

BILL

No. 96 of 2004-05

An Act respecting the Legislative Assembly of Saskatchewan and the Executive Council of Saskatchewan and making consequential amendments to other Acts

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SCHEDULE

(Assented to _____, 2005)

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

PART I

Short title and Interpretation

Short title

1 This Act may be cited as *The Legislative Assembly and Executive Council Act, 2005*.

Interpretation

2 In this Act:

- (a) **“board”** means the Board of Internal Economy continued pursuant to section 67;
- (b) **“caucus”** means a group of two or more members who belong to the same political party;
- (c) **“Clerk”** means the Clerk of the Legislative Assembly appointed pursuant to section 79;
- (d) **“commissioner”** means the commissioner appointed pursuant to *The Members’ Conflict of Interest Act*;
- (e) **“Deputy Speaker”** means the member elected as Deputy Speaker in accordance with section 17;
- (f) **“independent member”** means a member who does not belong to a caucus;
- (g) **“Leader of the Opposition”** means the member who is designated by the opposition caucus as its leader and who is recognized as leader of the opposition caucus by the Speaker;
- (h) **“Leader of the Third Party”** means the member who is designated by the third party caucus as its leader and who is recognized as leader of the third party caucus by the Speaker;
- (i) **“Legislative Assembly Service”** means the Legislative Assembly Service established pursuant to section 70;
- (j) **“member”** means a member of the Legislative Assembly;
- (k) **“northern constituency”** means a constituency lying north of the dividing line described in the Schedule to *The Constituency Boundaries Act, 1993*;
- (l) **“opposition caucus”** means the largest caucus sitting in the Legislative Assembly in opposition to the Government;
- (m) **“sitting”** means, with respect to the Legislative Assembly, a meeting of the Legislative Assembly that occurs on a particular day;
- (n) **“Speaker”** means the member elected as Speaker in accordance with section 16;
- (o) **“standing or special committee”** means any standing committee that is established or continued in the Rules and Procedures of the Legislative Assembly or any special committee appointed by resolution of the Legislative Assembly;

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- (p) **“Third Party”** means the caucus led by the Leader of the Third Party;
- (q) **“third party caucus”** means the second largest caucus sitting in the Legislative Assembly in opposition to the Government if:
- (i) that caucus is composed of individuals affiliated with a political party that was registered pursuant to *The Election Act, 1996* on the day of the last general election; or
 - (ii) that caucus is composed of individuals affiliated with a political party that is registered pursuant to *The Election Act, 1996* and each of at least two of the members of that caucus had the endorsement of the registered political party with respect to the general election or by-election at which he or she was elected to serve in the Legislative Assembly and was, in that regard, a candidate to whom subsection 45(3) of *The Election Act, 1996* applied.

Principles for construing this Act

3 Unless otherwise expressly provided in this Act, this Act must not be construed as depriving the Legislative Assembly, any of its committees or a member of any rights, immunities, privileges or powers that the Legislative Assembly, committee or member might, but for this Act, have been entitled to exercise or enjoy.

PART II

Legislative Assembly

DIVISION 1

Composition and Duration

Composition of Legislature

4 The Legislature of Saskatchewan consists of:

- (a) the Lieutenant Governor; and
- (b) the Legislative Assembly.

Composition of Legislative Assembly

5 The Legislative Assembly consists of those persons elected pursuant to *The Election Act, 1996* as members to represent the constituencies set out in the Schedule to *The Representation Act, 2002*.

Duration

6 No Legislative Assembly is to continue for longer than five years from the date fixed for the return of the writs at a general election of members.

Required sitting every 12 months

7 The Legislative Assembly must sit at least once in every 12 months.

Demise of Crown

8(1) No Legislative Assembly shall determine or be dissolved by the demise of the Crown.

(2) Notwithstanding the demise of the Crown, the Legislative Assembly continues and may meet, convene, sit, proceed and act in the same manner as if the demise had not happened.

(3) Nothing in this section alters or abridges the power of the Crown to prorogue or dissolve the Legislative Assembly.

Quorum

9 At least 15 members are necessary to constitute a quorum for the transaction of business in the Legislative Assembly and, for that purpose, the Speaker must be counted.

DIVISION 2

Qualifications of Members**Who is eligible to be a member**

10 A person is eligible for nomination and election as a member only if that person:

- (a) is a Canadian citizen who is 18 years of age or more;
- (b) is ordinarily resident in Saskatchewan; and
- (c) is not otherwise disqualified pursuant to this Act or any other Act.

Who is not eligible to be a member

11(1) The following persons are not eligible for nomination and election as a member:

- (a) the Governor General of Canada, a Lieutenant Governor of a province or Commissioner of a territory of Canada;
- (b) a judge of the Supreme Court of Canada, of the Federal Court of Canada or of any superior, district or county court of any province or territory of Canada;
- (c) a judge of the Provincial Court of Saskatchewan;
- (d) a senator;
- (e) a member of the House of Commons of Canada or a member of the Legislative Assembly of another province or territory of Canada.

(2) If a member of the Legislative Assembly is elected and returned to the House of Commons of Canada or the Legislative Assembly of another province or territory or is appointed to the Senate of Canada, the member's seat in the Legislative Assembly is, as a consequence of the election and return or appointment, immediately vacated.

Provincial employees not eligible to be members

12(1) In this section, "**Crown**" means the Crown in right of Saskatchewan.

(2) No person who holds any office under, receives any remuneration for services rendered for or is in any manner employed by the Crown, a department, board, commission or other agency of the Government of Saskatchewan or a Crown corporation is eligible for nomination or election as a member.

Oath or affirmation required before taking seat

13 Before being permitted to take the member's place and vote in the Legislative Assembly, a member shall take and subscribe before the Lieutenant Governor, or before any person who is designated by the Lieutenant Governor, an oath or affirmation of allegiance in the following form:

"I, A.B., do swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty, her heirs and successors".

When a member not disqualified

14 Notwithstanding section 12 or any other Act or law, a member is not disqualified from being nominated or elected as a member or from taking the member's place or voting in the Legislative Assembly and does not vacate and is not required to vacate the member's seat in the Legislative Assembly by reason of accepting, receiving or becoming entitled to any of the following:

- (a) the receipt by or entitlement of the member to any payment or benefit of any salary, indemnity, allowance, disbursement or other payment pursuant to this Act;
- (b) the appointment of the member as:
 - (i) Speaker or Deputy Speaker of the Legislative Assembly;
 - (ii) Leader of the Opposition or Deputy Leader of the Opposition;
 - (iii) Leader of the Third Party;
 - (iv) a whip or deputy whip;
 - (v) a member of the Executive Council;
 - (vi) a legislative secretary;
 - (vii) Deputy Chair of Committees of the Whole Assembly;
 - (viii) a chair or deputy chair of a standing or special committee;
 - (ix) Opposition House Leader or Deputy Opposition House Leader;
 - (x) Government House Leader or Deputy Government House Leader;
 - (xi) Third Party House Leader;
 - (xii) a caucus chairperson; or
 - (xiii) a coroner, justice of the peace, notary public, official auditor, official trustee, registrar of vital statistics or commissioner for oaths;
- (c) if the member is a member of the Executive Council, the appointment of the member as a chairperson, vice-chairperson, director or member of a Crown corporation.

Offence for ineligible person taking place and voting

15(1) No person who is declared by this Act or by any other law to be ineligible to be nominated or elected as a member shall take a place or vote in the Legislative Assembly while that person is ineligible.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable to a fine of \$10,000.

DIVISION 3

Speaker and Other Presiding Officers**Election of speaker**

16(1) The Legislative Assembly, at its first meeting after a general election, shall elect one of its members to be Speaker.

(2) If the office of Speaker becomes vacant for any reason, the Legislative Assembly shall elect another of its members to be Speaker.

(3) The Speaker shall preside at all meetings of the Legislative Assembly.

(4) The person who holds the office of Speaker at the time a Legislature is dissolved continues to hold the office of Speaker until the earliest of:

(a) the day preceding the day fixed by proclamation of the Lieutenant Governor as the day for the first sitting of the next Legislature to begin;

(b) the effective date of the resignation of the person holding the position as Speaker; and

(c) the day of death of the person holding the position as Speaker.

