

**REPORT OF THE COMMISSIONER
ON SALARIES, ALLOWANCES AND
RETIREMENT BENEFITS FOR MEMBERS
OF THE MANITOBA LEGISLATIVE ASSEMBLY**

September, 2012

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Commissioner**

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1. Jurisdiction and Authority of the Commissioner

The Legislative Assembly Act (the “Act”), section 52.7(1) mandates the Legislative Assembly Management Commission (“LAMC”) to appoint a Commissioner to decide on the appropriate salary, allowances and retirement benefits for members and to make regulations to implement them.

LAMC is chaired by the Speaker of the Legislative Assembly. LAMC appointed Michael D. Werier on November 3, 2011 to be the Commissioner.

This is the second report by a Commissioner under this legislative regime. The first report was issued by Michael D. Werier on December 19, 2007.

A Commissioner is to be appointed within six months after a general election and the term of the commission ends one year after the regulations are made or come into force, whichever is later.

The Commissioner may consult with interested groups or individuals when conducting a review.

Section 52.8(1), 52.8(2) and 52.9 particularizes each of the specific decisions to be made by the Commissioner. They state as follows:

SALARIES AND ALLOWANCES

Commissioner to decide salaries and allowances

52.8(1) The commissioner must make decisions about the following:

1. The annual salary for members.
2. The additional salary for members who hold the following positions:
 - (a) the Speaker and Deputy Speaker;

- (b) the leader of the official opposition and leader of a recognized opposition party;
 - (c) the elected deputy chairperson or other deputy chairperson of the Committee of the Whole House;
 - (d) the elected permanent chairperson and vice-chairperson of a standing or special committee;
 - (e) the government house leader, house leader of the official opposition and house leader of a recognized opposition party;
 - (f) the government whip, whip of the official opposition and whip of a recognized opposition party;
 - (g) legislative assistant to a member of the Executive Council.
3. The additional salary for members of the Executive Council.
 4. The additional living allowance for members who represent electoral divisions wholly or partly outside the City of Winnipeg, and the circumstances in which it is to be paid.
 5. The additional constituency allowance for access and service to constituents, and the circumstances in which it is to be paid.
 6. The additional allowance for members for travel, a vehicle allowance and mileage, and related expenses, and the circumstances in which it is to be paid.
 7. The severance allowance for members who are not entitled to a severance allowance under section 52.21, and the circumstances in which it is to be paid.
 8. The additional allowance, if any, for members of a standing or special committee for attending meetings during periods that the Assembly is not in session, or when a committee meets outside Winnipeg.
 9. Any other salary or allowance for expenses the commissioner considers should be paid to members, and the circumstances in which it is to be paid.

Items to be included

52.8(2) The commissioner must also decide, in relation to salaries and allowances,

- (a) when and how they are to be paid;
- (b) the period for which they are to be paid;
- (c) the circumstances and manner in which they are to be prorated;
- (d) whether they are to be adjusted for changes in the cost-of-living and, if so, when and how;
- (e) what information about salaries and allowances is to be disclosed to the public; and
- (f) any other matter the commissioner considers necessary or desirable.

RETIREMENT BENEFITS

Commissioner to decide retirement benefits

52.9 The commissioner must make decisions about

- (a) retirement benefits for members and former members, including the nature and amount of those benefits and how they are to be provided, and contributions toward those benefits; and
- (b) disclosure to the public of information about retirement benefits.

2. Bill 39 - The Budget Implementation and Tax Statutes Amendment Act, 2012

Certain provisions of the Act have a major impact both on Members' salaries and the jurisdiction of the Commissioner under the relevant sections of *The Legislative Assembly Act*.

Part 8 and 9 of the Act dealing with Members' salaries is reproduced below:

Part 8 Members' Salaries

Members' Salaries Regulation amended

98(1) *The **Members' Salaries Regulation** made under **The Legislative Assembly Act** is amended by this section.*

98(2) *The following is added after subsection 1.1(4):*

No adjustments for 2012-2013 and 2013-2014

1.1(5) No cost-of-living adjustment is to be made to a member's basic salary under subsection 1(1) or a member's additional salary under subsection 1(2) for the 2012-2013 fiscal year or the 2013-2014 fiscal year.

Definition of "commissioner"

99(1) *In this section, "commissioner" means the commissioner appointed under section 52.7 of **The Legislative Assembly Act** after the 2011 general election.*

No increase for 2012-2013 and 2013-2014

99(2) *The commissioner's decisions and regulations under sections 52.8 and 52.12 of **The Legislative Assembly Act** must not increase, in the 2012-2013 fiscal year or the 2013-2014 fiscal year,*

(a) the basic annual salary for members; or

(b) the additional salary for members of the Executive Council.

PART 9 COMING INTO FORCE

Coming into force

Part 8: Members' Salaries

100(27) *Subsection 98(2) is deemed to have come into force on March 23, 2012.*

The effect of this legislation is Members' basic salary and salary for other positions such as the Premier, Cabinet, Speaker, and Committee Chairs are frozen at 2011-2012 levels for fiscal years 2012-2013 and 2013-2014 and COLA increases cannot be applied to these positions.

The only changes that the Commissioner can make for 2012-2013 and 2013-2014 relate to compensation for special positions such as Government Whip or Opposition

Whip and other such position increases.

In addition to the freeze on COLA increases, the salaries of the Premier and Cabinet are rolled back twenty (20%) percent until April 1, 2014 as the economy improves. This rollback does not apply to other positions such as the Speaker or the Leader of the Opposition.

Therefore, any increases by this Commissioner to the Premier's and Cabinet Ministers' salary and Members' salary cannot be effective until April 1, 2014.

3. History of Review Process in Manitoba

In the 2007 report on Salaries, Allowances and Retirement Benefits, this Commissioner reviewed the history of the review process in Manitoba and it is included in this Report as it is relevant to gaining an understanding of compensation for Members.

Also attached to this Report is Appendix "A" which lists Members' Indemnities from 1974 to present.

In 1970, an independent committee was appointed to review Members' indemnities and remuneration. This committee reported in February of 1971. Among its recommendations was that "a periodic review of Members' indemnities and allowances be carried out at regular intervals by an independent body".

In February 1980, Mr. Justice Gordon C. Hall issued a Report and Recommendations on salaries, indemnities, allowances and pensions. He suggested that a committee of the House address the issue of a permanent solution for the review of remuneration. In between 1970, 1979 and 1993, either a committee of the legislature or the full Assembly was responsible for recommendations and changes to Members' compensation.

In March 1994, the Indemnity and Allowances Commission issued its report. Under the provisions of *The Legislative Assembly Amendment and Consequential Amendments Act*, it was empowered to review and determine all aspects of compensation for Members and Commission decisions were also to be binding. The Commission was also empowered to make recommendations on a process for review in the future. This was the first Commission in Manitoba history to have the power to decide compensation rather than merely make recommendations.

This Commission's report was issued in March, 1994, and its decision came into force following the April 25, 1995 general election pursuant to the provisions of the legislation.

The changes made in 1995 are noteworthy for a number of reasons. The tax free allowance portion of the Member's indemnity was abolished along with the car allowance. The Member's salary was established at \$56,500.00 representing a 1.5% increase over April, 1994. Future salary adjustments were to be tied to the percentage change (up or down) in the average yearly wage in Manitoba.

Of most significance were changes made to the pension arrangements for Members. The amendments to the Act which created the Commission set out that the existing Defined Benefit Pension Plan with an accrual rate of 3% be eliminated after the next election. The Commission decided that this retirement plan was to be replaced with a Registered Retirement Savings Plan with matching contributions of up to 7% by the Member and the Province.

While the Commission commented that the Manitoba pension plan was among the least generous for elected officials in Canada, it determined that the pension arrangements were excessively generous and exceeded community standards. While thought to be fair at the time, this decision proved to be unfair and ultimately

resulted in further changes years later. This will be the subject of comment later on in this Report.

From 1995 until 2005, Members received cost-of-living increases ranging from 0.0% to 3.3%.

In 2002, the Commission for Members' pay was established by *The Legislative Assembly Amendment and Consequential Amendments Act*. The Speaker, as Chair of the LAMC, engaged Earl Backman as sole Commissioner. His report outlining his recommendations was dated May 14, 2004. Under the terms of the Act, the Legislature had to vote on the report as a whole.

The report contained a wide range of recommendations, including increases to Members' salaries, increases to salaries for Cabinet Ministers and the Premier, and changes to the pension plan. The report was summarily rejected by the Legislature which passed a resolution asserting that salary increases were not appropriate given economic conditions in the Province and asking that the Commissioner review the section on salary increases with a view to deferring them.

A supplementary report was issued by Backman on June 8, 2004 which recommended that the 1.4% salary and additional indemnity increases already paid for 2004-2005 be rolled back effective April 1, 2004. These recommendations were implemented. The Commissioner further recommended that the Legislature give some consideration to removing the necessity for Members to vote directly on their compensation levels and possibly delegate the duty to a truly independent body or Commissioner. Backman stated that this type of process "would be less self-serving and more acceptable to the public trough", and that to continue the present process "will forever be an exercise in masochism that serves neither the MLA nor the public very well".

The Legislature acted on the above recommendation by setting up an Interim

Commissioner who would have the authority to decide on compensation levels. The LAMC appointed Dr. Jerry L. Gray with a request that he consider only the cost-of-living increase, an increase to the basic annual salary of Members, and salary increases only in specific roles.

Its report was issued May 5, 2005. The report decided that a 2.5% cost-of-living increase to Members and Executive Council be effective April 1, 2005 and were to be computed on the 2003-2004 salaries. The annual basic Member's salary was to be \$67,173.00 and the April 1, 2006 salary, \$72,000.00. Other adjustments were made to the salary for the Speaker, Caucus Chairs, and to the cost-of-living adjustment ("COLA") system.

The report also made a number of recommendations, none of which were binding, including that the past service buy back program of the Legislative Assembly Pension Plan be reviewed because of the inability of Members to buy back service to the extent recommended in the May 14, 2004 Backman report.

The first report under the new provisions of *The Legislative Assembly Act* was issued December 19, 2007. The decisions were binding on the Legislature and the Regulation was amended to reflect the decisions in the report.

It was determined that Manitoba ranked 8 out of 10 of all the provinces for Members' salaries. The salary was increased from \$74,982.00 to \$82,000.00. Cost-of-living increases were given for 2008 and 2009 until the freeze was imposed late in 2009.

At the time of the last report, the Premier's salary was the lowest of all the provinces at \$124,509.00. The additional salary was increased to \$67,018.00 from \$49,527.00 effective May 22, 2007 resulting in a total compensation of \$149,018.00.

The additional salary for Ministers and that of the Speaker and Leader of the Opposition was increased from \$30,957.00 to \$44,018.00.

There were no changes made to the pension plan or severance pay. Numerous changes were made to the allowances scheme, including the establishment of a separate constituency allowance expense and enhanced travel allowances.

On September 1, 2010, this Commissioner was appointed as Allowances Commissioner to review the Auditor General's 2009 Annual Report as it relates to Members' allowances and to decide what regulations or amendments to regulations should be made in order to implement the recommendations contained in the Auditor General's Report.

The Auditor General's Report contained numerous recommendations, including that there be increased transparency and accountability and that information about expenses be available to the public.

The Auditor General's Report also recommended that each category of representation expenses be reviewed and amended to reflect contemporary best practice. The areas of expenses allowed under the representation category included donations (cash and product), event tickets, scholarships and bursaries, hospitality, meals, flowers, and other promotional items.

The Report of the Allowances Commissioner outlined a number of decisions, including the elimination of donations and gifts as authorized expenses and changes to the publication of information about Members' spending.

A Member's annual report is now published on the Government website, together with monthly reports of the amounts spend under the Constituency Allowance, Constituency Assistants Allowance, travel, printing, and committee allowance, along with posting of the claims for each allowance.

Members of the public can examine copies of receipts and claims submitted.

4. **The Review Process for this Report**

The Commissioner asked Manitobans to submit their views on Members' compensation in writing.

There were advertisements requesting input in five (5) Manitoba daily newspapers between the dates of February 18, 2012 and February 20, 2012. The advertisements were also published in thirteen (13) weekly newspapers throughout the province between February 22, 2012 and March 1, 2012. The ads also ran in thirty-four (34) publications represented by the Manitoba Community Newspapers Association on February 20, 2012. They also appeared in two (2) Aboriginal newspapers and one (1) monthly newspaper.

Thirty-seven (37) written submissions were received from members of the public.

The Commissioner specifically sought input on the issues from the following groups and organizations:

- Winnipeg Chamber of Commerce
- Association of Former Manitoba MLAs
- Canadian Federation of Independent Business
- Business Council of Manitoba
- Canadian Taxpayers Federation - Manitoba
- Manitoba Government and General Employees' Union
- Manitoba Association of School Trustees
- The Manitoba Employers Council
- Association of Manitoba Municipalities
- Canadian Union of Public Employees
- The Manitoba Teachers' Society
- Manitoba Federation of Labour

- Speaker of the Legislative Assembly
- Manitoba Chamber of Commerce

Written briefs were received from:

- The Manitoba Teachers' Society
- The Manitoba Employers Council
- Canadian Federation of Independent Business
- Association of Former Manitoba MLAs

The Commissioner interviewed many Members of the Assembly and received written submissions from them as well.

In addition, the Commissioner reviewed the recent reports on Member Compensation from Newfoundland and Labrador (2007), Nunavut (2009), Northwest Territories (2010), and Alberta (2012). These were in addition to numerous provincial reports released prior to the 2007 Manitoba Report, including the 1993, 2004 and 2005 reports on Members' compensation.

In addition, specifically in Manitoba, with respect to allowances, the Commissioner reviewed the Office of the Auditor General - Manitoba Audit of Members' Allowances of the Manitoba Legislative Assembly (November, 2009), the report of the Interim Commissioner for Allowances (September, 2010), and the Members' Allowances Compliance Report (for period ending March 31, 2011).

The Commissioner also had available for review various surveys from the provinces relating to their system of allowances.

All of the above reports were of great assistance in arriving at the decisions contained in this Report. Some are specifically referenced in this Report.

The Commissioner reviewed compensation and pension plans in place for Members across Canada, together with salary information for Members of Parliament, the Mayor and City Council of Winnipeg, Deputy Ministers, and the CEOs of Crown Corporations.

Lastly, a review was conducted of economic information relating to the state of the Manitoba and Canadian economy. This included statistics from Statistics Canada, the Government of Manitoba, and forecasts and analysis from Canada's chartered banks.

The Commissioner also reviewed statistics relating to cost-of-living increases and settlements made by the Province of Manitoba and its Crown Corporations with its unionized employees.

5. Principles Used to Determine Compensation and Allowances

The Legislative Assembly Act provisions which establish the position of a Commissioner for Salaries, Allowances and Retirement Benefits for Members of the Legislative Assembly do not set out specific criteria to be applied in reaching decisions on compensation and allowances.

This is unlike *The Provincial Judges Act* which sets out a number of criteria and also places weight on the salaries paid to Provincial Court Judges in Saskatchewan, Nova Scotia and New Brunswick.

In 2007, this Commissioner stated that in the preparation of the report I have been guided by the principles of fairness.

