



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

LEGISLATIVE ASSEMBLY ACT

PLEASE NOTE

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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LEGISLATIVE ASSEMBLY ACT

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LEGISLATIVE ASSEMBLY ACT CHAPTER L-7

1. Composition of Legislature

- (1) The Legislature of this province shall be composed of the Lieutenant Governor and one House to be called the Legislative Assembly.

Composition of Legislative Assembly

- (2) The Legislative Assembly shall be composed of twenty seven members, one to represent each of the electoral districts established pursuant to the *Electoral Boundaries Act* R.S.P.E.I. 1988, Cap. E-2.1. *R.S.P.E.I. 1974, Cap. L-11, s.1; 1994, c.13, s.19.*

2. Summoning the Legislature

The Lieutenant Governor shall from time to time by instrument under the Great Seal of this province, summon and call together the Legislative Assembly. *R.S.P.E.I. 1974, Cap. L-11, s.2.*

3. Speaker, election of

- (1) The Legislative Assembly on its first assembling after a general election shall proceed with all practicable speed to elect one of its members to be Speaker.

Death, resignation etc. of Speaker

- (2) In case of a vacancy occurring in the office of Speaker by death, resignation or otherwise, the Legislative Assembly shall with all practicable speed proceed to elect another of its members to be Speaker.

Duties of Speaker

- (3) The Speaker or Deputy Speaker shall preside at all meetings of the Legislative Assembly. *R.S.P.E.I. 1974, Cap. L-11, s.3.*

4. Deputy Speaker

The Legislative Assembly may at any session elect one of its members to be Deputy Speaker, who shall in the case of the death or absence from the House of the Speaker, and until another Speaker is elected, have and execute all the powers, privileges and duties of the Speaker; but in the case of the absence for any reason of both the Speaker and the Deputy Speaker from the chair of the Legislative Assembly, the Legislative Assembly may elect an Acting Speaker from among its members, and the member so elected shall, during the continuance of the absence of the Speaker and Deputy Speaker, have and execute all the powers, privileges and duties of the Speaker. *R.S.P.E.I. 1974, Cap. L-11, s.4.*

5. Powers and functions of Legislature

The Legislative Assembly has all the powers and shall exercise all the functions heretofore vested in the Legislature of this province. *R.S.P.E.I. 1974, Cap. L-11, s.5.*

6. Demise of Sovereign, effect on Legislature

- (1) No Legislative Assembly shall determine or be dissolved by the demise of the Sovereign during whose reign it has been summoned or is held, but the Legislative Assembly shall continue and may meet, convene and sit, proceed and act, notwithstanding the demise, in the same manner as if the demise had not happened.

Crown, privileges

- (2) Nothing in this section alters or abridges the power of the Crown to prorogue or dissolve the Legislative Assembly.

Prorogation of Legislature

- (3) It is not necessary for the Lieutenant Governor in proroguing the Legislature to name any day to which it is prorogued; nor to issue a formal proclamation for a meeting of the Legislature when it is not intended that the Legislature shall meet for the dispatch of business. *R.S.P.E.I. 1974, Cap. L-11, s.6.*

7. Maximum term of Legislative Assembly

Subject to being sooner dissolved by the Lieutenant Governor, every Legislative Assembly shall continue for five years from the day of the return of the writs for a general election, and no longer. *R.S.P.E.I. 1974, Cap. L-11, s.7.*

8. Sessions, frequency

There shall be a session of the Legislature once at least in every year, so that twelve months shall not intervene between the last sitting of the Legislature in one session, and the first sitting in the next. *R.S.P.E.I. 1974, Cap. L-11, s.8.*

9. New Parliament

Each general election of members of the Legislative Assembly shall make a new parliament. *R.S.P.E.I. 1974, Cap. L-11, s.9.*

10. Calling Legislative Assembly after adjournment

- (1) When the Legislative Assembly is prorogued or stands adjourned for more than one hundred and fifty days, the Lieutenant Governor by and with the advice of the Executive Council, may issue a proclamation declaring that the Legislative Assembly shall meet on a certain day to be therein named, not less than sixty days from the time of issuing such proclamation.

Emergency

- (1.1) The period of sixty days referred to in subsection (1) may be reduced or dispensed with in circumstances deemed by the Lieutenant Governor in Council to be an emergency.



