

No. 106

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3rd Session, 15th Legislature, Alberta  
14 Elizabeth II

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## **BILL 106**

A Bill to Establish Uniform Procedures in the Exercise  
of Statutory Powers

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HON. MR. MANNING

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## **Explanatory Note**

**1.** This Bill sets out a basic procedure to be followed by Government Boards and tribunals, etc., in exercising powers affecting the rights of citizens. It is based on a recommendation by The Special Committee on Boards and Tribunals.

**2.** Interpretation.

# BILL

No. 106 of 1966

An Act to Establish Uniform Procedure in the Exercise  
of Statutory Powers

(Assented to \_\_\_\_\_, 1966)

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

**1.** This Act may be cited as "*The Administrative Pro-  
cedures Act*".

**2.** In this Act,

- (a) "authority" means a person authorized to exercise a statutory power;
- (b) "party" means a person whose rights will be varied or affected by the exercise of a statutory power or by any act or thing done pursuant thereto;
- (c) "statutory power" means an administrative, quasi-judicial or judicial power conferred by statute, other than a power conferred on a court of record of civil or criminal jurisdiction or a power to make regulations, and for greater certainty, but without restricting the generality of the foregoing, includes a power
  - (i) to grant, suspend or revoke a charter or letters patent, or
  - (ii) to grant, renew, refuse, suspend or revoke a permission to do an act or thing which, but for the permission, would be unlawful, whether the permission is called a licence or permit or certificate or is in any other form, or
  - (iii) to declare or establish a status provided for under a statute for a person and to suspend or revoke that status, or
  - (iv) to approve or authorize the doing or omission by a person of an act or thing that, but for the approval or authorization, would be unlawful or unauthorized, or
  - (v) to declare or establish a right or duty of a person under a statute, whether in a dispute with another person or otherwise, or

**3. Application of Act.**

**4. Notice to be given to parties.**

**5. Opportunity to make representations to be given.**

**6. Right of cross-examination.**

- (vi) to make an order, decision, direction or finding prohibiting a person from doing an act or thing that, but for the order, decision, direction or finding, it would be lawful for him to do,

or any combination of those powers.

**3.** The Lieutenant Governor in Council may, by order,

- (a) designate any authority as an authority to which this Act applies in whole or in part,
- (b) designate the statutory power of the authority in respect of which this Act applies in whole or in part, and
- (c) designate the provisions of this Act which are applicable to the authority in the exercise of that statutory power, and the extent to which they apply,

and this Act only applies to any authority to the extent ordered under this section.

**4.** Where

- (a) an application is made to an authority, or
- (b) an authority on its own initiative proposes,

to exercise a statutory power, the authority shall give to all parties adequate notice of the application which it has before it or of the power which it intends to exercise.

**5.** Before an authority, in the exercise of a statutory power, refuses the application of or makes a decision or order adversely affecting a party, the authority

- (a) shall give the party a reasonable opportunity of furnishing relevant evidence to the authority,
- (b) shall inform the party of the facts in its possession or the allegations made to it contrary to the interests of the party in sufficient detail
  - (i) to permit him to understand the facts or allegations, and
  - (ii) to afford him a reasonable opportunity to furnish relevant evidence to contradict or explain the facts or allegations,

and

- (c) shall give the party an adequate opportunity of making representations by way of argument to the authority.

**6.** Where an authority has informed a party of facts or allegations and that party

- (a) is entitled under section 5 to contradict or explain them, but
- (b) will not have a fair opportunity of doing so without cross-examination of the person making the statements that constitute the facts or allegations,

**7.** Right to oral representation or representation by counsel not given by this Act.

**8.** Right to written decision and reasons for decision.

**9.** Authority not relieved from complying with procedure applicable to it under any other Act.

**10.** Rules of evidence.

**11.** Authority to make regulations.

**12.** Commencement of Act.

the authority shall afford the party an opportunity of cross-examination in the presence of the authority or of a person authorized to hear or take evidence for the authority.

**7.** Where by this Act a party is entitled to make representations to an authority with respect to the exercise of a statutory power, the authority is not by this Act required to afford an opportunity to the party

- (a) to make oral representations, or
- (b) to be represented by counsel,

if the authority affords the party an opportunity to make representations adequately in writing.

**8.** Where an authority exercises a statutory power so as to adversely affect the rights of a party, the authority shall furnish to each party a written statement of its decision setting out

- (a) the findings of fact upon which it based its decision, and
- (b) the reasons for the decision.

**9.** Nothing in this Act deprives a party of any right conferred by any other Act or relieves an authority from complying with any procedure to be followed by it under any other Act relating to the exercise of its statutory power.

**10.** Nothing in this Act

- (a) requires that any evidence or allegations of fact made to an authority be made under oath, or
- (b) requires any authority to adhere to the rules of evidence applicable to courts of civil or criminal jurisdiction.

**11.** The Lieutenant Governor in Council may make regulations

- (a) to prescribe the length of time that is reasonable for the giving of a notice in accordance with this Act, with respect to authorities generally or with respect to a specified authority,
- (b) to prescribe forms of notices for the purposes of this Act, and
- (c) to carry into effect the purposes of this Act.

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

No. 106

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THIRD SESSION  
FIFTEENTH LEGISLATURE  
14 ELIZABETH II  
1966

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Received and read the

First time .....

Second time .....

Third time .....

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