



Province of Alberta

LEGISLATIVE ASSEMBLY ACT

Revised Statutes of Alberta 2000 Chapter L-9

Current as of December 14, 2016

Office Consolidation

© Published by Alberta Queen's Printer

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Legislative Assembly Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	<i>Amendments</i>
Legislative Assembly Act		
Long Term Disability Benefits.....	176/78	228/83, 374/83, 420/86, 196/2006
Schedule of Fees (Statutes)	41/69	

LEGISLATIVE ASSEMBLY ACT

Chapter L-9

Table of Contents

1 Interpretation

Part 1 The Legislative Assembly

Division 1 General

2 Composition of Assembly
3 Duration of Assembly
4 Sittings
5 Prorogation
6 Committees of the Assembly
7 Bills and Acts

Division 2 Assembly's Privileges, Immunities and Powers

8 Jurisdiction of the Assembly
9 Privileges, immunities and powers generally
10 Breaches of privilege and contempts
11 Order of punishment
12 Assembly as a court
13 Members' immunities
14 Compelling attendance of witnesses
15 Non-liability for acts done under authority of Assembly

Division 3 Assembly Officers and Staff

16 The Speaker
17 Deputy Speaker and Deputy Chair
18 Acting Speaker
19 Legislative Assembly Office

- 20 Powers of Assembly in relation to its officers
- 21 Financing of operations
- 22 Records management

Part 2 Membership of the Assembly

- 23 Oath of allegiance

Division 1 Disqualification

- 24 Loss of citizenship
- 25 Disqualification in relation to election financial statements
- 26 Disqualifying offices
- 27 When disqualification occurs
- 28 Action for finding of disqualification
- 29 Assembly proceedings following Court finding

Division 2 Vacancies in Membership

- 30 Expulsion
- 31 Resignation
- 32 Order for election to fill vacancy

Part 3 Remuneration of Members

Members' Allowances, Expenses and Benefits

- 33 Members' indemnity and expense allowances
- 34 Deductions from allowances
- 35 Allowance for temporary residence in Edmonton
- 36 Allowances and expenses for committee work
- 37 Members' fees and expenses for service on boards, etc.
- 38 Disability benefits
- 39 Other allowances and benefits

Salaries and Other Allowances

- 40 Salaries of Speaker, Deputy Speaker and Deputy Chair
- 41 Salary of Leader of the Opposition
- 42 Allowance to leader of recognized opposition party

Part 4 The Executive Council

- 43 Salaries of Executive Council members
- 44 President's representational allowance

45 Annual reports

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 Chair” means the Deputy Chair of Committees;
- (d) “Deputy Speaker” means the Deputy Speaker and Chair of Committees;
- (e) “Member” means a Member of the Legislative Assembly;
- (f) “Members’ Services Committee” means the Special Standing Committee on Members’ Services;
- (g) “officer of the Assembly” means an officer referred to in section 19(1)(a).

(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 64 of the *Election Act*, the person becomes a Member of the Assembly on the making of the declaration;
- (b) if the person is declared elected under section 138 of the *Election Act* and no application is made to the Court within the 8-day period prescribed by section 144 of that Act, the person becomes a Member of the Assembly at the expiration of that period;
- (c) if the person is declared elected under section 147(1) of the *Election Act* and no appeal is taken to the Court of Appeal within the 2-day period prescribed by section 148(1) of that Act, the person becomes a Member of the Assembly at the expiration of that period;
- (d) if the person is declared elected pursuant to section 148(8) of the *Election Act*, the person 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 the Member takes the oath of allegiance under section 23.

RSA 2000 cL-9 s1;2010 c8 s94

Part 1

The Legislative Assembly

Division 1

General

Composition of Assembly

2 The Legislative Assembly shall consist of the persons elected pursuant to the *Election Act* as members of the Assembly to represent respectively the electoral divisions described in the Schedule to the *Electoral Divisions Act*.

1983 cL-10.1 s2

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 relation to the Legislative Assembly of Alberta.

1983 cL-10.1 s3

Sittings

4 There shall be a sitting of the Legislature at least once every 12 months.

1983 cL-10.1 s4

Prorogation

5 It is not necessary for the Lieutenant Governor in proroguing the Legislature to name any day to which it is prorogued.

1983 cL-10.1 s5

Committees of the Assembly

6 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.

1983 cL-10.1 s6

Bills 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 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 the Clerk 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 _____, 20_____”.

1983 cL-10.1 s7

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.

1983 cL-10.1 s8

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.

