

# House of Assembly Management Commission Regulations

## Citation

**1** These Regulations may be cited as the *House of Assembly Management Commission Regulations*.

## Purpose

**2** The purpose of these Regulations is

- (a) to provide resources to members to assist them in fulfilling their public duties and responsibilities as members, for the benefit of the residents of the Province;
- (b) to promote accountability in, and transparency with respect to, the expenditure of public funds; and
- (c) to facilitate public understanding of the use of public funds in fulfillment of members' obligations.

## Interpretation

**3 (1)** In these Regulations, unless otherwise provided,

- (a) "Act" means the *House of Assembly Management Commission Act*;
- (b) "associated person" means a person who does not deal with the member at arm's length as provided by the *Income Tax Act* (Canada);
- (c) "Clerk" means the Chief Clerk of the House;
- (d) "member" means a member of the House;
- (e) "outside member" means an outside member as defined by the *House of Assembly Act*.
- (f) "recognized party" means a party that is represented by two or more members and is a recognized party in accordance with the *Elections Act*.

**(2)** Other words and expressions have the same meaning as in the *House of Assembly Management Commission Act* and the *House of Assembly Act*.

**(3)** For the purpose of subsection 27(3) and Section 42, a member ceases to be a member at the end of the month in which

- (a) the member dies or resigns; or
- (b) an election is held for the member's electoral district if the member does not re-offer or is defeated.

**(4)** For the purpose of subsection 41(3), a person becomes a member at the beginning of the month in which the election, at which the person was elected, was held.

## EXPENSE CLAIMS

**Principles**

**4** (1) All claims and invoices submitted by or on behalf of a member or to provide resources to a member and all payments and reimbursements made under these Regulations must

(a) be submitted and made in accordance with the intent and purpose of the Act and these Regulations;

(b) be documented and supported in accordance with generally accepted accounting principles;

(c) not relate to partisan political activities; and

(d) not give or relate to a personal benefit to any member or an associated person of a member.

(2) Subject to directives and approval of the Commission, the Clerk and staff of the House shall develop and maintain proper administrative and financial policies and procedures with respect to documentation to be provided in support of claims and invoices submitted for reimbursement or payment.

(3) The policies and procedures referred to in subsection (2) must be included in a manual.

(4) The Commission shall periodically review the adequacy of the policies and procedures being applied by the Clerk and staff of the House and may direct changes that it considers appropriate to those policies and procedures to improve controls and accountability.

**Presumptions**

**5** (1) Where the Commission makes a direction or requires an action, that direction or requirement must be made in writing or evidenced by written minutes of the proceedings or decision of the Commission.

(2) Where in these Regulations an expense claim is permitted, that claim must be made for the time and amount permitted under these Regulations or as directed or limited by the Commission.

(3) Where the Clerk or Speaker makes a ruling that approves additional expenditures greater than that authorized under these Regulations, the Clerk or Speaker shall report the approval at the next meeting of the Commission and a notation of that approval must be recorded in the minutes of the Commission.

**Member responsibility**

**6** (1) A member making or incurring an expenditure is the person responsible for compliance with requirements for claims, payments and reimbursements of expenses under the Act and these Regulations.

(2) A member is not relieved of the member's responsibility under subsection (1) because

(a) the member has delegated that responsibility to a constituency assistant or another person; or

(b) a claim has been accepted for payment by an official of the House or has been paid.

(3) A member may be required to certify to the Clerk, the Commission or an auditor of the House that an expense that the member is claiming or has claimed payment or reimbursement for has been actually incurred in compliance with the Act, these Regulations and the directives of the Commission.

(4) A member is responsible for maintaining appropriate records as prescribed in the operating and procedures manual, operating the member's constituency office and engaging and training support staff in a manner that will facilitate compliance with the Act, the Regulations, directives and the manual.

(5) A member

(a) who is entitled to claim reimbursement under the Act and these Regulations for expenses or for daily amounts or mileage in accordance with any policies relating to ministers, ministerial assistants or other officers; and

(b) engages in activity or travels in circumstances where the activity or travel relates both to constituency business and business governed by those policies,

shall prorate the claim based on the proportion of time spent on constituency business wherever such expenditures are easily identifiable, but in no case shall submit claims from two sources for any individual expenditure.

### **Restrictions on claims**

7 (1) A claim for a payment or reimbursement must be made in respect of the year in which the expenditure was made or incurred, and must be submitted and received by the Clerk not more than thirty days after the end of that year.

(2) An expenditure is considered to have been made or incurred when the goods and services to which that expenditure relates have been received.

(3) Subject to subsection (1), a claim for payment or reimbursement may not be made more than six months after the date on which the expenditure was made.

### **Member personal liability**

8 (1) Where a member makes an expenditure or a commitment to an expenditure that exceeds the maximum allowed for that category of expenditure in a year, the member is personally responsible for payment of that expenditure unless it amounts to a pre-commitment of expenditure in a future year that is authorized by directive or minutes of the Commission.

(2) Where through inadvertence or otherwise a claim made by a member is paid from public funds and it is discovered that the claim should not have been paid or honoured because it was in excess of the maximum allowed for that category of expenditure, the member is liable for repayment of that amount to the extent of the excess and must, upon request, immediately pay that excess amount to Her Majesty in right of the Province.

(3) A request pursuant to subsection (2) must be made within six months of the claim being paid or honoured.

### **Records**

- 9 (1) A member shall keep records of all
- (a) expenditures made or committed; and
  - (b) claims made,

by the member, together with copies of supporting documents for those expenditures and claims.

(2) A member shall make the records referred to in subsection (1) available for inspection and copying by the Speaker, the Auditor General and any other auditor employed by the Commission on behalf of the House.

### **Monthly reports**

10 (1) Before the twenty-first of each month, the Clerk shall prepare and provide to each member a written report outlining for the preceding month

- (a) all reimbursements made to the member; and
- (b) all payments made on the member's behalf as authorized by the member,

together with

- (c) a statement highlighting the total amount spent by the member during the current year in each category of claim;
- (d) the amount in each category that remains unspent or uncommitted for the current year; and
- (e) a detailed report of expenditures for that month, sorted by expense category, that reconciles with the reimbursements and payments referred to in clauses (a) and (b).

