

1971 Bill 110

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Fourth Session, 16th Legislature, 20 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 110**

**The Public Service Administrative Transfers Act**

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HON. MR. RAY SPEAKER

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First Reading .....

Second Reading .....

Third Reading .....

# BILL 110

1971

## THE PUBLIC SERVICE ADMINISTRATIVE TRANSFERS ACT

(Assented to \_\_\_\_\_, 1971)

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

**1. In this Act**

- (a) "appropriation" means an appropriation of public moneys of the Province;
- (b) "enactment" means an Act or any portion of an Act;
- (c) "Minister" means any member of the Executive Council, whether or not he is the head of a department of the public service of the Province.

**2. The Lieutenant Governor in Council may by order**

- (a) transfer the administration of any enactment from one Minister to another, or
- (b) transfer the administration of any part of the public service from one Minister to another.

**3. Where the administration of an enactment or a part of the public service is transferred to a Minister under section 2, the Lieutenant Governor in Council may also**

- (a) transfer to that Minister for administration the whole or any part of an appropriation for that enactment or for that part of the public service, and
- (b) assign a new number to the appropriation or portion thereof so transferred.

**4. (1) Where the administration of an enactment or a part of the public service is transferred under section 2 to a Minister who is not then the head of a department of the public service, the Lieutenant Governor in Council in the same or a subsequent order**

- (a) may declare that that Minister is, with respect to that enactment or that part of the public service, the head of a department of the public service for the

## **Explanatory Notes**

General. This Bill will enable the transfer of the administration of an Act or a part of the public service from one member of the Executive Council to another, together with the appropriation for that Act or that part of the public service. It is similar in its effect to the Public Service Re-arrangement and Transfer of Duties Act (Canada).

### **1. Definitions.**

**2.** Order for the transfer of the administration of an Act or branch from one Minister to another.

### **3. Transfer of appropriation.**

**4.** If the new Minister had no portfolio prior to the transfer, a declaration under subsection (1) will have the effect of providing the new Minister with the salary of a Minister who is the head of a department. The annual salary could be the same as that for department heads (\$15,000) or it could be less.

purposes of section 10, subsection (3) and section 55, subsection (1) of The Legislative Assembly Act and Part 2 of The M.L.A. Pension Act, and

- (b) notwithstanding the declaration, may prescribe the rate of annual compensation for that Minister at a rate less than that prescribed in section 55, subsection (1) of The Legislative Assembly Act for the head of a public department.

(2) Any compensation paid to a Minister pursuant to subsection (1), clause (b) shall be deemed for all purposes to be compensation paid to him pursuant to section 55, subsection (1) of The Legislative Assembly Act.

**5.** Where the administration of an enactment or a part of the public service is transferred under section 2

- (a) to a Minister who is the head of a department of the public service but in his own name and not by his name of office, or

- (b) to a Minister who is not then the head of a department of the public service,

the Lieutenant Governor in Council may designate the person who shall be that Minister's deputy.

**6.** (1) Where the administration of an enactment is transferred from one Minister to another under section 2, then notwithstanding anything in that enactment but subject to subsection (2),

- (a) a reference in that enactment to the former Minister shall be read as a reference to the new Minister,

- (b) a reference in that enactment to the department of the former Minister shall be read as a reference to the department of the new Minister, and

- (c) a reference in that enactment to the deputy of the former Minister shall be read as a reference to the deputy of the new Minister.

(2) Where the administration of a portion only of an Act is transferred from one Minister to another under section 2 so that different portions of the same Act are then under the administration of different Ministers, the Lieutenant Governor in Council may also designate any provisions of that Act that are to be administered in common by those Ministers, and in those cases a reference in the provisions so designated to a member of the Executive Council by his name of office or by the word "Minister" shall be deemed to be a reference to either of those Ministers.

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

**5.** This deals with the appointment of a deputy minister in cases where the transfer is not made to a Minister by his name of office.

**6.** Substitution of references in an enactment transferred to a new Minister. Subsection (2) deals with a case of a transfer of part of an enactment where some of the provisions are to be administered by either Minister, e.g., provisions giving powers of inspection, setting of fees etc.