s. 2.

#### **Ruling on rejected or uncertain claim**

**19 (1)** Where a member of the House of Assembly incurs an expense and a claim for reimbursement or payment has been rejected by a person charged with responsibility for reviewing the claim, or the member of the Assembly is unsure as to whether an expense, if incurred, qualifies for reimbursement or payment, the member may request a ruling from the Chair.

**(2)** Upon receipt of a request in writing for a ruling under subsection (1), the Chair shall, as soon as reasonably possible, review the matter and, after giving the member of the House of Assembly an opportunity to make a submission, provide a ruling in writing to the member as to whether the expenditure complies with or would comply with this Act, the regulations and directives of the Commission.

**(3)** Before making a ruling the Chair may request further information or clarification from the member of the House of Assembly as to the nature and purpose of the expenditure in question.

**(4)** Where the Chair rules that the expenditure complies with, or the proposed expenditure will comply with, this Act, the regulations and directives of the Commission, the Chair shall

(a) inform the member of the House of Assembly of the ruling; and

(b) provide a copy of the ruling to each member of the Commission. 2010, c. 5, s. 19.

#### **Commission may review and reverse ruling of Chair**

**20 (1)** Where a member of the Commission takes issue with the Chair's ruling, the member shall notify the Chair within fifteen days of receiving the Chair's ruling and the Chair shall call a meeting of the Commission within thirty days of receipt of the Chair's ruling.

**(2)** Where the Chair rules that the expenditure complies with or would comply with the Act, the regulations and directives of the Commission, and the Commission does not reject or vary the Chair's ruling in accordance with subsection (4), the ruling is binding and the member may claim reimbursement or payment.

**(3)** Where the Commission takes issue with the Chair's ruling, the member of the House of Assembly shall be notified by the Commission and given the opportunity to make a submission to the Commission outlining why the expenditure complies with the Act and the regulations and directives of the Commission.

(4) The Commission may, within thirty days of receipt of the Chair's ruling, reverse that ruling and substitute another or approve that ruling, and the decision of the Commission is final. 2010, c. 5, s. 20.

#### **Appeal of ruling to Commission**

21 (1) Where the ruling of the Chair is that the expenditure does not comply with the regulations and directives of the Commission, the member of the House of Assembly may appeal that ruling to the Commission and, after giving the member an opportunity to make a submission in writing in support of the appeal, the Commission may decide to reverse, uphold or modify the ruling of the Chair, and the decision of the Commission is final.

(2) Notwithstanding that an expense claim has been denied by an officer, staff member or the Chair, in accordance with the regulations, where there is an appeal to the Commission under this Section and the Commission determines that that claimed expense amount

(a) has been incurred by the member of the House of Assembly;

(b) is a permitted expense under this Act and the regulations; and

(c) does not exceed an expense amount or allowance allocation permitted under the regulations,

and a denial of payment of the expense amount would, in the opinion of the Commission, be unjust, the Commission may approve the expenditure for the claimed expense to the extent that the Commission considers to be just, and the decision of the Commission is final. 2010, c. 5, s. 21.

#### **Audit**

22 (1) Notwithstanding any other Act, the accounts of the House of Assembly must be audited annually by an auditor appointed by the Commission under subsection (2).

(2) The Commission shall, before the end of each fiscal year, upon the recommendation of the Audit Committee, appoint an auditor.

(3) The Auditor General may act as the auditor appointed under subsection (1) but in that event the audit to be performed shall be of the House of Assembly as a separate body and not as part of the general audit of the accounts of the Province with appropriate levels of materiality applied to that entity.

(4) Where the Commission does not appoint an auditor as required by subsection (2), the Speaker shall report the fact to the House of Assembly.

- (5) The audit provided for in subsection (1) must consist of
- (a) *repealed 2014, c. 17, s. 3.*
  - (b) the expression of an opinion on whether the expenses incurred by the Assembly are in accordance with the policies of the Commission and, where applicable, the policies of the public service of the Province; and
  - (c) the expression of an opinion on whether the Chief Clerk's assessment of the effectiveness of internal controls of the House of Assembly is fairly stated and whether the internal controls are operating effectively.

(6) Nothing in this Act precludes the Auditor General, after consultation with the Audit Committee, from conducting at any time and on the Auditor General's own motion a separate financial audit of the accounts of the House of Assembly under the authority conferred on the Auditor General by the *Auditor General Act*.

