

1970 Bill 134

Third Session, 16th Legislature, 19 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 134

An Act to amend The Treasury Branches Act

THE PROVINCIAL TREASURER

First Reading

Second Reading

Third Reading

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1970

An Act to amend The Treasury Branches Act

(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. *The Treasury Branches Act* is hereby amended.
2. Section 2 is amended by adding after clause (d) the following clauses:
 - (e) "Superintendent" means the Superintendent of Treasury Branches;
 - (f) "treasury branch" means a Province of Alberta Treasury Branch.
3. Sections 3 and 4 are struck out and the following sections are substituted:
 3. (1) The Minister may, on behalf of the Crown, establish and operate branches of the Treasury Department at such places in Alberta as he may select.
 - (2) A branch of the Treasury Department established and operated pursuant to subsection (1) shall be called a "Province of Alberta Treasury Branch".
 - (3) The Superintendent, the employees of the treasury branches and that part of the staff establishment of the Treasury Department assigned to the general administration and supervision of the treasury branches shall be a division of the Treasury Department called the "Province of Alberta Treasury Branches".
 - (4) The powers, duties and functions conferred or imposed on the Minister or the Superintendent by this Act or by any contract, arrangement or other transaction made pursuant to this Act
 - (a) may be exercised and performed in the name of the Province of Alberta Treasury Branches or in the name of a Province of Alberta Treasury Branch, and

Explanatory Notes

1. This Bill amends chapter 344 of the Revised Statutes.

2. Definitions added to interpretation section.

3. Sections 3 and 4 presently read:

3. The Minister may, from time to time and at any time, establish and operate at such points in the Province as he may select branches of the Treasury Department.

4. (1) Pursuant to The Public Service Act, 1968 there may be appointed

(a) a Superintendent of Treasury Branches,

(b) for each treasury branch, a manager, an assistant manager, an accountant and any other employees required for the purposes of the branch, and

(c) any other officers and employees required for the purposes of the supervision of the treasury branches.

(2) Subject to subsection (3), the Superintendent of Treasury Branches, the manager, assistant manager and accountant of each treasury branch and any other officer or employee appointed under subsection (1) who is authorized for the purpose by the Superintendent of Treasury Branches

(a) may exercise the powers and perform the duties of the Minister under section 5 or any contract or arrangement that may be made or entered into by the Minister under this Act or by a treasury branch under any other Act,

(b) shall be deemed to be persons authorized by the Minister to act on his behalf under section 6, subsection (1),

(c) shall be deemed to be duly authorized agents of the Minister for the purposes of section 6, subsections (3) and (4), and

(d) shall be deemed to be persons authorized by the Minister to enter into contracts or arrangements on his behalf under sections 7 and 7a.

(3) The powers and duties conferred or imposed by subsection (2) on persons other than the Superintendent shall be exercised and performed subject to the directions of the Superintendent.

(4) The Superintendent may enter into an agreement or arrangement with any person providing for the following, namely,

(a) appointing that person as an agent of the Minister for the purposes of receiving deposits under section 5, entering into contracts on the Minister's behalf under section 6 and for any purposes specified in the agreement, and

(b) the remuneration to be paid to that person.

(b) shall be deemed to be exercised and performed on behalf of the Crown,
whether those powers, duties and functions are exercised or performed by the Minister or the Superintendent or any employee of the treasury branches or an agent of the Minister.

4. (1) In accordance with *The Public Service Act, 1968*, there may be appointed a Superintendent of Treasury Branches and any other employees required for the operation and supervision of the treasury branches.

(2) The Superintendent

- (a) may exercise the powers and perform the duties of the Minister under sections 5, 6 and 7a and section 9, subsection (2), clause (a);
- (b) may delegate any of his powers and duties under this Act or the regulations to any employees of the Province of Alberta Treasury Branches;
- (c) may prescribe forms required for the purposes of the business and affairs of the Province of Alberta Treasury Branches;
- (d) may enter into an agreement or arrangement with any person providing for the appointment of that person as an agent of the Minister for the purpose of receiving deposits under this Act and for any other purpose specified under the agreement or arrangement, and providing for the remuneration to be paid to that person.

4. Section 6 is amended

- (a) by striking out subsection (1) and by substituting the following:

6. (1) Subject to this Act, the Minister may enter into contracts with any persons pertaining to the making of deposits with the Minister.

