

1975 Bill 27
(Second Session)

First Session, 18th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 27

THE DEPARTMENT OF GOVERNMENT SERVICES ACT

THE MINISTER OF GOVERNMENT SERVICES

First Reading

Second Reading

Third Reading

BILL 27

1975

(Second Session)

THE DEPARTMENT OF GOVERNMENT SERVICES ACT

(Assented to _____, 1975)

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

1. In this Act,

- (a) "Department" means the Department of Government Services;
- (b) "Minister" means the Minister of Government Services;
- (c) "public works" means public works of the Government of Alberta under the administration of the Minister.

2. There shall be a department of the public service of the Province called the Department of Government Services over which shall preside the member of the Executive Council appointed by the Lieutenant Governor under the Great Seal of the Province as Minister of Government Services.

3. In accordance with *The Public Service Act* there may be appointed a Deputy Minister of Government Services and such other employees as are required to conduct the business of the Department.

4. (1) The Minister may from time to time engage the services of experts or persons having special technical or other knowledge to advise him or to inquire into and report to him on matters under the Minister's administration.

(2) The person whose services are engaged under this section may be paid such remuneration and expenses as the Minister may prescribe.

Explanatory Notes

General. This Bill will create the new Department of Government Services arising out of the recent reorganization of the Government.

1. Definitions.

2. Department of Government Services established.

3. Personnel.

4. Services of experts, etc.

5. (1) The Minister may establish such boards, committees or councils as he considers necessary or desirable to act in an advisory or administrative capacity in connection with any of the policies, programs, services or other matters under his administration.

(2) The Minister may, with respect to any board, committee or council established under this section,

- (a) appoint or provide for the manner of the appointment of its members,
- (b) prescribe the term of office of any member,
- (c) designate a chairman, vice-chairman and secretary, and
- (d) authorize, fix and provide for the payment of remuneration and expenses to its members.

(3) A board, committee or council established pursuant to this section may make rules of procedure, subject to the approval thereof by the Minister, governing the calling of its meetings and the conduct of business at its meetings.

(4) A board, committee or council established pursuant to this section may exercise such powers and shall perform such duties and functions as the Minister may confer or impose upon it.

6. (1) In this section

- (a) "department" means a department of the public service of Alberta and includes
 - (i) any board, commission or organizational unit that forms part of the public service of Alberta but that is not part of any department,
 - (ii) any corporation that is an agent of the Crown in right of Alberta,
 - (iii) any corporation, commission, board or other body empowered to exercise judicial or quasi-judicial or governmental functions and whose members are appointed by an Act of the Legislature, the Lieutenant Governor in Council, or a Minister of the Crown, or any combination thereof, and
 - (iv) any court established by the Legislature;
- (b) "person" includes any department;
- (c) "public records" means all original documents, parchments, manuscripts, records, books, maps, plans, photographs, magnetic tapes or other documentary materials regardless of physical form created in the administration of the public affairs of the Province by any department;

5. Boards, committees and councils.

6. Records management program.

- (d) "records management" means a program instituted to provide economies and efficiency of operation in handling records by the establishment of controls in respect of the quantity and quality of records, the organization of files and the maintenance and disposition of records.
- (2) The Minister is responsible for
 - (a) the preparation and implementation of an inter-departmental records management program;
 - (b) the destruction of public records upon the advice of the Public Records Committee;
 - (c) the provision of such other services as may be required from time to time in furthering the purposes of this section.
- (3) There shall be a Committee to be known as the Public Records Committee which shall consist of
 - (a) the Deputy Minister, or a person designated by the Minister to act in the place of the Deputy Minister, who shall be chairman,
 - (b) a representative of the Attorney General, who shall be vice-chairman,
 - (c) the Provincial Archivist, who shall be secretary,
 - (d) a representative of the Provincial Auditor, and
 - (e) such other members of the public service as may be appointed by the Lieutenant Governor in Council.
- (4) The Public Records Committee may, subject to the regulations,
 - (a) establish disposition schedules including retention, destruction or transfer to the Provincial Archives of public records;
 - (b) authorize the destruction of any public record that is no longer required for any purpose.
- (5) Subject to the regulations, any public record in the possession of a department shall be dealt with by the department in accordance with the disposition schedules established by the Public Records Committee.
- (6) Each department shall appoint an employee of the department to act as a records officer and to be responsible for all aspects of records management within that department.
- (7) The Lieutenant Governor in Council may make regulations
 - (a) designating any document or class of documents to be or not to be a public record for the purposes of this section;

- (b) governing the preservation or destruction of any public record or class of public record;
- (c) prohibiting or restricting access to public records;
- (d) designating public bodies which shall be required to preserve their records, prescribing the nature of the records to be preserved and the period of time they are to be preserved and providing for their preservation by the Provincial Archives of Alberta if necessary;
- (e) respecting any other matter necessary to give effect to the intent of this section.

