



Manitoba Legislative Assembly

**Members' Allowances
Compliance Report**

**For The Period Ending
March 31, 2011**

March 30, 2012

The Honourable Daryl Reid
Speaker of the Legislative Assembly
Room 244, Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Sir:

We have the honour to transmit herewith the report entitled, *Members' Allowances Compliance Report For The Period Ending March 31, 2011*, to be laid before the Members of the Legislative Assembly in accordance with the provisions of Sections 52.6.1(1), 52.6.1(2) and 52.6.1(3) of *The Legislative Assembly Act*.

The Legislative Assembly Act requires that the *Report*, including the Auditor's opinion, is to be tabled within 15 days on which the Assembly is sitting after the Speaker receives the *Report*, also to be distributed to the Members of the Legislative Assembly and the Commissioner appointed under Section 52.7 of *The Legislative Assembly Act* and then to be posted on the Assembly's website.

Respectfully submitted,

Original signed by:

Fred Bryans
Executive Director
Finance and Administration

Original signed by:

Sandra Holmberg
Director
Members' Allowances Office

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Overview

by the Executive Director, Finance and Administration
and the Director, Members' Allowances Office

Background of the Report

Bill 2 - *The Legislative Assembly Amendment and Legislative Assembly Management Commission Amendment Act*, passed on December 10, 2009, created the legislative authority for the *Members' Allowances Compliance Report For The Period Ending March 31, 2011*. Bill 2 also created the requirement for an Interim Commissioner to decide how to implement recommendations of the Auditor General regarding various Members' allowances.

The requirements for the *Members' Allowances Compliance Report For The Period Ending March 31, 2011* for the 39th Legislature report were clarified with a transitional provision passed on June 17, 2010, under *The Statutes Correction and Minor Amendments Act, 2010*:

31(9) Despite the wording of subsection 52.6.1(1), the first report of the manager of the Members' Allowances Office under that provision after the coming into force of this section is for the period between the date regulations made by the allowances commissioner to implement the decisions made in his report under subsection 52.7.1(3) come into effect and March 31, 2011.

The effect of that change is that the legislative requirement for the *Members' Allowances Compliance Report For The Period Ending March 31, 2011* covers the period from September 2, 2010, to March 31, 2011.

The Interim Commissioner, Michael D. Werier, reported his binding decisions on September 2, 2010. These decisions were put in regulation effective September 2, 2010.

The Interim Commissioner's summary of his decisions is found in Appendix A.

The Interim Commissioner's report and decisions can also be found at:
<http://www.reviewcommissioner.mb.ca/report10.pdf>

The *Members' Allowances Regulation* is found in Appendix B.

The *Members' Allowances Regulation* can also be found at:
<http://www.gov.mb.ca/legislature/members/regulations/membersallowancesregulation.pdf>

The *Members' Salaries, Allowances and Retirement Plans Disclosure Regulation* is found in Appendix C.

The *Members' Salaries, Allowances and Retirement Plans Disclosure Regulation* can also be found at:

Contents of the Report

The Compliance Report, for each type of allowance paid to Members for the reporting period is to consist of:

1) Auditor General's opinion

The Report has been audited by the Auditor General and her opinion is submitted together with the Report, to the Speaker for tabling in the Assembly. The Auditor General's opinion is included within this Report, beginning on page 9.

2) Amounts paid, totals by allowance

For comparison purposes with future Members' Allowances Compliance Reports and for comparison with *The Public Accounts*, the Amounts Paid section of financial information is for the entire 2010/2011 fiscal year, which includes the period from September 2, 2010, to March 31, 2011. Please refer to Item No. 1 under the *Issues Arising of an Administrative or Interpretive Nature* section for more information and explanation on the fiscal year financial reporting period provided in this first Compliance Report, which is to enable direct comparison to the financial reporting periods of future Reports.

3) Issues arising of an administrative or interpretive nature

The *Issues Arising of an Administrative or Interpretive Nature* section, as required by the *Act*, covers the period from September 2, 2010, to March 31, 2011 when the new regulations were in force. The purpose of this reporting requirement is to identify the administrative or interpretive issues that should be reviewed and addressed by the Commissioner to determine whether or not the current regulations and policies are operating as intended.

In regard to this purpose, matters were considered to be an administrative or interpretive issue:

- if the matter involved stretching the meaning of a provision beyond what its ordinary meaning was intended for;
- where administering a provision in accordance with its ordinary meaning would create an absurd result or would be inconsistent with the operation of the system as intended;
- where the Office of the Auditor General has identified it as an issue in a previous report on allowances; or
- where the administrative process mandated by the regulation has become problematic for the Members' Allowances Office and/or for Members and in Members' Allowances view, should be reviewed by the Commissioner.

During the report period, the issues that arose regarding the administration of the *Members' Allowances Regulation* and in respect to the above are covered in the *Issues Arising of an Administrative or Interpretive Nature* section. Examples of three of these issues are indicated here.

- i) First, while the legislation states that the total amounts of each allowance for all Members should be reported for the period ending March 31, 2011 after the Commissioner's decisions are made, we are reporting the total amounts of each allowance for all Members for the fiscal year period April 1, 2010 ending March 31, 2011. This fiscal year reporting period includes the period of September 2, 2010, when the Commissioner's decisions were made, to March 31, 2011.

When the legislation was drafted, it was not known what the reporting period would be. A Commissioner had to be appointed and given time for review and to report. As it turned out, the Commissioner reported on September 2, 2010, which then became the start date for the financial report, a reporting period based only on part of a fiscal year. However, *The Legislative Assembly Act* provides that future reports will be on a fiscal year basis.

In our view, reporting only for the period of September 2, 2010, to March 31, 2011, would be meaningless for comparative purposes and costly in terms of staff time.

Reporting on the September 2, 2010 to March 31, 2011 period would create the absurd result of a financial report on Members' allowances that is for a partial fiscal year period of seven months less a day. That report would not be comparable to any other financial report regarding Members' allowances, either in existence now or to be prepared in the future. A partial year report would not have any meaning or value for comparative purposes to any other report on allowance amounts. Further, *The Legislative Assembly Act* provides that all future reports are to be on a fiscal year basis. It is on this same basis that a fiscal year was chosen for this initial report to allow for useful and effective comparison of these reports over time.

A report for the period of September 2, 2010, to March 31, 2011, would require staff to manually sort through all claims received after September 2 to record the items that pertain only to that reporting period and create separate reporting of those totals. Members' individual claims often cover several months with items falling both before and after the September 2, 2010 date. The Members' Allowances Office was still receiving Members' claims after the June 30, 2011, cut-off date with items that predated the September 2, 2010 date. Reviewing the items on the approximately 4,900 claims received after September 2, 2010, to see in which time frame each item fell would be costly.

Reporting for the 2010/2011 fiscal year, which includes the September 2, 2010, to March 31, 2011 period, requires no additional staff time and is the same reporting period as that found in the Public Accounts of Manitoba. Reporting for the entire fiscal year has practical and functional value, creates a report that will be useful to the public to compare to past fiscal year reports and, going forward, will be directly comparable to future year fiscal reports created under the *Act*.

- ii) Second, an increase in the types of media proposed for advertising by various Members was observed as well as in the amounts of advertising expenses claimed under the Constituency Allowance. Where certain constituency-related event or sponsorship type advertising was previously constrained in part by a spending limit within the Constituency Allowance, the new regulations eliminated sponsorship expenses and moved all constituency advertising out of that

spending limit. As a result, an increase in advertisement expenses and the variety of advertising media being put forward for consideration became more prevalent.

It is our recommendation to the next Commissioner for Allowances that the Commissioner consider what media can be used for advertising under this Allowance and whether the trend in increased advertising expenses within the Constituency Allowance should be addressed.

- iii) Third, the definition of what are ‘other souvenir items’ has been a problem for Members and staff to interpret. The *Members’ Allowances Regulation* under Section 14(f) provides for “the expense of lapel pins, pens, magnets and other souvenir items for distribution to constituents, up to a limit of \$30 per item including all applicable taxes;” These expenses are further limited to the annual amount allowed for Representation expenses under this category.

The Members’ Allowances Office, when determining whether an item would be an eligible souvenir expense or promotional item which is not eligible, has used as its test that “Would the ‘person on the street’ consider the item as a typical souvenir item from the Member/Legislative Assembly?” Members’ Allowances also looked in the Oxford dictionary for the definition of the word ‘souvenir’, where it is described as a memento or thing that is kept as a reminder of a person, place or event.

The fact that an item may be a useful item does not qualify it as a souvenir expense and Members’ Allowances has advised Members that items such as hand sanitizers, knives, Emergency Response Information Kits (ERIK) and other similar items in general, are not eligible souvenirs or considered as mementos of the Member/Legislative Assembly. These items are instead, promotional items which cannot be claimed. The application of a ‘person on the street’ test is, by its nature, subjective and has been difficult to apply.

It is our recommendation to the next Commissioner for Allowances that the Commissioner consider a clear definition of ‘other souvenir items’ or limit souvenirs to a suitable list of eligible items.

4) Verification of amounts paid

The financial information in this report is verified that it properly reflects the allowance amounts paid to Members of the Legislative Assembly for the 2010/2011 fiscal year period ending March 31, 2011.

Legislative Requirement

This Report is made under Sections 52.6.1(1), 52.6.1(2) and 52.6.1(3) of *The Legislative Assembly Act*, enacted on December 10, 2009, June 17, 2010 and June 16, 2011. The Sections read as follows:

Compliance report

[52.6.1\(1\)](#) Within six months after each general election, the manager of the Members' Allowances Office referred to in section 52.29 must

- (a) prepare a report that, for each type of allowance paid to members for the period consisting of all fiscal years that ended during the immediately preceding Legislative Assembly,
 - (i) states the total of the amounts paid for the period,
 - (ii) describes any administrative or interpretive issues that arose in the administration of the allowance, and
 - (iii) verifies whether the amounts were paid in compliance with this Part and the regulations under this Part;
- (b) arrange for the report to be audited by the Auditor General; and
- (c) submit the report, together with the auditor's opinion, to the Speaker.

Report to be tabled

[52.6.1\(2\)](#) The Speaker must table a copy of the report, together with the auditor's opinion, in the Assembly on any of the first 15 days on which the Assembly is sitting after the Speaker receives the report.

Report to be distributed and made public

[52.6.1\(3\)](#) The Speaker must also ensure that, within 15 days after receiving it, the report, together with the auditor's opinion,

- (a) is distributed to the members and to the commissioner appointed under section 52.7; and
- (b) after being distributed to the members, is posted on the Assembly's website.

AUDITOR'S REPORT ON COMPLIANCE WITH STATUTES AND REGULATIONS

To the Manitoba Legislative Assembly

We have audited the Manitoba Legislative Assembly Members' Allowances Compliance Report (Report) for the period ending March 31, 2011 for compliance with the criteria established in subsection 52.6.1(1) of the Legislative Assembly Act, section 31(9) of The Statutes Correction and Minor Amendments Act, 2010 and the Members' Allowances Regulation (together "statutes and regulations"). Compliance with the criteria established by the statutes and regulations is the responsibility of management. Our responsibility is to express an opinion on this compliance based on our audit.

We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the Report complied with the criteria established by the provisions of the statutes and regulations referred to above. Such an audit includes examining, on a test basis, evidence supporting compliance, evaluating the overall compliance with these criteria, and where applicable, assessing the accounting principles used and significant estimates made by management.

The Report was not in compliance with subsections 52.6.1(1)(a)(i) and 52.6.1(1)(a)(iii) of the Legislative Assembly Act with respect to the transitional provision in section 31(9) of The Statutes Correction and Minor Amendments Act, 2010. This transitional provision required the Report to cover the period of September 2, 2010 to March 31, 2011. However, the parts of the Report required by the subsections noted above, that are respectively entitled "Amounts Paid, Total by Allowance", "Verification of Financial Information", both report for the fiscal year ending March 31, 2011, rather than for the period September 2, 2010 to March 31, 2011. This is discussed in item 1 of the part of the Report entitled "Issues Arising of an Administrative or Interpretive Nature".

The part of the report required by subsection 52.6.1(1)(a)(ii), entitled "Issues Arising of an Administrative or Interpretive Nature", describes administrative and interpretive issues that arose in the administration of the allowances. The completeness of this list is not susceptible of satisfactory audit verification. Accordingly, our verification of these issues was limited to the records of the Manitoba Legislative Assembly; including Members' Allowances Office (MAO) and Legislative Assembly Management Commission meeting minutes, MAO policies, and MAO documentation of questions arising from training sessions. Consequently, we were unable to determine whether any additional issues might be reported in the part entitled "Issues Arising of an Administrative or Interpretive Nature".

In our opinion, except for the failure to comply with the subsections as described in the third paragraph and the possible inclusion of additional issues which we may have determined to be necessary had we been able to satisfy ourselves concerning the completeness of the list of issues as described in the fourth paragraph, the Report is in compliance, in all significant respects, for the period ending March 31, 2011, with the criteria established by the statutes and regulations.

**Original document signed by:
Carol Bellringer**

March 2, 2012
Winnipeg, Manitoba

Carol Bellringer, FCA, MBA
Auditor General

Amounts Paid, Totals By Allowance
For the Fiscal Year Ending March 31, 2011

(Names in brackets describe the Allowances as reported in the MLA Statement in
the Public Accounts)

Type of Allowance	For The Fiscal Year Ending March 31, 2011
Constituency Allowance (Constituency Expenses)	\$2,424,067.24
Constituency Assistants Allowance (Constituency Assistant Salaries)	\$1,905,181.51
Travel Allowance (Travel Expenses)	\$ 677,699.34
Intersessional Committee Allowance (Committee Expenses)	\$ 2,297.60
Living Allowance (Temporary Residence and Living Expenses)	\$ 395,213.72
Commuter Allowance (Commuting Expenses)	\$ 2,126.40
Printing Allowance (Printing and Mailing Expenses)	\$ 293,109.80

Note: Please refer to Item No. 1 under the *Issues Arising of an Administrative or Interpretive Nature* section for more information and explanation on the fiscal year financial reporting period provided above, which is to enable direct comparison to the financial reporting periods of future Compliance Reports.

Issues Arising of an Administrative or Interpretive Nature

For the period September 2, 2010 to March 31, 2011

1. Financial Reporting for the Fiscal Year Ending March 31, 2011

While the legislation states that the total amounts of each allowance for all Members should be reported for the period ending March 31, 2011 after the Commissioner's decisions are made, we are reporting the total amounts of each allowance for all Members for the fiscal year period April 1, 2010 ending March 31, 2011. This fiscal year reporting period includes the period of September 2, 2010, when the Commissioner's decisions were made, to March 31, 2011.

When the legislation was drafted, it was not known what the reporting period would be. A Commissioner had to be appointed and given time for review and to report. As it turned out, the Commissioner reported on September 2, 2010, which then became the start date for the financial report, a reporting period based only on part of a fiscal year. However, *The Legislative Assembly Act* provides that future reports will be on a fiscal year basis.

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A report for the period of September 2, 2010, to March 31, 2011, would require staff to manually sort through all claims received after September 2 to record the items that pertain only to that reporting period and create separate reporting of those totals. Members' individual claims often cover several months with items falling both before and after the September 2, 2010 date. The Members' Allowances Office was still receiving Members' claims after the June 30, 2011, cut-off date with items that predated the September 2, 2010 date. Reviewing the items on the approximately 4,900 claims received after September 2, 2010, to see in which time frame each item fell would be costly.

Reporting for the 2010/2011 fiscal year, which includes the September 2, 2010, to March 31, 2011 period, requires no additional staff time and is the same reporting period as that found in the Public Accounts of Manitoba. Reporting for the entire fiscal year has practical and functional value, creates a report that will be useful to the public to compare to past fiscal year reports and, going forward, will be directly comparable to future year fiscal reports created under the *Act*.

The Legislative Assembly Act, S.52.6.1(1)

2. Constituency Advertising

An increase in the types of media proposed for advertising by various Members was observed as well as in the amounts of advertising expenses claimed under the Constituency Allowance. Where certain constituency-related event or sponsorship type advertising was previously constrained in part by a spending limit within the Constituency Allowance, the new regulations eliminated sponsorship expenses and moved all constituency advertising out of that spending limit. As a result, an increase in advertisement expenses and the variety of advertising media being put forward for consideration became more prevalent.

It is our recommendation to the next Commissioner for Allowances that the Commissioner consider what media can be used for advertising under this Allowance and whether the trend in increased advertising expenses within the Constituency Allowance should be addressed.

Members' Allowances Regulation, S.12(1)(i), S.14.1(1), S.14.1(2)

3. Other Souvenir Items

The definition of what are 'other souvenir items' has been a problem for Members and staff to interpret. The *Members' Allowances Regulation* under Section 14(f) provides for "the expense of lapel pins, pens, magnets and other souvenir items for distribution to constituents, up to a limit of \$30 per item including all applicable taxes;" These expenses are further limited to the annual amount allowed for Representation expenses under this category.

The Members' Allowances Office, when determining whether an item would be an eligible souvenir expense or promotional item which is not eligible, has used as its test that "Would the 'person on the street' consider the item as a typical souvenir item from the Member/Legislative Assembly?" Members' Allowances also looked in the Oxford dictionary for the definition of the word 'souvenir', where it is described as a memento or thing that is kept as a reminder of a person, place or event.

The fact that an item may be a useful item does not qualify it as a souvenir expense and Members' Allowances has advised Members that items such as hand sanitizers, knives, Emergency Response Information Kits (ERIK) and other similar items in general, are not eligible souvenirs or considered as mementos of the Member/Legislative Assembly. These items are instead, promotional items which cannot be claimed. The application of a 'person on the street' test is, by its nature, subjective and has been difficult to apply.

It is our recommendation to the next Commissioner for Allowances that the Commissioner consider a clear definition of 'other souvenir items' or limit souvenirs to a suitable list of eligible items.

Members' Allowances Regulation, S.14(f)

4. Incidental Constituency Mailings

There was a significant increase in incidental constituency mail under the Constituency Allowance. There is no definition of incidental mail in the *Members' Allowances Regulation* and the only direction Members' Allowances staff has is from the Legislative Assembly Management Commission (LAMC) who directed that bulk mailings are not allowed under the Constituency Allowance, that only incidental mailings to constituents may be claimed and that incidental mailings are to be small quantity or singular mailings that are individually addressed. Members have a separate franking allowance where they are allowed a maximum of three householder mailings (frankings) that go out to all constituents each fiscal year.

As a matter of practice, given the direction from LAMC in that bulk mailings are not eligible and that eligible incidental mailings must be smaller quantity mailings, Members' Allowances Office has tried to limit incidental mailings to 10 to 20 percent of constituency households at a time and the number of times used for a similar mailing, so as not to provide a Member with a de facto fourth franking or bulk mailing. The content of an incidental mailing is also becoming more difficult to determine compliance to the non-partisan requirements where content may be viewed as a promotion or criticism of provincial programs or issues versus simply focused on local constituency issues.

It is our recommendation to the next Commissioner for Allowances that the Commissioner consider defining incidental mail in terms of both quantity and content for minor mailings eligible under the Constituency Allowance.

Members' Allowances Regulation, S.12(1)(e), S.12(1)(q), LAMC policy decision at meeting of May 6, 1999

5. Disclosure of Names of Persons Attending a Meeting for Whom No Meal Expense is Claimed

The original *Members' Allowances Regulation*, effective September 2, 2010, required Members to provide the names of all persons attending a meeting on constituency business when the Member was providing hospitality to one or more of those persons in conjunction with that business. This created situations where a Member was providing a meal to one person at a meeting and reporting the names of all attendees. In some cases, this requirement was far too onerous as the Member could be providing hospitality to only one or two persons at a meeting involving hundreds of people.

On review, the regulation was amended by the Interim Commissioner to limit the disclosure of the names of persons attending a meeting to only those to whom a hospitality meal was provided, when claiming the meal expense.

Members' Allowances Regulation, S.5(5) item 4

6. Business Meeting Meal Expenses

The original *Members' Allowances Regulation*, effective September 2, 2010, provided for Members to claim a meal expense at a meeting on constituency business but did not specifically provide for a Member to claim a meal expense for the Member or for others for a business meeting attended by the Member in his or her role as a Member. These expenses had previously been allowed since 1995, based on the interpretation provided by the chair of a prior allowances commission.

On review, the regulation was amended by the Interim Commissioner to continue to allow meal expenses provided to any person including the Member, at a business meeting attended by the Member in the performance of his or her duties as a Member. Disclosure of the names of the persons attending the business meeting is limited to those to whom a hospitality meal was provided, when claiming the meal expense.

Members' Allowances Regulation, S.14.2, S.5(5) item 4

7. Disclosure of Names of Recipients of Cards

The original *Members' Allowances Regulation*, effective September 2, 2010, required Members to provide the names of recipients of special occasion cards such as birthday and sympathy cards. The expense of a card was captured in the same disclosure requirements as is required for the recipients of wreaths, plaques, flags, etc. given to mark a special occasion. The work involved in tracking all the recipients of a box of cards was judged to provide little benefit relative to the value of the card.