Effect on existing orders

- (2) In such event all orders which have been made by the Legislative Assembly and appointed for the original day of meeting, or any subsequent day, stand so appointed for the day named in the proclamation. *R.S.P.E.I. 1974, Cap. L-11, s.10; 1996, c.24, s.1; 2008, c.50, s.1.*

11. Common jail

The common jail of the County of Queens is the prison of the Legislative Assembly. *R.S.P.E.I. 1974, Cap. L-11, s.11.*

12. Committal to prison, who may be

The Legislative Assembly may commit to prison any person adjudged, by resolution of the Legislative Assembly, guilty of any contempt or breach of its privileges, and the Sergeant-at-Arms of the Legislative Assembly shall carry out any order of the Legislative Assembly under this section. *R.S.P.E.I. 1974, Cap. L-11, s.12.*

13. Receiving persons into custody and confinement

The keeper of the common jail of the County of Queens shall receive into his custody and confine in the jail all such persons as shall be committed to the jail, under and by virtue of any warrant signed by the Speaker of the Legislative Assembly. *R.S.P.E.I. 1974, Cap. L-11, s.13.*

14. Assistance to the Legislative Assembly

All justices, sheriffs, deputy sheriffs, jailers, constables, and other peace officers shall aid and assist the Legislative Assembly and its officers in the exercise of the jurisdiction of the Legislative Assembly whenever required so to do. *R.S.P.E.I. 1974, Cap. L-11, s.14.*

15. Qualifications of members

Any person is eligible to be elected as a member of the Legislative Assembly who is a Canadian citizen, male or female, of the age of eighteen years or older, unless he or she is disqualified as hereinafter mentioned. *R.S.P.E.I. 1974, Cap. L-11, s.15.*

16. Persons not eligible as members

- (1) Except as is hereinafter specially provided, no person who is a member of the Senate of the Parliament of Canada, or a member of the House of Commons of Canada, or who accepts or holds an office, commission, or employment in the service of the Government of Prince Edward Island, at the nomination of the Crown, or by, from, through or under any department in the public service of Canada, or of Prince Edward Island, to which an annual salary is attached, is eligible as a member of the Legislative Assembly, nor shall he sit or vote in the same during the time he is a member of the Senate, or a member of the House of Commons, or during the time he holds such office, commission or employment.

Offices not affected

- (2) Nothing in this section renders ineligible any person holding an office as a Minister of the Crown or as a member of any board or committee established under the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 or shall disqualify any such person from sitting or voting in the Legislative Assembly.

Receipt of indemnity not affected

- (3) Nothing in this section renders ineligible any member accepting the sessional allowance or indemnity paid to members of the Legislative Assembly.

Idem

- (4) Nothing in this section renders ineligible or disqualifies to sit or vote in the Legislative Assembly, any teacher of a public school. *R.S.P.E.I. 1974, Cap. L-11, s.16; 1977, c.38, s.4; 1980, c.1, s.12; 1983, c.1, s.2; 1986, c.9, s.23.*

17. Controverted Elections Act, conviction under

No person who as a candidate at any election is proved guilty on the trial of an election petition of any corrupt practice within the meaning of the *Controverted Elections (Provincial) Act* R.S.P.E.I. 1988, Cap. C-22 or convicted before any competent court of the corrupt practice of bribery or undue influence within the meaning of that Act at his election is eligible as a candidate during the period of five years from the time of his having been so proved guilty or convicted. *R.S.P.E.I. 1974, Cap. L-11, s.17; 1997, c.28, s.1.*

18. Period of ineligibility

Every person who is a candidate found guilty of any corrupt practice within the meaning of the *Controverted Elections (Provincial) Act* in any proceeding in which after notice of the charge he has had an opportunity of being heard, is not eligible as a candidate during the five years after the time at which he is found guilty. *R.S.P.E.I. 1974, Cap. L-11, s.18; 1997, c.28, s.1.*

19. Dealings with government

Repealed by *1999, c.22, s.37 {eff.} Nov. 1, 1999.*

20. Ineligible person elected, effect

If any person hereby disqualified or declared incapable of being a member of the Legislative Assembly is, nevertheless, elected and returned as a member, his election and return are null and void. *R.S.P.E.I. 1974, Cap. L-11, s.20.*

21. Member becomes disqualified, effect

If any member of the Legislative Assembly by accepting any office, commission or employment becomes disqualified by law to sit or vote in the Legislative Assembly, his election thereby becomes void, and the seat of the member is vacated and a writ shall be issued for a new election as if he were naturally dead, but he may be *re*-elected if he is not ineligible under this Act. *R.S.P.E.I. 1974, Cap. L-11, s.21; 1999, c.22, s.37 {eff.} Nov. 1, 1999.*

22. Penalty

- (1) No person disqualified to be elected a member of the Legislative Assembly shall sit or vote in the Legislative Assembly while he remains under the disqualification, and if any person by this Act is made ineligible as a member of the Legislative Assembly, or is declared incapable of sitting or voting therein, does nevertheless sit and vote therein, while he is ineligible or incapable, he forfeits the sum of \$200 for every day on which he sits and votes, and such sum may be recovered from him by any person who sues for it in any court of competent jurisdiction.



