

1970 Bill 118

Third Session, 16th Legislature, 19 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 118

An Act respecting Public and Official Documents

THE PROVINCIAL SECRETARY

First Reading

Second Reading

Third Reading

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1970

An Act respecting Public and Official Documents

(Assented to , 1970)

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

1. This Act may be cited as *The Public Documents Act*.
2. In this Act,
 - (a) "Archives" means the Provincial Museum and Archives maintained under *The Alberta Heritage Act*;
 - (b) "department" means a department of the Government and includes
 - (i) any board, commission or establishment that forms part of the public service of the Province but that is not part of any department,
 - (ii) the office of the Clerk of the Legislative Assembly,
 - (iii) any Provincial agency or Crown corporation, and
 - (iv) any court established by the Province;
 - (c) "document" includes any paper, record, map, photograph, book or other documentary material regardless of physical form or characteristics;
 - (d) "Minister" means the member of the Executive Council charged with the administration of this Act;
 - (e) "official document" means any document created in the administration of the public affairs of the Province, other than a public document;
 - (f) "public document" includes any certificate under the Great Seal of the Province, legal document, security issued by the Government under *The Financial Administration Act*, voucher, cheque and accounting record and any other document created in the administration of the public affairs of the Province that is designated by the Lieutenant Governor in Council as a public document.

Explanatory Notes

1. This Bill will provide a separate Act dealing with the preservation and destruction of official and public documents. It will replace provisions presently found in The Provincial Archives Act.

2. Definitions.

3. There shall be a committee to be known as the Public Documents Committee which shall consist of

- (a) the Provincial Archivist, who shall be chairman,
- (b) a representative of the Attorney General,
- (c) a representative of the Provincial Auditor,
- (d) the Provincial Librarian or his representative, and
- (e) such other persons as may be appointed by the Lieutenant Governor in Council.

4. (1) Any official document in the possession of a department shall be preserved by the department until it is destroyed or transferred to the Archives pursuant to this section.

(2) The Public Documents Committee may

- (a) by unanimous decision sanction the destruction of any official document where it is satisfied that the preservation of the document is not required for the purposes of the Archives or for any other purpose, and
- (b) direct that any official document or class or example thereof be transferred to the Archives.

5. (1) Any public document in the possession of a department shall be preserved by the department until it is destroyed or transferred to the Archives pursuant to this section.

(2) Upon the unanimous recommendation of the Public Documents Committee, the Lieutenant Governor in Council may order that a public document be destroyed where

- (a) the public document is not required for the purposes of the Archives or for any other purpose, and
- (b) the public document has been in existence for not less than five years.

(3) On the recommendation of the Public Documents Committee, the Lieutenant Governor in Council, may direct that any public document or any class or example thereof be transferred to the Archives.

6. The Lieutenant Governor in Council may direct that any official document or public document transferred to the Archives shall not be made available for public inspection for such period as he specifies.

7. (1) The Public Documents Committee may by unanimous decision sanction the destruction of any official docu-

3. Constitution of Public Documents Committee.

4. Disposition of official documents.

5. Disposition of public documents.

6. Documents not to be made available.

7. Destruction of documents in the Archives.

ment in the Archives that is no longer required for the purposes of the Archives or for any other purpose.

(2) The Lieutenant Governor in Council may, upon the unanimous recommendation of the Public Documents Committee, order the destruction of any public document in the Archives that

- (a) is no longer required for the purposes of the Archives or for any other purpose, and
- (b) has been in existence for at least five years.

8. (1) The Lieutenant Governor in Council may make regulations

- (a) upon the unanimous recommendation of the Public Documents Committee
 - (i) designating any document or class thereof to be or not to be a public document for the purposes of this Act, or
 - (ii) establishing classes of document that exist or may come into existence that
 - (A) may be destroyed, including the method of destruction and the person who may destroy them,
 - (B) shall be transferred to the Archives and the time at which the transfer shall take place, and
 - (C) having been transferred to the Archives, may not be made available for public inspection for such period of time as he may designate,

and

- (b) respecting any other matter necessary to give effect to the intent of this Act.

9. As soon as possible after 31st January each year the Public Documents Committee shall prepare a report of its activities during the preceding 12 months and the Minister shall lay a copy of it before the Legislative Assembly if it is in session and if not, within 15 days after the commencement of the next ensuing session.

10. This Act comes into force on the day upon which it is assented to.

8. Regulations.

9. Annual Report.