

1975 Bill 81
(Second Session)

First Session, 18th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 81

THE TEMPORARY ANTI-INFLATION MEASURES ACT

THE MINISTER OF FEDERAL AND INTERGOVERNMENTAL
AFFAIRS

First Reading

Second Reading

Third Reading

BILL 81

1975

(Second Session)

THE TEMPORARY ANTI-INFLATION MEASURES ACT

(Assented to _____, 1975)

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

1. In this Act,
 - (a) "Alberta Board" or "Board" means the Alberta Temporary Anti-Inflation Measures Board;
 - (b) "Appeal Board" means the Alberta Temporary Anti-Inflation Measures Appeal Board;
 - (c) "compensation" means all forms of pay, benefits and perquisites paid or provided, directly or indirectly, by or on behalf of an employer to or for the benefit of an employee;
 - (d) "employee" includes a person holding an office;
 - (e) "employee organization" means any organization of employees formed for purposes including the regulating of relations between employees and employers;
 - (f) "employer", in relation to a person holding an office, means the person from whom the person holding the office receives his compensation in respect of that office;
 - (g) "federal Act" means the *Anti-Inflation Act* (Canada) as amended from time;
 - (h) "federal guidelines" means guidelines established by regulation under section 3, subsection (2), paragraph (b) of the federal Act;
 - (i) "guidelines" or "provincial guidelines" means the guidelines from time to time established by the Lieutenant Governor in Council pursuant to section 3 and, where the term is used in the context of a contravention of the guidelines by a person, the term refers only to those provisions of the guidelines that are applicable to that person;

Explanatory Notes

General. The purpose of this Bill is to authorize the Government of Alberta to enter into any agreement with the Federal Government under Bill C-73 for the Anti-Inflation Act which is presently before the Parliament of Canada.

This Bill further provides that, in the event no agreement is reached, the Lieutenant Governor in Council may establish regulations similar in terms and substance to the federal guidelines to restrain compensation in the public sector. To assist in the administration of this Act, it provides for the establishment of an Alberta Temporary Anti-Inflation Measures Board. The Act expires on March 31, 1977 unless extended by resolution of the Alberta Legislature before that date.

Taken with the proposed Alberta Temporary Rent Regulation Act and the previously-announced provincial 11% expenditure guidelines, this Act is designed to curtail inflation psychology in the Province of Alberta. Its terms are such that co-operation with the Federal Government is recognized to be in the Canadian interest.

I. Definitions.

- (j) “Minister”, in relation to any provision or provisions of this Act, means the member of the Executive Council designated by the Lieutenant Governor in Council as the Minister charged with the administration of that provision or those provisions;
- (k) “office” means the position of an individual entitling him to a fixed or ascertainable stipend or remuneration and includes a judicial office, the office of a Minister of the Crown, the office of a member of the Legislative Assembly and any other office the incumbent of which is elected by popular vote or is elected or appointed in a representative capacity and also includes the position of a corporation director;
- (l) “public sector employee” means a person who is, by virtue of a regulation under section 4, a public sector employee for the purposes of this Act;
- (m) “public sector employer” means a person or body that is, by virtue of a regulation under section 4, a public sector employer for the purposes of this Act.

PART 1

THE PUBLIC SECTOR

DIVISION 1

Federal-Provincial Agreements

2. The Minister may, on behalf of the Government of Alberta and with the approval of the Lieutenant Governor in Council, enter into any agreement with the Government of Canada authorized by the federal Act.

DIVISION 2

Public Sector Compensation Guidelines

3. (1) The Lieutenant Governor in Council may, by regulation, establish guidelines for the restraint of compensation of public sector employees.

(2) The provisions of the provincial guidelines shall be in substantially the same terms as the provisions of any federal guidelines that relate to the same subject matter and that are in force at the time the provincial guidelines are established.

(3) Provincial guidelines may be made applicable to all or any particular class of public sector employers or public sector employees.

(4) Provincial guidelines may be made effective on or after October 14, 1975.