On review, the regulation was amended by the Interim Commissioner to remove the disclosure of the recipients of cards as a requirement when claiming the card expense.

Members' Allowances Regulation, S.5(9)

8. Communication Charges (home use)

The *Members' Allowances Regulation* allows the expenses of communication devices and services for a Member's home land line, home fax and internet services to be claimed under the Constituency Allowance, if needed for constituency purposes. The Interim Commissioner noted in his Report that it was his expectation that based on present usage at that time, that this category of expense would continue to be used by a small number of Members and that the Members' Allowances Office would monitor the amount of communication charges claimed for home use.

In monitoring the amount of communication charges for home use that have been claimed under the Constituency Allowance during the reporting period, there has been no change.

Members' Allowances Regulation, S.12(1.1)(a), Interim Commissioner's Report, Decision on Communication Charges

9. Cut-Off Date for Prior Fiscal Year Expenses

The current *Members' Allowances Regulation* provides a cut-off date of June 30 each year by which claims must be submitted for all expenses incurred in the fiscal year just ended on March 31. Allowance claims submitted after June 30 for payment of expenses incurred in the prior fiscal year, are not allowed.

Members had allowance claims for expenses incurred in the prior fiscal year that could not be submitted by the June 30 cut-off date. For example, some reasons were because the invoice to support the expenditure was not received until after June 30, or because the Member's priority was flood work in his or her constituency and the Member could not get the claim submitted to the Members' Allowances Office in time, or because of a simple error by the Member or staff which caused the claim to be submitted late.

It is our recommendation to the next Commissioner for Allowances that the Commissioner consider a whether the June 30 cut-off date for submission of prior fiscal year claims is appropriate.

Members' Allowances Regulation, S.5(1)(e), S.5(11)

10. Southern Members' Travel Allowances

The basis for calculating the Travel Allowance for Southern Members as set out in the original *Members' Allowances Regulation*, effective September 2, 2010, was found to be unworkable when applied to the new Southern constituencies in effect after the October 4, 2011 general election, as those constituency boundaries would all be changed. The old Southern Members' Travel Allowances were based, in part, on the existing constituency sizes in square kilometres and did not account for any changes in size to Southern constituencies due to electoral boundary redistribution.

An amendment to the *Members' Allowances Regulation* was made by the Legislative Assembly Management Commission to treat the new Southern constituencies as if they had existed when the original Southern Members' Travel Allowances had been calculated, based on the groupings of Southern constituencies by size in square kilometres. After the October general election, the amendment will allow the original formula and any cost of living adjustment (COLA) updates since that time to be applied to the new Southern constituencies' boundaries to enable Southern Members' Travel Allowances to be recalculated and prorated for the remainder of the fiscal year.

Members' Allowances Regulation Amendment dated April 18, 2011, Members' Allowances Regulation S.20(1)(c)

The following issues are those issues noted by the Auditor during their annual audit of the MLA Statement for the year ended March 31, 2011 and are also included here:

11. Corrections to Claim Forms are not Identifiable

During the Auditor's testing of claims for the 2010/2011 fiscal year, the Office of the Auditor General (OAG) noted that some corrections were made to claim forms without clear indication of who made the correction. This included corrections on the amount of individual claims and total of claims, which could have either be made by the Member claiming the expenses or done by the Members' Allowances Office to correct amounts entered incorrectly. The OAG recommends that corrections made by the Members' Allowances Office should explain why it was changed. The explanation of the correction can be done on the same claim form where the correction is made or in a separate note to be attached in the claim form. This is to provide an audit trail when Members question for the difference between the amount claimed in the form and the actual amount received as reimbursement.

The Members' Allowances Office accepts this recommendation as a constructive point that will help enhance future information flow. The Members' Allowances Office will continue to provide an explanation of the correction made by the Office either on the same claim form or in a note attached to the claim form as done previously, and will indicate these changes the Office makes in red, to provide for a clearer audit trail when Members question for the difference between the amount claimed in the form and the actual amount received as reimbursement.

12. Incomplete Claim Form is Submitted

The OAG noted that there are incomplete claim forms submitted by Members for the Members' Allowances Office to complete such as where Travel expense claim forms do not include the grand total number of kilometres being claimed for the individual trips of kilometres listed for each, and the rate per kilometer that the total amount claimed is to be paid at. The OAG recommends that all claim forms should be completed by Members of the Legislative Assembly to ensure proper segregation of duties between preparer and reviewer of claim forms.

The Members' Allowances Office advises that all Members are requested to complete their claim forms as required, but that there is no requirement in the Regulation that a Member has to total his/her claim or do any calculations. Section 5(6) of the Regulation requires that a Member provide for each trip, on the claim form or in a log book submitted with the claim form, the date of the trip, the starting and destination points and the trip distance. The requirement is to report on a trip by trip basis on the mileage (kilometres) for that trip, for claiming purposes.

The Members' Allowances Office notes that a new claim form is available online in pdf format and the online forms will automatically calculate the totals for all trips claimed. A Member would need to insert the correct mileage rate on the claim form for the mileage rate calculation to occur, however mileage rates are subject to change depending on the kilometric rate that is to be applied for that mileage, as is required under Section 2(1) of the Regulation. While Members' Allowances Office advises and encourages Members and their staff to complete the form online using the automatic calculations for totals and mileage rate cost, not all Members prefer to complete forms online, instead printing out the form to complete in writing. Members

completing a claim form in writing are also encouraged to complete the form with respect to totals of amounts claimed.

For those Members who do not provide mileage totals and calculate the claim amount, part of the Members' Allowances current business requirement is to calculate totals and costs, provided or not, and enter those totals where not provided or where incorrect (i.e. incorrect mileage rate indicated, or rate change due to total kilometres claimed to date in the fiscal year). The recommendation that all claim forms should be completed by Members of the Legislative Assembly to ensure proper segregation of duties between preparer and reviewer of claim forms will be raised by the Office with the next Salaries, Allowances and Retirement Benefits Commissioner to consider as an amendment to the Regulation.

Members' Allowances Regulation, S.5(6), S.2(1) Definitions of "kilometric rate:"

13. Direct Payments for Amounts under \$200 or \$100

According to the *Members' Allowances Regulation*, the Speaker may pay authorized expenses that exceed \$200, directly to a third party, if the request is accompanied by an invoice, contract or other document evidencing the obligation. While according to Legislative Assembly Management Commission (LAMC) decision, a Member may ask Members' Allowances Office to pay an expense over \$100 directly to the third party. A Member must provide with the claim, suitable proof including invoice, contract, or other document that the expense has been incurred for direct payments to be processed.

During their audit, the OAG noted that there were payments made directly to supplier or third party although the amount of the invoice is less than \$100 or \$200. Examples of the invoices paid are for phone and internet bills and for advertisements. The OAG recommends that direct payments should only be made in accordance with the *Members' Allowances Regulation* and LAMC decision, or the discrepancy with the policy be addressed.

The Members' Allowances Office advises Members and staff that direct payments may be requested for amounts that are over \$100, according to the LAMC policy decision, as long as the required documentation is provided with the claim form.

However, when requested, the Office will direct pay claims under \$100. These requests are accommodated to the extent that Members' Allowances staff has the time to make direct payments under \$100. Direct payments reduce the risk of fraud by ensuring the invoice is paid to the supplier. Direct payments under \$100 also help reduce bank charges and interest charges for the Members.

Going forward, the Office will continue to advise that direct payments may be made for amounts over \$100 and the Members' Allowances Office will raise the issue of the discrepancy in the Regulation and LAMC policy with the Salaries, Allowances and Retirement Benefits Commissioner.

Members' Allowances Regulation, S.4(2), LAMC policy decision at meeting of April 25, 1996

Verification of Financial Information

We advise, as at March 2, 2012, that to the best of our knowledge and belief:

1. The financial information in this report properly reflects the allowance amounts paid to Members of The Assembly for the fiscal year ending March 31, 2011, in accordance with *The Legislative Assembly Act* and the regulations under that *Act*.
2. All accounting and financial records and related allowances data have been made available to the auditor.
3. No shortages or other irregularities have been discovered.
4. No events have occurred and no matters have been discovered since the year end that would require adjustments to or disclosures in this report.
5. This report is in compliance with all the requirements of its governing legislation, in consideration of the items noted in the section of the report titled, "*Issues Arising of an Administrative or Interpretive Nature*".

Original signed by:

Fred Bryans
Executive Director
Finance and Administration

Sandra Holmberg
Director
Members' Allowances Office

Appendices

Appendix A *Interim Commissioner Summary of Decisions, September 2, 2010*

Commissioner's Report

On September 1, 2010, Commissioner Michael Werier released the Report of the Interim Commissioner for Allowances – Review of the Auditor General's 2009 Audit of Members' Allowances (www.reviewcommissioner.mb.ca/report.html). As a result of the Commissioner's report, changes to the regulations and to allowable expenses and claiming procedures are currently being put into place. The report, effective September 2, 2010, contained the following decisions relating to Members' Allowances:

Decision on Transparency and Accountability

It is widely accepted that the system of Members' Allowances be transparent. The public is entitled to know how taxpayers' money is being spent. All submissions to this Commissioner endorsed this principle. Manitobans are the best judges of which expenses are appropriate and necessary.

As a result of the Auditor's Report, immediate action was taken by LAMC on a number of recommendations. In particular, the Regulation, the manual, and the most recent LAMC annual report have been posted on the Legislative Assembly website.

I have determined that these requirements should be specifically set out in a change to the Regulation.

Regarding the publication of LAMC minutes, The Legislative Assembly Act now requires the posting of the minutes, and it is being done.

The last issue in this area is the nature of the information to be made available to the public on the Government website. One option is to have the Member's annual report posted on the website, together with monthly reports of the amounts spent under the Constituency Allowance, Constituency Assistants Allowance, Travel Allowance, Printing Allowance, and Committee Allowance, along with posting of the claims for each Allowance. This can be accompanied by information as to how the public can examine copies of receipts, the claims submitted and other particulars, including examining copies of supporting documentation.

The other option is to put copies of all claims and supporting documentation on the website. This involves scanning over 40,000 pieces of paper per year.

I have determined that the first option should be implemented by changes to the Regulation. I believe this will address the Auditor's concerns about transparency and provide members of the public with more detailed information.

The issue of whether to have all documentation (bills, receipts, invoices) posted can be reviewed by subsequent Commissioners who will be able to access the effectiveness of the changes made in this Report.

Decision on Adequacy of Supporting Documentation/Proof of Payment

The Interim Rules shall be added to the Regulation with a stipulation that all expenses have the intended purpose documented.

Decision on Bank Accounts

The Auditor's recommendation should be implemented and set out in the Regulations. Members shall submit bank statements and cheque information monthly. One bank account for all allowances will reduce expense and enhance organization and disclosure.

The Regulations shall be modified to ensure that Members can claim all expenses through one account.

The Interim Rules provided that Members could claim up to a maximum of \$100.00 per month for the costs of this account. This limit shall continue and be set out in the Regulations.

Decision on Year End Cut-off of Members' Claims

It is important for Members to keep current with the submission of their expense claims. A cut-off date is advisable and I have determined that a claim must be submitted within three (3) months of the year end. Further, a Member's annual allowances report shall include a report of any payment made during the allowance report year in respect of the previous allowance year, but not reported in past reports.

Decision on Capital Assets

The following LAMC decisions made subsequent to the Auditor's Report should be set out in the Regulations:

- (a) Capital furnishings and equipment are the property of the Legislative Assembly and cannot be disposed of without the authorization of MAO; (b) An outgoing Member, on ceasing to be a Member, can:
 - (i) Leave the equipment and furniture for the incoming Member. This will not be a cost to the incoming Member, however, the book value of the capital item remains; or
 - (ii) Leave the equipment and furniture for Members' Allowances for disposal.
- (c) Capital items that are no longer required may be turned into the MAO for disposal. MAO will assess the condition of the remaining equipment or furnishings and determine its disposition based on cost effectiveness offered to all other Members or, if not required by the incoming or other Members, disposed of through the usual governmental disposal process);
- (d) MAO will replace hard drives. If not practical, MAO will dispose of the computer through the governmental disposal process.

In addition, the following should become part of the Regulations:

- (a) That the MAO capital asset inventory records include the location of the asset and the person who has been assigned the asset.
- (b) For control purposes MAO should conduct unannounced periodic inventory counts on these assets. LAMC has the authority to define a standard suite of constituency office furnishings and equipment as set out in Section 12(1)(b) of the Regulations. The definition adopted in 1995 set out the following:
 - Standard office furniture including such items as a sofa which may reasonably be found in a constituency office but excluding custom made furniture
 - Standard office equipment -Appliances such as a fridge, microwave
 - Electronic equipment such as a TV, VCR, video equipment, camera

An updating by LAMC should occur and I see no need to itemize each item in a Regulation.

Decision on Capital Carry-Over

The Regulation is appropriate in its present form and does not require amendment.

LAMC has determined that in carrying out this Regulation, a Member carrying over capital from the old fiscal year to the new fiscal year must provide both a cheque for the amount of the carry-over and a claim for the new year for the amount of the capital carry-over. I endorse this approach.

Decision on Communication Charges

To ensure transparency and for audit purposes, the entire invoice rather than a summary of charges should be submitted so details of long distance charges and/or roaming charges are available for review for audit purposes.

Secondly, the Regulations shall be amended to include the use of home phones and home internet charges as an allowable expense. I am advised that at present four (4) Members claim home phones for constituency use and six (6) claim internet service at home in order to conduct research or answer constituency email. Some of the Members maintain offices in their home (due in part to the size of their constituency), and others do not have a constituency office (three (3) at present).

The purpose of this amendment is to address the Auditor's concerns that home phone and home internet are not set out in the Regulations. It is my expectation that based on present usage, this category will continue to be used by a small number of Members and that MAO will monitor accordingly.

It has also been brought to my attention that due to changes in technology, there are other services available which can be or are used by Members in the course of serving constituents. These include:

- (a) Signal boosters for cell phones in locations where service is weak;
- (b) Conference call equipment and amplifiers;
- (c) Use of blogging and social networking over the internet;
- (d) Automated calling programs;
- (e) Hands free enabling devices, such as Bluetooth for vehicle cell phone use.

These services are not expressly particularized in the authorized expense list. The above services shall be added to s. 12 of the Regulations as authorized expenses.

With respect to the number of communication devices allowed, the Regulations shall specify that each Member is entitled to claim expenses for a cell phone and/or a BlackBerry, an installed car phone, a land line at each constituency office, a fax and internet services at each constituency office, and a home land line and home fax and internet services, if required.

The current Regulations provide for communication services to the extent they are incurred for the purpose of access and service to constituents. I am advised that Members claim as expenses cell phone costs for staff. For purposes of clarification, the Regulations shall state that monthly cell phone or BlackBerry costs for staff are authorized only for staff that are paid out of the Constituency Assistants Allowance.

Lastly, as a follow up to the Auditor's conclusions, I am advised that MAO has reviewed the communication plans currently used by Members with a view to taking advantage of government rates and recommends that Members and Members' constituency staff change from private cell phone and

BlackBerry plans to the government plans on the expiry of the existing private plans. I endorse this initiative.

Decision on Donations to Charitable and Non-Profit Organizations

I am satisfied that many Members across all party lines believe that by supporting certain charitable and non-profit organizations that they are serving the public good. I accept that Members generally believe they are helping community groups or charities and the underprivileged and that their actions are not in any way being done for partisan purposes. I also accept that the donations support good causes.

In response to suggestions that they are able to prefer certain groups over others, Members responded that they have been elected by the constituency and have the right to make such decisions.

I am also aware that if these expenses are no longer allowed, it will put provincially elected Members on a different playing field than City Councillors.

However, I am satisfied on balance, that in order to reflect contemporary best practice, this category of Representation expenses should be eliminated, save and except for a few exceptions outlined later on in this Report.

This change will bring Manitoba in line with most other jurisdictions in the country and will eliminate the potential concerns that such donations are for partisan purposes or unfairly prefer one group over another without justification.

Therefore, the Regulation shall be amended to remove donations to charitable and non-profit organizations as authorized expenses.

I have determined that there will continue to be certain exceptions which will be outlined later in this Report.

I recognize that certain non-profit and charitable organizations will be impacted by these changes. I recommend that MAO send a letter to all organizations who received support from Members indicating the change in the Regulation and the reason for the change in the policy.

To facilitate the transition to this new system, the effective date of the decision on donations to charitable non-profit organizations shall be sixty (60) days after the date of this Report.

Decision on Other Donations/Gifts

For the reasons outlined above in respect of donations to charitable and non-profit organizations, I have decided that the Regulation shall be amended so that Members can no longer claim as allowable expenses the following:

- 1) Donations of gift certificates;
- 2) Purchase of raffle tickets;
- 3) Purchase of lottery tickets;
- 4) Donations to individuals and teams;
- 5) Donations to schools and parent associations (save and except for scholarships and bursaries and donations of books as outlined below);
- 6) Donations of food, refreshment and products.

Expenses for donations of flowers, souvenirs, event tickets and books are not included and will be reviewed individually.

Decision on Event Tickets

I agree that event tickets should be set out as an authorized expense in the Regulation. Members are constantly invited and expected to attend community dinners and events for non-profit or charitable organizations. They are often asked to bring greetings. They are often approached at these events by constituents wishing to discuss issues of concern. These events are usually held in the evening.

I have determined that it is appropriate and in the public interest for these events to be an allowable expense for Members and to be set out in the Regulation. It is also appropriate for business and safety reasons that the amended Regulation allows Members to claim the cost of one additional ticket for the Member's constituency assistant, Executive Assistant, researcher or intern to attend for non-partisan constituency business purposes. A Member shall be able to claim for the above to attend an event in case the Member cannot attend.

Excluded from allowable event tickets are events which are not of a charitable or non-profit nature. This list will include attendance at sporting events, golf tournaments, social tickets and service club meetings.

The reason for excluding these types of events is that they involve a personal benefit to the Members and should be a personal expense if they choose to attend.

Decision on Sponsorship

The Regulation shall be amended to reflect that any purchase of a ticket for nonprofit or charitable community events or an advertisement in a publication or a program shall be an allowable expense as long as the Member does not receive any benefit of a personal nature and irrespective of whether it is labeled a sponsorship by an organization.

Decision on Token Souvenir Items

It is accepted by the public that a Member should be able to distribute lapel pins, pens and other souvenir items to constituents. It is important however to maintain that the purpose of distributing such items is not for partisan purposes. One way of controlling this is to limit the monetary value of each item. A \$30.00 limit is appropriate in the circumstances and is a solution to trying to define token.

Regulation 14(f) should be amended to state: "that the expense of lapel pins, pens, magnets and other souvenir items are authorized and are subject to a \$30.00 limit per item."

While the Interim Rules provided for a restriction on recipients of flags, I do not believe it is necessary on an ongoing basis to maintain such a restriction. The recipient of the flag shall be identified.

Decision on Flowers (Wreaths/Poinsettias)/Plaques

The Auditor's main concern was that Members identify the recipient of flowers and support the expense with appropriate supporting documentation. As stated many times, this principle applies to all Members' expenses.

With respect to the limits regarding flowers and potential recipients, I do not believe it is necessary in the public interest to unduly restrict the recipient and accordingly, the Regulation as presently worded, can remain as is. The Interim Rules shall no longer be applicable.

I agree with comments made by the Green Commission that it is not unreasonable for a local Member to recognize important contributions to the community on behalf of the government in a modest way.

Transparency and accountability are best served by setting a monetary limit for such items. Accordingly, the Regulation shall be amended to set a monetary limit of \$150.00 for any such expense. The Member shall identify the recipient of the item when claiming reimbursement for the expense.

Decision on Scholarships and Bursaries

This form of expense is an accepted part of the political fabric of the province and should continue. The Regulation shall be amended to require that all payments be made to the school or school division in accordance with the Auditor's conclusions.

Decision on Books

I am mindful of the Auditor's overall concern about donations and gifts and that such use of public funds has the potential to be more personal and partisan than providing service to constituents.

I am also cognizant of the Auditor's reliance on the Green Commission which was very critical of such use of public funds.

Furthermore, I have noted that a review of other jurisdictions confirms that donations generally have been restricted.

Having noted all the above, I am aware that there is a fairly widespread practice of Members supporting certain community groups, reading programs and schools generally by donations of books. I am satisfied that this use of public funds is relatively small, but that it serves the public interest and is part of the cultural fabric of this province.

These donations of books go to the underprivileged and those in remote areas.

Therefore, I have decided that s. 14 of the Regulations be amended to include donations of books to non-profit or charitable groups and schools as an allowable expense. As with other expense claims, the recipient shall be identified when reimbursement is sought.

