

1983 BILL 67

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 67

LEGISLATIVE ASSEMBLY ACT

HON. MR. CRAWFORD

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 67

1983

LEGISLATIVE ASSEMBLY ACT

(Assented to , 1983)

TABLE OF CONTENTS

	Section No.
Interpretation	1
PART 1	
THE LEGISLATIVE ASSEMBLY	
Division 1	
General	
Composition of the Assembly	2
Duration of Assembly	3
Sittings	4
Prorogation	5
Committees of the Assembly	6
Bills and Acts	7
Division 2	
Assembly's Privileges, Immunities and Powers	
Jurisdiction of the Assembly	8
Privileges, immunities and powers generally	9
Breaches of privilege and contempts	10
Order of punishment	11
Assembly as a court	12
Members' immunities	13
Compelling attendance of witnesses	14
Non-liability for acts done under authority of Assembly	15
Division 3	
Assembly Officers and Staff	
The Speaker	16
Deputy Speaker and Deputy Chairman	17
Acting Speaker	18
Legislative Assembly Office	19
Powers of Assembly in relation to its officers	20
Financing of operations	21
PART 2	
MEMBERSHIP OF THE ASSEMBLY	
Oath of allegiance	22

Division 1
Disqualification

Interpretation	23
Persons directly associated with a Member	24
Loss of citizenship	25
Disqualification in relation to election	
financial statements	26
Disqualifying offices	27
Disqualifying contracts	28
Disqualifying payments	29
When person deemed a Member under ss. 28 and 29	30
Disclosure and annual reports	31
When disqualification occurs	32
Application to Court for advice and directions	33
Action for finding of disqualification	34
Assembly proceedings following Court finding	35

Division 2
Vacancies in Membership

Expulsion	36
Resignation	37
Order for election to fill vacancy	38

PART 3
REMUNERATION OF MEMBERS

Members' Allowances, Expenses and Benefits

Members' indemnity and expense allowances	39
Deductions from allowances	40
Allowance for temporary residence in Edmonton	41
Allowances and expenses for committee work	42
Members' fees and expenses for service on boards, etc.	43
Disability benefits	44
Other allowances and benefits	45

Salaries and Other Allowances

Salaries of Speaker, Deputy Speaker and Deputy Chairman	46
Salary of Leader of the Opposition	47
Allowance to leader of recognized opposition party	48

Adjustment

Adjustment of allowances, salaries and deductions	49
---	----

PART 4
THE EXECUTIVE COUNCIL

Salaries of Executive Council members	50
President's representational allowance	51
Annual reports	52

PART 5
CONSEQUENTIAL, REPEAL AND COMMENCEMENT

Amendments to the Election Act	53
Amendments to the Election Finances and Contributions Disclosure Act	54
Amendments to the M.L.A. Pension Act	55

Amendments to other Acts	56
(1) Alberta Evidence Act	
(2) Alberta Government Telephones Act	
(3) Alberta Resources Railway Corporation Act	
(4) Auditor General Act	
(5) Commissioners for Oaths Act	
(6) Electoral Boundaries Commission Act	
(7) Financial Administration Act	
(8) Glenbow-Alberta Institute Act	
(9) Homestead Lease Loan Act	
(10) Judicature Act	
(11) M.L.A. Compensation Act	
(12) Notaries Public Act	
(13) Occupational Health and Safety Act	
(14) Oil Sands Technology and Research Authority Act	
(15) Ombudsman Act	
(16) Public Service Act	
(17) Public Service Administrative Transfers Act	
(18) Public Service Employee Relations Act	
(19) Public Service Pension Act	
(20) Railway Act	
(21) Tobacco Tax Act	

Repeal

Repeal of RSA 1980 c.L-10	57
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Commencement

Commencement	58
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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Interpretation

1(1) In this Act,

- (a) "Clerk" means the Clerk of the Assembly;
- (b) "Court" means the Court of Queen's Bench;
- (c) "Deputy Chairman" means the Deputy Chairman of Committees;
- (d) "Deputy Speaker" means the Deputy Speaker and Chairman of Committees;
- (e) "officer of the Assembly" means an officer referred to in section 19(1)(a);
- (f) "Member" means a Member of the Legislative Assembly;
- (g) "Members' Services Committee" means the Special Select Standing Committee of the Assembly on Members' Services.

(2) For the purposes of this Act and any other enactment, the following rules apply to determine when a person becomes a Member of the Legislative Assembly:

(a) if the person is declared elected by acclamation under section 58 of the *Election Act*, he becomes a Member of the Assembly on the making of the declaration;

(b) if the person is declared elected under section 137 of the *Election Act* and no application is made to the Court within the 8-day period prescribed by section 142 of that Act, he becomes a Member of the Assembly at the expiration of that period;

(c) if the person is declared elected under section 145(1) of the *Election Act* and no appeal is taken to the Court of Appeal within the 2-day period prescribed by section 146(1) of that Act, he becomes a Member of the Assembly at the expiration of that period;

(d) if the person is declared elected pursuant to section 146(7) of the *Election Act*, he becomes a Member of the Assembly on the making of the declaration.

(3) For the purposes of this Act, a Member is "sworn in" when he takes the oath of allegiance under section 22.

PART 1

THE LEGISLATIVE ASSEMBLY

Division 1

General

Composition of Assembly	2 The Legislative Assembly shall consist of the persons elected pursuant to the <i>Election Act</i> as members of the Assembly to represent respectively the electoral divisions described in the Schedule to the <i>Electoral Divisions Act</i> .
Duration of Assembly	3(1) No Legislative Assembly shall continue for longer than 5 years from the date fixed for the return of the writs at a general election of its Members. (2) Section 4(2) of the Canadian Charter of Rights and Freedoms does not apply in Alberta.
Sittings	4 There shall be a sitting of the Legislature at least once every 12 months.
Prorogation	5 It is not necessary for the Lieutenant Governor in proroguing the Legislature to name any day to which it is prorogued.
Committees of the Assembly	6(1) The Assembly may authorize a committee of the Assembly to sit and otherwise conduct its business during the period after prorogation of the Legislature and before the commencement of the next session. (2) A member may participate in a meeting of a committee of the Assembly by means of telephone or other communication facilities that permit all Members participating in the meeting to hear each other if all the members of the committee consent, and a Member

participating in a meeting by those means is deemed for all purposes to be present at that meeting.

ills and Acts

7(1) When a Bill passed by the Assembly receives the assent of the Lieutenant Governor, the Clerk shall endorse on the official copy of the Bill immediately, the date on which the Lieutenant Governor assented to the Bill.

(2) If a Bill is reserved by the Lieutenant Governor for the signification of the pleasure of the Governor General, the Clerk shall endorse on the official copy of the Bill

(a) the date on which it was so reserved, and

(b) the date on which the Lieutenant Governor signified by speech or message to the Legislative Assembly or by Proclamation that the Bill was laid before the Governor General and that the Governor General was pleased to assent to the Bill.

(3) An endorsement made pursuant to subsection (1) or (2)(b) is a part of the Act.

(4) The official copies of all Bills passed by the Assembly shall remain in the custody of the Clerk.

(5) The Clerk shall affix the Great Seal of the Province to certified copies of Acts

(a) intended for transmission to the Secretary of State or required to be used in evidence before a court, and

(b) in any other case in which the Lieutenant Governor in Council so directs.

(6) A copy of an Act certified and sealed under subsection (5) shall be held to be a duplicate original, and also to be evidence of the Act and of its contents as if printed by lawful authority.

(7) The Clerk shall furnish a certified copy of the official copy of an Act to a person applying for it on receipt of a fee prescribed by the Lieutenant Governor in Council.

(8) The Clerk shall

(a) insert at the foot of each copy of an Act required to be certified under subsection (7) a written certificate signed and authenticated by him to the effect that the copy is a true copy, and

(b) add the following words if the Act is disallowed after it comes into force:

“but disallowed by the Governor General in Council, which disallowance took effect on the day of , 19”

Division 2

Assembly's Privileges, Immunities and Powers

Jurisdiction of
the Assembly

- 8** The Assembly has exclusive jurisdiction in respect of
- (a) the determination of the lawfulness of its proceedings, and
 - (b) the regulation of its proceedings and the conduct of its business and affairs.

Privileges,
immunities and
powers generally

9(1) In addition to the privileges, immunities and powers respectively conferred on them by this Act, the Assembly and its Members, and the committees of the Assembly and their members, have the same privileges, immunities and powers as those held respectively by the House of Commons of the Parliament of the United Kingdom, the members of that House, the committees of that House and the members of committees of that House at the time of the passing of the Constitution Act, 1867.

(2) The privileges, immunities and powers referred to in subsection (1)

- (a) are part of the public and general law of Alberta,
- (b) need not be pleaded, and
- (c) shall be judicially noticed in all courts in Alberta.

Breaches of
privilege and
contempts

10(1) The Assembly may inquire into, adjudicate and punish breaches of the privileges of the Assembly and contempts of the Assembly.

(2) Without restricting the generality of subsection (1), the following acts constitute breaches of privilege or contempts to which that subsection applies:

- (a) an assault, insult or libel on a Member;
- (b) obstructing, threatening or attempting to force or intimidate a Member in any matter relating to his office;
- (c) the offering to, or acceptance by, a Member of
 - (i) a bribe to influence him in his conduct as a Member, or
 - (ii) a fee or reward in respect of drafting, advising on, revising, promoting or opposing any bill, resolution, petition or other matter submitted to or intended to be submitted to the Assembly or a committee of the Assembly;
- (d) an assault on or interference with the Speaker, Deputy Speaker or Deputy Chairman or other Member appointed by the Assembly to an office of the Assembly, or with an officer or employee of the Legislative Assembly Office in the execution of his duties;
- (e) tampering with a witness with regard to evidence given or to be given by him before the Assembly or a committee of the Assembly;

(f) giving false evidence or prevaricating or misbehaving in giving evidence or refusing to give evidence or to produce papers before the Assembly or a committee of the Assembly;

(g) disobedience to a warrant requiring the attendance of a witness before the Assembly or a committee of the Assembly, refusal or neglect to obey a warrant issued pursuant to section 14(2), or failure or refusal to give aid and assistance when it is commanded under section 14(3);

(h) forging, falsifying or wrongfully altering

(i) a record of, or

(ii) a document presented to or filed with or intended to be presented to or filed with,

the Assembly or a committee of the Assembly;

(i) the setting or subscribing by any person of the name of another person to any document presented or to be presented to the Legislative Assembly or a committee of the Assembly with intent to deceive;

(j) presenting to the Assembly or a committee of the Assembly a document referred to in clause (h) or (i) with intent to deceive;

(k) taking any civil proceeding against, or causing or effecting the arrest or imprisonment of a Member in any civil proceeding, for or by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise, or anything said by him, before the Assembly or a committee of the Assembly;

(l) causing or effecting the arrest, detention or molestation of a Member of the Assembly for any cause of a civil nature;

(m) a contravention of an order of the Assembly.

Order of
punishment

11(1) Every person who is found by the Assembly to have committed a breach of privilege or a contempt under section 10, in addition to any other penalty or punishment to which he may be subject by law, is liable to the following:

(a) imprisonment for such period of time during the session of the Assembly then being held that the Assembly by order determines;

(b) a penalty in an amount determined by order of the Assembly;

(c) in the case of a Member, the suspension of his right to sit and vote in the Assembly for a stated period or until the fulfilment of a condition in the order.

(2) If the Legislative Assembly makes an order under subsection (1)(a), the Speaker shall issue his warrant to the Sergeant-at-Arms, a peace officer or the director of a correctional institution as defined in the *Corrections Act* to cause the person against whom the order is

made to be arrested and taken into and kept in custody in accordance with the order.

Assembly as
a court

12(1) The Assembly is a court for the purpose of exercising its powers and jurisdiction under sections 10 and 11 and its decisions and orders under those sections are final.

(2) A decision or order of the Assembly under section 10 or 11 does not affect the liability of the offender to prosecution and punishment according to law and independently of this Act.

Members'
immunities

13(1) A Member is not liable to any civil action or prosecution, arrest, imprisonment or damages by reason of any matter or thing brought by him before the Assembly or any committee of the Assembly by petition, bill, resolution, motion or otherwise or by reason of anything said by him in the Assembly or any committee of the Assembly.

