

Bill No. 8 of 1955

(Second Session)

A BILL TO AMEND THE LEGISLATIVE ASSEMBLY  
ACT, 1955

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NOTE

This Bill amends *The Legislative Assembly Act, 1955*, being chapter 62 of the Statutes of Alberta, 1955.

Sections 8 to 16 of *The Legislative Assembly Act, 1955*, contain the "disqualification provisions" and exceptions thereto. Sections 8 to 10 relate to persons who hold seats of offices in the Parliament of Canada or Government of Canada or Alberta. Section 11 relates to persons who have contracts with the Government of Alberta. Subsection (1) of section 11 was apparently adopted in 1909 (by chapter 2 of that year) from chapter 12 of the Revised Statutes of Ontario 1897, and has since been amended from time to time usually by the addition of exceptions or qualifications.

The Act of 1955 revised sections 11 to 16 but largely maintained the original division of these provisions.

This Bill amends the provisions of sections 11 to 16 by setting out the disqualification in section 11 and by bringing all the exceptions or qualifications together in a new section 12, and expressing the exceptions and qualifications more generally and more in accord in principle with similar provisions in other Provinces. The clauses of section 12 are self-explanatory.

Section 13 is the previous section 12 of the 1955 Act.

Section 14 is the previous section 15 of the 1955 Act.

The other sections of the 1955 Act, viz., section 11, subsections (2), (3) and (4), section 13, section 14 and section 16, have been absorbed in the new section 12.

Section 17 is amended to correct a reference changed in the rearrangement of the provisions dealt with by this Bill.

Section 19, subsection (3) is replaced by a new subsection which requires that one-half of the penalty, if recovered, shall belong to the person suing, but this is limited to \$500.00, and the balance shall belong to the General Revenue Fund of the Province.

Section 54 is amended. This section sets out, in addition to the sessional allowances, the compensation to be paid to members of the Executive Council. Subsection (4), which provides that members of the Executive Council are not to be paid indemnities for special sessions, is being restricted to those members who are heads of departments.

Subsection (5), which provides for the salaries of the Executive Council is restricted to members who head departments, that is, who hold portfolios. Subsection (7) is added and authorizes the payment of travelling and subsistence allowances to members of the Executive Council who head no department and therefore receive no annual compensation under the amended subsection (5). The basis of the allowance and the amount thereof is determined by order in council.

Section 6 of the Bill provides that the amendments to sections 11 to 16 will be retroactive to the 29th day of August, 1938, the date the treasury branches were instituted, but a borrowing from a treasury branch, which will henceforth constitute a disqualification, is not to be deemed to disqualify where the borrowing was made before the commencement of this Act either under the express exception in *The Legislative Assembly Act, 1955*, or earlier under any inference as to the propriety thereof.

J. W. RYAN,  
*Legislative Counsel.*

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

# BILL

No. 8 of 1955

(Second Session)

An Act to amend The Legislative Assembly Act, 1955

(Assented to \_\_\_\_\_, 1955)

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

**1.** *The Legislative Assembly Act, 1955*, being chapter 62 of the Statutes of Alberta, 1955, is hereby amended.

**2.** Sections 11 to 16 are struck out and the following new sections are substituted:

**"11.** Except as otherwise provided in section 12, no person whosoever, holding or enjoying, undertaking or executing, directly or indirectly, alone or with any other, by himself or by the interposition of a trustee or third party, any contract or agreement with Her Majesty, or with any public officer or department, with respect to the public service of Alberta, or under which any public money of Alberta has been paid to and accepted by any such person for any service or work, matter or thing, is eligible to be a member of the Legislative Assembly or to sit or vote in the same.