This will be an exception to the general exclusion of donations as an allowable expense.

I encourage future Commissioners to review this issue to determine if this exception continues to be justified and in the public interest.

Decision on Meals

The Auditor's recommendations shall be reflected in the Regulations for the reasons stated. All claims for meal expenses shall set out the purpose of the meeting and the names of the persons attending.

Decision on Expenses for Food, Refreshment and Product for Fundraising Activities. Community Events and Hospitality

I am advised that the current split of food and beverage expense from other hospitality products has proven to be an administrative headache for the MAO. There is no requirement for the split. Therefore, the Regulations should be amended to state all food, beverage and related products are to be treated as a representation category expense.

I am not satisfied that there is a need to allow expenses for entertainment and speakers at community events and therefore the Interim Rules should be set out in the Regulation. Nor do I believe it is in the public interest to have Members giving donations to facilitate meetings of other organizations. This view is consistent with the rules and practice in most other jurisdictions.

Decision on Parades

Based on my consultations with Members of all parties, I am satisfied that a Member's involvement in community parades is an accepted and welcomed aspect of the role of the Member in serving his or her constituents. The practice is widespread. Many Members participate in numerous parades annually. The costs involved are minimal.

I have determined that the Members will be able to claim as allowable expenses the cost of participating in parades, including parade entry fees, candy costs, hats, and decorations. I do not feel it is appropriate or necessary to fund car rental costs out of the public purse in these circumstances.

Decision on Supplies for Office Hospitality

I am not prepared to make any changes to the Regulations in this area. Members should take reasonable steps to claim only those supplies that are necessary for general office use under the Office Operations category.

Decision on Private Vehicle Mileage

I accept that the current system of recording mileage does not provide adequate information. All private mileage claims shall include the date on which the travel took place, the starting point, the destination (street), and total distance. Records are to be maintained by a log book or a travel claim form which sets out the above information.

Decision on Meals

To address concerns about transparency and accountability, I have determined that Members should document dates and locations (City or Town and restaurants) for all meals and per diems claimed under the Travel Allowance. Original receipts shall be required or alternately the civil service rate shall apply.

Decision on Taxi/Parking

This is an example of an area where supporting documentation is lacking. The Regulations shall state that all claims for taxis and parking be supported by an original receipt.

I am aware that in some instances it is difficult to obtain a receipt for parking. In such limited instances, a statutory declaration shall suffice.

Decision on Travel Outside of the Member's Constituency

It is appropriate that the expense claim lists both the amount of the expense plus the purpose of the travel. The trip purpose shall be identified as legislative or constituency. This will ensure that the travel is related to the performance of the Member's duties as per s. 21 (1) of the Regulations.

Decision on Airfare Claims

The Regulation (s. 1S(b)) should be amended to state that all Members provide a boarding pass as well as purchase information for all airfare claims. This will preclude the problem of duplicate claims.

In those instances where a boarding pass is not provided, such as with charter flights, other proof of payment will be acceptable.

Decision on Living Allowance/Living Expenses

I agree that the date be documented for all meal per diems claimed under the Living Allowance and other Allowances. It is also appropriate that the Regulation be amended to prevent duplicate claims for meals. It shall clearly state that Members cannot claim a per diem meal expense under the Living Expense category on the same date a meal expense is claimed under some other Allowance category.

Secondly, the Regulation s. 25(2) shall be amended to include the following additional authorized living expenses:

- (a) Groceries;
- (b) Cleaning supplies;
- (c) Consumable household items including linens, towels, bedding, small appliances and housewares.

Any consumable item purchased must be less than \$171.00 so as to preclude it being defined as capital under the Constituency Allowance. The expense of any consumable household item can be claimed over two or more months to allow consistency in claiming groceries and meals.

These additional authorized living expenses must be claimed against the monthly maximum subject to the above condition of claiming the expense of a consumable household item over two or more months.

Decision on Printing Allowance

Only legislative changes, not a change in the Regulation, can effect the items to be addressed. In the Circumstances, I recommend that the Legislature enact such legislation to address the Auditor's concerns.

Decision on Appeal Process

To ensure transparency and accountability, appeals from a decision of the MAO should be made to an independent third party rather than to LAMC. LAMC should make this appointment and the decisions of that party shall be final and binding.

Decision on Advertising

To ensure consistency and clarity in the Regulation, there should be a requirement that messages include the Member's name, constituency and contact information.

It is not appropriate that a Member's advertising should extend to parts of a new constituency in the next election. This is not in the public interest. LAMC's current direction that sign advertising be restricted to a Member's own constituency shall be set out in the Regulations.

Decision on Three Different Representation Limits

There is no economic or other reason to continue to have different maximums for different areas of the province. Therefore, I have determined that the Regulation shall be amended to have all Members receive the level currently received by a Winnipeg Member.

Decision on Constituency Assistants Allowance

The Regulation should clearly set out that LAMC is given the authority to determine the employment policies of Constituency Assistant. Section 10.1 (1) of the Regulation should be amended to reflect this.

Appendix B Members' Allowances Regulation

THE LEGISLATIVE ASSEMBLY ACT
(C.C.S.M. c. L110)

Members' Allowances Regulation

LOI SUR L'ASSEMBLÉE LÉGISLATIVE
(c. L110 de la C.P.L.M.)

Règlement sur les allocations des députés

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All persons making use of this consolidation are reminded that it has no legislative sanction. This consolidates the amendments made on the following dates: October 15, 2004; November 15, 2005; January 14, 2008; October 1, 2010; December 22, 2010; October 4, 2011.

La présente codification n'a aucune valeur officielle. Elle n'a pour but que de codifier les modifications faites aux dates suivantes : 15 octobre 2004; 15 novembre 2005; 14 janvier 2008; 1^{er} octobre 2010; 22 décembre 2010; 4 octobre 2011.

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PART 1
GENERAL PROVISIONS

Types of allowances

1 This regulation provides for the following allowances to be paid to or for the benefit of members to pay for authorized expenses as set out in this regulation:

(a) a constituency allowance, as set out in Part 2, to pay expenses for access and service to constituents and to pay business meeting meal expenses;

(a.1) a constituency assistants allowance, as set out in Part 2, to pay for salaries and benefits of constituency assistants;

(b) a capital allowance to pay expenses for initial office setup for new members, as set out in Part 2;

(c) a travel allowance to pay travel expenses, as set out in Part 3;

(d) a commuter allowance, as set out in Part 4, to pay additional travel expenses for members having to commute to Winnipeg;

PARTIE 1
DISPOSITIONS GÉNÉRALES

Types d'allocations

1 Le présent règlement prévoit le versement des allocations suivantes aux députés ou pour leur compte à l'égard des frais autorisés que vise le présent règlement :

a) une allocation de circonscription prévue à la partie 2 permettant le paiement des frais de représentation de la circonscription et le paiement des frais de repas liés à une réunion d'affaires;

a.1) une allocation pour adjoints de circonscription prévue à la partie 2 permettant le paiement des traitements et des avantages sociaux des adjoints de circonscription;

b) une allocation en capital prévue à la partie 2 permettant le paiement des frais liés à l'établissement d'un bureau pour les nouveaux députés;

c) une allocation de déplacement prévue à la partie 3 permettant le paiement des frais de déplacement des députés;

d) une allocation de trajets quotidiens prévue à la partie 4 permettant le paiement des frais de déplacement supplémentaires des députés qui doivent faire un trajet régulier pour se rendre à Winnipeg;

(e) a living allowance, as set out in Part 4, to pay expenses relating to

(i) a temporary residence, or

(ii) for those without a temporary residence, a limited number of overnight stays in Winnipeg;

(f) an intersessional committee allowance, as set out in Part 5, to pay expenses for attending committees when the Legislative Assembly is not sitting.

M.R. Jan. 14/08; Dec. 22/10

e) une allocation de subsistance prévue à la partie 4 permettant le paiement des frais ayant trait :

(i) à une résidence temporaire,

(ii) à un nombre limité de nuitées à Winnipeg, pour les députés qui n'ont pas de résidence temporaire;

f) une allocation de frais intersessions prévue à la partie 5 permettant le paiement des frais que les députés engagent afin d'assister aux séances de comités lorsque l'Assemblée législative ne siège pas.

R.M. du 14 janvier 2008 et du 22 décembre 2010

DEFINITIONS AND INTERPRETATION

Definitions

2(1) The following definitions apply in this regulation.

"Act" means The Legislative Assembly Act. (« Loi »)

"allowance period" means the period from April 1 of one year to March 31 of the next year. (« période d'allocation »)

"annual allowance", in relation to any type of allowance for an allowance period, means the maximum amount payable to a member in that allowance period as an allowance of that type. (« allocation annuelle »)

"authorized expense" means an expense authorized to be paid out of an allowance under this regulation. (« frais autorisés »)

"capital property" means any property the cost of which was a capital expense to a member under subsection 15(1). (« bien en immobilisation »)

"commercial accommodation" means accommodation for an overnight stay provided by a hotel, motel or other similar establishment for a fee. (« logement commercial »)

DÉFINITIONS ET INTERPRÉTATION

Définitions

2(1) Les définitions qui suivent s'appliquent au présent règlement.

« allocation annuelle » Le montant maximal payable à un député pour une période d'allocation au titre d'un type donné d'allocation. ("annual allowance")

« bien en immobilisation » Tout bien dont le coût constituait des frais d'immobilisation pour un député conformément au paragraphe 15(1). ("capital property")

« conjoint de fait » Personne qui vit dans une relation maritale d'une certaine permanence avec une autre personne sans être mariée avec elle. ("common-law partner")

« frais autorisés » Frais qui peuvent être payés sur une allocation en vertu du présent règlement. ("authorized expense")

« frais engagés avec lien de dépendance » Frais engagés par un député ou pour son compte conformément à un contrat ou à un autre arrangement :

a) si une des personnes suivantes a un intérêt financier direct dans le contrat ou l'autre arrangement :

"common-law partner" of a person means an individual who, not being married to the person, is cohabiting with him or her in a conjugal relationship of some permanence. (« conjoint de fait »)

"election period" means

(a) in the case of a federal or provincial election, the period beginning on the day the writ for the election is issued and ending on the day before the day of general polling of the election; and

(b) in the case of an election for a school board or for the council of a municipality or local government district, the period beginning on the day that nominations of candidates may first be filed and ending on the day before the day of general polling of the election. (« période électorale »)

"kilometric rate" in relation to transportation by private vehicle means

(a) in the case of travel by a southern or Winnipeg member, the single trip rate per kilometre payable to civil servants for travel by private vehicle south of the 53rd parallel; or

(b) in the case of travel by a northern member, the single trip rate per kilometre payable to civil servants for travel by private vehicle north of the 53rd parallel;

plus, when the member has authorized expenses for travel by private vehicle for more than 25,000 kilometres in an allowance period, an additional \$0.05 per kilometre for each additional kilometre travelled by private vehicle in that period. (« taux par kilomètre »)

"relative" of a member means

(a) a child, grandchild, brother, sister, parent or grandparent of the member or of the member's spouse or common-law partner; and

(i) le député ou son conjoint ou conjoint de fait ou une personne morale dans laquelle l'un d'eux a un intérêt financier direct,

(ii) un des parents du député ou une personne morale dans laquelle un des parents du député a un intérêt financier direct,

(iii) un autre député ou son enfant, son conjoint ou son conjoint de fait, un enfant du conjoint ou du conjoint de fait d'un autre député ou une personne morale dans laquelle l'un d'eux a un intérêt financier direct;

b) si, dans les cas visés au sous-alinéa a)(ii) ou (iii), le député qui a engagé les frais ou pour le compte duquel ils ont été engagés savait ou aurait normalement dû savoir que l'intérêt existait. ("non-arm's length expense")

« logement commercial » Logement qu'un hôtel, qu'un motel ou qu'un autre établissement semblable fournit pour une nuit moyennant paiement. ("commercial accommodation")

« logement non commercial » Logement fourni gratuitement pour une nuit. ("non-commercial accommodation")

« Loi » La Loi sur l'Assemblée législative. ("Act")

« nouveau député » Personne qui n'occupait pas le poste de député immédiatement avant le jour où elle a été élue la dernière fois. ("new member")

« parent »

a) Enfant, petit-enfant, frère, soeur, parent ou grand-parent du député ou de son conjoint ou conjoint de fait;

b) conjoint ou conjoint de fait d'un enfant, d'un petit-enfant, d'un frère, d'une soeur, d'un parent ou d'un grand-parent du député ou de son conjoint ou conjoint de fait. ("relative")

(b) the spouse or common-law partner of a child, grandchild, brother, sister, parent or grandparent of the member or of the member's spouse or common-law partner. (« parent »)

"new member" means a member who was not a member immediately before he or she was last elected. (« nouveau député »)

"non-arm's length expense" means an expense incurred by or on behalf of a member under a contract or other arrangement, if

(a) any of the following persons has a direct financial interest in the contract or other arrangement:

(i) the member or his or her spouse or common-law partner, or a corporation in which any of them has a direct financial interest,

(ii) a relative of the member, or a corporation in which a relative of the member has a direct financial interest,

(iii) another member or his or her child, spouse or common-law partner, a child of another member's spouse or common-law partner, or a corporation in which any of them has a direct financial interest; and

(b) in any case referred to in subclause (a)(ii) or (iii), the member who incurred the expense, or on whose behalf it was incurred, knew or ought reasonably to have known that the interest existed. (« frais engagés avec lien de dépendance »)

"non-commercial accommodation" means accommodation for an overnight stay provided without charge. (« logement non commercial »)

M.R. Oct. 1/10

Interpretation of "direct financial interest"

2(2) A person who is a beneficial owner of a thing is deemed to have a direct financial interest in the thing.

« période d'allocation » La période allant du 1^{er} avril d'une année au 31 mars de l'année suivante. ("allowance period")

« période électorale » Dans le cas :

a) d'une élection fédérale ou provinciale, la période commençant à la date de la prise du décret de convocation des électeurs et se terminant la veille du scrutin;

b) d'une élection de commission scolaire, de conseil municipal ou de district d'administration locale, la période commençant le jour où les déclarations de candidature peuvent être déposées en premier lieu et se terminant la veille du scrutin. ("election period")

« taux par kilomètre » S'entend, relativement au transport au moyen d'un véhicule privé :

a) dans le cas des déplacements d'un député du Sud ou de Winnipeg, du taux pour voyage unique par kilomètre payable aux fonctionnaires qui utilisent un véhicule privé et applicable au sud du 53^e parallèle;

b) dans le cas des déplacements d'un député du Nord, du taux pour voyage unique par kilomètre payable aux fonctionnaires qui utilisent un véhicule privé et applicable au nord du 53^e parallèle.

De plus, lorsque les frais autorisés que le député engage ont trait à des déplacements au moyen d'un véhicule privé dépassant 25 000 kilomètres au cours d'une période d'allocation, ce taux est majoré de 0,05 \$ par kilomètre pour chaque kilomètre additionnel que le député parcourt au moyen d'un tel véhicule pendant cette période. ("kilometric rate")

R.M. du 1^{er} octobre 2010

Sens de « intérêt financier direct »

2(2) La personne qui est le propriétaire bénéficiaire d'une chose est réputée avoir un intérêt financier direct dans celle-ci.

Northern, southern and Winnipeg regions

3 In this regulation, members and their constituencies are categorized by region and electoral division as follows:

Northern	Southern	Winnipeg
Flin Flon	Agassiz	Assiniboia
Kewatinook	Arthur-Virden	Burrows
The Pas	Brandon East	Charleswood
Thompson	Brandon West	Concordia
	Dauphin	Elmwood
	Dawson Trail	Fort Garry-Riverview
	Emerson	Fort Richmond
	Gimli	Fort Rouge
	Interlake	Fort Whyte
	Lac du Bonnet	Kildonan
	Lakeside	Kirkfield Park
	La Verendrye	Logan
	Midland	Minto
	Morden-Winkler	Point Douglas
	Morris	Radisson
	Portage la Prairie	Riel
	Riding Mountain	River East
	Selkirk	River Heights
	Spruce Woods	Rossmere
	St. Paul	Seine River
	Steinbach	Southdale
	Swan River	St. Boniface
		St. James
		St. Johns
		St. Norbert
		St. Vital
		The Maples
		Transcona
		Tuxedo
		Tyndall Park
		Wolseley

M.R. Oct. 4/11

Régions du Nord, du Sud et de Winnipeg

3 Dans le présent règlement, les députés et leur circonscription sont classés par région et par circonscription électorale de la façon suivante :

Nord	Sud	Winnipeg
Flin Flon	Agassiz	Assiniboia
Kewatinook	Arthur-Virden	Burrows
Le Pas	Brandon-Est	Charleswood
Thompson	Brandon-Ouest	Concordia
	Dauphin	Elmwood
	Dawson Trail	Fort Garry-Riverview
	Emerson	Fort Richmond
	Gimli	Fort Rouge
	Entre-les-Lacs	Fort Whyte
	Lac-du-Bonnet	Kildonan
	Lakeside	Kirkfield Park
	La Vérendrye	Logan
	Midland	Minto
	Morden-Winkler	Pointe Douglas
	Morris	Radisson
	Portage-la-Prairie	Riel
	Riding Mountain	River East
	Selkirk	River Heights
	Spruce Woods	Rossmere
	St. Paul	Rivière-Seine
	Steinbach	Southdale
	Swan River	Saint-Boniface
		St. James
		St. Johns
		Saint-Norbert
		Saint-Vital
		The Maples
		Transcona
		Tuxedo
		Tyndall Park
		Wolseley

R.M. du 4 octobre 2011

PAYMENT OF EXPENSES

Direct payment to third parties

4(1) The following expenses, to the extent they are authorized expenses, are to be paid by the Legislative Assembly directly to the person to whom they are due rather than to the member who incurs them:

- (a) rent for constituency office space;
- (b) remuneration for constituency staff.

Direct payments of invoiced amounts

4(2) At the request of a member, the Speaker may pay an authorized expense that exceeds \$200 directly to a third party if the request is made in a form approved by the Speaker and includes or is accompanied by

- (a) a statement of the intended purpose of the expense; and
- (b) an invoice, contract or other document evidencing the obligation.

M.R. Oct. 1/10

Claim for reimbursement

5(1) A claim for reimbursement of an authorized expense

- (a) must be made in a form approved by the Speaker;
- (b) subject to subsection (2), must be accompanied by proof of payment;
- (c) must include or be accompanied by a statement of the intended purpose of the expense;
- (d) in the case of an expense for travel by an aircraft, must be accompanied by the boarding pass or other proof that the travel occurred;

PAIEMENT DES FRAIS

Paiement direct aux tiers

4(1) Dans la mesure où ils sont autorisés, les frais suivants sont payés par l'Assemblée législative directement à la personne qui y a droit, plutôt qu'au député qui les engage :

- a) le loyer du bureau de circonscription;
- b) la rémunération du personnel du bureau de circonscription.

Paiements directs de montants ayant fait l'objet d'une facture

4(2) À la demande du député, le président peut payer des frais autorisés dépassant 200 \$ directement à un tiers si la demande est présentée au moyen de la formule qu'il approuve et comprend les documents indiqués ci-après ou en est accompagnée :

- a) une déclaration faisant état de l'objet des frais;
- b) une facture, un contrat ou un autre document attestant l'obligation.

R.M. du 1^{er} octobre 2010

Demande de remboursement

5(1) Chaque demande de remboursement de frais autorisés :

- a) est présentée au moyen de la formule qu'approuve le président;
- b) sous réserve du paragraphe (2), est accompagnée d'une preuve de paiement;
- c) comprend une déclaration faisant état de l'objet des frais ou en est accompagnée;
- d) dans le cas de frais de déplacement par aéronef, est accompagnée de la carte d'embarquement ou d'une autre preuve du déplacement;

(e) subject to subsection (11), must be submitted, with the necessary supporting documentation, to the Members' Allowances Office within the allowance period to which it relates or within three months after the end of that period.

M.R. Oct. 1/10

When proof of payment not required

5(2) Proof of payment is not required for the following:

(a) travel expenses to be reimbursed at the kilometric rate under the travel allowance, the constituency allowance or the commuter allowance;

(b) meal expenses to be reimbursed at civil service rates under the travel allowance, the constituency allowance, the commuter allowance, the living allowance or the alternate living allowance;

(c) incidental expenses to be reimbursed at civil service rates under the travel allowance, the constituency allowance, the commuter allowance or the alternate living allowance.

M.R. Oct. 1/10

What constitutes proof of payment

5(3) For the purpose of clause (1)(b), proof of payment is to consist of the original receipt for the payment of the expense or, if no receipt can be provided,

(a) a copy of a bank statement or bank statement excerpt that identifies the expense and the payee;

(b) an image of the cancelled cheque;

(c) an invoice for the expense marked "paid" by the supplier of the goods or services for which the expense was incurred;

(d) in the case of an expense for an event ticket, the original ticket showing the date of the event and the price of admission; or

e) sous réserve du paragraphe (11), est présentée avec les pièces justificatives nécessaires au Bureau des allocations des députés au cours de la période d'allocation visée ou dans les trois mois suivant la fin de celle-ci.