(2) A Member is not liable, except by reason of an order under section 11(1), to arrest or detention for any cause that is civil in nature and within the legislative jurisdiction of the Legislature.

Compelling
attendance of
witnesses

14(1) The Assembly or a committee of the Assembly may by order summon before the Assembly or the committee, as the case may be, any person as a witness and require him to give evidence on oath orally or in writing and to produce any documents and things the Assembly or committee considers necessary in any of its proceedings or deliberations.

(2) If the Assembly or the committee requires the attendance of a person as a witness by an order under subsection (1), the Speaker may issue a warrant directing the person to attend and produce any documents and things mentioned in the order.

(3) An order or warrant under this section may command the aid and assistance of a sheriff or peace officer.

Non-liability for
acts done under
authority of
Assembly

15 No person is liable in damages or otherwise for any act done

(a) under the authority of the Assembly and within its powers, or

(b) under an order or warrant issued under the authority of the Assembly.

Division 3

Assembly Officers and Staff

The Speaker

16(1) The Assembly on first convening after a general election shall, as soon as possible, elect one of its Members as Speaker of the Legislative Assembly.

(2) If a vacancy occurs in the office of Speaker, the Legislative Assembly shall, as soon as possible, elect another of its Members as Speaker.

(3) Except as otherwise provided in this Act, the Speaker shall preside at all sittings of the Legislative Assembly.

(4) The person who is Speaker at the time of the dissolution of the Legislature continues to hold office as the Speaker until the expiration of the day preceding the day fixed by Proclamation for the next sitting of the Legislature to begin.

Deputy Speaker
and Deputy
Chairman

17(1) The Legislative Assembly shall elect one of its Members as Deputy Speaker and Chairman of Committees and another of its Members as Deputy Chairman of Committees.

(2) If, pursuant to the standing orders of the Assembly, a person presides at the proceedings of the Assembly in place of the Speaker, that person has all the powers and duties of the Speaker in relation to all matters arising in the Assembly while that person is so presiding, and everything done by the Assembly while that person is so presiding is as valid as if he were the Speaker.

Acting Speaker

18 Subject to the standing orders of the Assembly respecting proceedings in the Assembly in the absence of the Speaker,

(a) the Deputy Speaker is the Acting Speaker for all purposes in the event of the absence of the Speaker or a vacancy in the office of the Speaker, and

(b) the Deputy Chairman is the Acting Speaker for all purposes in the event that

(i) the Speaker is absent or there is a vacancy in the office of the Speaker, and

(ii) the Deputy Speaker is absent or there is a vacancy in the office of Deputy Speaker.

Legislative
Assembly Office

19(1) There is hereby established the Legislative Assembly Office which shall be presided over by the Speaker and consist of

(a) the Clerk and the other officers of the Assembly who are not Members, and

(b) those persons employed to assist in the conduct of the business and affairs of the Assembly.

(2) On the recommendation of the Speaker, the Members' Services Committee may by resolution direct that

(a) any regulation, order or directive made under the *Financial Administration Act*, or

(b) any regulation, order, directive, rule, procedure, direction, allocation, designation or other decision under the *Public Service Act*,

be inapplicable to, or be varied in its operation in respect of, the Legislative Assembly Office or any particular officer or employee or class of employees in the Legislative Assembly Office.

(3) A direction made under subsection (2)(a) in relation to a regulation, order or directive made under the *Financial Administration Act* operates notwithstanding that Act.

Powers of
Assembly in
relation to its
officers

20 Notwithstanding the *Public Service Act*, the Assembly by resolution may

- (a) require that the appointment of any officer of the Legislative Assembly is to be made by the Assembly or a committee of the Assembly instead of being made under the *Public Service Act*,
- (b) confer or impose any power or duty on an appointed officer of the Assembly, or
- (c) dismiss, or suspend the appointment of, any officer or employee of the Legislative Assembly Office.

Financing of
operations

21(1) The Members' Services Committee shall

- (a) prepare and approve in respect of each fiscal year an estimate of the sum that will be required to be provided by the Legislature toward defraying the several charges and expenses of the Legislative Assembly Office during that fiscal year, and
- (b) transmit the approved estimate to the Provincial Treasurer for presentation to the Assembly.

(2) If at any time the Assembly is not in session

- (a) the Speaker certifies to the Lieutenant Governor in Council that, in the public interest, an expenditure of public money is urgently required in respect of any matter pertaining to the Legislative Assembly Office, and
- (b) the Provincial Treasurer reports to the Lieutenant Governor in Council that either
 - (i) there is no supply vote under which an expenditure with respect to that matter may be made, or
 - (ii) there is a supply vote under which an expenditure with respect to that matter may be made but the authority available under the supply vote is insufficient,

the Lieutenant Governor in Council may order a special warrant to be prepared to be signed by himself authorizing the expenditure of the amount estimated to be required.

(3) When the Assembly is adjourned for a period of more than 14 days, then, for the purposes of subsection (2), the Assembly shall be deemed not to be in session during the period of the adjournment.

(4) When a special warrant is prepared and signed under subsection (2) on the basis of a report referred to in subsection (2)(b)(i), the authority to spend the amount of money specified in the special warrant for the purpose specified in the special warrant is deemed to

be a supply vote for the purposes of the *Financial Administration Act* for the fiscal year in which the special warrant is signed.

(5) When a special warrant is prepared and signed under subsection (2) on the basis of a report referred to in subsection (2)(b)(ii), the authority to spend the amount of money specified in the special warrant is, for the purposes of the *Financial Administration Act*, added to and deemed to be part of the supply vote to which the report relates.

(6) When a special warrant has been prepared and signed pursuant to this section, the amounts authorized by it are deemed to be included in, and not to be in addition to, the amounts authorized by the Act, not being an Act for interim supply, enacted next after it for granting to Her Majesty sums of money to defray certain expenditures of the Public Service of Alberta.

PART 2

MEMBERSHIP OF THE ASSEMBLY

Oath of
allegiance

22(1) Before being permitted to take his place in and to vote in the Assembly, a Member shall take an oath of allegiance in the following form:

“I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her heirs and successors according to law. So help me God.”

(2) The Member, instead of taking an oath, may make a solemn declaration and affirmation in the form of the oath prescribed in subsection (1), substituting the words “solemnly and truly declare and affirm” for the word “swear”, and omitting the words “So help me God”.

Division 1

Disqualification

Interpretation

23(1) In this Division,

(a) “Crown” means the Crown in right of Alberta and includes a Provincial agency;

(b) “Provincial agency” means a Provincial agency as defined in the *Financial Administration Act* but does not include a corporation enumerated in section 2(5) of that Act;

(c) “publicly-traded shares” means

(i) shares of a corporation that are listed or posted for trading on a recognized stock exchange in Canada or the United States of America, or

(ii) shares of a corporation that has more than 15 shareholders and any of whose issued shares, or securities which may

or might be exchanged for or converted into shares, were part of a distribution to the public;

(d) "senior officer" means, with reference to a corporation,

(i) the president, vice-president, secretary, comptroller, treasurer or general manager of the corporation, or

(ii) any other person who performs functions for the corporation similar to those normally performed by persons holding the offices referred to in subclause (i).

(2) For the purposes of this Division, shares of a corporation

(a) issued on a conversion of other securities, or

(b) issued in exchange for other securities

are deemed to be shares that are part of a distribution to the public if those other securities were part of a distribution to the public.

(3) Subject to subsection (4), for the purposes of this Division, shares of a corporation

(a) are part of a distribution to the public if, in respect of the shares, there has been a filing of a prospectus, statement of material facts, registration statement, securities exchange take-over bid circular or similar document under the laws of Canada or a province or a jurisdiction outside Canada, or

(b) are deemed to be part of a distribution to the public if the shares have been issued and a filing referred to in clause (a) would be required if the shares were being issued currently.

(4) On the application of a Member who is a beneficial owner of shares of a corporation, the Court may determine that the shares of the corporation are not or were not part of a distribution to the public for the purposes of this Division only.

Persons directly
associated with a
Member

24(1) For the purposes of this Division, a person is directly associated with a Member if that person is

(a) the Member's spouse except where the Member and the spouse are living apart and are separated pursuant to a judicial separation or written separation agreement;

(b) a corporation having share capital and carrying on business or activities for profit or gain and the Member is a director or senior officer of the corporation;

(c) a corporation carrying on business or activities for profit or gain and the Member is the beneficial owner of shares of the corporation other than

(i) publicly-traded shares, or

(ii) shares held in a blind trust;

(d) a partnership

(i) of which the Member is a partner, or

(ii) of which one of the partners is a corporation directly associated with the Member by reason of clause (b) or (c);

(e) a person or group of persons acting as the agent of the Member and having actual authority in that capacity from the Member.

(2) For the purposes of this Division, a trust is a “blind trust” if it meets the following criteria:

(a) the Member is the settlor of the trust;

(b) the trustee is not

(i) the Member,

(ii) a person directly associated with the Member, or

(iii) a corporation of which the Member is an employee;

(c) the terms of the trust

(i) authorize and direct the trustee to deal with the trust property without first informing the Member or otherwise communicating with the Member in respect of the trustee’s transactions respecting the trust property, and

(ii) prohibit the Member from having any control over or involvement with the administration of the trust property;

(d) the terms of the trust require that the trustee shall not identify to the Member

(i) any of the assets included in the trust property, or

(ii) the sources of income of the trust property other than by describing the general nature of the classes of income;

(e) the terms of the trust, if they permit the Member to appoint another person as his agent to examine or audit the records of the trustee and to sue on his behalf for a breach of trust or for any accounting, prohibit that agent from disclosing any information to the Member that the trustee himself is prohibited from disclosing to the Member in relation to the trust property.

Loss of
citizenship

25 A Member is disqualified from membership of the Assembly if he ceases to be a Canadian citizen.

Disqualification
in relation to
election financial
statements

26 A person is disqualified from membership of the Assembly if

(a) the Speaker has laid a report before the Assembly pursuant to section 36(1) of the *Election Finances and Contributions Disclosure Act*,

(b) that person was the registered candidate or the chief financial officer of the registered candidate referred to in the report, and

(c) the financial statement to which the report relates has not been filed with the Chief Electoral Officer and the Court has not dispensed with compliance with section 35 of that Act by an order under section 36(3)(a) of that Act.

27(1) A person is disqualified from membership of the Assembly if that person

(a) is at the time he becomes a Member, or becomes at any time while he is a Member, a member of the Senate or House of Commons of Canada,

(b) is at the time he is sworn in as a Member, or becomes at any time after he is sworn in as a Member,

(i) an employee of the Crown in right of Canada, whether the employment is permanent or temporary or on a full-time or part-time basis, or

(ii) the holder of an office to which he is appointed by or at the nomination of the Governor in Council or a Minister of the Crown in right of Canada, and to which a salary is attached,

or

(c) becomes at any time while he is a Member

(i) an employee of the Crown, whether the employment is permanent or temporary or on a full-time or part-time basis, or

(ii) the holder of any of the offices described in the Schedule.

(2) Except as provided in subsection (1),

(a) a person is not disqualified from membership of the Assembly by reason of his holding an office or place of employment from the Crown or any other office or place of employment, and

(b) a person is not ineligible for appointment to or for holding any office or place by reason of his being a Member.

(3) If a person is, immediately before becoming a Member,

(a) an employee of the Crown, whether his employment is permanent or temporary or on a full-time or part-time basis, or

(b) the holder of any of the offices set out in the Schedule,

that person, on becoming a Member, ceases to be an employee of the Crown or the holder of the office, as the case may be, notwithstanding any other Act or law in force in Alberta.

(4) Nothing in this section operates to make a Member liable to disqualification by reason of being appointed to an office described

in the Schedule in his capacity as a Minister of the Crown if he receives no remuneration as the holder of that office other than reasonable travelling and living expenses incurred in the course of serving in that office.

(5) If a place of employment from the Crown is held pursuant to a contract of employment, the employment shall be governed by this section and not by section 28.

