

CHAPTER 20

Constitution Amendment Act, 1974

[Assented to 20th June, 1974.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Amends
s. 23.

1. Section 23 (1) of the *Constitution Act*, being chapter 71 of the *Revised Statutes of British Columbia, 1960*, is amended by inserting before the word "Speaker" in the eleventh line the words "recognized Leader of the Opposition, Leader of a recognized political party,".

Re-enacts
s. 64 and
enacts
s. 64A.

Amount of
allowance.

2. Section 64 is repealed and the following is substituted:

64. (1) Subject to section 67, in each year, or part thereof, that a person is a member of the Legislative Assembly there is payable to that member an allowance calculated at the rate of sixteen thousand dollars per annum and an expense allowance calculated at the rate of eight thousand dollars per annum for expenses incidental to the discharge of his duties as a member.

(2) Subject to section 67, in each year, or part thereof, that a person is occupying the recognized position of Leader of the Opposition in the Legislative Assembly there is payable to that person a special allowance at the rate of nineteen thousand dollars per annum in payment of the expenses incurred by him in the discharge of his duties as Leader of the Opposition in addition to the amount fixed by subsection (1).

(3) Subject to section 67, in each year, or part thereof, that a person is occupying the position of Speaker there is payable to that person a special allowance at the rate of nineteen thousand dollars per annum in payment of the expenses incurred by him in the discharge of his duties as Speaker in addition to the amount fixed by subsection (1).

(4) Subject to section 67, in each year, or part thereof, that a person is occupying the position of Deputy Speaker or Leader of a recognized political party there is payable to that person a special allowance at the rate of eight thousand five hundred dollars per annum in payment of the expenses incurred by him in the discharge of his duties as Deputy Speaker, or Leader of a recognized political party, as the case may be, in addition to the amount fixed by subsection (1).

(5) There is payable to the member occupying the position of chairman of each committee of the Legislative Assembly designated by the Lieutenant-Governor in Council during the period that he is chairman of that committee a special allowance to be fixed by order of the Lieutenant-Governor in Council in payment of the expenses incurred by him in the discharge of his duties as chairman in addition to the amount fixed by subsection (1).

(6) In each year, or part thereof, that a person is an Officer of the Legislative Assembly; namely, the Clerk of the House or the Deputy Clerk of the House and Law Clerk, there is payable to that person an allowance at the rate of eighteen thousand dollars per annum.

(7) In respect of the year 1974, one-half of the allowances, including expense allowances, provided for in this section shall be paid upon the prorogation of the Fourth Session of the Thirtieth Parliament, or upon adjournment of the House during the said Session to a day which may be fixed by notice from the Speaker of the House or, in his absence, the Deputy Speaker of the House, and the remainder of the allowances for the year 1974 and the allowances for each succeeding year shall be paid in quarterly instalments on the last day of each quarter commencing on the thirtieth day of September, 1974.

(8) Notwithstanding the provisions of the *Income Tax Act*, no expense allowance payable to a member of the Legislative Assembly pursuant to subsection (1) of this section shall be deemed to be wages within the meaning of that Act, or be deemed to form part of the income of that member for any purpose of that Act.

Commence-
ment and
termina-
tion dates.

64A. (1) For the purposes of this section and sections 23, 64, and 67 "Leader of a recognized political party" means the leader of an affiliation of electors comprised in a political organization whose prime purpose is the fielding of candidates for election to the Legislative Assembly; but does not for the purposes of this Act and the *Members of the Legislative Assembly Superannuation Act* include the Premier or the recognized Leader of the Opposition.

(2) For the purposes of this section and section 64,

- (a) a person shall be deemed to be a member of the Legislative Assembly on and after the day last fixed for the election of a member of the Legislative Assembly for the electoral district in respect of which he is elected, until he dies, resigns, becomes disqualified, is expelled, or his seat is otherwise vacated; but a person who, immediately before a dissolution of the Legislative Assembly, was a member thereof shall be deemed to continue to be a member of the Legislative Assembly until the date of the next following general election.
- (b) subject to clause (c), a person occupying the position of Leader of the Opposition, Leader of a recognized political party, Speaker, or Deputy Speaker, shall be deemed to have occupied that position on and after the day last fixed for the election of a member of the Legislative Assembly for the electoral district in respect of which he is elected, until he dies, resigns, becomes disqualified, is expelled, or his seat is otherwise vacated, or the Legislative Assembly is dissolved, whichever first occurs;

- (c) a person occupying the position of an officer of the Legislative Assembly, as specified in section 64 (6), shall be deemed to have occupied that position on and after the date of his appointment until he dies, resigns, or is removed from office;
- (d) where a person referred to in clauses (a) to (c) dies while in office, the allowance to which he would have been entitled had he lived until the end of the month in which he died and a further allowance in respect of the succeeding six months, shall be paid to his estate;
- (e) where a person becomes Leader of the Opposition, Leader of a recognized political party, Speaker or Deputy Speaker, following the death, resignation, disqualification, expulsion, or removal for any other reason, of a person previously holding the position in that Legislative Assembly, he shall be deemed to be the Leader of the Opposition, Leader of a recognized political party, Speaker, or Deputy Speaker, as the case may be, on and after the date on which his predecessor ceased to occupy the position.