R.M. du 1^{er} octobre 2010

Preuve de paiement non nécessaire

5(2) Aucune preuve de paiement n'est exigée à l'égard :

a) des frais de déplacement devant être remboursés au taux par kilomètre au titre de l'allocation de déplacement, de l'allocation de circonscription ou de l'allocation de trajets quotidiens;

b) des frais de repas devant être remboursés aux taux pratiqués dans la fonction publique au titre de l'allocation de déplacement, de l'allocation de circonscription, de l'allocation de trajets quotidiens, de l'allocation de subsistance ou de l'allocation de subsistance de remplacement;

c) des frais connexes devant être remboursés aux taux pratiqués dans la fonction publique au titre de l'allocation de déplacement, de l'allocation de circonscription, de l'allocation de trajets quotidiens ou de l'allocation de subsistance de remplacement.

R.M. du 1^{er} octobre 2010

Preuve de paiement

5(3) Pour l'application de l'alinéa (1)b), constitue une preuve de paiement le reçu original obtenu à l'égard du paiement des frais ou, si aucun reçu ne peut être fourni :

a) une copie d'un relevé bancaire ou d'un extrait de relevé bancaire indiquant les frais et le bénéficiaire;

b) une image du chèque payé;

c) une facture remise à l'égard des frais et sur laquelle le fournisseur des biens ou des services visés a apposé la mention « payé »;

d) dans le cas de frais concernant un billet pour un événement, le billet original indiquant la date de l'événement ainsi que le prix d'entrée;

(e) in the case of a fee for metered parking, a statutory declaration setting out the parking location, the amount of the fee, and the date it was paid.

M.R. Oct. 1/10

Statement of intended purpose

5(4) For the purpose of clause (1)(c),

(a) a statement of purpose for a travel expense claimed under the travel allowance, or under the constituency allowance under clause 12(2)(a), is sufficient if it describes the purpose of the trip in relation to which the expense was incurred as being for a constituency purpose, for a legislative purpose, or a combination of those purposes;

(b) a statement of purpose for an expense claimed under the living allowance is sufficient if it describes the expense as being incurred in relation to the member's use or occupancy of the member's temporary residence;

(c) a statement of purpose for a transportation expense claimed under the commuter allowance is sufficient if it states that the expense is claimed in relation to commuting between the member's home and Winnipeg;

(d) a statement of purpose for expenses claimed under the commuter allowance or the alternate living allowance in relation to an overnight stay in Winnipeg is sufficient if it states that the expenses are claimed in relation to that stay and gives the reason for the stay; and

(e) a statement of purpose for expenses claimed under the intersessional committee allowance is sufficient if it describes the expenses as being incurred for the purpose of attending a committee meeting and identifies that meeting.

M.R. Oct. 1/10

e) dans le cas d'un droit concernant un stationnement à parcomètres, une déclaration solennelle faisant état de l'emplacement du stationnement, du montant du droit ainsi que de la date de son paiement.

R.M. du 1^{er} octobre 2010

Déclaration de l'objet

5(4) Pour l'application de l'alinéa (1)c) :

a) une déclaration faisant état de l'objet de frais de déplacement dont le remboursement est demandé au titre de l'allocation de déplacement ou au titre de l'allocation de circonscription en vertu de l'alinéa 12(2)a) est suffisante si elle indique que le voyage visé concernait la conduite des affaires de la circonscription ou des fins législatives ou les deux objets;

b) une déclaration faisant état de l'objet de frais dont le remboursement est demandé au titre de l'allocation de subsistance est suffisante si elle indique que les frais ont été engagés relativement à l'utilisation ou à l'occupation par le député de sa résidence temporaire;

c) une déclaration faisant état de l'objet de frais de transport dont le remboursement est demandé au titre de l'allocation de trajets quotidiens est suffisante si elle indique que les frais ont trait aux trajets que le député a effectués entre son domicile et Winnipeg;

d) une déclaration faisant état de l'objet de frais dont le remboursement est demandé au titre de l'allocation de trajets quotidiens ou de l'allocation de subsistance de remplacement à l'égard d'un hébergement de nuit à Winnipeg est suffisante si elle indique que les frais ont trait à cet hébergement et précise les raisons de celui-ci;

e) une déclaration faisant état de l'objet de frais dont le remboursement est demandé au titre de l'allocation de frais intersessions est suffisante si elle indique que les frais ont été engagés pour permettre au député d'assister à une séance d'un comité et précise celle-ci.

R.M. du 1^{er} octobre 2010

Claims for meal expenses

5(5) Meal expenses may be claimed under the following allowances:

(a) the constituency allowance (representation expense under clause 14(b), business meeting meal expenses under section 14.2 and meal expenses at civil service rates under clause 12(2)(d));

(b) the travel allowance (meal expenses at civil service rates under clause 21(1)(d));

(c) the commuter allowance (meal expenses at civil service rates under subclause 23(2)(b)(ii));

(d) the living allowance for a non-Winnipeg member with a temporary residence (meal expenses under clause 25(2)(a.1));

(e) the alternative living allowance for a non-Winnipeg member without a temporary residence in Winnipeg (meals at civil service rates under clause 28(2)(a));

(f) the intersessional committee allowance (under subsection 29(2)), if approved by the Speaker.

The following rules apply to claims for these meal expenses:

1. Every claim for a meal expense must set out the date of the meal and the allowance under which it is claimed.
2. Every claim for a meal expense claimed at a civil service rate, other than a meal expense claimed under clause 25(2)(a.1), must state the location (city, town or village) of the meal.
3. Every claim for a meal expense at the actual cost of the meal, rather than at the civil service rate, must state the location (city, town or village) and the name of the restaurant or other facility that provided the meal.
4. A claim for a meal expense under clause 14(b) (representation expense) or section 14.2 (business meeting meal expense) must state the purpose of the meeting and must include, or be accompanied by, a statement setting out the name of each person to whom the meal was provided at the member's expense.

Demandes de remboursement des frais de repas

5(5) Le remboursement des frais de repas peut être demandé au titre :

a) de l'allocation de circonscription en vertu des alinéas 12(2)d) et 14b) ainsi que de l'article 14.2;

b) de l'allocation de déplacement en vertu de l'alinéa 21(1)d);

c) de l'allocation de trajets quotidiens en vertu du sous-alinéa 23(2)b)(ii);

d) de l'allocation de subsistance en vertu de l'alinéa 25(2)a.1);

e) de l'allocation de subsistance de remplacement en vertu de l'alinéa 28(2)a);

f) de l'allocation de frais intersessions en vertu du paragraphe 29(2), pour autant que les frais de repas soient approuvés par le président.

Les règles indiquées ci-après s'appliquent aux demandes de remboursement des frais de repas :

1. Chaque demande de remboursement de frais de repas doit indiquer la date du repas et l'allocation au titre de laquelle le remboursement est demandé.
2. Chaque demande de remboursement de frais de repas en fonction des taux pratiqués dans la fonction publique, à l'exclusion d'une demande de remboursement de frais de repas présentée en vertu de l'alinéa 25(2)a.1), doit préciser le lieu du repas (ville ou village).
3. Chaque demande de remboursement de frais de repas en fonction du coût actuel du repas, plutôt qu'en fonction des taux pratiqués dans la fonction publique, doit préciser le lieu du restaurant ou de l'autre établissement où il a été servi (ville ou village) ainsi que son nom.
4. Toute demande de remboursement concernant les frais de repas visés à l'alinéa 14b) ou à l'article 14.2 doit préciser l'objet de la réunion et doit comprendre une déclaration donnant le nom de chaque personne à laquelle un repas a été fourni aux frais du député ou en être accompagnée.

5. A meal expense may be not be claimed under an allowance if any expense is claimed in relation to that meal under another allowance.

M.R. Oct. 1/10; Dec. 22/10

Claims for expenses of travel by private vehicle 5(6) An expense for transportation by private vehicle (claims based on the kilometric rate and the distance travelled) may be claimed under

- (a) the travel allowance (clause 21(1)(a));
- (b) the constituency allowance (clause 12(2)(a)) after the travel allowance claims have been maximized; or
- (c) if approved by the Speaker, the intersessional committee allowance (subsection 29(3));

and, for each trip, the claim form (or a log book excerpt submitted with the claim form) must set out

- (d) the date on which the travel took place and the allowance under which the travel expense is claimed;
- (e) the locations of the starting point and the destination, described as
 - (i) the name of the city, town or village and, in the case of Brandon or Winnipeg, the name of the street or any other description acceptable to the Members' Allowances Office, or
 - (ii) if the location is not in a city, town or village, the name of the nearest city, town or village or any other description acceptable to the Members' Allowances Office; and

- (f) the total distance travelled.

M.R. Oct. 1/10

5. Il est interdit de demander un remboursement de frais pour un même repas au titre de plus d'une allocation.

R.M. du 1^{er} octobre 2010 et du 22 décembre 2010

Demande de remboursement des frais de déplacement au moyen d'un véhicule privé 5(6) Le remboursement des frais de transport au moyen d'un véhicule privé (déterminés en fonction du taux par kilomètre et de la distance parcourue) peut être demandé au titre :

- a) de l'allocation de déplacement en vertu de l'alinéa 21(1)a);
- b) de l'allocation de circonscription en vertu de l'alinéa 12(2)a), après que l'allocation de déplacement maximale a été demandée;
- c) de l'allocation de frais intersessions en vertu du paragraphe 29(3), pour autant que les frais de transport soient approuvés par le président.

La formule de demande de remboursement — ou un extrait du carnet de route présenté avec celle-ci — doit indiquer :

- d) la date à laquelle le déplacement a été effectué ainsi que l'allocation au titre de laquelle le remboursement est demandé;
- e) les points de départ et d'arrivée, de la façon suivante :
 - (i) le nom de la ville ou du village et, dans le cas de Brandon ou de Winnipeg, le nom de la rue ou toute autre mention que le Bureau des allocations des députés juge acceptable,
 - (ii) si le lieu en question ne se trouve pas dans une ville ni un village, le nom de la ville ou du village le plus près ou toute autre mention que le Bureau des allocations des députés juge acceptable;

- f) la distance totale parcourue.

R.M. du 1^{er} octobre 2010

Claim for bank charges

5(7) A member who submits a claim for bank charges as permitted by clause 10(2)(e) must submit to the Members' Allowances Office, monthly, a copy of the most recent monthly bank statement and a copy or image of each cancelled cheque for which there is an entry in that statement.

M.R. Oct. 1/10

Claim for communication charges

5(8) When submitting an expense claim under clause 12(1)(d) for communication services relating to a telephone or mobile communication device, a member must also submit, for audit purposes only, a copy of the entire invoice issued by the service provider.

M.R. Oct. 1/10

Claim for representation expense

5(9) An expense claim under clause 14(a) for a certificate, plaque, flag, fruit basket, wreath or flowers must identify the recipient of the item.

M.R. Oct. 1/10; Dec. 22/10

Claim for representation expense (book donation)

5(10) An expense claim under clause 14(e) (book donation) must identify the recipient and confirm that the recipient is an eligible recipient under that clause.

M.R. Oct. 1/10

Transitional — claims for previous allowance periods

5(11) An expense claim relating to an allowance period ending before 2011 may be submitted, along with any supporting documentation, no later than June 30, 2011.

M.R. Oct. 1/10

Demande de remboursement des frais bancaires

5(7) Le député qui demande le remboursement des frais bancaires conformément à l'alinéa 10(2)e) présente mensuellement au Bureau des allocations des députés une copie de son dernier relevé bancaire ainsi qu'une copie ou une image de chaque chèque payé faisant l'objet d'une inscription sur le relevé.

R.M. du 1^{er} octobre 2010

Demande de remboursement des frais de communication

5(8) Lorsqu'il présente une demande de remboursement en vertu de l'alinéa 12(1)d) à l'égard de services de communication ayant trait à un téléphone ou à un appareil de communication mobile, le député présente également, à des fins de vérification seulement, une copie de la facture complète délivrée par le fournisseur de services.

R.M. du 1^{er} octobre 2010

Demande de remboursement des frais de représentation

5(9) Toute demande de remboursement des frais de représentation présentée en vertu de l'alinéa 14a) à l'égard d'un certificat, d'une plaque, d'un drapeau, d'un panier de fruits ou de fleurs, notamment sous forme de couronne, désigne le destinataire de l'article en question.

R.M. du 1^{er} octobre 2010 et du 22 décembre 2010

Demande de remboursement des frais de représentation (don de livres)

5(10) Toute demande de remboursement des frais de représentation présentée en vertu de l'alinéa 14e) désigne le destinataire du don et confirme qu'il est admissible sous le régime de cet alinéa.

R.M. du 1^{er} octobre 2010

Disposition transitoire — périodes d'allocation antérieures

5(11) Les demandes de remboursement ayant trait à une période d'allocation se terminant avant 2011 peuvent être présentées, avec les pièces justificatives y relatives, au plus tard le 30 juin de cette année.

R.M. du 1^{er} octobre 2010

Prepayment of expense

6(1) A member may claim, and the Speaker may prepay, an authorized expense that is chargeable to the member's allowance for a future month, if that type of expense is prepaid in the normal course of business.

Repayment of prepaid expense

6(2) If a member's prepaid expense later turns out not to be an authorized expense in the month against which it was charged, the amount so prepaid is a debt due by the member to the Crown.

Expenses paid from other sources

7 Despite any provision of this regulation, a member's expense is not an authorized expense if the member is, or is entitled to be, reimbursed for it under any contract or arrangement other than this regulation.

Allowances payable to former members

8(1) An allowance payable in respect of authorized expenses incurred by a member before he or she ceases to be a member is payable to the former member or to his or her estate.

Certain allowances continue after ceasing to be a member

8(2) In addition, the constituency allowance and the living allowance are payable to a former member, or to his or her estate, to pay for the following expenses incurred before the end of the second month after the month in which he or she ceased to be a member:

(a) any of the following expenses that would, but for his or her having ceased to be a member, qualify for the constituency allowance,

- (i) office space expenses,
- (ii) rental of office furnishings or equipment,
- (iii) communication service fees,

Paiement anticipé de frais

6(1) Un député peut demander le paiement par anticipation de frais autorisés imputables sur l'allocation d'un mois à venir et le président peut effectuer un tel paiement, pour autant que ce genre de frais soit payé d'avance dans le cours normal des affaires.

Remboursement des frais payés par anticipation

6(2) Si les frais payés par anticipation s'avèrent ultérieurement ne pas être autorisés au cours du mois visé, le montant payé par anticipation constitue une créance de la Couronne à l'égard du député.

Paiement provenant d'autres sources

7 Par dérogation aux autres dispositions du présent règlement, les frais des députés ne sont pas autorisés si ceux-ci en reçoivent ou ont le droit d'en recevoir le remboursement en vertu d'un contrat ou d'un arrangement autre que le présent règlement.

Allocations payables aux ex-députés

8(1) Toute allocation qui doit être versée à l'égard des frais autorisés engagés par un député avant qu'il cesse d'exercer ses fonctions est payable à l'ex-député ou à sa succession.

Maintien de certaines allocations après la cessation des fonctions

8(2) L'allocation de circonscription et l'allocation de subsistance sont payables à un ex-député, ou à sa succession, afin que soient couverts les frais indiqués ci-après engagés avant la fin du deuxième mois qui suit celui au cours duquel il a cessé d'être député :

a) les frais mentionnés ci-dessous qui lui donneraient droit à l'allocation de circonscription s'il n'avait pas cessé d'être député :

- (i) les frais liés aux locaux du bureau,
- (ii) le prix de location d'accessoires et de matériel de bureau,
- (iii) les frais liés aux services de communication,

- (iv) insurance regarding the constituency office,
- (v) bank charges;
- (b) expenses of moving the contents of the constituency office;
- (c) if they are payable in connection with the rental accommodation occupied by the former member as a temporary residence while he or she was a member and would, but for his or her having ceased to be a member, qualify for the living allowance,
 - (i) temporary residence expenses described in subsection 25(1), and
 - (ii) living expenses described in clause 25(2)(b), except residential cleaning services;
- (d) if they are payable in connection with a temporary residence under section 25.1 and would, but for his or her having ceased to be a member, qualify for the living allowance,
 - (i) property taxes, prorated monthly,
 - (ii) mortgage interest,
 - (iii) monthly common element fees, if the residence is a condominium,
 - (iv) insurance premiums for the residence and its contents, prorated monthly,
 - (v) telephone rental and services,
 - (vi) utilities, including cable television,
 - (vii) moving household effects.

M.R. Oct. 15/04; Oct. 1/10

- (iv) les frais d'assurance du bureau de circonscription,
- (v) les frais bancaires;
- b) les frais de déménagement du contenu du bureau de circonscription;
- c) s'ils sont payables relativement au logement locatif occupé par l'ex-député à titre de résidence temporaire pendant qu'il exerçait ses fonctions et lui donneraient droit à l'allocation de subsistance s'il n'avait pas cessé d'être député :
 - (i) les frais de résidence temporaire visés au paragraphe 25(1),
 - (ii) les frais de subsistance visés à l'alinéa 25(2)b), à l'exception des frais liés aux services d'entretien ménager;
- d) s'ils sont payables relativement à une résidence temporaire visée à l'article 25.1 et lui donneraient droit à l'allocation de subsistance s'il n'avait pas cessé d'être député :
 - (i) les taxes foncières mensuelles,
 - (ii) les intérêts hypothécaires,
 - (iii) les frais de parties communes, si la résidence est un condominium,
 - (iv) les primes d'assurance mensuelles pour la résidence et son contenu,
 - (v) le prix de location d'un téléphone et les frais liés aux services téléphoniques,
 - (vi) les frais de services publics, y compris la câblodistribution,
 - (vii) les frais de déménagement d'effets ménagers.

R.M. du 15 octobre 2004 et du 1^{er} octobre 2010

Restriction re expenses incurred in election period

8(3) Despite any other provision of this regulation except subsection (2), no allowance is payable in respect of an expense incurred during the election period of a provincial general election.

Prorating of allowance

9(1) Subject to section 8, when a member is not a member throughout an allowance period, the member's allowances for the period are to be prorated based on the number of days in the period that he or she is a member.

M.R. Jan. 14/08

Continuous period of membership

9(2) A person who is a member immediately before a writ for a provincial election is issued and is re-elected as a member in that election is deemed to remain a member throughout the election period.

PART 2

CONSTITUENCY ALLOWANCE AND CONSTITUENCY ASSISTANTS ALLOWANCE

Maximum constituency allowance

10(1) The annual allowance (the "constituency allowance") payable to a member for authorized expenses for non-partisan access and service to constituents and for authorized business meeting meal expenses is

- (a) for a northern member, \$43,320.;
- (b) for a southern member, \$45,000.; and
- (c) for a Winnipeg member, \$48,528.

M.R. Dec. 22/10

Restriction concernant les frais engagés au cours d'une période électorale

8(3) Malgré toute autre disposition du présent règlement, à l'exclusion du paragraphe (2), aucune allocation n'est payable à l'égard des frais engagés au cours de la période électorale d'élections générales tenues dans la province.

Calcul au prorata

9(1) Sous réserve de l'article 8, les allocations de la personne qui n'occupe pas le poste de député pendant la totalité d'une période d'allocation sont calculées au prorata en fonction du nombre de jours au cours desquels elle occupe ce poste pendant cette période.

R.M. du 14 janvier 2008

Personne réputée être députée pendant une période continue

9(2) La personne qui occupe le poste de député juste avant la prise du décret de convocation des électeurs à des élections provinciales et qui est réélue à titre de député au cours de ces élections est réputée continuer d'être députée pendant toute la période électorale.

PARTIE 2

ALLOCATION DE CIRCONSCRIPTION ET ALLOCATION POUR ADJOINTS DE CIRCONSCRIPTION

Allocation de circonscription maximale

10(1) L'allocation annuelle (l'« allocation de circonscription ») payable à un député à l'égard des frais autorisés engagés pour que soit assurée la représentation apolitique de sa circonscription et à l'égard des frais autorisés engagés pour des repas liés à une réunion d'affaires est de :

- a) 43 320 \$ pour un député du Nord;
- b) 45 000 \$ pour un député du Sud;
- c) 48 528 \$ pour un député de Winnipeg.

R.M. du 22 décembre 2010

Types of authorized expenses

10(2) The constituency allowance is payable only for the following types of expenses:

- (a) authorized expenses for constituency office space, as described in section 11;
- (b) authorized expenses for constituency service and constituency office operation, as described in section 12;
- (c) authorized expenses for constituency staff, as described in section 13, to the extent that they exceed the member's constituency assistants allowance under section 10.1;
- (d) authorized expenses for representation as described in section 14 and for business meeting meals as described in section 14.2, not exceeding, in total, 15% of the constituency allowance for the allowance period for a Winnipeg member under clause (1)(c);
- (e) up to \$100 per month of bank charges, including interest, on a single bank account established and operated by a member exclusively for the payment and reimbursement of authorized expenses.

