

BILL

No. 138

An Act to Standardize Provisions respecting Officers of the Legislative Assembly

(Assented to _____)

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

Short title

1 This Act may be cited as *The Officers of the Legislative Assembly Standardization Amendment Act, 2014*.

S.S. 2012, c.A-5.4 amended

2(1) *The Advocate for Children and Youth Act* is amended in the manner set forth in this section.

(2) Section 3 is amended:

- (a) in subsection (2) by striking out “officer” and substituting “Officer”;
- (b) in subsection (3) by striking out “resolution” and substituting “order”; and
- (c) by repealing subsection (6) and substituting the following:
“(6) The Advocate may resign the office at any time by giving written notice to the Speaker”.

(3) Section 4 is amended:

- (a) in subsection (1) by striking out “resolution” and substituting “order”; and
- (b) in subsection (2) in the portion preceding clause (a) by striking out “resolution” and substituting “order”.

(4) Subsection 5(3) is repealed and the following substituted:

“(3) If the office of the Advocate is vacant or the Advocate is suspended pursuant to subsection (1), the Board of Internal Economy shall appoint an acting Advocate to hold office until:

- (a) a person is appointed as Advocate pursuant to section 3;
- (b) the suspension is revoked by the Legislative Assembly; or
- (c) the Advocate is removed from office by the Legislative Assembly pursuant to subsection 4(1) and a person is appointed as Advocate pursuant to section 3.

“(4) For the purposes of this section, the Legislative Assembly is not in session when it:

- (a) is prorogued or dissolved; or
- (b) is adjourned for an indefinite period or to a day more than seven days after the date the Board of Internal Economy made the order suspending the Advocate”.

(5) Subsection 9(2) is repealed and the following substituted:

“(2) *The Public Service Superannuation Act* and *The Public Employees Pension Plan Act* apply to the members of the staff of the Advocate.

“(3) Members of the staff of the Advocate are employees of the Legislative Assembly and are not members of the public service of Saskatchewan”.

S.S. 1996, c.E-6.01 amended

3(1) *The Election Act, 1996* is amended in the manner set forth in this section.

(2) Clause 2(1)(j) is amended by adding “and includes any acting Chief Electoral Officer appointed pursuant to section 4.1, 4.2 or 4.3” **after** “section 4”.

(3) Section 4 is amended:

(a) in subsection (2) by striking out “officer of the Assembly” **and substituting** “Officer of the Legislative Assembly”;

(b) by repealing subsection (3) and substituting the following:

“(3) The Chief Electoral Officer shall be appointed by order of the Legislative Assembly”; **and**

(c) by repealing subsection (5) and substituting the following:

“(5) The Chief Electoral Officer may resign the office at any time by giving written notice to the Speaker”.

(4) Section 4.1 is repealed and the following substituted:

“Removal and suspension

4.1(1) The Legislative Assembly may, by order, remove the Chief Electoral Officer from office or suspend the Chief Electoral Officer.

(2) If the Chief Electoral Officer is suspended pursuant to subsection (1), the Legislative Assembly, by order, shall appoint an acting Chief Electoral Officer to hold office until:

- (a) the suspension is revoked by the Legislative Assembly; or
- (b) the Chief Electoral Officer is removed from office by the Legislative Assembly pursuant to subsection (1) and a person is appointed as Chief Electoral Officer pursuant to section 4”.

(5) Section 4.2 is amended:

(a) in subsection (1) by striking out “Legislature” **and substituting** “Legislative Assembly”;

(b) in subsection (2) by striking out “Legislature” **and substituting** “Legislative Assembly”;

(c) **in clause (3)(b) by striking out “Assembly” and substituting “Legislative Assembly”;** and

(d) **by adding the following subsection after subsection (3):**

“(4) For the purposes of this section, the Legislative Assembly is not in session when it:

(a) is prorogued or dissolved; or

(b) is adjourned for an indefinite period or to a day more than seven days after the date the Board of Internal Economy made the order suspending the Chief Electoral Officer”.

(6) Section 4.6 is repealed and the following substituted:

“Staff

4.6(1) The Chief Electoral Officer may appoint the employees that are required in order to exercise the powers and perform the duties of the Chief Electoral Officer effectively.

(2) *The Public Service Superannuation Act* and *The Public Employees Pension Plan Act* apply to the members of the staff of the Chief Electoral Officer.

(3) Members of the staff of the Chief Electoral Officer are employees of the Legislative Assembly and are not members of the public service of Saskatchewan”.