I went on to say the following:

“While there undoubtedly exists different points of view as to what actually is fair, the approach taken in most interest arbitrations which are used to determine compensation levels, both in the private and public sector, is to use certain objective criteria and comparators. This avoids decision making based on emotion or anecdotal evidence.”

The concepts of fairness, reasonableness and equity are standards that have been adopted by previous Commissioners in Manitoba when reviewing compensation of Members. For example, The Indemnities and Allowances Commission in 1994 stated:

“Any system of pay or salary must be fair, reasonable, and equitable to both the member and the public. A member is entitled to a reasonable level of pay or salary commensurate with the responsibilities of the position. The level of salary should reflect the economic realities of the province. Comparisons should be made to salary indices within Manitoba such as the average weekly wage and welfare rates and to other benchmarks such as pay levels for other public service positions within Manitoba. Inter-provincial rankings of MLAs’ salaries should compare reasonably to the Province’s relative economic position. A compensation system designed in this way will allow the general public to understand what is provided to an MLA and will allow the MLA to be clearly responsible and accountable.”

In his report to the Legislative Assembly dated May 5, 2005, Commissioner Dr. Jerry Gray stated:

“The only valid and practical method in these situations is to (a) approach the problem through a system of multiple measurements - also known as benchmarks, and (b) make an informed and independent judgment based upon all of the benchmarks observed. Although no specific weight was assigned to any factor, it should be noted that the decisions contained in this report are, in the final analysis, my judgment with regard to the primary criteria of *fairness*. There are many other factors that were considered in making the decisions (see Section 2.2), but the overriding objective was to achieve a situation that, in my view, moved toward fairness in pay for our elected legislators. Although all Manitobans would not likely agree to the specific definition of what is “fair”, few - if any - would argue that our MLAs should not be compensated in a fair and equitable manner.

Given the complexity of the issue, the appointment of a single, independent person to make an informed judgment regarding “fairness” is the most reasonable approach.”

These concepts of fairness, reasonableness and equitable compensation are found in numerous reports across the country, including the Green Report in Newfoundland and Labrador and the Major Report in Alberta. I endorse these concepts today as I did in 2007.

What factors are taken into account in arriving at fair, reasonable and equitable compensation?

In Manitoba, Commissioners reviewing compensation have utilized certain benchmarks. In 2004, Commissioner Backman wrote:

“Faced with the foregoing realities, it is apparent that comparisons with other jurisdictions in Canada and comparisons of the economic activity and success of Manitoba relative to other provinces should be primary factors in determining how we taxpayers compensate our elected representatives.”

In 2005, Commissioner Gray set out the following factors:

Some of the factors used in making the decisions are (in no particular order):

- Salary comparisons with the elected roles in other federal, provincial and municipal governments
- The need to have compensation levels that make the MLA role attractive to highly qualified candidates
- Unfairness in salaries often must be corrected over time
- The need to have compensation levels that reflect the importance of the MLA role

- The public sensitivity to how much the roles of elected officials should be paid
- The unique requirements of the MLA role, including the lack of job security and the accountability processes
- The increased cost-of-living since the last MLA pay increase
- Comparable workloads of the various roles in the Legislative Assembly
- General compensation principles, policies and practices in the private sector

As I indicated in 2007, all of these factors are relevant. At times, greater weight will be placed on certain factors.

As a rule, weight will be placed on salary comparisons with other provinces, the importance of the role played by Members of the Legislature, the need to attract qualified candidates to run for public office, and the general status of the Manitoba economy and its standing compared to other jurisdictions across the country.

These criteria remain relevant and have been applied in reaching the decisions set out in this Report.

The salaries paid to Members in other jurisdictions are the best comparators, especially those provinces which are the closest to Manitoba in terms of its population and general economy. Nova Scotia, New Brunswick and Saskatchewan traditionally have been amongst the best comparators. However, changing economic conditions have altered the relative equivalency with Saskatchewan pulling ahead and Manitoba ahead of Nova Scotia and New Brunswick.

The duties of a Member are very relevant. It is almost an impossible task to compare the job of a Member to other occupations. It is instructive to review

salaries paid to civil servants, including Deputy Ministers and employees of Crown Corporations. These salaries are not direct comparators but are relevant.

The Members have a unique and important role. There is widespread acceptance by independent commissioners who have conducted reviews that Members must be compensated fairly for the role they play.

Some members of the public believe that Members are paid too much and are in it just for the money. I believe this is a minority view and the majority of Manitobans value the role played by Members.

I repeat my comments of the Report of 2007:

“The role played by Members, and those sitting in Cabinet, is an important one. The decisions made by the Legislature, whether it be in the area of criminal justice, social welfare, economic development, education, taxation, or health, can have a major impact on the quality of life in Manitoba. It is necessary to pay Members at a level which will continue to attract suitable highly qualified candidates to serve the public good. This need of course needs to be balanced with the other considerations outlined earlier.

While a Member in the 1970's and 1980's may have maintained another job, they have been required for many years to put in long hours in the constituency and at the Legislature. Many rural members, in particular, spend a great deal of time travelling over large distances to community events. Changes in technology have created an expectation on the public of an immediate response to any query or demand. Constituency Assistants working out of a constituency office are standard throughout Canada.

The amount of compensation that should be paid to various occupational groups can be a controversial issue. Members of the public very often have strong views one way or the other. Some members of the public will focus on politicians whose conduct has been illegal or questionable. However, every occupational group has members who do not adhere to the professional, legal and ethical standards expected or required of them. Manitoba has experienced a high standard of conduct from its Members over the years.

The vast majority of Members choose to run for office because they wish to act in the public interest. The role of a Member is an extremely important one in a democracy. It is essential that people of high standards continue to seek public office. The remuneration must take this into account and be fair and reasonable in the circumstances.”

6. **Economic Climate**

The state of the Manitoba economy is an important factor to be taken into account when reviewing the appropriateness of the salaries of Members of the Manitoba Legislature. In comparing compensation paid to Members, Cabinet positions, and the Premier in other provinces and jurisdictions, care must be taken to assess the relative economic situation in each province and jurisdiction.

Past reviews of compensation have commented on the economic conditions existing in the Province at the time of the report. In 2004, the Legislature did not adopt the recommendations set out in the Backman report (it had to accept or reject the report in its entirety) because of the economic conditions in the Province.

In the early and mid 1990s, salary increases were impacted by the economic difficulties facing the Province. In 1991, the COLA increases were declined. In 1993, the Province enacted *The Public Sector Reduced Work Wage and Compensation Management Act*. This allowed the government to require employees to take up to fifteen (15) days off without pay. In 1993 and 1994 there were reductions in compensation. In 2007, I determined that overall the state of the Manitoba economy was strong. It was determined that Manitoba’s compensation for Members lagged behind other provinces and the strong economy allowed for increases over and above the cost-of-living in order to bring Manitoba’s salaries up from the bottom. In 2008, the Manitoba government passed *The Balanced Budget, Fiscal Management and Taxpayers Accountability Act* requiring government to balance its budget and included sections dealing with reductions in Ministers’ salaries (sections 6(1), (2) and (3) and 7(1) and (2)).

The salaries of the Premier and Ministers was reduced to eighty (80%) percent of the salary for the last pay period before April 1, 2010 and was to last for the duration of the economic recovery period as set out in s. 16.2 of the Balanced Budget Legislation.

Amendments were made to the Members' Salaries Regulation in 2010 setting out this reduction. In addition, amendments to the Regulation set out that no cost-of-living adjustment was to be made to Members' basic salary and any additional salaries for fiscal years 2010-2011 and 2011-2012.

The freeze on Members' salaries was extended by virtue of Bill 39 (2012) to include fiscal years 2012-2013 and 2013-2014.

On April 17, 2012, the Government announced that the twenty (20%) percent reduction in Ministers' salaries will continue until April 1, 2014 or until the end of the economic recovery.

The freeze in Members' salaries is part of the Government's overall strategy to deal with its deficit. As part of this strategy, the Province has negotiated wage pauses with a large number of employees in the public sector.

The Province's deficit is as a result of a number of factors, including the financial impact of the 2011 flooding.

There are concerns about the impact on the Manitoba economy of general economic conditions in the United States and Europe, exchange rate concerns, and commodity prices.

Balanced against these negative indicators are a number of positive factors. During the economic recession of 2008-2009, Manitoba's economy weathered it

comparatively well. Manitoba's economy is diversified and this has enabled it to fare well in the face of economic challenges elsewhere. There are relatively high levels of employment.

Further, Manitoba's economy is expected to continue to grow. It expects to return to a surplus budget by 2014. Construction is very active and trades are busy. Manitoba's population growth has been relatively strong.

As in the past, Manitoba's cost-of-living continues to be quite low as compared to other provinces (housing, auto insurance, and utilities). While housing prices have continued to rise, they still remain at the lower end of the range across Canada.

Overall, there is a feeling of optimism in Winnipeg and Brandon, the two major urban centres in the province. In Winnipeg, the return of the Winnipeg Jets, the building of a new airport and stadium, the Canadian Museum for Human Rights, and the revitalization of the University of Winnipeg have contributed to this optimism.

As in the past, Manitoba's overall economic position continues to be in the mid-range of economic indicators such as average weekly earnings, capital investments (per capita), gross domestic product (per capita), and manufacturing shipments (per capita).

One particular trend warrants comment. Saskatchewan's economic performance has resulted in some separation from Manitoba, New Brunswick and Nova Scotia. There has been separation as well between Manitoba, New Brunswick and Nova Scotia, the later of whom are experiencing economic challenges. While British Columbia and Ontario are not appropriate comparators to Manitoba, their relative economic situation has weakened since 2007.

In summary, Manitoba faces greater challenges than in 2007 which has resulted in certain restraint policies and wage pauses being initiated by government.

Manitoba's economic performance however continues to place it in the mid-range of the provinces across the country.

7. Recent Reports in Other Jurisdictions

Provinces across the country have retained independent commissioners or commissions to make recommendations on Members' salary, benefits and allowances, or make binding decisions as in Manitoba.

These reports are a valuable resource and have been extremely helpful in the preparation of this report. A number of common themes and principles are enunciated in these studies. Overall, the goal of these commissions is to determine fair and reasonable compensation both for elected officials and for the taxpayers of a province.

In addition, those commissions have reviewed the system of allowances and expenses to ensure that the system is clear, transparent and accountable.

Overall, as to expense, there has been a consistent theme in these reports that Members be provided with the appropriate level of resources to do their job, but not receive a personal benefit.

As I noted in 2007, the commissions have utilized a range of factors in attempting to recommend or decide on fair and reasonable compensation.

These factors include comparisons with Members in other provinces, comparisons with civil servants, the economic situation of the province, relationships to the public and private sector in the province, and general cost-of-living increases. No one factor is determinative. All the objective benchmarks are taken into account. All of the above factors continue to be relevant today.

Two recent provincial reports warrant special comment. The Report of the Review Committee on Constituency Allowances and Related Matters in Newfoundland was issued in May, 2007. The Commission was chaired by The Honourable J. Derek Green and the report has come to be known as the “Green Report”.

The report contains a thorough analysis of the system of compensation and allowances in that province and also contains an examination of the principles that should be applied in determining fair and reasonable compensation and what allowances are no longer deemed to be appropriate (e.g. donations).

Green’s report is useful for its review of the role played by elected officials and the demands placed on them.

The Green Report stated it this way:

“Service as an elected member in a representative assembly is, and should be, one of the highest callings to which a person can aspire in a democratic society. It is a vocation that is unlike virtually any other. It provides great opportunities for public service and for the possibility of having a direct influence on important issues at the centre of public affairs. Yet it also calls for considerable personal sacrifice and, in some cases, financial sacrifice as well. In short, it requires a special sort of person. Those who offer themselves for public office and who meet the high standards expected of them deserve commendation, not condemnation.”

The Province of Alberta MLA Compensation Review was released in May, 2012. It was chaired by The Honourable J.C. Major, retired Justice of the Supreme Court of Canada.

Of note are the five general principles that guided that Commission in the preparation of the Report.

The five principles are:

“Firstly, clarity and accessibility have been two essential principles in this undertaking. The Commission’s aim was to make the Report clear, accessible and comprehensible to the general public, and to avoid the technical terminology that exists on the subject of compensation.

Second, transparency is necessary. This principle must apply to both the process of preparing the Report and its recommendations. The evidence gathered by the Commission on MLA compensation and the conclusions drawn based on that evidence should be open and transparent to the public.

A third goal, which relates to the second principle, is to gain confidence in MLA compensation and in the Legislative Assembly of Alberta. It is understandable that Albertans, as interested taxpayers, dislike – and distrust – a complex compensation system with elements that are regarded as hidden or unfair. The aim is for the recommendations contained in this Report to allow Albertans to understand the process by which their representatives are remunerated, although they may disagree with the result. To that end, an attempt has been made to use objective criteria available in the analysis of the position of MLA and in the assessment of MLA compensation.

Fourthly, the recruitment and retention of qualified competent candidates must be an objective of this Report. Albertans expect – and should attract – the most qualified representatives prepared to undertake public service.

Finally, it is recognized that the principal objective is to recommend compensation that is fair and reasonable to the Members who work in the Legislative Assembly and understandable to the taxpayers to whom they are accountable. Members should be remunerated in total in a manner that is commensurate with the duties, responsibilities and importance of their role.”

8. Member’s Salary

The chart at Appendix “A” indicates the history of salary increases for Members of the Assembly. It is important to note the freeze on salary for the years 2009 to date.

The tax-free allowance was eliminated in 1995. Quebec, Yukon and the Northwest

Territories still maintain a tax-free component of compensation.

As stated in the 2007 report, other Members' salaries (taking into account the general economic status of each province) are the best comparators for determining fair and reasonable compensation for MLA salaries.

A Member's salary is \$85,564.00. This salary has been in place since 2009 (see Appendix "A"). By virtue of recent amendments to the legislation, there are not to be any increases for 2012-2013 and 2013-2014, and the Commissioner cannot increase the salary.

The focus for this review therefore becomes the years following the freeze until the next election which will be held the first Tuesday in October, 2015 unless extended because of a federal election in which case it would be the third Tuesday of April, 2016.

What is the best approach to follow in light of these particular circumstances?

One of the common ways of dealing with a review of salaries which will extend for a number of years into the future is to alter the salary for the first year and then have it adjusted by any cost-of-living increases in the succeeding years.

This year, of course, there is a two year future freeze on salaries for Members with a twenty (20%) percent rollback continuing for the Premier and Cabinet.

The challenge is to forecast into the future what might be an appropriate level of compensation given the unknowns such as the state of the Manitoba economy and any changes made by other provinces to their compensation levels. This can change significantly after a review as evidenced by Alberta's salary for Members increasing from a grossed up amount equivalent of \$90,200.00 to \$134,000.00 in 2012.

Manitoba has had a tradition of lagging behind other provinces in terms of its compensation for Members. This point was made by previous commissioners and was due in part to the reluctance of the Legislative Assembly to increase salaries, the lack of an independent commissioner to do a review, and economic times which militated against such increases.

As stated earlier, salaries in other provinces and jurisdictions, factoring in the economic status of each are the best comparators.

Appendix "B" to this Report is a chart showing the comparison of Members' salaries, including the Premier, Cabinet, Speaker, and Special Positions in all the provinces and jurisdictions.

The following chart represents the comparison of Members' salaries across Canada.

