

Bill No. 88 of 1949.

A BILL TO PROHIBIT EMPLOYEES IN THE PUBLIC  
SERVICE FROM DEALING IN CROWN LANDS.

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NOTE.

This Bill enacts a new Act to be known as "*The Prohibition of Dealing in Crown Lands Act*".

Similar provisions to those contained in this Bill are found in sections 84 and 85 of *The Provincial Lands Act*. Due to the division of the Department of Lands and Mines into two new Departments and to the transfer of the administration of special areas to the Department of Municipal Affairs these provisions are now applicable to Crown lands administered by three different Departments. Rather than re-enacting these provisions in an Act administered by each of the three Departments it appeared expedient to have one new Act dealing with this subject.

Section 3 of the Bill contains the most important prohibitions. Subsection (1) provides that no employee of the Government either directly or indirectly may be a bidder for Crown lands or may acquire any right, title or interest in any Crown lands. An employee of the Provincial Government is also prohibited from being a shareholder or director of any company which has an interest in Crown lands unless the shares of the company are regularly quoted and dealt in on a recognized stock exchange. Employees are also prohibited from taking or receiving any fee for negotiating or transacting any business connected with their official duties. The penalty for violation of these provisions is a fine of not more than five hundred dollars and costs and in default of payment to imprisonment for not more than three months and summary dismissal on the order of the employee's Minister. An interest in Crown lands acquired in contravention of this section is absolutely null and void.

Section 4 prohibits any employee having access to the records of a Department from disclosing any information contained in those records or which he acquires during the course of his duties.

Section 5 provides that an employee shall not be required to attend and give evidence in court or produce documents except upon the order of a court or judge. If a member of the Executive Council certifies that in his opinion it is not in the public interest to disclose such information or that it cannot be disclosed without prejudice to the interests of persons not concerned in the litigation the employee is

prohibited from disclosing and cannot be compelled to disclose information obtained by him in his official capacity and all such information is privileged.

Section 6 prohibits any action for damages against an employee for anything done when acting in the discharge of his duties as employee.

KENNETH A. MCKENZIE,  
*Acting Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 88 of 1949.

An Act to Prohibit Employees in the Public Service from  
Dealing in Crown Lands.

(Assented to \_\_\_\_\_, 1949.)

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Alberta  
enacts as follows:

## SHORT TITLE.

**1.** This Act may be cited as "*The Prohibition of Dealing  
in Crown Lands Act*".

## INTERPRETATION.

- 2.** In this Act, unless the context otherwise requires,—
- (a) "employee" means a person employed by the Government or by the Legislative Assembly of the Province whether his employment is permanent or temporary;
  - (b) "Minister" includes every member of the Executive Council.
  - (c) "Crown lands" means all lands, mines and minerals belonging to the Crown in the right of the Province, and includes all public lands within the meaning of *The Public Lands Act*.

## GENERAL PROVISIONS.

**3.—(1)** Save and except only in so far as an employee may be specifically authorized so to do by the Lieutenant Governor in Council,—

- (a) no employee either directly or indirectly or in his own name or through any other person or in the name of any person in trust for himself shall be a bidder at any sale of Crown lands or acquire any right, title or interest in any Crown lands;
- (b) no employee shall be a shareholder or director of any corporation or company which has any interest in Crown lands, nor shall any employee directly or indirectly have an interest in shares of any company which has any interest in Crown lands either in his own name or through any other person, or in the name of any person in trust for himself unless the

shares of the company are regularly quoted and dealt in on a recognized stock exchange;

(c) no employee shall take or receive any fee or emolument for negotiating or transacting any business connected with his official duties.

(2) Every employee who wilfully contravenes any of the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine of not more than five hundred dollars and costs, and in default of payment, to a term of imprisonment for not more than three months, and to summary dismissal on the order of his Minister.

(3) Any interest in Crown lands acquired in contravention of this section shall be absolutely null and void for all purposes.

**4.—**(1) No employee or other person having access to the records of a Department shall disclose to any person, except with the authority of his Minister, any discovery made by him or by any other employee, or disclose any information of which he is possessed or which is contained in any records in relation to Crown lands.

(2) Any employee who violates this section shall be liable to summary dismissal on the order of his Minister.

(3) The dismissal of an employee under this section shall not prejudice any criminal proceedings that may be instituted against him and shall not affect the right which any person may have to bring any civil action against him.

**5.—**(1) A subpoena shall not issue out of any court, requiring the attendance of an employee or the production of any document of a Department in the official custody or possession of an employee without an order of the court or a judge thereof.

(2) An employee shall not disclose or be compelled to disclose any information obtained by him in his official capacity if a member of the Executive Council certifies that in his opinion it is not in the public interest to disclose such information or that it cannot be disclosed without prejudice to the interests of persons not concerned in the litigation, and all such information shall be privileged.

**6.** No action for damages shall lie against any employee in respect to any act, matter or thing done or omitted to be done by the employee when acting in the discharge of his duties as an employee.

**7.** This Act shall come into force on the first day of April, 1949.

No. 88

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FIRST SESSION  
ELEVENTH LEGISLATURE  
13 GEORGE VI  
1949

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**BILL**

An Act to Prohibit Employees in the  
Public Service from Dealing in  
Crown Lands.

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. TANNER.

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