

1973 Bill 92

Second Session, 17th Legislature, 22 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 92

The Legislative Assembly Statutes Amendment Act, 1973

HON. MR. HYNDMAN

First Reading

Second Reading

Third Reading

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THE LEGISLATIVE ASSEMBLY STATUTES AMENDMENT ACT, 1973

(Assented to _____, 1973)

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

The Legislative Assembly Act

1. (1) *The Legislative Assembly Act is amended by this section.*

(2) *The following sections are added after section 33:*

33.1 The person who holds the office of Speaker at the time of any dissolution of the Legislature shall continue to hold the office of Speaker until the day preceding the date fixed by Proclamation for the next sitting of the Legislature to begin.

33.2 In the application of *The Financial Administration Act*, *The Public Service Act* or any other Act with respect to

(a) the officers and staff of the Legislative Assembly, and

(b) the revenues and expenditures of or relating to the Legislative Assembly,

the Speaker and the Clerk of the Legislative Assembly have the powers, duties and functions of a Minister and his deputy, respectively.

(3) *Section 51.1 is amended by adding the following subsection after subsection (1):*

(1.1) There shall be paid to the Speaker and Deputy Speaker, from moneys appropriated by the Legislature for that purpose, reasonable allowances for travelling and living expenses incurred in the performance of their duties as Speaker and Deputy Speaker respectively and the receipt of any such money does not disqualify either of them as a member of the Legislative Assembly or from sitting and voting in the Assembly.

EXPLANATORY NOTES

General. This Bill will amend certain Acts in order to clarify the authority of the Speaker in relation to the staff of the Legislative Assembly and expenditures made in respect of the operation of the Assembly.

The Legislative Assembly Act

1. (1) This section will amend chapter 204 of the Revised Statutes of Alberta 1970.

(2) Continuance of Speaker in office after dissolution and administrative powers of Speaker and Clerk.

(3) Expenses payable to the Speaker and Deputy Speaker.

(4) *Section 52 is amended*

- (a) *as to subsection (3) by striking out the words “the Speaker,”*
- (b) *by adding the following new subsection after subsection (3):*

(4) For the purpose of computing the amount of salary payable under section 51.1 and this section, the Speaker shall, when the Legislature in which he occupies the position is dissolved, be deemed to occupy the position until the day preceding the date fixed by Proclamation for the next sitting of the Legislature to begin.

The Financial Administration Act

2. (1) *The Financial Administration Act is amended by this section.*

(2) *Section 2 is amended*

- (a) *by striking out clause (b) and by substituting the following:*
 - (b) “department” means
 - (i) any department of the public service of Alberta or any other division or part of the public service of Alberta, or
 - (ii) the officers and staff of the Legislative Assembly;
- (b) *as to clause (d), by adding after the words “on behalf of the Government” the words “or the Legislative Assembly”.*

The Public Service Act

3. (1) *The Public Service Act is amended by this section.*

(2) *Section 2 is amended by striking out clauses (d), (e) and (f) and by substituting the following:*

- (d) “department” means
 - (i) a department of the public service of Alberta, or
 - (ii) the officers and staff of the Legislative Assembly, or
 - (iii) any other part or organizational unit of the public service of Alberta designated as a department by the Lieutenant Governor in Council for the purposes of this Act;
- (e) “department head” means
 - (i) the member of the Executive Council charged with the administration of a department, or
 - (ii) the Speaker, with respect to the officers and staff of the Legislative Assembly;

(4) Section 52 (3) presently reads:

(3) For the purpose of computing the amount of any salaries payable under section 51.1 and this section, the Speaker, the Deputy Speaker and the leader of Her Majesty's loyal opposition, respectively,

(a) shall be deemed to have occupied the position from the polling day on which he was elected a member of the Assembly, and

(b) shall, when the Legislature in which he occupies the position is dissolved, be deemed to occupy the position until the day preceding the polling day following the dissolution or until his death, whichever first occurs,

except that, when the occupant of the position changes, the member succeeding to the position shall be deemed to have occupied the position from the day following that on which his predecessor ceased to occupy the position.

The Financial Administration Act

2. (1) This section will amend chapter 142 of the Revised Statutes of Alberta 1970.

(2) Section 2, clauses (b) and (d) presently read:

(b) "department" means any department of the public service of Alberta or any other division or part of the public service of Alberta;

(d) "public money" means all money received, held or collected for or on behalf of the Government by the Treasurer or any other public officer in his official capacity or by any revenue officer or other person authorized or required to receive, hold or collect such money and includes

(i) revenues of the Government,

(ii) money borrowed by the Government or received through the issue or sale of securities, and

(iii) money paid to the Government for a special purpose;

The Public Service Act

3. (1) This section will amend chapter 298 of the Revised Statutes of Alberta 1970.

(2) Section 2, clauses (d), (e) and (f) presently read:

2. In this Act,

(d) "department" in addition to its ordinary meaning includes any establishment or organizational unit designated as a department by the Lieutenant Governor in Council for the purposes of this Act;

(e) "department head" means a member of the Executive Council charged with the administration of a department;

(f) "deputy head" means the chief officer of a department;

- (f) “deputy head” means
 - (i) the Clerk of the Legislative Assembly with respect to the officers and staff of the Legislative Assembly, or
 - (ii) in any other case, the chief officer of a department;

(3) Section 3 is amended

- (a) as to subsection (1) by striking out the words “of the Legislative Assembly” and by substituting the words “to the officers and staff of the Legislative Assembly”,*
- (b) as to subsection (3), clause (a) by striking out the words “any employee” and by substituting the words “the officers and staff”.*

Commencement

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

(3) Section 3 (1) and (3) (a) read:

3. (1) This Act applies to all departments of the Government, including employees of the Executive Council and of the Legislative Assembly.

(3) This Act does not impair nor otherwise affect

(a) the rights and privileges of the Legislative Assembly with regard to the appointment or removal of any employee of the Assembly, or