(5) Any amendment of the provincial guidelines may be made retroactive to the commencement date of any similar amendment to the federal guidelines.

4. The Lieutenant Governor in Council may by regulation determine the classes of persons and bodies that are, for the purposes of this Act,

- (a) public sector employers, and
- (b) public sector employees.

5. The Lieutenant Governor in Council may by regulation

- (a) confer or impose any of the powers and duties of the Alberta Board under any provision of this Act or the regulations upon any board, commission or other body established by or pursuant to any Act of the Legislature;

2. Federal-Provincial agreements.

3. Guidelines re public sector compensation.

4. Regulations determining public sector employers and employees.

5. Delegation of powers to other provincial bodies.

- (b) confer or impose any of the powers, duties or jurisdiction of the Appeal Board under this Act or the regulations upon any board, commission or other body established by or pursuant to any Act of the Legislature;

either generally or with respect to any specified class of public sector employers or public sector employees.

6. Each public sector employer in respect of whom the guidelines apply shall keep records and books of account (including an annual inventory if appropriate) at his place of business or residence in Alberta, or at such other place as may be designated by the Minister on application made to him by any such employer, in such form and containing such information as will enable a determination to be made as to whether, throughout the period of time when the guidelines are in force, he has complied with the guidelines.

6. Books and records.

PART 2

THE ALBERTA TEMPORARY ANTI-INFLATION MEASURES BOARD

7. (1) There is hereby established a board to be known as the **Alberta Anti-Inflation Measures Board** consisting of a Chairman and such other members as are from time to time appointed by the Lieutenant Governor in Council.

(2) The Chairman and other members of the Board shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council and are entitled to be paid reasonable travel and living expenses incurred by them in the course of their duties under this Act while absent from their ordinary places of residence.

8. (1) In accordance with *The Public Service Act* there may be appointed such officers and employees as are necessary for the conduct of the work of the Board.

(2) The Board may engage on a temporary basis the services of persons having technical or specialized knowledge to advise and assist it in the performance of its duties and, with the approval of the Treasury Board, the Board may fix and pay the remuneration and expenses of such persons.

(3) The Lieutenant Governor in Council may, on the request of the Board, direct any department or agency of the Government of Alberta to second to the Board, for specified periods, officers and employees necessary for the conduct of the work of the Board and the Board may, subject to section 14 and to any provisions relating to privileged information in any other Act, obtain the advice and assistance of any department or agency of the Government of Alberta.

9. (1) The principal office of the Alberta Board shall be in Edmonton or such other place as may be determined by the Lieutenant Governor in Council.

(2) The Board may meet at such times and places in Alberta as the Chairman considers advisable.

10. (1) The Chairman of the Board is the chief executive officer of the Board and shall preside at meetings of the Board.

(2) One of the members of the Board may be designated by the Lieutenant Governor in Council to be Vice-chairman thereof and in the event of the absence or incapacity of the Chairman, or if the office of Chairman is vacant, the Vice-chairman has and may exercise all the powers and functions of the Chairman.

7. The Alberta Temporary Anti-Inflation Measures Board.

8. Staff.

9. Principal office and meetings.

10. Chief executive officer and vice-chairman.

11. Subject to this Act and to any directions issued from time to time by the Lieutenant Governor in Council under the authority of this section, the Board may make by-laws generally for carrying out its work and for the management of its internal affairs.