Deposit

- (2) No action under this section shall be commenced until the person suing deposits with the officer issuing the process \$200 as security for costs that may become payable by the person suing to the person sued. *R.S.P.E.I. 1974, Cap. L-11, s.22.*

23. Absence from seat, forfeiture

If any member of the Legislative Assembly is absent from his place for one entire session without leave of the Speaker given on behalf of the Legislative Assembly, his seat shall be declared vacant on the first day of the next ensuing session if the member is then absent, and notice of the vacancy shall be given forthwith by the clerk to the Lieutenant Governor and proceedings shall be thereupon taken for the election of a member to fill the vacancy. *R.S.P.E.I. 1974, Cap. L-11, s.23; 1996, c.24, s.2.*

24. Resignation of seat

A member of the Legislative Assembly may voluntarily resign and vacate his seat in the following manner:

- (a) a member may resign his seat by giving in his place in the Legislative Assembly notice of his intention to resign, in which case and immediately after the notice has been entered by the Clerk on the Journals of the Legislative Assembly, the Speaker shall notify the Lieutenant Governor thereof;
- (b) a member may address and cause to be delivered to the Speaker a declaration of his intention to resign his seat, made in writing under his hand, before two subscribing witnesses, which declaration may be so made and delivered either during a session of the Legislature or in the interval between two sessions, and the Speaker shall, upon receiving the declaration, forthwith notify the Lieutenant Governor thereof, and an entry of the declaration so delivered to the Speaker shall be thereafter made in the Journals of the Legislative Assembly;
- (c) if any person returned as elected to the Legislative Assembly wishes to resign his seat subsequently to a general election, and before the first meeting of the Legislature, he may address and cause to be delivered a declaration of his intention to resign his seat, made in writing under his hand before two subscribing witnesses to any two members elect of the Legislative Assembly, and such two members, upon receiving the declaration, shall forthwith notify the Lieutenant Governor thereof, in writing;
- (d) if any member of the Legislative Assembly wishes to resign his seat in the interval between two sessions of the Legislature, and there is then no Speaker, or if the member is himself the Speaker, he may address and cause to be delivered to any two members of the House, a declaration as in clause (c) mentioned of his intention to resign, and the two members upon receiving the declaration shall forthwith notify the Lieutenant Governor thereof, in writing. *R.S.P.E.I. 1974, Cap. L-11, s.24.*

25. Seat vacated

Any member tendering his resignation under section 24 shall be held to have vacated his seat, and ceases to be a member of the Legislative Assembly. *R.S.P.E.I. 1974, Cap. L-11, s.25.*

26. Notification of Lieutenant Governor of vacancy

- (1) If any vacancy occurs in the Legislative Assembly by the death of any member, or by his accepting any office, commission or employment, the Speaker, on being informed of the vacancy by any member of the Legislative Assembly in his place, or by notice in writing

from any two members of the Legislative Assembly, shall forthwith notify the Lieutenant Governor in writing.

Idem

- (2) If, when the vacancy occurs, there is no Speaker, or the Speaker is absent from the province, or if a member whose seat is vacated is himself the Speaker, then any two members of the Legislative Assembly may notify the Lieutenant Governor thereof, in writing.

Idem

- (3) Any two members elect of the Legislative Assembly may notify the Lieutenant Governor in writing of any vacancy arising subsequent to a general election, and before the first meeting of the Legislature thereafter, by reason of the death of any member elect or of his acceptance of office, commission or employment.