Re-enacts
s. 65.
Deduction
for absence.

3. Section 65 is repealed and the following is substituted:

65. A deduction at the rate of one hundred dollars a day shall be made from the allowance payable to a member pursuant to section 64 (1) for every day beyond ten in any one session on which he does not attend a sitting of the House, or of a committee thereof, provided the House sits on that day; but each day during the session after the first on which the member attends on which there has been no sitting of the House in consequence of its having adjourned over that day, or on which the member was prevented by sickness from attending any sitting, or on which a member of the Executive Council is absent on official Government business, or on which a member is absent pursuant to section 73A, shall be reckoned as a day of attendance at the session, for the purposes of this Act.

Repeals
s. 66.

4. Section 66 is repealed.

Re-enacts
s. 67.
Incomplete
years.

5. Section 67 is repealed and the following is substituted:

67. If a person is, from any cause, a member of the Legislative Assembly, or occupies the position of Leader of the Opposition, Leader of a recognized political party, Speaker, or Deputy Speaker for part only of a year, then, provided he is a member, or occupies the position of Leader of the Opposition, Leader of a recognized political party, Speaker, or Deputy Speaker for upwards of thirty days during a session in the year, he is entitled to such proportion of the allowances, including expense allowances, payable under section 64 as the number of days in which that person is a member, or occupies the position of Leader of the Opposition, Leader of a recognized political party, Speaker, or Deputy Speaker, as the case may be, bears to the number of days in that year, subject, in the case of a member, to any deductions made under section 65.

Re-enacts
s. 68.
Resolution
granting
full allow-
ances.

6. Section 68 is repealed and the following is substituted:

68. Notwithstanding anything in this Act, the Legislative Assembly may, by its resolution in cases that it considers just and reasonable, direct that an amount not exceeding the full allowances, including expense allowances, be paid to a member or, in case of the death of a member, to his estate, without any deduction by reason of the non-attendance of the member during a session.

Repeals
s. 69.

7. Section 69 is repealed.

Re-enacts
s. 70.
Report of
deductions.

8. Section 70 is repealed and the following is substituted:

70. (1) The Clerk of the House shall report to the Minister of Finance the amount of any deduction, made under section 65, from the allowance of a member payable under section 64 (1), and the Minister of Finance shall adjust the payment to the member accordingly.

(2) The Clerk shall base his report of any deduction on a declaration of the member made in the form in Schedule A, and signed before the Clerk or a Commissioner for Taking Affidavits for British Columbia, and the declaration shall be deposited with, and retained by, the Clerk.

Re-enacts
s. 71.
Appropriation.

9. Section 71 is repealed and the following is substituted:

71. There is hereby granted to Her Majesty annually out of the Consolidated Revenue Fund, or out of the Revenue Surplus Appropriation Account of the Consolidated Revenue Fund or partly out of the Consolidated Revenue Fund and partly out of the Revenue Surplus Appropriation Account of the Consolidated Revenue Fund, such sums as are required to pay the amounts of the annual allowances, including expense allowances, to the persons entitled under section 64, and the necessary expenses of the Legislative Assembly.

Enacts
s. 73A.

Member
acting on
behalf of
Legislative
Assembly
may receive
expenses.

10. The Act is further amended by adding after section 73, the following as section 73A:

73A. Members of the Legislative Assembly who have been designated to act in an official capacity or as delegates for or on behalf of the Legislative Assembly or the Executive Council at meetings of the Commonwealth Parliamentary Association or other inter-parliamentary conferences, or upon visitations to other parliamentary bodies or to inter-governmental or international conferences, upon approval of the Speaker in the case of a member acting by or on behalf of the Legislative Assembly, or on approval of the Provincial Secretary in the case of a member acting by or on behalf of the Executive Council, shall be paid and shall be entitled to receive their reasonable travelling and out of pocket expenses incurred by them in that capacity; and the receipt of payment by a member under this section does not disqualify him as a member of the Legislative Assembly or disentitle him to sit and vote as a member of the Legislative Assembly.

Amends
Schedule A.

11.

Schedule A is amended

- (a) by striking out the first to eighth lines and substituting the words "I, A. B., a member of the Legislative Assembly, declare that with respect to the Session of the Legislative Assembly of British Columbia that began on the day of , 19 , the first day during the Session that I was present at Victoria, where the Session was held was the day of , 19 . ;
- (b) by striking out the words "as aforesaid, though I was then present at the said City of Victoria" in the twelfth and thirteenth lines, and substituting the words "or I was, as a member of the Executive Council, absent on official Government business, or I was absent pursuant to section 73A";
- (c) by striking out the words "or Justice of the Peace for the of" in the eighteenth and nineteenth lines, and substituting the words "or Commissioner for Taking Affidavits for British Columbia"; and
- (d) by inserting after the word "sickness" in the twenty-third line, the words "or by absence on official Government business or by absence pursuant to section 73A."

Commence-
ment.

12.

This Act shall be deemed to have come into force on the first day of January, 1974, and is retroactive to the extent necessary to give it full force and effect on and after that date.