Disqualifying
contracts

28(1) A Member is disqualified from membership of the Assembly if, while he is a Member, he or a person directly associated with him becomes a party to a contract within any of the following classes:

(a) a contract under which the Member or the person directly associated with him borrows money from a treasury branch;

(b) a contract under which the Member or the person directly associated with him conveys or agrees to convey to the Crown any interest in land otherwise than

(i) by consenting to the acquisition by the Crown of the interest under section 30 of the *Expropriation Act* and executing a conveyance under that section, or

(ii) with the approval of the Court under an order certifying that the consideration for the conveyance is fair and reasonable;

(c) a contract to which the Crown is also a party and which is for the construction, demolition, alteration or repair of a public work;

(d) a contract under which the Alberta Agricultural Development Corporation lends money to, or guarantees a debt of, the Member or the person directly associated with him;

(e) a contract under which the Alberta Opportunity Company lends money to, or guarantees a debt of, the Member or the person directly associated with him;

(f) a contract to which the Crown is also a party, other than a contract referred to in clauses (a) to (e), if the Member or the person directly associated with the Member received a preference from the Crown in entering into the contract or received a benefit under the contract not available to other members of the public under contracts of the same class.

(2) Notwithstanding subsection (1), a Member may not be declared disqualified from membership of the Assembly in respect of a contract to which that subsection would otherwise apply if

(a) at the time he became a Member, the Member or the person directly associated with him was a party to the contract,

(b) the contract is to be renewed according to its provisions or is to be renegotiated,

subsection (1)(a) to (e),

(d) the Court, before the renewal is made or the replacement contract is executed by the Member or the person directly associated with him, makes an order certifying its opinion that

(i) the provisions of the renewal or the replacement contract are fair and reasonable in the circumstances, having regard to the provisions of the existing or previous contract,

(ii) in the case of a renewal, the renewal will be effected in accordance with the provisions of the contract pertaining to its renewal, and

(iii) the Member or the person directly associated with the Member has not received any preference from the Crown in relation to the renewal or in negotiating the replacement contract and will not receive a benefit under the renewal or replacement contract not available to other members of the public under contracts of the same class.

Disqualifying
payments

29(1) A Member is disqualified from membership of the Assembly if, while he is a Member, he or a person directly associated with him accepts a payment of public money from the Crown or a person acting on behalf of the Crown otherwise than as permitted by subsection (2).

(2) Subject to this Act, a Member or a person directly associated with him may accept a payment of public money that is made by the Crown or a person acting on behalf of the Crown to the Member or to a person directly associated with the Member if

(a) the payment is made to the Member pursuant to Part 3 or 4 or otherwise to him in his capacity as a Member of the Assembly, as a member of the Executive Council or as the holder of an office to which he is elected by the Assembly or appointed by or at the nomination of the Lieutenant Governor in Council or a Minister of the Crown in right of Alberta, and the payment is authorized by or pursuant to

(i) this Act or any other enactment,

(ii) a resolution or order of the Assembly, or

(iii) a supply vote or Heritage Fund vote as defined in the *Financial Administration Act*;

(b) the recipient was, according to the enactment authorizing the payment, entitled to the payment as a matter of right or subject only to compliance with the requirements of that enactment that are conditions precedent to the payment, or

(c) the recipient of the payment

(i) was, according to the enactment under which the payment was authorized, eligible to apply for the payment and com-

plied with the requirements of that enactment that were conditions precedent to the payment,

(ii) in respect of his application was given no preference not available to others, and

(iii) received no special benefit in relation to his application or the payment.

(3) This section does not apply to a payment under a contract to which section 28 applies.

When person
deemed a
Member under
sections 28 and
29

30 If a person ceases to be a Member by reason of dissolution of the Assembly or otherwise and again becomes a Member by reason of being elected in the succeeding general election or by-election, as the case may be, then, for the purposes of sections 28 and 29, the person is deemed to be a Member during the intervening period.

Disclosure and
annual reports

31(1) Every person who is a Member at the date of the commencement of this section shall, not later than 90 days after that date, furnish to the Clerk a return showing

(a) the name and address of each person with whom he was directly associated on April 1, 1983 and of the persons with whom he became associated after that date and before the date of the return, and

(b) if the Member's direct association with any person referred to in clause (a) terminated before the date of the return, the date of the termination.

(2) Every person who becomes a Member after the commencement of this section shall, within 90 days after the day on which he becomes a Member, furnish to the Clerk a return showing

(a) the name and address of each person with whom the Member was directly associated on the day he became a Member and with whom he became directly associated after that date and before the date of the return,

(b) if the Member's direct association with any person referred to in clause (a) terminated before the date of the return, the date of the termination.

(3) Every Member shall furnish to the Clerk

(a) a return showing

(i) the name and address of each person with whom the Member became directly associated on or after the date of his initial return under subsection (1) or (2), and

(ii) the date on which the direct association began,

within 30 days after the direct association began, and

(b) a return showing the date on which his direct association with any person terminated, within 30 days after that date.

(4) Where a person ceases to be a Member by reason of dissolution of the Legislature or otherwise,

(a) he shall, within 30 days after ceasing to be a Member, furnish a return to the Clerk showing

(i) the name and address of each person with whom he became directly associated or with whom he ceased to be directly associated on or after the date of his last return under this section, and

(ii) the date on which the direct association began or terminated, as the case may be,

and

(b) if he again becomes a Member in the succeeding general election or by-election, as the case may be, he shall, within 30 days after he again becomes a Member, furnish a return to the Clerk showing

(i) the name and address of each person with whom he became directly associated or with whom he ceased to be directly associated in the intervening period, and

(ii) the date on which the direct association began or terminated, as the case may be.

(5) The Provincial Treasurer shall, after the end of each Government fiscal year, prepare a report showing in respect of each person who was a Member during that fiscal year

(a) the names of the persons directly associated with the Member in that fiscal year and the period of the direct association, as indicated by the returns furnished by the Member pursuant to this section,

(b) information relating to payments made by the Crown to the Member in that fiscal year, and

(c) information relating to payments made by the Crown in that fiscal year to the respective persons directly associated with the Member in that fiscal year, as indicated by the returns furnished by the Member pursuant to this section.

(6) The Provincial Treasurer, in providing the information referred to in subsection (5)(b) and (c) in a report under that subsection,

(a) may classify payments in any manner he considers appropriate,

(b) shall show in respect of each class of payments the aggregate amount of the payments of that class made to each Member and to each person directly associated with him in the fiscal year, and

(c) shall show in respect of each person who was a Member in the fiscal year to which the report relates the aggregate amount of all payments of all classes made to that Member and the ag-

gregate amount of all payments of all classes made to each person directly associated with the Member in the fiscal year.

(7) A report prepared under subsection (5) shall not include

- (a) payments made to or on behalf of the Member pursuant to Part 3 or 4,
- (b) payments required to be included in a report under section 43,
- (c) payment of benefits under the *Alberta Health Care Insurance Act*,
- (d) payments of social allowances or handicap benefits under the *Social Development Act*,
- (e) payment of handicap benefits under the *Assured Income for the Severely Handicapped Act*,
- (f) payment under the *Senior Citizens Benefits Act*,
- (g) pensions under the *Widows' Pension Act*,
- (h) compensation paid under the *Workers' Compensation Act*,
- (i) payments made by way of student financial assistance under the *Students Finance Act*,
- (j) refunds in respect of overpayments under the *Alberta Corporate Income Tax Act*, or
- (k) any other class of payment by the Crown, if the disclosure in the report of the identity of the recipients would contravene any law in force in Alberta that contains confidentiality requirements in respect of that class of payments.

(8) When a report under subsection (5) is prepared, the Provincial Treasurer shall lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

When
disqualification
occurs

32(1) A Member is not disqualified from membership of the Assembly under section 25 until the Court, in an action under section 34, makes a finding that the Member is disqualified.

(2) A Member is not disqualified from membership of the Assembly under section 26, 27, 28 or 29 until

- (a) the Court makes a finding that the Member is disqualified in a judgment made under section 33(5) or 34, and
- (b) the Member has been declared disqualified by the Assembly pursuant to section 35.

Application to
Court for advice
and directions

33(1) A Member may apply ex parte to the Court for the advice and direction of the Court

- (a) as to whether or not an existing or proposed contract is one in respect of which he is disqualified from membership of the Assembly under section 28, or
 - (b) as to whether or not a payment he or a person directly associated with him has received or is about to receive is one in respect of which he would be liable to be disqualified from membership of the Assembly under section 29.
- (2) The Court shall state its advice in an order and a certified copy of the order together with the Court's reasons shall be delivered to the Clerk of the Assembly.
- (3) If the advice of the Court is that an existing contract or a payment already received, as the case may be, is one in respect of which the Member is disqualified from membership of the Assembly under section 28 or 29, the order of the Court may also
 - (a) in the case of an existing contract, give directions to the Member, with or without conditions, as to how the Member may remove the cause of disqualification and prescribing the time within which the Member must do so, or
 - (b) in the case of a payment, give directions to the Member, with or without conditions, as to the repayment of the money and prescribing the time within which the repayment must be made.
- (4) The Court may from time to time, with or without conditions, extend a period of time prescribed pursuant to subsection (3)(a) or (b).
- (5) If a Member does not file with the Court evidence satisfactory to the Court that he has complied with directions of the Court given pursuant to subsection (3) within the time prescribed by the order or any extension of that time given under subsection (4), the Court may make a judgment finding that the Member is disqualified under section 28 or 29, as the case may be, by reason of the contract or payment, and giving the reasons for the finding.
- (6) When a judgment is entered pursuant to subsection (5), a certified copy of it shall be delivered to the Clerk of the Assembly.
- (7) Where a judgment entered under subsection (5) is appealed, the Registrar of the Court of Appeal
 - (a) shall deliver a certified copy of the judgment and reasons of the Court of Appeal to the Clerk of the Assembly, or
 - (b) if the appeal is abandoned, shall give written notice of the abandonment to the Clerk of the Assembly.
- (8) No proceeding under this section and no order under subsection (3)
 - (a) operates as a bar to any action under section 34 or to any proceedings in the Assembly under section 35, or

(b) is binding on the Court in an action under section 34 or on the Assembly in proceedings under section 35.

(9) The Clerk of the Assembly shall maintain a registry of the orders and judgments delivered to him under this section and section 34.

Action for
finding of
disqualification

34(1) An action for a finding that a Member is disqualified under section 25, 26, 27, 28 or 29 may be commenced in the Court by any person who, if the date on which the action is commenced were the polling day for a general election under the *Election Act*, would be eligible to vote at that election.

(2) In an action under this section, the statement of claim shall

(a) be filed in a judicial district in which all or part of the Member's electoral division is located,

(b) show the Member concerned as the sole defendant,

(c) state the grounds of disqualification relied on by the plaintiff, and

(d) ask the Court to find that the Member is disqualified on the grounds so stated.

(3) An action under this section shall be conducted in the same manner, and is appealable in the same manner, as in the case of an action for a declaratory judgment.

(4) The judgment of the Court shall limit its findings to whether or not the Member is disqualified under section 25, 26, 27, 28 or 29 on one or more of the grounds alleged in the statement of claim and the reasons for the findings, and on entry of the judgment, a certified copy of it shall be delivered to the Clerk of the Assembly.

(5) Where the judgment of the Court is appealed, the Registrar of the Court of Appeal

(a) shall deliver a certified copy of the judgment and reasons of the Court of Appeal to the Clerk of the Assembly, or

(b) if the appeal is abandoned, shall give written notice of the abandonment to the Clerk of the Assembly.

(6) If an action is commenced under this section and is being prosecuted in good faith or has resulted in a judgment, no other action may be commenced under this section against the same Member on a ground of disqualification based on the same or substantially the same facts.

Assembly
proceedings
following Court
finding

35(1) On receiving

(a) a copy of the judgment of the Court of Queen's Bench under section 33(5) or 34,

(b) a copy of the judgment of the Court of Appeal delivered pursuant to section 34(5), or

(c) a notice of the abandonment of an appeal delivered pursuant to section 33(7) or 34(5),

the Clerk of the Assembly shall lay the copy of the judgment or the notice, as the case may be, before the Assembly at the earliest opportunity.

(2) When a copy of a judgment containing a finding of disqualification is laid before the Assembly pursuant to subsection (1), the judgment thereupon stands referred to the Select Standing Committee on Privileges and Elections, Standing Orders and Printing for its review and report.

