

To: Members of the House of Assembly
From: Clerk of the House of Assembly
Date: October 24, 2008
Subject: Two Rule Amendments
– Secondary Residences Property Taxes
– Restriction on Meal Allowance

At the October 15 meeting, the Commission approved an amendment to the *Members' Resources and Allowances Rules* to add property taxes to the list of eligible secondary residences expenses under subsection 41(2) of the Rules. **CM 2008 – 083 refers.**

The Commission also approved an amendment to section 42 of the Rules so that Members who use their constituency allowance to purchase a meal for the purpose of constituency business (subsection 46(3)) would not be permitted to claim that specific meal expense under section 42 but would be permitted to claim the other meals for that day. **CM 2008 – 084 refers.**

The authority for an amendment respecting allowances falls under subsection 15(5) and section 64 of the *House of Assembly Accountability, Integrity and Administration Act*. The procedure is as follows:

1. A draft of the proposed amendment must be prepared.
2. The draft amendment must be tabled before a Management Commission meeting
3. Notice of the tabling must be:
 - (a) given by the Speaker to the House of Assembly if in session; OR
 - (b) given to every MHA if the House of Assembly is not in session
4. The draft amendment and notice must be posted on the House of Assembly website.
5. The draft amendment must be voted upon at a subsequent meeting of the Management Commission.
6. The approved amendment is signed by the Speaker and forwarded to the Legislative Council Office for preparation for Gazetting.
7. The rule is returned for the signature of the Speaker and is then Gazetted through the Legislative Council Office.

This memo serves to address the requirement of paragraph 15(5)(b) regarding appropriate notice to Members.

The following draft amendments to the *Members' Resources and Allowances Rules* were tabled and approved at the October 15, 2008 meeting of the House of Assembly Management Commission.

The text of all amendments is subject to final drafting of the subordinate legislation by the Office of Legislative Counsel.

1. Rule Amendment - Property Taxes

Subsection 41(2) of the *Members' Resources and Allowance Rules* is amended by adding immediately after paragraph (c) the following:

(c.1) property taxes;

2. Rule Amendment – Restriction on Meal Allowance

Section 42 of the *Members' Resources and Allowance Rules* is repealed and the following is substituted:

Restriction on meal allowance

42. Where a member makes a claim under subsection 46(3) relating to a meal expense, the member shall not claim a meal allowance under this Part for that meal expense.

The draft amendments will be posted on the House of Assembly website and voted on at the next meeting of the Commission. The rules will become effective on the date they are Gazetted. The Act does not provide for the retroactive application of amendments to rules.