

No. 17

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

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## **BILL 17**

A Bill to amend The Public Inquiries Act

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HON. MR. MANNING

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## **Explanatory Note**

**General.** This Bill amends The Public Inquiries Act to confer the powers hereby given directly upon a commission. A difficulty has been encountered in making reference to this power in other statutes since section 3(1) and (2) seems to divide the powers into powers that may be conferred and other powers. This anomaly is being removed; and by the Schedule to this Bill some 27 statutory references elsewhere are being revised to make them refer to The Public Inquiries Act in a more uniform mode.

# BILL

No. 17 of 1960

An Act to amend The Public Inquiries Act

(Assented to \_\_\_\_\_, 1960)

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

1. *The Public Inquiries Act*, being chapter 258 of the Revised Statutes, is hereby amended.

2. Section 3 is struck out and the following is substituted:

3. The commissioner or commissioners shall have the power of summoning before him or them any persons as witnesses and of requiring them to give evidence on oath, orally or in writing, or solemn affirmation if they are persons entitled to affirm in civil matters, and to produce such documents and things as the commissioner or commissioners deem requisite to the full investigation of the matters into which he or they are appointed to inquire.

4. The commissioner or commissioners shall have the same power to enforce the attendance of persons as witnesses and to compel them to give evidence and to produce documents and things as is vested in a court of record in civil cases, and the same privileges and immunities as a judge of the Supreme Court of Alberta.

5. (1) Where a judge of the Supreme Court or district court is appointed as a commissioner or as one of several commissioners, the commissioner or commissioners so appointed have the same power of committal for contempts of the commissioner or commissioners as a judge of the Supreme Court has in respect of that Court.

(2) Where pursuant to any Act of the Province any person or group of persons is or may be vested with the power to inquire into any matter and that Act grants to that person or group of persons the powers of a commissioner under this Act, subsection (1) applies thereto if the person so appointed or any of the persons composing the group appointed is a judge of the Supreme Court or district court.

3. For the purpose of making uniform the statutory provisions applying *The Public Inquiries Act*, the Acts enumerated in the Schedule hereto are amended in the manner set out in the Schedule.

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

**1. Section 12, clause (b) presently reads:**

"12. Subject to The Public Service Act, the Minister

.....

(b) may appoint an inspector to examine the books and accounts of any society and may confer on the inspector any or all of the powers that may be conferred on a commissioner appointed under The Public Inquiries Act."

**2. Section 48 presently reads:**

"48. For the purpose of making an investigation or inquiry under this Part, the Board has the same powers of

(a) summoning witnesses before it, and

(b) requiring witnesses to give evidence on oath, and to produce documents and things,

as may be conferred upon commissioners appointed under The Public Inquiries Act."

**3. Cf. section 727(2) of The City Act. Subsection (3) of section 728 presently reads:**

"(3) The person appointed has, for the purpose of the inquiry, all the powers that may be conferred upon commissioners under The Public Inquiries Act."

**4. Subsection (6) of section 81 presently reads:**

"(6) The Minister or the person appointed by him to make an inquiry under this section has all the powers that may be conferred upon a commissioner appointed under The Public Inquiries Act."

**5. Subsection (5) of section 13 presently reads:**

"(5) At the hearing of the application the Director has all the powers that can be conferred upon a commissioner under The Public Inquiries Act."

**6. Subsection (2) of section 38 presently reads:**

"(2) For the purpose of making any such inquiry an advisory board has all the powers that are conferred upon a commissioner appointed under The Public Inquiries Act."

**7. Section 6 as relevant presently reads:**

"6. The Board and a person authorized by the Board in writing may make all such inquiries as the Board from time to time deems advisable with regard to the property of any debtor, and for that purpose the Board or a person authorized by the Board in writing

.....

(b) has all the powers in that behalf that may be conferred upon a commissioner appointed under The Public Inquiries Act."

**8. Section 17, subsection (2), clause (g) presently reads:**

"(2) Without limiting the generality of subsection (1), the Lieutenant Governor in Council may make regulations

.....