(2) The expenditure amount permitted for a year is considered to be allocated in equal monthly amounts throughout the year.

(3) A member may request approval of the Speaker to make expenditures in advance for ongoing considerations, such as the purchase of advertising that is repeated over a period of months, or for the purchase of a block of flights if savings will result.

(4) The Clerk shall advise the Speaker and a member whenever the amount spent by that member, expressed as a percentage of the total allowable expenditure permitted for that year, is in excess by more than ten per cent of the amount permitted for the portion of the year that has elapsed.

(5) An electronic system accessible by a member from which the member may obtain the information required under subsection (1) satisfies the requirements of that subsection.

### **Statements**

11 (1) Twice in each year the Clerk shall prepare a statement detailing individual expenditures, including the date, description and amount of the transaction, and summarizing by

category of expenditure the amounts paid in respect of which claims were made and paid that each member is entitled to access.

(2) The Clerk shall provide each statement prepared under subsection (1) to the member to whom the statement relates for review and approval by that member.

(3) Within twenty-one days, or such further time as the Speaker may permit due to extenuating circumstances, of receipt of a statement under this Section, a member shall sign the statement acknowledging its accuracy or may state in writing to the Speaker objections that the member has with respect to its accuracy.

(4) Failure to respond to the statement within the time specified under subsection (3) is deemed to be an acceptance by the member of its accuracy.

(5) A statement prepared under this Section that is sent by ordinary mail is deemed to have been received ten days after it has been mailed.

(6) Where an objection is filed by the member, the Clerk shall communicate with the member to resolve the issues identified and, where resolved, revise the statement accordingly.

(7) Where the member and the Clerk cannot reach an agreement on the issues identified, the objection must be filed with the Commission for its review and decision within forty-five days of receipt and the Clerk shall revise the statement in accordance with the decision.

(8) Sections 12 and 13 apply only to the revised statement.

#### **Public access to statements**

**12** After the expiration of the time referred to in subsection 11(3) and, where an objection is filed pursuant to subsection 11(6), upon resolution and approval of a revised statement, a member shall

(a) file a copy of the statement and that copy must be kept on file in the member's constituency office, or in the member's residence if the member does not maintain a constituency office; and

(b) make a copy of the statement available for inspection by any person within ten days of receiving the request for inspection.

#### **Speaker requirements**

**13 (1)** The Clerk shall maintain and file a copy of statements prepared under Section 11 in the Office of the Speaker and make them available for inspection by any person within a reasonable time after a request by that person for inspection.

(2) The Clerk shall post for public access and inspection a copy of each statement on a website maintained and operated by or on behalf of the Office of the Speaker as soon as a system is in place so to do.

(3) A statement prepared under Section 11 need not be maintained by the member or the Clerk for public inspection after five years following the end of the year to which the statement relates.

### **Disagreement with Clerk decision**

**14 (1)** A member who is dissatisfied with a decision of the Clerk made under these rules may appeal that decision to the Commission.

- (2)** A decision of the Commission with respect to an appeal under subsection (1)
- (a)** must be made not more than thirty days or, where circumstances warrant, forty-five days after receipt of the member's appeal by the Commission; and
  - (b)** is final,

and the decision and reasons for that decision must be recorded in the minutes of the Commission.

**(3)** The Commission shall determine and direct the procedure to be followed for dealing with an appeal contemplated under this section.

### **Documentation**

**15 (1)** A member shall claim payment or reimbursement in respect of an expense or an allowance in the manner and on the forms prescribed by the Clerk or the Commission or as directed by the Commission.

**(2)** A form prescribed by the Clerk or the Commission must contain a provision whereby the member is required personally to certify that the expenses to which the claim relates were actually incurred in compliance with the Act, these Regulations and applicable directives of the Commission.

**(3)** A member's claim may not be paid unless, in the opinion of the Clerk, there is sufficient documentation supplied verifying that each expenditure of the member was incurred.

**(4)** A member's claim, except a daily allowance or mileage claim, may not be paid unless it is supported by the original invoice together with a signed receipt or other instrument evidencing payment, such as a credit card or debit card voucher or cancelled cheque.

**(5)** Where an original document is unavailable, a copy, photocopy, faxed copy, electronic copy or statement itemizing the expenditure may be accepted by the Clerk upon provision of an explanation, in writing, for the absence of the original.

**(6)** Where a member makes a claim for an accommodation expense for the rental of apartment, no original invoice is required so long as proof of payment and a copy of the lease for the apartment are submitted.

**(7)** The copy of the lease must be submitted at the beginning of the lease period and at each renewal or upon any change in the rental rate.

### **Processing of claims**

**16 (1)** The Clerk shall ensure that the processing of member claims, including their acceptance verification and approval for payment under these rules is undertaken in accordance with proper principles of internal control.

**(2)** Wherever possible, the Office of the Speaker shall ensure re-imbusement to the member for an expense claim within seven days of receipt.

## CONSTITUENCY OFFICES

### **Eligibility for office expenses**

**17** A member may seek reimbursement for the provision of eligible office expenses in order to conduct the member's constituency business as a component part of eligible constituency expense.

### **Eligibility for constituency office accommodation**

**18 (1)** Subject to Section 43, the constituency office accommodation expenditure referred to in Section 17 includes accommodation expenses, for or related to the rental of permanent or temporary offices, such as

- (a) rent;
- (b) utilities;
- (c) taxes;
- (d) insurance;
- (e) security;
- (f) janitorial services and cleaning supplies;
- (g) maintenance, snow removal, sanding, salting and parking, if not covered in the lease agreement;
- (h) necessary renovations to respond to municipal, provincial and federal regulation respecting the provision of a safe, healthy and accessible workplace and public space; and
- (i) signage identifying the office as the member's constituency office without any reference to a political party.

**(2)** The Commission shall engage the Department of Transportation and Infrastructure Renewal to

- (a) assess each constituency office lease;
- (b) provide advice on appropriate renewal terms; and
- (c) transition the leasing arrangement to allow for direct payment from Her Majesty in right of the Province to the lessor as soon as possible,

and the Department shall correspondingly take on responsibility for property management not included in the lease including, without limiting the generality of the foregoing, snow removal.

**(3)** A member, who is unable to establish and operate an office to adequately serve the member's constituents, may claim expenses for the rental of meeting rooms.

**(4)** A member, who has a constituency office, may also claim expenses for the rental of meeting rooms.

**(5)** A member may not use a constituency office for or to further partisan political activities.

(6) Following a general election or by-election, a new member who was not a member in the preceding General Assembly of the House is, in addition to the constituency office accommodation funding, entitled to claim amounts associated with the start-up of the member's office in an amount of not more than \$2,500.00 to defray expenses as may be determined by the Commission.

(7) A member may make arrangements with the Office of the Speaker for it to pay directly any regular recurring payment and charge the member's constituency account.

(8) Rules regarding the implementation of arrangements described in subsection (7) must be included in the policy and procedure manual.

### **Nature and location**

19 (1) The member shall research and locate appropriate office space to include not less than

- (a) a private area for the member;
- (b) space for a constituency assistant;
- (c) a waiting area;
- (d) access to public washrooms; and
- (e) a separate meeting room if possible.

(2) The space should be wheelchair accessible and on a public transit route if possible.

(3) The agreed rent must be at fair market rates for similar space in the area, confirmed by a real estate agent or property appraiser or other independent source.

(4) No agreement to lease shall be made without prior written approval of the Clerk.

(5) The member shall lease space in a building owned or primarily occupied by the Government of the Province if such available space is suitable to the member.

(6) A lease contract for office accommodation acquired under this Section must

(a) be prepared between "Her Majesty in Queen in Right of the Province of Nova Scotia, represented by the Honourable the Speaker of the House of Assembly" and the owner of the office space, and the cost of that preparation must, unless stipulated otherwise by the Speaker in exceptional cases, be paid directly by the House in accordance with an approved office lease; and

(b) stipulate that the lease is terminable within three months of the call of the next general election.

(7) Following a by-election, a member, who was not a member in the preceding session of the House, must utilize the previous member's constituency office if it is readily available, unless that office was in the previous member's home or a location unsuitable to the new member.

(8) The member shall occupy this office until the next general election unless a more suitable space is available and there is no financial penalty to terminate the lease.

(9) The Commission shall work with the Department of Transportation and Infrastructure Renewal to explore the possibility of that Department taking responsibility for researching and locating space on behalf of the members and, where the taking of such responsibility by the Department is agreed upon by the Commission and the Department, the process for the exercise of that responsibility by the Department must be included in the policy and procedure manual and a member may exercise this option for locating new space.

### **Renting from associated person**

**20 (1)** A lease of office accommodation for a member may not be entered into with a landlord who is an associated person of the member.

(2) Notwithstanding subsection (1), a member may operate a constituency office from the member's residence in the member's constituency but in that event, is not entitled to claim reimbursement by way of rent of charge for usage for that accommodation.

### **Office operations, supplies and communications**

**21 (1)** Subject to Section 43, a member may claim expenses to cover the costs of operating a constituency office including expenses for

- (a) office supplies;
- (b) printing;
- (c) photocopies;
- (d) newspapers;
- (e) telephones, facsimile machines and answering machines or services;
- (f) staff professional development;
- (g) database maintenance;
- (h) advertising, including constituency office hours, contact telephone numbers for the member, email addresses, notices of constituency meetings and advertising messages of welcome or congratulations;
- (i) constituency communications including
  - (i) business cards,
  - (ii) greeting, sympathy or holiday cards to be sent to constituents or others relating to the member's constituency work,
  - (iii) supplies to create certificates, including specialized paper, document holders or framing, and
  - (iv) the dissemination of information, that meets the standard of parliamentary language, directed to the member's constituents in the form of constituency newsletters and flyers, a website or any other medium, including website design and hosting;
- (j) rental of the office space and those expenses authorized in Section 18;

(k) attending events in the member's constituency, or events related to the member's constituency work that may take place outside the constituency, such as dinners and festivals, but not meetings related to the member's political party;

(l) where required and approved by the Commission, the services of part-time constituency assistants, or summer students, to be compensated on the payroll system of Her Majesty in right of the Province through the Office of the Speaker; and

(m) any other items, including office equipment, directed by the Commission.

(2) The expenses claimed pursuant to clause (1)(k) for attendance at an event may include fund-raising dinners where a portion of the ticket price is allocated as a charitable donation but

(a) where a charitable donation receipt is issued, it must be marked void and filed with the member's records; and

(b) in no case, shall a member claim the donation as a tax deduction or credit.

(3) Advertising may not include solicitations of membership in or monetary contributions to any political party or notices of political-party meetings and other political-party events.

### **Donations**

**22** Subject to Section 43, a member is entitled to be reimbursed for donations if they consist of

(a) memberships in community or other service organizations, not to exceed \$500.00 per membership per annum; and

(b) certificates, cards, plaques, frames for certificates and such other items as the Commission may, by directive, approve to allow members to commemorate and recognize significant events within a constituency and in the lives of constituents.

### **Standard office allocation**

**23 (1)** Subject to Section 43, a member is entitled to acquire, as assets of Her Majesty in right of the Province, and seek reimbursement for office furniture, equipment and services for the member's constituency office based on a standard office allocation approved by directive of the Commission and may include

(a) authorized office furniture and equipment described in an approved list;

(b) telephone and facsimile services;

(c) computer equipment described in an approved list;

(d) backup drives;

(e) personal data-communication devices and services;

(f) photocopier, printer and scanner services;

(g) Internet services and cable television; and

(h) other items that may be approved by a directive of the Commission.

(2) All purchases within the standard office allocation remain the property of the Her Majesty in right of the Province and must be identified by appropriate markings as assets of Her Majesty in right of the Province.

(3) A member may not personally fund, in whole or in part, the purchase of assets of Her Majesty in right of the Province.