Resignation or vacancy where recount pending

- (4) If a member resigns his seat or his seat becomes vacant for any reason during the pendency of a recount or of a petition against his return, and claiming the seat for any other candidate at the election in question, no writ shall issue to fill the vacancy until the final disposition of the said petition or other proceeding except in the case of a general election. *R.S.P.E.I. 1974, Cap. L-11, s.26; 1999, c.22, s.37 [eff.] Nov. 1, 1999.*

LEGISLATIVE ASSEMBLY PRIVILEGES

27. Privileges, immunities and powers: House of Commons

The Legislative Assembly and the committees and members thereof hold and enjoy such and the like privileges, immunities and powers as, and the privileges, immunities and powers of the Legislative Assembly and of the committees and members thereof, are hereby defined to be the same as for the time being are held, enjoyed and exercised by the House of Commons of Canada and by the respective committees and members thereof. *R.S.P.E.I. 1974, Cap. L-11, s.32.*

28. Commanding attendance before Legislative Assembly

- (1) The Legislative Assembly may at all times command and compel the attendance before the Legislative Assembly or before any committee thereof of such persons and the production of such papers and things as the Legislative Assembly or committee may consider necessary.

Commanding attendance before a committee

- (2) Any committee of the Legislative Assembly may at all times command and compel the attendance before the committee of such persons and the production of such papers and things as the committee may consider necessary. *R.S.P.E.I. 1974, Cap. L-11, s.33; 2004, c.40, s.1.*

29. Speaker's warrant for attendance

- (1) Whenever the Legislative Assembly requires the attendance of any persons before the Legislative Assembly or before a committee thereof, the Speaker or, as the case may be, the chair of the committee may issue his or her warrant or subpoena directed to the persons named in the order of the Legislative Assembly, requiring the attendance of such persons before the Legislative Assembly or a committee thereof and the production of such papers and things as may be ordered.



Chair's warrant for attendance

- (2) Whenever a committee of the Legislative Assembly requires the attendance of any persons before the committee, the chair of the committee may issue his or her warrant or subpoena directed to the persons named in the warrant or subpoena requiring the attendance of such persons before the committee and the production of such papers and things as may be ordered. *R.S.P.E.I. 1974, Cap. L-11, s.34; 1996, c.24, s.3; 2004, c.40, s.2.*

30. Liability for acting under authority of Legislative Assembly

No person is liable in damages or otherwise for any act done under the authority of the Legislative Assembly or a committee thereof or under or by virtue of any warrant issued under the authority of the Legislative Assembly or a committee thereof, and all the warrants may command the aid and assistance of all sheriffs, constables and others and every refusal or failure to give the aid or assistance when required is an infringement of this Act. *R.S.P.E.I. 1974, Cap. L-11, s.35; 1996, c.24, s.4.*

31. Court of record, Legislative Assembly as in certain matters

The Legislative Assembly has all the rights and privileges of a court of record for the purpose of summarily inquiring into and punishing as breaches of privilege or as a contempt of court (without prejudice to the liability of the offenders to prosecution and punishment criminally or otherwise according to law independently of this Act) the acts, matters and things following:

- (a) assaults, insults to or libels upon members of the Legislative Assembly during the session of the Legislature and within twenty days before or after the same;
- (b) obstructing, threatening or attempting to force or intimidate members of the Legislative Assembly;
- (c) the offering to or the acceptance of a bribe by any member of the Legislative Assembly to influence him in his proceedings as such or the offering to or the acceptance of any fee, compensation or reward by any member for or in respect of the drafting, advising upon, revising, promoting or opposing any bill, resolution, matter or thing submitted to or intended to be submitted to the Legislative Assembly or any committee thereof;
- (d) assaults upon or interference with officers of the Legislative Assembly while in the execution of their duty;
- (e) tampering with any witness with regard to any evidence to be given by him before the Legislative Assembly or any committee thereof;
- (f) giving false evidence or prevaricating or otherwise misbehaving in giving or refusing to give evidence or produce papers before the Legislative Assembly or any of its committees;
- (g) disobedience to subpoenas or warrants issued under the authority of this Act to compel the attendance of witnesses before the Legislative Assembly or any of its committees;
- (h) presenting to the Legislative Assembly or any committee thereof a forged or false document with intent to deceive the Legislative Assembly or committee;
- (i) forging, falsifying or unlawfully altering any of the records of the Legislative Assembly or of any committee thereof or any document or petition presented or filed or intended to be presented or filed before the Legislative Assembly or committee or the setting or subscribing by any person of the name of another person to any such document or petition with intent to deceive;

- (j) the bringing of any civil action or prosecution against any member of the Legislative Assembly in any civil proceeding for any reason of any matter or thing brought by him by petition, bill, regulation, motion or otherwise, or said by him before the Legislative Assembly,

and for the purpose of this Act the Legislative Assembly possesses all such powers and jurisdictions as may be necessary or expedient for inquiring into, judging and pronouncing upon the commission or doing of any such acts, matters or things, and awarding and carrying into execution the punishment thereof. *R.S.P.E.I. 1974, Cap. L-11, s.36.*