7. (1) Unless the administration thereof is assigned or transferred to some other Minister by an Act or by an order of the Lieutenant Governor in Council, the Minister of Government Services has the administration of all real property held, used or occupied for public works of the Government of Alberta.

(2) Unless responsibility therefor is specifically assigned to some other Minister by an Act or by an order of the Lieutenant Governor in Council, the Minister of Government Services is responsible for

- (a) the acquisition, disposition and servicing of all property for every department of the Government of Alberta, and
- (b) the heating, lighting, care, maintenance, repair and management of all property held, used or occupied for public works of the Government of Alberta.

8. (1) Subject to the provisions of this section, the Minister may, with the approval of the Lieutenant Governor in Council, sell, lease or otherwise dispose of any estate or interest in land held by the Crown and under his administration or any improvements that are on or have been removed from such land.

(2) A sale of land or improvements under subsection (1) shall be made

- (a) following the submission of tenders or a public auction, and
 - (b) only after the Minister has obtained two or more appraisals of the market value of the land or improvements, at least one of which shall be obtained from an appraiser who is not an employee of the Government and who carries on business as an appraiser.
- (3) Subsection (2), clause (a) does not apply
- (a) where, following the submission of tenders or at public auction, no tenders or bids were received or

7. Administration of public works.

8. Sale of land, etc.

the highest tender or bid received was insufficient in the opinion of the Minister, having regard to the market value of the land or improvements according to appraisals obtained by the Minister, or

- (b) where the sale is made in exchange for other land or improvements and in the opinion of the Minister adequate compensation is obtained for the land or improvements sold by the Minister, or
- (c) where the sale is made to
 - (i) a municipal corporation, the board of trustees of a school district or school division, the board of directors of an irrigation district or the board of trustees of a drainage district, or
 - (ii) a university, college or other educational institution or the owner of a public hospital, or
 - (iii) a corporation that is an agent of the Crown or that is incorporated for the purpose of carrying out any governmental function and is wholly or substantially supported by moneys appropriated by the Legislature or the Parliament of Canada for the purposes of that corporation, or
 - (iv) a corporation to which Part 9 of *The Companies Act* applies, a corporation incorporated under *The Societies Act* or any other corporation incorporated for a purpose other than profit or gain, or
 - (v) any person in accordance with a trust in favour of that person, or
 - (vi) any person in accordance with an obligation in favour of that person and the sale is exempted from the operation of subsection (2), clause (a) by an order of the Lieutenant Governor in Council.

(4) Notwithstanding subsection (2), clause (b), a sale of lands or improvements under this section to a person referred to in subsection (3), clause (c) may be made for a nominal consideration or for a price less than their market value.

(5) A lease or other disposition of a mine or mineral shall be made pursuant to *The Mines and Minerals Act*.

(6) The Lieutenant Governor in Council may transfer to the Crown in right of Canada the administration and control of land belonging to the Crown in right of Alberta and under the administration of the Minister.

9. The alteration, repair or maintenance of a public work may be done either

9. Repair and maintenance of public works.

- (a) by employees in the Department of Government Services, or
- (b) by any other person under contract or commission, where the Minister is of the opinion that
 - (i) from the nature of the work, it can be executed more expeditiously or economically in that manner, or
 - (ii) it is desirable or expedient to do so.

10. (1) The Minister is responsible on behalf of the Government of Alberta for the disposition of all surplus items of material, equipment and other things of all departments of the Government and of any corporation that is an agent of the Crown.

(2) The Minister may enter into agreements with such boards, corporations, commissions and institutions receiving their operating funds in whole or in part from the Government of Alberta as may be specified in the regulations, to act as their agent for the disposition of their surplus items of material, equipment and other things.

(3) The Lieutenant Governor in Council may make regulations specifying the boards, corporations, commissions and institutions with which the Minister may enter into agreements under subsection (2).

