

LEGISLATIVE ASSEMBLY AND EXECUTIVE COUNCIL ACT

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INDEMNITY RECOVERY REGULATIONS

The Management and Services Board, under subsection 25(5) and section 40 of the *Legislative Assembly and Executive Council Act* and every enabling power, makes the attached *Indemnity Recovery Regulations*.

Amount of Deduction

1. Subject to section 3, if a member fails to attend a sitting of the Legislative Assembly, the prorated hourly amount of the annual indemnity set out in section 1 of Schedule C to the Act shall be deducted from the indemnity payable to the member for each hour that the member fails to attend the sitting.
2. Subject to section 3, if a member fails to attend a meeting of a committee of the Legislative Assembly, the prorated hourly amount of the committee meeting indemnity set out in section 3 of Schedule C to the Act shall be deducted from the indemnity payable to the member for each hour that the member fails to attend the meeting.

Notice of Absence

3. (1) A member who does not wish to have a deduction made under subsection 25(5) of the Act in respect of his or her failure to attend a sitting or meeting shall, within 10 days after the absence, provide to the Management and Services Board a written notice setting out the date of the absence and an explanation for it.

(2) A member may, after 10 days but within a reasonable time after his or her failure to attend a sitting or meeting, provide to the Management and Services Board a written notice setting out the date of the absence and an explanation for it.

(3) If a member does not provide a notice respecting his or her failure to attend a sitting or meeting within 10 days after his or her absence, the prescribed deduction shall be made from the indemnity payable to the member.

(4) At its next meeting following receipt of a notice under subsection (1) or (2), the Management and Services Board shall,

- (a) if the notice was not provided within 10 days after the absence, determine whether the notice was provided within a reasonable time;
- (b) if the notice was provided within 10 days after the absence or within a reasonable time as determined under paragraph (a), determine whether the explanation set out in the notice constitutes a reasonable explanation and consequently whether the explanation should be accepted or rejected; and
- (c) if a deduction was made under subsection (3) and the Management and Services Board subsequently accepts the member's explanation, direct that the member's indemnity be appropriately readjusted.

Record

4. (1) The Clerk shall maintain a record with the following information:
- (a) the name of a member who failed to attend a sitting of the Legislative Assembly or meeting of a committee of the Legislative Assembly and the date of the member's absence;
 - (b) if the member provides an explanation for his or her failure to attend the sitting or meeting,
 - (i) a summary of the explanation, and
 - (ii) the determination made by the Management and Services Board as to whether the member's explanation is or is not reasonable.
- (2) The information referred to in subsection (1) shall be included in the annual report laid by Speaker before the Legislative Assembly under section 36 of the Act.