12. (1) The Board shall

- (a) monitor changes in compensation in relation to the guidelines and the effectiveness and workability of the guidelines both in general and in their application to particular classes and groups of public sector employees and from time to time report to the Lieutenant Governor in Council thereon recommending any modifications to the guidelines that, in its opinion, would improve the effectiveness or workability of the guidelines;
 - (b) identify actual and proposed changes in compensation that, in its opinion, contravene or, if implemented, would contravene the guidelines either in fact or in spirit;
 - (c) identify the causes of actual and proposed changes in compensation identified under clause (b) that are, in its opinion, likely to have a significant impact on the economy of Alberta, and endeavour through consultations and negotiations with the parties involved to modify such changes so as to bring them within the limits and spirit of the guidelines or reduce or eliminate their inflationary effect;
 - (d) through publication of reports, public hearings and meetings and such other methods as it considers appropriate, promote public understanding of the inflationary process, the various policies available to governments to deal with inflation and the advantages, effects and limitations thereof, the role to be played by employers and employees in combatting inflation and the implication of failure to co-operate in combatting inflation.
- (2) All reports referred to in subsection (1), clause (a) shall be laid before the Assembly forthwith upon the making thereof or, if the Assembly is not then sitting, within 15 days after the commencement of the next sitting.

13. (1) The Board and each member thereof has and may exercise all of the powers of a person appointed as a commissioner under *The Public Inquiries Act*.

(2) For the purpose of carrying out its duties under this Act, the Board may

- (a) cause to be published in *The Alberta Gazette* and in any other manner that it considers appropriate, a

11. By-laws.

12. Duties of the Board.

13. Powers of the Board.

notice requiring employers to whom the guidelines apply or employee organizations representing employees to whom the guidelines apply or any class of such employers or employee organizations described in the notice, to file with the Board such information as is specified in the notice and that is in their possession or to which they may reasonably be expected to have access, and

- (b) send a notice to any employer to whom the guidelines apply or any employee organization representing employees to whom the guidelines apply requiring him or it to file with the Board such information as is specified in the notice and that is in his or its possession or to which he or it may reasonably be expected to have access.

(3) Every employer or employee organization to whom a notice referred to in subsection (2) is directed or sent shall comply therewith within such reasonable time as is specified in the notice and thereafter at such regular intervals, if any, as are specified in the notice.

(4) Notwithstanding subsection (3), the Board may, on request in writing from any employer or employee organization to whom a notice referred to in subsection (2) is directed or sent, extend any time within which or any interval at which that person or employee organization is required to comply with the notice.

14. (1) Except as provided in this section, all information with respect to a person or employee organization that is, in its nature, confidential and that is obtained by a member of the Board or by any person engaged in carrying out duties of the Board under this Act, in the course of carrying out those duties, is privileged and no person shall knowingly, except as expressly provided in this or any other Act, communicate or allow to be communicated to any person any such information except for the purposes of the administration or enforcement of this Act or allow any person to inspect or have access to any such information except for the purposes of the administration or enforcement of this Act.

(2) Any information with respect to a person or employee organization obtained by a member of the Board or any person engaged in carrying out those duties, may, on request in writing to the Chairman of the Board by or on behalf of the person or employee organization to which the information relates, be communicated to any person or authority named in the request on such terms and conditions and under such circumstances as are approved by the Chairman of the Board.

14. Communication of privileged information.

(3) Notwithstanding any other Act or law, no Minister of the Crown and no person employed in the administration or enforcement of this Act shall be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection (1) or to produce any statement or other writing containing such information.

(4) Subsections (1) and (3) do not apply in respect of proceedings before the Appeal Board or any court of law relating to the administration or enforcement of this Act.

PART 3

ENFORCEMENT

15. (1) Where the Board has reasonable grounds for believing that an employer to whom the guidelines apply has contravened, is contravening or is likely to contravene the guidelines, the Board shall make such inquiries and undertake such investigations within the powers conferred on it by this Act as in its opinion are required in order to enable it to determine whether the employer has contravened, is contravening or is likely to contravene the guidelines.

(2) The Board shall report to the Minister on the performance of its duties and the exercise of its powers under this Act at such times and in such manner as the Minister may require, and a copy of each report made by the Board to the Minister under this section shall be laid before the Assembly forthwith after receipt thereof by the Minister or, if the Assembly is not then sitting, within 15 days after the commencement of the next sitting of the Assembly.

