

No. 58

1st Session, 14th Legislature, Alberta
8 Elizabeth II

BILL 58

A Bill to amend The Prohibition Against Dealing in
Crown Lands Act

HON. MR. MANNING

Explanatory Note

2. Section 3 is derived from section 84 of the old Provincial Lands Act (R.S.A. 1942, c. 62) as enacted in 1939, chapter 10, section 81 and re-enacted in 1949 upon the repeal of the Provincial Lands Act. The amendment would permit the making of regulations authorizing dealings in Crown lands by civil servants as other classes of the public where desirable, e.g. upon the leasing of lots for summer cottages. It now requires an Order in Council in each specific instance. Subsection (1) reads as follows:

- "3. (1) Unless specifically authorized by the Lieutenant Governor in Council,
- (a) no employee
 - (i) shall be a bidder at a sale of Crown lands, or
 - (ii) shall acquire a right, title or interest in Crown lands, either directly or indirectly, in his own name or through another person or in the name of a person in trust for himself,
 - (b) no employee shall
 - (i) be a shareholder or director of a corporation or company that has an interest in Crown lands, or
 - (ii) have directly or indirectly an interest in shares of a company that has an interest in Crown lands in his own name or through another person or in the name of a person in trust for himself,unless the shares of the company are regularly quoted and dealt in on a recognized stock exchange, and
 - (c) no employee shall take or receive a fee or emolument for negotiating or transacting any business connected with his official duties."

3. Section 5 relates to a matter within the purview of the law of privileged matter in evidence and is misplaced in this Act relating to Crown lands. It reads as follows:

- "5. (1) A subpoena shall not issue out of a court requiring
- (a) the attendance of an employee, or
 - (b) the production of a document of a Department in the official custody or possession of an employee,
- without an order of the court or a judge thereof.
- (2) An employee shall not disclose or be compelled to disclose information obtained by him in his official capacity if a member of the Executive Council certifies that in his opinion
- (a) it is not in the public interest to disclose such information, or
 - (b) the information cannot be disclosed without prejudice to the interests of persons not concerned in the litigation.
- (3) The information certified under subsection (2) is privileged."

Section 6 is out of place in this Act. It reads as follows:

- "6. No action for damages lies against an employee in respect of an act, matter or thing done or omitted to be done by that employee when acting in the discharge of his duties as an employee."

BILL

No. 58 of 1960

An Act to amend The Prohibition Against Dealing in
Crown Lands Act

(Assented to _____, 1960)

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

1. *The Prohibition Against Dealing in Crown Lands Act*,
being chapter 244 of the Revised Statutes, is hereby
amended.

2. Section 3, subsection (1) is amended by striking out
the words "specifically authorized" and by substituting
the words "authorized by general regulations or particular
orders made".

3. Sections 5 and 6 are repealed.

4. This Act comes into force on the day upon which
it is assented to.

No. 58

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act to amend The Prohibition
Against Dealing in Crown Lands Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING
