



Office of the Auditor General

Auditor General's Statement to the Media

Release of the August 2013 Report - Review of MLA Samson's Entitlement to Benefits as an Outside Member
August 2, 2013

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Good morning, ladies and gentlemen. Thank you for coming.

As you may know, I was asked by the Speaker of the House of Assembly to review MLA Michel Samson's entitlement to benefits as an outside member of the House. The Speaker had previously responded to a request for a review by Mr. Samson and had concluded that Mr. Samson's normal residence was the house he rents in Halifax. As a result he was not eligible to claim living and travel expenses as an outside member.

My office started our review in May. We examined the evidence. On the basis of that evidence, we concluded that Mr. Samson's time is divided between his rented home in Halifax and his other residence in Arichat, which is in his constituency.

The House of Assembly Act defines an outside member as one who resides more than 25 miles from the legislature, but also defines residency within the meaning of the Elections Act. We therefore must rely on the Elections Act to determine residency for this purpose. Under the terms of that Act, if there is any doubt about where a person lives, then an election officer may make that determination. Mr. Samson received a letter from Elections Nova Scotia on May 15 stating that he is registered as a resident of Arichat for voting purposes. Mr. Samson, therefore, is a resident of Arichat for the purpose of the House of Assembly Act. He qualifies as an outside member and is eligible for related living and travel benefits.

The most significant of those entitlements is \$1,499 per month for accommodation expenses in the Halifax area. However, the Regulations of the House of Assembly's Management Commission describe such accommodations as apartments. Mr. Samson rents a house, not an apartment. That means that his accommodations do not qualify and he is not, according to the regulations, entitled to reimbursement for his housing.

During the course of our review, we examined his expense claims and found a small number of erroneous claims that we feel should be reimbursed. These include duplicate claims and claims made while on vacation.

We also found that the rules respecting per diem claims and constituency claims are not clear.

Our findings and conclusions are based on current legislation and regulations. To the extent that these are ambiguous or inappropriate, they should be revised to ensure fairness and clarity.

We have recommended that the House of Assembly Management Commission conduct a thorough review of allowances and benefits for members, both in service to their constituents and in attending to House business. The Commission needs to determine what is fair and appropriate and revise the legislation, and the regulations, accordingly. We have also recommended that the Commission review, and if necessary revise, the definition of an outside member, and amend the House of Assembly Act and its own regulations to include that definition without reference to the Elections Act. In my opinion it is

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not appropriate that members' residency and expense allowances are determined by another Act written for different purpose.

That concludes my remarks. I will now take any questions you may have.