- (b) as to subsections (3) and (4) by striking out the words "either himself or by his duly authorized agents" where they occur in those subsections,
- (c) as to subsection (4), clause (b) by adding at the end thereof the words "and may realize any security so taken".

5. Section 7 is struck out.

6. Section 7a, subsection (1) is amended by striking out the words "authorize any person or persons on his behalf to".

4. (a) and (b): see note to clause 2. The proposed new sections 3 and 4 contemplate that all powers and functions will be conferred primarily on the Minister but that the general powers relating to deposits, loans, investments, safety deposit boxes, etc. will be delegated to the Superintendent who may in turn delegate powers to designated employees. As the delegation of powers is dealt with in the new section, the references in section 6 to duly authorized agents or persons are removed.

Clause (b) of the present subsection (1) is omitted in the new subsection (1) because it is redundant to section 5 of the Act. Section 6, subsections (1) and (4) presently read:

6. (1) Subject to the provisions of this Act, the Minister may authorize any person or persons on his behalf

(a) to enter into such contracts with any persons pertaining to the making of deposits with the Minister, and

(b) to take deposits on account of the Minister from any person who has entered into any contract referred to in clause (a) and to carry out the terms of such contract.

(4) Subject to the terms and provisions of any contract existing on the tenth day of January, 1941, or to any regulations made pursuant to this Act, the Minister, either himself or by his duly authorized agents,

(a) may loan any moneys in the Fund to persons, firms or corporations upon such terms as may be agreed upon, and

(b) may take any security for any loan so made.

The words added to subsection (4), clause (b) are intended to make certain that the power to take security for a loan is coupled with the power to also realize on the security.

5. Section 7 presently reads:

7. The Minister may authorize any person or persons on his behalf to enter into a contract or other arrangement with a merchant with the object and for the purpose of implementing the contracts entered into with depositors.

This section is removed as it has become obsolete.

6. See note to clause 4 of this Bill.

7. Section 8 is struck out.

8. The following sections are added after section 10:

10a. Out of the Fund, the Minister may each year pay to any municipality within which any treasury branch premises are situated a grant not exceeding the amount that would be recoverable by the municipality if the premises were subject to the business tax of the municipality for that year.

10b. (1) The Minister is not bound to see to the execution of any trust, whether express, implied or constructive, to which any deposit in a treasury branch may be subject.

(2) The receipt of the depositor in whose name a deposit stands in the books of a treasury branch is a sufficient discharge to the Minister for any payment made in respect thereof, notwithstanding any trust to which it may then be subject and whether the Minister has or has not had notice of the trust.

(3) The Minister is not bound to see to the application of the money paid upon a receipt mentioned in subsection (2).

9. Section 12 is struck out.

10. *The Interpretation Act, 1958* is amended as to section 21, subsection (1) by striking out clause (z) and by substituting the following:

(z) "treasury branch" means a Province of Alberta Treasury Branch under *The Treasury Branches Act*;

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

7. Section 8 presently reads:

8. The Minister is hereby authorized and empowered to authorize any person or persons on his behalf

- (a) to accept orders drawn by depositors in the treasury branches upon their accounts in payment of any taxes, licence fees, debts or moneys due to the Province from any person or persons and to issue receipts therefor for the face value of the said orders,
- (b) to make deposits and maintain on deposit in any branch of the treasury in the name of the Provincial Treasurer the orders so received by the Minister, and
- (c) to issue orders drawn upon the account of the Provincial Treasurer in any branch of the treasury in payment of any expenditures of the Province.

The section is removed as being partly obsolete and redundant in part to other provisions of the Act regarding deposits.

10a. Grants to municipalities in lieu of business tax. New.

10b. Deposits subject to trusts. New.

9. Section 12 presently reads:

12. The Minister may from time to time prescribe such forms, not inconsistent with this Act, as are necessary for the purpose of carrying out the provisions of the Act.

The power to prescribe forms is conferred on the Superintendent under the proposed section 4, subsection (2), clause (c) in clause 3 of the Bill, and section 12 is thus redundant.

10. Section 21, subsection (1), clause (z) of The Interpretation Act, 1958 (S.A. 1958, c. 32) presently reads:

(z) "treasury branch" means a treasury branch under The Treasury Branches Act;

The change is made to incorporate the official title given by the new section 3 of the Act as shown in clause 3 of this Bill.