M.R. Jan. 14/08; Oct. 1/10; Dec. 22/10

"Non-partisan" defined

10(3) For the purpose of this section, "non-partisan" means

- (a) without reference to any word, initial, colour or device that would identify a political party;
- (b) free of any solicitation for money or votes on behalf of a person or political party;
- (c) free of any statement advocating that money or votes not be given to a person or political party; and

Types de frais autorisés

10(2) L'allocation de circonscription n'est payable que pour les frais autorisés suivants :

- a) les frais autorisés qui sont engagés pour les locaux du bureau de circonscription et qui sont visés à l'article 11;
- b) les frais autorisés qui sont engagés pour les services aux électeurs et le fonctionnement du bureau de circonscription et qui sont visés à l'article 12;
- c) les frais autorisés qui sont engagés relativement au personnel du bureau de circonscription et qui sont visés à l'article 13, dans la mesure où ils excèdent le montant de l'allocation visée à l'article 10.1;
- d) les frais autorisés qui sont engagés pour la représentation et qui sont visés à l'article 14 ainsi que ceux engagés pour des repas liés à une réunion d'affaires et qui sont visés à l'article 14.2, pour autant qu'ils n'excèdent pas au total 15 % de l'allocation de circonscription payable pour la période d'allocation à un député de Winnipeg en vertu de l'alinéa (1)c);
- e) les frais bancaires, y compris les intérêts, jusqu'à concurrence de 100 \$ mensuellement, à l'égard d'un seul compte bancaire ouvert et utilisé par un député exclusivement aux fins du paiement et du remboursement des frais autorisés.

R.M. du 14 janvier 2008, du 1^{er} octobre 2010 et du 22 décembre 2010

Définition de « apolitique »

10(3) Pour l'application du présent article, « apolitique » s'entend des activités :

- a) dans le cadre desquelles il n'est pas fait mention d'un mot, d'un sigle, d'une couleur ou d'un dispositif permettant d'identifier un parti politique;
- b) qui ne visent pas à persuader des électeurs de voter pour une personne ou un parti politique ou de lui verser une contribution financière;
- c) qui ne visent pas à dissuader des électeurs de voter pour une personne ou un parti politique ou de lui verser une contribution financière;

(d) free of any statement advocating that a person

(i) join or not join a political party, or

(ii) continue to be, or cease to be, a member of a political party.

However, clause (a) does not apply in determining whether an expense described in clause 12(1)(g) or (h) (business cards, letterhead, internet communication, etc.) is for non-partisan access and service to constituents.

Constituency assistants allowance

10.1(1) Effective March 29, 2008, each member is entitled to a constituency assistants allowance to pay for authorized expenses for constituency staff, as described in section 13.

M.R. Jan. 14/08

Maximum allowance

10.1(2) The maximum allowance is

(a) the equivalent of \$3,000. per month (\$1,378. bi-weekly) for salaries, including holiday and vacation pay; plus

(b) the member's cost of employee benefits provided to the constituency staff in accordance with employment policies established by the Legislative Assembly Management Commission.

M.R. Jan. 14/08

Severance allowance for constituency staff

10.1(3) The constituency assistants allowance may also be used to pay a severance allowance equivalent to one week's pay per year of continuous service, up to a maximum of eight weeks' pay, to an employee with at least one year of service who has been dismissed without cause. This amount is included as a cost under clause (2)(b), and may be prorated for a part year of service.

M.R. Jan. 14/08

d) qui ne visent pas à persuader ou à dissuader quiconque de devenir ou de demeurer membre d'un parti politique.

Toutefois, l'alinéa a) ne s'applique pas lorsqu'il s'agit de déterminer si les frais visés à l'alinéa 12(1)g) ou h) sont engagés afin que soit assurée la représentation apolitique d'une circonscription.

Allocation pour adjoints de circonscription

10.1(1) À compter du 29 mars 2008, chaque député a droit à une allocation pour adjoints de circonscription permettant le paiement des frais autorisés qui sont engagés relativement au personnel du bureau de circonscription et qui sont visés à l'article 13.

R.M. du 14 janvier 2008

Allocation maximale

10.1(2) L'allocation maximale correspond à l'équivalent de 3 000 \$ par mois (1 385 \$ à la quinzaine) pour les traitements, y compris les indemnités de jours fériés et de vacances, et est majorée du coût que représente pour le député les avantages sociaux accordés au personnel du bureau de circonscription en conformité avec les politiques d'emploi établies par la Commission de régie de l'Assemblée législative.

R.M. du 14 janvier 2008

Indemnité de départ

10.1(3) L'allocation pour adjoints de circonscription peut également être affectée au paiement d'une indemnité de départ correspondant à une semaine de traitement par année de service continu, jusqu'à concurrence de huit semaines de traitement, à un employé comptant au moins une année de service et congédié sans motif valable. Ce montant est inclus dans le coût visé au paragraphe (2) et peut être calculé au prorata pour une année partielle de service.

R.M. du 14 janvier 2008

Cost of living adjustment

10.1(4) On April 1 of each year after 2008, the limit in clause (2)(a) is to be adjusted in accordance with subsection 17(2).

M.R. Jan. 14/08

Constituency office space

11(1) The following types of expenses are authorized expenses for office space to the extent that they are expenses of the member for the purpose of access and service to his or her constituents:

(a) the rent for constituency office space, if it is paid directly by the Legislative Assembly to the person to whom it is due;

(b) the expense of parking, janitorial services, snow removal, maintenance of grounds, utilities including cable television, and other services and facilities associated with the use, occupation or enjoyment of the constituency office space, if they are not included in the rent;

(c) the expense of renovation, repair and redecorating of the constituency office space;

(d) the expense of signs for the member's constituency office, including the expense of installing, moving, maintaining and removing them.

Additional payment for higher office rent

11(2) A member whose monthly constituency office rent is more than 120% of the average monthly rent for constituency offices in the member's region may apply to the Legislative Assembly Management Commission for an increase in his or her constituency allowance. The Commission may deny the application or approve an increase equal to all or any part of the rent in excess of 120% of the average rent.

Rajustement en fonction du coût de la vie

10.1(4) Le 1^{er} avril de chaque année postérieure à 2008, le plafond visé au paragraphe (2) et concernant les traitements est rajusté en conformité avec le paragraphe 17(2).

R.M. du 14 janvier 2008

Locaux du bureau de circonscription

11(1) Sont autorisés les frais de locaux de bureau indiqués ci-après que les députés engagent pour assurer la représentation de leur circonscription :

a) le loyer des locaux du bureau de circonscription, si l'Assemblée législative le verse directement à la personne à laquelle il est dû;

b) les frais de stationnement, d'entretien ménager, d'enlèvement de la neige, d'entretien des lieux, de services publics, y compris la câblodistribution, et les frais relatifs aux autres services liés à l'utilisation, à l'occupation ou à la jouissance des locaux du bureau de circonscription qui ne sont pas compris dans le loyer;

c) les frais de rénovation, de réparation et de réaménagement des locaux du bureau de circonscription;

d) les frais d'affiches engagés pour le bureau de circonscription, notamment les frais d'installation, d'enlèvement, d'entretien et de déplacement des affiches en question.

Paiement supplémentaire si le loyer du bureau est plus élevé que la moyenne

11(2) Si le loyer annuel de son bureau de circonscription est supérieur à 120 % du loyer mensuel moyen des bureaux de circonscription situés dans sa région, le député peut demander à la Commission de régie de l'Assemblée législative d'augmenter son allocation de circonscription. La Commission peut rejeter la demande ou approuver une augmentation correspondant en tout ou en partie à l'excédent du loyer.

Constituency service and office operation

12(1) The following types of expenses are authorized expenses for constituency service and office operation to the extent that they are incurred by the member for the purpose of access and service to his or her constituents:

- (a) office supplies and stationery;
- (b) office furnishings and equipment that are included in the standard suite of constituency office furnishings and equipment determined by the Legislative Assembly Management Commission;
- (c) support and maintenance of office equipment and software;
- (d) subject to subsections (1.1) and (1.2), telephone services, including
 - (i) installing a telephone,
 - (ii) renting a telephone,
 - (iii) extra directory listings,
 - (iv) telephone answering service,
 - (v) Zenith telephone service, whether installed in the member's constituency office or residence,
 - (vi) long distance calls,
 - (vii) mobile communication services, including all charges for voice, text, data and email services and related access fees, and
 - (viii) automated calling services;

(d.1) subject to subsections (1.1) and (1.2), the cost of the following communications equipment and any related warranty:

- (i) a cell phone or other mobile communication device, a personal digital assistant or other handheld computing device,

Frais de représentation et de fonctionnement du bureau

12(1) Sont autorisés les frais de représentation de la circonscription et de fonctionnement du bureau de circonscription indiqués ci-après que les députés engagent pour assurer la représentation de leur circonscription :

- a) les frais de fournitures de bureau;
- b) les frais d'accessoires et de matériel de bureau qui font partie de la trousse habituelle des bureaux de circonscription, selon ce que détermine la Commission de régie de l'Assemblée législative;
- c) les frais de soutien et d'entretien liés au matériel de bureau et au logiciel;
- d) sous réserve des paragraphes (1.1) et (1.2), les frais de services téléphoniques, notamment :
 - (i) l'installation du téléphone,
 - (ii) la location du téléphone,
 - (iii) les inscriptions supplémentaires dans l'annuaire du téléphone,
 - (iv) le service de réponse téléphonique,
 - (v) le Service Zénith, qu'il soit installé dans le bureau de circonscription ou dans la résidence des députés,
 - (vi) les appels interurbains,
 - (vii) les services de communication mobile, y compris les frais exigés pour les services de voix, de textes, de données et de courriels ainsi que les frais d'accès connexes,
 - (viii) les services d'appels automatisés;

d.1) sous réserve des paragraphes (1.1) et (1.2), le coût du matériel de communication indiqué ci-après et des garanties connexes :

- (i) un téléphone cellulaire ou un autre appareil de communication mobile, un assistant numérique ou un autre ordinateur de poche,

- (ii) a cell-phone signal booster for a location where the signal is weak,
 - (iii) conference call equipment,
 - (iv) a hands-free enabling device, such as a bluetooth device for use of a cell phone or other mobile communication device in a vehicle;
- (e) postal, mailing, messenger and shipping services and other similar services in respect of printed material, including the expense of renting a post office box;
- (f) bookkeeping, accounting and other professional services;
- (g) business cards, letterhead, envelopes and other similar material;
- (h) subject to subsection (1.1), communication by Internet or other electronic means, including
- (i) the expense of establishing and maintaining a home page,
 - (ii) the expense of services relating to blogging and social networking, and
 - (iii) any expenses relating to communicating with other persons using the Internet;
- (i) advertising, whether by signage or by a message broadcast, posted or published in any media, if
- (i) the sign or message includes the member's name, constituency and contact information, and
 - (ii) in the case of a sign, it is located within the member's constituency;
- (j) translation services for printed material;
- (ii) un amplificateur de signal cellulaire pour les endroits où le signal est faible,
 - (iii) le matériel nécessaire aux conférences téléphoniques,
 - (iv) les dispositifs mains libres, tels qu'un dispositif Bluetooth permettant l'utilisation d'un téléphone cellulaire ou d'un autre appareil de communication mobile dans un véhicule;
- e) les frais des services de poste, d'expédition et de messagerie ainsi que d'autres services semblables pour les documents imprimés, y compris les frais de location de boîte postale;
- f) les frais de tenue des livres, de comptabilité et d'autres services professionnels;
- g) les frais de cartes de visite, de papier à en-tête, d'enveloppes et d'autres fournitures semblables;
- h) sous réserve du paragraphe (1.1), les frais de communication par Internet ou par d'autres moyens électroniques, y compris :
- (i) les frais d'établissement et de maintien d'une page d'accueil,
 - (ii) les frais des services ayant trait au blogage et au réseautage social,
 - (iii) les frais ayant trait à la communication avec d'autres personnes utilisant Internet;
- i) les frais relatifs à la publicité, par signalisation ou diffusion d'un message, placée ou publiée dans tout média, pour autant :
- (i) que le panneau, l'affiche ou le message fasse état du nom du député, de sa circonscription et de ses coordonnées,
 - (ii) dans le cas d'un panneau ou d'une affiche, qu'il se trouve dans la circonscription du député;
- j) les frais de traduction des documents imprimés;

- (k) renting a meeting hall for meetings;
- (l) insurance in respect of the constituency office;
- (m) newspapers;
- (n) moving the contents of the constituency office;
- (o) repealed, October 1, 2010;
- (p) registration fees for conferences and courses;
- (q) printing material for distribution;
- (r) repealed, October 1, 2010.

M.R. Jan. 14/08; Oct. 1/10

Limit on communication devices and services

12(1.1) Authorized expenses under subsection (1) in relation to communication devices and services are limited to the following:

- (a) for the member himself or herself, one cell phone, one Blackberry, one installed car phone, a land line at his or her constituency office, fax and Internet services at the constituency office and, if needed, a home land line and home fax and Internet services;
- (b) for any constituency assistant whose salary is paid out of the member's constituency assistants allowance, a cell phone or Blackberry, but not both.

M.R. Oct. 1/10

k) les frais de location de salles pour la tenue de réunions;

l) les frais d'assurance du bureau de circonscription;

m) les frais d'achat de journaux;

n) les frais de déménagement du contenu du bureau de circonscription;

o) abrogé, 1^{er} octobre 2010;

p) les frais d'inscription à des conférences et à des cours;

q) les frais d'impression de documents à des fins de distribution;

r) abrogé, 1^{er} octobre 2010.

R.M. du 14 janvier 2008 et du 1^{er} octobre 2010

Limite concernant les appareils et les services de communication

12(1.1) Les frais autorisés par le paragraphe (1) relativement aux appareils et aux services de communication se limitent à ce qui suit :

a) pour le député lui-même, un téléphone cellulaire, un Blackberry, un téléphone de voiture fixe, une ligne téléphonique terrestre ainsi que les services de télécopie et Internet à son bureau de circonscription et, au besoin, une ligne téléphonique terrestre ainsi que les services de télécopie et Internet à son domicile;

b) pour tout adjoint de circonscription dont le traitement est versé sur l'allocation pour adjoints de circonscription du député, un téléphone cellulaire ou un Blackberry, mais non les deux appareils.

R.M. du 1^{er} octobre 2010

Equipment and service plans for mobile communication devices

12(1.2) An expense claimed under clause (1)(d) or (d.1) in respect of a cell phone or other mobile communication device is not an authorized expense unless it is incurred

(a) under the mobile communication services plan (commonly referred to as the government plan) approved by the Legislative Assembly Management Commission for use by members; or

(b) under a communication services plan that was entered into by the member before November 1, 2010, and was not renewed after that date.

M.R. Oct. 1/10

Additional expenses of office operation

12(2) Subject to subsections (3) and (4), the following types of travel expenses are authorized expenses for office operation and constituency service to the extent that they are incurred by the member in the performance of his or her duties as a member or by a person engaged as the member's representative on constituency business:

(a) the expense of transportation by private vehicle, equal to the kilometric distance multiplied by the kilometric rate;

(b) the actual expense of transportation other than by private vehicle;

(c) in the case of a non-Winnipeg member, the additional cost of automobile insurance that is attributable to commuting to Winnipeg;

(d) the expense of meals at civil service rates;

Plan de services concernant les appareils de communication mobile

12(1.2) Les frais dont le remboursement est demandé en vertu de l'alinéa (1)d) ou d.1) à l'égard d'un téléphone cellulaire ou d'un autre appareil de communication mobile ne sont autorisés que s'ils sont engagés dans le cadre :

a) soit du plan de services de communication mobile (communément appelé « plan du gouvernement ») approuvé par la Commission de régie de l'Assemblée législative à l'intention des députés;

b) soit du plan de services de communication qui a été conclu par le député avant le 1^{er} novembre 2010 et qui n'a pas été renouvelé après cette date.

R.M. du 1^{er} octobre 2010

Frais supplémentaires de fonctionnement du bureau

12(2) Sous réserve des paragraphes (3) et (4), sont autorisés les frais de fonctionnement du bureau de circonscription et de représentation de la circonscription indiqués ci-après et engagés par les députés dans l'exercice de leurs fonctions ou par leurs représentants relativement à la conduite des affaires de leur circonscription :

a) les frais de transport au moyen d'un véhicule privé, lesquels sont déterminés en fonction de la distance parcourue en kilomètres multipliée par le taux par kilomètre;

b) les frais réels de transport autrement que par véhicule privé;

c) s'il s'agit de députés de l'extérieur de Winnipeg, les frais supplémentaires d'assurance automobile attribuables aux trajets réguliers qu'ils doivent faire pour se rendre à Winnipeg;

d) les frais de repas aux taux pratiqués dans la fonction publique;

(e) the expense of commercial accommodation in accordance with civil service guidelines;

(f) if commercial accommodation is not reasonably available, the expense of a gift at the civil service rate made to a person providing non-commercial accommodation.

M.R. Dec. 22/10

When expenses allowable under subsection (2) 12(3) A member shall not be paid for authorized expenses under subsection (2) in an allowance period if he or she has not claimed the maximum travel allowance for the allowance period.

M.R. Oct. 1/10

Maximum out-of-province travel expenses 12(4) The maximum allowable under subsection (2) in an allowance period for travel outside Manitoba is the amount determined by the following formula:

$$\text{Maximum} = \$3,000. \quad ! (A + B)$$

In this formula:

A is the total of the amounts claimed by the member in that allowance period under subsection 21(1) for travel outside Manitoba;

B is the total of the amounts claimed by the member in that allowance period under clause (1)(p) for registration fees for conferences or courses outside Manitoba.

M.R. Oct. 1/10

Authorized expenses for constituency staff 13 The following types of expenses are authorized expenses for constituency staff to the extent that they are incurred by the member for the purpose of access and service to his or her constituents:

(a) the remuneration of an employee engaged in providing services to the member;

e) les frais de logement commercial faits conformément aux règles applicables à la fonction publique;

f) s'il n'est pas raisonnablement possible d'obtenir un logement commercial, les frais relatifs à l'achat d'un cadeau fait à la personne qui fournit un logement non commercial, au taux pratiqué dans la fonction publique.

Frais remboursables — paragraphe (2) 12(3) À moins qu'ils n'aient demandé l'allocation de déplacement maximale pour une période d'allocation, les députés ne peuvent se faire rembourser les frais autorisés indiqués au paragraphe (2) qu'ils ont engagés pendant la période d'allocation.

Frais de déplacement à l'extérieur de la province 12(4) Le montant maximal admissible en vertu du paragraphe (2) au cours d'une période d'allocation relativement aux déplacements à l'extérieur de la province correspond au montant calculé à l'aide de la formule suivante :

$$\text{Montant maximal} = 3\,000 \$ \quad ! (A + B)$$

Dans la présente formule :

A représente le total des montants demandés par le député au cours de la période d'allocation en vertu du paragraphe 21(1) pour les déplacements à l'extérieur de la province;

B représente le total des montants demandés par le député au cours de la période d'allocation en vertu de l'alinéa (1)p) à l'égard des frais d'inscription à des conférences ou à des cours ayant lieu à l'extérieur de la province.

R.M. du 1^{er} octobre 2010

Frais concernant le personnel du bureau de circonscription 13 Sont autorisés les frais de personnel du bureau de circonscription indiqués ci-après que les députés engagent pour assurer la représentation de leur circonscription :

a) la rémunération d'un employé travaillant pour eux;

(b) employee benefits of the kind ordinarily payable by an employer for an employee described in clause (a).

Authorized expenses for representation

14 The following types of expenses are authorized expenses for representation to the extent that they are incurred by the member for the purpose of access and service to his or her constituents:

(a) the expense of providing a card, certificate, plaque, flag, fruit basket, wreath or flowers to a constituent or organization to mark a special occasion, if the cost of the item, including all applicable taxes, is not more than \$150;

(b) the expense of purchasing a meal for two or more persons at a meeting on constituency business if the purchase is made to provide hospitality in conjunction with that business;

(c) the expense of food and non-alcoholic beverages — and related products for serving the food and beverages — for consumption at a community event organized by the member in conjunction with constituency business;

(d) the expense of providing a bursary or scholarship, if it is paid directly to a school or school division and a receipt for it is delivered when the expense is claimed;

(e) the cost of a book donated to a school or to a non-profit or charitable organization;

(f) the expense of lapel pins, pens, magnets and other souvenir items for distribution to constituents, up to a limit of \$30 per item including all applicable taxes;

b) les avantages sociaux du type que les employeurs verseraient habituellement à l'employé visé à l'alinéa a).