Members' Salary Comparisons - 2012

Jurisdiction	Salary	Tax-free Allowance	Total
House of Commons	\$157,731.00		\$157,731.00
Alberta	134,000.00		134,000.00
Senate	132,300.00		132,300.00
Ontario	116,500.00		116,500.00
Northwest Territories	96,615.00	6,962.00	103,577.00
			107,800.00 (grossed up)
Quebec	86,242.00	15,895.00	115,500.00 (grossed up)
British Columbia	101,859.00		101,859.00
Newfoundland & Labrador	95,357.00		95,357.00
Saskatchewan	91,800.00		91,800.00
Yukon	71,200.00	13,692.00	91,800.00 (grossed up)
Nunavut	90,396.00		90,396.00
Nova Scotia	87,845.00		87,845.00
Manitoba	85,564.00		85,564.00
New Brunswick	85,000.00		85,000.00
Prince Edward Island	65,344.00		65,344.00

Manitoba ranks 8th amongst the 10 provinces and 10th of 13 provinces and jurisdictions.

Manitoba is slightly behind Nova Scotia, almost equal to New Brunswick, and approximately \$6,000.00 behind Saskatchewan. These three provinces are the closest comparators to Manitoba based on size and their economics.

It is possible Saskatchewan will see increases in compensation for Members as its economy continues to prosper. Its civil service and provincial court judges are receiving salaries well above Manitoba levels. As stated earlier, Alberta has just increased its salary for Members to \$134,000.00 and eliminated its tax-free component. This puts Alberta Members \$48,500.00 ahead of Manitoba.

Another salary comparator is the compensation paid to other provincial employees. As pointed out earlier, the province has negotiated contracts which have two year wage freezes and increases in the third and fourth years at amounts ranging from one (1%) percent to three (3%) percent. The timing of the freezes varies at the different workplaces.

It also must be noted that these employees have negotiated certain other benefits such as a no lay off clause. Politicians do not enjoy this security. Some of the employees enjoy step increases in their salary which have been unaffected by the wage pause.

For example, the Manitoba Government Employees' Union negotiated increases of 0% for 2010 and 2011 and 2.75% for 2012-2013 and 2013-2014. This does not of course include increases as an employee moves up in a classification, increases which Members do not receive.

A review of *The Public Sector Compensation Disclosure Act* indicates that there is a large number of provincial employees who earn in excess of the current

compensation for Members.

The state of the provincial economy is a very important factor in determining fair and reasonable compensation for Members. This is reflected in a review of the history of the development of Members' salaries throughout the years.

Of course, the status of the Manitoba economy has resulted in the Government passing legislation to freeze salaries and rollback salaries for the Premier and Ministers by twenty (20%) percent.

This obviously restricts the decisions that can be taken with respect to Members' compensation.

I earlier reviewed the state of the Manitoba economy. The province is facing certain economic challenges in dealing with a deficit, but overall there is a feeling of optimism in the province. As noted, Saskatchewan has pulled away somewhat from Manitoba, and Manitoba has shown itself to be in a stronger position than New Brunswick and Nova Scotia.

A number of provinces are facing economic challenges and this is reflected by the fact that a number of provinces have frozen Members' compensation over the last number of years.

Overall, in considering all the traditional benchmarks and comparators, it continues to be appropriate that Manitoba be in the middle of the provinces across the country.

As stated earlier on in this Report, Members should receive fair and reasonable salaries. As Commissioner, I am bound by the legislation restricting any increase for 2012-2013 and 2013-2014. I have also considered comparisons with other provinces, the state of the provincial economy, the role of the Members, and the general public interest. In addition, I have applied a total compensation model taking

into account recommendations on pension and other benefits contained in this Report.

I have also been mindful that by April 1, 2014 Members will not have received any increase for five (5) years.

Decision on Member's Salary

- (i) The basic annual salary as of April 1, 2014 is set at \$89,500.00.***
- (ii) The cost-of-living increase will be applied on April 1, 2015 and April 1st of each year until such time as a different decision is made. The cost-of-living increase will be calculated on the basis of the previous five-year moving average increase in the Manitoba Consumer Price Index ("CPI").***

9. Premier's Salary

The Premier's total salary is currently \$141,508.00 comprised of the Member's salary of \$85,564.00 plus the Premier's additional compensation of \$55,944.00.

The Premier's additional compensation has been rolled back twenty (20%) percent and the Member's salary component has been frozen since 2009.

The chart below sets out the current total compensation for each Premier in Canada:

Premiers' Total Pay - 2012

Jurisdiction	Annual Amount
Alberta	\$217,750.00
Ontario	208,934.00
Quebec	207,500.00
Nova Scotia	198,065.00
British Columbia	193,532.00
Northwest Territories	182,500.00
Nunavut	173,683.00
Newfoundland & Labrador	167,766.00
New Brunswick	164,000.00
Saskatchewan	158,566.00
Yukon	148,500.00
Manitoba	141,508.00
Prince Edward Island	136,438.00

The Premier's additional salary with the twenty (20%) percent rollback as it currently stands ranks last amongst all provinces and jurisdictions.

In the 2007 Report, this Commissioner indicated that the Premier's salary was not fair and reasonable and the compensation for the Premier should place Manitoba closer to the mid range. Accordingly, the additional compensation was increased from \$49,527.00 to \$67,018.00, along with the corresponding increase for Member compensation.

The same sentiments apply equally today as they did in 2007. The role of the Premier is an extremely important one. The duties are onerous and time consuming. The responsibilities are many and significant. The Premier is constantly in the public eye.

The recent Major Report in Alberta put it well when it stated:

"In reality there are very few roles that are as demanding as that of Premier, or that are accompanied with such a high level of responsibility and accountability.

The institution of the office of the Premier attracts the most attention as the most prominent public office in the province. The compensation should reflect that office.”

The Major Report went on to say the Premier’s public sector subordinates are presently remunerated at a higher level. The same is true in Manitoba.

The Premier’s salary should be upgraded after the elimination of the rollback to place the level of compensation closer to the mid-range in Canada.

Decision on the Premier’s Salary

The Premier’s additional compensation after elimination of the rollback will be \$75,000.00 effective April 1, 2014.

The cost-of-living increase will be applied to the new amount on April 1, 2015 and on April 1st thereafter until changed.

10. Ministers, Speaker, Leader of the Official Opposition, Leader of the Second Opposition and Ministers without Portfolio Salaries

Traditionally in Manitoba and in other provinces, the Speaker, Ministers, and Leader of the Opposition earn the same salary. This is based on their duties and responsibilities. All have heavy workloads and jobs of great responsibility.

I see no reason to make any changes to this equivalency.

The Speaker and Leader of the Official Opposition’s salary has not and is not subject to the twenty (20%) percent rollback. Cabinet Ministers’ salaries have and will be subject to this rollback.

Currently the Speaker and Leader of the Official Opposition receive \$45,931.00. Under the rollback, Ministers currently receive \$36,745.00. Ministers without portfolio receive \$32,570.00, and the Leader of the Second Opposition receives \$40,173.00.

With the rollback, Manitoba's Cabinet Ministers receive the lowest additional compensation in Canada (both provinces and jurisdictions).

Even without the rollback, Manitoba's additional compensation would be the lowest, save and except Prince Edward Island.

The following chart set out the compensation across the provinces and jurisdictions:

Ministers' Total Pay - 2012

Jurisdiction	Annual Amount
Alberta	\$201,000.00
Quebec	182,000.00
Ontario	165,801.00
Nunavut	160,505.00
Northwest Territories	160,500.00
British Columbia	152,789.00
Newfoundland & Labrador	149,429.00
Saskatchewan	138,538.00
New Brunswick	137,614.00
Nova Scotia	135,570.00
Yukon	131,500.00
Manitoba	122,309.00
Prince Edward Island	111,032.00

As stated in the section of this Report on the Premier's salary, Manitoba's salaries should be closer to the mid-range after the period of economic recovery.

The current average additional salary for Ministers in Nova Scotia, New Brunswick and Saskatchewan is \$49,145.47. The current average additional salary for Ministers without portfolio in Nova Scotia and New Brunswick is \$43,792.20 (Saskatchewan does not have a separate category for Ministers without portfolio).

**Decision on Ministers, Speaker, Leader of the Official Opposition,
Leader of the Second Opposition and
Ministers without Portfolio Salaries**

The additional compensation for Ministers, the Speaker, and Leader of the Official Opposition will be \$49,000.00. The increase is to be effective April 1, 2014.

The additional compensation to the Leader of the Second Opposition and Ministers without Portfolio will be \$41,300.00. The increase is to be effective April 1, 2014.

The cost-of-living increases will apply on April 1, 2015 and on April 1st thereafter until changed.

11. Additional Salaries - Special Positions

In the 2007 Report of the Commissioner, there were no changes made to the basic amounts for performing this role.

The current salaries are as follows:

Special Position:	
Deputy Speaker	\$9,047.00
Deputy Chair - Committee of the Whole House	\$6,462.00
Government House Leader	\$9,047.00
Government Whip	\$6,462.00
Government Caucus Chair	\$5,570.00
Official Opposition House Leader	\$6,462.00
Official Opposition Whip	\$5,171.00
Official Opposition Caucus Chair	\$5,570.00
Second Opposition House Leader	\$5,171.00
Second Opposition Whip	\$3,880.00
Legislative Assistant	\$3,880.00
Permanent Chairperson - max. per year	\$3,880.00
Permanent Vice Chairperson - max. per year	\$3,233.00

These positions have received an annual cost-of-living increase.

These positions are not subject to the legislation passed by the government putting in place a wage pause or rollback.

The compensation for these positions has therefore been in place for many years. I have received representations that the compensation for positions such as Caucus Chairs, Government Whip, Official Opposition Whip, and Legislative Assistants does not reflect the extra time and commitment involved in these positions.

It is instructive to review the responsibilities of certain of the above positions. Following is a brief outline of some of their responsibilities:

Caucus Chairs

The Caucus Chairs are responsible for the administration of the caucus offices. They are responsible for hiring, firing, discipline and other HR staff matters in their respective caucus. They are responsible for administering the caucus office budgets, planning and prioritizing caucus activities, and allocating caucus resources

to their Members. They are responsible for caucus office meeting agendas and preside over those meetings. In my experience they also raise issues on behalf of their Members or in the context of the government caucus, the backbenchers, with the Party Leaders and House Leaders, with Assembly administration and with the Allowances Commissioner.

Whips

The Whips are responsible for knowing where their Members are and getting the Members to turn up as necessary for votes, committees, and other house business. They also arrange pairing so Members can be absent from the House without changing the outcome of a vote. That is a Member from one party has to be away and can't vote so the Whip asks his counterpart to designate one of that Whip's Members as non-voting. This is essential in a close House where the absence of a Member without a pair can affect the outcome of a vote. For example in a close House the government whip might arrange a pair if the Premier has to be away at a first Minister's conference. Following is an excerpt from the Clerk's Office, the Outline of Procedure document:

Whips

A Whip is appointed by each party to keep its MLAs informed about the business of the House, to ensure the attendance of the MLAs in the House and at Committees and to make pairing arrangements. Whips are responsible for informing their Members of Committee Meetings and providing a list of Members to serve on a Committee, and for ensuring the attendance of their caucus Members during recorded votes.

Government House Leader and Opposition House Leader

The Government House Leader and Opposition House Leader negotiate how business in the House will proceed. As Members of LAMC they negotiate caucus

budgets and other LAMC level administrative issues and negotiate who might be appointed to a position such as the Members Pay and Allowances Commissioner. These are extremely time consuming jobs when the House is meeting and the work gets layered on top of other responsibilities like Ministerial or critic duties. Following is an excerpt from Clerk's Office, the Outline of Procedure document:

House Leader

The Member of a party responsible for the management of its business in the House. The Government House Leader often negotiates and consults with the Opposition House Leaders to determine the order of business to be considered in the House and for the scheduling of Committee meetings.

Legislative Assistants

This position in an order-in-council appointment under *The Executive Government Organization Act*, sections 6.1(1) and (2). The person is appointed to assist a particular Minister. The assisting consists of representing the Minister at events the Minister cannot attend. The job might also involve representing the Minister in working with a special group or constituency (for example the Minister of Culture might have a Legislative Assistant who is from or connected with a particular ethnic community) and working on a government reviews or initiatives of some kind. Following is an excerpt from the Clerk's Office, the Outline of Procedure document:

Legislative Assistant

A government backbencher assigned the responsibility of assisting the Minister of a given department.

A Member serving as a Legislative Assistant can also receive compensation for committee work. A Member serving as Cabinet and as Government House Leader or some other position only receives the extra compensation for serving in Cabinet.

A comparison with other provinces reveals that Manitoba lags behind the other provinces in compensating these Special Positions. For example, Saskatchewan pays its Government Whips \$13,659.00 as opposed to \$6,462.00 in Manitoba. New Brunswick pays \$26,307.00 and Newfoundland \$13,517.00.

In Manitoba, the Government Caucus Chair and Official Caucus Chair are paid \$5,570.00 per year, while Saskatchewan pays \$13,659.00, Nova Scotia \$10,300.00, and Newfoundland \$15,036.00.

Manitoba pays its Legislative Assistants \$3,880.00 as opposed to \$15,278.85 in British Columbia, \$13,659.00 in Saskatchewan, and \$27,033.00 in Newfoundland. New Brunswick and Nova Scotia do not have these positions.

Some adjustment in compensation is warranted for some of these positions based on the workload involved and also based on comparisons with other provinces.

I am mindful of the provincial restraint policy in effect and have balanced that against the small number of Members impacted by these increases.

Decision on Additional Salaries - Special Positions

There shall be an increase of ten (10%) percent for the positions of Deputy Speaker, Deputy Chair, Government House Leader and Official Opposition House Leader, Government Whip and Official Opposition Whip, Government Caucus Chair and Official Opposition Caucus Chair, Second Opposition House Leader, Second Opposition Whip, Legislative Assistants, and Permanent Chairpersons and Permanent Vice Chairpersons. The increase is to be effective April 1, 2012.

12. Pension Plan

The Legislative Assembly Pension Fund was established on March 31, 2005. The Legislative Assembly Pension Plan ("LAPP") provides benefits to Members of the Assembly.

Members contribute 7% of pensionable earnings and the Province funds the balance of costs. Members can purchase pensionable service for any part of the Plan for a period they were a Member between April 25, 1995 and the beginning of the pay period for which they began making source deductions.

The lifetime monthly pension calculation equals:

- (i) 2.0% of the average of the best annual salaries received during which pensionable service was accrued or, if the Member has less than five years of pensionable service, the average of the annual salaries for their pensionable service,
- (ii) Multiplied by the lesser of thirty five and the Members' years of pensionable service,
- (iii) Divided by twelve months.

Some pensions for Members retiring prior to age 60 are subject to an early retirement reduction.

The maximum annual adjustment for indexing is two-thirds of the increase in the Canadian CPI until the Indexing Benefits Account can pre fund anticipated adjustments for the next twenty years.

The basic benefits mirror those provided to the civil service. The original pension plan in place prior to 1993 had an accrual rate of three (3%) percent versus that of the present two (2.0%) percent. Rather than amend the existing plan and reduce the accrual rate, the Legislature chose to suspend it and institute a new Registered Retirement Savings Plan ("RRSP"). This was considered at the time to be the lowest cost plan in Canada except for Alberta. The Provinces and the Members each contributed seven (7%) percent of salary.

