

1985 BILL 270

Third Session, 20th Legislature, 34 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 270

PUBLIC SERVICE OPPORTUNITY ACT

MR. MUSGREAVE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 270
Mr. Musgreave

BILL 270

1985

PUBLIC SERVICE REDUCTION ACT

(Assented to , 1985)

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

Definitions

1 In this Act,

(a) “Board” means the Public Service Opportunity Review Board established pursuant to section 4;

(b) “government service” means a service that is provided to the public by the Public Service of Alberta and is funded out of public money;

(c) “Minister” means the member of the Executive Council responsible for the government service in question;

(d) “public service cost” means the total cost of providing a government service, determined in the prescribed manner and including staff, accommodation, materials and overhead costs.

Proposal

2(1) Any person may submit to a Minister under whose administration the provision of a government service falls, a proposal in the prescribed form for the provision of the government service under contract.

(2) One or more members of the Public Service of Alberta may, alone or with others, directly or through the interposition of a third party, make a proposal under subsection (1).

(3) Where a proposal is made in which a member of the Public Service of Alberta, his spouse or dependant, has a direct or indirect interest, the name of the member and the nature of his interest shall be disclosed in the proposal.

Proposal
referred to Board

3 Where the Minister is satisfied

(a) that the cost of providing the government service under contract will be less than half of the public service cost averaged over the 3 preceding years;

(b) that the provision of the government service under contract will not create any disadvantage to the public;

(c) that the level of service to the public under the contract will be equal to or better than that provided by the public service;

may refer the matter to the Board.

Board

4(1) There is hereby established the Public Service Opportunity Review Board which shall consist of 9 members appointed by the Lieutenant Governor in Council.

(2) The Board may receive such fees and remuneration of expenses as are ordered by the Lieutenant Governor in Council out of money appropriate to that purpose by the Legislature.

(3) The Board may sit in divisions consisting of not less than 3 members.

(4) The may make by-laws governing its procedures.

Proposal
reviewed by
Board

5(1) The purpose of the Board is to review opportunities for the provision of government services by the private sector or by employees in the Public Service of Alberta who wish to transfer to the private sector.

(2) The Board shall review every proposal submitted by a Minister and shall determine the public service cost of the government service under review and the cost when carried out as proposed under a contract.

(3) Where more than one proposal has been received for the provision of one government service by contract, the Board shall compare the proposals.

(4) In respect of each government service for which one or more proposals have been received, the Board shall hold a public hearing at which any person making a proposal shall be present and may be questioned by the Board on the proposal and as to his ability to carry it out.

(5) At the conclusion of its review the Board shall submit a report to the Minister with a recommendation as to the carrying out of the government service under contract, and where more than one proposal has been received for the provision of one government service, may recommend one of the proposals.

(6) The Board may seek the advice of the Auditor General as to the proper method of establishing the public service cost of the government service and the cost under a contract.

Contract **6** On receipt of a report from the Board the Minister, if he is satisfied that the government service can be provided under contract at less than half of the cost to the public if carried out by the Public Service, may award a contract to the person making the proposal for a period of not less than one and not more than 10 years, in accordance with the regulations.

Review of Contract **7** The Minister may refer to the Board the performance of any contract awarded under section 6.

Loan **8** The Minister may authorize a loan to a person who is awarded a contract pursuant to section 5, in an amount half of the anticipated saving of public money, at a rate of interest equal to the prime lending rate at a chartered bank determined according to the regulations, for a period of the lesser of

(a) half of the term of the contract entered into with the person making the proposal, and

(b) 3 years.

Termination **9** Every contract entered into pursuant to this Act shall contain a provision that permits the contract to be terminated and the provision of the government service passed to another person or assumed by the Minister, in the event that

(a) there has been a breach of contract; or

(b) in the opinion of the Minister and of the Board

(i) the government service is not being provided to the public at an adequate level of convenience, speed, efficiency or courtesy, or

(ii) the person providing the service under contract is charging the public more for the service than is provided for in the contract.

- Regulations** **10** The Lieutenant Governor in Council may make regulations to provide for the efficient and proper carrying out of the purposes of this Act.
- Coming into force** **11** This Act comes into force on Proclamation which shall not be earlier than the effective date of the first appropriation of money to the purposes of this Act by the Legislature.