(g) providing that the person holding such inquiry as is contemplated in clause (f) have all the powers that may be conferred upon a commissioner appointed under The Public Inquiries Act, including the power to take evidence on oath,"

SCHEDULE  
OF  
AMENDMENTS

1. *The Agricultural Societies Act*, being chapter 10 of the Revised Statutes, is amended as to section 12, clause (b) by striking out the words "that may be".

2. *The Building Associations Act*, being chapter 32 of the Revised Statutes, is amended by striking out section 48 and by substituting the following:

48. For the purpose of making an investigation or inquiry under this Part, the Board has all the powers of commissioners appointed under *The Public Inquiries Act*.

3. *The City Act*, being chapter 42 of the Revised Statutes, is amended by striking out subsection (3) of section 728 and by substituting the following:

(3) For the purpose of the inquiry, the person appointed has all the powers of a commissioner appointed under *The Public Inquiries Act*.

4. *The Coal Mines Regulation Act*, being chapter 47 of the Revised Statutes, is amended by striking out subsection (6) of section 81 and by substituting the following:

(6) The Minister or the person appointed by him to make an inquiry under this section has all the powers of a commissioner appointed under *The Public Inquiries Act*.

5. *The Communal Property Act*, being chapter 52 of the Revised Statutes, is amended as to subsection (5) of section 13 by striking out the words "that can be conferred upon a commissioner" and by substituting the words "of a commissioner appointed".

6. *The Dairymen's Act*, being chapter 74 of the Revised Statutes, is amended as to subsection (2) of section 38 by striking out the words "that are conferred upon" and by substituting the word "of".

7. *The Debtors' Assistance Act*, being chapter 77 of the Revised Statutes, is amended as to clause (b) of section 6 by striking out the words "that may be conferred upon" and by substituting the word "of".

8. *The Fuel Oil Tax Act*, being chapter 125 of the Revised Statutes, is amended by striking out clause (g) of subsection (2) of section 17 and by substituting the following:

(g) conferring upon persons holding inquiries contemplated by clause (f) all or any of the powers of commissioners appointed under *The Public Inquiries Act*.

**9. Section 17 presently reads:**

"17. The Board and every member thereof, for the purpose of any hearing, inquiry or investigation pursuant to any of the provisions of this Act, have, for the purpose of taking evidence on oath or affirmation and compelling the attendance of witnesses and the production of documents, all the powers that may be conferred upon a commissioner appointed pursuant to The Public Inquiries Act."

**10. Subsection (2) of section 14 presently reads:**

"(2) The committee, or the member or members, to which a question is referred have and may exercise all the powers that are conferred upon a commissioner under The Public Inquiries Act."

**11. Subsection (3) of section 17 presently reads:**

"(3) The committee or the member or members thereof to which a question is referred has all the powers that can be conferred upon a commissioner under the provisions of The Public Inquiries Act."

**12. Section 44 presently reads:**

"44. Any officer authorized thereto by the Minister may make such inquiry as he may deem necessary for ascertaining the income of any taxpayer and for the purposes of such inquiry the officer has all the powers and authority that may be conferred upon a commissioner appointed under The Public Inquiries Act."

**13. Subsection (2) of section 7 presently reads:**

"(2) The Minister and each advisory board or committee and each member thereof has, for the purpose of making an investigation or inquiry, the same powers

- (a) of summoning witnesses before him or it, and
  - (b) of requiring witnesses to give evidence on oath, and to produce documents or things,
- as are conferred upon commissioners appointed under The Public Inquiries Act."

**14. Section 7 presently reads:**

"7. For the purpose of any inquiry held pursuant to the provisions of this Act the Board has such powers as may by law be conferred upon commissioners appointed under The Public Inquiries Act."

**15. Subsection (2) of section 10 presently reads:**

"(2) When exercising the powers mentioned in clause 30 or 31 of subsection (1), the Board has all the powers of a commission appointed under The Public Inquiries Act."