The experience was a negative one ultimately resulting in a move back to a defined benefit plan in 2005. Members also have the option of an RRSP or a tax paid trust.

As I noted in 2007, there are a variety of retirement plans in place across Canada. A majority have a defined benefit plan. Many have Member contribution rates higher than in Manitoba. For example, a Member in British Columbia contributes 11%, 10% in Nova Scotia, 9% in Saskatchewan, Quebec, New Brunswick, Newfoundland and Labrador, and 8% in Prince Edward Island.

There are two other major differences between the plans. A number of provinces have higher accrual rates for calculation of the pension and also use a shorter timeframe for calculation of the average salary. For example, British Columbia has a 3.5% rate, multiplied by the highest three year average, multiplied by the years of service. Nova Scotia's formula is five (5%) percent of the last three year average indemnity multiplied by pensionable service. The House of Commons is now three (3%) percent of the best five (5) years (since 01).

The following chart reproduced from the recent report from the Alberta Commission sets out, among other things, the respective contribution costs to each province. Manitoba ranks at the low end of the range amongst the jurisdictions.

Member Total Compensation Comparisons*
(based on information available as of March 1, 2012)

Jurisdiction	Employer Contribution to Pension	% of Salary
House of Commons	\$70,033.00	44.4%
Senate	\$58,741.00	44.4%
NWT (2) beyond commuting distance	\$67,755.00	57.8%
NWT (1) beyond commuting distance	\$61,799.00	57.8%
Quebec	\$58,115.00	53.6%
Alberta	\$27,202.00	20.3%
Nunavut	\$90,396.00	75.5%
Yukon	\$67,437.00	75.5%
British Columbia	\$41,457.00	40.7%
Newfoundland/Labrador	\$38,143.00	40.0%
Ontario	\$11,655.00	10.0%
Nova Scotia	\$39,498.00	45.6%
New Brunswick	\$32,045.00	37.7%
Manitoba	\$20,564.00	23.5%
Saskatchewan	\$9,823.00	11.0%
Prince Edward Island	\$32,672.00	50.0%

*Reproduced from Major Report in Alberta

Should any changes be made to the existing plan? Any discussion about pension plans generates a cross-section of views. Due to the poor performance of the market in recent years, the cost of maintaining defined benefit plans, both in the public and private sector, has increased markedly.

Some argue that changes should be made to public sector plans and defined benefit plans should be replaced with defined contribution plans of one sort or another. The House of Commons' plan receives a great deal of criticism because of its provisions.

Others maintain that a defined benefit plan for elected officials is a fair and reasonable component of a compensation system. The view is that a fair pension is necessary to attract qualified candidates to put aside their careers to run for public office.

Some maintain that a higher accrual rate than the current two (2%) percent is warranted. This argument is based on the fact that the average length of service for

Members is 11.78 years dating back to 1977, excluding the fourteen (14) newly elected Members in the 2011 general election. It is argued therefore that Members are not able to build up a reasonable pension.

Others maintain there should be other changes such as higher contribution rates or provisions that allow severance payments to be factored into pensionable service.

Decision on Pension Plan

I have decided that there are not to be any changes to the LAPP.

I do not believe it would be in the public interest to change the present plan from a defined benefit plan to a defined contribution plan. This would put Manitoba out of line with most provinces in Canada. Furthermore, it would be a further disincentive to attracting people to run for public office.

Changes in the 1990s to the plan from a defined benefit to a Registered Retirement Savings Plan (RRSP) did not work out. Also, it would not be fair to maintain a defined benefit plan for the civil service and not one for elected officials who already earn less than many in the civil service.

Even though Manitoba's plan lags behind many other provinces, I do not think it is timely or appropriate to enhance the provisions of the present plan. The maximum accrual rate currently authorized by the Canada Revenue Agency ("CRA") is two (2%) percent. I am advised by experts that to extend this rate to three (3%) percent would have serious cost implications, and in light of current economic conditions, the current accrual rate applicable to the civil service and the government restraint program for the public sector and the freeze for Members, I do not believe a change is justified now.

Furthermore, while a change from a best five year average to three years would give Members a significant improvement to their plan and put them ahead of the civil service, I also do not believe it is appropriate for such a change at present.

13. Severance/Transition Payments

The system in place provides for a transition allowance as follows:

Effective April 25/95 - Members are eligible for a maximum transition allowance of 6 months if the Member chooses not to run again in an election or if he/she is defeated in the nomination process. Members defeated in an election are eligible for a maximum transition allowance of 12 months. Transition allowance is calculated at one month current basic annual salary for each year of service and is paid on a biweekly basis.

A severance payment is made as follows:

Members who were Members immediately before the April 25/95 general election are eligible for severance pay. These Members are eligible for severance pay if they cease to be a Member for any reason. Severance pay is calculated at one month's current basic salary for each year of service. Minimum severance is three months and the lifetime a maximum is twelve months' pay.

There is variation amongst the provinces in how they deal with these payments.

For example, in New Brunswick, Members receive severance equal to one (1) month of the annual indemnity to a maximum of six (6) months the annual indemnity. They also may receive up to a maximum of \$5,000.00 for expenses incurred with respect to career counseling or retraining.

In Nova Scotia, a Member who ceases to be a Member of the House of Assembly

shall be paid a transition allowance and shall be paid the product of the number of year's service by 0.067 of the annual indemnity and allowance in place before the MLA ceased to be a member. The allowance will be no less than twenty-five (25%) percent or greater than one hundred (100%) percent of the annual indemnity and allowance.

In Saskatchewan, a transition allowance is provided if a member is defeated, does not stand for re-election, or resigns due to personal illness. The amount is one (1) month's pay for each year of service up to a maximum of twelve (12) months' pay.

Ontario's system is more generous. A Member who leaves office through resignation, retirement or defeat is eligible for a transition allowance of \$7,000.00. This amount can be used for such things as professional assistance on starting a business, financial counseling, retirement counseling, and courses directly related to employment. In addition, Members are eligible for severance pay in accordance with the following formula:

1. Less than 4 years service - 6 months average annual salary;
2. 4 years to 8 years service - 12 months average annual salary;
3. More than 8 years of service - 18 months average annual salary.

One major criticism of the current system in Manitoba is that there is a difference between someone who chooses not to run, one who is defeated while running for a nomination, and one defeated in the election.

Under the current system a Member is better off running and being defeated than deciding not to run again.

In addition, it has been brought to my attention that in the case of a judicial recount, a Member does not have access to a transition payment, normal salary, or the constituency allowance.

The system of severance/transition payments should be fair and consistent in its treatment of Members. The purpose of a severance/transition payment is to provide some form of income while a Member, in most cases, reestablishes themselves outside of public life. This is fair and reasonable.

In my first report as commissioner in 2007, I indicated there was no compelling reason to make a change although Manitoba's provisions were not as generous as many provinces.

Decision on Severance/Transition Payments

The current system requires some refining to make it consistent.

I have determined that a Member who resigns, retires, or is defeated is entitled to receive the equivalent of one month's salary for each year of service and pro-rated for part of each year of service. The minimum transition payment is three (3) months' pay and the maximum is twelve (12) months' pay. This will apply to Members elected after 1995. The Member shall have the option of receiving the transition payment in a lump sum or by bi-weekly payments.

In addition, it has been brought to my attention that in the case of a judicial recount, a Member does not have access to a transition payment, normal salary, or the constituency allowance.

I have determined that a Member's salary should be continued during a recount for a period no longer than they would be entitled to for the transition payment.

The above changes are to be effective October 5, 2011.

14. Members' Allowance for Expenses

Members of the Legislature receive a variety of allowances. The purpose of the allowances is to reimburse the Members for expenses incurred in the performance of their duties as a Member. The purpose is not to provide a fringe benefit to Members to augment their remuneration.

The categories of the allowances are as follows:

- (i) Constituency Allowance;
- (ii) Constituency Assistants Allowance;
- (iii) Travel Allowance;
- (iv) Commuter Allowance;
- (v) Living Allowance;
- (vi) Alternate Living Allowance;
- (vii) Intersessional Committee Allowance;
- (viii) Printing Allowance.

Most, but not all, of the categories are dealt with below.

(i) Constituency Allowance

The annual maximum entitlement for constituency expenses is \$56,461.00 for the Winnipeg region, \$52,354.00 for the Southern region, and \$50,401.00 for the Northern region.

The annual maximum limit for representation expenses is fifteen (15%) percent of

the Member's annual entitlement. Any capital equipment over \$179.00 is the property of the Legislative Assembly. New Members are entitled to an additional \$4,075.00 for capital expenses for the initial set up of the office.

(a) **Office Space Rental Costs**

This is one of the four categories of expenses under the Constituency Allowance. Rent for constituency office space is a major portion of the office expense.

A Member may request additional consideration for constituency office rent if his or her rent is more than twenty (20%) percent higher than the average rent for constituency offices in the same region.

LAMC has delegated consideration of such requests to staff. Approval is subject to a minimum of \$25.00 and a maximum of \$500.00.

A number of concerns have been expressed about the adequacy and fairness of the reimbursement of rent for the Winnipeg Members.

Firstly, Members' rent varies greatly from one part of the City to another. A review of monthly rent shows a range from a low of \$344.80 to a high of \$2,270.73 for Members in the City and a low of \$225.00 to a high of \$1,260.00 for Members outside the City. Members who pay more for rent have less to spend on other expenses under the Constituency Allowance.

Secondly, a number of Members pay rent which is in excess of the maximum of the \$500.00 cap under the rent supplement program. At present, four Members fall into this category.

The higher rents are due to the prevailing market rate in certain areas of Winnipeg and in the Province which is due to a number of factors, including vacancy rates and the area of the city or town.

A number of options exist as potential remedies for this problem. These include raising the entire Constituency Allowance, raising the \$500.00 cap, having the Assembly rent the office directly, or set up a separate allowance for office rent. Each of the above options have positive and negative aspects.

In the circumstances, I have decided that a separate allowance for rent should be established. This will assist in addressing the inequities between Members.

I am mindful of not having an open ended system which allows for an escalation of rents.

Decision on Office Space Rental Costs

I have determined that a separate allowance shall be set up for monthly rental of office space of \$1,250.00 per month for each Member. Monthly office space rental costs over this amount can be taken out of the Member's Constituency Allowance. The rent supplement program will then no longer be required.

This decision will be in effect for constituency office space rents as of October 1, 2012.

(b) Professional Services

Section 12(f) of the Regulation states that expense claims can be

made for bookkeeping, accounting and other professional services.

An issue has arisen as to the meaning of professional services. A Member used a local community group to perform “professional services” to survey parts of the Member’s constituency to locate empty houses and apartments.

The question posed is as follows “Where it is not a community group’s profession or area of expertise to provide a particular service, should this be an acceptable use of professional services for claiming this expense if the Member states his/her rationale?”

Decision on Professional Services

The spirit and intent of the Regulation was to allow Members to claim reimbursement for expenses for hiring professionals to perform certain tasks.

There are different views as to the meaning of the word “professional”. Some would define it as someone having a professional designation. Other service providers advertise themselves as professionals although they do not have a specific certification or professional designation.

The Regulation shall be amended to clarify the intention of the use of the word “professional” to stipulate that professional means service by an individual or organization who has expertise in an area and normally provides such services.

(c) **Conference Calls as Virtual MLA Meeting**

The Regulation s. 12(1)(d)(viii) sets out that Members can claim expenses for automated calling services and for renting a meeting hall for meetings.

During the sitting of the last Assembly, expenses were claimed by Members for a joint conference call meeting for automated calling services provided by a company. Constituents could participate in a joint MLA virtual town hall type of meeting on constituency issues.

Technically, under the Regulation, a virtual meeting via conference call is not specifically set out as an eligible expense.

Decision on Conference Calls as Virtual MLA Meeting

Technology is changing at a rapid pace. Regulations need to be amended to allow for expense claims which reflect today's methods of communication and conducting business.

A virtual town hall meeting is a fair and reasonable method of reaching out to the constituents on constituency issues.

A section shall be added to the Regulation to allow as an eligible expense a virtual town hall meeting via conference call. It will not be necessary to designate the locale of the conference call.

(d) **Surveys and Questionnaires**

An issue has arisen as to whether surveys should be an authorized expense under the Constituency Allowance. At present, a survey cost

could be covered only under the mailing and printing allowance for mailings, but not under the Constituency Allowance.

The purpose would be to canvass constituents on local issues of concern to them. The surveys would be of assistance to Members in representing their constituents in the Legislature.

Decision on Surveys and Questionnaires

I believe that surveys and questionnaires should be an authorized expense under the Constituency Allowance. The purpose of the expense is legitimate and will be of assistance to Members in carrying out their functions.

The content of surveys and questionnaires shall be considered a non-partisan access and service provided to constituents as defined in the Regulation.

(e) Time Limits for Advertising and Franking

A Member may only claim printing and mailing expenses (allowed three (3) per year) that are incurred prior to the sixty (60) day period before an election day. These provisions are pursuant to *The Legislative Assembly Act*.

Advertising constituency expenses under the Constituency Allowance can be claimed up to the date the writs are issued.

Government advertising must cease ninety (90) days before election day.

There is some inconsistency here and it may be that some effort should be made to standardize the dates.

I recommend that the LAMC consider this issue.

(f) **Constituency Advertising Limits and Types of Media**

New Regulations eliminated sponsorship expenses and this resulted in a move of constituency advertising from that spending limit.

Subsequently there has been an increase in advertising expenses (tripled for some Members) and the types of advertising media (Facebook, Google, programs at concerts or theatre) being put forward for consideration.

The question arises as to whether limits shall be placed on the amount of advertising and the type of advertising that may be claimed.

An informal survey of the various jurisdictions reveals that most do not place a limit on the amount, subject of course to the limit of their Constituency Allowance.

Some jurisdictions have limits. For example, Nova Scotia limits the amount to ten (10%) percent of a Member's Annual Constituency Allowance. The House of Commons does this as well, but the ten (10%) percent amounts to \$28,280.00.

Decision on Constituency Advertising Limits and Types of Media

The current system has not been in place for very long. There does not appear to be evidence of excessive advertising or

misuse of the types of media.

In the circumstances, I have decided there should not be any change made.

This issue should be reviewed by the next commissioner who can determine whether any changes are warranted.

(g) **Constituency Business**

Under s. 10(1) of the Regulation, the Constituency Allowance is payable to a Member for authorized expenses for non-partisan access and service to constituents.

Non-partisan is defined in s. 10(3) as:

- (a) without reference to any word, initial, colour or device that would identify a political party;
- (b) free of any solicitation for money or votes on behalf of a person or political party;
- (c) free of any statement advocating that money or votes not be given to a person or political party; and
- (d) free of any statement advocating that a person
 - (i) join or not join a political party, or
 - (ii) continue to be, or cease to be, a member of a political party.

However, clause (a) does not apply in determining whether an expense described in clause 12(1)(g) or (h) (business cards, letterhead, internet communication, etc.) is for non-partisan access and service to constituents.

