

1978 Bill 217

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Second Session, 17th Legislature, 21 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 217**

**The Public Officials Disclosure Act**

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MR. LUDWIG

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First Reading .....

Second Reading .....

Third Reading .....

Bill 217  
Mr. Ludwig

## BILL 217

1973

### THE PUBLIC OFFICIALS DISCLOSURE ACT

(Assented to \_\_\_\_\_, 1973)

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

1. In this Act,

- (a) "family" means the spouse of a public official, and any child of his who has not attained the age of majority;
- (b) "interest", where used in relation to a public official or his family means any
  - (i) trade, business, profession, or enterprise operating in the Province with which the public official or his family is or was associated as an employee, officer, owner or part owner, director, trustee, partner, adviser, or consultant;
  - (ii) debt owed to a creditor of the public official or his family, other than
    - (A) a mortgage on land that the public official occupies as his ordinary residence; or
    - (B) current and ordinary household and personal living expenses; and
  - (iii) right of ownership, whether direct or indirect, legal or beneficial, in real or personal property, other than property that the public official and his family occupy as, or as incidental to, their ordinary residence;but does not include any interest designated to be exempt by order of the Lieutenant Governor in Council;
- (c) "public official" means a person who is a
  - (i) member of the Executive Council of the Province;
  - (ii) member of the Legislative Assembly of the Province;
  - (iii) member of the council of a municipality;
  - (iv) member of a board of school trustees constituted under *The School Act*,

### **Explanatory Notes**

The purpose of this Bill is to enact the Public Officials' Disclosure Act to provide for obligatory disclosure of outside interests by public officials. Under the provisions of the Act, the public official must disclose that he has an interest, but need not disclose the extent of his involvement in the interest.

and includes any senior governmental official, whether elected or not, who is designated by order of the Lieutenant Governor in Council to be a public official for the purposes of this Act.

**2. (1) Every public official shall**

- (a) not later than the fifteenth day of the month following the month that he assumes office as a public official; and thereafter
- (b) between the first and fifteenth days of January and the first and fifteenth days of July in each year during which he is a public official; and
- (c) not later than the fifteenth day of the month following the month that he ceases, for any reason other than his death, to be a public official,

disclose and describe any interest that he or his family had at any time during the six-month period immediately preceding the first day of the month in which he makes his disclosure.

(2) A disclosure made under subsection (1) shall state that the public official or his family has or had an interest and shall describe the nature of the interest, including the location of any real property, but need not disclose the pecuniary involvement, or extent of involvement, in the interest.

(3) A disclosure made under subsection (1) shall be made in prescribed form to the clerk or secretary of the assembly, council, or board to which the public official is elected, or to such person as may be designated, for the purposes of this section, by order of the Lieutenant Governor in Council.

**3. (1) Where a public official or his family has, after the date of his last written disclosure, acquired any interest respecting a matter that is being considered by the assembly, council, or board to which he is elected, the public official shall, before he speaks to or votes on the matter, orally disclose the interest to the assembly, council, or board.**

(2) Every oral disclosure made under subsection (1) shall be recorded in the minutes of the meeting or proceeding at which the disclosure is made.

**4. The provisions of this Act are supplementary to and do not affect any duty or obligation to disclose an interest under any other law.**

**5. The failure of a public official to comply with sections 2 or 3 shall not, of itself, invalidate any matter, proceeding, vote, or contract.**



**6.** The person to whom a written disclosure is made shall, upon request being made to him during normal business hours, produce for inspection by the person making the request the written disclosure of a public official other than a senior governmental official who is designated by order of the Lieutenant Governor in Council.

**7.** For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make such regulations and orders as are ancillary thereto and not inconsistent therewith and as are considered necessary or advisable; and every regulation and order made under this section shall be deemed to be part of the Act and have the force of law.

**8.** (1) Every public official who refuses or neglects to comply with section 2 or 3 is guilty of an offence and is liable, on summary conviction, to a fine of not more than five thousand dollars or to imprisonment for a term of not more than six months, or to both a fine and imprisonment.

(2) It is a defence to a charge under this Act to show that the public official complied with the Act to the best of his knowledge and belief.

**9.** (1) This Act, excepting this section, comes into force on a date to be fixed by the Lieutenant Governor by his Proclamation, and he may fix different dates for the coming into force of the several provisions of the Act.

(2) This section comes into force on the day it is assented to.