16. The Board may, for any purpose related to the performance of its duties under this Act, by registered letter or by a demand served personally, require from any person or employee organization

- (a) any information or additional information, including a return of information or a supplementary return, or
- (b) production, or production on oath, of any books, letters, accounts, invoices, statements (financial or otherwise) or other documents,

within such reasonable time as is stipulated in the letter or demand.

17. (1) Where the Board is satisfied that a person is likely to contravene the guidelines, it may make such order as it considers appropriate to prohibit the person from contravening the guidelines generally, or in a particular manner specified in the order.

(2) Where a person has contravened the guidelines by paying or crediting as compensation an amount that exceeds the amount that he was, under the guidelines authorized to so pay or credit, the Board may make such order as it considers appropriate to accomplish either or both of the following objectives:

- (a) to prohibit the person from continuing to contravene the guidelines generally, or in a particular manner specified in the order, and

15. Duties of Board.

16. Supplementary information.

17. Board orders re contraventions or anticipated contraventions of guidelines.

(b) where no order has been made by it pursuant to subsection (3) arising out of the same circumstances, to require the person to pay Her Majesty in right of Alberta or to withhold out of subsequent payments or credits of a like nature and pay to Her Majesty in right of Alberta, an amount stated in the order equal to the whole or any portion of the excess payment or credit, as estimated by the Board.

(3) Where a person has, as a result of an act or omission that he knew or ought reasonably to have known contravened the guidelines, received any compensation in an amount or value that exceeds that which he would have received if the person from whom he received the compensation had not contravened the guidelines, the Board may make such order as it considers appropriate to accomplish either or both of the following objectives:

(a) to prohibit the person from accepting any further compensation in an amount or value that exceeds that which he would have received if the person from whom he received the compensation had not contravened the guidelines, and

(b) where no order has been made by it pursuant to subsection (2) arising out of the same circumstances, to require the person to pay to Her Majesty in right of Alberta an amount stated in the order equal to the whole or any portion of the excess amount or value so received, as estimated by the Board.

(4) Where the circumstances that give rise to the making of an order under subsection (3), clause (b) disclose that the person against whom the order was made knowingly contravened or conspired knowingly to contravene the guidelines, the Board, in addition to making such order, may, by order, direct the person to pay to Her Majesty in right of Alberta a penalty in an amount equal to 25 per cent of the excess revenue or other amount or value derived or received by the person, as estimated by the Board pursuant to subsection (3), clause (b).

(5) Where the circumstances that gave rise to the making of an order under subsection (2), clause (b) disclose that the person against whom the order was made knowingly contravened the guidelines, the Board, in addition to making such order, may, by order, direct the person to pay to Her Majesty in right of Alberta a penalty in an amount equal to 25 per cent of the excess amount paid or credited by the person, as estimated by the Board pursuant to subsection (2), clause (b).

(6) An order of the Board made pursuant to subsection (2), clause (a) or subsection (3), clause (a) is binding on the person against whom it is made notwithstanding any agreement that was entered into after October 13, 1975 (whether before or after the order was made), notwith-

standing any other Act or law enacted or made before or after the coming into force of this section, and notwithstanding that the order conflicts with anything that was established in accordance with or approved pursuant to any such other Act or law.

18. (1) Where a person who is required by this Act or by a registered letter sent or demand made by the Board pursuant to this Act

- (a) to maintain books and records, or
- (b) to file a return, a supplementary return, information or additional information,

fails to do so as and when required by this Act or the letter or demand, the Board may, subject to section 40, subsection (8), by order, direct him to pay to Her Majesty in right of Alberta a penalty of not less than \$100 and not more than the lesser of

- (c) \$100 for each day during which he so failed to maintain the books and records or during which he was in default in filing the return, additional return, information or additional information, and
- (d) \$10,000.

19. The Board may from time to time, by order, rescind an order made by it pursuant to section 17 or 18 or vary any such order in a manner consistent with its authority to make orders pursuant to whatever provision of those sections is applicable.

20. (1) A copy of an order made by the Board pursuant to section 17, 18 or 19 shall be sent by it, by registered mail or in such other manner as is prescribed by the regulations, to each person against whom the order is made and to the Clerk of the Executive Council.