**16. Subsection (3) of section 9 presently reads:**

"(3) For the purpose of making any inquiry in relation to an assessment, the Commissioner, and every inspector, has the same power

- (a) to compel the attendance of witnesses before him, and
  - (b) to receive evidence on oath or on solemn affirmation and to administer oaths or solemn affirmations,
- as is conferred upon a commissioner appointed pursuant to The Public Inquiries Act."

9. *The Gas Resources Preservation Act, 1956*, being chapter 19 of the Statutes of Alberta, 1956, is amended as to section 17 by striking out the words "that may be conferred upon a commissioner" and by substituting the words "of commissioners".

10. *The Hospitalization Benefits Act, 1959*, being chapter 31 of the Statutes of Alberta, 1959, is amended by striking out subsection (2) of section 14 and by substituting the following:

(2) The committee, or any member or members, to whom a question is referred shall have all the powers of a commissioner appointed under *The Public Inquiries Act*.

11. *The Hospitals Act*, being chapter 147 of the Revised Statutes, is amended by striking out subsection (3) of section 17 and by substituting the following:

(3) The committee, or any member or members, to whom a question is referred shall have all the powers of a commissioner appointed under *The Public Inquiries Act*.

12. *The Income Tax Act*, being chapter 152 of the Revised Statutes, is amended as to section 44 by striking out the words "and authority that may be conferred upon" and by substituting the word "of".

13. *The Industry and Development Department Act*, being chapter 30 of the Statutes of Alberta, 1958, is amended by striking out subsection (2) of section 7 and by substituting the following:

(2) For the purpose of making an investigation or inquiry, the Minister and each advisory board and advisory committee has all the powers of commissioners appointed under *The Public Inquiries Act*.

14. *The Alberta Labour Act*, being chapter 167 of the Revised Statutes, is amended by striking out section 7 and by substituting the following:

7. For the purpose of any inquiry held pursuant to this Act, the Board has all the powers of a commissioner appointed under *The Public Inquiries Act*.

15. *The Liquor Control Act, 1958*, being chapter 37 of the Statutes of Alberta, 1958, is amended as to subsection (2) of section 10 by striking out the word "commission" and by substituting the word "commissioner".

16. *The Municipalities Assessment and Equalization Act*, being chapter 61 of the Statutes of Alberta, 1957, is amended by striking out subsection (3) of section 9 and by substituting the following:

**17. Section 114 presently reads:**

"114. The Board and every member thereof and every other person authorized by the Board to conduct a hearing or to make an inquiry or investigation pursuant to any of the provisions of this Act have for the purpose of any such hearing, inquiry or investigation all the powers that may be conferred upon a commissioner appointed pursuant to The Public Inquiries Act for the purpose of taking evidence on oath or affirmation and compelling the attendance of witnesses and the production of documents."

**18. Section 8 presently reads:**

"8. For the purposes of carrying out the duties imposed on the Commission by this Act, the Commission and any nominee of the Commission has all the powers authorized to be conferred upon a commissioner appointed under The Public Inquiries Act."

**19. Section 18 presently reads:**

"18. In addition to the powers contained in sections 15, 16 and 17, the Superintendent, inspector or other person conducting an investigation under section 15 has the powers that by The Public Inquiries Act may be conferred upon a commissioner under that Act."

**20. Subsection (2) of section 8 presently reads:**

"(2) The Board has

.....

(b) all the powers that may be conferred upon a commissioner pursuant to The Public Inquiries Act."

**21. See also section 355 (1) and (2). Section 356 presently reads:**

"356. The Board of Reference, for the purpose of procuring the attendance of witnesses and compelling them to give evidence, has all the powers that may be conferred on a commissioner appointed under The Public Inquiries Act."

**22. Subsection (3) of section 28 (as relevant) presently reads:**

"(3) The commissioner or commissioners have all the powers that may be conferred upon a commissioner under The Public Inquiries Act, and in addition thereto may, either at or before the hearing, ....."