Deputy Speaker

17(1) The Legislative Assembly shall elect one of its members as Deputy Speaker.

(2) The Deputy Speaker shall also serve as the Chair of Committees of the Whole Assembly.

(3) If the Speaker finds it necessary to leave the chair for any cause during any part of the sittings of the Legislative Assembly in any day, the Speaker may call on the Deputy Speaker, or, in the absence of the Deputy Speaker, any other member, to take the chair and act as Speaker during the remainder of that day, unless the Speaker resumes the chair during that day.

(4) If the Deputy Speaker or another member is called on in accordance with this section, the Deputy Speaker or member shall take the chair and act as Speaker.

(5) The person who holds the office of Deputy Speaker at the time a Legislature is dissolved continues to hold the office of Deputy Speaker until the earliest of:

(a) the day preceding the day fixed by proclamation of the Lieutenant Governor as the day for the first sitting of the next Legislature to begin;

(b) the effective date of the resignation of the person holding the position as Deputy Speaker; and

(c) the day of death of the person holding the position as Deputy Speaker.

When Deputy Speaker or Deputy Chair of Committees to perform duties of Speaker

18(1) If the Legislative Assembly is informed by the Clerk of the unavoidable absence of the Speaker, the Deputy Speaker, if present, shall take the chair and shall perform the duties and exercise the authority of the Speaker in relation to all proceedings of the Legislative Assembly until the meeting of the Legislative Assembly on the next sitting day.

(2) If the Legislative Assembly is informed by the Clerk of the unavoidable absence of the Speaker and the Deputy Speaker, the Deputy Chair of Committees, if present, shall take the chair and shall perform the duties and exercise the authority of the Speaker in relation to all proceedings of the Legislative Assembly until the meeting of the Legislative Assembly on the next sitting day.

(3) In the absence of the Speaker, the Deputy Speaker has all the powers, privileges and duties of the Speaker.

(4) In the absence of the Speaker and the Deputy Speaker, the Deputy Chair of Committees has all the powers, privileges and duties of the Speaker.

Election of Speaker for the day

19 If the Legislative Assembly is informed by the Clerk of the unavoidable absence of the Speaker, the Deputy Speaker and the Deputy Chair of Committees, the Legislative Assembly may elect a member to take the chair and act as Speaker for that day.

Validity of proceedings

20 Every Bill passed and every order made and thing done by the Legislative Assembly while the Deputy Speaker, the Deputy Chair of Committees or a member is acting or presiding as Speaker pursuant to this Division is as valid as if the Speaker were in the chair.

Voting

21 Questions arising in the Legislative Assembly must be decided by a majority of votes, other than that of the Speaker or acting Speaker, but, if the votes are equal, the Speaker or acting Speaker has a vote.

Deputy Chair of Committees

22(1) The Legislative Assembly may elect one of its members as a Deputy Chair of Committees of the Whole Assembly.

(2) The Deputy Chair of Committees shall preside over and maintain order in the committees of the Whole Assembly in the absence of the Deputy Speaker.

DIVISION 4

**Jurisdiction, Rights, Privileges,
Immunities and Powers**

Rights, privileges, immunities and powers — generally

23 In addition to the rights, privileges, immunities and powers conferred by this Act, the Legislative Assembly, its members and its committees have the same rights, privileges, immunities and powers as those held by the House of Commons of Canada, the members of that House and the committees of that House.

Jurisdiction of Legislative Assembly

24(1) The Legislative Assembly is a court and has all the rights, powers and privileges of a court of record for the purpose of summarily inquiring into, judging and punishing breaches of the privileges of the Legislative Assembly and contempts of the Legislative Assembly.

(2) Without restricting the generality of subsection (1), the following constitute breaches of privilege and contempts to which that subsection applies:

- (a) any assault, insult or libel on or to a member during a period that the Legislative Assembly is sitting;
- (b) any obstructing or threatening of, or any attempt to force or intimidate, a member;

- (c) any offer to, or acceptance by, a member of:
 - (i) a bribe to influence the member in the member's proceedings as a member; or
 - (ii) any fee, compensation or reward for or with respect to the promotion of a petition, Bill, motion, matter or thing submitted to or intended to be submitted to the Legislative Assembly or a committee of the Legislative Assembly;
- (d) any assault on or interference with officers of the Legislative Assembly while in the execution of their duties;
- (e) any tampering with a witness with regard to evidence to be given by the witness before the Legislative Assembly or a committee of the Legislative Assembly;
- (f) the presenting to the Legislative Assembly or a committee of the Legislative Assembly of any forged or falsified document with the intent to deceive the Legislative Assembly or committee of the Legislative Assembly;
- (g) the forging, falsifying or wrongfully altering of any record of the Legislative Assembly or a committee of the Legislative Assembly or of any document or petition presented or filed or intended to be presented or filed before the Legislative Assembly or committee, or the subscribing of the name of another to that document or petition with the intent to deceive;
- (h) the giving of false evidence or any prevaricating or other misbehaving in giving or refusing to give evidence or to produce papers before the Legislative Assembly or any committee of the Legislative Assembly;
- (i) disobedience to subpoenas or warrants issued pursuant to the authority of this Act;
- (j) the bringing of a civil action or prosecution against, or the causing or effecting of the arrest or imprisonment of, a member for or by reason of any matter or thing brought by the member by petition, Bill, motion or otherwise or said by the member before the Legislative Assembly or a committee of the Legislative Assembly;
- (k) the causing or effecting of the arrest or detention of a member, during a period when the Legislative Assembly is sitting, for any debt or cause whatever of a civil nature;
- (l) the making of service on a person contrary to section 29;
- (m) a contravention of this Act or an order of the Legislative Assembly or a special or standing committee of the Legislative Assembly.

Order of punishment

25(1) Every person who is found by the Legislative Assembly to have committed a breach of privilege or a contempt pursuant to section 24 is, in addition to any other penalty to which that person may be subject by law, liable to the following:

- (a) imprisonment for any period that may be determined by the Legislative Assembly;
- (b) a penalty in the amount determined by the Legislative Assembly;
- (c) in the case of a member, the suspension of the member's right to take his or her place and vote in the Legislative Assembly for a stated period or until the fulfilment of a condition stated in an order of the Legislative Assembly.

(2) If the Legislative Assembly finds that a person has committed a breach of privilege or a contempt pursuant to section 24 and directs that the person be imprisoned pursuant to clause (1)(a), the Speaker shall issue a warrant to the Sergeant-at-Arms or a peace officer to take the person into custody and to keep that person in custody in accordance with the order of the Legislative Assembly.

Assembly's determinations and findings final

26 The determinations or findings of the Legislative Assembly on any proceedings pursuant to this Act are final and conclusive.

Protection of persons acting under authority of the Legislative Assembly

27 No person is liable in damages or otherwise for any act done:

- (a) pursuant to the authority of the Legislative Assembly and within its legal power; or
- (b) pursuant to or by virtue of a warrant issued pursuant to the authority of the Legislative Assembly.

Immunities of members

28(1) No member is liable to any civil action or prosecution, arrest, imprisonment or damages by reason of:

- (a) any matter or thing brought by the member by petition, Bill, motion or otherwise; or
- (b) anything said by the member before the Legislative Assembly or any of its committees.

(2) The immunity provided by subsection (1) applies notwithstanding that words spoken by a member before the Legislative Assembly or any of its committees are:

- (a) broadcast while the words are being spoken; or
- (b) recorded at the time they are being spoken and are broadcast at a later time.

(3) Except for a contravention of this Act, during a period when the Legislative Assembly is sitting, no member is liable to arrest or detention for any debt or cause whatever of a civil nature.

Service of civil proceedings

29 No person shall make a personal service that is required or authorized by law in a civil matter on another person:

- (a) in the Legislative Building; or
- (b) in a room or place in Saskatchewan in which a committee of the Legislative Assembly is meeting.

Exemption from jury service

30 During a period that the Legislative Assembly is sitting, the following are exempt from serving or attending as jurors before any court in Saskatchewan:

- (a) all members;
- (b) all officers and all employees of the Legislative Assembly Service;
- (c) all witnesses summoned to attend before the Legislative Assembly or any of its committees.

