

1973 Bill 74

Second Session, 17th Legislature, 22 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 74

The Alberta Government Telephones Amendment Act, 1973

THE MINISTER OF TELEPHONES AND UTILITIES

First Reading

Second Reading

Third Reading

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1973

THE ALBERTA GOVERNMENT TELEPHONES AMENDMENT ACT, 1973

(Assented to _____, 1973)

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

1. *The Alberta Government Telephones Act is hereby amended.*

2. *Section 6, subsection (1) is amended by striking out clauses (b), (c), (d), (e) and (f) and by substituting the following:*

(b) five directors.

3. *The following sections are added after section 30:*

30.1 The provisions of sections 28, 29 and 30 do not apply to any person acting in accordance with an Act of the Parliament of Canada.

30.2 (1) A peace officer may seize any equipment, attachment, device, apparatus or contrivance which he has reason to believe

- (a) is being used, or
- (b) has been used, or
- (c) is likely to be used, or
- (d) is so designed or adapted that it is primarily useful,

in the commission of an offence under this Act.

(2) The peace officer, upon seizing anything under subsection (1), shall

- (a) give a receipt therefor to the person, if any, having possession or custody of the thing, and
- (b) furnish a provincial judge with an affidavit
 - (i) stating that he seized the thing under this section and describing the thing seized,
 - (ii) stating the grounds under subsection (1) on which the seizure was made, and
 - (iii) setting out the name of the person, if any, having possession or custody of the thing seized at the time of seizure.

(3) Where a thing is seized under authority of this section, the provincial judge receiving the affidavit shall

Explanatory Notes

1. This Bill will amend chapter 12 of the Revised Statutes of Alberta 1970.

2. Section 6, subsection (1) presently reads:

6. (1) The Lieutenant Governor in Council may appoint the following executive officers of the commission:

- (a) a general manager;
- (b) an assistant general manager;
- (c) a director—operations;
- (d) a director—planning;
- (e) a director—engineering and construction;
- (f) a director—administration.

3. Exemption, seizure.

- (a) order that the thing seized be confiscated to the Crown in right of Alberta where he is satisfied that
 - (i) at the time of seizure it was being used or had been used or was likely to be used in the commission of an offence under this Act, or
 - (ii) it is so designed or adapted that it is primarily useful in the commission of an offence under this Act,and no person shows sufficient cause why it should not be so confiscated, or
 - (b) order that the thing seized be returned to the person who had possession or custody thereof at the time of seizure.
- (4) Anything confiscated pursuant to this section shall be disposed of as the Attorney General directs.

4. Section 32 is amended

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

32. (1) A person who contravenes section 28, subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than \$2,000, and in default of payment to imprisonment for a term of not more than six months, or to imprisonment for a term of not more than six months without the option of a fine, or to both fine and imprisonment.

- (b) *by adding after subsection (3) the following subsection:*

(4) Where a person is convicted of an offence under section 28, 29 or 30, the equipment, attachment, device, apparatus or contrivance by means of which the offence was committed shall, upon such conviction and in addition to any punishment that is imposed, be ordered by the court to be confiscated to the Crown in right of Alberta, whereupon it may be disposed of as the Attorney General directs.

5. Section 38 is amended by striking out the words "an employee" and by substituting the words "a member of the commission or an employee".

6. Section 39 is amended by striking out subsection (1) and by substituting the following:

39. (1) The commission is an agent of the Crown in right of Alberta and its powers may be exercised only as an agent of the Crown.

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

4. Increase in penalty for contravention of section 28, confiscation.

Section 32(1) presently reads:

32. (1) A person who contravenes section 28, subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than \$100 and in default of payment to imprisonment for not more than 30 days.

5. Section 38 presently reads:

38. The commission is not bound by any assignment by an employee of the commission of salary or wages owing to him or of his future salary or wages or by any assignment of any other existing or future debt of the commission unless

- (a) the Minister consents to the assignment in a particular case, or
- (b) the assignment is included in any class of assignments designated by an order of the Minister as exempt assignments for the purposes of this section.

6. Section 39(1) presently reads:

39. (1) The commission is for all purposes of this Act an agent of the Crown in right of the Province and its powers under this Act may be exercised only as an agent of the Crown.