Frais de représentation autorisés

14 Sont autorisés les frais de représentation indiqués ci-après que les députés engagent pour assurer la représentation de leur circonscription :

a) les frais liés à la remise d'une carte, d'un certificat, d'une plaque, d'un drapeau, d'un panier de fruits ou de fleurs, notamment sous forme de couronne, à un électeur ou à une organisation pour souligner une occasion spéciale, si le coût de l'article, y compris toutes les taxes applicables, ne dépasse pas 150 \$;

b) les frais d'accueil liés à l'achat d'un repas pour au moins deux personnes lors d'une réunion ayant trait à la conduite des affaires d'une circonscription;

c) les frais liés à l'achat de nourriture et de boissons non alcoolisées — ainsi que de produits connexes permettant leur service — devant être consommées lors d'un événement communautaire organisé par un député dans le cadre de la conduite des affaires de sa circonscription;

d) les frais liés à la remise de bourses d'études, si elles sont versées directement à une école ou à une division scolaire et si un reçu est remis à leur égard lorsque la demande de remboursement est présentée;

e) le coût de livres donnés à une école, à un organisme sans but lucratif ou à une organisation caritative;

f) les frais d'achat d'épingles de revers, de stylos, de macarons magnétiques et d'autres souvenirs en vue de leur distribution aux électeurs, pour autant que le coût de chaque article, y compris toutes les taxes applicables, ne dépasse pas 30 \$;

(g) the member's cost of a ticket to attend a non-profit or charitable community event (which, for greater certainty, does not include a sporting event, golf or other sporting tournament, a social, or a service club meeting), if that ticket is not used by anyone other than the member;

(h) the member's cost of a ticket for his or her constituency assistant, executive assistant, researcher or intern to attend an event referred to in clause (g), whether or not the member is able to attend the event;

(i) expenses incurred in connection with participation in a parade, other than expenses incurred in connection with the rental of a vehicle.

M.R. Oct. 1/10

Sponsorship not an authorized expense

14.1(1) The cost of a sponsorship is not an authorized expense.

M.R. Oct. 1/10

Reference to sponsor or sponsorship

14.1(2) The fact that a person or organization refers to a member as a sponsor or to an authorized expense incurred under clause 12(1)(i) (advertising expense) or clause 14(g) or (h) (event tickets) as a sponsorship does not affect the member's claim for that expense as long as no additional benefit is conferred on the member.

M.R. Oct. 1/10

Business meeting meal expenses

14.2 A member's expense of a meal provided to any person, including the member, at a business meeting attended by the member in the performance of his or her duties as a member, is an authorized expense.

M.R. Dec. 22/10

g) le coût d'un billet permettant d'assister à un événement communautaire sans but lucratif ou de bienfaisance (ce qui exclut les événements sportifs, les tournois sportifs, notamment les tournois de golf, les soirées sociales ou les réunions de clubs philanthropiques), pour autant que le billet ne soit utilisé que par le député en question;

h) le coût d'un billet permettant à l'adjoint de circonscription d'un député, à son chef de cabinet, à son chercheur ou à son stagiaire d'assister à un événement visé à l'alinéa g), même s'il n'est pas lui-même en mesure d'y assister;

i) les frais relatifs à la participation à un défilé, à l'exclusion de ceux ayant trait à la location d'un véhicule.

R.M. du 1^{er} octobre 2010

Parrainage — frais non autorisés

14.1(1) Le coût d'un parrainage ne constitue pas des frais autorisés.

R.M. du 1^{er} octobre 2010

Assimilation

14.1(2) Le fait qu'une personne ou qu'une organisation assimile le député à un parraineur ou des frais autorisés engagés en vertu de l'alinéa 12(1)i) ou de l'alinéa 14g) ou h) à un parrainage n'a aucune incidence sur la demande de remboursement que le député présente à l'égard de ces frais pour autant qu'aucun autre avantage ne lui soit conféré.

R.M. du 1^{er} octobre 2010

Frais de repas liés à une réunion d'affaires

14.2 Sont autorisés les frais que le député engage pour un repas fourni à une personne, y compris le député lui-même, lors d'une réunion d'affaires à laquelle il assiste dans l'exercice de ses fonctions.

R.M. du 22 décembre 2010

Capital property

15(1) If personal property is purchased by or for a member with the member's constituency allowance, it is property of the Legislative Assembly and its cost is a capital expense for the purpose of this section and section 16, unless the property

- (a) was purchased as a single item, or as a set, for less than \$161;
- (b) has a useful life of less than one year; or
- (c) is a cell-phone or other device referred to in clause 12(1)(d.1).

M.R. Jan. 14/08

Carry-forward of capital expense

15(2) If a member's constituency allowance for an allowance period is not sufficient to pay for an authorized capital expense incurred in that period, the unpaid balance may be paid out of the member's constituency allowance for the next allowance period. For this purpose, a member who ceases to be a member before the end of the allowance period in which the expense was incurred is to be treated as a member to the end of the next allowance period.

Member not to dispose of capital property

15.1(1) No capital property may be disposed of without the approval of the Members' Allowances Office. A member must return to the Members' Allowances Office any capital property that the member no longer needs and, on ceasing to be a member, must

- (a) leave to the incoming member; or
- (b) return to the Members' Allowances Office;

the capital property held or controlled by, or assigned to, the outgoing member.

M.R. Oct. 1/10

Biens en immobilisation

15(1) Les biens personnels qui sont achetés par ou pour un député à l'aide de son allocation de circonscription appartiennent à l'Assemblée législative et leur coût constitue des frais d'immobilisation pour l'application du présent article et de l'article 16 sauf dans les cas suivants :

- a) ils sont acquis à un prix inférieur à 161 \$ l'unité ou l'ensemble;
- b) ils ont une durée de vie utile de moins d'un an;
- c) il s'agit de téléphones cellulaires ou d'autres appareils visés à l'alinéa 12(1)d.1).

R.M. du 14 janvier 2008

Report de certains frais

15(2) Si l'allocation de circonscription d'un député pour une période d'allocation ne permet pas le paiement de frais d'immobilisation autorisés qui sont engagés au cours de cette période, le solde impayé de ces frais peut être versé sur l'allocation de circonscription du député pour la période d'allocation suivante. À cette fin, la personne qui cesse d'être députée avant la fin de la période d'allocation au cours de laquelle les frais ont été engagés est réputée être députée jusqu'à la fin de la période d'allocation suivante.

Interdiction — biens en immobilisation

15.1(1) Il ne peut être disposé d'aucun bien en immobilisation sans l'approbation du Bureau des allocations des députés. Chaque député est tenu de remettre au Bureau les biens en immobilisation dont il n'a plus besoin. Lorsqu'il cesse d'occuper ses fonctions, il laisse au nouveau député ou remet au Bureau les biens en immobilisation qu'il détenait, dont il avait la responsabilité ou qui lui avaient été attribués.

R.M. du 1^{er} octobre 2010

MAO to keep records of capital property

15.1(2) The Members' Allowances Office must keep records of capital property that include, for each item, the location of the item and the name of the member to whom it has been assigned. For this purpose, when a capital property is purchased with a member's capital allowance, the record for that item must show the item as being assigned to that member.

M.R. Oct. 1/10

MAO to evaluate and reassign or dispose of capital property

15.1(3) When a capital property is returned by a member or former member to the Members' Allowances Office, that office must assess the condition of the property and

(a) offer it to the other members and assign it to any member wishing to make use of the property;
or

(b) dispose of it in accordance with the government's usual disposal process;

whichever is more cost effective for the Assembly.

M.R. Oct. 1/10

MAO to audit inventory of capital properties

15.1(4) From time to time, the Members' Allowances Office may conduct an unannounced audit of the capital properties assigned to the members to verify whether they exist at the location specified in its capital properties records.

M.R. Oct. 1/10

Capital allowance for office setup for new members

16 A new member is to be paid, in addition to his or her constituency allowance, up to \$3,500. in capital expenses incurred for initial office setup. To be paid this additional amount, the member must incur and claim the expenses within the allowance period in which he or she was elected or in the next allowance period.

Relevés concernant les biens en immobilisation

15.1(2) Le Bureau des allocations des députés conserve à l'égard des biens en immobilisation des relevés qui indiquent, à l'égard de chaque bien, l'endroit où il se trouve ainsi que le nom du député à qui il a été attribué. À cette fin, le relevé concernant un bien en immobilisation acheté à l'aide de l'allocation en capital d'un député indique qu'il a été attribué à celui-ci.

R.M. du 1^{er} octobre 2010

Évaluation des biens en immobilisation et réattribution ou disposition

15.1(3) Le Bureau des allocations des députés évalue l'état de tout bien en immobilisation qui lui est remis par un député ou un ex-député puis l'offre aux autres députés et l'attribue à celui d'entre eux qui veut l'utiliser ou en dispose en conformité avec la marche à suivre normale du gouvernement, selon la mesure qui est la plus rentable pour l'Assemblée.

R.M. du 1^{er} octobre 2010

Vérification du stock de biens en immobilisation

15.1(4) Le Bureau des allocations des députés peut, de façon inopinée, procéder à une vérification des biens en immobilisation attribués aux députés afin de vérifier s'ils se trouvent à l'endroit indiqué dans ses relevés concernant ces biens.

R.M. du 1^{er} octobre 2010

Allocation en capital versée aux nouveaux députés

16 Les nouveaux députés reçoivent, en plus de leur allocation de circonscription, jusqu'à 3 500 \$ à l'égard des frais d'immobilisation engagés relativement à l'établissement initial de leur bureau. Pour recevoir ce montant supplémentaire, ils doivent engager les frais et en demander le remboursement pendant la période d'allocation au cours de laquelle ils ont été élus ou au cours de la période d'allocation suivante.

Cost of living adjustment

17(1) On April 1 of each year after 2004, the following amounts are to be adjusted in accordance with subsection (2):

- (a) the constituency allowance in section 10;
- (b) the dollar limit in subsection 12(4) in relation to out-of-province travel expenses;
- (c) the amount in subsection 15(1) for determining whether an item is property of the Assembly;
- (d) the capital allowance for new members in section 16.

M.R. Jan. 14/08

Adjustment according to Manitoba CPI

17(2) Each amount is to be adjusted by the percentage increase or decrease in the Consumer Price Index for Manitoba over the course of the previous calendar year. The adjusted amount is to be rounded up to the next dollar.

No allowance during election period if office used for election

18 A member is not entitled to a constituency allowance for an election period if, at any time in that period, the member's constituency office is used in the election campaign of a candidate for election to a school board, the council of a local government district or municipality, the Assembly or the House of Commons.

Non-arm's length expense not authorized

19 Despite any other provision of this Part, a non-arm's length expense is not an authorized expense under this Part.

Rajustement en fonction du coût de la vie

17(1) Les montants suivants sont rajustés en conformité avec le paragraphe (2) le 1^{er} avril de chaque année suivant l'année 2004 :

- a) l'allocation de circonscription visée à l'article 10;
- b) le montant maximal visé au paragraphe 12(4);
- c) le montant visé au paragraphe 15(1);
- d) l'allocation en capital visée à l'article 16.

R.M. du 14 janvier 2008

Rajustement fondé sur l'indice des prix à la consommation au Manitoba

17(2) Chaque montant est rajusté en fonction de l'augmentation ou de la diminution en pourcentage de l'indice des prix à la consommation au Manitoba au cours de l'année civile précédente. Le montant rajusté est arrondi au dollar près.

Bureau servant à une campagne électorale

18 N'est pas admissible à l'allocation de circonscription pendant une période électorale le député dont le bureau de circonscription sert, à un moment quelconque au cours de cette période, à la campagne électorale d'un candidat voulant se faire élire à une commission scolaire, au conseil d'un district d'administration locale ou d'une municipalité, à l'Assemblée législative ou à la Chambre des communes.

Frais engagés avec lien de dépendance

19 Par dérogation aux autres dispositions de la présente partie, les frais engagés avec lien de dépendance ne constituent pas des frais autorisés sous le régime de la présente partie.

PART 3

TRAVEL ALLOWANCE

Travel allowance

20(1) The annual allowance (the "travel allowance") payable to a member for authorized travel expenses is:

- (a) for a Winnipeg member, the base amount of \$5,822;
- (b) for a northern member, the sum of
 - (i) the base amount of \$13,911, and
 - (ii) 52 times the cost, determined in accordance with subsection (2), of a round trip by air by the most direct reasonable route between the Winnipeg International Airport and the government airport or landing strip nearest the member's residence in his or her electoral division or, if there is no such residence, the place in the division where he or she was nominated;
- (c) for a southern member, the sum of
 - (i) 65 times the cost, determined in accordance with subsection (3), of a round trip by private vehicle by the most direct reasonable route between the Legislative Building and the member's residence in his or her electoral division or, if there is no such residence, the place in the division where he or she was nominated, and

PARTIE 3

ALLOCATION DE DÉPLACEMENT

Allocation de déplacement

20(1) L'allocation annuelle (l'« allocation de déplacement ») payable à un député pour les frais de déplacement autorisés qu'il engage correspond :

- a) s'il s'agit d'un député de Winnipeg, au montant de base de 5 822 \$;
- b) s'il s'agit d'un député du Nord, au total de ce qui suit :
 - (i) le montant de base de 13 911 \$,
 - (ii) cinquante-deux fois le coût, déterminé en conformité avec le paragraphe (2), d'un voyage aller-retour effectué par voie aérienne, par la route la plus directe possible, entre l'aéroport international de Winnipeg et l'aéroport gouvernemental ou la piste d'atterrissage la plus près de sa résidence dans sa circonscription électorale ou, s'il n'a pas de résidence dans la circonscription, le lieu dans la circonscription où il a été investi de la candidature;
- c) s'il s'agit d'un député du Sud, au total de ce qui suit :
 - (i) soixante-cinq fois le coût, déterminé en conformité avec le paragraphe (3), d'un voyage aller-retour effectué au moyen d'un véhicule privé, par la route la plus directe possible, entre le Palais législatif et sa résidence dans sa circonscription électorale ou, s'il n'a pas de résidence dans la circonscription, le lieu dans la circonscription où il a été investi de la candidature,

(ii) the base amount determined according to the following table:

(ii) le montant de base déterminé en conformité avec le tableau suivant :

Electoral Division	Base Amount	Circonscription électorale	Montant de base
Agassiz	\$25,056	Agassiz	25 056 \$
Arthur-Virden	28,581	Arthur-Virden	28 581
Brandon East	14,753	Brandon-Est	14 753
Brandon West	14,617	Brandon-Ouest	14 617
Dauphin	29,148	Dauphin	29 148
Dawson Trail	9,387	Dawson Trail	9 387
Emerson	17,706	Emerson	17 706
Gimli	17,272	Gimli	17 272
Interlake	24,895	Entre-les-Lacs	24 895
Lac du Bonnet	22,213	Lac-du-Bonnet	22 213
Lakeside	16,649	Lakeside	16 649
La Verendrye	23,757	La Vérendrye	23 757
Midland	22,103	Midland	22 103
Morden-Winkler	12,178	Morden-Winkler	12 178
Morris	15,239	Morris	15 239
Portage la Prairie	11,176	Portage-la-Prairie	11 176
Riding Mountain	27,904	Riding Mountain	27 904
Selkirk	9,875	Selkirk	9 875
Spruce Woods	24,407	Spruce Woods	24 407
St. Paul	9,090	St. Paul	9 090
Steinbach	10,498	Steinbach	10 498
Swan River	35,193	Swan River	35 193

M.R. Jan. 14/08; Oct. 4/11

R.M. du 14 janvier 2008 et du 4 octobre 2011

Transitional — year of general election

20(1.1) Despite subsection (1), for the fiscal year ending on March 31, 2012, the travel allowance of a southern member is

(a) for authorized travel expenses incurred during the part of the fiscal year ending on the date of dissolution of the 39th Legislature, the amount determined under clause (1)(c) as it read on that day and as if the 2011-12 allowance period had ended on that day; and

Disposition transitoire — année d'élections générales

20(1.1) Par dérogation au paragraphe (1), pour l'exercice se terminant le 31 mars 2012, l'allocation de déplacement d'un député du Sud correspond :

a) pour les frais de déplacement autorisés qu'il engage au cours de la partie de l'exercice se terminant à la date de dissolution de la 39^e législature, au montant déterminé en conformité avec l'alinéa (1)c) dans sa version à cette date et comme si la période d'allocation 2011-2012 s'était terminée à cette date;

(b) for authorized travel expenses incurred on or after October 4, 2011, an amount equal to 180/366 times the amount otherwise determined under clause (1)(c) as it read on that day and based on the location of the member's residence within the electoral division on that day or, if there is no such residence, the place in the division where the member was nominated.

M.R. Oct. 4/11

Cost of round trip by air for northern member
20(2) For the purpose of subclause (1)(b)(ii), the cost of a round trip by air is the cost, as determined by the Speaker as at the beginning of the allowance period in question, of travel

(a) by economy class on a regularly scheduled flight of a commercial airline, if there is one; or

(b) by air charter, in any other case.

Cost of round trip by private vehicle by southern member
20(3) For the purpose of subclause (1)(c)(i), the cost of a round trip by private vehicle is the amount determined by the Speaker according to the following formula:

$$\text{Cost} = \text{Distance} \times \text{Civil Service Rate}$$

In this formula,

"Distance" is the total distance of the round trip in kilometres;

"Civil Service Rate" is the single trip rate per kilometre payable to civil servants as at the beginning of the allowance period for travel by private vehicle south of the 53rd parallel.

b) pour les frais de déplacement autorisés qu'il engage à compter du 4 octobre 2011, à un montant égal à 180/366 fois le montant déterminé en conformité avec l'alinéa (1)c) dans sa version à cette date en fonction de l'emplacement de sa résidence dans la circonscription électorale à la même date ou, s'il n'a pas de résidence dans la circonscription, du lieu dans la circonscription où il a été investi de la candidature.

R.M. du 4 octobre 2011

Coût d'un voyage aller-retour par voie aérienne pour un député du Nord

20(2) Pour l'application du sous-alinéa (1)b)(ii), le coût d'un voyage aller-retour effectué par voie aérienne correspond au coût du déplacement, déterminé par le président au début de la période d'allocation en question :

a) à bord d'un vol régulier en classe économique offert, le cas échéant, par une compagnie aérienne;

b) à bord d'un vol nolisé, dans les autres cas.

Coût d'un voyage aller-retour par véhicule privé pour un député du Sud

20(3) Pour l'application du sous-alinéa (1)c)(i), le coût d'un voyage aller-retour effectué par véhicule privé correspond au montant déterminé par le président conformément à la formule suivante :

$$\text{Coût} = \text{Distance} \times \text{Taux de la fonction publique}$$

Dans la présente formule :

« Distance » représente la distance totale du voyage aller-retour en kilomètres;

« Taux de la fonction publique » représente le taux pour voyage unique par kilomètre payable au début de la période d'allocation aux fonctionnaires qui utilisent un véhicule privé et applicable au sud du 53^e parallèle.

Base amount adjusted by Manitoba CPI

20(4) On April 1 of each year after 2011, each base amount in subsection (1) is to be adjusted by the percentage increase or decrease in the Consumer Price Index for Manitoba over the course of the previous calendar year. The adjusted amount is to be rounded up to the next dollar.

M.R. Oct. 4/11

Authorized travel expenses

21(1) The following types of expenses are authorized travel expenses to the extent that they are incurred by the member in the performance of his or her duties as a member or by a person engaged as the member's representative on constituency business:

- (a) the expense of transportation by private vehicle, equal to the kilometric distance multiplied by the kilometric rate;
- (b) the actual expense of transportation other than by private vehicle;
- (c) in the case of a non-Winnipeg member, the additional cost of automobile insurance that is attributable to commuting to Winnipeg;
- (d) the expense of meals at civil service rates;
- (e) the expense of commercial accommodation in accordance with civil service guidelines;
- (f) if commercial accommodation is not reasonably available, the expense of a gift at the civil service rate made to a person providing non-commercial accommodation.

Non-arm's length expense not authorized

21(2) Despite subsection (1), a non-arm's length expense for transportation by other than a private vehicle is not an authorized expense.

Rajustement fondé sur l'indice des prix à la consommation au Manitoba

20(4) Chaque montant de base mentionné au paragraphe (1) est, le 1^{er} avril de chaque année suivant l'année 2011, rajusté en fonction de l'augmentation ou de la diminution en pourcentage de l'indice des prix à la consommation au Manitoba au cours de l'année civile précédente. Le montant rajusté est arrondi au dollar près.