**23. Cf. section 478 of this Act and sections 727(2) and 728(3) of The City Act. See note to clause 3 to the Schedule of this Bill.**



(3) For the purpose of making any inquiry in relation to an assessment, the Commissioner, or any inspector, has all the powers of a commissioner appointed under *The Public Inquiries Act*.

17. *The Oil and Gas Conservation Act*, being chapter 63 of the Statutes of Alberta, 1957, is amended by striking out section 114 and by substituting the following:

**114.** For the purpose of any hearing, investigation or inquiry pursuant to this Act, the Board and any member thereof and any other person authorized by the Board to conduct a hearing, or to make an inquiry or investigation, shall have all the powers of a commissioner appointed under *The Public Inquiries Act*.

18. *The Power Commission Act*, being chapter 239 of the Revised Statutes, is amended as to section 8 by striking out the words "authorized to be conferred upon" and by substituting the word "of".

19. *The Real Estate Agents' Licensing Act*, being chapter 279 of the Revised Statutes, is amended as to section 18 by striking out all the words following the word and figure "section 15" and by substituting the words "has all the powers of a commissioner appointed under *The Public Inquiries Act*".

20. *The Right of Entry Arbitration Act*, being chapter 290 of the Revised Statutes, is amended by striking out clause (b) of subsection (2) of section 8 and by substituting the following:

(b) all the powers of a commissioner appointed under *The Public Inquiries Act*.

21. *The School Act*, being chapter 297 of the Revised Statutes, is amended by striking out section 356 and by substituting the following:

**356.** For the purpose of investigating a dispute or disagreement referred to it, the Board of Reference shall have all the powers of a commissioner appointed under *The Public Inquiries Act*.

22. *The Succession Duty Act*, being chapter 324 of the Revised Statutes, is amended as to subsection (3) of section 28 by striking out the words "that may be conferred upon a commissioner" and by substituting the words "of a commissioner appointed".

23. *The Town and Village Act*, being chapter 338 of the Revised Statutes, is amended as to subsection (1) of section 479 by striking out the words "that may be conferred upon commissioners" and by substituting the words "of a commissioner appointed".

**24. Section 14 presently reads:**

"14. An accountant appointed to conduct an investigation pursuant to this Act, whether by a judge of the Supreme Court or by the Lieutenant Governor in Council possesses all the powers that may be conferred upon commissioners under The Public Inquiries Act."

**25. Subsection (4) of section 34 presently reads:**

"(4) For the purpose of making an inquiry under clause (f) of subsection (2) the Senate and the committees thereof have all the powers that may be conferred upon a commissioner under The Public Inquiries Act."

**26. Subsection (2) of section 7 presently reads:**

"(2) The commission referred to in subsection (1) and every member thereof has for any such investigation all the powers conferred upon an inspector by section 3, and in addition has all the powers that are, or may be, conferred upon a commissioner appointed pursuant to The Public Inquiries Act."

**27. Subsection (8) of section 67 presently reads:**

"(8) For the purpose of any such examination or inquiry the Board and any person so authorized by it has all the powers that may be conferred on a commissioner appointed under The Public Inquiries Act."

24. *The Trust Companies Act*, being chapter 345 of the Revised Statutes, is amended as to section 14 by striking out the words "that may be conferred upon commissioners" and by substituting the words "of a commissioner appointed".

25. *The University Act*, being chapter 351 of the Revised Statutes, is amended as to subsection (4) of section 34 by striking out the words "that may be conferred upon a commissioner" and by substituting the words "of a commissioner appointed".

26. *The Urban Mining Operations Act*, being chapter 353 of the Revised Statutes, is amended as to subsection (2) of section 7 by striking out the words "that are, or may be, conferred upon" and by substituting the word "of".

27. *The Workmen's Compensation Act*, being chapter 370 of the Revised Statutes, is amended as to subsection (8) of section 67 by striking out the words "that may be conferred on" and by substituting the word "of".

No. 17

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FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

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**BILL**

An Act to amend The Public  
Inquiries Act

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. MANNING

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