(4) A sale under subsection (1) or (2) may be made for a nominal consideration or at a price less than market value where the sale is made to

- (a) a municipal corporation, the board of trustees of a school district or school division, the board of directors of an irrigation district or the board of trustees of a drainage district, or
- (b) a university, college or other educational institution or the owner of a public hospital, or
- (c) a corporation that is an agent of the Crown or that is incorporated for the purpose of carrying out any governmental function and is wholly or substantially supported by moneys appropriated by the Legislature or the Parliament of Canada for the purposes of that corporation, or
- (d) a corporation to which Part 9 of *The Companies Act* applies, a corporation incorporated under *The Societies Act* or any other corporation incorporated for a purpose other than profit or gain, or
- (e) any person in accordance with a trust in favour of that person, or
- (f) any person in accordance with an obligation in favour of that person, if the sale is approved by an order of the Lieutenant Governor in Council,

10. Disposition of Crown assets and unclaimed articles.

may be made for a nominal consideration or at a price less than market value.

(5) Subject to any other Act, all lost or unclaimed property in the custody of the Government of Alberta shall be retained for one year from the time the property came into the custody of the Government.

(6) If not claimed within one year from the time the property came into the custody of the Government, the Minister may dispose of the property on behalf of the Government of Alberta.

(7) A purchaser of property under this section becomes the owner thereof and any claim of an earlier owner shall be only for the proceeds of the sale less the cost of hauling and storage and less any other necessary expenses, including the costs of the sale, that have been incurred by the Government.

(8) No claim may be made

(a) to the property after one year from the date that the property came into the custody of the Government unless the property is still in the custody of the Government, or

(b) to the proceeds of the sale of the property after one year from the date that the property was disposed of by the Department.

(9) This section does not apply to vehicles as defined in *The Highway Traffic Act*.

11. (1) The Minister shall establish and administer a stock advance fund for the Department of Government Services.

(2) The Provincial Treasurer upon the requisition of the Minister may make advances from the General Revenue Fund to the stock advance fund of such sums as the Minister may require to pay for machinery, equipment, stock or material required by the Department.

(3) The net amount of the advances at any time shall not exceed \$5,000,000.

12. (1) Where the machinery, equipment, stock or material is purchased for and delivered to a particular department, branch or service, the Minister may charge the value thereof to that department, branch or service.

(2) Where the machinery, equipment, stock or material is purchased out of the stock advance fund for use by one or more departments, branches or services, and the value thereof is charged to and retained by the stock advance

11. Stock advance fund.

12. Charges for equipment, etc.

fund, the Minister may charge a fair rent for its use to the department, branch or service by or for which it is used.

(3) Where machinery, equipment, stock or material held by the stock advance fund is no longer required, the Minister may sell or otherwise dispose of the same on such terms and conditions as the Minister considers proper.

(4) The amount of

(a) each charge made by the Minister under subsections (1) and (2), and

(b) the proceeds of a sale or disposition made under subsection (3),

shall be credited in reduction of the amount of the advances made by the Provincial Treasurer to the stock advance fund.

13. (1) On or before the fifteenth day of June in each year the Minister shall cause to be prepared and submitted to the Provincial Auditor for certification the operating account and the balance sheet covering operations of the stock advance fund for the immediately preceding fiscal year.

(2) The statements as certified by the Provincial Auditor shall be included in the public accounts for the year.

(3) The Lieutenant Governor in Council by order may transfer to the General Revenue Fund a profit arising from the operations for the year as shown by the statements certified by the Provincial Auditor.

(4) If a deficit has occurred, the amount of the deficit may be deducted from the profit of any succeeding fiscal year or years before the profit is transferred to the General Revenue Fund.

14. (1) The Lieutenant Governor in Council may make regulations, either general in their application or special as applied to any particular case,

(a) permitting, restricting or prohibiting the use by the public or by any persons

(i) of any path, passageway, driveway or road through lands belonging to or occupied by the Crown and leading to or from any public work belonging to or occupied by the Crown, whether or not the same has been dedicated or established as a public highway, and

(ii) of the gardens, grounds or other areas appurtenant to or used in connection with any public work belonging to or occupied by the Crown,

(b) permitting, restricting, prohibiting or imposing conditions upon the use, manner of use, speed, direction of travel, stopping or parking of motor

13. Annual statements to Provincial Auditor.

14. Regulations.

vehicles and other vehicles, skate boards, animals, or any other thing named in the regulations, upon any area referred to in clause (a), and

- (c) authorizing and providing for the seizing and removal of any motor vehicle or other vehicle parked or left in contravention of the regulations, and authorizing and providing for its retention until the expenses of seizure, removal and storage, if any, are paid.