1983 cL-10.1 s9

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 the Member's office;
- (c) the offering to, or acceptance by, a Member of
 - (i) a bribe to influence the Member in the Member's 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 Chair 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 the person's duties;
- (e) tampering with a witness with regard to evidence given or to be given by the witness 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 or falsifying
 - (i) a record of the Assembly or of a committee of the Assembly, or
 - (ii) a document presented to or filed with, or 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 the Member by petition, Bill, resolution, motion or otherwise, or anything said by the Member, 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 this Act or of an order of the Assembly or a committee of the Assembly.

1983 cL-10.1 s10

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 the person may be subject by law, is liable to the following:

- (a) imprisonment for any 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 the Member's 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 the Speaker's 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.

1983 cL-10.1 s11

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.

1983 cL-10.1 s12

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 the Member before the Assembly or any committee of the Assembly by petition, Bill, resolution, motion or otherwise or by reason of anything said by the Member 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.

1983 cL-10.1 s13

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 the person 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 peace officer.

1983 cL-10.1 s14;1994 cC-10.5 s137

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.

1983 cL-10.1 s15

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.

1983 cL-10.1 s16

Deputy Speaker and Deputy Chair

17(1) The Legislative Assembly shall elect one of its Members as Deputy Speaker and Chair of Committees and another of its Members as Deputy Chair 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 that person were the Speaker.

1983 cL-10.1 s17

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 Speaker, and
- (b) the Deputy Chair 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 Speaker, and

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

1983 cL-10.1 s18

Legislative Assembly Office

19(1) There is hereby established the Legislative Assembly Office that shall be presided over by the Speaker and shall 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) The Members' Services Committee may order that

- (a) any regulation, order or directive made under the *Financial Administration Act*,
- (b) any regulation, order, directive, rule, procedure, direction, allocation, designation or other decision under the *Public Service Act*, or
- (c) any regulation, order, determination, direction or other decision under the *Public Sector Compensation Transparency Act*,

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

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

(3.1) An order made under subsection (2)(c) in relation to a regulation, order, determination, direction or other decision under the *Public Sector Compensation Transparency Act* operates notwithstanding that Act.

(4) The *Regulations Act* does not apply to orders made under subsection (2).

(5) The chair of the Members' Services Committee shall lay a copy of each order made under subsection (2) 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.

RSA 2000 cL-9 s19;2015 cP-40.5 s22

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.

1983 cL-10.1 s20

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 President of Treasury Board and Minister of Finance 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 President of Treasury Board and Minister of Finance 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 the Lieutenant Governor 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 is 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.

RSA 2000 cL-9 s21;2006 c23 s46;2013 c10 s32

Records management

22 The Members' Services Committee may make an order

- (a) respecting the management of records in the custody or under the control of the Legislative Assembly Office, including their creation, handling, control, organization, retention, maintenance, security, preservation, disposition, alienation and destruction and their transfer to the Provincial Archives of Alberta;
- (b) establishing or governing the establishment of programs for any matter referred to in clause (a);
- (c) defining and classifying records;
- (d) respecting the records or classes of records to which the order or any provision of it applies.

1995 c34 s8

Part 2 Membership of the Assembly

Oath of allegiance

23(1) A Member shall, before being permitted to take the Member's place in and to vote in the Assembly, take an oath of allegiance in the following form:

"I, _____, 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".

1983 cL-10.1 s22

Division 1 Disqualification

Loss of citizenship

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

1983 cL-10.1 s25

Disqualification in relation to election financial statements

25 A person is disqualified from membership of the Assembly if

- (a) the Speaker has laid a report before the Assembly pursuant to section 44(1) of the *Election Finances and Contributions Disclosure Act*,
- (b) that person was the registered candidate or the registered nomination contestant or the chief financial officer of the registered candidate or registered nomination contestant referred to in the report, and
- (c) the return to which the report relates has not been filed with the Chief Electoral Officer and the Court has not dispensed with compliance with section 43, 43.01, 43.02 or 43.1, as the case may be, of that Act by an order under section 44(3)(a) of that Act.

RSA 2000 cL-9 s25;2010 c8 s94;2016 c29 s53

Disqualifying offices

26 A person is disqualified from membership of the Assembly if that person is at the time of becoming a Member, or becomes at any time while that person is a Member, a member of the Senate or House of Commons of Canada.

1983 cL-10.1 s27;1991 cC-22.1 s52

When disqualification occurs

27(1) A Member is not disqualified from membership of the Assembly under section 24 until the Court, in an action under section 28, makes a finding that the Member is disqualified.

