

Double Indemnity

Members elected or re-elected at the General Election in Nova Scotia on September 19th received an unexpected surprise in the form of payments of full annual indemnities shortly after the election results became known. For those who had been Members before the election and were re-elected the result was especially beneficial for most of them, having received the annual indemnity, found that it was doubled for them.

This all came about from an interpretation of the language of an amendment in 1974 to the House of Assembly Act that may have been designed to prevent just such a result. Before that amendment the Act provided for "sessional indemnities" to Members. It appeared that the holding of more than one session within some calendar years might become a regular practice and that Members could therefore become entitled to double indemnities in those years. The relevant part of pre-1974 provision as enacted in 1969 read: -

"40(1) For each session of the Legislature each member of the House shall be paid....an annual indemnity of five thousand dollars and an annual allowance for expenses of two thousand five hundred dollars."

The relevant part of the 1974 provision should read: -

"40(1) Each member of the House shall be paid....an annual indemnity of nine thousand six hundred dollars and an annual allowance for expenses of four thousand eight hundred dollars."

Regulations of the Legislature Internal Economy Board enabled each member to draw his full indemnity and allowance in a lump sum on January 2nd or at any time during the year or to draw it in periodic payments.

These provisions of the Act and Regulations were taken to warrant and to require the payments that have been made.

All application is now before a judge of the Supreme Court for an interpretation of Section 40.