(7) Where a financial audit conducted under this Section is conducted by an auditor other than the Auditor General, that auditor shall

- (a) deliver to the Auditor General after completion of the audit a copy of the auditor's report and the auditor's recommendations; and
- (b) provide to the Auditor General as soon as reasonably practicable, when so requested, a full explanation of the work performed, tests and examinations made and the results obtained, and other information relating to the audit within the knowledge of the auditor. 2010, c. 5, s. 22; 2014, c. 17, s. 3.

#### **Compliance audit by Auditor General**

**23 (1)** The Auditor General shall perform and complete a compliance audit of the accounts of the House of Assembly at least once during every General Assembly to determine and express an opinion on whether

- (a) collections of public money
  - (i) have been effected as required under law and directives and decisions of the Commission,
  - (ii) have been fully accounted for, and
  - (iii) have been properly reflected in the accounts of the Province;
- (b) disbursements of public money
  - (i) have been made in accordance with the authority of a supply vote, or relevant law,

- (ii) have complied with regulations, rules, directives and orders applicable to those disbursements,
- (iii) have been properly reflected in the accounts, and
- (iv) have been made for the purposes for which the money was appropriated and authorized;
- (c) accounts have been faithfully and properly kept;
- (d) assets acquired, administered or otherwise held by or for the Assembly are adequately safeguarded and accounted for;
- (e) accounting systems and management control systems that relate to revenue, disbursements, safeguarding or use of assets or the determination of liabilities are in existence, are adequate and have been complied with;
- (f) accountability information with respect to the operations of the House of Assembly is adequate; and
- (g) there are factors or circumstances relating to expenditure of public money that, in the opinion of the Auditor General, should be identified and commented on as part of the audit function.

(2) Subsection (1) may not be construed as entitling the Auditor General to question the merits of policy objectives of the House of Assembly, the Assembly offices or the Commission.

(3) The Auditor General shall report the results of the audit to the Audit Committee and to the House of Assembly. 2010, c. 5, s. 23.

#### Access to records

24 The Auditor General and another auditor appointed under Section 22 shall, for the purpose of an audit of the accounts of the House of Assembly under this Act, have access to all books, documents, accounts and other records of the House of Assembly. 2010, c. 5, s. 24.

#### Reporting of misappropriation

25 (1) Where

- (a) during the course of an audit;
- (b) as a result of a review of an audit report prepared by another auditor employed by the Commission; or
- (c) as a result of an internal audit procedure,

the Auditor General becomes aware of an improper retention or misappropriation of public money by a member of the House of Assembly, the Chief Clerk, an assistant clerk or the staff of an Assembly office or another activity that may constitute an offence under the *Criminal Code* (Canada) or another Act of the Province or of the

Parliament of Canada, the Auditor General shall immediately report the improper retention, misappropriation of public money or other activity to

- (d) the Speaker;
- (e) the chair of the Audit Committee;
- (f) the President of the Executive Council;
- (g) the leader of the recognized party, if any, with which the person involved may be associated;
- (h) the Minister of Justice; and
- (i) the Minister of Finance.

(2) In addition to reporting in accordance with subsection (1), the Auditor General shall attach to the Auditor General's report to the House of Assembly a general description of the incidents referred to in subsection (1) and the dates on which those incidents were reported.

(3) Before making a report under subsection (1), the Auditor General shall give to a person involved and who may be ultimately named or identified in the report

- (a) full disclosure of the information of which the Auditor General has become aware; and
- (b) a reasonable opportunity to the person to provide further information and an explanation,

and shall take that information and explanation into account in deciding whether to proceed to make a report.

(4) The Auditor General shall not make the existence or the contents of a report referred to in subsection (1) known to another person except

- (a) as part of the Auditor General's report to the House of Assembly;
- (b) in accordance with a judicial proceeding;
- (c) as part of proceedings before the Public Accounts Committee; or
- (d) as a result of a request from the Commission.

(5) The Auditor General is a compellable witness in any criminal or civil proceeding and in a proceeding before the Public Accounts Committee relating to a matter dealt with in a report made under this Section. 2010, c. 5, s. 25.