32. Penalties

Every person who upon the inquiry appears to have committed or done any of the acts, matters or things mentioned in section 31, in addition to any other penalty or punishment to which he may by law be subject, is liable to imprisonment for such time during the session of the Legislative Assembly then being held, as may be determined by the Legislative Assembly. *R.S.P.E.I. 1974, Cap. L-11, s.38.*

33. Contempt conviction, detention for

Whenever the Legislative Assembly declares that a person has been guilty of a contempt for any of the acts, matters and things set forth in section 31, and directs that person to be taken into custody or to be imprisoned, the Speaker shall issue his warrant to the Sergeant-at-Arms attending the House and to the keeper of the prison of the Legislative Assembly to take the person into custody, and to keep and detain him in custody in accordance with the order of the Legislative Assembly in that behalf. *R.S.P.E.I. 1974, Cap. L-11, s.38.*

34. Determination of House, effect

The determination of the Legislative Assembly upon any proceeding under this Act is final and conclusive. *R.S.P.E.I. 1974, Cap. L-11, s.39.*

35. Oaths, administration to witnesses

The Legislative Assembly may administer an oath to any witness examined at the bar of the House, and may order witnesses to be examined on oath before any committee. *R.S.P.E.I. 1974, Cap. L-11, s.40.*

36. *Idem*

Any committee of the House may administer an oath to any witness examined on oath before any committee. *R.S.P.E.I. 1974, Cap. L-11, s.41.*

37. Oaths, administration by

Any oath or affirmation under this Act may be administered by

- (a) the Speaker of the House;
- (b) the chairman of any committee of the House; or
- (c) such person as may be appointed for that purpose either by the Speaker or by any standing or other order of the House. *R.S.P.E.I. 1974, Cap. L-11, s.42.*



38. Office of the Legislative Assembly

- (1) There is hereby established the Office of the Legislative Assembly which shall consist of the Speaker, the Deputy Speaker, the Clerk, the Clerk Assistant, the Sergeant-at-Arms and such other officers and employees as may be required for the proper conduct of the business of the Office of the Legislative Assembly.

Appointment of Clerk and Clerk Assistant

- (2) The Clerk and Clerk Assistant shall be appointed by the Legislative Assembly on the recommendation of the Standing Committee on Legislative Management and shall serve at pleasure.

Appointment of officers of Office of Legislative Assembly

- (3) All officers and employees of the Office of the Legislative Assembly, other than the Speaker, Deputy Speaker, Clerk and Clerk Assistant shall be appointed by the Standing Committee on Legislative Management and shall serve at pleasure.

Terms of employment

- (4) The Standing Committee on Legislative Management, with the assistance of the Staffing and Classification Board, shall determine and regulate the pay and other terms and conditions of employment of officers and employees of the Office of the Legislative Assembly other than the Speaker and Deputy Speaker. *1996, c.24, s.5 {eff.} Mar. 6/97.*

39. Books, papers, journals, etc. deposit with

All books, papers, journals, records and documents, belonging or in any way relating to the Legislative Assembly, shall be deposited in the office of the Clerk of the Legislative Assembly. *R.S.P.E.I. 1974, Cap. L-11, s.44.*

40. Remuneration

Each member of the Legislative Assembly shall be paid such remuneration and benefits as are determined under section 46. *1994, c.34, s.6 {eff.} April 1/95.*

41. Expense allowance for 1989

Repealed by *1994, c.34, s.6 {eff.} April 1/95.*

42. Period for which indemnity and allowance payable

- (1) For the purpose of computing the amount of any indemnity or allowance payable under sections 40 and 41, a member shall be deemed to be a member from the polling day on which he was elected and, when the Legislative Assembly of which he is a member is dissolved, he shall be deemed to be a member until the day preceding the polling day in the general election that follows the dissolution unless he earlier dies, resigns or otherwise ceases to be a member.

When paid

- (2) Payment of indemnities and allowances shall be made bi-weekly in arrears. *1980, c.32, s.1; 1997, c.28, s.2.*

43. Travel allowance

The conditions under which any travel allowance is payable to, or any non-attendance deduction made in respect of, any member of the Legislative Assembly shall be determined by resolution of the Legislative Assembly. *1994, c.34, s.1 {eff.} April 1/94; 1994, c.34, s.4 {eff.} Aug. 18/94.*

44. Allowance

Repealed by *1994, c.34, s.2 {eff.} April 1/94.*

45. Salaries, 1989

(1) Repealed by *1994, c.34, s.6 .*

Salary adjustment

(2) Repealed by *1994, c.34, s.6.*

Annual salaries

(3) Repealed by *1994, c.34, s.6.*

Duplication of offices

(4) A member of the Legislative Assembly may not at any time hold more than one of the following offices:

Speaker
Deputy Speaker
Leader of the Opposition
Government House Leader
Opposition House Leader
Government Whip
Opposition Whip.