(4) The Clerk shall maintain and update an inventory report of all assets of Her Majesty in right of the Province entrusted to each member, being assets acquired after October 27, 2009.

(5) A member is personally responsible for all items in an inventory and shall account on an annual basis or on demand to the Speaker for the items listed in the member's inventory report.

(6) A member may not dispose of or purport to dispose of a House asset.

(7) Where a member wishes to dispose of a House asset or have it written off, the member shall submit a request to the Clerk identifying the item and stating the reason for the request.

(8) The Clerk shall consult with the Manager of Inventory Control, Department of Transportation and Infrastructure Renewal, to determine whether the item should be disposed of or written off and the member having that item shall return it to the House for disposal or otherwise comply with the Clerk's directions, at which time the item will be removed from the member's inventory.

(9) When a member is advised to dispose of computing devices, the member may exercise one of the following options:

(a) repurchase the device at the then fair-market value for the item as determined by Procurement Services, Department of Economic and Rural Development, or the Manager of Inventory Control; or

(b) allow the item to be disposed of, after removing the hard drive of any computer or the memory card of any PDA.

(10) A new member shall utilize the furniture, furnishings and equipment utilized by outgoing member for that constituency, that are assets of Her Majesty in right of the Province, if they are readily available to the new member and are of reasonable quality and state of repair as determined by the new member.

(11) Where a member wishes to have a House asset replaced from the outgoing member's standard office allocation, the member shall submit a request to the Clerk identifying the item and stating the reason for the request and the Clerk shall consult with Procurement Services, Department of Economic and Rural Development, to determine whether the asset should be replaced.

(12) Where an asset is to be replaced, the member shall return it to the Department of Transportation and Infrastructure Renewal for disposal or otherwise comply with the Clerk's directions, whereupon the member is entitled to acquire a replacement item.

(13) It is the responsibility of the Manager of Inventory Control to arrange for the removal of the surplus item.

### **Support staff**

24 (1) A member is entitled to engage the services of one full-time constituency assistant or the full-time equivalent.

(2) The Commission shall, by directive, set the salaries and benefits for constituency assistants.

(3) An employment contract of a constituency assistant must be in a form authorized by the Commission and be between the member and the constituency assistant.

(4) Constituency assistant salaries and benefits must be paid directly to constituency assistants by the Office of the Speaker, pursuant to the pay levels and benefits as exist as at March 1, 2010, until altered by directive of the Commission.

(5) Where the constituency assistant attends a meeting or event on behalf of the member at the member's request,

(a) the constituency assistant may present a claim for mileage at the rate specified for civil servants;

(b) the claim must be signed by the member indicating the member's approval of the travel and the expenditure on the member's constituency account; and

(c) the claim must be submitted to the Office of the Speaker for disbursement directly to the constituency assistant.

(6) Where a member considers it necessary to engage a temporary replacement for a constituency assistant due to vacation, illness, or other temporary absence, the member may do so upon notice to the Office of the Speaker and completion of the appropriate forms to enable payment to that employee on the payroll system of Her Majesty the Queen in right of the Province through the Office of the Speaker.

(7) Payroll services, including proper deductions for the constituency assistants and temporary replacements, must be provided by the Office of the Speaker.

### HOUSE INDEMNITY - ALLOWANCE - TRAVEL - EXPENSE

#### **Indemnity, allowance and salary**

25 (1) Each member of the House is entitled during the year to receive a member's indemnity and allowance in four equal instalments or, where the member so requests in writing of the Chair of the Management Commission, in twelve or twenty-six equal instalments, each instalment being paid at equally spaced intervals throughout the year.

(2) The Chief Clerk and the Sergeant-at-Arms are eligible to draw salary in the same manner as the members of the House of Assembly.

### **Outside member allowance**

**26 (1)** Each outside member, except the Premier or a member of the Executive Council having charge of a department or the Leader of the Opposition or a leader of a recognized party, is entitled for attending a sitting of the House to

(a) an amount on account of expenses, without receipts, for each day that the outside member is in attendance at the House while the House is in session at the same rate as is paid to civil servants; and

(b) reimbursement in addition to that authorized by clause (a) for expenses,

(i) with proper receipts for sleeping accommodation charges only, to a maximum of \$150.00 per night, or

(ii) for travel by the shortest and most convenient route between the place where the outside member is ordinarily resident and the place where the House ordinarily sits at the rate set out in Section 50, incurred in attending the House while it is in session.

**(2)** Notwithstanding subsection (1), each member of the Executive Council, who is an outside member and normally travels by motor vehicle on a daily basis between the Halifax-Dartmouth metropolitan area and the member's constituency in the capacity of a member of the Executive Council, is entitled to be reimbursed for travelling expenses by the shortest and most convenient route at the rate per kilometre set out in Section 50.

**(3)** Subsection (2) does not apply to

(a) a member of the Executive Council who is an outside member and who has been provided with a government-leased or government-purchased motor vehicle; or

(b) a member of the Executive Council who is an outside member and who leases premises for sleeping accommodation in the Halifax-Dartmouth metropolitan area.

**(4)** Notwithstanding subsection (1), where an outside member entitled to reimbursement pursuant to that subsection normally travels by motor vehicle on a daily basis between the Halifax-Dartmouth metropolitan area and the member's constituency to attend sittings of the House,

(a) the first trip made during a week that the House is sitting is counted as one of the fifty-two trips referred to in Section 49 and the member is entitled to be reimbursed accordingly; and

(b) for any additional trips made during that week to attend sittings of the House, the member is entitled to be reimbursed for travelling expenses by the shortest and most convenient route at the rate per kilometre set out in Section 50.

**(5)** Subsection (4) does not apply to an outside member referred to in that subsection if the member leases premises for sleeping accommodation in the Halifax-Dartmouth metropolitan area.

(6) Payments may be made pursuant to this Section in respect of a holiday, a Saturday or a Sunday if the Speaker determines that travel on the holiday, Saturday or Sunday is necessary for the purpose of attending a sitting of the House on the day following.

