

1969 Bill 98

Second Session, 16th Legislature, 18 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 98

An Act to amend The Department of Highways Act

THE MINISTER OF HIGHWAYS

First Reading

Second Reading

Third Reading

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1969

An Act to amend The Department of Highways Act

(Assented to _____, 1969)

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

1. *The Department of Highways Act* is hereby amended.
2. The long title of the Act is amended by striking out the word "Highways" and by substituting the words "Highways and Transport".
3. Section 1 is amended by striking out the word "*Highways*" and by substituting the words "*Highways and Transport*".
4. Sections 2, 3, 4, 7, 8 and 11 are amended by striking out wherever it occurs the word "Highways" and by substituting in each case the words "Highways and Transport".
5. The following section is added after section 11:
 - 11a. (1) There may be established a Highway Accident Investigation Section (hereinafter called "the Investigation Section") in the Department.
 - (2) The purpose of the Investigation Section is
 - (a) to investigate every aspect of motor vehicle accidents with a view to compiling comparative statistics on the cause of accidents, and
 - (b) to make recommendations, based on the investigations of the Investigation Section, for increased road safety.
 - (3) To fulfil its purpose the employee in charge of the Investigation Section may, in writing, with respect to any accident ~~require from any insurance company carrying on~~

Explanatory Notes

General. This Bill amends chapter 35 of the Statutes of Alberta, 1965. These amendments will change the name of the Minister of Highways and the Department of Highways to, respectively, the Minister of Highways and Transport and the Department of Highways and Transport.

2. Long title amended.

3. Short title amended.

4. References to the Minister, his deputy or the Department are changed to refer to Highways and Transport.

5. Highway Accident Investigation Section may be established.

- (a) copies of statements made by any person in connection with the accident;
 - (b) copies of reports made by insurance company investigators into the cause of the accident and the conclusion of the insurance company on the liability of the persons involved;
 - (c) details of any money paid by an insurance company in respect of
 - (i) personal damages,
 - (ii) property damages,
 - (iii) solicitor's fees,
 - (iv) adjuster's fees, and
 - (v) details of any other matter connected with the accident.
- (4) The employee in charge of the Investigation Section, or a person authorized by him, may interview
- (a) the drivers involved in the accident,
 - (b) any witnesses to the accident, and
 - (c) any other person who may be able to give information (whether directly relevant or not) which will assist in determining the reasons for the accident, and with the consent of the person interviewed take statements in writing.
- (5) Any person interviewing under subsection (4) shall carry with him an identification card (issued to him by the employee in charge of the Investigation Section) and shall produce it for the inspection of any person who requests to see it.
- (6) In the interests of obtaining full and true information concerning an accident, any file, document or paper kept by any person in the Investigation Section that deals with an accident, including all matters incidental thereto, and that has come into existence through any thing done under or pursuant to this section
- (a) shall not be disclosed to any person who has not taken the oath pursuant to subsection (10), or
 - (b) shall not be used in any court proceedings, or
 - (c) shall not be used for any other purpose other than for the purposes stated in subsection (2).
- (7) No person who has taken the oath under subsection (10) shall disclose or be compelled to disclose any information obtained by him in the course of the performance of any duties under this section.

(8) In order to inform the Minister or the public of the nature and cause of accidents, the Investigation Section may publish reports, statistics or other information but

- (a) no report, or
- (b) statistics, or
- (c) other published information,

shall contain particulars which would enable any person to identify the publication as being particulars relating to any particular person or accident unless the previous consent in writing of the person (or if more than one, all of them) has been obtained for release of the information.

(9) Publication of reports under subsection (8) is not a contravention of subsection (6) or (7).

(10) Every employee or any other person employed in or in connection with the Investigation Section, before commencing his duties, shall take the following oath of secrecy:

“I do solemnly swear that I will not, without due authority, disclose or make known any matter or thing that comes to my knowledge by reason of any employment in or by the Highway Accident Investigation Section.”.

(11) Any person or employee engaged in the work of the Investigation Section who contravenes this section is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 or in default of payment to imprisonment for 90 days.

6. In any Act, regulation, order, contract, agreement, form, record, file or other document a reference to the Minister of Highways, the Deputy Minister of Highways or the Department of Highways shall be deemed to be respectively a reference to the Minister of Highways and Transport, the Deputy Minister of Highways and Transport or the Department of Highways and Transport, as the case may be.

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