S.S. 1990-91, c.F-22.01 amended

4(1) *The Freedom of Information and Protection of Privacy Act* is amended in the manner set forth in this section.

(2) Clause 2(1)(b) is repealed and the following substituted:

“(b) **‘commissioner’** means the Information and Privacy Commissioner appointed pursuant to Part VI and includes any acting commissioner appointed pursuant to that Part”.

(3) Sections 38 to 41 are repealed and the following substituted:

“Appointment of commissioner

38(1) The office of the Information and Privacy Commissioner is continued.

(2) The commissioner is an Officer of the Legislative Assembly.

(3) The commissioner shall be appointed by order of the Legislative Assembly.

(4) Subject to sections 39 and 40, unless he or she resigns, dies or is removed from office, the commissioner holds office for a term of five years.

(5) The commissioner may be reappointed for one additional term of five years.

(6) The commissioner may resign the office at any time by giving written notice to the Speaker.

“Removal or suspension

39(1) The Legislative Assembly may, by order, remove the commissioner from office or suspend the commissioner.

(2) If the commissioner is suspended pursuant to subsection (1), the Legislative Assembly, by order, shall appoint an acting commissioner to hold office until:

- (a) the suspension is revoked by the Legislative Assembly; or
- (b) the commissioner is removed from office by the Legislative Assembly pursuant to subsection (1) and a person is appointed as commissioner pursuant to section 38.

“Suspension when Legislative Assembly not in session

40(1) If the Legislative Assembly is not in session, the Board of Internal Economy may suspend the commissioner for incapacity to act, neglect of duty or misconduct that is proved to the satisfaction of the Board of Internal Economy.

(2) No suspension imposed pursuant to subsection (1) continues past the end of the next session of the Legislative Assembly.

(3) If the office of the commissioner is vacant or the commissioner is suspended pursuant to subsection (1), the Board of Internal Economy shall appoint an acting commissioner to hold office until:

- (a) a person is appointed as commissioner pursuant to section 38;
- (b) the suspension is revoked by the Legislative Assembly; or
- (c) the commissioner is removed from office by the Legislative Assembly pursuant to subsection 39(1) and a person is appointed as commissioner pursuant to section 38.

(4) For the purposes of this section, the Legislative Assembly is not in session when it:

- (a) is prorogued or dissolved; or
- (b) is adjourned for an indefinite period or to a day more than seven days after the date the Board of Internal Economy made the order suspending the commissioner.

“Acting commissioner

40.1 If the commissioner has resigned or is ill or otherwise unable to act, the Board of Internal Economy may appoint another person as acting commissioner until:

- (a) the commissioner is able to act; or
- (b) another commissioner is appointed pursuant to this Act.

“Salary of commissioner

41(1) Subject to subsections (2) and (3), the commissioner is to be paid a salary equal to the average salary of all the deputy ministers and acting deputy ministers of the Government calculated as at April 1 in each year.

(2) Any benefits or payments that may be characterized as deferred income, retirement allowances, separation allowances, severance allowances or payments in lieu of notice are not to be included in calculating the average salary of all the deputy ministers and acting deputy ministers pursuant to subsection (1).

(3) If, as a result of a calculation made pursuant to subsection (1), the salary of the commissioner would be less than the commissioner's previous salary, the commissioner is to be paid not less than his or her previous salary.

(4) The commissioner is entitled to receive any benefits of office and economic adjustments that are provided generally to deputy ministers.

(5) The commissioner is entitled to be paid an allowance for travel and other expenses incurred in the performance of the duties of the commissioner at a rate approved pursuant to *The Public Service Act, 1998* for employees of the public service.

(6) The salary of the commissioner shall be paid out of the general revenue fund".

(4) Section 43 is repealed and the following substituted:

"Staff of commissioner

43(1) The commissioner may appoint the employees that are required in order to exercise the powers and perform the duties of the commissioner effectively.

(2) *The Public Service Superannuation Act* and *The Public Employees Pension Plan Act* apply to the members of the staff of the commissioner.

(3) Members of the staff of the commissioner are employees of the Legislative Assembly and are not members of the public service of Saskatchewan".

S.S. 1993, c.M-11.11 amended

5(1) *The Members' Conflict of Interest Act* is amended in the manner set forth in this section.

(2) Clause 2(1)(c) is repealed and the following substituted:

"(c) '**commissioner**' means the conflict of interest commissioner appointed pursuant to section 18 and includes any acting commissioner appointed pursuant to section 19, 20 or 21".