Sections  
11 to 16  
amended  
Ineligibility  
of contractor

**"12.** Nothing in this Act renders any person ineligible to be nominated for or elected as a member of the Legislative Assembly or disqualifies him from sitting or voting in the Legislative Assembly, by reason only of the person

Eligibility  
for  
nomination

**"(a)** being a shareholder or director of a corporation having a contract or agreement with the Crown in right of the Province, other than a corporation that undertakes a contract for the building of a public work, within the meaning of *The Surveys and Expropriation Act*, for the Province,

**"(b)** receiving or having received or agreed to receive medical, surgical or health services, whether or not the same are supplied in whole or part, directly or indirectly from public moneys,

**"(c)** receiving or having received or agreed to receive compensation under *The M.L.A. Compensation Act* or any pension under *The Public Service Pension Act*,

- “(d) having entered into a contract or agreement with The Alberta General Insurance Company or The Life Insurance Company of Alberta or receiving or having received any moneys under or pursuant to any such contract or agreement,
- “(e) having entered into a contract or agreement under *The Retirement Annuities Act* for the purchase of a retirement annuity or receiving or having received any moneys under or pursuant to any such contract or agreement,
- “(f) receiving or having received any bonus paid, under an agreement between the Government of Canada and the Province to any class of persons with respect to goods produced by them,
- “(g) being interested as an executor, administrator or trustee only, and having otherwise no beneficial interest, in a contract with Her Majesty or with any public officer or department, branch, board or commission of the Government,
- “(h) being proprietor of or otherwise interested in a newspaper or other periodic publication in which are inserted from time to time official advertisements appearing in other newspapers or publications in the Province or that is subscribed for by the Government or any public officer, department, branch, board or commission thereof or by any of the public institutions of the Province, if the advertisements or subscriptions are paid for at the usual rates,
- “(i) being a surety for a sheriff, registrar, clerk, bailiff or other public officer or being a surety or contractor for the payment of the needs of a patient at a public asylum for the insane, but such person shall, before he sits or votes in the Legislative Assembly, take and complete such action as may be needed to relieve him from any liability thereafter accruing in respect of his suretyship and until so doing he shall not sit or vote in the Legislative Assembly,
- “(j) receiving or having received or agreed to receive compensation in respect of any land taken or purchased by Her Majesty or by any public officer, department, branch, board or commission of the Government or with respect to any interest in land, if
  - “(i) such person has been the owner of the land for not less than three years, and
  - “(ii) the amount of the compensation has been fixed by an award made under *The Surveys and Expropriation Act* or, if the amount of the compensation has been agreed upon, a judge of the district court upon an application made by and at the expense of the department concerned has certified in writing that the amount of the compensation is fair and reasonable,

but such person shall not vote on any question arising in the Legislative Assembly and touching upon such matter,

- “(k) being a purchaser of land, or any interest in land, under an agreement for sale with Her Majesty or any public officer, department, branch, board or commission of the Government, or being interested in any such agreement, if the agreement to purchase was entered into or the interest therein was acquired prior to the nomination of such person as a candidate for election to the Legislative Assembly, but such person shall not vote on any question arising in the Legislative Assembly and touching upon such land or agreement,
- “(l) being the holder of a lease under *The Public Lands Act* or being interested in any such lease, if he became the holder of or became interested in such lease prior to his nomination as a candidate for election to the Legislative Assembly, but such person shall not vote on any question arising in the Legislative Assembly and touching upon such lease,
- “(m) being the holder of a mining, oil or gas lease or licence under *The Mines and Minerals Act* or being interested in such lease or licence, if such person became the lessee or licensee or became interested in such lease or licence prior to his nomination as a candidate for election to the Legislative Assembly, but such person shall not vote on any question arising in the Legislative Assembly and touching upon such lease or licence,
- “(n) being the holder of a licence or permit under *The Forests Act* or being interested in any such licence or permit, if he became the holder of or became interested in such licence or permit prior to his nomination as a candidate for election to the Legislative Assembly, but such person shall not vote on any question arising in the Legislative Assembly and touching upon such licence or permit,
- “(o) being a contractor for the deposit of moneys in a treasury branch, or having deposited moneys in a treasury branch, under *The Treasury Branches Act*, but nothing in this section shall be deemed to make any person eligible to be nominated for or sit or vote as a member of the Legislative Assembly if such person, directly or indirectly, alone or with any other person, by himself or by the interposition of a trustee or third party, borrows or obtains a loan of, any moneys from a treasury branch,
- “(p) receiving or having received or agreed to receive goods, services, pensions or allowances made available, pursuant to an Act of the Province, to residents of the Province by reason of age, incapacity or unemployment,