When paid

(5) Payment of remuneration to members and holders of the offices referred to in subsection (4) shall be made bi-weekly in arrears. *1994, c.34, s.3 {eff.} April 1/94; 1994, c.34, s.6 {eff.} June 2/94 and April 1/95; 1997,c.28,s.2.*

46. Indemnities and Allowances Commission

(1) The Speaker, after consultation with such persons as the Speaker considers appropriate, shall appoint an independent commission to be known as the Indemnities and Allowances Commission to review and determine the remuneration and benefits to be paid to the members of the Legislative Assembly, Ministers, the Speaker, Deputy Speaker, the Leader of the Opposition, Government House Leader, Opposition House Leader, Leader of a Third Party, Government Whip and Opposition Whip.

Composition

(2) The Commission shall be comprised of three independent, neutral and knowledgeable persons from private life.



Duration of appointment

- (3) The persons appointed pursuant to subsection (1) shall serve until the dissolution of the Assembly during which they are appointed, or for a maximum of five years, and are eligible for reappointment.

Appointment of replacement

- (4) On the resignation, inability to act or death of a commissioner, the Speaker shall appoint a replacement.

Powers, privileges, immunities

- (5) The persons appointed pursuant to subsection (1) have all the powers and privileges and immunities of a commissioner pursuant to the Public Inquiries Act R.S.P.E.I. 1988, Cap. P-31.

Report

- (6) The Commission, annually and at such other times as the Speaker may request, shall carry out a review of remuneration and allowances paid to the persons referred to in subsection (1), and shall on or before the first day of December of each year deliver a report to the Speaker which shall be final and binding.

Tabling of report

- (7) The Speaker shall, within five sitting days of the commencement of the Legislative Assembly next following the receipt of the report, cause a copy thereof to be laid before the Legislative Assembly.

Effect of determination in report

- (8) The report shall, from such date as may be specified therein, have effect for the purposes of determining the remuneration and allowances of the persons referred to in subsection (1) as if the provisions contained in it had been enacted by the Legislative Assembly.

Remuneration and benefits

- (9) For the purposes of this section, remuneration and benefits include salaries, indemnities, allowances and pension benefits.

No increase in remuneration during 2012

- (10) Notwithstanding anything contained in this section, there shall be no increase in the remuneration and benefits paid to the Premier or non-ministerial members of the executive council committees or to any person referred to in subsection (1) in accordance with this section until January 1, 2013. *1994,c.34,s.5; 1997,c.28,s.3; 2010,c.39,s.1; 2012,c.23,s.1.*

47. Severance allowance

- (1) A person who is a member of the Legislative Assembly immediately before the Assembly is dissolved or is ended by the passage of time and who does not become a member of the next following Legislative Assembly shall be paid a severance allowance equal to one-twelfth of his remuneration, at the rate in force immediately before the member ceases to be a member, for each year of service.

Resignation

- (2) A member of the Legislative Assembly who resigns his seat shall be paid a severance allowance equal to one-twelfth of his remuneration at the rate in force on the day he ceases to be a member, for each year of service.

Death

- (3) Where a person who is a member of the Legislative Assembly dies, whether before the Assembly is dissolved or is ended by the passage of time or after dissolution or ending of the Assembly but before the polling day that follows the dissolution or ending, an amount equal to one-twelfth of his remuneration, at the rate in force on the day of his death or immediately before the dissolution or ending, as the case requires, shall be paid to his personal representative, for each year of service.

Maximum allowance

- (4) A severance allowance under subsection (1), (2) or (3) shall not be more than the amount of the total of the annual indemnity and expense allowance payable to the member.

Remuneration

- (5) In this section “**remuneration**” means the annual indemnity payable under section 40 and the expense allowance payable under section 41 and, where the member is also a member of the Executive Council, includes the salary payable to a member of the Executive Council, and also includes the salaries payable to the Leader of the Opposition, Speaker, Deputy Speaker and other salaries payable to members in respect of the performance of official functions in addition to their functions as members. *1988, c.39, s.1.*

48. Restraint on remuneration

Repealed by *1994, c.34, s.6.*