The Green Report neatly summarized the issues involved with defining constituency business as follows:

“The reimbursement scheme is, in the end, a *purpose-based* scheme: the ability to claim reimbursement depends on the legitimacy of the purpose of the expenditure, which must be related to the proper performance of the MHA’s public functions. While it is nice to be provided with a list of approved *types* of expenditures, in reality many categories of expenditure are, in the abstract, not necessarily appropriate unless they can ultimately be grounded back into a justification related to legitimate constituency work. For example, to claim reimbursement for written communication such as newsletters to constituents may or may not be appropriate, depending on whether they relate to matters of interest or at issue in the community with which the MHA is concerned or expressing an opinion as part of his or her constituency work. On the other hand, to claim reimbursement for written communications to constituents designed for party promotion or re-election would not be appropriate.”

I endorse these comments. The Green Report also recommended that constituency business be defined as any activity directly connected with a Member’s responsibilities in relation to the ordinary and proper representation of electors and their families and other residents in the constituency.

Most jurisdictions have not provided a definition in their legislation or Regulations as to the meaning of legitimate constituency business. The reason for this is because of the difficulty in so defining.

Decision on Constituency Business

The Regulation shall be amended to define service to constituents as “actively directly connected with a Member’s

responsibilities in relation to the ordinary and proper representation of electors and their families and other residents in the constituency”.

I appreciate that this will, in all likelihood, not eliminate entire uncertainty over the content of certain mailings or advertisements. However, I believe that the spirit and intent of the Regulation will be clear; that is the main justification for any expenditure is the service of constituents.

(h) **Office Operation Expenses**

This covers the actual cost of the office operation, including such items as office supplies, office furnishings, telephone expenses, postage, supplies, and travel expenses when a Member's Travel Allowance is depleted.

(i) **Mobile Communication Services**

Under Regulation 12(1)(d)(vii) eligible expense claims include mobile communication services, including all charges for voice, text, data, e-mail services, and related access fees.

An issue has arisen as to whether mobile communication services such as internet plans for laptops, iPads and tablets come under part of the limit in s. 12(1.1) which limits Members to one internet service for the constituency office and one internet service for home use.

Decision on Mobile Communication Services

These mobile communication services are not part of the limit set out in s. 12(1.1) and the Regulation shall make this clear.

(ii) Hands-free Enabling Device such as Bluetooth

Section 12(1)(d.1)(iv) allows as an eligible expense “a hands-free enabling device, such as a Bluetooth device for use of a cell phone or other mobile communication device in a vehicle”.

A question has been raised as to whether a claim can be made under this section for a Constituency Assistant’s vehicle.

Decision on Hands-free Enabling Device such as Bluetooth

The intent of the Regulation was not to allow an expense claim for a Constituency Assistant’s vehicle. This should be noted in the Regulation.

(iii) Disposal of Capital Property

Capital purchased with a Member’s Constituency Allowance is the property of the Legislative Assembly and is to be returned to the Members’ Allowances Office (“MAO”).

Section 15.1(3) of the Regulation states:

MAO to evaluate and reassign or dispose of capital property

15.1(3) When a capital property is returned by a Member or former Member to the Members' Allowances Office, that office must assess the condition of the property and

(a) offer it to the other Members and assign it to any Member wishing to make use of the property; or

(b) dispose of it in accordance with the government's usual disposal process;

whichever is more cost effective for the Assembly.

Situations arise where a piece of capital property has depreciated over time and is of limited or no value to an incoming Member, but the outgoing Member has a desire to retain the item.

In such instances, there should be a mechanism whereby the outgoing Member can purchase the item in a manner not contrary to the public interest.

Decision on Disposal of Capital Property

There should be a value placed on such capital property based on CRA depreciation and on the condition that the item of capital property cannot be purchased for less than ten (10%) percent of the original price.

(iv) Incidental Constituency Mailings

The MAO in its Compliance Report (for the period ending March 31, 2011) set out the following on the issue of incidental constituency mailings:

There was a significant increase in incidental constituency mail under the Constituency Allowance. There is no definition of incidental mail in the *Members' Allowances Regulation* and the only direction Members' Allowances staff has is from the Legislative Assembly Management Commission (LAMC) who directed that bulk mailings are not allowed under the Constituency Allowance, that only incidental mailings to constituents may be claimed and that incidental mailings are to be small quantity or singular mailings that are individually addressed. Members have a separate franking allowance where they are allowed a maximum of three householder mailings (frankings) that go out to all constituents each fiscal year.

As a matter of practice, given the direction from LAMC in that bulk mailings are not eligible and that eligible incidental mailings must be smaller quantity mailings, Members' Allowances Office has tried to limit incidental mailings to 10 to 20 percent of constituency households at a time and the number of times used for similar mailing, so as not to provide a Member with a de facto fourth franking or bulk mailing. The content of an incidental mailing is also becoming more difficult to determine compliance to the non-partisan requirements where content may be viewed as a promotion or criticism of provincial programs or issues versus simply focused on local constituency issues.

It is our recommendation to the next Commissioner for Allowances that the Commissioner consider defining incidental mail in terms of both quantity and content for minor mailings eligible under the Constituency Allowance.

Members' Allowances Regulation, S.12(1)(e), S.12(1)(q), LAMC policy decision at meeting of May 6, 1999.

Decision on Incidental Constituency Mailings

There should continue to be distinction between the Franking Allowance for bulk mailings and the Constituency Allowance for incidental mailings.

The direction from LAMC and the current practice by MAO shall be enshrined in the Regulation that is incidental mailings shall be limited to twenty (20%) percent of the households in the constituency.

The content of the mailings shall comply with the non-partisan requirements outlined in the Regulation as more fully explained elsewhere in this Report.

(i) Miscellaneous Constituency Allowance Issues - During and After an Election Period

During this past session of the Legislature, a number of issues arose about certain Constituency Allowance claims that arise during and after an election period. Most involve the application of s. 8 and 9 of the Regulation. These issues will be reviewed separately.

(i) Communication Service Fees

Under the Regulation communication service fees are covered. The intent was not to cover home communication service fees.

Decision on Communication Service Fees

To eliminate any ambiguity, the Regulation shall be

amended to insert the words “constituency office”.

(ii) **Postage Expenses during Election Period**

Members who cease to be Members are allowed to claim reimbursement for certain expenses for two months beyond when they cease to be Members. These include, for example, rent, office insurance, and bank charges.

Members are not allowed to claim certain postal expenses when winding up their constituency office.

Decision on Postage Expenses during Election Period

It is appropriate and reasonable that certain postal expenses be eligible as those in s. 12(1)(e) of the Regulation. These include the cost of post office box rental, messenger or shipping expenses for constituency purposes, and the cost of forwarding mail.

This shall include during an election period and during the two months beyond the month a Member ceases to be a Member.

The Regulation shall be amended to reflect these changes.

(j) **Representation Expenses**

I received submissions on the following issues concerning representation expenses:

- Any guidelines around communications must be based on the principle of enabling Members to advocate and participate in civic engagement, for and against government and with third party partnerships. Members agree that it is essential to have the ability to communicate facts about what the government is doing and how it affects constituents.
- As a community representative, the Member needs greater flexibility in partnering with community groups in positive events or providing token gifts. Instead of a meal reimbursement, for instance, the Member could be permitted to participate in a race and have that expense reimbursed. Under the current regulations, the registration fee for these events is not reimbursable.
- Members could be permitted to do mailings for non-profit community groups to spread the word about their services and/or community events in a constituency.
- Members could purchase tickets for people in the constituency, have the ability to donate tickets (with oversight) or have others attend in their place.
- Donations to teams and non-profit organizations could be permitted if they are reasonable and easily traceable.

In the 2010 Report of the Interim Commissioner for Allowances, this Commissioner reviewed the Auditor General's 2009 Audit of Members Allowances.

In the report, the treatment of donations in other jurisdictions was reviewed. Decisions were made with respect to donations to charitable and non-profit organizations, donations and gifts, event tickets, and expenses for food, refreshment and product for fundraising activities, community events and hospitality.

The following decisions were set out in this report:

Decision on Donations to Charitable
and Non-Profit Organizations

I am satisfied that many Members across all party lines believe that by supporting certain charitable and non-profit organizations that they are serving the public good. I accept that Members generally believe they are helping community groups or charities and the underprivileged and that their actions are not in any way being done for partisan purposes. I also accept that the donations support good causes.

In response to suggestions that they are able to prefer certain groups over others, Members responded that they have been elected by the constituency and have the right to make such decisions.

I am also aware that if these expenses are no longer allowed, it will put provincially elected Members on a different playing field than City Councillors.

However, I am satisfied on balance, that in order to reflect contemporary best practice, this category of Representation expenses should be eliminated, save and except for a few exceptions outlined later on in this Report.

This change will bring Manitoba in line with most other jurisdictions in the country and will eliminate the potential concerns that such donations are for partisan purposes or unfairly prefer one group over another without justification.

Therefore, the Regulation shall be amended to remove donations to charitable and non-profit organizations as authorized expenses.

I have determined that there will continue to be certain exceptions which will be outlined later in this Report.

I recognize that certain non-profit and charitable organizations will be impacted by these changes. I recommend that MAO send a letter to all organizations who received support from Members indicating the change in the Regulation and the reason for the change in the policy.

To facilitate the transition to this new system, the effective date of the decision on donations to charitable non-profit organizations shall be sixty (60) days after the date of this Report.

Decision on Other Donations/Gifts

For the reasons outlined above in respect of donations to charitable and non-profit organizations, I have decided that the Regulation shall be amended so that Members can no longer claim as allowable expenses the following:

- 1) Donations of gift certificates;*
- 2) Purchase of raffle tickets;*
- 3) Purchase of lottery tickets;*
- 4) Donations to individuals and teams;*
- 5) Donations to schools and parent associations (save and except for scholarships and bursaries and donations of books as outlined below);*
- 6) Donations of food, refreshment and products.*

Expenses for donations of flowers, souvenirs, event tickets and books are not included and will be reviewed individually.

Decision on Event Tickets

I agree that event tickets should be set out as an authorized expense in the Regulation. Members are constantly invited and expected to attend community dinners and events for non-profit or charitable organizations. They are often asked to bring greetings. They are often approached at these events by constituents wishing to discuss issues of concern. These events are usually held in the evening.

I have determined that it is appropriate and in the public interest for these events to be an allowable expense for Members and to be set out in the Regulation. It is also appropriate for business and safety reasons that the amended Regulation allows Members to claim the cost of one additional ticket for the Member's constituency assistant, Executive Assistant, researcher or intern to attend for non-partisan constituency business purposes. A Member shall be able to claim for the above to attend an event in case the Member cannot attend.

Excluded from allowable event tickets are events which are not of a charitable or non-profit nature. This list will include attendance at sporting events, golf tournaments, social tickets and service club meetings.

The reason for excluding these types of events is that they involve a personal benefit to the Members and should be a personal expense if they choose to attend.

Decision on Expenses for Food, Refreshment and Product for Fundraising Activities, Community Events and Hospitality

I am advised that the current split of food and beverage expense from other hospitality products has proven to be an

administrative headache for the MAO. There is no requirement for the split. Therefore, the Regulations should be amended to state all food, beverage and related products are to be treated as a Representation category expense.

I am not satisfied that there is a need to allow expenses for entertainment and speakers at community events and therefore the Interim Rules should be set out in the Regulation. Nor do I believe it is in the public interest to have Members giving donations to facilitate meetings of other organizations. This view is consistent with the rules and practice in most other jurisdictions.

These decisions were made less than two years ago. I believe they reflect contemporary best practice and are in line with the public interest. Furthermore, they are consistent with other jurisdictions across Canada.

While I can understand the wishes of Members to try and help out various community groups with gifts and/or donations, there is no reason at present to depart from the recent changes to practice.

(i) Prepayment of Event Tickets

The relevant sections of the Regulation are as follows:

S. 6(1) Prepayment of expense-a member may claim, and the Speaker may prepay, an authorized expense that is chargeable to the Member's allowance for a future month, if that type of expense is prepaid in the normal course of business.

S. 14(g) The Member's cost of a ticket to attend a non-

profit or charitable community event (which, for greater certainty, does not include a sporting event, golf or other sporting tournament, a social, or a service club meeting), if that ticket is not used by anyone other than the Member;

S. 14(h) The Member's cost of a ticket for his or her constituency assistant, executive assistant, researcher or intern to attend an event referred to in clause (g), whether or not the Member is able to attend the event;

The prepayment of expenses' provision allows for expenses normally prepaid, such as rent, insurance, subscriptions, to be claimed at the time the payment for the expense is due.

Regarding the event tickets, I am advised that most Members pay for the ticket costs themselves and then claim reimbursement of the expense after the event has taken place. When claiming the expense, Members can then indicate who attended the event (i.e. MLA and Constituency Assistant) and can provide either the actual ticket(s) or a receipt as proof of payment.

Some Members have also requested prepayment of a ticket expense in advance of the event taking place. In this case, a Member has submitted a claim with an invoice for a ticket that costs more than \$100.00, requesting direct payment to the organization prior to the event. Direct payments to a third party are allowed for an expense over \$100.00. Members' Allowances has processed the direct payment to the organization as a 'prepayment of expense' for the cost of the Member's ticket only. The Regulation provides that a Member may claim for his/her ticket cost whether the Member is able to attend or not.

Members' Allowances has not processed a prepayment of a second ticket cost (allowable for a Member's constituency assistant, executive assistant, researcher or intern) since the Regulation requires that this person must attend the event, whether the Member attends or not. Members' Allowances advises that a Member must pay for the second ticket cost and then claim reimbursement after the event has been held, to verify that the constituency assistant, executive assistant, researcher or intern did attend the event.

Decision on Prepayment of Event Tickets

The issue is whether prepayment of these types of expenses should occur and, if so, is it appropriate to allow prepayment for the second ticket.

In view of the past history of how these claims have been processed, I have determined that Members' Allowances can process prepayment of a second ticket cost and, if necessary, the Regulation shall be amended to reflect this.

(ii) Book Donations

In the Report of the Interim Commissioner for Allowances dated September 1, 2010, I provided a 'Decision on Books' (pages 48 and 49) to amend the Regulation to allow for the donations of books to non-profit or charitable groups and schools as an allowable expense. I indicated that I was aware of the practice of Members supporting certain community groups, reading programs and schools generally by donation of books. Further,

I was satisfied that this use of public funds was relatively small, but served the public interest and was part of the cultural fabric of Manitoba.

At the end of my decision, I noted:

“This will be an exception to the general exclusion of donations as an allowable expense.

I encourage future Commissioners to review this issue to determine if this exception continues to be justified and in the public interest.”

I am advised that Members have continued their practice of donating books, mainly to schools and day cares, as well as to other non-profit or charitable groups. The book costs claimed have been reasonable and are mostly incurred for the “I Love to Read” month of February. As required for claiming purposes, book donation expenses identify the recipient and confirm eligibility (i.e. as a school or non-profit) on the claim form. From an administrative perspective, book donation expenses have not been an item of concern nor have unreasonable numbers or amounts been submitted for claiming purposes.

Decision on Book Donations

In my view, this is an exception worth maintaining and s. 14(e) of the Regulation should continue in its present form.

(iii) Other Souvenir Items

Section 14(f) of the Regulation provides for the expense of lapel pins, magnets and other souvenir items for distribution to

constituents, up to a limit of \$30.00 per item. The expenses are subject to a limit allowed for Representation expenses under this category.