R.M. du 4 octobre 2011

Frais de déplacement autorisés

21(1) Sont autorisés les frais de déplacement indiqués ci-après et engagés par les députés dans l'exercice de leurs fonctions ou par leurs représentants relativement à la conduite des affaires de leur circonscription :

- a) les frais de transport par véhicule privé, lesquels sont déterminés en fonction de la distance parcourue en kilomètres multipliée par le taux par kilomètre;
- b) les frais réels de transport autrement que par véhicule privé;
- c) s'il s'agit de députés de l'extérieur de Winnipeg, les frais supplémentaires d'assurance automobile attribuables aux trajets réguliers qu'ils doivent faire pour se rendre à Winnipeg;
- d) les frais de repas aux taux pratiqués dans la fonction publique;
- e) les frais de logement commercial faits conformément aux règles applicables à la fonction publique;
- f) s'il n'est pas raisonnablement possible d'obtenir un logement commercial, les frais relatifs à l'achat d'un cadeau fait à la personne qui fournit un logement non commercial, au taux pratiqué dans la fonction publique.

Frais engagés avec lien de dépendance

21(2) Par dérogation au paragraphe (1), les frais de transport — autrement que par véhicule privé — engagés avec lien de dépendance ne constituent pas des frais autorisés.

Maximum out-of-province travel expenses

21(3) The maximum allowable under this section in an allowance period for travel outside Manitoba is the amount determined by the following formula:

$$\text{Maximum} = \$3,000. - (A + B)$$

In this formula:

A is the total of the amounts claimed by the member in that allowance period under subsection 12(2) for travel outside Manitoba;

B is the total of the amounts claimed by the member in that allowance period under clause 12(1)(p) for registration fees for conferences or courses outside Manitoba.

M.R. Oct. 1/10

Cost of living adjustment

21(4) The dollar amount in subsection (3) is to be adjusted in the same manner as the base amounts are adjusted under subsection 20(4).

PART 4

COMMUTER AND LIVING ALLOWANCES

"Designated area" defined

22 In this Part, "designated area" means the area within a 50-kilometre radius of the Legislative Building.

COMMUTER ALLOWANCE

Commuter allowance

23(1) A non-Winnipeg member whose principal residence is outside Winnipeg is entitled to be paid, for any month in which he or she does not receive a living allowance, a commuter allowance for the authorized expenses described in subsection (2).

Frais de déplacement à l'extérieur de la province

21(3) Le montant maximal admissible en vertu du présent article au cours d'une période d'allocation relativement aux déplacements à l'extérieur de la province correspond au montant calculé à l'aide de la formule suivante :

$$\text{Montant maximal} = 3\ 000 \$ - (A + B)$$

Dans la présente formule :

A représente le total des montants demandés par le député au cours de la période d'allocation en vertu du paragraphe 12(2) pour les déplacements à l'extérieur de la province;

B représente le total des montants demandés par le député au cours de la période d'allocation en vertu de l'alinéa 12(1)p) à l'égard des frais d'inscription à des conférences ou à des cours ayant lieu à l'extérieur de la province.

R.M. du 1^{er} octobre 2010

Rajustement en fonction du coût de la vie

21(4) Le montant en dollars visé au paragraphe (3) est rajusté de la manière prévue au paragraphe 20(4).

PARTIE 4

ALLOCATIONS DE TRAJETS QUOTIDIENS ET DE SUBSISTANCE

Définition de « région désignée »

22 Dans la présente partie, « région désignée » s'entend de la région située dans un rayon de 50 kilomètres du Palais législatif.

ALLOCATION DE TRAJETS QUOTIDIENS

Allocation de trajets quotidiens

23(1) Les députés de l'extérieur de Winnipeg dont la résidence principale est située à l'extérieur de cette ville ont droit, pendant les mois où ils ne reçoivent pas d'allocation de subsistance, à une allocation de trajets quotidiens à l'égard des frais autorisés que vise le paragraphe (2).

Authorized expenses

23(2) The following expenses are authorized expenses to the extent that they are incurred by the member in connection with commuting:

(a) the expense of transportation by private vehicle between the member's principal residence and the limits of the City of Winnipeg by the most direct reasonable route, equal to the kilometric distance multiplied by the kilometric rate, to a maximum of

(i) six round trips per week, for any week in which the Assembly sits, and

(ii) two round trips per week for any other week; and

(b) for each overnight stay in Winnipeg, to a maximum of 20 overnight stays per legislative session,

(i) the expense of commercial accommodation in accordance with civil service guidelines,

(ii) the expense of two meals at civil service rates, and

(iii) incidental expenses at civil service rates.

Interpretation

23(3) For the purpose of subsection (2),

(a) a week begins on a Monday; and

(b) a legislative session begins

(i) in the case of the first session after a general election, on the polling day of that election, and

(ii) in any other case, on the first day of the session,

and ends when the legislature is dissolved or on the day before next session begins, whichever occurs first.

Frais autorisés

23(2) Sont autorisés les frais indiqués ci-après que les députés engagent relativement à des trajets réguliers :

a) les frais de transport par véhicule privé entre la résidence principale des députés et les limites de Winnipeg par la route la plus directe possible, lesquels frais sont déterminés en fonction de la distance parcourue en kilomètres multipliée par le taux par kilomètre, jusqu'à concurrence de :

(i) six voyages aller-retour par semaine pendant que l'Assemblée siège,

(ii) deux voyages aller-retour par semaine dans les autres cas;

b) relativement à l'hébergement de nuit à Winnipeg, jusqu'à concurrence de 20 nuits par session de l'Assemblée :

(i) les frais de logement commercial faits conformément aux règles applicables à la fonction publique,

(ii) les frais de deux repas aux taux pratiqués dans la fonction publique,

(iii) les frais connexes aux taux pratiqués dans la fonction publique.

Interprétation

23(3) Pour l'application du paragraphe (2) :

a) chaque semaine commence le lundi;

b) les sessions de l'Assemblée commencent, dans le cas de la première session suivant des élections générales, le jour du scrutin de ces élections et, dans les autres cas, le premier jour de la session en question; elles se terminent le jour de la dissolution de la législature ou, s'il est antérieur, le jour qui précède le début de la session suivante.

Non-arm's length expense not authorized
23(4) Despite subsection (2), a non-arm's length expense for commercial accommodation or incidental expenses is not an authorized expense.

Frais engagés avec lien de dépendance
23(4) Par dérogation au paragraphe (2), les frais de logement commercial et les frais connexes engagés avec lien de dépendance ne constituent pas des frais autorisés.

LIVING ALLOWANCE

ALLOCATION DE SUBSISTANCE

Living allowance

24(1) A non-Winnipeg member is eligible for a living allowance to pay for authorized temporary residence expenses and authorized living expenses if

(a) the member's principal residence is outside the designated area and the member has a temporary residence in Winnipeg;

(b) the member's principal residence is in Winnipeg and the member has a temporary residence that is

(i) outside the designated area, and

(ii) in his or her electoral division; or

(c) the member's principal residence is in the designated area outside Winnipeg and the member has a temporary residence in Winnipeg and a physical disability or infirmity that, in the opinion of the Legislative Assembly Management Commission, makes it reasonable for the member to maintain a residence in Winnipeg.

Limitation

24(2) Despite subsection (1), a member is not entitled to a living allowance for any month for which he or she receives a commuter allowance.

Amount of allowance

24(3) A member's maximum monthly living allowance is as follows:

(a) \$1009. for authorized temporary residence expenses as described in subsection 25(1); and

Allocation de subsistance

24(1) Les députés de l'extérieur de Winnipeg ont droit à une allocation de subsistance à l'égard des frais autorisés de résidence temporaire et de subsistance dans les cas suivants :

a) leur résidence principale est située à l'extérieur de la région désignée et ils ont une résidence temporaire à Winnipeg;

b) leur résidence principale se trouve à Winnipeg et ils ont une résidence temporaire à l'extérieur de la région désignée, mais dans leur circonscription électorale;

c) leur résidence principale se trouve dans la région désignée, mais à l'extérieur de Winnipeg, ils ont une résidence temporaire à Winnipeg et ont un handicap ou une déficience physique qui fait que la Commission de régie de l'Assemblée législative estime raisonnable qu'ils aient une résidence temporaire à Winnipeg.

Restriction

24(2) Par dérogation au paragraphe (1), les députés qui reçoivent une allocation de trajets quotidiens à l'égard d'un mois ne peuvent recevoir une allocation de subsistance pour ce mois.

Montant de l'allocation

24(3) L'allocation de subsistance mensuelle maximale d'un député correspond à ce qui suit :

a) 1 009 \$ pour les frais de résidence temporaire autorisés que vise le paragraphe 25(1);

(b) for authorized living expenses as described in subsection 25(2),

(i) if the member holds the position of Speaker, member of the Executive Council, Leader of the official opposition or Leader of a recognized opposition party, \$605., and

(ii) in any other case,

(A) \$605. for a month in which the Assembly sits and for any two additional months designated by the member, and

(B) \$126. for any other month.

24(4) For the purpose of paragraph (3)(b)(ii)(A), the Assembly is deemed to sit on any day considered under the Rules, Orders and Forms of Proceeding of the Legislative Assembly of Manitoba to be a sitting day of the Legislature.

M.R. Nov. 15/05

Authorized temporary residence expenses
25(1) The following expenses of the member are authorized temporary residence expenses:

(a) the rent for rental accommodation;

(b) expenses relating to the use, occupation or enjoyment of the rental accommodation, including

(i) parking,

(ii) telephone rental and service, to the extent that they are not claimed as authorized living expenses under subsection (2),

(iii) utilities, including cable television, and

(iv) similar services and facilities to the extent that they are not claimed as authorized living expenses;

(c) the rent for furniture used in the rental accommodation;

b) pour les frais de subsistance autorisés que vise le paragraphe 25(2) :

(i) si le député occupe le poste de président, de membre du Conseil exécutif, de chef de l'opposition officielle ou de chef d'un parti d'opposition reconnu, 605 \$,

(ii) dans les autres cas :

(A) 605 \$ pour chaque mois au cours duquel l'Assemblée siège et pour deux mois supplémentaires désignés par le député,

(B) 126 \$ pour tout autre mois.

24(4) Pour l'application de la division 3(b)(ii)(A), l'Assemblée est réputée siéger tout jour considéré comme un jour de séance en vertu du document intitulé Règlement, ordres et formalités de procédure de l'Assemblée législative du Manitoba.

R.M. du 15 novembre 2005

Frais de résidence temporaire autorisés
25(1) Sont des frais de résidence temporaire autorisés :

a) le loyer d'un logement locatif;

b) les frais ayant trait à l'utilisation, à l'occupation ou à la jouissance du logement locatif, y compris :

(i) les frais de stationnement,

(ii) les frais de location du téléphone et de service téléphonique, pour autant que ces frais ne soient pas remboursés au titre des frais de subsistance autorisés en vertu du paragraphe (2),

(iii) les frais de services publics, notamment la câblodistribution,

(iv) les frais de services semblables, pour autant que ces frais ne soient pas remboursés au titre des frais de subsistance autorisés;

c) le prix de location des meubles utilisés dans le logement locatif;

(d) expenses related to the rental of the furniture or its use or enjoyment in the rental accommodation, such as insurance and cleaning expenses, to the extent that they are not claimed as authorized living expenses;

(e) expenses incurred after December 19, 2007, for moving household effects to or from a temporary residence, if they are not claimed as living expenses;

(f) authorized temporary residence expenses included under clause 25.1(4)(b);

(g) insurance premiums for insurance referred to in subclause (2)(b)(iii), if they relate to a period after December 19, 2007, and are not claimed as living expenses.

M.R. Jan. 14/08

Authorized living expenses

25(2) The following expenses of the member are authorized living expenses if they are incurred in connection with the member's use or occupation of a temporary residence:

(a) dry cleaning, laundry service and laundry charges;

(a.1) meal expenses, whether incurred as a restaurant expense or as a grocery expense;

(a.2) expenses for cleaning supplies;

(a.3) expenses for household items, including bedding, linens, towels, and small appliances and housewares not exceeding, per item, the dollar limit that applies under subsection 15(1) in determining whether an expense is a capital expense under that subsection;

d) les frais ayant trait à la location, à l'utilisation ou à la jouissance des meubles du logement locatif, notamment les frais d'assurance et de nettoyage, pour autant que ces frais ne soient pas remboursés au titre des frais de subsistance autorisés;

e) les frais engagés après le 19 décembre 2007 afin que des effets ménagers soient déménagés dans une résidence temporaire ou enlevés de celle-ci, pour autant qu'ils ne fassent pas l'objet d'une demande de remboursement au titre des frais de subsistance;

f) les frais de résidence temporaire autorisés qui sont inclus en vertu de l'alinéa 25.1(4)b);

g) les primes d'assurance relatives à l'assurance visée au sous-alinéa (2)b)(iii), pour autant qu'elles aient trait à une période postérieure au 19 décembre 2007 et ne fassent pas l'objet d'une demande de remboursement au titre des frais de subsistance.

R.M. du 14 janvier 2008

Frais de subsistance autorisés

25(2) Sont des frais de subsistance autorisés les frais indiqués ci-après pour autant qu'ils soient engagés dans le cadre de l'utilisation ou de l'occupation d'une résidence temporaire par le député :

a) les frais de nettoyage à sec, de services de blanchisserie et de buanderie;

a.1) les frais de repas, qu'ils soient engagés à titre de dépenses de restaurant ou d'épicerie;

a.2) les frais concernant les articles de nettoyage;

a.3) les frais concernant les articles de maison, y compris la literie, le linge de maison, les serviettes ainsi que les petits appareils et articles ménagers, pour autant que ces frais n'excèdent pas, pour chaque article, le plafond visé au paragraphe 15(1) et s'appliquant lorsqu'il faut déterminer si des frais sont des frais d'immobilisation sous le régime de ce paragraphe;

(b) expenses for

- (i) telephone rental and services,
- (ii) residential cleaning services,
- (iii) insurance, commonly known as a tenant's package, and
- (iv) moving household effects;

(c) insurance premiums referred to in subclause 25.1(4)(b)(iv), if they relate to a period after December 19, 2007, and are not claimed as temporary residence expenses.

M.R. Oct. 15/04; Jan. 14/08; Oct. 1/10

Non-arm's length expense not authorized

25(3) Despite subsections (1) and (2), a non-arm's length expense for anything referred to in subsection (1) or clause (2)(b) is not an authorized expense.

Carry-forward of living expense for household item

25(4) Subject to clause 5(1)(e) (expenses to be claimed within 3 months after end of allowance period), the expense of a household item under clause (2)(a.3) may be claimed over a period of two or more months. For this purpose, a member who ceases to be a member before the end of the month in which a claim for a household item may be made is to be treated as a member to the end of the following month.

M.R. Oct. 1/10

Permanent residence treated as temporary residence

25.1(1) A non-Winnipeg member who owns and occupies a residence in Winnipeg as well as a residence outside the designated area may designate, in a form approved by the Speaker, one of those residences as a temporary residence for the purposes of this Part.

M.R. Oct. 15/04

b) les frais indiqués ci-après :

- (i) les frais de location du téléphone et de service téléphonique,
- (ii) les frais relatifs aux services d'entretien ménager,
- (iii) les frais d'assurance locataire,
- (iv) les frais de déménagement d'effets ménagers;

c) les primes d'assurance visées au sous-alinéa 25.1(4)b)(iv), pour autant qu'elles aient trait à une période postérieure au 19 décembre 2007 et ne fassent pas l'objet d'une demande de remboursement au titre des frais de résidence temporaire.

R.M. du 15^e octobre 2004, du 14 janvier 2008 et du 1^{er} octobre 2010

Frais engagés avec lien de dépendance

25(3) Par dérogation aux paragraphes (1) et (2), les frais engagés avec lien de dépendance relativement aux choses mentionnées au paragraphe (1) ou à l'alinéa (2)b) ne constituent pas des frais autorisés.

Report des frais de subsistance concernant les articles de maison

25(4) Sous réserve de l'alinéa 5(1)e), le remboursement des frais concernant un article de maison visé à l'alinéa (2)a.3) peut être demandé sur une période de deux mois ou plus. À cette fin, le député qui cesse d'exercer ses fonctions avant la fin du mois au cours duquel peut être présentée une demande de remboursement concernant un article de maison est réputé être député jusqu'à la fin du mois suivant.

R.M. du 1^{er} octobre 2010

Résidence permanente assimilée à une résidence temporaire

25.1(1) Le député de l'extérieur de Winnipeg qui possède et occupe une résidence à Winnipeg ainsi qu'une réside à l'extérieur de la région désignée peut désigner, au moyen de la formule qu'approuve le président, une de ces résidences à titre de résidence temporaire pour l'application de la présente partie.

R.M. du 15 octobre 2004

25.1(2) A designation remains in effect until the member ceases to own and occupy the designated residence, or until it is replaced by a new designation.

M.R. Oct. 15/04

25.1(3) A member cannot make more than one designation in an allowance period, unless he or she no longer owns and occupies the designated residence.

M.R. Oct. 15/04

25.1(4) While a residence remains designated as a temporary residence under subsection (1) and the member continues to own and occupy the other residence referred to in that subsection,

(a) the designated residence is deemed to be a temporary residence of the member; and

(b) the member's authorized temporary residence expenses for the residence consist only of:

(i) property taxes,

(ii) mortgage interest,

(iii) common element fees, if the residence is a condominium,

(iv) premiums for the insurance of the residence and its contents,

(v) expenses for repairs that are necessary or advisable to maintain the structural integrity of the residence,

(vi) telephone rental and services, except to the extent that they are claimed as living expenses under subsection 25(2), and

(vii) utilities, including cable television.

M.R. Oct. 15/04; Jan. 14/08

25.1(2) La désignation demeure en vigueur jusqu'à ce que le député cesse de posséder et d'occuper la résidence désignée ou jusqu'à ce qu'une nouvelle désignation la remplace.

R.M. du 15 octobre 2004

25.1(3) Le député ne peut procéder à plus d'une désignation au cours d'une période d'allocation que s'il ne possède et n'occupe plus la résidence désignée.

R.M. du 15 octobre 2004

25.1(4) Tant qu'une résidence demeure désignée à titre de résidence temporaire en vertu du paragraphe (1) et que le député continue de posséder et d'occuper l'autre résidence visée à ce paragraphe :

a) la résidence désignée est réputée être une résidence temporaire;

b) les frais de résidence temporaire autorisés à l'égard de la résidence ne comprennent que :

(i) les taxes foncières,

(ii) les intérêts hypothécaires,

(iii) les frais de parties communes, si la résidence est un condominium,

(iv) les primes d'assurance pour la résidence et son contenu,

(v) les frais des réparations nécessaires ou souhaitables afin que la résidence conserve son intégrité structurale,

(vi) les frais de location du téléphone et de service téléphonique, pour autant que ces frais ne soient pas remboursés au titre des frais de subsistance en vertu du paragraphe 25(2),

(vii) les frais de services publics, y compris la câblodistribution.

R.M. du 15 octobre 2004 et du 14 janvier 2008

Cost of living adjustment: temporary residence expenses

26(1) On April 1 of each year after 2004, the amount of the living allowance for temporary residence expenses is to be adjusted by the percentage that a landlord is permitted by regulation under The Residential Tenancies Act to increase the rent charged for a rental unit in the year in which the adjustment is made.

Cost of living adjustment: living expenses

26(2) On April 1 of each year after 2004, the amount of the living allowance for living expenses is to be adjusted by the percentage increase or decrease in the Consumer Price Index for Manitoba over the course of the previous calendar year.

Rounding to nearest dollar

26(3) The adjusted amounts are to be rounded up to the next dollar.

Temporary residence used for election

27 A member is not entitled to a living allowance for any election period if, at any time in that period, the member's temporary residence is used in the election campaign of a candidate for election to a school board, the council of a local government district or municipality, the Assembly or the House of Commons.

Rajustement en fonction du coût de la vie — frais de résidence temporaire

26(1) Le montant de l'allocation de subsistance relative aux frais de résidence temporaire est, le 1^{er} avril de chaque année suivant l'année 2004, rajusté en fonction du pourcentage d'augmentation qu'un règlement pris en vertu de la Loi sur la location à usage d'habitation autorise en ce qui a trait au loyer exigé à l'égard d'une unité locative au cours de l'année du rajustement.

Rajustement en fonction du coût de la vie — frais de subsistance

26(2) Le montant de l'allocation de subsistance relative aux frais de subsistance est, le 1^{er} avril de chaque année suivant l'année 2004, rajusté en fonction de l'augmentation ou de la diminution en pourcentage de l'indice des prix à la consommation au Manitoba au cours de l'année civile précédente.

Arrondissement au dollar près

26(3) Les montants rajustés sont arrondis au dollar près.

Résidence temporaire servant à une campagne électorale

27 N'est pas admissible à l'allocation de subsistance pendant une période électorale le député dont la résidence temporaire sert, à un moment quelconque au cours de cette période, à la campagne électorale d'un candidat voulant se faire élire à une commission scolaire, au conseil d'un district d'administration locale ou d'une municipalité, à l'Assemblée législative ou à la Chambre des communes.