(3) Section 18 is amended:

(a) in subsection (2) by striking out "officer of the Assembly" and substituting "Officer of the Legislative Assembly"; and

(b) by repealing subsections (3) to (5) and substituting the following:

"(3) The commissioner shall be appointed by order of the Legislative Assembly.

"(4) Subject to sections 19 and 20, unless he or she resigns, dies or is removed from office, the commissioner holds office for a term of five years.

"(4.1) The commissioner may be reappointed for one additional term of five years.

"(5) The commissioner may resign the office at any time by giving written notice to the Speaker".

(4) Section 19 is repealed and the following substituted:

“Removal and suspension

19(1) The Legislative Assembly may, by order, remove the commissioner from office or suspend the commissioner.

(2) If the commissioner is suspended pursuant to subsection (1), the Legislative Assembly, by order, shall appoint an acting commissioner to hold office until:

(a) the suspension is revoked by the Legislative Assembly; or

(b) the commissioner is removed from office by the Legislative Assembly pursuant to subsection (1) and a person is appointed as commissioner pursuant to section 18”.

(5) Section 20 is amended:

(a) in subsection (1) by striking out “Legislature” and substituting “Legislative Assembly”;

(b) in subsection (2) by striking out “Legislature” and substituting “Legislative Assembly”;

(c) in subsection (3):

(i) in clause (b) by striking out “Assembly” and substituting “Legislative Assembly”; and

(ii) in clause (c) by striking out “Assembly” and substituting “Legislative Assembly”; and

(d) by adding the following subsection after subsection (3):

“(4) For the purposes of this section, the Legislative Assembly is not in session when it:

(a) is prorogued or dissolved; or

(b) is adjourned for an indefinite period or to a day more than seven days after the date the Board of Internal Economy made the order suspending the commissioner”.

(6) Section 24 is repealed and the following substituted:

“Staff

24(1) The commissioner may appoint the employees that are required in order to exercise the powers and perform the duties of the commissioner effectively.

(2) *The Public Service Superannuation Act* and *The Public Employees Pension Plan Act* apply to the members of the staff of the commissioner.

(3) Members of the staff of the commissioner are employees of the Legislative Assembly and are not members of the public service of Saskatchewan”.

S.S. 2012, c.O-3.2 amended

6(1) *The Ombudsman Act, 2012* is amended in the manner set forth in this section.

(2) Section 3 is amended:

(a) in subsection (2) by striking out “officer” and substituting “Officer”;

(b) in subsection (3) by striking out “resolution” and substituting “order”; and

(c) by repealing subsection (6) and substituting the following:

“(6) The Ombudsman may resign the office at any time by giving written notice to the Speaker”.

(3) Section 4 is amended:

(a) in subsection (1) by striking out “resolution” and substituting “order”; and

(b) in subsection (2) in the portion preceding clause (a) by striking out “resolution” and substituting “order”.

(4) Subsection 5(3) is repealed and the following substituted:

“(3) If the office of the Ombudsman is vacant or the Ombudsman is suspended pursuant to subsection (1), the Board of Internal Economy shall appoint an acting Ombudsman to hold office until:

(a) a person is appointed as Ombudsman pursuant to section 3;

(b) the suspension is revoked by the Legislative Assembly; or

(c) the Ombudsman is removed from office by the Legislative Assembly pursuant to subsection 4(1) and a person is appointed as Ombudsman pursuant to section 3.

“(4) For the purposes of this section, the Legislative Assembly is not in session when it:

(a) is prorogued or dissolved; or

(b) is adjourned for an indefinite period or to a day more than seven days after the date the Board of Internal Economy made the order suspending the Ombudsman”.

(5) Subsection 9(2) is repealed and the following substituted:

“(2) *The Public Service Superannuation Act* and *The Public Employees Pension Plan Act* apply to the members of the staff of the Ombudsman.

“(3) Members of the staff of the Ombudsman are employees of the Legislative Assembly and are not members of the public service of Saskatchewan”.

S.S. 1983, c.P-30.01 amended

7(1) *The Provincial Auditor Act* is amended in the manner set forth in this section.

(2) Section 2 is amended:

(a) **by repealing clause (a);**

(b) **by adding the following clause after clause (b):**

“(b.1) **‘business day’** means a day other than a Saturday, Sunday or holiday”; **and**

(c) **by repealing clause (g) and substituting the following:**

“(g) **‘provincial auditor’** means the Provincial Auditor for Saskatchewan appointed pursuant to section 3.1 and includes any acting provincial auditor appointed pursuant to section 3.2, 3.3 or 5”.

