

1983 BILL 107

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 107

LEGISLATIVE ASSEMBLY AMENDMENT ACT, 1983

HON. MR. CRAWFORD

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 107

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1983

LEGISLATIVE ASSEMBLY AMENDMENT ACT, 1983

(Assented to , 1983)

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

1 The Legislative Assembly Act is amended by this Act.

2 Section 29(2) is amended by striking out “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” and substituting “from the Crown or a person acting on behalf of the Crown”.

Explanatory Notes

1 This Bill amends chapter L-10.1 of the Statutes of Alberta, 1983.

2 Section 29 presently reads:

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 complied 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

3 Section 35 is amended

(a) in subsection (2) by adding “, other than a finding of disqualification under section 25,” after “a finding of disqualification”;

(b) in subsection (4) by striking out “a finding of disqualification made by the Court under section 34” and substituting “a finding by the Court of the disqualification of a Member under section 25”;

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

(5) A declaration of disqualification of a Member made by the Assembly under subsection (3)(a) remains in effect until

(a) the expiration of 8 years following the date on which the declaration is made, or

(b) the cause of the Member’s disqualification has been removed,

whichever occurs first.

4 Section 41(1)(b) is amended by adding “or” and the end of subclause (i).

(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.

3 Section 35 presently reads:

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 transmit the copy of the judgment or the notice, as the case may be, to the Speaker, who shall lay it 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.

4 Section 41(1) presently reads:

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 a sitting of the Assembly during which he was a Member and maintained that residence, and

(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 more than 8 days during a session of the Assembly,

(ii) during a period when the Assembly was not in session.

5 *Section 42(1)(c) is amended by striking out “the Speaker on the recommendation of”.*

6 *Section 43 is amended*

(a) by adding “or” at the end of subsection (1)(a);

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

(b) attending any meeting or event as a representative of the Government of Alberta or a Minister of the Crown.

(c) by repealing subsection (3)(a) and substituting the following:

(a) he may be paid fees by the Crown or by that body only if the Lieutenant Governor in Council or a Minister of the Crown prescribes the amount or rate of those fees;

5 Section 42 presently reads:

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),

if he is required to obtain accommodation by reason of his absence from his ordinary place of residence on that day, and

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

6 Section 43(1) and (3) presently read:

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.

(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 of any services or things to or for the use of the Member, if his rate of fees is prescribed at a monthly or yearly rate.

7 *Section 45(1) is amended by adding the following after clause (b):*

(b.1) the payment of expenses to or for the benefit of Members where the expenses are related to

(i) attendance at a meeting or event sponsored by the Commonwealth Parliamentary Association or any other parliamentary association or by any other body that is a branch or subdivision of any of those associations, or

(ii) attendance at a meeting or event as a representative of the Assembly or the Speaker;

8 *The Schedule is amended*

(a) *by adding “Alberta” before “Agricultural Products Marketing Council”;*

(b) *by striking out “Alberta Games Council” and substituting “Alberta Sport Council”;*

(c) *by striking out “Alberta Petroleum Marketing Corporation” and substituting “Alberta Petroleum Marketing Commission”;*

(d) *by adding “The” before each of the following:*

“Alberta Government Telephones Commission”;

“Alberta Liquor Control Board”;

“Board of the Northland School Division No. 61”;

“Crimes Compensation Board”;

“Workers’ Compensation Board”.

9(1) *Section 6(c) is deemed to have come into force on April 1, 1983.*

(2) *Section 8(b) comes into force on April 1, 1984.*

In accordance with section 4(1) of the Interpretation Act, this Bill, except sections 6(c) and 8(b), comes into force on the date it receives Royal Assent.

7 Section 45(1) presently reads:

45(1) The Members' Services Committee may by order authorize, on such conditions as the Committee determines,

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

(b) the participation of Members in group insurance plans or group plans for the prepayment of the cost of services, and the payment by the Crown of all or part of the premiums or subscriptions under those plans;

(c) the payment of other allowances, benefits or expenses 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 of any services or things to or for the use of Members or the Speaker, Deputy Speaker, Deputy Chairman or the Leader of Her Majesty's loyal opposition.

8 Corrects the Schedule of Disqualifying Offices.