(3) After the tabling of the Select Standing Committee's report under subsection (2), the Assembly may

(a) declare the Member to be disqualified from membership of the Assembly,

(b) if it finds that disqualification is not warranted in the circumstances but the Member is nevertheless deserving of punishment, by order suspend the Member's right to sit and vote on the Assembly for a stated period or until the fulfilment of a condition in the order, or

(c) declare that the Member is not disqualified if it finds that the allegations in the motion are not proven or that disqualification is not warranted in the circumstances.

(4) A declaration of disqualification of a Member made by the Assembly under subsection (3)(a), or a finding of disqualification made by the Court under section 34, operates to vacate the Member's seat in the Assembly.

Division 2

Vacancies in Membership

Expulsion **36** The Assembly may, after a hearing conducted in accordance with its standing orders, expel a Member for any cause that is sufficient in the opinion of the Assembly.

Resignation **37(1)** A Member may resign his seat as a Member
(a) by declaring openly in his place in the Assembly during its proceedings that he resigns his seat as a Member, or
(b) by delivering a resignation signed by him and attested by 2 witnesses to the Clerk.

(2) When a Member resigns his seat in accordance with subsection (1), the seat immediately becomes vacant.

(3) The resignation of a Member does not affect his liability to prosecution for an offence under Part 5 or 6 of the *Election Act*.

Order for election to fill vacancy **38(1)** When a vacancy occurs in the membership of the Assembly, the Clerk shall

(a) issue and deliver his warrant to the Chief Electoral Officer for the issue of a writ for the election of a Member to fill the vacancy, and

(b) deliver a copy of the warrant to the Clerk of the Executive Council.

(2) Within 6 months after the delivery of the warrant to the Chief Electoral Officer, an order shall be made under section 36 of the *Election Act* authorizing the issue of a writ for an election to fill the vacancy.

(3) Notwithstanding subsection (2), an order need not be made under section 36 of the *Election Act* if the vacancy occurs during the last year of the legal life of the Assembly.

(4) If the Legislature is dissolved after the issue of the writ referred to in subsection (2) and before an election is held under the writ, the writ is revoked on the dissolution of the Legislature.

(5) A vacancy in the membership of the Assembly does not invalidate any proceedings of the Assembly.

PART 3

REMUNERATION OF MEMBERS

Members' Allowances, Expenses and Benefits

Members' indemnity and expense allowances

39(1) There shall be paid to each Member

(a) an indemnity allowance at the rate of \$24 310 a year, and

(b) an expense allowance at the rate of \$7150 a year.

(2) The expense allowance referred to in subsection (1) is provided to each Member to pay for expenses of that Member incident to the discharge of his duties as a Member.

(3) The allowances under this section shall be paid in monthly amounts of not more than 1/12 of the rate of the yearly allowance.

(4) For the purpose of computing the amount of an allowance payable under this section, the Member is deemed

(a) to have been a Member from the polling day of the election in which he was a candidate, and

(b) when the Legislature is dissolved, to remain a Member until

(i) the day preceding the polling day of the general election following the dissolution, or

(ii) the date of the Member's death,

whichever occurs first.

Deductions from allowances

40 Deductions shall be made at the rate of \$75 a day from the indemnity allowance and at the rate of \$25 a day from the expense

allowance of a Member for each day in excess of 10 sitting days during a session on which the Member did not either take his seat in the Assembly or a meeting of a committee of the Assembly otherwise than by reason of

- (a) illness or injury,
- (b) bereavement, or
- (c) public or official business.

Allowance for temporary residence in Edmonton

41(1) Subject to subsections (2) and (3), where it is reasonably necessary for a Member to live in a temporary residence in or near Edmonton for the purpose of carrying out his duties as a Member, the Member may claim and be paid an allowance at the rate of \$75 a day for

- (a) each day of the session during which he was a Member and maintained that residence,
- (b) each day on which he was in or near Edmonton on public or official business and maintained that residence
 - (i) during a period of adjournment of a session of more than 8 days, or
 - (ii) during a period when the Assembly was not in session.

(2) A Member is not entitled to receive a payment under subsection (1)(a) in respect of any day in respect of which a deduction is made from his allowances under section 40.

(3) A Member is not entitled to receive payments under subsection (1)(b) in respect of more than 24 days in any year.

Allowances and expenses for committee work

42(1) During intervals between sessions of the Assembly or while it is adjourned for more than 8 days, a Member who serves on a committee appointed by resolution of the Assembly is entitled to be paid in respect of that service

- (a) an allowance of \$100 a day for each day on which he attends a meeting of the committee or is otherwise engaged in the business and affairs of the committee,
- (b) an allowance in respect of his living expenses at the rate of \$75 per day
 - (i) for each day on which he attends committee meetings or is otherwise engaged in the business and affairs of the committee, and
 - (ii) for each additional day required for travel in connection with the matters referred to in subclause (i),

and

- (c) his reasonable travelling expenses for travel otherwise than by private automobile, or an allowance for every kilometre trav-

elled by private automobile at a rate per kilometre prescribed by the Speaker on the recommendation of the Members' Services Committee.

- (2) No Member is entitled to be paid any amount under subsection (1) in respect of service on more than one committee on the same day.

Members' fees
and expenses for
service on
boards, etc.

43(1) Unless the Lieutenant Governor in Council orders otherwise, a Member is entitled to the payment of his reasonable living and travelling expenses incurred in the course of

(a) serving as a member of any board, commission, committee or other body to which he is appointed by the Lieutenant Governor in Council, a Minister of the Crown or by a regulation,

(b) attending a meeting of the Commonwealth Parliamentary Association or one or more branches of that Association or serving as a delegate to a meeting of any other parliamentary association or any of its divisions, or

(c) attending any meeting or event as a representative of the Assembly, the Speaker of the Assembly, the Government of Alberta or a Minister of the Crown.

- (2) For the purposes of subsection (1),

(a) a Member may be paid for travelling or living expenses by way of reimbursement for those expenses from the Government or the board, commission, committee or other body, as the case may be, or the Government or the board, commission, committee or other body, as the case may be, may pay those expenses directly to the person entitled to payment in respect of them;

(b) any registration fee payable in connection with the attendance by a member of the Assembly at any meeting or event shall be deemed to be a reasonable travelling or living expense.

- (3) If a Member holds office as a member of a board, commission, committee or other body to which he is appointed by the Lieutenant Governor in Council or a Minister of the Crown or by a regulation,

(a) he may be paid fees by the Crown or by that body only if the Lieutenant Governor in Council

(i) authorizes the payment of those fees, and

(ii) prescribes the amount or rate of those fees;

(b) the Lieutenant Governor in Council may authorize the provision to or for the use of the Member of any services or things related to the performance of his duties as a member of the board, commission, committee or other body if his rate of fees is fixed at a monthly or yearly rate.

- (4) The Provincial Treasurer shall, after the end of each Government fiscal year, prepare a report setting out

(a) the name of each board, commission, committee or other body referred to in subsections (1) and (3) and the Members of the Assembly who served on them during that fiscal year, and

(b) the amounts paid in that fiscal year by the Government as fees and as travelling and living expenses under this section in respect of each Member of the Legislative Assembly and the persons to whom and the time at which those amounts were paid,

and on preparation of the report shall lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

Disability
benefits

44(1) In this section “disability benefits” means payments made pursuant to the regulations under this section.

(2) The Lieutenant Governor in Council may make regulations

(a) authorizing the payment by the Provincial Treasurer of disability benefits to persons who become mentally or physically disabled while holding any of the following offices:

(i) a Member of the Legislative Assembly,

(ii) the Speaker, the Deputy Speaker or the Deputy Chairman,

(iii) the Leader of Her Majesty’s loyal opposition, or

(iv) a member of the Executive Council;

(b) subject to subsection (3), prescribing the amounts payable as disability benefits or the methods to be used to calculate disability benefits;

(c) prescribing the conditions that must be met before disability benefits are payable in any case;

(d) prescribing the circumstances under which disability benefits are to be reduced or are no longer to be paid;

(e) prescribing the procedure for determining any question arising as to whether disability benefits are payable or the amount of the benefit payable and for reviewing any decision regarding eligibility for benefits or the amount of any benefit.

(3) Regulations made pursuant to this section shall be substantially the same, as far as is practical, as regulations that relate to long term disability income continuance made pursuant to the *Public Service Act*.

Other allowances
and benefits

45 The Members’ Services Committee may authorize, on such conditions as it prescribes,

(a) the payment of allowances and expenses related to the establishment and maintenance of constituency offices of Members;

- (b) the payment of benefits related to the participation of Members in group insurance plans;
- (c) the payment of other allowances or benefits to or on behalf of Members or any class of Members if they are related to the performance of their duties as Members;
- (d) the provision to or for the use of Members of any services or things if they are related to the performance of their duties as Members or to the performance of their duties as Speaker, Deputy Speaker, Deputy Chairman or Leader of Her Majesty's loyal opposition respectively.

Salaries and Other Allowances

Salaries of
Speaker, Deputy
Speaker and
Deputy
Chairman

46(1) The following salaries shall be paid to the Speaker, the Deputy Speaker and the Deputy Chairman:

- (a) in the case of the Speaker, a salary at a rate equal to that payable to a member of the Executive Council under section 50(1)(a)(ii),
- (b) in the case of the Deputy Speaker, a salary at a rate equal to 50% of that payable to the Speaker, and
- (c) in the case of the Deputy Chairman, a salary at a rate equal to 25% of that payable to the Speaker.

(2) The Speaker, Deputy Speaker and Deputy Chairman shall be paid their reasonable travelling and living expenses incurred in the performance of the duties of their respective offices.

(3) For the purpose of computing the amount of a salary payable under subsection (1) to the Deputy Speaker or Deputy Chairman,

- (a) the Member who first occupies the office after the commencement of the first session of the Legislature following a general election is deemed to have held the office from the polling day of that general election, and
- (b) when the Legislature is dissolved, the Member then holding the office of Deputy Speaker or Deputy Chairman is deemed to remain in the office until

(i) the day preceding the polling day of the general election following the dissolution, or

(ii) the date of his death,

whichever occurs first.

(4) If the holder of the office of Speaker, Deputy Speaker or Deputy Chairman changes, then for the purpose of computing the amount of salary payable to the Member succeeding to the office, the Member is deemed to have held the office from the day following the day on which his predecessor ceased to hold it.

Salary of Leader
of the Opposition

47(1) There shall be paid to the Member who is recognized by the Speaker as the Leader of Her Majesty's loyal opposition a salary at a rate equal to that payable to a member of the Executive Council under section 50(1)(a)(ii).

(2) For the purpose of computing a salary payable under this section,

(a) the Member who first occupies the office of Leader of Her Majesty's loyal opposition after the commencement of the first session of the Legislature following a general election is deemed to have held the office from the polling day of that general election,

(b) if the holder of the office of Leader of Her Majesty's loyal opposition changes, the Member succeeding to the office is deemed to have occupied it from the day following the day on which his predecessor ceased to occupy it, and

(c) when the Legislature is dissolved, the Member holding the office of Leader of Her Majesty's loyal opposition is deemed to remain in that office until

(i) the day preceding the polling day of the general election following the dissolution, or

(ii) the date of his death,

whichever is earlier.

(3) If the Speaker does not recognize any Member as the leader of Her Majesty's loyal opposition, he may direct the apportionment of the salary that would otherwise be payable under subsection (1) to 1 or more of the Members sitting in opposition to the government party in the Assembly.

(4) A Member to whom a salary is paid by reason of the Speaker's direction under subsection (1) is deemed to be the Leader of Her Majesty's loyal opposition for the purposes of subsection (2) and sections 42 and 48 and the *M.L.A. Pension Act* in respect of the salary so paid to him.

Allowance to
leader of
recognized
opposition party

48(1) In this section, "recognized opposition party" means a party that

(a) is represented in the Assembly by at least 4 Members, and

(b) received at least 5% of the popular vote in the general election immediately preceding the year in which the allowance in subsection (2) is to be paid.

(2) There shall be paid to a member who is the leader of a recognized opposition party, except the Leader of Her Majesty's loyal opposition, an allowance at a rate equal to 25% of the rate of salary payable to a member of the Executive Council pursuant to section 50(1)(a)(iii).