(3) Subsection 3(2) is amended by striking out “officer” and substituting “Officer”.

(4) Sections 3.1 and 3.2 are repealed and the following substituted:

“Appointment of provincial auditor

3.1(1) The Provincial Auditor for Saskatchewan shall be appointed by order of the Legislative Assembly.

(2) For the purposes of subsection (1), the public accounts committee shall make a unanimous recommendation to the Legislative Assembly for the consideration of the Legislative Assembly.

(3) Subject to sections 3.2 and 3.3, unless he or she resigns, dies or is removed from office, the provincial auditor holds office for a term of five years.

(4) The provincial auditor may be reappointed for one additional term of five years.

(5) The provincial auditor may resign the office at any time by giving written notice to the Speaker.

“Removal or suspension by Legislative Assembly

3.2(1) The Legislative Assembly may, by order, remove the provincial auditor from office, or suspend the provincial auditor, for cause.

(2) If the provincial auditor is suspended pursuant to subsection (1), the Legislative Assembly, by order, shall appoint an acting provincial auditor to hold office until:

(a) the suspension is revoked by the Legislative Assembly; or

(b) the provincial auditor is removed from office by the Legislative Assembly pursuant to subsection (1) and a person is appointed as provincial auditor pursuant to section 3.1.

“Suspension when Legislative Assembly not in session

3.3(1) If the Legislative Assembly is not in session, the public accounts committee may suspend the provincial auditor for incapacity to act, neglect of duty or misconduct that is proved to the satisfaction of the public accounts committee.

(2) No suspension imposed pursuant to subsection (1) continues past the end of the next session of the Legislative Assembly.

(3) If the office of the provincial auditor is vacant or the provincial auditor is suspended pursuant to subsection (1), the public accounts committee shall appoint an acting provincial auditor to hold office until:

- (a) a person is appointed as provincial auditor pursuant to section 3.1;
- (b) the suspension is revoked by the Legislative Assembly; or
- (c) the provincial auditor is removed from office by the Legislative Assembly pursuant to subsection 3.2(1) and a person is appointed as provincial auditor pursuant to section 3.1.

(4) For the purposes of this section, the Legislative Assembly is not in session when it:

- (a) is prorogued or dissolved; or
- (b) is adjourned for an indefinite period or to a day more than seven days after the date the public accounts committee made the order suspending the provincial auditor”.

(5) Section 5 is repealed and the following substituted:

“Acting provincial auditor

5 If the provincial auditor has resigned or is ill or otherwise unable to act, the public accounts committee may appoint another person as acting provincial auditor until:

- (a) the provincial auditor is able to act; or
- (b) another provincial auditor is appointed pursuant to this Act”.

(6) Section 7 is repealed and the following substituted:

“Advisers, etc.

7 For the purposes of exercising any of the powers or carrying out any of the duties imposed on the provincial auditor by this Act, the provincial auditor may engage the services of or retain any technical, professional or other advisers, specialists or consultants that he or she considers necessary”.

(7) Subsection 8(1) is repealed and the following substituted:

“(1) The provincial auditor may employ any persons that the provincial auditor considers necessary to assist the provincial auditor in carrying out his or her duties and fulfilling his or her responsibilities pursuant to this Act”.

(8) The following section is added after section 10.5:

“Office policies and systems

10.6(1) The provincial auditor shall:

- (a) prepare and maintain administrative, human resources and management policies and systems that apply to his or her staff and operations;
- (b) within the period set by the public accounts committee, file with the Speaker a copy of the policies and systems mentioned in clause (a); and
- (c) ensure that the policies and systems mentioned in clause (a) and any amendments to those policies and systems are reviewed and approved by the public accounts committee.

(2) The public accounts committee may direct any changes to the administrative, human resources and management policies and systems mentioned in subsection (1) that it considers appropriate.

(3) The provincial auditor shall comply with the administrative, human resources and management policies and systems approved by the public accounts committee”.

(9) Subsection 23(1) is amended by striking out “10 days” and substituting “10 business days”.

S.S. 2011, c.P-38.1 amended

8(1) *The Public Interest Disclosure Act* is amended in the manner set forth in this section.

(2) Clause 2(1)(a) is repealed and the following substituted:

“(a) ‘**Commissioner**’ means the Public Interest Disclosure Commissioner appointed pursuant to Part V and includes any acting commissioner appointed pursuant to that Part”.