Consequences if member convicted of indictable offence

31(1) On the tabling of a certified copy of conviction of a member for an indictable offence for which the member has been sentenced to imprisonment for a term of two years or more, the Legislative Assembly may, by resolution:

- (a) suspend the member from sitting and voting as a member; or
 - (b) declare the seat of the member to be vacant.
- (2) If a member is suspended pursuant to clause (1)(a):
- (a) the member is, from the date of the member's suspension to the date of a resolution pursuant to clause (b), ineligible for the payment or benefit of any salary, indemnity, allowance, disbursement or other payment provided pursuant to this Act; and
 - (b) the Legislative Assembly may, by a subsequent resolution:
 - (i) reinstate the member; or
 - (ii) declare the seat of the member to be vacant.
- (3) If a resolution is passed pursuant to this section declaring the seat of a member to be vacant:
- (a) the Speaker shall give notice of the vacancy to the Chief Electoral Officer; and
 - (b) unless and until the member's conviction is set aside by a court of competent jurisdiction or a court of competent jurisdiction reduces the sentence of imprisonment to a term of less than two years, that member:
 - (i) is ineligible to be nominated for election to the Legislative Assembly for the remainder of the current term of the Legislature; and
 - (ii) may not be elected as a member, or sit or vote in the Legislative Assembly, for the remainder of the current term of the Legislature.

Rights of Legislative Assembly not affected

32 Nothing in this Act is to be construed as affecting the right of the Legislative Assembly to expel or suspend a member according to the practice of Parliament or any other law.

Appropriations from public revenue require recommendation

33 The Legislative Assembly shall not adopt or pass any vote, resolution, address or Bill for the appropriation of any part of the public revenue, or for any tax or impost, for any purpose, that has not been recommended to the Legislative Assembly by message of the Lieutenant Governor during the session in which the vote, resolution, address or Bill is proposed.

DIVISION 5

Witnesses and Evidence**Examination by committee**

34(1) Any committee of the Legislative Assembly may:

- (a) require the facts, matters and things relating to the subject of any inquiry to be verified or otherwise ascertained by the oral examination of witnesses; and
- (b) examine the witnesses on oath or under affirmation.

(2) The chair or any other member of a committee mentioned in subsection (1) may administer to any witness an oath or affirmation as set out in Part I of the Schedule to this Act.

Compelling witnesses

35(1) The Legislative Assembly or a committee of the Legislative Assembly may, by order:

- (a) summon before the Legislative Assembly or the committee, as the case may be, any person as a witness; and
- (b) require the person summoned pursuant to clause (a):
 - (i) to give evidence on oath or under affirmation orally or in writing; and
 - (ii) to produce any documents and things the Legislative Assembly or committee considers necessary in any of its proceedings or deliberations.

(2) If the Legislative Assembly or the committee requires the attendance of a person as a witness by an order pursuant to subsection (1), the Speaker may issue a warrant directing the person to attend and produce any documents and things mentioned in the order.

(3) Every warrant mentioned in subsection (2) may command the assistance of all sheriffs, bailiffs, constables, peace officers and others.

(4) If a warrant mentioned in subsection (2) commands the assistance mentioned in subsection (3), every refusal or failure to give that assistance when required is a contravention of this Act.

Examination of witnesses at any time and place

36(1) If the Legislative Assembly considers it is necessary to do so, the Legislative Assembly, by order, may authorize the Speaker to issue an order to examine a witness, on oath or under affirmation, before any person and at any place named in the order.

(2) If a committee of the Legislative Assembly considers it is necessary to do so, the committee, by order, may authorize the Speaker to issue an order to examine a witness, on oath or under affirmation, before any person and at any place named in the order.

Legislative Assembly a court of record

37 For the purposes of this Division, the Legislative Assembly is a court and possesses all the rights, powers and privileges of a court of record.

DIVISION 6

Prohibited Practices**Receiving prohibited fee, compensation or reward**

38(1) No member shall receive or agree to receive any fee, compensation or reward, directly or indirectly, for services rendered or to be rendered to any person, either by the member or another person:

(a) in relation to any petition, Bill, motion, proceeding, contract, claim, controversy, charge, accusation, arrest or other matter before the Legislative Assembly or a committee of the Legislative Assembly; or

(b) for the purpose of influencing or attempting to influence any member.

(2) Any member who contravenes subsection (1) is guilty of an offence and liable to a fine of:

(a) \$10,000; and

(b) the amount or value of the fee, compensation or reward received or agreed to be received by the member.

(3) Every person who gives, offers or promises to any member any fee, compensation or reward for services described in subsection (1), rendered or to be rendered, is guilty of an offence and liable to a fine of not more than \$10,000 or to imprisonment for a term not exceeding six months or to both that fine and imprisonment.

Seat vacant for contravening section 38

39(1) If a judgment is recorded against a member pursuant to section 38 or if a resolution of the Legislative Assembly declares that a member has been guilty of contravening that section, immediately on the recording of that judgment or the passing of that resolution:

(a) the seat of the member must be vacated; and

(b) the election of the member becomes void.

(2) A member mentioned in subsection (1):

(a) is ineligible to be nominated for election to the Legislative Assembly for the remainder of the current term of the Legislature; and

(b) may not be elected as a member, or sit or vote in the Legislative Assembly, for the remainder of the current term of the Legislature.

DIVISION 7
Resignation or Vacancy

Member may resign

- 40(1)** Any member may resign the member's seat in the Legislative Assembly:
- (a) by openly declaring in the member's place in the Legislative Assembly that the member wishes to resign the member's seat; or
 - (b) by addressing and causing to be delivered to the Speaker a written statement signed by the member and attested by two witnesses declaring that the member is resigning the member's seat.
- (2) If a member makes a declaration pursuant to clause (1)(a):
- (a) the Clerk shall record the declaration in the journals; and
 - (b) the seat of the member becomes immediately vacated.
- (3) If the Speaker receives a written statement from a member pursuant to clause (1)(b), the seat of the member becomes immediately vacated:
- (a) on the date stated in the written statement; or
 - (b) if no date is stated in the written statement, on the date that the Speaker receives the written statement.

Vacating seat by written resignation to Clerk

- 41(1)** If there is no Speaker and a member wishes to resign the member's seat in the Legislative Assembly, the member may resign by addressing and causing to be delivered to the Clerk a written statement signed by the member and attested by two witnesses declaring that the member is resigning the member's seat.
- (2) The Speaker may resign his or her seat in the Legislative Assembly by addressing and causing to be delivered to the Clerk a written statement signed by the Speaker and attested by two witnesses declaring that the Speaker is resigning his or her seat.
- (3) If the Clerk receives a written statement from a member pursuant to subsection (1) or the Speaker pursuant to subsection (2), the seat of the member or the Speaker, as the case may be, becomes immediately vacated:
- (a) on the date stated in the written statement; or
 - (b) if no date is stated in the written statement, on the date that the Clerk receives the written statement.

Vacancy in case of death or for reasons other than resignation

- 42(1)** If a vacancy occurs in the Legislative Assembly due to the death of a member or for any reason other than the member's resignation, any two members may give notice of the vacancy to the Speaker or the Clerk by addressing and causing to be delivered to the Speaker or the Clerk a written statement signed by the members declaring the vacancy and the reasons for the vacancy.
- (2) If the Speaker or the Clerk receives a written statement from any two members pursuant to subsection (1), the seat of the member becomes immediately vacated on:
- (a) in the case of the death of a member, the date of the member's death; or
 - (b) in the case of a vacancy for any reason other than the member's death or resignation, the date the written statement is received by the Speaker or the Clerk.

Actions on receipt of written statements

43(1) On receipt of a written statement mentioned in clause 40(1)(b) or section 41 or 42, the Speaker or the Clerk, as the case may be, shall immediately give notice of the vacancy to the Chief Electoral Officer.

(2) As soon as is practicable, the Chief Electoral Officer shall inform the Lieutenant Governor in Council of any vacancy with respect to which notice has been given pursuant to subsection (1).

Member not to resign until declared elected

44 No member-elect of the Legislative Assembly is permitted to resign pursuant to this Act until the member has been finally declared elected.

Resignation not to affect controverted election proceedings

45 The resignation of a member does not affect the conduct or result of any proceedings that:

- (a) may be taken pursuant to any law in force in Saskatchewan respecting controverted elections; and
- (b) either:
 - (i) are pending at the time of the resignation; or
 - (ii) may be taken after the resignation.