(7) Notwithstanding anything contained in this Section, a member may not submit a claim for travel more often than once every two weeks in respect of payments to be made pursuant to this Section.

### **Leased premises**

27 (1) An outside member, other than the Premier or a member of the Executive Council having charge of a department or the Leader of the Opposition, is entitled to be reimbursed in a total amount not exceeding \$1,470.00 per month for accommodation expenses in the Halifax-Dartmouth metropolitan area accounted for by proper receipts.

(2) Where a member is reimbursed for accommodation expenses pursuant to this Section, the member may not be reimbursed for sleeping accommodation charges pursuant to Sections 26 or 44.

(3) A member may be reimbursed for accommodation expenses pursuant to this Section for necessary termination expenses after the member ceases to be a member, but not exceeding the allowable reimbursement for three months.

(4) Accommodation expenses in subsection (1) consists of

- (a) apartment rental;
- (b) the cost of the parking at or near the apartment unit of one vehicle;
- (c) the cost of utilities provided to the apartment unit;
- (d) a security deposit;
- (e) the cost of keys or other security devices or services;
- (f) the cost of Internet, cable television and telephone service;
- (g) the cost of tenant insurance; and
- (h) the cost of the rental of appliances or furnishings.

(5) In addition to the foregoing, a newly elected outside member is entitled during the first ninety days following the election date to be reimbursed for the cost, not exceeding \$2,500.00, of furnishings, utensils, cookware, linens and appliances as are required to fit out rental accommodations in the former City of Halifax if same are not provided in the accommodations so leased, but nothing herein permits the reimbursement for the cost of televisions, radios, CDs, DVDs, DVRs or other forms of entertainment systems or machines.

(6) Any asset acquired pursuant to subsection (5) is not a House asset.

(7) Notwithstanding the approval of any amount claimed under this Section, the Commission shall, as soon as possible, initiate a review of fair-market rates for apartment rental and utilities, and other like services, and entertain all options for providing appropriate accommodation to outside members while attending the business of the House, its committees or to their duties as members.

### **Non-outside member and outside member of Executive Council allowance**

**28** Each non-outside member, and each outside member who is a member of the Executive Council, the Leader of the Opposition or a leader of a recognized party and not entitled to submit a claim pursuant to Section 26, is entitled to an amount at the same rate as is paid to civil servants for expenses for each day that the member is in attendance at the House while the House is in session.

### **Committee chairs and vice-chairs**

**29 (1)** The chair of each standing committee, each select committee and each special committee of the House is entitled to payment as follows:

- (a) Public Accounts Committee -\$3,090.00;
- (b) all other committees of the House - \$2,060.00;

**(2)** The vice-chair of each standing committee, each select committee and each special committee of the House is entitled to payment of \$515.00.

**(3)** Subsection (1) does not apply to the Speaker or a member of the Executive Council.

**(4)** A payment respecting a position referred to in subsection (1) or (2) must be paid in two instalments after June 30<sup>th</sup> and December 31<sup>st</sup> for the six-month period ending on that day.

**(5)** Where more than one member holds a position referred to in subsection (1) or (2) during any six-month period, the payment to each member must be reduced proportionally to the percentage of the period that the member serves in the position.

**(6)** No payment respecting a position referred to in subsection (1) or (2) may be paid if the committee for which it is payable has not met during the period or, where subsection (5) applies, the part of the period to which the payment relates.

### **Committee expenses**

**30 (1)** The chair and each member of each standing, select and special committee of the House and the Legislature Internal Economy Board for each day on which the chair and a member attends a meeting of a committee or the Board when the House is not sitting or the meeting is held outside the Halifax-Dartmouth metropolitan area is entitled to receive reimbursement for:

- (a) an amount on account of expenses for meals and other reasonable expenses incurred for the purpose of attending the meeting at the same rate as is paid to civil servants;
- (b) actual expenses incurred in respect of accommodation; and
- (c) travelling expenses calculated in accordance with Section 50.

**(2)** Sleeping accommodation charges incurred and claimed pursuant to subsection (1) must

- (a) be accompanied by proper receipts;
- (b) not be for more than one night's accommodation; and

(c) not exceed the government rate for the establishment where the member stayed.

(3) Other expenses incurred pursuant to subsection (1) may not be for more than two days.

(4) Payments may be made pursuant to this Section in respect of a holiday, a Saturday or a Sunday if the Speaker determines that travel on the holiday, Saturday or Sunday is necessary for the purpose of attending a committee or Commission meeting on the day following.

### **House leaders, whips and caucus chairs**

31 (1) The House Leader is entitled to a payment of \$10,300.00.

(2) The Deputy House Leader is entitled to a payment of \$5,150.00.

(3) The person recognized by the Speaker as occupying the position of House Leader of the Official Opposition is entitled to a payment of \$10,300.00.

(4) The person recognized by the Speaker as occupying the position of Deputy House Leader of the Official Opposition is entitled to a payment of \$5,150.00.

(5) The person recognized by the Speaker as occupying the position of house leader of a recognized party is entitled to a payment of \$10,300.00.

(6) The person recognized by the Speaker as occupying the position of deputy house leader of a recognized party is entitled to a payment of \$5,150.00.

(7) The whip of each recognized party of the House is entitled to a payment of \$5,150.00.

(8) The caucus chair of each recognized party of the House is entitled to a payment of \$10,300.00.

(9) Where a member holds more than one of the positions described in this Section, the member may only receive payment for the highest-paying position held.

(10) Where a payment is made pursuant to this Section to a member in the capacity of House Leader, Deputy House Leader, House Leader of the Official Opposition, house leader of a recognized party, whip or caucus chair, no further payment may be made pursuant to this Section in respect of that position for the same six-month period unless there is an intervening general election.

(11) For greater certainty, where a payment is made pursuant to this Section to a member in the capacity of the House Leader, Deputy House Leader, House Leader of the Official Opposition, house leader of a recognized party, whip or caucus chair and the member ceases to hold that position before the end of the six-month period for which it was made, the payment is not pro-rated.