(3) Section 27 is amended:

(a) in subsection (2) by striking out “officer of the Assembly” and substituting “Officer of the Legislative Assembly”;

(b) by repealing subsection (3) and substituting the following:

“(3) The Commissioner shall be appointed by order of the Legislative Assembly”;

(c) in subsection (4):

(i) by striking out “Assembly” and substituting “Legislative Assembly”; and

(ii) by striking out “resolution” and substituting “order”; and

(d) in clause (6)(a) by striking out “*The Ombudsman and Children’s Advocate Act*” and substituting “*The Ombudsman Act, 2012*”.

(4) Sections 28 and 29 are repealed and the following substituted:

“Term of office, reappointment and resignation

28(1) Subject to sections 29 and 30, unless he or she resigns, dies or is removed from office, the Commissioner holds office for a term of five years.

(2) The Commissioner may be reappointed for one additional term of five years.

(3) The Commissioner may resign the office at any time by giving written notice to the Speaker.

“Removal and suspension

29(1) The Legislative Assembly may, by order, remove the Commissioner from office or suspend the Commissioner.

(2) If the Commissioner is suspended pursuant to subsection (1), the Legislative Assembly, by order, shall appoint an acting Commissioner to hold office until:

(a) the suspension is revoked by the Legislative Assembly; or

(b) the Commissioner is removed from office by the Legislative Assembly pursuant to subsection (1) and a person is appointed as Commissioner pursuant to section 27”.

(5) Section 30 is amended:

(a) in subsection (1) by striking out “Legislature” and substituting “Legislative Assembly”;

(b) in subsection (2) by striking out “Legislature” and substituting “Legislative Assembly”;

(c) in subsection (3):

(i) in clause (b) by striking out “Assembly” and substituting “Legislative Assembly”; and

(ii) in clause (c) by striking out “Assembly” and substituting “Legislative Assembly”; and

(d) by adding the following subsection after subsection (3):

“(4) For the purposes of this section, the Legislative Assembly is not in session when it:

(a) is prorogued or dissolved; or

(b) is adjourned for an indefinite period or to a day more than seven days after the date the Board of Internal Economy made the order suspending the Commissioner”.

(6) Section 34 is repealed and the following substituted:**“Staff**

34(1) The Commissioner may appoint the employees that are required in order to exercise the powers and perform the duties of the Commissioner effectively.

(2) *The Public Service Superannuation Act* and *The Public Employees Pension Plan Act* apply to the members of the staff of the Commissioner.

(3) Members of the staff of the Commissioner are employees of the Legislative Assembly and are not members of the public service of Saskatchewan”.

Transitional

9(1) In this section, “**Officer**” means:

- (a) the Advocate for Children and Youth appointed pursuant to *The Advocate for Children and Youth Act*;
- (b) the Chief Electoral Officer appointed pursuant to *The Election Act, 1996*;
- (c) the Information and Privacy Commissioner appointed pursuant to *The Freedom of Information and Protection of Privacy Act*;
- (d) the Conflict of Interest Commissioner appointed pursuant to *The Members’ Conflict of Interest Act*;
- (e) the Ombudsman appointed pursuant to *The Ombudsman Act, 2012*;
- (f) the Provincial Auditor for Saskatchewan appointed pursuant to *The Provincial Auditor Act*; or
- (g) the Public Interest Disclosure Commissioner appointed pursuant to *The Public Interest Disclosure Act*.

(2) Notwithstanding any other Act or law:

- (a) subject to clause (b), the person holding the office as an Officer on the day before the coming into force of this Act continues in office for the term for which he or she was appointed unless the person sooner dies, resigns or is suspended or removed from office pursuant to the Act pursuant to which he or she was appointed; and
- (b) the provisions of the Act pursuant to which an Officer is appointed, as amended in the manner set forth in this Act, apply to any suspension or removal of the Officer.

Coming into force

10(1) Subject to subsection (2), this Act comes into force on the day on which section 1 of *The Legislative Assembly and Executive Council Amendment Act, 2014* comes into force.

(2) If this Act is assented to after the day on which section 1 of *The Legislative Assembly and Executive Council Amendment Act, 2014* comes into force, this Act comes into force on assent but is retroactive and is deemed to have been in force on and from the day on which section 1 of *The Legislative Assembly and Executive Council Amendment Act, 2014* came into force.

THIRD SESSION

**Twenty-seventh
Legislature**

SASKATCHEWAN

B I L L

No. 138

An Act to Standardize Provisions respecting Officers
of the Legislative Assembly

Received and read the

First time

Second time

Third time

And passed

Honourable Gordon Wyant