DIVISION 8

By-elections**Rules re by-elections**

46(1) Subject to subsections (2) and (3), a by-election to fill a vacancy in the Legislative Assembly must be held within six months after a seat in the Legislative Assembly becomes vacant.

(2) Subsection (1) applies only if the seat in the Legislative Assembly becomes vacant within the first 40 months following a general election.

(3) The writ for a by-election to be held pursuant to subsection (1) is revoked on the dissolution of the Legislature, if the Legislature is dissolved:

- (a) after the issue of a writ for a by-election; and
- (b) before a by-election is held pursuant to the writ.

PART III

Payments to Members

DIVISION 1

Members' Indemnity and Allowances**Annual indemnity**

47 Every member is entitled to be paid an annual indemnity.

Annual expense allowance

48 Every member is entitled to be paid an annual expense allowance.

Allowances to members

49(1) In addition to the annual indemnity and annual expense allowance mentioned in sections 47 and 48, every member is entitled to the amounts, remuneration, allowances, indemnity, reimbursement for expenses and payments of expenses determined by the board pursuant to subsection (3).

(2) Subject to Division 3, the board may issue directives respecting the amount of, the method of calculating and manner of paying, and respecting adjustments to:

- (a) the annual indemnity mentioned in section 47; and
- (b) the annual expense allowance mentioned in section 48.

(3) Subject to Division 3, the board may issue directives respecting the amount of, the method of calculating and manner of paying, and respecting adjustments to, the following:

- (a) a per diem allowance for expenses of members;
- (b) travel expenses incurred by members to discharge their duties as members;
- (c) telephone and related expenses incurred by members;
- (d) office expenses or constituency assistant expenses, or both, incurred by members with respect to their duties as members;
- (e) postal, advertising and other communication expenses incurred by members with respect to their duties as members;
- (f) a special provision for travel expenses incurred by a member who represents a northern constituency with respect to the member's duties;
- (g) a retirement allowance for individuals who cease to be members;
- (h) expenses incurred by the Speaker or Deputy Speaker while absent from his or her place of residence for the purposes of attending to the duties of the Speaker's office, other than as a member of a committee mentioned in clause (i);
- (i) a per diem indemnity and reimbursement for expenses incurred by members who serve on a committee appointed by a motion of the Legislative Assembly or pursuant to the Rules and Procedures of the Legislative Assembly for each day that either:
 - (i) the Legislative Assembly is not sitting; or
 - (ii) the Legislative Assembly is sitting but the business of the committee occurs outside Regina.

(4) The board may issue directives prescribing any terms and conditions that it considers appropriate respecting an amount determined pursuant to subsection (2) or (3).

(5) The board may issue directives respecting to whom and on what conditions an amount payable to a member pursuant to subsections (2) and (3) is to be paid in the case of the death of that member.

How to compute certain amounts — status of member as member

50(1) For the purpose of computing the amount of the annual indemnity or annual expense allowance payable pursuant to sections 47 and 48:

- (a) a member is deemed to have been a member from the polling day on which the member was elected a member; and
 - (b) when the Legislature in which a member is a member is dissolved, the member is deemed to continue to be a member until the earliest of:
 - (i) the day preceding the polling day at the next general election following the dissolution of the Legislature of which he or she was a member;
 - (ii) the effective date of the resignation of the member; and
 - (iii) the date of death of the member.
- (2) The board may authorize payments for a member's constituency office and constituency assistant expenses and obligations following the issue of a writ of election for that member's constituency if those expenses and obligations are not incurred for or related to the member's re-election.

Travel expenses in discharge of duties

51 Every member is entitled to receive reimbursement for actual travel and other expenses incurred by the member with respect to travel to discharge the member's duties as a member or as a representative of the Legislative Assembly.

Reimbursement for expenses of members acting for government

52 Every member, other than a member of the Executive Council or a legislative secretary, is entitled to receive reimbursement for actual travel and other expenses incurred by the member with respect to duties carried out by the member while acting as an official representative of the Government of Saskatchewan at the request and under the direction of a member of the Executive Council.

Benefits plans

53(1) Every member is entitled to participate in and receive the benefits of any insurance plan or scheme, benefits plan or superannuation plan established by the board pursuant to subsection (2).

- (2) The board may establish and may issue directives respecting:
- (a) a group life insurance plan;
 - (b) a long-term disability insurance plan or scheme;
 - (c) a superannuation plan;
 - (d) a dental and health benefits plan; or
 - (e) any insurance plan or scheme in addition to one described in clauses (a) to (d).

Funding for research and other services

54 Subject to Division 3, the board may issue directives respecting the amount of, the method of calculating and manner of paying, respecting adjustments to, and setting terms and conditions for, the following:

- (a) funding to each caucus for research, general expenses and support services;
- (b) funding to each independent member for research, general expenses and support services;
- (c) funding for the Office of the Leader of the Opposition to cover the cost of any staff, supplies, goods and services that the Leader of the Opposition considers necessary;
- (d) funding for the Office of the Leader of the Third Party to cover the cost of any staff, supplies, goods and services that the Leader of the Third Party considers necessary.

Payments to be made out of general revenue fund

55(1) All payments to which a member or caucus is entitled pursuant to this Division shall be paid out of the general revenue fund.

(2) All costs incurred and amounts payable with respect to an insurance plan or scheme, benefits plan or superannuation plan established pursuant to section 53, other than those amounts required to be paid by members pursuant to that plan or scheme, shall be paid out of the general revenue fund.

Review of use of allowances, etc.

56(1) At the request of any member or on the Speaker's own initiative, the Speaker may conduct, in the Speaker's capacity as chair of the board, any review the Speaker considers necessary to determine whether a member's use of any allowance, disbursement, payment, good, premises or service provided pursuant to this Act complies with:

- (a) the purposes for which the allowance, disbursement, payment, good, premises or service was provided; or
- (b) the purposes of this Act or the board's directives.

(2) The Speaker shall inform a member of any review concerning the member as soon as is reasonably possible.

(3) If, after a review, the Speaker determines that a member's use of any allowance, disbursement, payment, good, premises or service provided pursuant to this Act does or does not comply with the purposes for which it was provided or with the purposes of this Act or the board's directives, the Speaker shall:

- (a) inform the member in writing of the determination; and
- (b) provide a copy of that determination to the board.

(4) A member who is the subject of a Speaker's determination may inform the Speaker in writing that the member disagrees with the determination within 30 days after receiving the written determination.

(5) If a member disagrees with a Speaker's determination, the Speaker or the member may request the commissioner to investigate and provide a written opinion.

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- (6) If the commissioner receives a request for an opinion, the commissioner may conduct any investigation the commissioner considers necessary to provide a written opinion.
- (7) The commissioner shall provide the written opinion to:
- (a) the member who was the subject of the Speaker's determination;
 - (b) the board; and
 - (c) the Speaker.
- (8) If the commissioner's written opinion differs from the Speaker's determination, the commissioner's written opinion prevails.
- (9) If the member does not disagree in writing within 30 days after receiving the Speaker's determination or if the member does disagree but the commissioner, in the commissioner's written opinion, supports the Speaker's determination, the Speaker may direct, in writing, that the member:
- (a) comply with this Act or the board's directives; and
 - (b) pay back the amount of the allowance, disbursement, funding or payment paid or the value of the good, service or use of the premises provided.
- (10) The Speaker may order that any allowance, disbursement, payment, good, premises or service otherwise payable or to be provided to a member pursuant to this Act or the board's directives be withheld from the member if:
- (a) the Speaker has given the member a written direction pursuant to subsection (9); and
 - (b) either:
 - (i) the Speaker determines that the member continues to use any allowance, disbursement, payment, good, premises or service paid or provided pursuant to this Act or the board's directive in a manner that fails to comply with the purposes for which it is provided or with the purposes of this Act or the board's directives; or
 - (ii) the Speaker is of the opinion that the withholding is necessary to protect the public interest.
- (11) An order made pursuant to subsection (10) remains in force until:
- (a) the Speaker is satisfied that the member's proposed use of the allowance, disbursement, payment, good, premises or service paid or provided pursuant to this Act will be in a manner that complies with the purposes for which it is provided and with the purposes of this Act and the board's directives; or
 - (b) it is revoked by the Speaker.
- (12) The Speaker may impose any terms and conditions on an order made pursuant to subsection (10) that the Speaker considers appropriate.

DIVISION 2

Salaries and Other Payments**Payments if holding more than one position**

57 If a member holds more than one position as Speaker, Deputy Speaker or another position that entitles the holder to an amount pursuant to this Division, the member is entitled only to be paid for the position with the higher amount.

Salary for Speaker and Deputy Speaker

58(1) Subject to Division 3, in addition to any amounts payable to the Speaker as a member, the Speaker is entitled to be paid an annual salary at the rate determined by the board.

(2) Subject to Division 3, in addition to any amounts payable to the Deputy Speaker as a member, the Deputy Speaker is entitled to be paid an annual salary at the rate determined by the board.

(3) For the purpose of computing any salary payable pursuant to this section:

(a) the Speaker and the Deputy Speaker are deemed to have occupied their positions commencing on the day on which the member was elected as Speaker or Deputy Speaker, as the case may be; and

(b) the Speaker and Deputy Speaker are deemed to continue to occupy their positions until the earliest of:

- (i) the day preceding the day fixed by proclamation of the Lieutenant Governor as the day for the first sitting of the next Legislature to begin;
- (ii) the effective date of the resignation of the person holding the position; and
- (iii) the day of the death of the person holding the position.

Salary for Leader of the Opposition

59(1) Subject to Division 3, in addition to any amounts payable to the Leader of the Opposition as a member, the Leader of the Opposition is entitled to be paid an annual salary at the rate determined by the board.

(2) For the purpose of computing the salary payable pursuant to this section:

(a) the Leader of the Opposition is deemed to have occupied that position commencing on the day on which the Leader of the Opposition was designated by the opposition caucus as leader and was so recognized by the Speaker; and

(b) the Leader of the Opposition is deemed to continue to occupy that position until the earliest of:

- (i) the day preceding the polling day at the next general election following the dissolution of the Legislature of which he or she was a member;
- (ii) the effective date of the resignation of the person holding the position; and
- (iii) the day of the death of the person holding the position.

(3) If the holder of the office of Leader of the Opposition changes, then for the purpose of computing the amount of salary payable to the member succeeding to the office, that member is deemed to have held the office from the date that the member is designated as Leader of the Opposition by the opposition caucus and is so recognized by the Speaker.

(4) Notwithstanding subsections (2) and (3), if the Legislature is dissolved and the member who, on the day before the dissolution of the Legislature, occupied the position of the Leader of the Opposition subsequently occupies the position of Premier of the province, that member is entitled to continue to receive the salary mentioned in subsection (1) until the day preceding the day on which the oath of office is administered to the member as Premier.

Salary for Deputy Leader of the Opposition

60(1) Subject to Division 3, in addition to any amounts payable to the Deputy Leader of the Opposition as a member, the Deputy Leader of the Opposition is entitled to be paid an annual salary at the rate determined by the board.

(2) For the purpose of computing the salary payable pursuant to this section:

(a) the Deputy Leader of the Opposition is deemed to have occupied that position commencing on the day on which:

(i) the Leader of the Opposition designates the member as Deputy Leader of the Opposition; and

(ii) written notification of the designation mentioned in subclause (i) is received by the Speaker; and

(b) the Deputy Leader of the Opposition is deemed to continue to occupy that position until the earliest of:

(i) the day preceding the polling day at the next general election following the dissolution of the Legislature of which he or she was a member;

(ii) the effective date of the resignation of the person holding the position; and

(iii) the day of the death of the person holding the position.

(3) If the holder of the office of Deputy Leader of the Opposition changes, then for the purpose of computing the amount of salary payable to the member succeeding to the office, that member is deemed to have held the office from the date that:

(a) the member is so designated by the Leader of the Opposition; and

(b) notification of the designation mentioned in clause (a) is received by the Speaker.

Salary for Leader of the Third Party

61(1) Subject to Division 3, in addition to any amounts payable to the Leader of the Third Party as a member, the Leader of the Third Party is entitled to be paid an annual salary at the rate determined by the board.

(2) For the purpose of computing the salary payable pursuant to this section:

(a) the Leader of the Third Party is deemed to have occupied that position commencing on the day on which the Leader of the Third Party was designated by the third party caucus as leader and was so recognized by the Speaker; and

(b) the Leader of the Third Party is deemed to continue to occupy that position until the earliest of:

(i) the day preceding the polling day at the next general election following the dissolution of the Legislature of which he or she was a member;

(ii) the effective date of the resignation of the person holding the position; and

(iii) the day of the death of the person holding the position.

(3) If the holder of the office of Leader of the Third Party changes, then for the purpose of computing the amount of salary payable to the member succeeding to the office, that member is deemed to have held the office from the date that the member is designated as Leader of the Third Party by that caucus and is so recognized by the Speaker.

(4) Notwithstanding subsections (2) and (3), if the Legislature is dissolved and the member who, on the day before the dissolution of the Legislature, occupied the position of the Leader of the Third Party subsequently occupies the position of Premier of the province, that member is entitled to continue to receive the salary mentioned in subsection (1) until the day preceding the day on which the oath of office is administered to the member as Premier.

Salaries to certain other members

62(1) Subject to Division 3, a member who occupies any of the following positions is entitled to be paid, in addition to amounts payable to him or her as a member, an annual salary at the rate determined by the board:

(a) the Government House Leader;

(b) the Deputy Government House Leader;

(c) the Opposition House Leader;

(d) the Third Party House Leader;

(e) the Deputy Opposition House Leader;

(f) the Deputy Chair of Committees of the Whole Assembly;

(g) a chair of a standing or special committee;

(h) a deputy chair of a standing or special committee;

(i) the Government Whip;

(j) the Government Deputy Whip;

(k) the Opposition Whip;

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- (l) the Opposition Deputy Whip;
 - (m) the Third Party Whip;
 - (n) the Third Party Deputy Whip;
 - (o) a Legislative Secretary.
- (2) If, during any year, any of the positions mentioned in subsection (1) is occupied by more than one member, the annual salary must be prorated between, and paid to, the members who occupied the position based on the period during the year in which those members occupied that position.
- (3) The board may issue directives prescribing any terms and conditions that it considers appropriate respecting a salary to be paid pursuant to this section.

Salary if two largest opposition caucuses have equality of membership

63(1) If there is an equality of membership between the two largest caucuses sitting in the Legislative Assembly in opposition to the Government:

- (a) the salaries mentioned in section 62 that are payable to the members of those caucuses who have corresponding positions must be added together; and
 - (b) the total derived pursuant to clause (a) must be divided equally between those members.
- (2) If there is an equality of membership between the two largest caucuses sitting in the Legislative Assembly in opposition to the Government:
- (a) the salaries provided for by sections 59 and 61 must be added together; and
 - (b) the total derived pursuant to clause (a) must be divided equally between the respective leaders of those caucuses.
- (3) If there is an equality of membership between the two largest caucuses sitting in the Legislative Assembly in opposition to the Government:
- (a) the funding for the offices of those leaders provided by clauses 54(c) and (d) must be added together; and
 - (b) the total derived pursuant to clause (a) must be divided equally between the respective offices of those leaders.

Salaries under section 62 to cease on polling day, etc.

64 Notwithstanding section 62, a member who is paid a salary for a position mentioned in section 62 ceases to be entitled to be paid that salary on the earliest of:

- (a) the day preceding the polling day at the next general election following the dissolution of the Legislature of which he or she was a member;
- (b) the effective date of the resignation of the member holding the position; and
- (c) the day of the death of the member holding the position.

DIVISION 3
**Committee to Review Salaries,
Indemnity and Allowances**

Review committee

65(1) In this Division, “**review committee**” means the review committee appointed in accordance with this section.

(2) Subject to subsections (3) and (4), the Lieutenant Governor in Council may appoint a review committee to review and make a report respecting the amount of a salary, indemnity or allowance provided for:

- (a) in this Part; and
- (b) in subsections 8(1) and (2) of *The Government Organization Act*.

(3) The review committee must consist of not more than five individuals, none of whom is a member.