**Installment payments**

**32** A payment respecting a position referred to in Section 31 must be paid in two instalments, after January 1<sup>st</sup> and July 1<sup>st</sup>, upon the Office of the Speaker being advised by the caucus chair of the holder of the position.

**CAUCUS****Caucus offices**

**33 (1)** In this Section, “member” does not include the Speaker, the Premier or other member of the Executive Council, the Leader of the Opposition or the leader of a recognized party.

**(2)** Each caucus office is entitled, for support services including employment positions, to \$463,500.00 plus \$45,657.00 times the number of members the caucus has at the beginning of the year and a pro-rated proportion of \$45,657.00 for the remainder of the year for each additional member of the caucus gained during the year.

**(3)** For greater certainty, the entitlement under this Section is not reduced for the loss by a caucus of a member during the year.

**(4)** The expenditure of the entitlement under this Section is subject to any guidelines adopted from time to time by the Board.

**(5)** For greater certainty, the sums referred to in this Section do not include the offices of the Leader of the Opposition or a leader of a recognized party.

**Caucus and task force meetings**

**34 (1)** Members of the Government Caucus, members of the caucus of the Official Opposition and members of the caucus of each recognized party are eligible for reimbursement, pursuant to subsections (3) and (4), for a maximum of four trips to attend caucus meetings held in the Province outside the former City of Halifax during the year.

**(2)** In lieu of each of one or more of the caucus meetings referred to in subsection (1), members of the Government Caucus, members of the Caucus of the Official Opposition and members of the caucus of each recognized party may be reimbursed in accordance with subsections (3) and (4) and Section 43 for a trip to attend a task force meeting anywhere within the Province where the task force meets in one location only and is for a maximum of two nights.

**(3)** A member attending a caucus meeting pursuant to subsection (1) or a task force meeting pursuant to subsection (2) is entitled to receive reimbursement for

(a) an amount on account of expenses for meals and other reasonable expenses incurred for the purpose of attending the meeting at the same rate as is paid to civil servants or a reasonable amount on account of meals accompanied by proper receipts;

(b) actual expenses incurred in respect of accommodation; and

(c) travelling expenses calculated in accordance with Section 49.

- (3) must
- (4) Sleeping accommodation charges incurred and claimed pursuant to subsection
    - (a) be accompanied by proper receipts; and
    - (b) not exceed the government rate for the establishment where the member stayed.

### **Caucus chairs - expenses**

**35** Where the chair of a caucus is an outside member, that member is entitled to claim and to be paid, in addition to any other expenses allowed the chair, the same allowance and reimbursement authorized for an outside member for twelve return trips between the place where the chair is ordinarily resident and the former City of Halifax.

## LEADER OF OPPOSITION AND LEADER OF RECOGNIZED PARTY

### **Expenses within the Province**

**36** The Leader of the Opposition and the leader of a recognized party, in carrying out official duties within the Province, are entitled to be reimbursed for actual and reasonable expenses for accommodation, meals, travel and incidentals in a total amount not exceeding \$41,200.00 accounted for by proper receipts.

### **Special travel**

**37** In addition to the entitlement authorized by Section 45, the Leader of the Opposition and the leader of a recognized party are entitled to be reimbursed for actual and reasonable expenses incurred for accommodation, meals, travel and incidentals incurred by the Leader or leader and one assistant in carrying out official duties outside the Province on two separate occasions during the year, except that on each occasion reimbursement may not exceed expenses incurred for travel that includes more than three nights accommodation.

### **Living allowance**

**38** The Leader of the Opposition and the leader of a recognized party, as outside members, is entitled to receive an allowance equivalent to that provided pursuant to the *Executive Council Act* to members of the Executive Council for living expenses within the former City of Halifax.

### **Motor vehicle**

**39** The Leader of the Opposition and the leader of a recognized party are entitled to a leased motor vehicle on the same basis as is a member of the Executive Council for a government leased or purchased motor vehicle.

## DEPUTY SPEAKER

### **Expenses respecting duties**

**40** Each Deputy Speaker is entitled to be reimbursed in a total amount not exceeding \$4,120.00 for expenses incurred in carrying out duties as Deputy Speaker accounted for by proper receipt.

## INDEPENDENT MEMBER

**Support services**

**41 (1)** In this Section, “independent member” means a member who is not a member of a caucus that receives financial support pursuant to Section 33.

- (2)** An independent member is entitled to be provided with
- (a) office space not exceeding three hundred square feet;
  - (b) one administrative assistant at the Civil Service classification AS(16);
  - (c) office furniture and equipment necessary to furnish and equip the office for the member and one administrative assistant;
  - (d) one telephone line; and
  - (e) reasonable postage.

**(3)** Where there is any question arising from subsection (2) in respect of the office of the independent member concerning

- (a) the selection of space;
- (b) the level of administrative assistant within the AS(16) classification;
- (c) the selection or amount of furniture; or
- (d) reasonable postage,

such question must be determined by the Chairman of the House of Assembly Management Commission.

**(4)** An independent member may incur and be reimbursed for long-distance telephone charges for telephone calls made from the office telephone in respect of House or constituency business.

## CONSTITUENCY MATTERS

**Franking and travel**

**42 (1)** Each member of the House is entitled to be reimbursed in a total amount not exceeding \$13,783.00

- (a) in substitution for the franking privilege and for expenses incurred on account of postage or equivalent forms of distribution; and
- (b) for expenses incurred on account of travel within the member’s constituency or in relation to the member’s duties as a member.

**(2)** Instead of the amount set out in subsection (1),

- (a) the members for
  - (i) Guysborough-Sheet Harbour,
  - (ii) Inverness, and
  - (iii) Victoria-The Lakes,

are each entitled to be reimbursed in a total amount not exceeding \$18,194.00;

- (b) the members for
  - (i) Colchester-Musquodoboit Valley,
  - (ii) Cumberland South,
  - (iii) Digby-Annapolis, and
  - (iv) Queens,

are each entitled to be reimbursed in a total amount, not exceeding \$17,092.00;

- (c) the members for
  - (i) Shelburne,
  - (ii) Colchester North, and
  - (iii) Annapolis,

are each entitled to be reimbursed in a total amount not exceeding \$15,989.00; and

- (d) the members for
  - (i) Hants East,
  - (ii) Cape Breton West,
  - (iii) Chester-St. Margaret's,
  - (iv) Pictou East,
  - (v) Argyle, and
  - (vi) Antigonish,

are each entitled to be reimbursed in a total amount not exceeding \$14,886.00.