Adjustment

Adjustment of
allowances,
salaries and
deductions

49(1) If in December of a calendar year, the average of the All-items Consumer Price Index for Edmonton and Calgary for that year published by Statistics Canada is at least 5% more than that average in December of the immediately preceding year for that year, the allowances, salaries and deductions provided for in sections 39, 40, 46 and 47 shall be increased by 5%, effective January 1 of the year following the year in which the increase occurs.

(2) If in December of a calendar year, the average of the All-items Consumer Price Index for Edmonton and Calgary for that year published by Statistics Canada is at least 5% less than that average in December of the immediately preceding year for that year, the allowances, salaries, expenses and deductions provided for in sections 39, 40, 46 and 47 shall be decreased by 5%, effective January 1 of the year following the year in which the decrease occurs.

(3) If the percentage increase or decrease for the calendar year referred to in subsection (1) or (2) is less than 5%, it shall be carried over and added to the percentage increases or decreases in every following year until the cumulative total in December of a year reaches at least 5% and, in that case, subsection (1) or (2), as the case may be, applies to that year.

PART 4

THE EXECUTIVE COUNCIL

Salaries of
Executive
Council members

50(1) There shall be paid to the members of the Executive Council

(a) a salary at the rate of

(i) \$45 494 a year, in the case of the President of the Executive Council,

(ii) \$37 044 a year, in the case of a member designated otherwise than as a Minister without Portfolio, and

(iii) \$26 278, in the case of a member designated as a Minister without Portfolio,

and

(b) reasonable allowances for travelling and living expenses incurred in the performance of their duties as members of the Executive Council.

(2) The Lieutenant Governor in Council may authorize the payment of a reasonable amount for the moving expenses of a person who,

(a) as a result of his appointment as a member of the Executive Council, moves his residence to Edmonton or its vicinity, or

(b) as a result of his ceasing to be a member of the Executive Council, moves his residence from Edmonton or its vicinity to another place in Alberta.

(3) Section 49 applies, with the necessary changes, to the salaries payable under this section.

President's
representational
allowance

51 There shall be paid to the President of the Executive Council a representational allowance at the rate of \$5000 a year.

Annual reports

52 A member of the Executive Council who is the head of a department of the Government shall, after the end of each Government fiscal year, prepare a general report summarizing the transactions and affairs of his department in that year and shall

(a) lay the report before the Assembly if it is then sitting, or

(b) if it is not then sitting, within 15 days after the commencement of the next sitting.

PART 5
CONSEQUENTIAL, REPEAL AND COMMENCEMENT
Consequential Amendments

53(1) *The Election Act is amended by this section.*

(2) Section 1 is amended

(a) in clause (b) by repealing subclause (i) and by substituting the following:

(i) who is a member of the Legislative Assembly,

(b) by repealing clause (e.1) and by substituting the following:

(e.1) “election” means an election of a person as a member of the Legislative Assembly conducted under this Act;

(3) Section 5 is amended

(a) in subsection (1) by striking out “The Office of the Chief Electoral Officer is continued and consists of” and substituting “There shall be a department of the public service of Alberta called the Office of the Chief Electoral Officer, consisting of”;

(b) by repealing subsection (2) and substituting the following:

(2) On the recommendation of the Chief Electoral Officer, the Select Standing Committee may, by resolution, direct that

(a) any regulation, order or directive made under the Financial Administration Act, or

(b) any regulation, order, directive, rule, procedure, direction, allocation, designation or other decision under the Public Service Act,

be inapplicable to, or be varied in its operation in respect of, the Office of the Chief Electoral Officer or any particular employee or class of employees in the Office of the Chief Electoral Officer.

(3) A direction made under subsection (2)(a) in relation to a regulation, order or directive made under the Financial Administration Act operates notwithstanding that Act.

(4) Section 6.1 is repealed and the following is substituted:

6.1(1) The Chief Electoral Officer shall submit to the Select Standing Committee on Legislative Offices in respect of each fiscal year an estimate of the sum that will be required to be provided by the Legislature to defray the various charges and

Explanatory Notes

PART 5

CONSEQUENTIAL, REPEAL AND COMMENCEMENT

Consequential Amendments

53 This section will amend RSA 1980 cE-2.

expenses of the Office of the Chief Electoral Officer in that fiscal year.

(2) The Select Standing Committee on Legislative Offices shall review each estimate submitted pursuant to subsection (1) and, on completion of the review, the chairman of the Committee shall present the estimate to the Treasurer for presentation to the Assembly.

(3) If at any time the Legislative Assembly is not in session, the Select Standing Committee, or if there is no Select Standing Committee, the Provincial Treasurer,

(a) reports that the Chief Electoral Officer has certified that in the public interest an expenditure of public money is urgently required in respect to any matter pertaining to the Office of the Chief Electoral Officer, and

(b) reports that either

(i) there is no supply vote under which an expenditure with respect to that matter may be made, or

(ii) there is a supply vote under which an expenditure with respect to that matter may be made but the authority available under the supply vote is insufficient,

the Lieutenant Governor in Council may order a special warrant to be prepared to be signed by himself authorizing the expenditure of the amount estimated to be required.

(4) When the Legislative Assembly is adjourned for a period of more than 14 days, then, for the purposes of subsection (3), the Assembly shall be deemed not to be in session during the period of the adjournment.

(5) When a special warrant is prepared and signed under subsection (3) on the basis of a report referred to in subsection (3)(b)(i), the authority to spend the amount of money specified in the special warrant for the purpose specified in the special warrant is deemed to be a supply vote for the purposes of the *Financial Administration Act* for the fiscal year in which the special warrant is signed.

(6) When a special warrant is prepared and signed under subsection (3) on the basis of a report referred to in subsection (3)(b)(ii), the authority to spend the amount of money specified in the special warrant is, for the purposes of the *Financial Administration Act*, added to and deemed to be part of the supply vote to which the report relates.

(7) When a special warrant has been prepared and signed pursuant to this section, the amounts authorized by it are deemed to be included in, and not to be in addition to, the amounts authorized by the Act, not being an Act for interim supply, enacted next

after it for granting to Her Majesty sums of money to defray certain expenditures of the Public Service of Alberta.

(5) *Section 52 is repealed and the following is substituted:*

52 A person is eligible to be nominated as a candidate in an election if on the day his nomination paper is filed he

- (a) is a Canadian citizen,
- (b) is of the full age of 18 years or will be that age on polling day,
- (c) has been ordinarily resident in Alberta continuously from the day 6 months immediately preceding polling day,
- (d) is not prohibited from being nominated as a candidate by reason of section 52.1, 52.2, 173 or 175, and
- (e) is not a member of the Senate or House of Commons of Canada.

52.1 A person is prohibited from being nominated as a candidate in an election if

- (a) the Speaker has laid a report before the Assembly pursuant to section 36(1) of the *Election Finances and Contributions Disclosure Act*,
- (b) that person was the registered candidate or the chief financial officer of the registered candidate referred to in the report,
- (c) the Court did not dispense with compliance with section 35(1) of that Act by an order under section 36(3) of that Act, and
- (d) nomination day for the election occurs within
 - (i) the 8-year period following the day on which the Speaker laid his report before the Assembly, or
 - (ii) where the financial statement has been filed with the Chief Electoral Officer, the 5-year period following the day of filing,

whichever period expires first.

52.2 A person is prohibited from being nominated as a candidate in an election if

- (a) he has been declared disqualified from membership of the Assembly pursuant to section 35 of the *Legislative Assembly Act*,
- (b) nomination day for the election occurs within the 8-year period following the day on which the declaration of disqualification was made, and

(5) Section 52 presently reads:

52 A person is eligible to be a candidate at an election if he is an elector and is not disqualified under the Legislative Assembly Act or any other Act.

(c) he has not before nomination day removed the cause of his disqualification.

(6) *Section 136(6) is amended by striking out “declared elected” and substituting “to be declared elected pursuant to section 137”.*

(7) *Section 140(2) is amended by striking out “Certificate of Final Result” and substituting “the certificate of the judge under section 145(1)”.*

(8) *The following section is added after section 137:*

137.1(1) A candidate who has been declared elected under section 137(1) may disclaim his right to become a Member of the Legislative Assembly by filing a disclaimer in the prescribed form with the Chief Electoral Officer at any time after he is declared elected under section 137(1) and before he would otherwise become a member of the Assembly by reason of section 1(2) of the *Legislative Assembly Act*.

(2) A candidate who files a disclaimer pursuant to subsection (1) shall deliver a copy of it forthwith to the returning officer.

(3) Subject to subsection (4), if a disclaimer is filed pursuant to subsection (1), the election at which that candidate was declared elected is void.

(4) The filing of a disclaimer under subsection (1) does not affect any application under section 142 or appeal under section 146 by another candidate or the right of that candidate to be declared elected if his application or appeal is successful.

(9) *Section 146 is amended by adding the following after subsection (7):*

(8) If a decision of the Court of Appeal is successfully appealed to the Supreme Court of Canada, then, on the receipt by the Chief Electoral Officer of a certified copy of the judgment of that Court,

(a) the seat of the member of the Assembly who lost the appeal is thereby vacated, and

(b) the Chief Electoral Officer shall declare the successful appellant elected.

(10) *Section 173 is amended*

(a) *in subsection (1) by striking out “the election of that candidate is void” and substituting “the election in which the candidate was nominated is void”;*

(b) *in subsection (2) by striking out “the Court making its report under subsection (1)” and substituting “the date on which the Chief Electoral Officer receives the report of the Court under subsection (1)”;* and

(c) by repealing subsection (2)(a) and substituting the following:

(a) being nominated as a candidate under this Act,

(a.1) being elected to any public office under any other Act of the Legislature,

(11) Section 174 is amended

(a) in subsection (1) by striking out “the election of that candidate” and substituting “the election in which the candidate was nominated”, and

(b) in subsection (2) by striking out “of the candidate”.

(12) Section 175(1) is amended by striking out “date of the conviction” and substituting “date on which the Chief Electoral Officer receives the report of the Court under section 174”.

(13) The following is added after section 176:

176.1 On receiving a report from the Court pursuant to section 173(1) or 174(1), the Chief Electoral Officer shall inform the Lieutenant Governor in Council of the report and the Lieutenant Governor in Council shall order the issue of a writ for another election in that electoral division.

(14) Section 177(1) is amended by striking out “a second election is held, the second election is a new election and” and substituting “a new election is held pursuant to section 176.1, the new election”.

(15) Section 179 is repealed and the following is substituted:

179(1) A petition may be filed with the Court in accordance with this Part to void an election by reason of the undue return or undue election of a candidate as the member of the Legislative Assembly for an electoral division.

(2) The petition

(a) may be filed only by

(i) a candidate defeated in the election, or

(ii) a person who on the polling day of the election was qualified to vote at the election,

(b) except as provided in clause (c), shall be filed with the Court within 30 days after the date of the issue of The Alberta Gazette containing the notice published pursuant to section 147, and

(c) may be filed with the Court at any time during the continuation of the Legislative Assembly of which the elected candidate is a member, if the grounds for the petition relate only to the eligibility of the respondent as a candidate at the time of the filing of his nomination paper.

(16) Section 180 is amended

(a) by repealing subsection (1)(e), and

(b) in subsection (2) by striking out “respondant” and substituting “respondent”.

(17) Section 184(d) is amended by striking out “set aside or”.

(18) Sections 185, 186 and 188 are repealed.

(19) Section 192 is amended by repealing subsections (2) to (5) and substituting the following:

(2) If the judgment contains findings that the respondent was unduly returned or elected,

(a) the election in which the respondent was a candidate is void upon the receipt of the judge’s report by the Chief Electoral Officer, and

(b) the Chief Electoral Officer shall inform the Lieutenant Governor in Council of the report.

(20) Section 194 is amended

(a) in subsection (1) by striking out “Whether or not the petitioner claims the seat for a candidate other than the respondent, the” and substituting “The”,

(b) in subsection (2) by striking out “If the petitioner has not by his petition claimed the seat for a candidate other than the respondent he may” and substituting “If a statement is filed under subsection (1), the petitioner may”, and

(c) by repealing subsection (3).