(4) The Lieutenant Governor in Council shall not appoint a person to the review committee without prior consultation with the Leader of the Opposition and the Leader of the Third Party, if any.

(5) Whenever required by the Lieutenant Governor in Council to do so, the review committee shall submit a report recommending:

- (a) the amount of any salary, indemnity or allowance;
- (b) the manner and the terms and conditions of payment of any salary, indemnity or allowance;
- (c) the manner of adjusting from time to time any salary, indemnity or allowance; and
- (d) the procedure members shall follow to account for any salary, indemnity or allowance.

(6) The review committee shall submit a report prepared pursuant to subsection (5) to:

- (a) the Speaker as chair of the board; or
- (b) if there is no Speaker or in the absence or inability to act of the Speaker, the Deputy Speaker.

(7) A review committee is disestablished six months after the date the review committee submits its report pursuant to this section.

Board to review and may implement report

66(1) The board shall review every report submitted pursuant to section 65 and may issue directives:

- (a) approving the report; or
- (b) rejecting the report.

(2) The members of the review committee shall make themselves available for consultation by the board for six months after the date the review committee submits its report pursuant to section 65.

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- (3) On and after the day a directive issued by the board pursuant to subsection (1) becomes effective:
- (a) a member is to be paid the salary, indemnity and allowance set out in the directive:
 - (i) in the amounts and the manner prescribed in the directive;
 - (ii) as adjusted, from time to time, in accordance with the manner prescribed in the directive; and
 - (iii) subject to the terms and conditions prescribed in the directive; and
 - (b) notwithstanding *The Government Organization Act*, a member who is to be paid a salary pursuant to subsection 8(1) or (2) of that Act is to be paid the amount of the salary set out in the directive mentioned in clause (a) and not the amount set out in subsection 8(1) or (2) of that Act.
- (4) After issuing a directive pursuant to subsection (1) and before a new review committee is appointed pursuant to section 65, the board may issue a further directive amending the directive issued pursuant to subsection (1) by varying, in any manner that the board considers appropriate, the level of salaries, indemnities or allowances set out in that directive.
- (5) All salaries, indemnities or allowances payable pursuant to this Division shall be paid out of the general revenue fund.

PART IV

Administration of Legislative Assembly

DIVISION 1

Board of Internal Economy

Board continued

- 67(1)** The Board of Internal Economy is continued.
- (2) The board consists of:
- (a) the Speaker or, if there is no Speaker or in the absence or inability to act of the Speaker, the Deputy Speaker;
 - (b) two members nominated by the President of the Executive Council from among the members of the Executive Council;
 - (c) two members from the Government caucus nominated by that caucus;
 - (d) one member or, if there is no Third Party sitting in opposition to the government, two members from the opposition caucus nominated by that caucus; and
 - (e) one member from the third party caucus, if a Third Party is sitting in opposition to the government, nominated by that caucus.

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- (3) The Lieutenant Governor in Council shall appoint the Speaker and the members nominated in accordance with clauses (2)(b) to (e) as members of the board.
- (4) The Speaker is the chair of the board, but, if there is no Speaker or in the absence or inability to act of the Speaker, the Deputy Speaker may act as the chair of the board.
- (5) The name and office of each member of the board is to be communicated by message from the Lieutenant Governor to the Legislative Assembly.
- (6) A quorum of the board consists of:
- (a) the Speaker or, if there is no Speaker or in the absence or inability to act of the Speaker, the Deputy Speaker;
 - (b) one member appointed pursuant to clause (2)(b);
 - (c) one member appointed pursuant to clause (2)(c); and
 - (d) one member appointed pursuant to clause (2)(d) or (e).
- (7) Notwithstanding any other provision of this Act, a member of the board is entitled to be paid an indemnity and to be reimbursed for expenses incurred by the member of the board for each day that the member of the board is attending to the business of the board and that:
- (a) the Legislative Assembly is not sitting; or
 - (b) the Legislative Assembly is sitting but the business of the board occurs outside Regina.
- (8) The board shall determine the indemnity and rate of reimbursement for expenses to be paid pursuant to subsection (7).

Powers and duties of board

- 68(1)** The board is responsible for all matters of financial and administrative policy affecting the Legislative Assembly, its members and the Legislative Assembly Service.
- (2) Without limiting the generality of subsection (1), the board has the following powers and duties:
- (a) to oversee generally the finances of the Legislative Assembly, including its revenues, expenses, assets and liabilities;
 - (b) to review and approve the administrative, human resources and management policies and systems of the Legislative Assembly Service;
 - (c) to advise on and give directions in relation to any matter that the board considers necessary for the efficient and effective operation of the Legislative Assembly Service;
 - (d) to exercise any other powers given to the board, and to perform any other duties imposed on the board, by this Act or any other Act.
- (3) If the board considers it desirable, it may report to the Legislative Assembly on any of the matters mentioned in this section.
- (4) A directive issued by the board is effective on the date specified in the directive.

(5) The board may delegate any powers and duties that it considers appropriate to the Speaker.

(6) If the board delegates a power or duty to the Speaker, the exercise of that power or the performance of that duty by the Speaker is deemed to be the exercise or performance by the board.

DIVISION 2

Estimates of Legislative Assembly

Estimates — presentation

69(1) The Speaker shall present to the board the estimates of the Legislative Assembly, being the sums of money that are required to be provided by the Legislature for the purposes of this Act.

(2) The following officers of the Legislative Assembly shall present to the board their respective estimates of the sums of money that are required to be provided by the Legislature for the purposes of their respective Acts:

- (a) the Chief Electoral Officer;
- (b) the Children's Advocate;
- (c) the Conflict of Interest Commissioner;
- (d) the Information and Privacy Commissioner;
- (e) the Ombudsman.

(3) The board shall review the estimates mentioned in this section, make any alterations that it considers proper and concur in the estimates.

(4) The Speaker shall cause the estimates mentioned in this section to be laid before the Legislative Assembly and the estimates must be referred to the standing committee determined pursuant to the Rules and Procedures of the Legislative Assembly.

DIVISION 3

Legislative Assembly Service

Legislative Assembly Service

70(1) The Legislative Assembly Service is established.

(2) The Legislative Assembly Service consists of:

- (a) the Speaker;
- (b) the Clerk, Clerks-at-the-Table, the Sergeant-at-Arms and any other employees that may be required by the Clerk;
- (c) the Law Clerk and Parliamentary Counsel and any other employees that may be required by the Law Clerk and Parliamentary Counsel; and
- (d) the Legislative Librarian and any other employees that may be required by the Legislative Librarian.

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- (3) The duties and functions of the Legislative Assembly Service are:
- (a) those duties and functions set out in the Rules and Procedures of the Legislative Assembly;
 - (b) those duties and functions conferred or imposed pursuant to this Act; and
 - (c) those duties and functions that may be determined by the Speaker.
- (4) The Clerk is responsible to the Speaker for the general administration of the Legislative Assembly Service.

Terms of employment

71(1) Every individual employed by the Legislative Assembly Service is an employee of the Legislative Assembly and is not a member of the public service of Saskatchewan.

(2) The employee benefits applicable to the public service of Saskatchewan apply or continue to apply, as the case may be, to the employees of the Legislative Assembly Service.

(3) *The Public Service Act, 1998* does not apply to employees of the Legislative Assembly Service.

(4) *The Public Service Superannuation Act, The Superannuation (Supplementary Provisions) Act* and *The Public Employees Pension Plan Act* apply to employees of the Legislative Assembly Service.

(5) Subject to section 79, the Speaker shall appoint employees of the Legislative Assembly Service on the recommendation of the Clerk, the Law Clerk and Parliamentary Counsel or the Legislative Librarian, as the case may require.

Speaker to preside over Legislative Assembly Service

72(1) The Speaker:

- (a) shall preside over the Legislative Assembly Service; and
 - (b) may exercise any powers and shall perform any other function and duty that the Legislative Assembly or board may assign or delegate to the Speaker.
- (2) Subject to subsections (3) and (4), the Speaker, in writing, may delegate any of the Speaker's powers and duties respecting the administration of the Legislative Assembly Service to:
- (a) the Deputy Speaker;
 - (b) the Clerk; or
 - (c) any other employee of the Legislative Assembly Service.
- (3) Without the express authority of either the Legislative Assembly or the board, as the case may be, the Speaker shall not further delegate any of the powers, duties and functions that the Legislative Assembly or the board may assign or delegate to the Speaker pursuant to clause (1)(b).
- (4) The Legislative Assembly or the board, as the case may be, may expressly authorize the Speaker to further delegate any of the powers, duties or functions that it has assigned or delegated to the Speaker pursuant to clause (1)(b) and, for that purpose, an express authorization may be general or specific in nature and may be made subject to any terms or conditions that the Legislative Assembly or the board, as the case may be, considers appropriate.