**(3)** Within twelve months, the Commission shall review and assess the amounts pertaining to postage and travel as separate entities and reset the amounts accordingly.

**(4)** The amounts payable pursuant to subsection (1) or (2) to a person who becomes a member during the year must be reduced proportionally to the percentage of the year that the person may be a member.

**(5)** The amounts reimbursed pursuant to clause (1)(a) must be accounted for by proper receipt.

**(6)** The amounts reimbursed pursuant to clause (1)(b) are to be paid at the rate set out in clause 50(a) and must be accounted for by a proper log of the mileage with the dates and destinations of a trip and the number of kilometres actually and reasonably travelled in connection with the trip.

**(7)** A member shall make the member's vehicle travel log available for inspection by the Chief Clerk, the Speaker, the Commission and an auditor appointed by the Commission within the three year period following the date when a particular trip was undertaken.

## Services

**43 (1)** In this Section, “expenses” means expenses incurred by a member prior to the time a member ceases to be a member, or within three months after the member ceases to be a member, regardless of when the expense is to be paid by the member except that a member must not be reimbursed for expenses incurred by a member prior to the time a member ceases to be a member, or within three months after the member ceases to be a member, if those expenses are required to be paid more than three months after the member ceases to be a member. Nothing herein in any way affects severance payments to a constituency assistant payable under a written contract.

**(2)** In this Section, expenses may include

- (a) travel outside the Province for professional development; and
- (b) courses for the member or a constituency assistant if approval of the Speaker is obtained before incurring the expenses.

**(3)** Each member of the House is entitled to be reimbursed in a total amount, net of sales tax, not exceeding \$4,198.00 per month for expenses accounted for by proper receipt and incurred on account of those items and services in that member’s constituency as more specifically set out in Sections 18, 19, 21, 22 and 23.

**(4)** The maximum amount that a member may be reimbursed for advertising is ten per cent of the amount set out in subsection (3) except that a member may apply to the Commission once each year for approval of an expenditure not greater than \$1,000.00 for specific additional promotional items.

**(5)** Where the maximum amount that may be claimed pursuant to subsection (3) is not claimed in any month the unclaimed balance may be claimed in a subsequent month.

**(6)** Each member of the House is entitled to receive the sum, net of sales tax, not exceeding \$4,198.00 per month, for expenses accounted for by proper receipt and incurred on account of services in that member’s constituency in accordance with subsection (3) for three months after the member ceases to be a member.

**(7)** Expenses incurred for the lease or the lease-purchase of office furniture and equipment are expenses for which a member may be reimbursed pursuant to this Section.

**(8)** Furniture and equipment acquired pursuant to this Section on or after October 28, 2009, is the property of Her Majesty in right of the Province.

**(9)** Notwithstanding anything contained in this Section, a member shall normally submit not more than one expense claim in a month in respect of all payments made pursuant to this Section for a month.

**(10)** Nothing contained in this Section means that the Office of the Speaker may not make a payment on account of expenses to the person or organization performing or providing the service on behalf of the member at the member’s request.

### **Attendance at Halifax**

**44 (1)** Subject to Section 49, each outside member, except the Premier or a member of the Executive Council having charge of a department or the Leader of the Opposition or a leader of a recognized party, is entitled to

(a) an amount on account of expenses for each day at the same rate as is paid to civil servants;

(b) reimbursement in addition to that authorized by clause (a) for travelling expenses calculated in accordance with Section 50, and expenses for sleeping accommodation charges incurred, for return trips between the place where the member is ordinarily resident and the former City of Halifax to attend in Halifax other than to attend a sitting of the House or one of its committees.

**(2)** Sleeping accommodation charges incurred and claimed pursuant to subsection (1) must

(a) be accompanied by proper receipts;

(b) not be for more than two nights accommodation unless approved in advance by the Speaker; and

(c) not exceed the government rate for the establishment where the member stayed.

### **Attendance at Ottawa**

**45 (1)** Each member is entitled to

(a) an amount on account of expenses for each day at the same rate as is paid to civil servants or a reasonable amount on account of meals accompanied by proper receipts;

(b) reimbursement in addition to that authorized by clause (a) for economy air fare, normal airline ground transportation and expenses for sleeping accommodation charges incurred,

for two return trips between the place where the member is ordinarily resident and the City of Ottawa to attend in Ottawa on constituency business or on business as a caucus critic.

**(2)** Sleeping accommodation charges incurred and claimed pursuant to subsection (1) must

(a) be accompanied by proper receipts;

(b) not be for more than two nights accommodation for each trip; and

(c) not exceed the government rate for the establishment where the member stayed.

**(3)** The Speaker may permit reimbursement for an additional day and night for each trip if the total reimbursement would be less than the amount permitted by subsection (2).

**(4)** The Government Caucus, the Official Opposition Caucus and the caucus of a recognized party may each designate a member to make two return trips or two members to each

make one return trip to attend in Ottawa on constituency or caucus business and subsections (1) and (2) apply *mutatis mutandis* to each such trip.

#### **Attendance outside the Province other than Ottawa**

**46 (1)** Where a member is not reimbursed pursuant to Section 45 for a return trip between the place where the member is ordinarily resident and the City of Ottawa on constituency business or on business as a caucus critic, that member is entitled to

(a) an amount on account of expenses for each day at the same rate as is paid to civil servants or a reasonable amount on account of meals accompanied by proper receipts;

(b) reimbursement, in addition to that authorized by clause (a), for economy air fare, normal airline ground transportation and expenses for sleeping accommodation charges incurred, for one return trip between the place where the member is ordinarily resident and another place in North America outside the Province to attend that other place on constituency business, if approval of the Speaker is obtained before incurring the expenses.