“(q) having acquired any statutory or contractual right or liability not provided for in the preceding clauses of this section, if

“(i) the right or liability arises under or pursuant to an Act of the Province applicable to all members of the public or to all members of any class of the public,

“(ii) no special benefit or preference not available to other members of the public or to the class of the public to whom the statute applies is thereby obtained by such person, and

“(iii) no public money is, directly or indirectly, paid to or received by such person.

Eligibility  
for  
nomination

“**13.** No person is eligible to be nominated as a candidate or to be a member of the Legislative Assembly or to sit or vote in the Legislative Assembly unless at the time of his nomination he would have been entitled to be placed on a list of electors of an electoral division of Alberta if the same were then being compiled.

Expenses  
and  
subsistence

“**14.** (1) Notwithstanding any other provision of this Act, a member of the Legislative Assembly

“(a) serving on a commission or committee appointed either by the Legislative Assembly or by the Lieutenant Governor in Council, or

“(b) serving as a delegate to any meeting of the Commonwealth Parliamentary Association, may be paid such sum of money for travelling expenses and subsistence in connection therewith as the Lieutenant Governor in Council deems proper, and the receipt of any such money does not render that member ineligible to be a member.

“(2) Where no fixed amount has been provided for travelling and subsistence expenses of committees, commissions, or delegates, the money shall only be paid to a member upon the member furnishing vouchers or such other evidence of payments made by him as is considered sufficient.”.

Section 17  
amended

**3.** Section 17, subsection (2), clause (a) is amended by striking out the word and figures “section 14” and by substituting the words and figures “clause (i) of section 12”.

Section 19  
amended

**4.** Section 19 is amended by striking out subsection (3) and by substituting the following:

“(3) The penalty specified in subsection (2) may be recovered by any person who sues for the same in any court of competent civil jurisdiction in the Province, but if the penalty recovered is not more than one thousand dollars one-half thereof shall belong to the person suing and one-half to the General Revenue Fund of the Province or if the penalty recovered is more than one thousand dollars, five hundred dollars shall belong to the person suing and the balance to the General Revenue Fund of the Province.”.

**5. Section 54 is amended**Section 54  
amended

- (a) by striking out subsection (4) and by substituting the following:

“(4) Subsection (3) does not apply to a member of the Legislative Assembly who is a member of the Executive Council and a head of a public department.”,

- (b) as to subsection (5), clause (b) by adding immediately after the word “Council” the words “who is the head of a public department”,
- (c) by adding immediately after subsection (6) the following new subsection:

“(7) A member of the Executive Council who is not a head of a public department shall, in respect of his duties as a member of the Executive Council, be paid travelling and subsistence allowances upon such basis and in such amounts as may be determined from time to time by the Lieutenant Governor in Council.”.

- 6. (1)** This Act comes into force on the day upon which it is assented to, and upon so coming into force sections 2 and 3 shall be deemed to have been in force at all times on and after the twenty-ninth day of August, 1938.

(2) Notwithstanding the retroactive provisions of this Act, a loan obtained before the coming into force of this Act from a treasury branch pursuant to *The Treasury Branches Act* shall not be deemed to disqualify or to have disqualified a member from holding a seat in a Legislative Assembly of the Province or from sitting or voting therein.

FIRST SESSION  
THIRTEENTH LEGISLATURE  
4 ELIZABETH II

1955  
(Second Session)

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**BILL**

An Act to amend The Legislative  
Assembly Act, 1955

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. MANNING

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