54(1) *The Election Finances and Contributions Disclosure Act is amended by this section.*

(2) Section 1(1) is amended

(a) in clause (d) by repealing subclause (i) and substituting the following:

(i) who is a member of the Legislative Assembly,

(b) by repealing clause (g) and substituting the following:

(g) “election” means an election of a person as a member of the Legislative Assembly conducted under the Election Act;

(3) Section 32(1)(a) is amended by adding “other than a treasury branch” after “only from a financial institution”.

54(1) This section will amend RSA 1980 cE-3.

(3) Section 32(1) presently reads:

32(1) A registered party, registered constituency association or registered candidate

(a) may borrow money only from a financial institution, and

(4) Section 35 is amended

(a) in subsection (1) by striking out “The chief financial officers” and substituting “Subject to subsections (5) and (6) and section 36(3), a chief financial officer”;

(b) by adding the following after subsection (4):

(5) If the polling day for a general election occurs within 6 months after the polling day for a previous general election, the time for compliance with subsection (1)(a) in respect of the previous general election is extended to the expiration of the 6-month period after the second general election.

(6) If an election is held to elect a member of the Legislative Assembly for an electoral division and the polling day for that election occurs within 3 months after the polling day for the previous election in the same electoral division, the time for compliance with subsection (1)(b) in respect of the previous election is extended to the expiration of the 3-month period after the second election.

(5) Section 36 is amended

(a) in subsection (1) by striking out all that portion of the subsection after “the next ensuing sitting”;

(b) by repealing subsections (2) to (4) and substituting the following:

(2) If the Speaker lays a report before the Assembly under subsection (1), the registered candidate concerned or his chief financial officer, or both, may, within the 60-day period following the date on which the report was laid before the Assembly, apply to the Court of Queen’s Bench for relief.

(3) On hearing the application, the Court may

(a) dispense with compliance with section 35 if it considers that the non-compliance is due to circumstances beyond the control of the candidate or the chief financial officer or both,

(b) extend the time for compliance with section 35 if it finds mitigating reasons for non-compliance with that section, or

(c) refuse the application.

(c) by repealing subsection (7).

(b) shall record all loans and their terms and shall report accordingly to the Chief Electoral Officer.

(4) Section 35(1) presently reads:

35(1) The chief financial officers shall file with the Chief Electoral Officer,

(a) within 6 months after polling day in the case of the chief financial officer of a registered party, or

(b) within 3 months after polling day in the case of the chief financial officer of a registered candidate,

a financial statement setting out the income and transfers and the amount of the expenses in total, including a nil return where applicable, of the party or candidate for which he acts and which relate to an election during the campaign period.

The proposed subsections (5) and (6) will replace section 36(7) which will be repealed.

(5) Section 36(1) to (4) and (7) presently read:

36(1) Subject to subsections (3) and (4), if the chief financial officer of a registered candidate fails to file a financial statement as required by section 35, the Chief Electoral Officer shall transmit a report to that effect to the Speaker of the Legislative Assembly who shall thereupon lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next ensuing sitting and, if the statement of the registered candidate has not yet been filed in the interim the registered candidate, in addition to any other penalty for which he may be liable,

(a) if he was not declared elected, is ineligible to stand as a candidate at any election, and

(b) if he was declared elected, is ineligible to sit or vote in the Legislative Assembly.

(2) If a registered candidate who was declared elected remains ineligible to sit or vote in the Legislative Assembly pursuant to subsection (1) for a period of 60 days, the seat of that registered candidate, subject to subsection (3), thereupon becomes vacant.

(3) A registered candidate who was declared elected may, at any time not exceeding 60 days after the Speaker tables the report of the Chief Electoral Officer under subsection (1), apply to the Court of Queen's Bench for relief and the Court may

(a) dispense with compliance with section 35 if it considers that the non-compliance is due to circumstances beyond the control of the candidate,

(b) extend the time for compliance with section 35 if it finds mitigating reasons for non-compliance with that section but

55(1) *The M.L.A. Pension Act is amended by this section.*

(2) Section 1(1) is amended

(a) by adding the following after clause (a):

(a.1) “Deputy Chairman” means the Deputy Chairman of Committees;

(a.2) “Deputy Speaker” means the Deputy Speaker and Chairman of Committees;

(b) by adding the following after clause (b):

(b.1) “Leader of the Opposition” means the member of the Legislative Assembly who is recognized by the Speaker as the leader of Her Majesty’s loyal opposition;

(c) in clause (b) by striking out “section 63” and substituting “section 44”;

(d) in clause (c)(i) by striking out “or the Deputy Speaker or the Leader of Her Majesty’s loyal opposition” and substituting “, Deputy Speaker, Deputy Chairman or Leader of the Opposition”.

(3) Section 2(1) is amended by striking out “the allowance payable to him prior to April 1, 1970 under section 52 of the Legislative Assembly Act” and substituting “the indemnity and expense allowances

(i) during the extended period of time the candidate remains ineligible to sit or vote in the Legislative Assembly, and

(ii) the seat of the candidate becomes vacant if he fails to comply with that section within the extended period of time or any additional extended periods of time the Court may by order allow,

(c) declare the candidate not to be ineligible to sit or vote by reason of non-compliance with section 35 if it is satisfied that, at the time of the application, the necessary financial statement has been filed, or

(d) refuse the application.

(4) A registered candidate who was not declared elected may, at any time, apply to the Court of Queen's Bench for relief and the Court may

(a) dispense with compliance with section 35 if it considers that the non-compliance is due to circumstances beyond the control of the candidate,

(b) declare the candidate not to be ineligible to stand as a candidate at any election by reason of non-compliance with section 35 if it is satisfied that, at the time of the application, the necessary financial statement has been filed, or

(c) refuse the application.

(7) If a subsequent election takes place within 6 months after polling day, the provisions of section 35 and this section apply with all necessary modifications to the first election as though the polling day for the subsequent election was the polling day of the first election.

55 This section will amend RSA 1980 cM-18.

payable to him prior to April 1, 1970 under the provisions of the *Legislative Assembly Act* then in force”.

(4) *Section 2 is amended by adding the following after subsection (6):*

(7) If a member of the Legislative Assembly

(a) serves as a member of a board, commission, committee or other body to which he is appointed by the Lieutenant Governor in Council, a Minister of the Crown in right of Alberta or a regulation, and

(b) the Lieutenant Governor in Council authorizes the payment of fees to him in respect of that service on a monthly or yearly basis,

the fees shall be added to and form part of his allowance for the purpose of computing contributions under this section and section 5(b) and pensions under section 5(a).

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

(1.1) For the purposes of this Part, periods of service of a member of the Legislative Assembly shall be the periods in respect of which his indemnity allowances are computed under section 39 of the *Legislative Assembly Act*.

(6) *Section 7(1) is amended*

(a) *by striking out “section 57 of the Legislative Assembly Act” and substituting “the provisions of the Legislative Assembly Act then in force”; and*

(b) *by striking out “compensation so payable to him after that date” and substituting “compensation or salary payable to him after that date under the Legislative Assembly Act or its predecessor”.*

(7) *Section 7(3) is amended by striking out “section 57” and substituting “section 50”.*

(8) *Section 8(2)(a)(i) and (ii) are amended by striking out “section 57 of the Legislative Assembly Act” and substituting “the Legislative Assembly Act or its predecessor”.*

(9) *The heading for Part 3 is amended by adding “, DEPUTY CHAIRMAN” after “DEPUTY SPEAKER”.*

(10) *Section 12 is amended*

(a) *in subsection (1) by striking out “and the recognized leader of Her Majesty’s loyal opposition” and substituting “, Deputy Chairman and the Leader of the Opposition”,*

(b) *in subsection (1) by striking out “section 53(1) and (4) of the Legislative Assembly Act” and substituting “sections 46 and 47 of the Legislative Assembly Act and their predecessors”,*

(c) in subsection (2.1) by striking out “allowance of the Speaker, Deputy Speaker and the recognized leader of Her Majesty’s loyal opposition” and substituting “respective salaries of the Speaker, Deputy Speaker, Deputy Chairman and Leader of the Opposition”;

(d) in subsection (4) by striking out “A member of the Legislative Assembly who holds the office of Speaker, Deputy Speaker or leader of Her Majesty’s loyal opposition” and substituting “A person who holds the office of Speaker, Deputy Speaker, Deputy Chairman or Leader of the Opposition”;

(e) in subsection (5) by striking out “a member of the Legislative Assembly who holds the office of Speaker, Deputy Speaker or leader of Her Majesty’s loyal opposition” and substituting “a person who holds the office of Speaker, Deputy Speaker, Deputy Chairman or Leader of the Opposition”;

(f) in subsection (6)

(i) by striking out “and the recognized leader of Her Majesty’s loyal opposition” and substituting “, Deputy Chairman and Leader of the Opposition”;

(ii) by striking out “and recognized leader of Her Majesty’s loyal opposition” and substituting “, Deputy Chairman and Leader of the Opposition”;

and

(g) in subsection (7) by striking out “When a member of the Legislative Assembly has contributed in relation to any one office” and substituting “When a person has contributed to any one of the offices of Speaker, Deputy Speaker, Deputy Chairman or Leader of the Opposition”.

(11) Section 13 is amended

(a) by adding the following after subsection (2):

(2.1) The pensionable service of the Deputy Chairman shall be any term or terms of his service for which he has made contributions under sections 12 and 15, but shall not exceed 20 years.

(b) in subsection (3) by striking out “leader of Her Majesty’s loyal opposition” and substituting “Leader of the Opposition”;

(c) in subsection (4) by striking out “or leader of Her Majesty’s loyal opposition” and substituting “, Deputy Chairman or Leader of the Opposition”;

(d) in subsection (4)(a)(i) and (ii) by striking out “section 53(1)” wherever it occurs and substituting “section 46”;

(e) in subsection (4)(a) by adding the following after subclause (ii):

(ii.1) in the case of the Deputy Chairman,

(A) his annual salary under section 46 of the *Legislative Assembly Act*, if his years of service do not exceed 3 years, or

(B) his average annual salary under section 46 of the *Legislative Assembly Act*, for the 3 consecutive years of his service during which his salary was the highest, when his years of service exceed 3 years,

(f) in subsection (4)(a)(iii)

(i) by striking out “leader of Her Majesty’s loyal opposition” and substituting “Leader of the Opposition”, and

(ii) by striking out “section 53(4) of the *Legislative Assembly Act*” wherever it occurs and substituting “section 47 of the *Legislative Assembly Act*”.

(12) Sections 14(3), 15, 16 and 19(1) are amended by striking out “or leader of Her Majesty’s loyal opposition” wherever it occurs and substituting “, Deputy Chairman or Leader of the Opposition”.

56(1) *The Alberta Evidence Act* is amended by repealing section 35(6) and substituting the following:

(6) In this section, “employee” means a person employed in the public service of Alberta, whether his employment is permanent or temporary or on a full-time or part-time basis.

(2) *The Alberta Government Telephones Act* is amended by repealing section 43.

(3) *The Alberta Resources Railway Corporation Act* is amended by repealing section 3(4).

(4) *The Auditor General Act* is amended

(a) by repealing section 1(1)(c)(i) and substituting the following:

(i) the Legislative Assembly Office,

(b) in section 1(1)(g) by striking out “of the Legislative Assembly”,

(c) in section 9 by repealing subsections (2) and (3) and substituting the following:

56(1) This subsection will amend RSA 1980 cA-21. Section 35(6) presently reads:

(6) In this section "employee" means a person employed by the Government or by this Legislative Assembly of Alberta, whether his employment is permanent or temporary.

(2) This subsection will amend RSA 1980 cA-23. Section 43 presently reads:

43 The making of a contract for telephone or other telecommunication service by a member of the Legislative Assembly with the commission does not operate to forfeit or vacate his seat in the Legislature or affect his right to sit or vote therein.

(3) This subsection will amend RSA 1980 cA-36. Section 3(4) presently reads:

(4) In the case of members of the Corporation who are members of the Legislative Assembly, the acceptance of travelling and living expenses payable under subsection (3) shall be authorized by the Lieutenant Governor in Council.