(2) For the purposes of this Act, the day of mailing of a copy of any order referred to in subsection (1) shall, in the absence of any evidence to the contrary, be deemed to be the day appearing from such notice or notification to be the date thereof unless called in question by the Minister or by some person acting for him or Her Majesty.

(3) Where a copy of an order has been sent by the Board as required by this Act, the order shall be deemed to have been made on the day of mailing of the copy of the order.

21. The Lieutenant Governor in Council may, within 30 days of receipt by the Clerk of the Executive Council of a copy of an order made by the Board, either upon petition

18. Penalty for failure to maintain books and records or to file return, etc.

19. Rescission or variation of orders.

20. Notice of orders to be given

21. Lieutenant Governor in Council may vary or rescind.

of any person affected by the order or of his own motion, by order, rescind the order of the Board or instruct the Board to vary its order pursuant to the authority vested in it by section 19 in a manner specified in the order of the Lieutenant Governor in Council, and an order made by the Lieutenant Governor in Council under this section is binding on the Board upon a copy thereof, certified by the Clerk of the Executive Council, being sent to the Board and each person against whom the order of the Board was made by or on behalf of the Clerk of the Executive Council, by registered mail or in such other manner as is prescribed by the regulations.

22. All amounts payable to Her Majesty in right of Alberta under orders made pursuant to section 17, 18 or 19 are debts due to Her Majesty and are recoverable as such in any court of competent jurisdiction.

22. Recovery of amounts due to Her Majesty.

PART 4

APPEALS

23. (1) There is hereby established a tribunal to be known as the **Alberta Temporary Anti-Inflation Measures Appeal Board** consisting of a Chairman and such other members as are from time to time appointed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council shall, from time to time, appoint such number of members of the Appeal Board as he considers necessary to enable the Appeal Board to deal effectively and expeditiously with appeals taken to it pursuant to this Act.

(3) The Appeal Board shall have an official seal, which shall be judicially noticed.

(4) The Appeal Board has, as regards the attendance, swearing and examination of witnesses and the production and inspection of documents, and as regards other matters necessary or proper for the due exercise of its jurisdiction, all such powers, rights and privileges as are vested in the Supreme Court.

24. (1) The Chairman of the Appeal Board is the chief executive officer thereof and has supervision over and direction of the work of the Appeal Board including

- (a) the apportionment of work among the members thereof and the assignment of a member or members to consider appeals taken to the Appeal Board;
- (b) where the Appeal Board sits in panels, the assignment of members to preside over such panels; and
- (c) generally, the conduct of the work of the Appeal Board, the management of its internal affairs and the duties of the staff of the Appeal Board.

(2) Subject to the approval of the Lieutenant Governor in Council, the Chairman of the Appeal Board may make rules not inconsistent with this Act governing the carrying out of the affairs of the Appeal Board and the practice and procedure in connection with appeals taken to it.

(3) The Minister may authorize one of the members of the Appeal Board to act as Chairman for the time being in the event of the absence or incapacity of the Chairman or if the office of Chairman is vacant.

25. (1) The Chairman of the Appeal Board shall be paid such salary as is fixed by the Lieutenant Governor in Council and each other member shall be paid such fees or

23. Appeal Board established.

24. Duties of Chairman.

25. Salary of Chairman and remuneration of other members.

other remuneration for his services as are fixed by the Lieutenant Governor in Council.

(2) Each member of the Appeal Board is entitled to be paid reasonable travel and living expenses incurred by him in the course of his duties under this Act while absent from his ordinary place of residence.

26. (1) The principal office of the Appeal Board shall be at Edmonton or such other place as may be determined by the Lieutenant Governor in Council.

(2) The Appeal Board shall sit at such times and at such places throughout Alberta as are considered necessary by the Chairman for the proper conduct of its business.

(3) Section 8 applies, with such modifications as the circumstances require, in relation to the staffing of the Appeal Board and the provision of technical assistance therefor.

