

1982 BILL 35

Fourth Session, 19th Legislature, 31 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 35

**SPECIAL WASTE MANAGEMENT
CORPORATION ACT**

THE MINISTER OF THE ENVIRONMENT

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 35

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SPECIAL WASTE MANAGEMENT CORPORATION ACT

(Assented to , 1982)

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

- Definitions
- 1** In this Act,
- (a) "Corporation" means the Alberta Special Waste Management Corporation established by section 2;
 - (b) "Corporation facility" means a hazardous waste management facility established or operated or to be established or operated
 - (i) by the Corporation, or

(ii) pursuant to an agreement under section 15(1);

(c) "Crown" means the Crown in right of Alberta;

(d) "hazardous waste" means hazardous waste as defined in the *Hazardous Chemicals Act*;

(e) "hazardous waste management facility" means a facility for the reception, collection, movement, examination, storage, treatment or disposal of hazardous waste;

(f) "member" means a member of the Corporation appointed under section 2(1);

(g) "Minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;

(h) "operator" means a person, other than the Corporation, who establishes or operates, or proposes to establish or operate, a Corporation facility.

Establishment,
name,
composition
and status

2(1) There is hereby established a corporation under the name of the "Alberta Special Waste Management Corporation" consisting of not fewer than 5 members appointed by the Lieutenant Governor in Council.

(2) The Corporation is an agent of the Crown.

Objects

3 The objects of the Corporation are:

(a) to ensure the establishment and operation of sufficient Corporation facilities to deal adequately with hazardous waste that is not being adequately dealt with by other hazardous waste management facilities,

(b) to ensure that Corporation facilities are established, operated and maintained in a manner that will protect the health and safety of the public and the environment, and

(c) to ensure the protection of the health and safety of the public and the environment following the closure of Corporation facilities.

Policies

4 The Lieutenant Governor in Council may formulate policies for the Corporation and the Corporation shall follow those policies in carrying out its objects under this Act.

Chairman and
vice-chairman

5(1) The Lieutenant Governor in Council shall designate 1 member to be chairman and another to be vice-chairman of the Corporation.

(2) The chairman is the chief executive officer of the Corporation.

(3) If the chairman is absent or unable to act or if the office of chairman is vacant, the vice-chairman shall act as and has all the powers of the chairman.

(4) In the absence of the chairman and vice-chairman from a meeting of the Corporation, the members present shall appoint an acting chairman who shall act as and has all the powers of the chairman during the meeting.

Remuneration
and expenses
of members

6(1) The Lieutenant Governor in Council may make an order

(a) fixing or governing the terms and conditions of service, including remuneration and expenses, applicable to

(i) the chairman, and

(ii) other members,

in so far as they are not employees of the Crown within the meaning of the *Public Service Act*, or

(b) delegating to the Minister all or any of his powers under clause (a) to fix terms and conditions of service.

(2) The remuneration and expenses referred to in subsection (1) shall be paid by the Corporation.

Staff

7(1) The Corporation may

(a) employ technical or professional persons and other officers and employees;

(b) subject to subsection (2), prescribe the terms and conditions of employment, including remuneration and expenses, of its employees;

(c) prescribe the duties of its employees;

(d) engage any person to provide to the Corporation any services of a professional nature or requiring special technical knowledge or training, on the terms and for the remuneration that may be agreed on.

(2) The Corporation shall make by-laws

(a) establishing job classifications for its employees and salary ranges in respect of each job classification so established;

(b) governing the application of the salary ranges;

(c) if applicable, authorizing the payment of benefits to, or for the credit of, employees in addition to their salaries or wages.

(3) The Corporation may by by-law establish 1 or more contributory or non-contributory pension, including death benefit, plans for its employees and former employees and their dependants.

General power to make by-laws	8 The Corporation may make by-laws regulating its proceedings and generally for the conduct and management of the business and affairs of the Corporation.
Validity of by-laws	<p>9(1) A by-law of the Corporation referred to in section 7(2), (3), 11(1) or 18 is not valid unless and until it is approved by the Lieutenant Governor in Council.</p> <p>(2) A by-law of the Corporation not referred to in subsection (1) is not valid unless and until it is approved by the Minister.</p> <p>(3) The <i>Regulations Act</i> does not apply to by-laws of the Corporation.</p>
Meetings	10 Meetings of the Corporation shall be held at the call of the chairman or in any other manner prescribed by the by-laws but in no case shall more than 4 months elapse between meetings of the Corporation.
Borrowing and giving security	<p>11(1) The Corporation, in the furtherance of its objects, may by by-law</p> <p style="padding-left: 40px;">(a) borrow money, and</p> <p style="padding-left: 40px;">(b) issue notes, bonds, debentures or other securities or mortgage or pledge any of the Corporation's property to secure money borrowed by or an obligation or liability of the Corporation.</p> <p>(2) The Lieutenant Governor in Council may by order</p> <p style="padding-left: 40px;">(a) authorize the Provincial Treasurer to guarantee on behalf of the Crown the repayment of all or part of any money borrowed by the Corporation under this section or any interest thereon,</p> <p style="padding-left: 40px;">(b) prescribe the form of the guarantee instrument, and</p> <p style="padding-left: 40px;">(c) specify who may execute the instrument on behalf of the Provincial Treasurer.</p>
Government grants	12 The Crown may make grants to the Corporation from money voted by the Legislature for that purpose.
Fiscal year	13 The fiscal year of the Corporation begins on April 1 and ends on March 31 in the following year.
Reports by Corporation	<p>14(1) The Corporation shall make an annual report to the Minister relating to the business and affairs of the Corporation, and the Minister shall lay a copy of the report before the Legislative Assembly if it is then sitting and if not, within 15 days of the commencement of the next ensuing sitting.</p> <p>(2) The Minister may require the Corporation to make reports and provide information to the Minister pertaining to any aspect of the</p>

business and affairs of the Corporation in such form and at such times as the Minister specifies, and the Corporation shall comply with those requirements.

Establishment and operation of facilities

15(1) The Corporation may establish and operate, or enter into agreements with other persons to establish and operate, such hazardous waste management facilities as it considers necessary to carry out its objects.

(2) The Corporation may expand or modify or enter into agreements to expand or modify Corporation facilities.

Incidental powers

16 The Corporation may do anything that is incidental to the attainment of its objects or to any of its powers or duties under this Act.

Use of private sector operators

17 The Corporation shall endeavour to ensure that wherever practicable Corporation facilities are established, operated and maintained by operators from the private sector.

Requirement of by-law

18 The Corporation shall not establish, expand or make a substantial modification to, or enter into an agreement with any person to establish, expand or make a substantial modification to, a hazardous waste management facility except pursuant to a by-law.

Consequential amendment

19 *The Public Service Employee Relations Act is amended in section 1 of the Schedule by adding the following after clause (l):*

(m) the Alberta Special Waste Management Corporation.

Coming into force

20 This Act comes into force on Proclamation.