(4) This subsection will amend RSA 1980 cA-49. Sections 9 and 13 presently read in part:

(2) On the recommendation of the Auditor General, the Select Standing Committee may, by resolution, direct that any regulation, order or directive made under the Public Service Act or the Financial Administration Act or any allocation, designation or other decision of the Public Service Commissioner under the Public Service Act be inapplicable to, or be varied in its operation in respect of, the Office of the Auditor General.

(3) A direction made under subsection (2) in relation to a regulation, order or directive made under the Financial Administration Act operates notwithstanding that Act.

(2) On the recommendations of the Auditor General, the Select Standing Committee may, by resolution, direct that

(a) any regulation, order or directive made under the *Financial Administration Act*, or

(b) any regulation, order, directive, rule, procedure, direction, allocation, designation or other decision under the *Public Service Act*,

be inapplicable to, or be varied in its operation in respect of, the Office of the Auditor General or any particular employee or class of employees in the Office of the Auditor General.

(3) A direction made under subsection (2)(a) in relation to a regulation, order or directive made under the *Financial Administration Act* operates notwithstanding that Act.

(d) *by repealing section 13(1) and (2) and substituting the following:*

13(1) The Auditor General shall submit to Select Standing Committee in respect of each fiscal year an estimate of the sum that will be required to be provided by the Legislature to defray the several charges and expenses of the Office of the Auditor General in that fiscal year.

(2) The Select Standing Committee shall review each estimate submitted pursuant to subsection (1) and, on the completion of the review, the chairman of the Committee shall transmit the estimate to the Treasurer for presentation to the Assembly.

(5) *The Commissioners for Oaths Act is amended in section 6 by striking out "or member elect" wherever it occurs.*

(6) *The Electoral Boundaries Commission Act is amended*

(a) *by repealing section 2(a) and substituting the following:*

(a) a person approved by the Lieutenant Governor in Council who is

(i) a judge of the Court of Queen's Bench or the Court of Appeal, or

(ii) a retired judge of a district court, the Supreme Court of Alberta, the Court of Queen's Bench or the Court of Appeal,

(b) *by repealing section 4(3).*

13(1) The Auditor General shall submit annually to the Select Standing Committee an estimate of the sum that will be required to be provided by the Legislature for the payment of the salaries, allowances and expenses of the Office of the Auditor General during the next ensuing fiscal year.

(2) The Select Standing Committee shall review each estimate submitted pursuant to subsection (1) and, on completion of the review, the chairman of the Committee shall submit the estimate to the Treasurer for inclusion in the estimates.

(5) This subsection will amend RSA 1980 cC-19. Section 6 presently reads:

6 A member or member elect of the Legislative Assembly of Alberta, a member or member elect from Alberta of the House of Commons of Canada, a member of the Senate of Canada who at the time of his appointment as a senator is a resident of Alberta, a member of a municipal council in Alberta or a member of a board of trustees of a school district or school division in Alberta is ex officio a commissioner empowered to administer oaths and take and receive affidavits, declarations and affirmations in or outside Alberta for use in Alberta.

(6) This subsection will amend RSA 1980 cE-4. Section 4 presently reads in part:

(2) The members of a Commission shall be paid their reasonable travelling and living expenses while absent from their ordinary place of residence and in the course of their duties as members at the rates the Lieutenant Governor in Council prescribes.

(3) A person is not disqualified as a member of the Legislative Assembly by reason only of accepting payment pursuant to subsection (2).

(7) The Financial Administration Act is amended

(a) by repealing section 1(1)(c)(iv) and substituting the following:

(iv) the Legislative Assembly Office,

(b) in section 33

(i) by repealing subsection (1)(b)(i) and substituting the following:

(i) the Legislative Assembly Office,

(ii) by repealing subsection (1)(c) and substituting the following:

(c) “department head” includes

(i) the Speaker with respect to the Legislative Assembly Office,

(ii) the Auditor General with respect to the Office of the Auditor General,

(iii) the Ombudsman with respect to the Office of the Ombudsman, and

(iv) the Chief Electoral Officer with respect to the Office of the Chief Electoral Officer;

(iii) by repealing subsection (1)(d)(i) and substituting the following:

(i) the Clerk of the Legislative Assembly with respect to the Legislative Assembly Office,

(iv) by repealing subsection (2).

(7) This subsection will amend RSA 1980 cF-9. Sections 1(1) and 33 presently read in part:

1(1) In this Act,

(c) "department" means

(i) a department of the public service of Alberta established by an Act of the Legislature,

(ii) a part of the public service of Alberta that is not part of a department referred to in subclause (i) and that is designated as a department by the Lieutenant Governor in Council for the purposes of this Act, or

(iii) any other part of the public service of Alberta,

but does not include

(iv) the officers and employees of the Legislative Assembly,

(v) the Auditor General and the staff of the Office of the Auditor General,

(vi) the Ombudsman and the staff of the Office of the Ombudsman, and

(vii) the Chief Electoral Officer and the staff of the Office of the Chief Electoral Officer;

33(1) In this Part,

(b) "department" includes

(i) the officers and employees of the Legislative Assembly,

(ii) the Auditor General and the staff of the Office of the Auditor General,

(iii) the Ombudsman and the staff of the Office of the Ombudsman, and

(iv) the Chief Electoral Officer and the staff of the Office of the Chief Electoral Officer;

(c) "department head" includes

(i) the Speaker or, in the event of the absence or inability to act of the Speaker or if there is no Speaker, the Deputy Speaker, with respect to

(A) the officers and employees of the Legislative Assembly, and

(B) the Chief Electoral Officer and the staff of the Office of the Chief Electoral Officer,

and

(ii) the Chairman of the Select Standing Committee on Legislative Offices or, in the event of the absence or inability to act of the Chairman or if there is no Chairman, the Deputy Chairman, with respect to

(8) The Glenbow-Alberta Institute Act is amended in section 4(3) by striking out “and the acceptance of travelling and other expenses shall be authorized by the Lieutenant Governor in Council”.

(9) The Homestead Lease Loan Act is amended in section 3(2) by striking out “Legislative Assembly” and substituting “Legislature”.

(10) The Judicature Act is amended in section 39(4) by striking out “Legislative Assembly” and substituting “Legislature”.

(11) The M.L.A. Compensation Act is amended

(a) in section 1(c)(i) by striking out “sessions” and substituting “sittings”,

(b) in section 1(c)(ii) by adding “meetings of” before “a committee of the Legislative Assembly”, and

(c) by adding the following after section 1:

1.1 For the purposes of this Act, a person is deemed to be a member of the Legislative Assembly during any period in respect of which his indemnity allowance is computed under section 39 of the *Legislative Assembly Act*.

(12) The Notaries Public Act is amended in section 4 by striking out “or member elect” wherever it occurs.

(A) the Auditor General and the staff of the Office of the Auditor General, and

(B) the Ombudsman and the staff of the Office of the Ombudsman;

(d) "deputy head" includes

(i) the Clerk of the Legislative Assembly with respect to the officers and employees of the Legislative Assembly,

(ii) the Auditor General with respect to the Office of the Auditor General,

(iii) the Ombudsman with respect to the Office of the Ombudsman, and

(iv) the Chief Electoral Officer with respect to the Office of the Chief Electoral Officer;

(2) For the purposes of this Act, a person who holds the office of Chairman or Deputy Chairman of the Select Standing Committee on Legislative Offices at the time of a dissolution of the Legislature is deemed to continue to hold the office of Chairman or Deputy Chairman until the day preceding the date fixed by Proclamation for the next sitting of the Legislature to begin.

(8) This subsection will amend RSA 1980 cG-5.

(9) This subsection will amend RSA 1980 cH-9.

(10) This subsection will amend RSA 1980 cJ-1. Section 39(4) presently reads:

(4) The Legislative Assembly is not dissolved by the demise of the Crown and continues as if the demise had not occurred.

(11) This subsection will amend RSA 1980 cM-17. Section 1(c) presently reads in part:

1 In this Act,

(c) "duty of a member of the Legislative Assembly" includes

(i) travelling to and from sessions of the Legislative Assembly,

(ii) travelling to and from a committee of the Legislative Assembly,

(12) This subsection will amend RSA 1980 cN-11. Section 4 presently reads:

4 A member or member elect of the Legislative Assembly of Alberta, a member or member elect from Alberta of the House of Commons of Canada or a member of the Senate of Canada who at the time of his appointment as a senator is a resident of Alberta is ex officio a notary public for Alberta.

(13) *The Occupational Health and Safety Act is amended in section 4(5)(b) by striking out “and, in the case of members of the Council who are members of the Legislative Assembly, the acceptance of travelling and living expenses shall be authorized by the Lieutenant Governor in Council”.*

(14) *The Oil Sands Technology and Research Authority Act is amended in section 3(3) by striking out “and, in the case of members of the Authority who are members of the Legislative Assembly, the acceptance of the travelling and living expenses shall be authorized by the Lieutenant Governor in Council”.*

(15) *The Ombudsman Act is amended*

(a) *in section 1(d) by striking out “of the Legislative Assembly”;*

(b) *by repealing section 10(2) and (3) and substituting the following:*

(2) On the recommendation of the Ombudsman, the Select Standing Committee may by resolution direct that

(a) any regulation, order or directive made under the *Financial Administration Act*, or

(b) any regulation, order, directive, rule, procedure, direction, allocation, designation or other decision under the *Public Service Act*,

be inapplicable to, or be varied in its operation in respect of, the Office of the Ombudsman or any particular employee or class of employees in the Office of the Ombudsman.

(3) A direction made under subsection (2)(a) in relation to a regulation, order or directive made under the *Financial Administration Act* operates notwithstanding that Act.

(c) *by repealing section 10.1 and substituting the following:*

10.1(1) The Ombudsman shall submit annually to the Select Standing Committee in respect of each fiscal year an estimate of the sum that will be required to be provided by the Legislature to defray the several charges and expenses of the Office of the Ombudsman in that fiscal year.

(13) This subsection will amend RSA 1980 cO-2. Section 4 relates to the Occupational Health and Safety Council. Section 4(5) presently reads:

(5) The members of the Council shall be paid

(a) such remuneration as the Lieutenant Governor in Council may prescribe, and

(b) their reasonable travelling and living expenses while absent from their ordinary place of residence and in the course of their duties as members of the Council and, in the case of members of the Council who are members of the Legislative Assembly, the acceptance of the travelling and living expenses shall be authorized by the Lieutenant Governor in Council.

(14) This subsection will amend RSA 1980 cO-6. Section 3(3) presently reads:

(3) The members of the Authority shall be paid by the Authority their reasonable travelling and living expenses while absent from their ordinary place of residence and in the course of their duties as members of the Authority, in accordance with the by-laws of the Authority and, in the case of members of the Authority who are members of the Legislative Assembly, the acceptance of the travelling and living expenses shall be authorized by the Lieutenant Governor in Council.

(15) This subsection will amend RSA 1980 cO-7. Sections 10(2) and (3) and 10.1 presently read:

(2) On the recommendation of the Ombudsman, the Select Standing Committee may, by resolution, direct that any regulation, order or directive made under the Public Service Act or the Financial Administration Act or any allocation, designation or other decision of the Public Service Commissioner under the Public Service Act be inapplicable to, or be varied in its operation in respect of, the Office of the Ombudsman.

(3) A direction made under subsection (2) in relation to a regulation, order or directive made under the Financial Administration Act operates notwithstanding that Act.

10.1(1) The Ombudsman shall submit annually to the Select Standing Committee an estimate of the sum that will be required to be provided by the Legislature for the payment of the salaries, allowances and expenses of the Office of the Ombudsman during the next ensuing fiscal year.

(2) The Select Standing Committee shall review each estimate submitted pursuant to subsection (1) and, on completion of the review, the chairman of the Committee shall submit the estimate to the Provincial Treasurer for inclusion in the estimates.

(2) The Select Standing Committee shall review each estimate submitted pursuant to subsection (1) and, on completion of the review, the chairman of the Committee shall transmit the estimate to the Provincial Treasurer for presentation to the Assembly.

(3) If at any time the Legislative Assembly is not in session the Select Standing Committee on Legislative Offices, or if there is no Select Standing Committee, the Provincial Treasurer,

(a) reports that the Ombudsman has certified that in the public interest an expenditure of public money is urgently required in respect of any matter pertaining to his office, and

(b) reports that either

(i) there is no supply vote under which an expenditure with respect to that matter may be made, or

(ii) there is a supply vote under which an expenditure with respect to that matter may be made but the authority available under the supply vote is insufficient,

the Lieutenant Governor in Council may order a special warrant to be prepared to be signed by himself authorizing the expenditure of the amount estimated to be required.