27. (1) Any person

(a) against whom an order has been made by the Alberta Board pursuant to section 17 or 18, or

(b) who is affected by a variation pursuant to section 19, without his consent, of an order referred to in clause (a) that was made against him,

may appeal to the Appeal Board, but no appeal under this section may be instituted after the expiration of 60 days from the day the order pursuant to section 17, 18 or 19, as the case may be, was made.

(2) The Appeal Board may dispose of an appeal by

(a) dismissing it; or

(b) allowing it and

(i) vacating the order appealed against, or

(ii) varying the order appealed against, or

(iii) referring the matter back to the Alberta Board for reconsideration and variation of the order.

(3) Subject to subsection (4), the Appeal Board shall dispose of an appeal by dismissing it unless the appellant establishes to the satisfaction of the Appeal Board that a disposition referred to in subsection (2), clause (b) is warranted.

(4) Where, on an appeal to the Appeal Board, an order made pursuant to section 17, subsection (4) or (5) directing payment of a penalty amount is in issue, the burden of establishing the facts justifying the making of an order under whichever of those subsections is applicable is on the Alberta Board.

26. Principal office and settings.

27. Appeals to the Appeal Board.

(5) Where, after an appeal is taken to the Appeal Board against an order made pursuant to section 17 or 18, that order is varied pursuant to section 19, the appeal is not affected by the variation and, except where the variation was made with the consent of the appellant, an appeal against the variation may be joined with the appeal against the order made pursuant to section 17 or 18.

28. (1) No appeal against an order made by the Alberta Board pursuant to section 17, 18 or 19 may be heard by the Appeal Board unless, in the case of an appeal against an order directing the return, rebating or payment of an amount or the withholding of an amount or an appeal against an order varying any such order, evidence is filed with the Appeal Board that the amount specified has been paid to the Provincial Treasurer to be held pending disposition of the appeal or security for payment thereof in a form and amount satisfactory to the Alberta Board has been given to it.

(2) An appeal to the Appeal Board shall be instituted by filing with the Appeal Board a notice in writing in a form prescribed by the rules made pursuant to section 24, subsection (2).

(3) Where an appeal is taken to the Appeal Board, the Appeal Board shall forthwith send a copy of the notice of appeal to the Alberta Board.

(4) The Appeal Board is not bound by any legal or technical rules of evidence in conducting a hearing, and all appeals shall be dealt with by the Appeal Board as informally and expeditiously as the circumstances and considerations of fairness permit.

29. (1) Subject to subsection (2), the Appeal Board shall conduct a hearing in respect of each appeal coming before it at which the appellant and the Alberta Board shall be afforded an opportunity to present evidence, to cross-examine witnesses and to present argument.

(2) Where an appellant and the Alberta Board by agreement in writing filed with the Appeal Board, waive a hearing before the Appeal Board in connection with an appeal, the Appeal Board may dispose of the appeal after considering only written submissions of the appellant and the Alberta Board.

(3) Every appeal to the Appeal Board and all business arising out of the appeal shall be heard, determined and disposed of by a single member or a panel of three members, as directed by the Chairman; and where a member or panel has been assigned by the Chairman to conduct a hearing in respect of an appeal, that member or the members of the

28. Condition precedent to hearing of appeal and procedure on appeal.

29. Hearings.

panel constitute the Appeal Board in relation to that appeal and all business arising out of it unless such assignment is revoked and another member or panel is assigned in relation to the appeal.

(4) A decision of a majority of the members of a panel of the Appeal Board assigned to consider an appeal is a decision of the panel.

30. (1) All parties to an appeal to the Appeal Board may appear in person or may be represented at the hearing by counsel or an agent.

(2) A hearing before the Appeal Board shall be held in public unless the Appeal Board is satisfied that a public hearing would not be in the public interest, in which case the hearing or any part thereof may, at the discretion of the Appeal Board, be held in camera.