(2) The by-laws of a municipality relating to the matters enumerated in subsection (1) apply to the lands therein referred to situated within the municipality but where there is a conflict between the by-laws and any regulation passed under subsection (1) the provisions of the regulations prevail.

(3) Any vehicle seized and removed pursuant to subsection (1), clause (c) is retained and stored at the risk of its owner.

(4) Subject to any regulations that may have been made under subsection (1), the Minister may cause to be erected at any place where he considers it necessary, signs

- (a) fixing speed limits,
- (b) prohibiting or controlling parking,
- (c) prohibiting entry and restricting the direction of movement of traffic, and
- (d) requiring vehicles to stop before proceeding and to yield the right of way to other traffic,

and any other type of sign or device ordinarily used to regulate traffic.

(5) Any person who

- (a) contravenes a regulation made pursuant to subsection (1), or
- (b) fails to obey an order, direction or instruction indicated by a sign erected pursuant to subsection (4),

is guilty of an offence and liable on summary conviction to a fine of not more than \$25 and in default of payment to imprisonment for a term not exceeding 14 days.

(6) In a prosecution under this section, the existence of a sign indicating an order, direction or instruction with respect to any matter mentioned in subsection (1) or (4) is prima facie proof that the order, direction or instruction so indicated was regularly prescribed by the Minister without other or further proof thereof.

(7) In a prosecution under this section, a certificate purporting to be signed by the Minister shall be admitted in evidence as prima facie proof that any land or premises referred to therein is owned or occupied by the Crown without proof of the Minister's appointment or signature.

15. The Minister may delegate any of his powers, duties or functions under this Act to any officer or employee of the Department.

16. The member of the Executive Council who, immediately prior to the commencement of this Act, holds office as, and is designated by the Lieutenant Governor in Council as, Minister of Government Services becomes the Minister of Government Services without the necessity of a further designation by the Lieutenant Governor, the issue of a new commission or the swearing of another oath of office.

17. *The Agent-General Act is amended as to section 5, clause (a) by striking out the words "Minister of Public Works" and by substituting therefor the words "Minister of Government Services".*

18. *The Alberta Heritage Act is amended*

(a) *as to subsection (1) by striking out clauses (c), (j), (k) and (l),*

(b) *as to section 8 by adding after clause (g) the following clause:*

(h) *the provision and maintenance of the Provincial Archives of Alberta for*

(i) *the acquisition and preservation of documents concerning Alberta;*

(ii) *the preservation and storage of public records;*

(iii) *the preservation and storage of other documents in accordance with regulations under *The Department of Government Services Act*;*

(c) *by adding after section 8 the following section:*

8.1 *A copy of any original public record or other document in the custody of the Provincial Archives of Alberta, certified by the Provincial Archivist to be a true copy, shall be admitted in evidence as prima facie proof of the authenticity and correctness of the document and of the contents of the original without proof of the signature of the Provincial Archivist or of his appointment.*

and

(d) *by striking out Part 2.*

19. *The words "the Department of Public Works" are struck out wherever they appear in the following enactments and the words "the Minister of Government Services, to the extent that they relate to public works," are substituted therefor:*

15. Delegation of power

16. Transitional.

17. Consequential amendment to chapter 3 of the Revised Statutes of Alberta, 1955.

18. Consequential. The rest of Part 2 not transferred by this section will be transferred to this Act. (See section 6.)

19. Section 45, subsection (2) of The Local Authorities Board Act reads as follows:

(2) The Registrars of Land Titles in the different land registration districts in the Province and the Department of Public Works shall furnish the Board with such certificates and certified copies of documents as the Board may in writing require, without charge, and the Board and any member or official of the Board thereunto authorized may at any time search in the public records of the land titles offices without charge.

Section 46, subsection (2) of The Public Utilities Board Act is similar.

The Local Authorities Board Act,
section 45, subsection (2);

The Public Utilities Board Act,
section 46, subsection (2).

20. *The Department of Public Works Act* is repealed.

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

20. This Bill will repeal chapter 105 of the Revised Statutes of Alberta 1970: