

1999 BILL 8

Third Session, 24th Legislature, 48 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 8

**PROVINCIAL COURT JUDGES
AMENDMENT ACT, 1999**

MS GRAHAM

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 8

1999

PROVINCIAL COURT JUDGES AMENDMENT ACT, 1999

(Assented to _____, 1999)

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

Amends SA
1981 cP-20.1

1 The *Provincial Court Judges Act* is amended by this Act.

2 Section 2(8) is amended by striking out “(6)” and substituting “(7)”.

3 The following is added after section 2:

Appointments
of chief judge
and deputy
and assistant
chief judges

2.1(1) A judge appointed as chief judge holds that office for a term of 7 years and the judge may not be re-appointed to that office.

(2) A judge appointed as deputy chief judge holds that office for a term not exceeding 7 years as set out in the order appointing the deputy chief judge and the judge may not be re-appointed to that office.

(3) A judge appointed as assistant chief judge holds that office for a term of 5 years and may not be re-appointed to that office or appointed to any other office of assistant chief judge.

(4) Subsection (3) applies to judges appointed as assistant chief judges after this section comes into force.

Explanatory Notes

- 1** Amends chapter P-20.1 of the Statutes of Alberta, 1981.
- 2** Section 2(8) presently reads:
(8) A judge designated under subsection (6) has the powers and duties of the chief judge, deputy chief judge or assistant chief judge, as the case may be.
- 3** Appointments of chief judge and deputy and assistant chief judges.

Confidentiality
of selection
process

4 The following is added after section 8:

8.1 Records containing information arising during the process for the selection of judges are confidential and despite the *Freedom of Information and Protection of Privacy Act* are not subject to that Act.

5 Section 17(1) is amended

(a) by repealing clause (d)(v) and substituting the following:

- (v) benefits under one or more pension plans for specified judges and other individuals deriving benefit entitlements through them;

(b) by adding the following after clause (d.1):

- (d.2) without limiting anything in clause (d), providing for the continuation or establishment of

- (i) one or more pension plans, including a supplemental retirement plan that may or may not be registrable under the *Income Tax Act* (Canada), and

- (ii) one or more pension funds,

including the making of any provisions in respect of those plans or funds that are made, or that are similar to or that correspond to provisions made, by or under, or that could be made under, the *Public Sector Pension Plans Act* with respect to any pension plan or pension fund continued or established by that Act;

4 Confidentiality of selection process.

5 Section 17 presently reads:

17(1) The Lieutenant Governor in Council shall make regulations

- (a) fixing the salaries to be paid to judges;*
- (b) fixing the amount to be paid to judges sitting part time;*
- (c) prescribing fees to be paid for each proceeding or specified service;*
- (d) providing for the benefits to which judges are entitled, including,*
 - (i) personal expense allowances and services;*
 - (ii) travel and moving allowances;*
 - (iii) leaves of absence and vacations;*
 - (iv) sick leave credits and payments in respect of those credits;*
 - (v) pension benefits for judges and their spouses or survivors;*
- (d.1) respecting the terms and conditions of appointment of supernumerary judges;*
- (e) providing for the transfer or other disposition of those benefits to which persons appointed as judges under this Act were entitled under the Public Service Act and the regulations under that Act or the Public Service Pension Plan, the Public Service Management (Closed Membership) Pension Plan or the Management Employees Pension Plan at the time of their appointment under the Provincial Court Act or under this Act.*

(2) Regulations made under subsection (1) shall, if so provided in the regulation, be effective from a date prior to the making of the regulation.