31. (1) The Appeal Board shall, wherever practicable, give written reasons for its decisions.

(2) Upon the disposition of an appeal, the Appeal Board shall forthwith send, by registered mail or in such other manner as is prescribed by the regulations, a copy of the decision and any written reasons given therefor to the Alberta Board and the appellant.

(3) Subject to subsection (4) but notwithstanding section 37, the Alberta Board may publish in such manner as it considers appropriate any decisions of the Appeal Board and any reasons given therefor.

(4) Where evidence or information with respect to a person that, in the opinion of the Appeal Board, is in its nature confidential is given or elicited in the course of any hearing before the Appeal Board, the evidence or information shall not be made public.

32. No costs may be awarded by the Appeal Board on the disposition of an appeal.

33. Any amount held or security held pursuant to section 28, subsection (1) by the Alberta Board or the Provincial Treasurer pending disposition of an appeal under this Part shall be disposed of as ordered by the Appeal Board, and where the Appeal Board orders that any amount so held be repaid to the person by whom it was paid, such order shall require payment of interest thereon at a rate prescribed by the regulations from the day on which the amount was so paid until the day on which it is repaid pursuant to the order.

30. Right to appear.

31. Decisions.

32. Costs.

33. Disposition of amounts held pending determination of appeal.

34. (1) Where, in any appeal under this Part, substantially the same facts are at issue as those that are at issue in a prosecution under this Act, the Alberta Board may file a stay of proceedings with the Appeal Board and thereupon proceedings before the Appeal Board are stayed pending final disposition of the prosecution.

(2) An appeal under this Part does not operate to stay an order of the Alberta Board from or in relation to which the appeal is taken except as otherwise provided in the order or in any variation thereof, and then only on such terms and conditions as are specified in the order or variation thereof.

35. For greater certainty, a decision or order of the Alberta Board under this Act is not subject to review or to be restrained, prohibited, removed, set aside or otherwise dealt with except to the extent and in the manner provided by this Act, but any decision or order of the Appeal Board made by or in the course of proceedings before the Appeal Board under this Part is subject to appeal to the Appellate Division of the Supreme Court on a question of law or jurisdiction.

34. Stay pending prosecution.

35. Judicial review.

PART 5

GENERAL

36. The Lieutenant Governor in Council may make regulations for carrying out the purposes and provisions of this Act and prescribing anything that, pursuant to any provision of this Act, is to be prescribed by the regulations.

37. Section 14 applies, with such modifications in the terminology but not the principle thereof as the circumstances require, to all information with respect to a person that is obtained by any Minister of the Crown or any person engaged in the administration or enforcement of this Act who is not referred to in that section.

38. Any person employed in the administration or enforcement of this Act, if he is designated by the Minister for the purpose, may, in the course of the administration or enforcement of this Act, administer oaths and take and receive affidavits, declarations and affirmations for the purposes of or incidental to the administration or enforcement of this Act, and every person so designated has for such purposes all the powers of a commissioner for oaths.

39. (1) Where, on application by or on behalf of the Attorney General, the Supreme Court is satisfied that there are reasonable grounds to believe that a person is about to contravene or is contravening an order made by the Alberta Board pursuant to section 17, subsection (2), clause (a) or section 17, subsection (3), clause (a), the Court may issue an injunction restraining that person from contravening or continuing to contravene that order.

(2) An application under subsection (1) shall be governed by the practice and procedure of the Supreme Court.

- 40.** (1) Any person who,
- (a) knowing that statements in a representation made or a return filed under this Act are false or deceptive, makes or participates in, assents to or acquiesces in the making of those statements,
 - (b) to avoid compliance with this Act and the guidelines,
 - (i) destroys, alters, mutilates, secretes or disposes of records or books of account,
 - (ii) makes or participates in, assents to or acquiesces in the making of false or deceptive entries in records or books of account, or

36. Regulations.

37. Communication of privileged information.

38. Administration of oaths.

39. Injunctions.

40. Offences and penalties.

(iii) omits or participates in, assents to or acquiesces in the omission of a material particular from records or books of account,

(c) wilfully, in any manner, evades or attempts to evade compliance with any provision of this Act or an order made by the Alberta Board pursuant to section 17, 18 or 19, or

(d) conspires with any person to commit an offence described in any of clause (a), (b) or (c),

is guilty of an offence and liable on summary conviction to a fine of not more than \$10,000 or to imprisonment for a term of not more than two years or to both.