(4) When the Legislative Assembly is adjourned for a period of more than 14 days, then, for the purposes of subsection (3), the Assembly shall be deemed not to be in session during the period of the adjournment.

(5) When a special warrant is prepared and signed under subsection (3) on the basis of a report referred to in subsection (3)(b)(i), the authority to spend the amount of money specified in the special warrant for the purpose specified in the special warrant is deemed to be a supply vote for the purposes of the *Financial Administration Act* for the fiscal year in which the special warrant is signed.

(6) When a special warrant is prepared and signed under subsection (3) on the basis of a report referred to in subsection (3)(b)(ii), the authority to spend the amount of money specified in the special warrant is, for the purposes of the *Financial Administration Act*, added to and deemed to be part of the supply vote to which the report relates.

(7) When a special warrant has been prepared and signed pursuant to this section, the amounts authorized by it are deemed to be included in, and not to be in addition to, the amounts authorized by the Act, not being an Act for interim supply, enacted next after it for granting to Her Majesty sums of money to defray certain expenditures of the Public Service of Alberta.

(16) The Public Service Act is amended

(a) in section 1 by repealing clauses (b), (c) and (d) and substituting the following:

(b) “department” means

- (i) a department of the Government or of the public service of Alberta established by an Act of the Legislature,**
- (ii) a part of the public service of Alberta that is not part of a department referred to in subclause (i) and that is designated as a department for the purposes of this Act by the Lieutenant Governor in Council, or**
- (iii) the Legislative Assembly Office;**

(c) “department head” means

- (i) the Speaker with respect to the Legislative Assembly Office,**
- (ii) the Auditor General with respect to the Office of the Auditor General,**
- (iii) the Ombudsman with respect to the Office of the Ombudsman,**
- (iv) the Chief Electoral Officer with respect to the Office of the Chief Electoral Officer,**
- (v) the chairman of the Public Service Employee Relations Board with respect to the staff of that Board, or**
- (vi) the member of the Executive Council having the administration of the department, with respect to any other department;**

(d) “deputy head” means

- (i) the Clerk of the Legislative Assembly with respect to the Legislative Assembly Office,**
- (ii) the Auditor General with respect to the Office of the Auditor General,**
- (iii) the Ombudsman with respect to the Office of the Ombudsman,**
- (iv) the Chief Electoral Officer with respect to the Office of the Chief Electoral Officer,**
- (v) the chairman of the Public Service Employee Relations Board with respect to the staff of that Board, or**
- (vi) with respect to any other department,**
 - (A) the chief officer of the department, or**

(16) This subsection will amend RSA 1980 cP-31. Sections 1 and 2 presently read in part:

1 In this Act,

(b) "department" means

(i) a department of the public service of Alberta,

(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;

(c) "department head" means

(i) the member of the Executive Council charged with the administration of a department, or

(ii) the Speaker, with respect of the officers and staff of the Legislative Assembly;

(d) "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;

2(1) This Act applies to all departments of the Government, including employees of the Executive Council, and to the officers and staff of the Legislative Assembly.

(2) The Auditor General, the Chief Electoral Officer, the Ombudsman and the chairman of the Public Service Employee Relations Board

(a) shall be considered as employees for the purposes of this Act except for their appointment, salary and tenure or any other conditions prescribed by the Act under which they are appointed, and

(b) have the powers and authority of a department head and a deputy head for the purposes of this Act in respect of the employees under their supervision.

(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 the officers and staff of the Assembly, or

(b) an already established authority or control of the courts and judges over their officers.

(B) if there is more than one chief officer of the department, the chief officer of that part of the department for which he is responsible to the department head;

(b) in section 2 by repealing subsections (1), (2) and (3) and substituting the following:

2(1) Except as otherwise provided in this Act or any other enactment, this Act applies to all departments.

(2) The Auditor General, the Chief Electoral Officer, the Ombudsman and the chairman of the Public Service Employee Relations Board shall be considered as employees for the purposes of this Act except in relation to their appointment, salary and tenure of office or any other conditions prescribed by the Act under which they are appointed.

(3) This Act does not impair nor otherwise affect an already established authority or control of the courts and judges over their officers.

(17) The Public Service Administrative Transfers Act is amended

(a) in section 1 by repealing clause (a) and substituting the following:

(a) “appropriation” means a supply vote as defined in the *Financial Administration Act* or the Heritage Fund vote as defined in that Act;

(b) in section 4(1)(a) by striking out “sections 8(3) and 57(1)” and substituting “section 50(1)”;

(c) in section 4(1)(b) and (2) by striking out “section 57(1)” wherever it occurs and substituting “section 50(1)”.

(18) The Public Service Employee Relations Act is amended in section 21(1)(i) by adding “Office” after “staff of the Legislative Assembly”.

(19) The Public Service Pension Act is amended

(a) in section 1(c) by repealing subclause (i) and substituting the following:

(i) a person who is appointed to a position in the public service of Alberta and who is employed on a full-time contin-

(17) This subsection will amend RSA 1980 cP-32. Sections 1(a) and 4 presently read:

1 In this Act,

(a) "appropriation" means an appropriation as defined in the Financial Administration Act;

4(1) If the administration of an enactment or a part of the public service is transferred under section 2 to a Minister who is not then the head of a department of the public service, the Lieutenant Governor in Council in the same or a subsequent order

(a) may declare that that Minister is, with respect to that enactment or that part of the public service, the head of a department of the public service for the purposes of sections 8(3) and 57(1) of the Legislative Assembly Act and Part 2 of the M.L.A. Pension Act, and

(b) notwithstanding the declaration, may prescribe the rate of annual compensation for that Minister at a rate less than that prescribed in section 57(1) of the Legislative Assembly Act for the head of a public department.

(2) Any compensation paid to a Minister pursuant to subsection (1)(b) shall be deemed for all purposes to be compensation paid to him pursuant to section 57(1) of the Legislative Assembly Act.

(18) This subsection will amend RSA 1980 cP-33.

(19) This subsection will amend RSA 1980 cP-35. Sections 1(c)(i) and 37(6) presently read:

1 In this Act

(c) "employee" means

uous basis for a minimum average of 30 hours per week throughout each year,

(b) in section 37(6) by striking out “the Government or Legislative Assembly” and substituting “the Crown in right of Alberta”.

(20) *The Railway Act* is amended by repealing section 191 and the heading preceding it.

(21) *The Tobacco Tax Act* is amended in section 3 by repealing subsection (3).

Repeal

57 The *Legislative Assembly Act* is repealed.

Commencement

58(1) Subject to subsection (2), this Act comes into force on Proclamation.

(2) On the coming into force of Parts 3 and 4 and section 55 of this Act,

(a) Parts 3 and 4 and section 55 of this Act shall be deemed to have come into force on April 1, 1983, and

(b) sections 52 to 63.1 of the *Legislative Assembly Act*, RSA 1980, c.L-10, shall be deemed to have been repealed on March 31, 1983.

(i) a person employed on a full-time continuous basis for a minimum average of 30 hours per week throughout each year by the Government or by the Legislative Assembly,

(6) When a member of the academic staff of a University is transferred to the employ of the Government or Legislative Assembly or to any public body named in section 38, the provisions of this Act apply to him with regard to his service with the University notwithstanding subsection (2)(a).

(20) This subsection will amend RSA 1980 cR-4. Section 191 and its heading presently read:

Minister and Members of the Assembly to be Carried Free

191 The company shall furnish free transportation upon any of its trains for members of the Legislative Assembly with their baggage, and shall also when required haul free of charge any car provided for the use of the Minister.

(21) This subsection will amend RSA 1980 cT-5. Section 3(3) presently reads:

(3) A person acting as an agent under subsection (2)(a) is not thereby made ineligible as a member of the Legislative Assembly.

Repeal

57 This Bill will repeal RSA 1980 cL-10.

SCHEDULE
DISQUALIFYING OFFICES

Part 1

Judicial Offices

1. Judges of the Provincial Court of Alberta

Part 2

Offices of the Legislature

1. Auditor General of Alberta
2. The Ombudsman under the Ombudsman Act
3. The Chief Electoral Officer under the Election Act

Part 3

Other Disqualifying Offices

The office of chairman or member of any of the following:

A board of review under section 547 of the Criminal Code (Canada)

A board of examiners under the Electrical
Protection Act

A board of examiners under the Gas Protection Act

A body incorporated under section 6 of the Universities Act

A review panel under the Mental Health Act

A Public Emergency Tribunal under the Burial of the Dead Act

Agricultural Products Marketing Council

Agricultural Relief Adjustment Board under the
Agricultural Relief Advances Act

Alberta Agricultural Development Corporation

Alberta Apprenticeship and Trade Certification Board
under the Manpower Development Act

Alberta Assessment Appeal Board

Alberta Assessment Equalization Board

Alberta Automobile Insurance Board

Alberta Building Standards Council

Alberta Cancer Board

Alberta Dairy Control Board

Alberta Educational Communications Corporation

Alberta Electric Energy Marketing Agency

Alberta Gaming Commission appointed under section 190
of the Criminal Code (Canada)

Alberta Games Council

Alberta Government Telephones Commission

Alberta Home Mortgage Corporation

Alberta Housing Corporation

Alberta Human Rights Commission

Alberta Motor Transport Board

Alberta Motion Picture Development Corporation

Alberta Municipal Financing Corporation

Alberta Order of Excellence Council

Alberta Petroleum Marketing Corporation

Alberta Planning Board

Alberta Racing Commission
 Alberta Securities Commission
 An appeal panel under the Dependent Adults Act
 An appeal board under section 537 of the
 Alberta Insurance Act
 An appeal board under the Mortgage Brokers Regulation Act
 An appeal board under the Real Estate Agents' Licensing Act
 An appeal board under the Farm Implement Act
 An appeal board under the Freehold Mineral Rights Tax Act
 An interim governing body or governing authority of a
 university under the Universities Act
 An interim governing authority of a technical institute
 under the Technical Institutes Act
 Board of governors of a university under the
 Universities Act
 Board of governors of a public college under the
 Colleges Act
 Board of governors of a technical institute under the
 Technical Institutes Act
 Board of Censors under the Amusements Act
 Board of Directors of the Alberta Opportunity Company
 Board of Directors of the Alberta General
 Insurance Company
 Board of Examiners in Optometry
 Board of Examiners in Podiatry
 Board of Governors of the Banff Centre for Continuing Education
 Child Welfare Commission
 Chiropractic Appraisal Board
 Dental Technicians Board
 Driver Control Board
 Energy Resources Conservation Board
 Environment Council of Alberta
 Fatality Review Board
 Health Occupations Board
 Homestead Lease Loan Advisory Board
 Hospital Privileges Appeal Board
 Irrigation Council
 Judicial Council for the Judges of the Provincial Court
 Labour Relations Board
 Land Compensation Board
 Land Conservation and Reclamation Council
 Law Enforcement Appeal Board
 Local Authorities Board
 Local Authorities Pension Board
 Manpower Advisory Council under the Manpower
 Development Act
 Mineral Assessment Appeal Board under the Freehold
 Mineral Taxation Act
 Naturopathy Appraisal Board
 Nursing Assistants Appraisal Board
 Occupational Health and Safety Council
 Ophthalmic Dispensers Examining Board
 Private Vocational Schools Advisory Council under the
 Private Vocational Schools Act
 Provincial Board of Health

Public Service Employee Relations Board
Public Service Management Pension Board
Public Service Pension Board
Public Utilities Board
School Buildings Board
Special Areas Board
Special Forces Pension Board
Students Finance Board
Surface Rights Board
Teaching Profession Appeal Board under the Teaching
Profession Act
The advisory committee under the Psychiatric Nursing
Training Act
The board of a hospital district incorporated under
section 8 of the Hospitals Act
The board of management of a provincial general hospital
under the Provincial General Hospitals Act
The Alberta Liquor Control Board
The Board of the Northland School Division No. 61
The Crimes Compensation Board
The Workers' Compensation Board
Universities Academic Pension Board
University Hospitals Board