(2) A Member is not disqualified from membership of the Assembly under section 25 or 26 until

- (a) the Court makes a finding that the Member is disqualified in a judgment made under section 28, and
- (b) the Member has been declared disqualified by the Assembly pursuant to section 29.

1983 cL-10.1 s32;1991 cC-22.1 s52

Action for finding of disqualification

28(1) An action for a finding that a Member is disqualified under section 24, 25 or 26 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 at a judicial centre located in the Member's electoral division or, if there is none, in the judicial centre closest to the Member's electoral division,
- (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 the Member is disqualified under section 24, 25 or 26 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.

RSA 2000 cL-9 s28;2009 c53 s98

Assembly proceedings following Court finding

29(1) On receiving

- (a) a copy of the judgment of the Court of Queen's Bench under section 28,
- (b) a copy of the judgment of the Court of Appeal delivered pursuant to section 28(5), or
- (c) a notice of the abandonment of an appeal delivered pursuant to section 28(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, other than a finding of disqualification under section 24, is laid before the Assembly pursuant to subsection (1), the judgment so laid 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 by the Court of the disqualification of a Member under section 24, operates to vacate the Member's seat in the Assembly.

1983 cL-10.1 s35;1983 c84 s6;1991 cC-22.1 s52

Division 2 Vacancies in Membership

Expulsion

30 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.

1983 cL-10.1 s36

Resignation

31(1) A Member may resign the Member's seat as a Member

- (a) by declaring openly in the Member's place in the Assembly during its proceedings that the Member resigns the Member's seat as a Member, or
- (b) by delivering a resignation signed by the Member and attested to by 2 witnesses to the Clerk.

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

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

1983 cL-10.1 s37

Order for election to fill vacancy

32(1) When a vacancy occurs in the membership of the Assembly, the Clerk shall

- (a) issue and deliver the Clerk's 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 39 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 39 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.

1983 cL-10.1 s38

Part 3 Remuneration of Members

Members' Allowances, Expenses and Benefits

Members' indemnity and expense allowances

33(1) There shall be paid to each Member

- (a) an indemnity allowance at the rate per year prescribed by the Members' Services Committee, and
- (b) an expense allowance at the rate prescribed by the Members' Services Committee.

(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 the Member's 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 the Member 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.

1983 cL-10.1 s39;1986 c20 s2;1989 c16 s2

Deductions from allowances

34 Deductions shall be made from the indemnity allowance and the expense allowance of a Member at the rates prescribed by the Members' Services Committee for each day in excess of 10 sitting days during a session on which the Member did not either take the Member's 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.

1983 cL-10.1 s40;1989 c16 s3

Allowance for temporary residence in Edmonton

35(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 the Member's duties as a Member, the Member may claim and be paid an allowance at the rate prescribed by the Members' Services Committee for

- (a) each day of a sitting of the Assembly during which the Member was a Member and maintained that residence, and
- (b) each day on which the Member 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, or
 - (ii) during a period when the Assembly was not in session.

(2) A Member is not entitled to receive a payment pursuant to subsection (1)(a) in respect of any day in respect of which a deduction is made from the Member's allowances under section 34.

(3) A Member is not entitled to receive payments under subsection (1)(b) in respect of more than the maximum number of days prescribed by the Members' Services Committee for any year.

1983 cL-10.1 s41;1983 c84 s7;1986 c20 s3

Allowances and expenses for committee work

36(1) A Member who serves on a committee appointed by resolution of the Assembly or who performs duties in respect of the Assembly that are recognized by the Members' Services Committee is entitled to be paid in respect of that service or those duties

- (a) an allowance in an amount prescribed by the Members' Services Committee,
- (b) an allowance in respect of the Member's living expenses at the rate prescribed by the Members' Services Committee
 - (i) for each day on which the Member 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 the Member is required to obtain accommodation by reason of the Member's absence from the Member's ordinary place of residence on that day, and
- (c) the Member's 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 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.

1983 cL-10.1 s42;1983 c84 s8;1986 c20 s4;1989 c16 s4

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

37(1) Unless the Lieutenant Governor in Council orders otherwise, a Member is entitled to the payment of the Member's 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 the Member is appointed by the Lieutenant Governor in Council, a Minister of the Crown or by a regulation, or
- (b) attending any meeting or event as a representative of 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 at any meeting or event is 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 the Member is appointed by the Lieutenant Governor in Council or a Minister of the Crown or by a regulation,
- (a) the Member 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;
 - (b) the Lieutenant Governor in Council may authorize the provision of any services or things to or for the use of the Member, if the Member's rate of fees is prescribed at a monthly or yearly rate.
- (4)** The President of Treasury Board and Minister of Finance 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,
 - (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 Assembly and the persons to whom and the time at which those amounts were paid, and
 - (c) a description of the services and things authorized pursuant to subsection (3)(b) in respect of each Member,

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.