Board may request allocation of space, services or goods

73 The board may:

- (a) make arrangements with the appropriate department or agency of the Government of Saskatchewan or Crown corporation for the allocation of space within the Legislative Building; and
- (b) make requests to the appropriate department or agency of the Government of Saskatchewan or Crown corporation respecting the maintenance, furnishings and services required by the Legislative Assembly or the Legislative Assembly Service in the Legislative Building and respecting other services or goods that the board considers necessary for the Legislative Assembly or the Legislative Assembly Service.

Security

74 Under the direction of the Speaker, the Sergeant-at-Arms shall provide security for the Legislative Building and the grounds immediately surrounding the Legislative Building.

Agreements entered into by board

75(1) In this section, “**delegate**” includes:

- (a) if the Legislative Assembly or the board has delegated its power to enter into agreements to the Speaker pursuant to clause 72(1)(b), the Speaker; and
 - (b) if the Speaker has further delegated the power to enter into agreements to the Deputy Speaker, the Clerk or another employee of the Legislative Assembly Service in accordance with subsections 72(3) and (4), the Deputy Speaker, the Clerk or the employee of the Legislative Assembly Service, as the case may be.
- (2) The board or a delegate, on behalf of the Legislative Assembly, may enter into any agreement that the board or the delegate considers advisable for the purposes of exercising any power or performing any duty or function for which the board is responsible or for carrying out any provision of this Act.
- (3) Any agreement entered into by the board or a delegate enures to the benefit of the Legislative Assembly.
- (4) The board or delegate is not personally liable for any agreement that it, he or she has entered into in good faith pursuant to this section.

Grants

- 76(1)** Subject to subsection (3), for any purpose relating to the Legislative Assembly or any matter under the Speaker’s administration or for which the Speaker is responsible, the Speaker may make grants to any person, agency, organization, association, institution or other body within or outside Saskatchewan.
- (2) The Speaker may set any terms or conditions on a grant pursuant to this section.
- (3) The Speaker shall obtain the approval of the board before making any grant pursuant to this section that is greater than \$50,000.

DIVISION 4

Organization of Legislative Assembly Service

Clerk

- 77(1)** The Clerk is the chief permanent officer of the Legislative Assembly.
- (2) The Clerk is responsible to the Speaker for the administrative and other support services required for the proper conduct of the Legislative Assembly and its members.
- (3) Subject to this Act and the approval of the Speaker, the Clerk may determine the organization and staff establishment of the Legislative Assembly Service.
- (4) The Clerks-at-the-Table and Sergeant-at-Arms are officers of the Legislative Assembly.

Law Clerk and Parliamentary Counsel

- 78(1)** The Legislative Counsel and Law Clerk is continued as the Law Clerk and Parliamentary Counsel.
- (2) The Law Clerk and Parliamentary Counsel is an officer of the Legislative Assembly.
- (3) The Law Clerk and Parliamentary Counsel is responsible for providing legal services to the Legislative Assembly.

Appointment and removal of officers and staff

- 79(1)** On the recommendation of the Speaker, the board shall appoint:
- (a) the Clerk;
 - (b) the Law Clerk and Parliamentary Counsel; and
 - (c) the Legislative Librarian.
- (2) If the Clerk or the Law Clerk and Parliamentary Counsel is removed from office, the Speaker shall immediately table a statement of the reasons for the removal in the Legislative Assembly.
- (3) If the Clerk or the Law Clerk and Parliamentary Counsel is removed from office, and the Legislative Assembly is not sitting, the Speaker shall provide a statement of the reasons for the removal to each member of the Legislative Assembly.

Legislative Library

- 80(1)** The Legislative Library is continued.
- (2) The Legislative Librarian is responsible for the management of the legislative library and for the provision of a parliamentary library service.
- (3) The Legislative Librarian shall prepare an annual report to be presented to the Speaker, who shall table the report in the Legislative Assembly.
- (4) *The Tabling of Documents Act, 1991* does not apply to the annual report mentioned in subsection (3).

Legislative Library as official depository

81(1) In this section, “**government publication**” means a publication, pamphlet or circular that:

- (a) is issued for general or limited public distribution by a department, board, commission or agency of the Government of Saskatchewan or a Crown corporation; and
 - (b) is published by or pursuant to the authority of a department, board, commission or agency of the Government of Saskatchewan or a Crown corporation.
- (2) The Legislative Library is the official library for the deposit of government publications.
- (3) Every department, board, commission and agency of the Government of Saskatchewan and every Crown corporation shall deposit with the Legislative Library eight complimentary copies of every government publication that:
- (a) is released in any form, including print and electronic, for general or limited public distribution either for free or for sale; and
 - (b) is issued by them or pursuant to their authority in collaboration with a commercial publisher.
- (4) The copies mentioned in subsection (3) must be deposited within 10 days after the government publication is released to the public.
- (5) If a government publication mentioned in subsection (3) is made available to the public in both print and electronic form, the department, board, commission or agency of the Government of Saskatchewan or Crown corporation shall provide eight copies and one electronic copy to the Legislative Library.
- (6) If a government publication mentioned in subsection (3) is made available only in electronic form on the Internet, the department, board, commission or agency of the Government of Saskatchewan or Crown corporation shall provide one electronic copy to the Legislative Library within 24 hours of its being posted on the Internet.
- (7) The Legislative Library is designated as the official exchange library for Saskatchewan and is responsible for:
- (a) collecting government publications; and
 - (b) depositing government publications with the National Library, the Library of Congress and any other library with which exchange agreements are made by the Legislative Library.

PART V**Executive Council****Interpretation of Part**

82 In this Part:

- (a) “**minister**” means the President of the Executive Council or any other member of the Executive Council that the Lieutenant Governor in Council may designate;
- (b) “**Office**” means the Office of the Executive Council.

Office of Executive Council continued

83(1) The department of the Government of Saskatchewan called the Office of the Executive Council is continued.

(2) The minister shall preside over the Office.

Staff of Office

84(1) The staff of the Office consists of:

- (a) a deputy minister to be called the Deputy Minister to the Premier;
- (b) an official to be called the Cabinet Secretary;
- (c) an official to be called the Clerk of the Executive Council; and
- (d) any other employees that are required for the proper conduct of the business of the Office.

(2) The duties of the staff are:

- (a) the duties that are prescribed by law; and
- (b) the duties that may be assigned to them by the minister.

Advisers

85 For the purposes of exercising any of the powers or carrying out any of the duties imposed on the minister by this Act, the minister may engage the services of or retain any technical, professional or other advisers, specialists or consultants that the minister considers necessary.

Advisory committees

86(1) For the purposes of exercising any of the powers or carrying out any of the duties imposed on the minister by this Act, the minister may appoint advisory committees for a specific period and for a specific purpose.

(2) The minister shall obtain the approval of the Lieutenant Governor in Council before appointing an advisory committee for a period longer than one year.

Duties of Office

87 The Office has the following duties:

- (a) to act as secretariat to the Executive Council and to any committee to the Executive Council that the Lieutenant Governor in Council may designate;
- (b) to co-ordinate, under the direction of the minister, all matters involving relationships with other governments;
- (c) to perform any duties that may be assigned to it by the Lieutenant Governor in Council.

Out-of-province offices

88(1) If the Lieutenant Governor in Council considers it to be appropriate, the Lieutenant Governor in Council may:

- (a) authorize the minister to establish offices outside Saskatchewan for the purpose of promoting Saskatchewan; and
- (b) appoint a person to be in charge of an office established pursuant to clause (a) and prescribe that person's duties and powers.

