

# **Financial Administration Act**

## **Official Duties Expense Regulation**

[includes amendments up to B.C. Reg. 151/2008, June 10, 2008]]

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### **Definitions**

**1** In this regulation:

**"Capital Regional District constituencies"** means the following electoral districts established by the *Electoral Districts Act*:

- (a) Esquimalt-Metchosin;
- (b) Malahat-Juan de Fuca;
- (c) Oak Bay-Gordon Head;
- (d) Saanich North and the Islands;
- (e) Saanich South;
- (f) Victoria-Beacon Hill;
- (g) Victoria-Hillside;

**"committee member"** means a member of the Legislative Assembly who is a member of a committee referred to in section 1 of the Committees of the Executive Council Regulation, B.C. Reg 229/2005;

**"minister"** means a minister with portfolio or a minister of state;

**"official"** means a minister;

(a) a minister,

(b) a committee member,

(c) a parliamentary secretary, or

(d) a member of the Legislative Assembly designated by a minister on behalf of the Executive Council to attend or act in an official capacity at a meeting, conference, task force, committee, visitation, function or work on a project;

**"official duties"** means,

(a) for a minister with portfolio, the duties of the minister respecting that portfolio, or

(b) for a minister of state, the duties of the minister respecting matters entailed in the title of office of the minister;

(c) for a committee member, the duties of the committee member for the committee on which the committee member serves,

(d) for a parliamentary secretary, the duties as parliamentary secretary, or

(e) for a person referred to in paragraph (d) of the definition "official", the duties the person is designated to perform by the minister on behalf of the Executive Council;

**"Treasury Board policy"** means the Core Policy and Procedures Manual, Office of the Comptroller General, as amended from time to time, located on the government website on the Office of the Comptroller General, Ministry of Finance web page.

[en. B.C. Reg. 151/2008, s. 1.]

## **Application**

**2 (1)** This regulation does not apply to an expense if an official has claimed compensation under section 7 of the *Members' Remuneration and Pensions Act* or under the *Legislative Assembly Management Committee Act* for that expense.

(2) In circumstances in which an official is carrying out an official duty in more than one capacity as an official, the person is entitled to make only one claim under this regulation with respect to those circumstances.

[en. B.C. Reg. 151/2008, s. 1.]

### **Payment only with respect to official duties**

**3** (1) Subject to the *Members' Remuneration and Pensions Act*, an official may claim payment for travel expenses and allowances for official duties, including costs related to personal use of a government vehicle, only as specified in this regulation.

(2) Payment must not be made to an official for travel expenses and allowances for official duties unless the payment is authorized by this regulation or under section 7 of the *Members' Remuneration and Pensions Act*.

(3) Subject to this section, the entitlement of an official under this regulation to payment of travel expenses and allowances is in addition to

(a) the entitlement of the official to salary and benefits, and

(b) the entitlement of the official to travel expenses and allowances arising from work other than for official duties.

[en. B.C. Reg. 151/2008, s. 1.]

### **Use of government vehicles**

**4** (1) A minister may be provided with a government vehicle.

(2) Treasury Board policy respecting transportation management of government vehicles applies to a government vehicle provided to a minister.

(3) Despite subsection (1), for a government vehicle provided to a minister

(a) the vehicle may be driven only

(i) by the minister or by an adult authorized by the minister, and

(ii) in the discharge of the minister's official duties and for personal use,

(b) the maximum pre-tax lease amount is \$625 per month,

(c) no mileage allowance is to be paid to the minister, and

(d) the vehicle is to be headquartered in the Capital Regional District.

[am. B.C. Reg. 23/2007, s. 2.]

### **Further application of Treasury Board policy**

**5** (1) Treasury Board policy respecting financial administration policy and procedures applies to the following categories of expenses incurred by officials:

- (a) use of privately owned vehicles to discharge official duties;
- (b) use of rental vehicles to discharge official duties;
- (c) use of public transportation to discharge official duties;
- (d) communication expenses incurred to discharge official duties;
- (e) attendance and participation in meetings to discharge official duties.

(2) Subject to this regulation, the provisions of the Treasury Board policy for Group IV applies with respect to

- (a) travel expenses and allowances payable to an official who is travelling for the purpose of discharging official duties, and
- (b) out of pocket and other expenses incurred by an official for the purpose of discharging official duties

(3) If an official with a physical disability requires a personal attendant in order for the official to travel to discharge official duties, the personal attendant may claim, as if the attendant were an official, for expenses incurred and allowances permitted under this regulation for the period that the personal attendant aided the official in the discharge of official duties.

(4) Subject to subsection (3), a personal attendant includes a spouse.

[en. B.C. Reg. 151/2008, s. 2.]

### **Capital Regional District hotel accommodation**

**6** (1) Subject to subsection (2), this section applies to an official who

- (a) has filed with the Legislative Comptroller of the Legislative Assembly a Capital City Allowance election form in which the official selects hotel accommodation within the Capital Regional District constituencies as the type of accommodation for which he or she may be reimbursed as a member under the *Legislative Assembly Management Committee Act*, and
- (b) is not a Member of the Legislative Assembly representing a Capital Regional District constituency.

(2) If an official to whom this section applies files with the Legislative Comptroller of the Legislative Assembly another Capital City Allowance election form that sets out a different type of accommodation for reimbursement under the *Legislative Assembly Management Committee Act*, this section ceases to apply to the official from that date until the official files another form of the type referred to in subsection (1) (a).

(3) Subject to subsection (4), an official may be reimbursed, in accordance with the Treasury Board policy, for the following costs of hotel accommodation in a Capital Regional District constituency, up to a maximum of \$17 000 per fiscal year:

(a) room charges;

(b) parking fees;

(c) internet service;

(d) applicable taxes on the costs referred to in paragraphs (a) to (c).

(4) An official may be reimbursed under this section only if the hotel accommodation is needed for the purposes of the official discharging his or her official duties.

[en. B.C. Reg. 151/2008, s. 2.]

### **Meal allowance**

**7** If an official is not at home while discharging official duties, the official may be paid, for each day or portion of a day the official discharges those official duties, either

(a) subject to paragraph (b), an allowance of \$61 per day, or

(b) if the official claims an amount that is less than \$61 per day, the amount the official claims.

[en. B.C. Reg. 151/2008, s. 2.]

**Note:** this regulation replaces B.C. Reg. 323/85

[Provisions of the *Financial Administration Act*, R.S.B.C. 1996, c. 138, relevant to the enactment of this regulation: section 27 (1) (c.1) and (d)]

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