#### **Manual of appropriate conduct, policies and procedures**

26 (1) The Commission shall, not more than six months after the coming into force of this Act, develop a manual of appropriate conduct and policies and procedures for members of the House of Assembly.

- (2) The manual must be
- (a) tabled in the House of Assembly within ten days after its completion if the Assembly is then sitting and if not, within ten days of the next ensuing sitting; and
  - (b) distributed to the Speaker, the Chief Clerk and each member of the Assembly.

(3) Where, after a distribution of a manual under subsection (2), a member is newly elected to the House of Assembly, the Chief Clerk shall provide a copy of the manual to that member.

(4) The manual must be updated as the Commission considers necessary and each change to the manual must be distributed as required under subsections (2) and (3).

- (5) The manual must contain
- (a) information with respect to allowances available to the members of the House of Assembly;
  - (b) the duties of members with respect to claims for allowances and the management and expenditure of public money;
  - (c) copies of applicable legislation;
  - (d) copies of the regulations;
  - (e) directives of the Commission issued to members of the House of Assembly, the Speaker and the Chief Clerk;
  - (f) information summarizing rulings and determinations made by the Speaker and the Commission under Sections 19 to 21 and by the Conflict of Interest Commissioner under the *Conflict of Interest Act*;
  - (g) instructions as to the manner in which duties of the members of the House of Assembly are to be carried out with respect to making claims for allowances and the forms to be used and the documentation to be supplied;
  - (h) the provisions of the *Conflict of Interest Act* respecting the conduct of members of the House of Assembly;
  - (ha) the provisions of the *Conflict of Interest Act* respecting the conduct of members of the Executive Council and ministerial assistants;
  - (i) information as to how to organize and operate a constituency office; and
  - (j) any other matter that the Commission believes may be of assistance to members in the performance of their duties. 2010, c. 5, s. 26; 2011, c. 35, s. 37.

**Regulations**

27

- (1) The Commission may make regulations
- (a) respecting allowances, reimbursements, allowable expenses and other resources available to members of the House of Assembly;
  - (b) establishing distinctions between member constituencies with respect to amounts and entitlement;
  - (c) establishing limits and restrictions on amounts related to living, constituency and other expenses, including distance travelled, daily rates, meal rates and other rates payable by way of reimbursement or with respect to a claim of a member;
    - (ca) prescribing factors to be considered in determining where a member of the House of Assembly is ordinarily resident for the purpose of determining whether a member is an outside member as defined in the *House of Assembly Act*;
    - (cb) establishing an appeal process to resolve disputes respecting where a member of the House of Assembly is ordinarily resident for the purpose of determining whether a member is an outside member as defined in the *House of Assembly Act*;
  - (d) respecting reimbursement and payment of member expenses and claims;
  - (e) respecting the preparation and circulation of manuals, agendas, codes, briefing and other materials;
  - (f) respecting the forms and manner in which reimbursement of claims may be made;
  - (g) respecting policies and procedures for proper financial management;
  - (h) respecting purposes, presumptions and principles underlying the regulations;
  - (i) respecting member responsibility for finances, expenses, claims, liability and reimbursements;
  - (j) respecting records to be maintained and reports required of members, the Commission, the Chair, the Chief Clerk and the staff of the House of Assembly offices;
  - (k) respecting forms, receipts and other documentation required for monitoring claims, expenses, reimbursements and other payments;
  - (l) respecting eligibility for and prohibitions and restrictions related to expenses, claims, reimbursements and other payments;

(m) respecting allocations of resources for office, employee, administrative and other services for members;

(n) respecting the manner of engaging, regulating and paying for constituency assistants;

(o) respecting any other matter that the Commission considers necessary or advisable to give effect to the intent and purpose of this Act.

(2) The exercise by the Commission of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 2010, c. 5, s. 27; 2014, c. 36, s. 4.

#### **Regulations of Legislature Internal Economy Board continue until replaced**

**28** (1) For greater certainty, the regulations of the Legislature Internal Economy Board continue in effect until replaced pursuant to this Act.

(2) The Commission shall replace the regulations of the Legislature Internal Economy Board within thirty days of the coming into force of this Act. 2010, c. 5, s. 28.

#### **Government Records Act amended**

**29** *amendment*

#### **House of Assembly Act amended**

**30 to 34** *amendments*

#### **Public Service Act amended**

**35 to 38** *amendments*

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