**(2)** Subsections 45(2) and (3) apply to reimbursement pursuant to this Section.

**(3)** Notwithstanding subsections (1) and (2), the member is not entitled to an amount pursuant to this Section for economy air fare charges in excess of that to which the member would have been entitled pursuant to Section 45.

#### **Attendance at authorized parliamentary or legislative meetings**

**47** Each member is entitled to

(a) an amount on account of expenses for each day at the same rate as is paid to civil servants or a reasonable amount on account of meals accompanied by proper receipts;

(b) reimbursement in addition to that authorized by clause (a) for economy air fare, normal airline ground transportation and expenses for sleeping accommodation charges incurred if the sleeping accommodation charges are

(i) accompanied by proper receipts,

(ii) not for more than two nights accommodation, and

(iii) do not exceed the government rate for the establishment where the member stayed, unless determined otherwise by the Speaker for return trips between the place where the member is ordinarily resident and another place to attend at that other place a meeting of the Commonwealth Parliamentary Association or a meeting of any other parliamentary or legislative group, if approval of the Speaker is obtained before incurring the expenses.

#### **Expenses of critics**

**48 (1)** A member occupying the position of critic of a department or agency of Government is entitled to

(a) an amount on account of expenses for each day at the same rate as is paid to civil servants or a reasonable amount on account of meals accompanied by proper receipts;

(b) reimbursement in addition to that authorized by clause (a), for travelling expenses calculated in accordance with Section 50 and expenses for sleeping accommodation charges incurred by the critic, for attending not more than four meetings per year within the Province which meetings are necessarily incidental to the duties of the critic, if approval of the Speaker is obtained before incurring the expenses.

- (1) must
- (2) Sleeping accommodation charges incurred and claimed pursuant to subsection
- (a) be accompanied by proper receipts; and
- (b) not exceed the government rate for the establishment where the member stayed.

(3) Reimbursement pursuant to subsection (1) is limited to three days and two nights for each meeting.

(4) In lieu of each of one or more of the caucus meetings referred to in subsection 34(1), members of the Government Caucus, members of the Caucus of the Official Opposition and members of the caucus of each recognized party may be reimbursed in accordance with this Section for a meeting referred to in subsection (1) if approval of the Speaker is obtained before incurring the expenses.

## GENERAL

### Restriction

49 Except as authorized by Section 26, no member may be reimbursed for travel expenses authorized by Sections 26 and 44 in excess of fifty-two return trips in the year between the place where the member is ordinarily resident and the former City of Halifax to attend in Halifax, other than for attendance at a meeting of a select committee, a special committee or a standing committee.

### Calculation of travel expense

50 Each outside member of the House, the Leader of the Opposition and a leader of a recognized party entitled under the *House of Assembly Act* to receive travelling expenses is entitled to be reimbursed out of the Consolidated Fund of the Province for claimed travelling expenses incurred for travel by the shortest and most convenient route between the place where the member is ordinarily resident and the place where the House ordinarily sits or the Committee is meeting at

- (a) 38.13¢ per kilometre; or
- (b) the cost of economy air fare plus normal airline ground transportation.

### Out-of-Province travel

51 Members of the House are entitled to reimbursement for health-insurance premiums for out-of-Province travel on House business, if such premiums are necessary to maintain coverage.

**Annual adjustment**

**52** The fixed amounts set out in the Regulations, except the amount in clause 50(a), is increased on January 1<sup>st</sup> of each year by the increase in the Consumer Price Index for Nova Scotia for the previous year, rounded to the nearest dollar, and the Regulations are amended accordingly.

**No recovery upon ceasing to be member**

**53** Where

- (a) a member dies or resigns; or
- (b) there is a general election during the year and a member does not reoffer or is defeated,

no recovery of any amounts paid to the member pursuant to this Regulation may be made as a result of the member not being a member for the remainder of the year.

**Request for reimbursement**

**54** A person who makes a request for payment or reimbursement shall

- (a) make the request in writing on the form provided by the House of Assembly Management Commission;
- (b) make the request within six months from the time the payment or claim for which reimbursement is made was incurred or became eligible to be paid;
- (c) sign the request and certify that the request is correct; and
- (d) forward the request to the Office of the Speaker.

**Limitation on reimbursement**

**55 (1)** Notwithstanding anything contained in this Regulation, no member may claim for reimbursement an expense

- (a) for which the member is reimbursed pursuant to another regulation or enactment;
- (b) paid to an associated person;
- (c) paid to a person living in the same dwelling, as a member of the same household;
- (d) paid to any business or on account of property in which the member or those persons mentioned in clause (b) or (c) have an ownership interest.

**(2)** Notwithstanding anything contained in this Regulation, no member may claim for reimbursement for meals or other food or refreshment for any day if the member is entitled for that same day to the amount set out in

- (a) clause 26(1)(a);
- (b) Section 28;
- (c) clause 30(1)(a);
- (d) clause 34(3)(a);
- (e) clause 44(1)(a);

- (f) clause 45(1)(a);
- (g) clause 46(1)(a);
- (h) clause 47(a); or
- (i) clause 48(1)(a).

**Forms**

**56 (1)** The Clerk may prescribe any forms the Clerk considers necessary or advisable for the purpose of these Regulations.

**(2)** Notwithstanding subsection (1), the Commission may, by directive, prescribe any forms the Commission considers necessary or advisable for the purpose of these Regulations.

**Payment approval**

**57 (1)** Directions for payment of indemnities, allowances, payments or reimbursements and approval of requests for payment or reimbursement must be issued or made by the Chair of the House of Assembly Management Commission, the Vice-chair or a person designated by the Chair.

**(2)** The person who approves a request for payment or reimbursement has the authority to reduce or increase the amount of the payment or reimbursement claimed where that person determines that the amount claimed is in error.

**(3)** A member's expense claim form and private vehicle usage report must be completed in their entirety, including detailed expenditures, as required by the Office of the Speaker for reimbursement.

**Application**

**58** This Regulation applies on and after \_\_\_\_\_, 2010.

\_\_\_\_\_