

1980 BILL 73

Second Session, 19th Legislature, 29 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 73

**THE PUBLIC INQUIRIES AMENDMENT ACT,
1980 (NO. 2)**

MR. ZAOZIRNY

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 73
Mr. Zaozirny

BILL 73

1980

THE PUBLIC INQUIRIES AMENDMENT ACT, 1980 (NO. 2)

(Assented to _____, 1980)

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

1 *The Public Inquiries Act is amended by this Act.*

2 *Section 3 is amended by adding “, papers” after “documents”.*

3 *The following is added after section 5:*

6(1) This section does not apply to an inquiry unless the Lieutenant Governor in Council declares that this section applies.

(2) In this section

(a) “Government funded service” means a service that is provided on behalf of the Government and in respect of which the Government makes a payment by grant or under an agreement;

(b) “public building” includes

(i) a facility as defined in *The Social Care Facilities Review Committee Act*,

(ii) a hospital as defined in *The Alberta Health Facilities Review Committee Act*, and

Explanatory Notes

1 This Bill will amend chapter 296 of the Revised Statutes of Alberta 1970.

2 Section 3 presently reads:

3 The commissioner or commissioners shall have the power of summoning before him or them any persons as witnesses and of requiring them to give evidence on oath, orally or in writing, or solemn affirmation if they are persons entitled to affirm in civil matters, and to produce such documents and things as the commissioner or commissioners deem requisite to the full investigation of the matters into which he or they are appointed to inquire.

3 Proposed section 6 will allow searches.

Proposed section 7 will allow documentary evidence to be photocopied and returned to its owner.

Proposed section 8 deals with admissibility of evidence.

(iii) any other building or part of a building where a Government funded service is carried on.

(3) If a commissioner who is also a judge of the Court of Appeal, the Court of Queen's Bench or the Provincial Court is of the opinion that a view or inspection of any public building will assist the inquiry, he may issue an order permitting any person whom he names in the order, together with any peace officer that person calls on to assist him, to enter, if necessary by force, and view or inspect the public building.

(4) A commissioner other than one referred to in subsection (3) who has reasonable grounds to believe that a view or inspection of any public building will assist the inquiry may apply ex parte to the Court of Queen's Bench for an order permitting any person named in the order, together with any peace officers that person calls on to assist him, to enter, if necessary by force, and view or inspect the public building.

(5) A person who views or inspects a public building pursuant to an order under subsection (3) or (4) may take possession of any document, paper or thing that he considers to be relevant to the subject matter of the inquiry and may retain the document, paper or thing until the conclusion of the inquiry or until it is no longer required, and then he shall return it to the person from whose custody it was removed or the person entitled to it.

7(1) If a document or paper has been taken into possession under section 6 or admitted in evidence at an inquiry, the commissioner or commissioners shall, at the request of the person from whose custody it was removed or the person entitled to it, cause the document or paper to be photocopied and release the document or paper to the person who makes the request or provide the photocopy of the document or paper to that person.

(2) If a commissioner or commissioners cause a document or paper to be photocopied and released under subsection (1), the commissioner or commissioners may authorize the photocopy to be admitted in evidence at the inquiry in place of the document or paper.

8(1) Every person has the same privileges in relation to the disclosure of information and the production of documents, papers and things under this Act as witnesses have in any court.

(2) Notwithstanding subsection (1), the rule of law that authorizes or requires the withholding of any document, paper or thing or the refusal to disclose any information on the ground that the disclosure would be injurious to the public interest does not apply in respect of an inquiry.

(3) Notwithstanding subsection (1),

(a) no provision in an Act, regulation or order requiring a person to maintain secrecy or not to disclose any matter applies with respect to an inquiry, and

(b) no person who is required by a commissioner or a person referred to in section 2.1(1)(b) to furnish information or to produce any document, paper or thing or who is summoned to give evidence at an inquiry shall refuse to disclose the information or produce the document, paper or thing on the ground that an Act, regulation or order requires him to maintain secrecy or not to disclose any matter.

(4) Notwithstanding subsection (2) or (3), if the Attorney General certifies that in his opinion the production of any document, paper or thing or the disclosure of any information might involve the disclosure of

(a) the deliberations or proceedings of the Lieutenant Governor in Council, the Executive Council or a committee of either of them,

(b) matters of a secret or confidential nature or matters the disclosure of which would not be in the public interest, or

(c) matters the disclosure of which cannot be made without prejudice to the interests of persons not concerned in the inquiry,

that document, paper, thing or information is privileged and shall not be produced or disclosed at the inquiry.

(5) The commissioner or commissioners may include in their report on the inquiry a reference to any occasion on which the Attorney General certifies a document, paper, thing or information under subsection (4).

(6) Any information disclosed or document, paper or thing produced to which subsection (2) or (3) applies shall not be published, released or disclosed in any manner without the written permission of the Attorney General, and the portion of the inquiry relating to the information or the document, paper or thing shall be held in private.

(7) No person is liable to prosecution for an offence against any Act by reason of his compliance with this section.

4(1) The Alberta Labour Act, 1973 is amended in section 11.2(2) by adding "but does not include an inquiry under The Public Inquiries Act" after "evidence".

(2) The Public Service Employee Relations Act is amended in section 86 by renumbering it as section 86(1) and by adding the following after subsection (1):

4 Consequential amendments to chapter 33 of the Statutes of Alberta, 1973 and chapter 40 of the Statutes of Alberta, 1977.

(2) In subsection (1), “court” does not include an inquiry under *The Public Inquiries Act*.

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