The Regulation had been amended in 2007 so as to restrict the types of items being given out to constituents. Members' Allowances has advised Members that items such as hand sanitizers or knives do not qualify as "other souvenir items".

I am advised that the MAO has used as a test, "Would a person on the street consider the item as a typical souvenir item from a Member of the Legislative Assembly?" I am further advised that this test has proven difficult to apply.

Therefore, it is appropriate to attempt to provide a clearer definition so that Members know and understand what qualifies as an eligible souvenir.

Decision on Other Souvenir Items

It was suggested that a reasonable alternative would be to include the following words after other souvenir items "such as those found in the Legislative Assembly Gift Shop". While this definition would only be useful as long as the store exists, it is currently a helpful way to define a souvenir.

Accordingly the Regulation shall be amended to include the above definition.

(ii) **Constituency Assistants Allowance**

(a) **Constituency Assistant - Staff Salary Costs**

In 2007, the issue of costs for Constituency Assistants was reviewed. It was felt there were insufficient funds provided for this expense. There was in place a global amount for reimbursement for rent, equipment, and an assistant.

I determined that a staffed constituency office was an accepted part of political life across the country and the solution to the current problem in Manitoba was to establish a separate expense item for a Constituency Assistant or assistants as other provinces have done.

After reviewing the systems in place across Canada, I set the rate at \$3,000.00 per month, plus the cost of benefits provided under the present system. All expenses were to be updated annually on April 1st by the annual change in the Manitoba Consumer Price Index.

I have received representations that the current amount provided for this expense is insufficient to attract professional staff. Further, the Member does not have a source of funding to provide training for staff.

I have received an analysis that for 2011-2012 fiscal year, most Members spent more than the \$3,000.00 per month limit and charged their overage to their constituency allowance.

Compensation schemes vary across the country. Nova Scotia's pay for assistants is based on the pay scale that the Civil Service delivers. Ontario has a global budget with five categories of staff all with salary ranges. In Newfoundland, the current salary range for a Constituency

Assistant is \$42,196.00 to \$54,856.00 as of July 1, 2011. In Saskatchewan, expenses can be claimed for training as pre-approved by the Speaker.

Taking into account all of the above, the following is the decision on Constituency Assistants.

Decision on Constituency Assistant - Staff Salary Costs

In 2007, a separate allowance was set up for Constituency Assistants. Some Members employ one assistant and others employ a number of part-time assistants.

In 2007, it was determined that the total salary level of \$3,000.00 per month was appropriate in view of all the circumstances.

Taking into account the salaries paid in other jurisdictions and the need to attract qualified staff and the salaries paid to other civil servants in comparable classifications, I have determined that the total salary for a Constituency Assistant(s) shall be increased from \$3,000.00 per month up to a maximum of \$3,750.00 per month, plus the cost of benefits provided to assistants under the present system. The increase shall be effective as of the date of this report. All other aspects of the present system shall remain as is.

(b) Miscellaneous Constituency Assistants Allowance Issues - During and After an Election Period

(i) Constituency Assistants' Salaries on Day the Election Writ is Issued

Expenses incurred cannot be claimed for the date on which the

writ is issued. An exception, which is not specifically set out in the Regulation, is that Constituency Assistants' salaries are claimable for the day the writ is issued.

**Decision on Constituency Assistants' Salary
on Day the Election Writ is Issued**

This exception shall be specifically set out in the Regulation.

(ii) **Pro-rating of Constituency Assistants Allowance
for Re-elected Members**

During the post general election period, Legislative Council advised there should be pro-rating of the Constituency Assistants Allowance. There is no other pro-rating of allowance for re-elected Members. Specifically, the bi-weekly limit for the week that the writs are issued should be pro-rated up to and including the day the writs are issued. Then during the election period, no further bi-weekly limit should accrue and roll-over. The bi-weekly limit is then to start again for re-elected Members for the week of election day and should be pro-rated starting with the day after election day.

**Decision on Pro-rating of Constituency Assistants
Allowance for Re-elected Members**

The above interpretation should be set out in the Regulation which confirms that there be no roll-over during the election period.

(iii) Travel Allowance

In 2007, I determined, after a comprehensive review, that the base amounts for travel allowance should be increased for both Winnipeg (\$5,500.00) and Southern Members (50% increase).

Winnipeg Members' maximum entitlement is \$5,997.00. For Southern Members, the maximum entitlement is the total of a Southern Member's individual base amount plus the calculation of 65 round trips by private vehicle at the civil service mileage rate (41.0¢ per kilometre) between the Legislative Building and the Member's residence or place of nomination in the constituency.

The maximum entitlement for Northern Members is a total of a base amount of \$14,329.00, plus the calculation of 52 round trips by air based at the cost of airfare at April 1st between the Winnipeg International Airport and the airstrip nearest the Member's residence or place of nomination in the constituency. The Northern civil service mileage rate is 45.4¢ per kilometre.

Concerns have been expressed about the current system. In particular, there are complaints that the current travel allowance cap is too low and the rate of 41.0¢ per kilometre is too low. The linkage to the civil service rate has been the subject of critical comment. Firstly, civil servants who travel great distances similar to Members normally have access to fleet vehicles and do not use their personal vehicles. The mileage rate bargained by the Manitoba Government Employees' Union therefore is not as critical to its members. Secondly, other provinces in which Members travel similar distances have higher rates. For example, British Columbia (50.0¢ per kilometre), Saskatchewan (45.0¢ per kilometre), Ontario (44.0¢ per kilometre), and Quebec (45.0¢ per kilometre). The current Canada Revenue Agency "reasonable allowance rates" is 53.0¢ for the first 5,000 kilometres and 47.0¢ per kilometre after that. Some Southern Members exceed the maximum entitlement and have to use their Constituency Allowance, if available. The greatest

amount of car travel is by the Southern Members. Members travel a great deal to events in their community.

Further, there is a concern that their cars depreciate in a few years due to the number of miles travelled in the course of performing their duties.

I have reviewed the mileage claims for Members for 2010-2011 and for 2011-2012 (partial claims because of the election).

The claims for 2010-2011 indicated that five (5) Southern Members (23%) exceeded their maximum and all five made claims under the Constituency Allowance.

No Winnipeg Members exceeded their maximum entitlement and made claims under their Constituency Allowance. None of the Northern Members depleted their allowance.

In addition, the current system does not allow for covering costs of a travelling companion. This is of concern to Northern Members where sharing transportation is a tradition. Under the current rules, an additional passenger, even at no additional cost, is not allowed.

Decision on Travel Allowance

As with certain other expense items, the system of reimbursement of expenses should be fair and not subject to Members paying for business expenses personally. Members must be provided with adequate funds to perform their public duties.

I am sensitive to the wear and tear on rural Members' vehicles as a result of significant mileage in relatively short timeframes.

Some adjustment is required to address the shortcomings of the current allowance, particularly for Southern Members.

The travel allowance for Southern Members outside of Winnipeg is to be increased by twenty (20%) percent for this fiscal year. The mileage rate for Winnipeg and Southern Members is to be increased to 44.0¢ per kilometre and increased to 48.4¢ per kilometre for Northern Members.

The mileage rate for Winnipeg and Southern Members will be adjusted yearly using changes in the Canada Revenue Agency “reasonable allowance rates” as set out in the Regulation.

While I understand the concerns about travelling companions, particularly in the North, I am not prepared to make changes at this time.

(a) **Conference Travel**

The relevant sections regarding conference travel are as follows:

S. 21(1) Authorized travel expenses

Authorized expenses Members may claim under this section include mileage at civil service rates, meals at civil service rates and hotel/motel accommodation as well as airfare, taxi fare, car rental, etc.

S. 21(3) Maximum out-of-province travel expenses

The maximum set for the 2012-2013 fiscal year is \$3,494.00 for claiming out-of-province travel expenses as those noted above, as well as registration fees which are claimable under the Constituency Allowance.

Members who are delegates to Parliamentary Association conferences have their airfare and some other conference costs covered under the Parliamentary Associations budget administered under the Clerk's Office. Eligible out-of-province expenses that are not covered under this budget may be claimed under the Member's Travel Allowance, subject to the out-of-province annual limit.

Some Members now elect to drive to the conferences instead of flying and receive the airfare equivalent amount from the Clerk's Office. These Members have then claimed for mileage expenses and the costs of overnight stays and meal per diems en route to and from the conference, out of their Travel Allowance. The airfare equivalent amount is first deducted from their Travel Claim for these expenses, but then the remaining balance is reimbursed under their Travel Allowance. When Members drive to a conference, they incur hotel/motel expenses, incidental overnight expenses and meal per diem expenses while on the road. Members' Allowances has allowed one overnight stay, incidental expense and meal per diem for one day going to and returning from the conference as an additional travel expense.

The issue has arisen as to whether this practice should continue of a Member being eligible to claim additional travel expenses under the Travel Allowance, which were then incurred because the Member chose to drive rather than fly to the conference. As well, if the practice should continue, what should be the limit or criteria for mileage, overnight stay and meal per diem expenses that may be claimed, after the airfare equivalent amount is deducted?

Decision on Conference Travel

The practice adopted by the MAO is a reasonable one which

should be provided for in the Regulation, and the Regulation shall be amended to set this out.

Furthermore, in those situations where there are two days or more of driving involved in attending a conference, the Member shall be entitled to claim the appropriate expense for mileage, overnight stays, and per diem meal costs.

(b) **Taxi Receipts**

S. 5(3) What constitutes proof of payment

An issue has arisen over claims for taxi fare. The Regulation provides that proof of payment is the original receipt for the payment of the expense. If there is no receipt provided, then proof of payment can be:

- a copy of the bank statement or excerpt that identifies the expense and the payee, or
 - a cancelled cheque or image of a cancelled cheque, or
 - an invoice for the expense marked paid by the supplier, or
 - an original ticket for an event, or
- for metered parking where no receipt provided, then a statutory declaration may be used setting out the parking location, the fee and the date.

To claim a taxi fare, Members must provide a taxi receipt. No other proof of payment is eligible. Credit card slips are not eligible as proof of payment for any expense.

Subsequent to this requirement taking effect, Members have advised that when they have asked for a taxi receipt they have been provided with blank receipts to fill out themselves. We have also been advised that some taxi drivers do not have taxi receipts to provide. Alternately,

credit card receipts are provided when payment of the fare is made by credit card. Credit card receipts can also vary in the information provided on the receipt. Some may include the town or city location and the date, while other receipts may only include the taxi fare amount. However, Members cannot claim for taxi fares if only a credit card receipt is provided as proof of payment of the expense.

The issue is whether a credit card receipt would be an acceptable alternate proof of payment for this type of expense only, if no taxi receipt is provided, and whether any additional criteria be required if a credit card receipt is acceptable, other than the date and location indicated if not provided on the credit card receipt for the taxi fare expense.

Decision on Taxi Receipts

In order to facilitate this process and to make it easier to administer, the Regulation shall reflect that a Member can provide either a credit card receipt with date and location or a taxi receipt.

(iv) Living Allowance

(a) Cleaning Services

An issue has arisen whether residential cleaning services could be an eligible expense claimable under the Temporary Residence Category as with other living expense items.

The Regulation states:

S. 25(2) Authorized living expenses

.....

*(b) expenses for**(i) telephone rental and services,**(ii) residential cleaning services,**(iii) insurance, commonly known as a tenant's package, and**(iv) moving household effects.*

Under the Regulation, the expense of *(ii) residential cleaning services* is eligible only under the Living Expenses category of the Living Allowance. The other three expenses in this clause that are for *(i) telephone rental and services, (iii) insurance, commonly known as tenant's package, and (iv) moving household effects*, are eligible to be claimed under either the Temporary Residence Expenses category or under the Living Expenses category, as funds are available.

Decision on Cleaning Services

I also see no reason to differentiate between the expenses. The Regulation shall be amended to set out that residential cleaning services can be an eligible expense under the Temporary Residence Expenses category if the Member has no funds available under the Living Expenses category for that month.

(v) Miscellaneous Items**(a) Cut-Off Date for Prior Fiscal Year Expenses**

The current Regulation sets out a cut-off date of June 30th each year by which claims are to be submitted for expenses incurred in the fiscal year ended March 31st.

Allowance claims submitted after June 30th are not allowed. In some instances Members are unable to comply or overlook the date or receive a late invoice.

Decision on Cut-Off Date for Prior Fiscal Year Expenses

I believe that the June 30th cut-off date is reasonable and provides a three month period after the fiscal year end.

Any exceptional or extenuating circumstance can be dealt with by way of appeal by the Member from a decision of the MAO.

(b) **Direct Payments for Amounts under \$200.00 or \$100.00**

Pursuant to s. 4(2) of the Regulation, the Speaker may pay authorized expenses over \$200.00 directly to a third party. The LAMC decided on April 25, 1996 to allow Member's Allowances to pay an expense over \$100.00 provided suitable proof has been provided that the expense has been incurred.

The practice of the MAO has been to directly pay claims over \$100.00 and in certain circumstances under \$100.00. The reason for this is it helps reduce bank charges and interest charges to the Members.

The Office of the Auditor General has raised the issue of the discrepancy between the Regulation and the practice of the MAO.

Decision on Direct Payments for Amounts under \$200.00 or \$100.00

The wording of the Regulation and the practice of the MAO must

coincide. There is no valid reason not to make direct payments at \$100.00, or under if required, and the Regulation shall be amended accordingly. The MAO shall have the discretion to make direct payment for amounts under \$100.00.

(c) **A Member not Running for Re-election and Wind Up Period Allowed**

Under s. 8(2) of the Regulation certain allowances continue after ceasing to be a Member.

I am advised the following by the MAO:

For Members who indicate that they are not running for re-election and are not nominated to run for re-election prior to when the writs are issued, for claiming ongoing expenses for wind up purposes, these Members receive an extra month (the writ period) to use for winding up of their constituency and temporary residences. During an election period, these Members are considered to be Members up to the day before the election occurs, with respect to pay and allowances. Only then, as of election day, does the provision of being able to incur ongoing expenses for wind up purposes for the two months beyond the month they cease to be a Member, come into effect.

Members who do run for election and are defeated on election day have just the two months beyond the month of election day to wind up their offices and temporary residences, while Members who do not run for re-election have the benefit of the additional month of the election period, consisting from when the writ was issued to election day, plus the two months beyond the month of election day, for wind up purposes.

If Members who were not running for re-election had two months beyond the month in which the writs were issued to wind up and incur eligible on-going expenses, the timeframe would be clear and more effective in administering the wind up process of those constituency offices and temporary residences. This could assist in the more timely return of capital items, allowing staff to assess returned capital and be able to offer, a month earlier, any capital items available to incoming Members.

It would also ensure the closing up of constituency offices and second residences in a more efficient and equitable timeframe instead of extending rent payments and other wind up expenses for a month longer than provided for those Members who are defeated on election day.

An additional consideration is that as of this past election, legislation now provides for a set election date for when a general election is to be held. Members for this past and for future elections now have the benefit of knowing in advance when the general election is to occur.

Decision on a Member not Running for Re-election and Wind Up Period Allowed

For expenses under these Allowances only, during an election period, payment of expenses for Members who have not resigned, but do not run for election, or do not win their nomination prior to when the writs are issued, can be incurred for two months beyond the month when the writs of election are issued.

(d) Transparency and Accountability

The Regulation was amended after the release of the Report of the Interim Commissioner for Allowances in September 2011 to require the posting of the Member's annual report on the government website, together with monthly reports of the amounts spent on allowances.

The issue of having all documentation (bills, receipts, invoices) posted on the website was left for review by subsequent commissioners.

I am advised that the public accesses the website from time to time, but requests for documentation are negligible.

Decision on Transparency and Accountability

I see no need at present to post all bills, receipts and invoices on the website.

The public interest is being met by the changes to the Regulation.

No changes are therefore to be made.

(e) **Moving Expenses**

Non-Winnipeg Members, elected on or after October 4, 2011, should be entitled to reimbursement of moving expenses in regard to their secondary residence as provided under the Living Allowance. This applies to moving in and out after Members are faced with a shortfall to these expenses. A retired or defeated Member in particular should not have to be faced with personal costs to move out of their secondary residence.

Decision on Moving Expenses

A separate allowance of \$1,000.00 each shall be established to cover moving in costs and moving out costs for non-Winnipeg Members who are eligible for the Living Allowance.

This allowance will be in effect for Members elected on or after the October 4, 2011 general election.

(f) **Appeals of Decisions and Determinations
by Appeal Commissioner**

Section 31(1) of the Regulation states that a Member may appeal any

decision or determination under the Regulation to a person appointed by the LAMC. The decision is final.

**Decision on Appeals of Decisions and Determinations
by Appeal Commissioner**

The Appeal Commissioner may make appeal decisions that provide interpretations of the Regulation that constitute a precedent.

Decisions that constitute a precedent should be sent to the respective caucuses for circulation amongst the Members. This will serve to educate Members as to their right and advise them of appeal decisions that constitute a precedent for future issues that arise.


(vi) Other Benefits

All existing salaries, benefits and allowances entitlements are to continue unless specifically changed by one of the decisions in this Report.

(vii) Effective Date

Unless otherwise indicated in a decision, the effective date of the decisions is the date of this Report.

Dated September, 2012.



Michael D. Werier
Commissioner

SUMMARY OF DECISIONS

DECISION ON MEMBER'S SALARY

- (i) The basic annual salary as of April 1, 2014 is set at \$89,500.00.*
- (ii) The cost-of-living increase will be applied on April 1, 2015 and April 1st of each year until such time as a different decision is made. The cost-of-living increase will be calculated on the basis of the previous five-year moving average increase in the Manitoba Consumer Price Index ("CPI").*

DECISION ON PREMIER'S SALARY

The Premier's additional compensation after elimination of the rollback will be \$75,000.00 effective April 1, 2014.

The cost-of-living increase will be applied to the new amount on April 1, 2015 and on April 1st thereafter until changed.

DECISION ON MINISTERS, SPEAKER, LEADER OF THE OFFICIAL OPPOSITION, LEADER OF THE SECOND OPPOSITION AND MINISTERS WITHOUT PORTFOLIO SALARIES

The additional compensation for Ministers, the Speaker, and Leader of the Official Opposition will be \$49,000.00. The increase is to be effective April 1, 2014.

The additional compensation to the Leader of the Second Opposition and Ministers without Portfolio will be \$41,300.00. The increase is to be effective April 1, 2014.

The cost-of-living increases will apply on April 1, 2015 and on April 1st thereafter until changed.

DECISION ON ADDITIONAL SALARIES - SPECIAL POSITIONS

There shall be an increase of ten (10%) percent for the positions of Deputy Speaker, Deputy Chair, Government House Leader and Official Opposition House Leader, Government Whip and Official Opposition Whip, Government Caucus Chair and Official Opposition Caucus Chair, Second Opposition House Leader, Second Opposition Whip, Legislative Assistants, and Permanent Chairpersons and Permanent Vice Chairpersons. The increase is to be effective April 1, 2012.

DECISION ON PENSION PLAN

I have decided that there are not to be any changes to the LAPP.

I do not believe it would be in the public interest to change the present plan from a defined benefit plan to a defined contribution plan. This would put Manitoba out of line with most provinces in Canada. Furthermore, it would be a further disincentive to attracting people to run for public office.

Changes in the 1990s to the plan from a defined benefit to a Registered Retirement Savings Plan (RRSP) did not work out. Also, it would not be fair to maintain a defined benefit plan for the civil service and not one for elected officials who already earn less than many in the civil service.

Even though Manitoba's plan lags behind many other provinces, I do not think it is timely or appropriate to enhance the provisions of the present plan. The maximum accrual rate currently authorized by the Canada Revenue Agency ("CRA") is two (2%) percent. I am advised by experts that to extend this rate

to three (3%) percent would have serious cost implications, and in light of current economic conditions, the current accrual rate applicable to the civil service and the government restraint program for the public sector and the freeze for Members, I do not believe a change is justified now.

Furthermore, while a change from a best five year average to three years would give Members a significant improvement to their plan and put them ahead of the civil service, I also do not believe it is appropriate for such a change at present.

DECISION ON SEVERANCE/TRANSITION PAYMENTS

The current system requires some refining to make it consistent.

I have determined that a Member who resigns, retires, or is defeated is entitled to receive the equivalent of one month's salary for each year of service and pro-rated for part of each year of service. The minimum transition payment is three (3) months' pay and the maximum is twelve (12) months' pay. This will apply to those Members elected after 1995. The Member shall have the option of receiving the transition payment in a lump sum or by bi-weekly payments.

In addition, it has been brought to my attention that in the case of a judicial recount, a Member does not have access to a transition payment, normal salary, or the constituency allowance.

I have determined that a Member's salary should be continued during a recount for a period no longer than they would be entitled to for the transition payment.

The above changes are to be effective October 5, 2011.

DECISION ON OFFICE SPACE RENTAL COSTS

I have determined that a separate allowance shall be set up for monthly rental of office space of \$1,250.00 per month for each Member. Monthly office space rental costs over this amount can be taken out of the Member's Constituency Allowance. The rent supplement program will then no longer be required.

This decision will be in effect for constituency office space rents as of October 1, 2012.

DECISION ON PROFESSIONAL SERVICES

The spirit and intent of the Regulation was to allow Members to claim reimbursement for expenses for hiring professionals to perform certain tasks.

There are different views as to the meaning of the word "professional". Some would define it as someone having a professional designation. Other service providers advertise themselves as professionals although they do not have a specific certification or professional designation.

The Regulation shall be amended to clarify the intention of the use of the word "professional" to stipulate that professional means service by an individual or organization who has expertise in an area and normally provides such services.

DECISION ON CONFERENCE CALLS AS VIRTUAL MLA MEETING

Technology is changing at a rapid pace. Regulations need to be amended to allow for expense claims which reflect today's methods of communication and conducting business.

A virtual town hall meeting is a fair and reasonable method of reaching out to the constituents on constituency issues.

A section shall be added to the Regulation to allow as an eligible expense a virtual town hall meeting via conference call. It will not be necessary to designate the locale of the conference call.

DECISION ON SURVEYS AND QUESTIONNAIRES

I believe that surveys and questionnaires should be an authorized expense under the Constituency Allowance. The purpose of the expense is legitimate and will be of assistance to Members in carrying out their functions.

The content of surveys and questionnaires shall be considered a non-partisan access and service provided to constituents as defined in the Regulation.

DECISION ON CONSTITUENCY ADVERTISING AND LIMITS AND TYPES OF MEDIA

The current system has not been in place for very long. There does not appear to be evidence of excessive advertising or misuse of the types of media.

In the circumstances, I have decided there should not be any change made.

This issue should be reviewed by the next commissioner who can determine whether any changes are warranted.

DECISION ON CONSTITUENCY BUSINESS

The Regulation shall be amended to define service to constituents as “actively directly connected with a Member’s responsibilities in relation to the ordinary and proper representation of electors and their families and other residents in the constituency”.

I appreciate that this will, in all likelihood, not eliminate entire uncertainty over the content of certain mailings or advertisements. However, I believe that the spirit and intent of the Regulation will be clear; that is the main justification for any expenditure is the service of constituents.

DECISION ON MOBILE COMMUNICATION SERVICES

These mobile communication services are not part of the limit set out in s. 12(1.1) and the Regulation shall make this clear.

DECISION ON HANDS-FREE ENABLING DEVICE SUCH AS BLUETOOTH

The intent of the Regulation was not to allow an expense claim for a Constituency Assistant’s vehicle. This should be noted in the Regulation.

DECISION ON DISPOSAL OF CAPITAL PROPERTY

There should be a value placed on such capital property based on CRA depreciation and on the condition that the item of capital property cannot be purchased for less than ten (10%) percent of the original price.

DECISION ON INCIDENTAL CONSTITUENCY MAILINGS

There should continue to be distinction between the Franking Allowance for bulk mailings and the Constituency Allowance for incidental mailings.

The direction from LAMC and the current practice by MAO shall be enshrined in the Regulation that is incidental mailings shall be limited to twenty (20%) percent of the households in the constituency.

The content of the mailings shall comply with the non-partisan requirements outlined in the Regulation as more fully explained elsewhere in this Report.

DECISION ON COMMUNICATION SERVICE FEES

To eliminate any ambiguity, the Regulation shall be amended to insert the words “constituency office”.

DECISION ON POSTAGE EXPENSES DURING ELECTION PERIOD

It is appropriate and reasonable that certain postal expenses be eligible as those in s. 12(1)(e) of the Regulation. These include the cost of post office box rental, messenger or shipping expenses for constituency purposes, and the cost of forwarding mail.

This shall include during an election period and during the two months beyond the month a Member ceases to be a Member.

The Regulation shall be amended to reflect these changes.

DECISION ON PREPAYMENT OF EVENT TICKETS

The issue is whether prepayment of these types of expenses should occur and, if so, is it appropriate to allow prepayment for the second ticket.

In view of the past history of how these claims have been processed, I have determined that Members' Allowances can process prepayment of a second ticket cost and, if necessary, the Regulation shall be amended to reflect this.

DECISION ON BOOK DONATIONS

In my view, this is an exception worth maintaining and s. 14(e) of the Regulation should continue in its present form.

DECISION ON OTHER SOUVENIR ITEMS

It was suggested that a reasonable alternative would be to include the following words after other souvenir items "such as those found in the Legislative Assembly Gift Shop". While this definition would only be useful as long as the store exists, it is currently a helpful way to define a souvenir.

Accordingly the Regulation shall be amended to include the above definition.

DECISION ON CONSTITUENCY ASSISTANT - STAFF SALARY COSTS

In 2007, a separate allowance was set up for Constituency Assistants. Some Members employ one assistant and others employ a number of part-time assistants.

In 2007, it was determined that the total salary level of \$3,000.00 per month

was appropriate in view of all the circumstances.

Taking into account the salaries paid in other jurisdictions and the need to attract qualified staff and the salaries paid to other civil servants in comparable classifications, I have determined that the total salary for a Constituency Assistant(s) shall be increased from \$3,000.00 per month up to a maximum of \$3,750.00 per month, plus the cost of benefits provided to assistants under the present system. The increase shall be effective as of the date of this report. All other aspects of the present system shall remain as is.

DECISION ON CONSTITUENCY ASSISTANTS' SALARY ON DAY THE ELECTION WRIT IS ISSUED

This exception shall be specifically set out in the Regulation.

DECISION ON PRO-RATING OF CONSTITUENCY ASSISTANTS ALLOWANCE FOR RE-ELECTED MEMBERS

The above interpretation should be set out in the Regulation which confirms that there be no roll-over during the election period.

DECISION ON TRAVEL ALLOWANCE

As with certain other expense items, the system of reimbursement of expenses should be fair and not subject to Members paying for business expenses personally. Members must be provided with adequate funds to perform their public duties.

I am sensitive to the wear and tear on rural Members' vehicles as a result of significant mileage in relatively short timeframes.

Some adjustment is required to address the shortcomings of the current allowance, particularly for Southern Members.

The travel allowance for Southern Members outside of Winnipeg is to be increased by twenty (20%) percent for this fiscal year. The mileage rate for Winnipeg and Southern Members is to be increased to 44.0¢ per kilometre and increased to 48.4¢ per kilometre for Northern Members.

The mileage rate for Winnipeg and Southern Members will be adjusted yearly using changes in the Canada Revenue Agency “reasonable allowance rates” as set out in the Regulation.

While I understand the concerns about travelling companions, particularly in the North, I am not prepared to make changes at this time.

DECISION ON CONFERENCE TRAVEL

The practice adopted by the MAO is a reasonable one which should be provided for in the Regulation, and the Regulation shall be amended to set this out.

Furthermore, in those situations where there are two days or more of driving involved in attending a conference, the Member shall be entitled to claim the appropriate expense for mileage, overnight stays, and per diem meal costs.

DECISION ON TAXI RECEIPTS

In order to facilitate this process and to make it easier to administer, the Regulation shall reflect that a Member can provide either a credit card receipt with date and location or a taxi receipt.

DECISION ON CLEANING SERVICES

I also see no reason to differentiate between the expenses. The Regulation shall be amended to set out that residential cleaning services can be an eligible expense under the Temporary Residence Expenses category if the Member has no funds available under the Living Expenses category for that month.

DECISION ON CUT-OFF DATE FOR PRIOR FISCAL YEAR EXPENSES

I believe that the June 30th cut-off date is reasonable and provides a three month period after the fiscal year end.

Any exceptional or extenuating circumstance can be dealt with by way of appeal by the Member from a decision of the MAO.

**DECISION ON DIRECT PAYMENTS
FOR AMOUNTS UNDER \$200.00 OR \$100.00**

The wording of the Regulation and the practice of the MAO must coincide. There is no valid reason not to make direct payments at \$100.00, or under if required, and the Regulation shall be amended accordingly. The MAO shall have the discretion to make direct payment for amounts under \$100.00.

**DECISION ON A MEMBER NOT RUNNING FOR RE-ELECTION
AND WIND UP PERIOD ALLOWED**

For expenses under these Allowances only, during an election period, payment of expenses for Members who have not resigned, but do not run for election, or do not win their nomination prior to when the writs are issued, can

be incurred for two months beyond the month when the writs of election are issued.

DECISION ON TRANSPARENCY AND ACCOUNTABILITY

I see no need at present to post all bills, receipts and invoices on the website.

The public interest is being met by the changes to the Regulation.

No changes are therefore to be made.

DECISION ON MOVING EXPENSES

A separate allowance of \$1,000.00 each shall be established to cover moving in costs and moving out costs for non-Winnipeg Members who are eligible for the Living Allowance.

This allowance will be in effect for Members elected on or after the October 4, 2011 general election.

DECISION ON APPEALS OF DECISIONS AND DETERMINATIONS BY APPEAL COMMISSIONER

The Appeal Commissioner may make appeal decisions that provide interpretations of the Regulation that constitute a precedent.

Decisions that constitute a precedent should be sent to the respective caucuses for circulation amongst the Members. This will serve to educate Members as to their right and advise them of appeal decisions that constitute a precedent for future issues that arise.

APPENDIX "A"

MEMBERS' INDEMNITIES - 1974 to Current Fiscal Year

YEAR		INDEMNITY	ALLOWANCE (TAX-FREE)	TOTAL	INCREASE/ DECREASE
1974		\$9,600.00	\$4,800.00	\$14,400.00	--
1975	Basic	\$9,600.00	\$4,800.00	\$14,400.00	
	COLA	1,049.41	524.71	1,574.12	10.9%
		\$10,649.41	\$5,324.71	\$15,974.12	
1976	Basic	\$10,649.41	\$5,324.71	\$15,974.12	
	COLA	918.49	459.47	1,378.41	8.6%
		\$11,568.35	\$5,784.18	\$17,352.53	
1977	Basic	\$11,568.35	\$5,784.18	\$17,352.53	
	COLA	631.16	315.58	946.74	5.5%
		\$12,199.51	\$6,099.76	\$18,229.27	
1978	Basic	\$12,199.51	\$6,099.76	\$18,229.27	
	Stat. Adjust	.49	.24	.73	
	COLA	0.00	0.00	0.00	0.0%
		\$12,200.00	\$6,100.00	\$18,300.00	
1979	Basic	\$12,200.00	\$6,100.00	\$18,300.00	
	COLA	1,047.49	523.74	1,571.23	8.6%
		\$13,247.49	\$6,623.74	\$19,871.23	
1980	Basic	\$13,247.49	\$6,623.74	\$19,871.23	
	COLA	1,319.76	659.88	1,979.64	10.0%
	Stat. Adjust	7,752.51	876.26	2,628.77	
		\$16,319.76	\$8,159.88	\$24,479.64	
1981	Basic	\$16,319.76	\$8,159.88	\$24,479.64	
	(COLA)	1,646.50	823.25	2,469.75	10.0%
		\$17,966.26	\$8,983.13	\$26,949.39	
1982	Basic	\$17,966.26	\$8,983.13	\$26,949.39	
	COLA	1,977.83	988.91	2,966.74	11.0%
		\$19,944.09	\$9,972.04	\$29,916.13	

YEAR		INDEMNITY	ALLOWANCE (TAX-FREE)	TOTAL	INCREASE/ DECREASE
1983	Basic	\$19,944.09	\$9,972.04	\$29,916.13	
	COLA eff. June 18/83	1,272.02	636.01	1,908.03	6.3%
		\$21,216.11	\$10,608.05	\$31,824.16	
1984	Basic	\$21,216.11	\$10,608.05	\$31,824.16	
	Defrd COLA	403.32	201.66	604.98	
	Basic	\$21,619.43	\$10,809.71	\$32,429.14	
	COLA	880.24	440.12	1,320.36	4.0%
		\$22,499.67	\$11,249.83	\$33,749.50	
1985	Basic	\$22,499.67	\$11,249.83	\$33,749.50	
	COLA	748.49	374.25	1,122.74	3.3%
		\$23,248.16	\$11,624.08	\$34,872.24	
1986	Basic	\$23,248.16	\$11,624.08	\$34,872.24	
	COLA	887.52	443.76	1,331.28	3.8%
		\$24,135.68	\$12,067.84	\$36,203.52	
1987	Basic	\$24,135.68	\$12,067.84	\$36,203.52	
	COLA	878.00	439.00	1,317.00	3.6%
		\$25,013.68	\$12,506.84	\$37,520.52	
1988	Basic	\$25,013.68	\$12,506.84	\$37,520.52	
	COLA	890.67	445.33	1,336.00	3.6%
		\$25,904.35	\$12,952.17	\$38,856.52	
1989	Basic	\$25,904.35	\$12,952.17	\$38,856.52	
	COLA	878.00	439.00	1,317.00	3.4%
		\$26,782.35	\$13,391.17	\$40,173.52	
1990	Basic	\$26,782.35	\$13,391.17	\$40,173.52	
	COLA	1,181.00	591.00	1,772.00	4.4%
		\$27,963.35	\$13,982.17	\$41,945.52	
1991	Basic	\$27,963.35	\$13,982.17	\$41,945.52	
	COLA	Statutory increase declined.			0.0%
		\$27,963.35	\$13,982.17	\$41,945.52	

YEAR		INDEMNITY	ALLOWANCE (TAX-FREE)	TOTAL	INCREASE/ DECREASE
1992	Basic	\$27,963.35	\$13,982.17	\$41,945.52	
	COLA	954.00	477.00	1,431.00	3.4%
		\$28,917.35	\$14,459.17	\$43,376.52	
1993	Basic	\$28,917.35	\$14,459.17	\$43,376.52	
	COLA	534.00	267.00	801.00	1.8%
	Basic	\$29,451.35	\$14,726.17	\$44,177.52	
	Reduction	1,119.17	559.58	1,678.74	(3.8%)
		\$28,332.18	\$14,166.59	\$42,498.77	
1994	Basic	\$28,332.18	\$14,166.59	\$42,498.77	
	COLA	436.00	218.00	654.00	1.48%
	Basic	\$29,887.35	\$14,944.17	\$44,831.52	
	Reduction	1,106.94	553.49	1,660.43	(3.70370%)
		\$28,780.41	\$14,390.68	\$43,171.09	
1995	Basic	\$29,887.35	\$14,944.17	\$44,831.52	
A. ¹	COLA	52.00	26.00	78.00	0.174%
		\$29,939.35	\$14,970.17	\$44,909.52	
1995	Basic			\$56,500.00	
B. ²					
1996	Basic			\$56,500.00	
	COLA			565.00	1.0%
				\$57,065.00	
1997	Basic			\$57,065.00	
	COLA			1,199.00	2.1%
				\$58,264.00	
1998	Basic			\$58,264.00	
	COLA			991.00	1.7%
				\$59,255.00	

¹ Prior to April 25, 1995 General Election

² Subsequent to April 25, 1995 General Election

YEAR		INDEMNITY	ALLOWANCE (TAX-FREE)	TOTAL	INCREASE/ DECREASE
1999	Basic			\$59,255.00	
	COLA			1,897.00	3.2%
				\$61,152.00	
2000	Basic			\$61,152.00	
	COLA			367.00	0.6%
				\$61,519.00	
2001	Basic			\$61,519.00	
	COLA			2,031.00	3.3%
				\$63,550.00	
2002	Basic			\$63,550.00	
	COLA			700.00	1.1%
				\$64,250.00	
2003	Basic			\$64,250.00	
	COLA			1,285.00	2.0%
				\$65,535.00	
2004	Basic			\$65,535.00	
	COLA				*
				\$65,535.00	
*Note: Commissioner recommended that 1.4% COLA be given up. Legislature accepted that recommendation and appointed a Pay Commissioner to make pay decisions.					
2005	Basic			\$65,535.00	
As at April 1	COLA			1,638.00	2.5%
				\$67,173.00	
2006	Basic			\$67,173.00	
2006	Adjustment to base per Commissioner			4,827.00	7.2%
2006	Adjusted Basic			\$72,000.00	
	COLA			1,512.00	2.1%
				\$73,512.00	
2007	Basic			\$73,512.00	
As at April 1	COLA			1,470.00	2.0%
				\$74,982.00	
Note: COLA for fiscal year 2006/07 is applied using a five year average for CPI for Manitoba.					

YEAR		INDEMNITY	ALLOWANCE (TAX-FREE)	TOTAL	INCREASE/ DECREASE
2008	Basic			\$82,000.00	
	COLA			1,722.00	2.1%
				\$83,722.00	
2009	Basic			\$83,722.00	
	COLA			1,842.00	2.2%
				\$85,564.00	
2009	Basic			\$85,564.00	
	COLA*				0.0%
				\$85,564.00	
2010	Basic			\$85,564.00	
	COLA				0.0%
				\$85,564.00	
2011	Basic			\$85,564.00	
	COLA				0.0%
				\$85,564.00	
2012	Basic			\$85,564.00	
	COLA**				0.0%
				\$85,564.00	

Note: COLA for fiscal year 2009/10 and onward is applied using a five year average for CPI for Manitoba.

***No Cola applied for fiscal year 2009/10 as per amendment to Legislative Assembly Act, Member's Salary Regulation, Sec. 1.1(4).**

**** On April 17th, 2012, the government announced in the budget speech that a 20 % reduction in Ministerial will continue and no cola will be applied to MLA pay for the 2012/13 and 2013/14 fiscal years. The 2012/13 Estimates of Expenditure and Revenue was not adjusted to show the reduction.**

APPENDIX "B"

MEMBERS' SALARIES	BC	AB	SK	MB	ON	QC	NB	NS	PE	NL	YT	NU	NT	Senate	HoC
Basic Salary	\$101,859.00	\$134,000.00	\$91,800.00	\$85,564.00	\$116,500.00	\$86,242.00	\$85,000.00	\$87,485.20	\$65,344.00	\$95,357.00	\$71,200.00	\$90,396.00	\$96,615.00	\$132,300.00	\$157,731.00
Tax-Free Allowance						\$15,895.00					\$13,692.00		\$6,962.00		
Tax-Free Allowance													\$6,962.00		
Speaker	\$50,929.50	\$67,000.00	\$46,738.00	\$45,931.00	\$36,364.00	\$64,682.00	\$52,614.00	\$48,084.81	\$38,474.00	\$54,072.00	\$27,385.00	\$70,109.00	\$42,053.00	\$55,200.00	\$75,516.00
Speaker of pro Tempore (Senate)														\$22,800.00	
Deputy Speaker	\$35,650.65	\$33,500.00	\$13,659.00	\$9,047.00	\$17,249.00	\$30,185.00	\$26,307.00	\$24,042.40	\$19,237.00	\$27,033.00	\$10,954.00	\$18,079.00	\$6,804.00		\$39,179.00
Dep. Chair-Cmte Whole House	\$20,371.80	\$16,750.00	\$6,830.00	\$6,462.00	\$12,704.00				n/a	\$13,517.00		\$4,743.00	\$4,083.00		\$15,834.00
Assist. Dep. Chair-Cmte Whole (HoC)															\$15,834.00
Prime Minister (HoC)															\$157,731.00
Premier	\$91,673.10	\$83,750.00	\$66,766.00	\$55,944.00	\$92,434.00	\$90,554.00	\$79,000.00	\$110,579.61	\$71,094.00	\$72,409.00	\$54,769.00	\$83,287.00	\$73,482.00		
Ministers	\$50,929.50	\$67,000.00	\$46,738.00	\$36,745.00	\$49,301.00	\$64,682.00	\$52,614.00	\$48,084.81	\$45,688.00	\$54,072.00	\$38,338.00	\$70,109.00	\$51,709.00		\$75,516.00
Ministers without Portfolio	\$35,650.65	\$30,150.00		\$32,570.00	\$22,378.00		\$39,500.00	\$48,084.81	n/a						
Minister of State (presiding) (HoC)															\$75,516.00
Minister of State (non-presiding) (HoC)															\$56,637.00
Parliamentary Assistants (HoC)															\$15,834.00
Legislative Assistants	\$15,278.85		\$13,659.00	\$3,880.00	\$16,667.00	\$17,248.00			n/a	\$27,033.00					
Secretaries of State (HoC)															\$56,637.00
Govt. House Leader			\$13,659.00	\$9,047.00		\$64,682.00		\$10,300.00	\$12,337.00	\$54,072.00		\$2,767.00			\$75,516.00
Leader of the Government (HoC)															\$75,516.00
Leader of the Government in Senate (Senate)														\$75,500.00	
Deputy House Leader						\$21,561.00		\$5,150.00		\$13,517.00					\$15,834.00
Deputy Leader of the Government in Senate (Senate)														\$36,000.00	
Government Whip	\$20,371.80	\$13,400.00	\$13,659.00	\$6,462.00	\$21,329.00	\$30,185.00	\$26,307.00	\$5,150.00	\$3,659.00	\$13,517.00				\$11,100.00	\$28,420.00
Deputy Government Whip	\$15,278.85	\$10,050.00			\$14,569.00	\$17,248.00								\$5,600.00	\$11,165.00
Government Caucus Chair	\$20,371.80		\$13,659.00	\$5,570.00	\$14,569.00	\$21,561.00	\$8,000.00	\$10,300.00	n/a	\$13,517.00		\$2,767.00	\$3,014.00	\$6,500.00	\$11,165.00
Leader Official Opposition	\$50,929.50	\$67,000.00	\$46,738.00	\$45,931.00	\$64,336.00	\$64,682.00	\$55,300.00	\$48,084.81	\$45,688.00	\$54,072.00	\$38,338.00			\$36,000.00	\$75,516.00
Off. Opp. House Leader	\$20,371.80	\$16,750.00	\$13,659.00	\$6,462.00	\$21,329.00	\$30,185.00	\$19,730.00	\$10,300.00	\$4,339.00	\$27,033.00					\$39,179.00
Deputy House Leader of Official Opposition					\$10,490.00	\$17,248.00		\$5,150.00		\$13,517.00					\$15,834.00
Deputy Leader of the Opposition in Senate (Senate)														\$22,800.00	
Off. Opp. Whip	\$20,371.80	\$10,050.00	\$13,659.00	\$5,171.00	\$16,317.00	\$25,873.00	\$19,730.25	\$5,150.00	\$3,659.00	\$13,517.00				\$6,500.00	\$28,420.00
Deputy Official Opposition Whip	\$15,278.85					\$17,248.00								\$3,100.00	\$11,165.00
Off. Opp. Caucus Chair	\$20,371.80		\$13,659.00	\$5,570.00	\$14,569.00	\$19,404.00	\$8,000.00	\$10,300.00	n/a	\$13,517.00				\$5,600.00	\$11,165.00

MEMBERS' SALARIES	BC	AB	SK	MB	ON	QC	NB	NS	PE	NL	YT	NU	NT	Senate	HoC
Leader 2 nd Opposition	\$25,464.75	\$30,150.00	\$23,368.00	\$40,713.00	\$41,608.00	\$30,185.00	\$19,750.00	\$24,042.40	\$16,764.00	\$18,919.00	\$16,431.00				\$53,694.00
2 nd Opp. House Leader	\$10,186.00	\$13,400.00	\$6,830.00	\$5,171.00	\$18,182.00	\$21,561.00		\$10,300.00	n/a	n/a					\$15,834.00
2 nd Opposition Deputy House Leader								\$5,150.00		n/a					\$5,684.00
2 nd Opp. Whip	\$10,186.00	\$8,040.00	\$6,830.00	\$3,880.00	\$14,685.00		\$2,500.00	\$5,150.00	n/a	n/a					\$11,165.00
2 nd Opp. Deputy Whip															\$5,684.00
2 nd Opp. Caucus Chair	\$10,816.00		\$6,830.00		\$13,170.00			\$10,300.00	n/a	n/a					\$5,684.00
Permanent Chr - max per year	\$15,278.85		\$13,659.00	\$3,880.00	\$16,317.00	\$21,561.00			n/a	\$13,517.00			\$6,029.00	\$11,100.00	
Permanent Vice Chr - max per yr.	\$10,185.90		\$6,830.00	\$3,233.00	\$9,324.00	\$17,248.00			n/a	\$10,333.33				\$5,600.00	
All Party Committees	Chair/Dep	\$200.00/mtg		No add'l pay	No add'l pay	\$125 per diem	no add'l comp	Chair/Vice	n/a	No add'l pay	No add'l pay	\$4,085.00	No add'l pay		No add'l pay
Government Committees	\$6,000.00 ann		No add'l pay	No add'l pay	No add'l pay	No add'l pay	n/a	n/a	\$5,996.00 ann	No add'l pay	No add'l pay	No add'l to list	No add'l pay		No add'l pay