(2) Any person who fails to comply with an order made against him by the Alberta Board pursuant to section 17, 18 or 19 is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term of not more than one year or to both.

(3) Any person who fails to comply with section 6 is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000.

(4) Any person who contravenes section 14 as it applies directly or by virtue of section 37, is guilty of an offence and punishable on summary conviction to a fine of not more than \$5,000.

(5) Any person who contravenes section 13, subsection (3) or fails to comply with a requirement of the Alberta Board pursuant to section 16 is guilty of an offence and liable on summary conviction to a fine not exceeding \$100 for each day during which the offence continues.

(6) A prosecution for an offence under subsection (4) or (5) may be brought against an employee organization and in the name of the employee organization, and for the purpose of such a prosecution, an employee organization shall be deemed to be a person, and any act or thing done or omitted by an officer or agent of an employee organization within the scope of his authority to act on behalf of the organization shall be deemed to be an act or thing done or omitted by the employee organization.

(7) Where a corporation commits an offence under subsection (2), (3), (4) or (5), any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted therefor.

(8) Where a person has been convicted of an offence under subsection (3) or (4), he is not liable to pay a penalty

imposed by an order made pursuant to section 18 on the basis of the same or substantially the same facts unless the order imposing the penalty was made before the information or complaint giving rise to the conviction was laid or made.

41. (1) An information or complaint under this Act may be laid or made by any member or employee of the Alberta Board, by a member of the Royal Canadian Mounted Police or by any person thereunto authorized by the Alberta Board and, where an information or complaint purports to have been laid or made under this Act, it shall be deemed to have been laid or made by a person thereunto authorized by the Alberta Board and shall not be called in question for lack of authority of the informant or complainant except by the Alberta Board or by some person acting for the Alberta Board or Her Majesty.

(2) An information or complaint in respect of an offence under this Act may be for one or more offences and no information, complaint, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

(3) An affidavit of a member or employee of the Alberta Board, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that a document annexed thereto is a document or true copy of a document made by or on behalf of the Alberta Board or some person exercising the powers of the Alberta Board or by or on behalf of a person, shall be received as prima facie evidence of the nature and contents of the document and shall be admissible in evidence and have the same probative force as the original document would have if it had been proven in the ordinary way.

(4) Where evidence is offered under this section by an affidavit from which it appears that the person making the affidavit is a member or employee of the Alberta Board, it is not necessary to prove his signature or that he is such a member or employee nor is it necessary to prove the signature or official character of the person before whom the affidavit was sworn.

(5) Judicial notice shall be taken of all orders or regulations made under this Act without such orders or regulations being specially pleaded or proven.

(6) In any prosecution for an offence under this Act, the production of a return, certificate, statement or answer required by or under this Act or a regulation, purporting to have been filed or delivered by or on behalf of the person

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charged with the offence or to have been made or signed by him or on his behalf shall be received as prima facie evidence that such return, certificate, statement or answer was filed or delivered by or on behalf of that person or was made or signed by him or on his behalf.

PART 6

COMMENCEMENT AND DURATION

42. (1) This Act, except sections 3 to 41, comes into force on the day upon which this Act is assented to.

(2) The provisions of sections 3 to 41 come into force on a date or dates to be fixed by Proclamation.

(3) This Act expires on March 31, 1977 unless, before that date, the Lieutenant Governor in Council, pursuant to a resolution of the Legislative Assembly, makes an order to the effect that this Act shall continue in force for such additional period of time as may be set out in the resolution.

42. Commencement and duration of Act.