-
- (2) An office mentioned in subsection (1) may be operated by the minister alone or in co-operation with another minister or with the government of another province or territory of Canada or with the Government of Canada.
- (3) Any person appointed pursuant to clause (1)(b) may:
- (a) subject to subsection (4):
 - (i) acquire on behalf of the Government of Saskatchewan, by purchase, lease or otherwise, any real or personal property required for the proper operation of the office; and
 - (ii) sell, lease or otherwise dispose of any property no longer required for that purpose; and
 - (b) employ officers, agents, clerks and other employees required for the proper operation of the office.
- (4) The approval of the Lieutenant Governor in Council is to be obtained for any acquisition or disposition of property pursuant to clause (3)(a) if the value of the property exceeds \$50,000.

Grants

- 89**(1) Subject to subsection (3), for any purpose relating to any matter under the minister's administration or for which the minister is responsible, the minister may make grants to any person, agency, organization, association, institution or other body within or outside Saskatchewan.
- (2) The minister may set any terms or conditions on a grant pursuant to this section.
- (3) The minister shall obtain the approval of the Lieutenant Governor in Council before making any grant pursuant to this section that is greater than \$50,000.

Financial assistance

- 90** For any purpose relating to any matter under the minister's administration or for which the minister is responsible, the minister may provide financial assistance to any person, agency, organization, association, institution or other body within or outside Saskatchewan:
- (a) with respect to any programs that are prescribed in the regulations; and
 - (b) in accordance with any terms or conditions that are prescribed in the regulations.

Great seal

- 91** The Lieutenant Governor in Council may:
- (a) vary the Great Seal of Saskatchewan; or
 - (b) adopt and provide another Great Seal of Saskatchewan.

Regulations

- 92** The Lieutenant Governor in Council may make regulations:
- (a) prescribing any matter or thing required or authorized by this Part to be prescribed in the regulations;
 - (b) respecting the provision of financial assistance by the minister;
 - (c) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

PART VI
General Matters

Production of official reports to court

93(1) In this section and section 94, “**official report**” means any report, paper, vote or proceeding of the Legislative Assembly.

(2) In any civil proceedings or prosecution against a person for or on account of or with respect to the publication of a copy of any official report, the defendant may, at any stage of the proceedings, lay before the court or judge:

- (a) the official report; and
- (b) the copy together with an affidavit verifying the official report and the correctness of the copy.

(3) On the laying of the documents mentioned in subsection (2), the court or judge shall immediately stay the proceedings.

(4) If the proceedings pursuant to this section are stayed, the proceedings and every writ or process issued with respect to those proceedings are conclusively deemed to be put to an end, determined and superseded.

Good faith publication

94(1) It is a good defence to any civil proceeding against a person for printing any extract from or abstract of any official report that the extract or abstract was published in good faith and without malice.

(2) If the opinion of the court or sitting jury is that an extract or abstract mentioned in subsection (1) was published in good faith and without malice, judgment must be entered for the defendant.

Copies of official documents

95(1) In this section, “**official document**” means:

- (a) the Journals of the Legislative Assembly;
- (b) the votes and proceedings of the Legislative Assembly;
- (c) the debates and proceedings of the Legislative Assembly;
- (d) any verbatim reports of standing or special committees; and
- (e) any Bill that has been introduced in the Legislative Assembly and that is not available to the public from the Queen’s Printer.

(2) A person who wishes to obtain a copy of any official document may obtain that copy by:

- (a) applying to the Clerk; and
- (b) paying to the Clerk any fee that may be set by the Speaker.

PART VII

**Repeal, Consequential Amendments
and Coming into Force****S.S. 1979, c.L-11.1 repealed**

96 *The Legislative Assembly and Executive Council Act* is repealed.

Consequential

97(1) The provisions of the Acts set out in Part II of the Schedule to this Act are amended by striking out "*The Legislative Assembly and Executive Council Act*" and substituting "*The Legislative Assembly and Executive Council Act, 2005*".

(2) The provisions in the Acts set out in Part III of the Schedule to this Act are amended by striking out "Legislative Assembly Office" and substituting "Legislative Assembly Service".

(3) The provisions in the Acts set out in Part IV of the Schedule to this Act are amended by striking out "Legislative Counsel and Law Clerk" and substituting "Law Clerk and Parliamentary Counsel".

S.S. 1996, c.E-6.01, section 2 amended

98 Clause 2(1)(c.1) of *The Election Act, 1996* is amended by striking out "established pursuant to section 68.7 of *The Legislative Assembly and Executive Council Act*" and substituting "continued pursuant to section 67 of *The Legislative Assembly and Executive Council Act, 2005*".

S.S. 1985, c.G-5.1, section 2 amended

99 Clause 2(a) of *The Government Organization Act* is repealed and the following substituted:

"(a) 'adjusted amount' means the adjusted amount as defined and calculated in accordance with the regulations".

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

100(1) *The Members' Conflict of Interest Act* is amended in the manner set forth in this section.

(2) Subsection 15(2) is amended by striking out "section 11 of *The Legislative Assembly and Executive Council Act*" and substituting "section 14 of *The Legislative Assembly and Executive Council Act, 2005*".

(3) Subsection 31(4) is amended by striking out "Sections 22 and 24 of *The Legislative Assembly and Executive Council Act*" and substituting "Division 5 of Part II of *The Legislative Assembly and Executive Council Act, 2005*".

S.S. 2002, c.M-11.12 amended

101 Subclause 8(4)(a)(i) of *The Members of the Legislative Assembly Benefits Act* is repealed and the following substituted:

"(i) the amount of the indemnity payable to the member pursuant to sections 47 and 48, subsection 49(2) and clause 49(3)(i) of *The Legislative Assembly and Executive Council Act, 2005* or the allowances substituted for those amounts by directives issued by the Board of Internal Economy pursuant to sections 49 and 66 of that Act".

Coming into force

102 This Act comes into force on assent but is retroactive and is deemed to have been in force on and from April 1, 2005.

SCHEDULE

PART I

Form A

[Section 34]

OATH OR AFFIRMATION OF WITNESSES

Do you solemnly swear (or affirm) that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth, and nothing but the truth? So help you God. *(omit this phrase in an affirmation)*

PART II

[Subsection 97(1)]

Act	Provision
<i>The Assessment Management Agency Act</i> S.S. 1986, c.A-28.1	8(1)
<i>The Constituency Boundaries Act, 1993</i> S.S. 1993, c.C-27.1	2(f) 23(1)
<i>The Election Act, 1996</i> S.S. 1996, c.E-6.01	2(1)(11.1) 42(1)(d)
<i>The Meewasin Valley Authority Act</i> S.S. 1979, c.M-11.1	5(9)
<i>The Members' Conflict of Interest Act</i> S.S. 1993, c.M-11.11	2(1)(i)
<i>The Penalties and Forfeitures Act</i> R.S.S. 1978, c.P-5	2(2)
<i>The Provincial Auditor Act</i> S.S. 1983, c.P-30.01	2(j)
<i>The Wakamow Valley Authority Act</i> S.S. 1980-81, c.W-1.1	5(9)
<i>The Wascana Centre Act</i> R.S.S. 1978, c.W-4	4(13)

PART III[*Subsection 97(2)*]

Act	Provision
<i>The Archives Act, 2004</i> S.S. 2004, c.A-26.1	2(j)(ii)
<i>The Financial Administration Act, 1993</i> S.S. 1993, c.F-13.4	33.1(1)(a)
<i>The Freedom of Information and Protection of Privacy Act</i> S.S. 1990-91, c.F-22.01	2(2)(b)
<i>The Provincial Auditor Act</i> S.S. 1983, c.P-30.01	20(8)
<i>The Public Works and Services Act</i> S.S. 2004, c.P-46.1	2(f)(ii)

PART IV[*Subsection 97(3)*]

Act	Provision
<i>The Financial Administration Act, 1993</i> S.S. 1993, c.F-13.4	33.1(1)(a)
<i>The Public Works and Services Act</i> S.S. 2004, c.P-46.1	2(f)(ii)

FIRST SESSION
Twenty-fifth Legislature
SASKATCHEWAN

B I L L

No. 96 of 2004-05

An Act respecting the Legislative Assembly of
Saskatchewan and the Executive Council of
Saskatchewan and making consequential
amendments to other Acts

Received and read the

First time

Second time

Third time

And passed

Honourable Andrew Thomson
