

1979 BILL 42

First Session, 19th Legislature, 28 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 42

**THE PUBLIC CONTRIBUTIONS AMENDMENT
ACT, 1979**

MR. SINDLINGER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 42
Mr. Sindlinger

BILL 42

1979

THE PUBLIC CONTRIBUTIONS AMENDMENT ACT, 1979

(Assented to , 1979)

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

1 The Public Contributions Act is amended by this Act.

*2 Section 2(1) is amended by renumbering clause (a) as (a.1) and
by adding the following before clause (a.1):*

(a) "Administrator" means an employee of the Govern-
ment under the administration of the Minister appointed by
the Minister as the Administrator of Public Contributions;

*3 Section 3(1) is amended by adding "in writing" after
"authorized".*

*4 Section 4(4) is amended by striking out "\$250" and substituting
"\$1000".*

Explanatory Notes

1 This Bill will amend chapter 292 of the Revised Statutes of Alberta 1970.

2 Definition.

3 Section 3(1) presently reads:

3(1) No organization shall conduct a campaign to obtain funds for a charitable purpose unless it is authorized to do so

(a) by the Minister, or

(b) in the case of a campaign to be conducted within the corporate boundaries of a city that has a by-law passed pursuant to section 16, by the approving authority of that city.

4 Section 4(4) presently reads:

(4) Where the gross amount of funds that an organization intends to raise by a campaign does not exceed \$250, the Minister or the approving authority of the city, as the case may be, may with respect to that campaign exempt the organization from complying with any specified provision or provisions of this Act, the regulations or the city by-law passed under this Act.

5 *Section 6(2)(f) is amended by adding “or the approving authority of the city, as the case may be,” after “Minister”.*

6 *The following is added after section 6:*

6.1(1) An organization

(a) that has been refused an authorization pursuant to section 6, or

(b) whose authorization has been revoked pursuant to section 6,

may appeal the refusal or revocation by serving the Minister or the approving authority of the city, as the case may be, with a notice of appeal within 30 days of being notified in writing of the refusal or revocation.

(2) The Minister or the approving authority of a city, as the case may be, shall, within 30 days of being served with a notice of appeal under subsection (1), appoint an appeal board to hear the appeal.

(3) An appeal board appointed pursuant to subsection (2) shall consist of

(a) a person who is designated as chairman of the appeal board by the Minister or the approving authority of a city, as the case may be, and

(b) not less than 2 nor more than 4 other persons.

(4) The Minister or the approving authority of a city, as the case may be, may prescribe the time within which an appeal board is to hear an appeal and render a decision and may extend that time.

(5) An appeal board that hears an appeal under this section may, by order

(a) confirm the refusal or revocation,

(b) direct that the authorization be approved, or

(c) reinstate the revoked authorization.

(6) The Minister or the approving authority of a city, as the case may be, may pay to the members of an appeal board those fees and reasonable living expenses that the Minister or the approving authority of a city, as the case may be, considers proper.

5 Section 6(2) presently reads in part:

(2) An authorization may be refused or revoked by and in the discretion of the Minister or the approving authority of a city, as the case may be,

(f) for any other reason considered by the Minister to be sufficient and in the public interest.

6 Appeal procedure.

(7) An organization whose appeal is heard by an appeal board, or the Minister or the approving authority of a city, as the case may be, may appeal the decision of an appeal board by filing an originating notice with the Court of Queen's Bench within 30 days of being notified in writing of the decision, and the Court of Queen's Bench may make any order that an appeal board may make pursuant to this section.

7 Section 7(2) is repealed and the following is substituted:

(2) If the receipt of money is continuous, the organization shall file a financial statement of the campaign with the Minister and with the approving authority of a city that gave an authorization for the campaign immediately after the end of the fiscal year of the organization or at such other times as the Minister or the approving authority of a city, as the case may be, requires.

8 Section 8 is amended

(a) in subsection (1) by adding "or the approving authority of a city, as the case may be," after "Minister" wherever it occurs, and

(b) in subsection (2)

(i) by adding "or the approving authority of a city, as the case may be," after "Minister", and

(ii) by striking out "him" and substituting "the Minister or the approving authority of a city, as the case may be,".

9 Section 13 is amended

(a) in subsection (1) by striking out "\$100" and substituting "\$250", and

(b) in subsection (2) by striking out "\$50" and substituting "\$100".

10 Section 14 is amended by striking out "\$25" and substituting "\$50".

7 Section 7(2) presently reads:

(2) Where the receipt of moneys is continuous, the organization shall file its financial statement with the Minister forthwith after the end of the fiscal year of the organization or at such other times as the Minister requires.

8 Section 8 presently reads:

8(1) The Minister may require an organization that has obtained funds from the public for a charitable purpose to file at such times as the Minister may designate a financial statement accounting for the distribution of those contributions, until the contributions or the contributions of a particular campaign or drive have been expended or disposed of.

(2) The Minister may at any time require any organization that places any of the funds received by it into a sinking fund to file with him a financial statement respecting the sinking fund.

9 Section 13 presently reads:

13(1) An organization that contravenes this Act, or any regulation or by-law hereunder, is guilty of an offence and liable on summary conviction to a fine of not more than \$100 for each day that the offence continues.

(2) An officer of an organization who contravenes this Act, or any regulation or by-law hereunder, is guilty of an offence and liable on summary conviction to a fine of not more than \$50 for each day that the offence continues.

10 Section 14 presently reads:

14 A person who on behalf of an organization canvasses or solicits or obtains a contribution from the public for a charitable or benevolent purpose when the organization is not authorized under this Act to conduct a campaign is guilty of an offence and liable on summary conviction to a fine of not more than \$25 for each day the offence continues.

11 The following is added after section 14:

14.1 A prosecution under this Act may be commenced within 2 years after the commission of the alleged offence, but not afterward.

12 The following is added after section 16:

17 In a prosecution under this Act, a document purporting to be signed by the Administrator stating whether or not an organization is authorized to conduct a campaign under this Act shall be admitted in evidence as prima facie proof of the facts stated in it without proof of the signature or appointment of the Administrator.

18 The Minister or a person authorized in writing by the Minister may apply to the Court of Queen's Bench for an order prohibiting an organization from conducting a campaign that it is not authorized to conduct under this Act.

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

11 Prosecution limitation time.

12 Provides for the admission of documents in court and authorizes the Minister to apply for an order prohibiting an unauthorized campaign.