RSA 2000 cL-9 s37;2002 c30 s20;2006 c23 s46;
2013 c10 s32

Disability benefits

38(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 President of Treasury Board and Minister of Finance 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 Chair,
 - (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*.

RSA 2000 cL-9 s38;2006 c23 s46;2013 c10 s32

Other allowances and benefits

39(1) The Members’ Services Committee may by order authorize, on any conditions that the Committee determines,

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

- (b) notwithstanding section 38 or 43(2), 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 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;
 - (d) the payment of other allowances, benefits or expenses to or on behalf of Members or former Members or any class of Members if they are related to the performance of their duties or to their service as Members;
 - (e) the provision of any services or things to or for the use of Members or the Speaker, Deputy Speaker, Deputy Chair or the Leader of Her Majesty's loyal opposition.
- (2)** The Members' Services Committee shall by order prescribe
- (a) the rates of the indemnity allowance and the expense allowance referred to in section 33(1),
 - (b) the rates referred to in section 34,
 - (c) the rate of the allowances and the maximum number of days referred to in section 35,
 - (d) the amount of the allowances and the rate of the expenses referred to in section 36,
 - (e) the rates of the salaries referred to in sections 42(2) and 43(1), and
 - (f) the rate of the allowance referred to in section 44.
- (3)** If an order is made under this section, the chair of the Members' Services Committee shall lay a copy of the order 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.

1983 cL-10.1 s45;1983 c84 s10;1986 c20 s5;1988 c28 s2;1989 c16 s5

Salaries and Other Allowances

Salaries of Speaker, Deputy Speaker and Deputy Chair

40(1) The following salaries shall be paid to the Speaker, the Deputy Speaker and the Deputy Chair:

- (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 43(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 Chair, a salary at a rate equal to 25% of that payable to the Speaker.

(2) The Speaker, Deputy Speaker and Deputy Chair 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 Chair,

- (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 Chair 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 the Member's death,

whichever occurs first.

(4) If the holder of the office of Speaker, Deputy Speaker or Deputy Chair 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 the Member's predecessor ceased to hold it.

1983 cL-10.1 s46

Salary of Leader of the Opposition

41(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 43(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 the Member's 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 the Member's death,whichever is earlier.

(3) If the Speaker does not recognize any Member as the Leader of Her Majesty's loyal opposition, the Speaker may direct the apportionment of the salary that would otherwise be payable under subsection (1) to one 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 36 and 42 in respect of the salary so paid to the Member.

1983 cL-10.1 s47;1985 cM-12.5 s45

Allowance to leader of recognized opposition party

42(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 per year prescribed by the Members' Services Committee that is not less than 25% of the rate of salary payable to a member of the Executive Council pursuant to section 50(1)(a)(iii).

1983 cL-10.1 s48;1989 c16 s6

Part 4

The Executive Council

Salaries of Executive Council members

43(1) There shall be paid to the members of the Executive Council

(a) salaries at the rates per year prescribed by the Members' Services Committee for

(i) the President of the Executive Council,

(ii) a member designated otherwise than as a Minister without Portfolio, and

(iii) 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, on any conditions that the Lieutenant Governor in Council determines,

(a) the participation of members of the Executive Council 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 their premiums or subscriptions under those plans;

(b) the payment of allowances for moving expenses of a person who,

(i) as a result of the person's appointment as a member of the Executive Council, changes the person's residence to a place in or near Edmonton, or

(ii) as a result of the person's ceasing to be a member of the Executive Council, changes the person's residence from a place in or near Edmonton to another place in Alberta;

- (c) the payment of any other allowances, benefits or expenses to or on behalf of members of the Executive Council;
- (d) the provision of any services or things to or for the use of members of the Executive Council.

1983 cL-10.1 s50;1989 c16 s8

President's representational allowance

44 There shall be paid to the President of the Executive Council a representational allowance at the rate per year prescribed by the Members' Services Committee.

1983 cL-10.1 s51;1989 c16 s9

Annual reports

45 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 that department in that year and 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.

1983 cL-10.1 s52



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