ALTERNATE LIVING ALLOWANCE

Alternate living allowance

28(1) A non-Winnipeg member who does not have a temporary residence in Winnipeg and

(a) has a principal residence outside the designated area; or

(b) has a principal residence outside Winnipeg in the designated area and has a physical disability or infirmity that, in the opinion of the Legislative Assembly Management Commission, would make it reasonable for the member to maintain a residence in Winnipeg;

may, instead of receiving a commuting allowance, elect to receive a living allowance for authorized expenses for overnight stays in Winnipeg, to a maximum of eight overnight stays per month.

Authorized expenses re overnight stays

28(2) The following types of expenses of the member are authorized expenses for overnight stays under this section:

- (a) the expense of meals at civil service rates;
- (b) the expense of commercial accommodation in accordance with civil service guidelines; and
- (c) incidental expenses at civil service rates.

PART 5

INTERSESSIONAL COMMITTEE ALLOWANCE

"Intersessional period" defined

29(1) In this section, "intersessional period" means a period when the Legislature is not sitting and has not been, or will not be, sitting for at least 10 days.

M.R. Nov. 15/05

ALLOCATION DE SUBSISTANCE DE REMPLACEMENT

Allocation de subsistance de remplacement

28(1) Les députés de l'extérieur de Winnipeg qui n'ont pas de résidence temporaire dans cette ville mais qui ont une résidence principale à l'extérieur de la région désignée ou qui ont une résidence principale à l'extérieur de Winnipeg dans la région désignée et souffrent d'un handicap ou d'une déficience physique qui fait que la Commission de régie de l'Assemblée législative estime raisonnable qu'ils aient une résidence à Winnipeg peuvent, plutôt que de recevoir une allocation de trajets quotidiens, choisir de recevoir une allocation de subsistance à l'égard des frais autorisés qu'ils engagent pour passer un maximum de huit nuits par mois à Winnipeg.

Frais autorisés — hébergement de nuit

28(2) Sont autorisés les frais indiqués ci-après que les députés engagent à l'égard de l'hébergement de nuit :

- a) les frais de repas aux taux pratiqués dans la fonction publique;
- b) les frais de logement commercial faits conformément aux règles applicables à la fonction publique;
- c) les frais connexes aux taux pratiqués dans la fonction publique.

PARTIE 5

ALLOCATION DE FRAIS INTERSESSIONS

Définition

29(1) Pour l'application du présent article, le terme « intersessions » s'entend de toute période pendant laquelle l'Assemblée législative ne siège pas et n'a pas siégé depuis au moins 10 jours ou ne siègera pas pendant une telle période.

R.M. du 15 novembre 2005

Allowance for attending intersessional committee
29(2) A member who is a member of a standing or special committee is entitled to be paid an allowance for authorized expenses of attending a meeting of the committee during an intersessional period.

Authorized expenses
29(3) For the purpose of subsection (2), an expense is an authorized expense if it is approved by the Speaker and is not a non-arm's length expense for anything other than transportation by a private vehicle.

Allocation
29(2) Les députés ont droit à une allocation à l'égard des frais autorisés qu'ils engagent afin d'assister, pendant les intersessions, aux séances des comités permanents ou spéciaux dont ils sont membres.

Frais autorisés
29(3) Pour l'application du paragraphe (2), sont autorisés les frais qu'approuve le président et qui ne sont pas engagés avec lien de dépendance à l'égard de toute autre chose que le transport par véhicule privé.

PART 6

MISCELLANEOUS

Delegation by Speaker
30(1) The Speaker may delegate any of his or her responsibilities under this regulation, other than the power to approve expenses under section 29, to the official to whom the Speaker has delegated authority under section 52.24 of the Act.

Delegation to Deputy Speaker
30(2) The Speaker may delegate to the Deputy Speaker the authority to approve expenses for the purpose of section 29.

Appeal
31(1) A member may appeal any decision or determination under this regulation to a person appointed by the Legislative Assembly Management Commission, whose decision is final.

M.R. Oct. 1/10

Form of appeal
31(2) The appeal must be in writing and must state

(a) the decision or determination being appealed; and

(b) the member's argument in support of the appeal.

PARTIE 6

DISPOSITIONS DIVERSES

Délégation par le président
30(1) Le président peut déléguer les attributions qui lui sont conférées par le présent règlement, à l'exception du pouvoir d'approuver les frais visés à l'article 29, à l'agent officiel à qui il a délégué un pouvoir en vertu de l'article 52.24 de la Loi.

Délégation au président adjoint
30(2) Le président peut déléguer au président adjoint le pouvoir d'approuver des frais pour l'application de l'article 29.

Appel
31(1) Il est permis aux députés d'interjeter appel devant une personne nommée par la Commission de régie de l'Assemblée législative de toute décision visée par le présent règlement. En pareil cas, la décision de cette personne est sans appel.

R.M. du 1^{er} octobre 2010

Forme de l'appel
31(2) L'appel est interjeté par écrit et fait état :

a) de la décision qu'il vise;

b) de l'argumentation de l'appelant.

Repeal

32 Parts 3 and 7 of the Indemnities, Allowances and Retirement Benefits Regulation are repealed.

Abrogation

32 Les parties 3 et 7 du Règlement sur les indemnités, les allocations et les prestations de pension sont abrogées.

Coming into force

33 This regulation is deemed to have come into force on April 1, 2004.

Entrée en vigueur

33 Le présent règlement s'applique à compter du 1^{er} avril 2004.

July 13, 2004
13 juillet 2004

Commissioner for MLA Pay, Allowances and Retirement Benefits/
Le commissaire chargé d'examiner le traitement, les allocations et les prestations de pension des députés,

Earl E. Backman

NOTES:

Regulation made:

July 13, 2004 by Earl E. Backman, Commissioner for MLA Pay, Allowances and Retirement Benefits

Regulation amended:

October 15, 2004 by Earl E. Backman, Commissioner for MLA Pay, Allowances and Retirement Benefits

November 15, 2005 by the Legislative Assembly Management Commission

January 14, 2008 by Michael D. Werier, Commissioner for MLA Pay, Allowances and Retirement Benefits

October 1, 2010 by Michael D. Werier, Commissioner for MLA Allowances

December 22, 2010 by Michael D. Werier, Commissioner for MLA Allowances

October 4, 2011 by the Legislative Assembly Management Commission

Appendix C *Members' Salaries, Allowances and Retirement Plans Disclosure Regulation*

THE LEGISLATIVE ASSEMBLY ACT
(C.C.S.M. c. L110)

Members' Salaries, Allowances and
Retirement Plans Disclosure Regulation

LOI SUR L'ASSEMBLÉE LÉGISLATIVE
(c. L110 de la C.P.L.M.)

Règlement sur la communication de
renseignements concernant les traitements,
les allocations et les régimes de retraite des
députés

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Definitions

1 The following definitions apply in this regulation.

"Act" means The Legislative Assembly Act.
(« Loi »)

"expense allowance" means an allowance paid or payable under the Members' Allowances Regulation. (« allocation pour frais »)

"retirement plan" means, depending on the context,

- (a) an RRSP or tax-paid trust to which contributions are made under Part 2 of the Members' Retirement Benefits Regulation;
- or

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Définitions

1 Les définitions qui suivent s'appliquent au présent règlement.

« allocation de transition » L'allocation de transition prévue à la partie 5 du Règlement sur les prestations de pension des députés. ("transition allowance")

« allocation pour frais » Allocation qui est versée ou doit l'être en vertu du Règlement sur les allocations des députés. ("expense allowance")

« Loi » La Loi sur l'Assemblée législative. ("Act")

All persons making use of this consolidation are reminded that it has no legislative sanction. This consolidates the amendments made on the following dates: January 14, 2008; October 1, 2010; October 28, 2010.

La présente codification n'a aucune valeur officielle. Elle n'a pour but que de codifier les modifications faites aux dates suivantes : 14 janvier 2008; 1^{er} octobre 2010; 28 octobre 2010.

(b) the defined benefit pension plan consisting of the benefits described in Parts 3 and 4 of the Members' Retirement Benefits Regulation. (« régime de retraite »)

"salary" means salary paid or payable under the Members' Salaries Regulation. (« traitement »)

"transition allowance" means the transition allowance provided for in Part 5 of the Members' Retirement Benefits Regulation. (« allocation de transition »)

M.R. Jan. 14/08

Records to be maintained

2 The Speaker must maintain the following records:

(a) a record of the basic and any additional salary paid to each member, including

(i) the date and amount of each payment, and

(ii) the details of each cost-of-living adjustment made to such salary, including how the adjustment was determined and when it was made;

(b) the records required by subsection 2(6) of the Members' Salaries Regulation with respect to members' absences when the Legislative Assembly is sitting;

(c) for each type of expense allowance, a record of

(i) the maximum allowance payable, as well as the details of each cost-of-living adjustment made to the maximum, including how the adjustment was determined and when it was made,

(ii) particulars of the amounts expended and remaining to be expended;

« régime de retraite » Selon le contexte :

a) REÉR ou fiducie à impôt acquitté auquel des cotisations sont versées en vertu de la partie 2 du Règlement sur les prestations de pension des députés;

b) le régime de pension à prestations déterminées offrant les prestations visées aux parties 3 et 4 du Règlement sur les prestations de pension des députés. ("retirement plan")

« traitement » Traitement versé ou qui doit l'être en vertu du Règlement sur les traitements des députés. ("salary")

Documents

2 Le président tient :

a) un document faisant état du traitement de base et du traitement supplémentaire versés à chaque député, lequel document donne notamment les renseignements suivants :

(i) la date et le montant de chaque versement,

(ii) les détails relatifs aux rajustements en fonction du coût de la vie dont ces traitements ont fait l'objet, y compris le mode de détermination des rajustements ainsi que le moment où ils ont eu lieu;

b) le document qu'exige le paragraphe 2(6) du Règlement sur les traitements des députés relativement aux absences des députés pendant les séances de l'Assemblée législative;

c) pour chaque type d'allocation pour frais, un document faisant état :

(i) de l'allocation maximale payable et des détails relatifs aux rajustements en fonction du coût de la vie dont le montant maximal a fait l'objet, y compris le mode de détermination des rajustements ainsi que le moment où ils ont eu lieu,

(ii) des détails relatifs aux montants dépensés et à ceux qui restent à dépenser;

(d) a record of each expense allowance claim paid and of the documentation that accompanied the claim;

(e) for each member whose constituency allowance or constituency assistants allowance was used to pay for authorized expenses for constituency staff, a record of

- (i) the name of the member,
- (ii) the name of the person paid, and
- (iii) the amount paid;

(f) for each member participating in a retirement plan, a record of

- (i) the type of plan in which the member is participating, and
- (ii) the amount and date of each contribution to the plan;

(g) a record of the date and amount of each transition allowance payment made to a former member;

(h) a record of each exemption from disclosure made under subsection 3(6) and the date it was made.

M.R. Jan. 14/08

Access to records

3(1) The Speaker must ensure that the records under section 2 are kept and made available for inspection in accordance with this section.

3(2) Records relating to the current fiscal year or to one of the two immediately preceding years are to be kept in the Members' Allowances Office and, subject to subsection (6), are to be made available for inspection by any person upon request and payment of the applicable fee.

3(3) Records relating to one of the next three preceding fiscal years are to be kept in the Provincial Records Office and, subject to subsection (6), are to be made available for inspection by any person upon reasonable notice and payment of the applicable fee.

d) un document faisant état de chaque demande de remboursement de frais réglée et des documents ayant accompagné cette demande;

e) pour chaque député dont l'allocation de circonscription ou l'allocation pour adjoints de circonscription a servi à payer des frais autorisés concernant le personnel du bureau de circonscription, un document faisant état :

- (i) du nom du député,
- (ii) du nom du bénéficiaire du paiement,
- (iii) du montant payé;

f) pour chaque député qui participe à un régime de retraite, un document faisant état :

- (i) du type de régime auquel le député participe,
- (ii) du montant de chaque cotisation versée au régime et de la date de chaque versement;

g) un document faisant état de la date et du montant de chaque versement d'allocation de transition fait à un ex-député;

h) un document faisant état de chaque exemption accordée en vertu du paragraphe 3(6) et de la date à laquelle elle a été accordée.

R.M. du 14 janvier 2008

Accès aux documents

3(1) Le président fait en sorte que les documents visés à l'article 2 soient conservés et puissent être examinés en conformité avec le présent article.

3(2) Les documents ayant trait à l'exercice en cours et aux deux exercices précédents sont conservés au Bureau des allocations des députés et peuvent, sous réserve du paragraphe (6), être examinés par toute personne qui en fait la demande et paie le droit applicable.

3(3) Les documents ayant trait aux trois exercices précédant ceux visés au paragraphe (2) sont conservés au Bureau des documents de la province et peuvent, sous réserve du paragraphe (6), être examinés par toute personne qui donne un préavis raisonnable et paie le droit applicable.

3(4) A person inspecting a record may obtain a copy of it upon payment of the applicable fee.

3(5) The fees payable under this section are the fees that would apply in similar circumstances under The Freedom of Information and Protection of Privacy Act.

3(6) Upon the written request of a member, the Speaker may in writing exempt specified information or a specified record from inspection and copying under this section if he or she is satisfied that the disclosure of the information would reasonably be expected to pose a threat to the security of the member or any other person.

Report of member's expenses

4(1) For each fiscal year, each member must

(a) prepare a report, in a form approved by the Legislative Assembly Management Commission, of the member's authorized expenses for each type of expense allowance paid to or for the benefit of the member during the fiscal year; and

(b) provide a copy of the report, on or before June 30 of the next fiscal year, to the Speaker and to the official appointed by the Speaker under section 52.24 of the Act.

4(1.1) Under the Members' Allowances Regulation, a member may submit an expense allowance claim for a fiscal year at any time up to three months after the end of that year. If a member submits an allowable claim for a fiscal year after the member's report for that year is finalized, the claim must be reported in the next annual report.

M.R. Oct. 1/10

4(2) The Speaker must table a copy of the report in the Assembly within 15 days after receiving it if the Assembly is sitting or, if it is not, within 15 days after the next sitting begins.

3(4) La personne qui examine un document peut en obtenir une copie sur paiement du droit applicable.

3(5) Les droits applicables correspondent à ceux qui seraient exigibles dans des circonstances semblables sous le régime de la Loi sur l'accès à l'information et la protection de la vie privée.

3(6) Sur demande écrite d'un député, le président peut, par écrit, soustraire des renseignements ou des documents précis à l'examen et à la reproduction visés au présent article s'il est convaincu que leur communication pourrait constituer une menace à la sécurité du député ou de toute autre personne.

Rapport concernant les frais des députés

4(1) Pour chaque exercice, les députés :

a) établissent un rapport, en la forme qu'approuve la Commission de régie de l'Assemblée législative, concernant leurs frais autorisés à l'égard de chaque type d'allocation pour frais qui leur a été versée ou qui a été versée pour leur compte au cours de l'exercice;

b) remettent, au plus tard le 30 juin de l'exercice qui suit, une copie du rapport au président et à la personne que celui-ci nomme en vertu de l'article 52.24 de la Loi.

4(1.1) En vertu du Règlement sur les allocations des députés, les députés peuvent présenter une demande de remboursement à l'égard d'un exercice au plus tard trois mois après la fin de cet exercice. Toute demande admissible présentée après l'établissement de leur rapport pour l'exercice en question est comptabilisée dans le rapport visant l'exercice suivant.

R.M. du 1^{er} octobre 2010

4(2) Le président dépose une copie du rapport devant l'Assemblée législative dans les 15 premiers jours de séance de celle-ci suivant sa réception.

4(3) A copy of the report must be kept available for inspection during normal business hours

(a) at an office in the Legislative Building designated for the purpose by the Legislative Assembly Management Commission; and

(b) at the member's constituency office or, if the member does not have a constituency office, within a reasonable time after the member receives a request to inspect it;

for at least five years after the end of the fiscal year to which the report relates.

Website publications

4.1(1) The Speaker must ensure that the following documents are published on the Legislative Assembly website:

(a) each regulation made under Part 2 of the Act (Remuneration and Retirement Benefits);

(b) the manual used by the Members' Allowances Office for the administration of expense allowances;

(c) with respect to each member:

(i) the annual member's expenses report given to the Speaker as required by section 4,

(ii) monthly reports of the total allowable expenses paid under each expense allowance,

(iii) repealed, October 28, 2010,

(iv) subject to subsection (2), copies of the member's claim forms for allowable expenses paid under each expense allowance, and

4(3) Une copie du rapport est mise à la disposition du public pour examen, pendant les heures normales d'ouverture, dans un bureau du Palais législatif que la Commission de régie de l'Assemblée législative désigne à cette fin et dans le bureau de circonscription du député ou, si celui-ci n'a pas de bureau de circonscription, dans un délai raisonnable après la date à laquelle il reçoit une demande d'examen. La période d'accès dure au moins cinq ans suivant la fin de l'exercice visé par le rapport.

Publication sur le site Web

4.1(1) Le président fait en sorte que les documents indiqués ci-dessous soient publiés sur le site Web de l'Assemblée législative :

a) les règlements pris sous le régime de la partie 2 de la Loi;

b) le manuel dont se sert le personnel du Bureau des allocations des députés pour gérer les allocations pour frais;

c) à l'égard de chaque député :

(i) le rapport annuel concernant ses frais qui a été remis au président conformément à l'article 4,

(ii) les rapports mensuels concernant le total des frais admissibles remboursés au titre de chaque type d'allocation pour frais,

(iii) abrogé, 28 octobre 2010,

(iv) sous réserve du paragraphe (2), des copies des demandes de remboursement réglées relativement à des frais admissibles au titre de chaque type d'allocation pour frais,

(v) a statement as to how members of the public may examine, subject to subsection (2), copies of receipts or other documentation submitted in support of the member's expense allowance claims.

M.R. Oct. 1/10; Oct. 28/10

4.1(2) The following items must not be published on the website or made available for inspection by a member of the public:

(a) attendance reports for constituency assistants or any other personal third party information that should not be published, in the Speaker's opinion, for the protection of the third party;

(b) information that would identify a personal bank account, personal credit card account or other personal account of a member or any other person;

(c) any information that has been exempted under subsection 3(6) from disclosure.

M.R. Oct. 1/10

Delegation

5 The Speaker may delegate any of his or her responsibilities under this regulation to the official to whom the Speaker has delegated authority under section 52.24 of the Act.

Repeal

6 Part 5 of the Indemnities, Allowances and Retirement Benefits Regulation is repealed.

Coming into force

7(1) Except as provided in subsection (2), this regulation is deemed to have come into force on April 1, 2004.

(v) une mention précisant comment le public peut, sous réserve du paragraphe (2), consulter les pièces justificatives étayant les demandes de remboursement, notamment les copies de reçus.

R.M. du 1^{er} et du 28 octobre 2010

4.1(2) Il est interdit de publier sur le site Web ou de permettre au public de consulter :

a) les rapports de présence des adjoints de circonscription ou tout autre renseignement personnel relatif à un tiers qui, selon le président, ne devrait pas être communiqué en vue de la protection du tiers;

b) des renseignements qui permettraient l'identification du compte personnel de quiconque, notamment de son compte de banque ou de carte de crédit;

c) les renseignements visés au paragraphe 3(6).

R.M. du 1^{er} octobre 2010

Délégation

5 Le président peut déléguer les attributions que lui confie le présent règlement à la personne à qui il a délégué un pouvoir en vertu de l'article 52.24 de la Loi.

Abrogation

6 La partie 5 du Règlement sur les indemnités, les allocations et les prestations de pension est abrogée.

Entrée en vigueur

7(1) Sous réserve du paragraphe (2), le présent règlement est réputé être entré en vigueur le 1^{er} avril 2004.

7(2) Any provision of this regulation that relates to a retirement plan or to the transition allowance comes into force on the day that the defined benefit plan provided for in Part 3 of the Members' Retirement Benefits Regulation is registered under the Income Tax Act (Canada).

7(2) Les dispositions du présent règlement qui ont trait à un régime de retraite ou à une allocation de transition entrent en vigueur à la date à laquelle le régime à prestations déterminées prévu à la partie 3 du Règlement sur les prestations de pension des députés est agréé sous le régime de la Loi de l'impôt sur le revenu (Canada).

October 15, 2004
15 octobre 2004

Commissioner for MLA Pay, Allowances and Retirement Benefits/
Le commissaire chargé d'examiner le traitement, les allocations et les prestations de pension des députés,

Earl E. Backman

NOTES:

Regulation made:

October 15, 2004 by Earl E. Backman, Commissioner for MLA Pay, Allowances and Retirement Benefits

Regulation amended:

January 14, 2008 by Michael D. Werier, Commissioner for MLA Pay, Allowances and Retirement Benefits

October 1, 2010 by Michael D. Werier, Commissioner for MLA Allowances

October 28, 2010 by Michael D. Werier, Commissioner for MLA Allowances

