

1983 BILL 37

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First Session, 20th Legislature, 32 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 37**

**DEPARTMENT OF PUBLIC WORKS,  
SUPPLY AND SERVICES ACT**

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**THE MINISTER OF PUBLIC WORKS,  
SUPPLY AND SERVICES**

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 37

1983

### DEPARTMENT OF PUBLIC WORKS, SUPPLY AND SERVICES ACT

(Assented to , 1983)

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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) "Crown" means the Crown in right of Alberta;
- (b) "Department" means the Department of Public Works, Supply and Services;
- (c) "department" means a department of the Government and, except in sections 11 and 12, includes

(i) a board, commission or organizational unit that forms part of the public service of Alberta but is not part of a department of the Government, and

(ii) a corporation that is an agent of the Crown;

(d) “Minister” means the Minister of Public Works, Supply and Services;

(e) “supplies” means materials, equipment and other personal property that is or was required or used by a department for the transaction of its business and affairs, and includes furnishings.

Department **2** There shall be a department of the Government called the Department of Public Works, Supply and Services over which shall preside the member of the Executive Council appointed by the Lieutenant Governor under the Great Seal of the Province as the Minister of Public Works, Supply and Services.

Staff **3(1)** The Lieutenant Governor in Council may establish the offices of 1 or 2 Deputy Ministers for the Department and shall designate the name for each office so established.

**(2)** In accordance with the *Public Service Act*, there may be appointed

(a) the Deputy Ministers whose offices are established under subsection (1), and

(b) any other employees required to conduct the business of the Department.

Services of experts **4(1)** The Minister may engage the services of experts or persons having special technical or other knowledge to advise him or to inquire into and report to him on matters under the Minister’s administration.

**(2)** A person whose services are engaged under this section may be paid the remuneration and expenses that the Minister prescribes.

Delegation of functions **5(1)** The Minister may in writing delegate any power or duty conferred or imposed on him by this Act or any other Act or regulation under his administration to an employee in the Department or an agent of the Crown.

**(2)** Subsection (1) does not apply to any power or duty of the Minister to make regulations.

Boards, committees and councils **6(1)** The Minister may establish any boards, committees or councils he considers necessary or desirable to act in an advisory or administrative capacity in connection with any of the policies, programs, services or other matters under his administration.

**(2)** The Minister may, with respect to any board, committee or council established under this section,

- (a) appoint or provide for the manner of appointment of its members,
- (b) prescribe the term of office of any member,
- (c) designate or provide for the designation of a chairman, vice-chairman and secretary, and
- (d) authorize, fix and provide for the payment of remuneration and expenses to its members.

(3) A board, committee or council established under this section may, with the approval of the Minister, make rules governing the calling of its meetings, the procedure to be used at its meetings, the conduct of business at its meetings, reporting and any other matters as required.

(4) A board, committee or council established under this section may exercise the powers and shall perform the duties and functions that the Minister confers or imposes on it.

grants

7(1) The Minister may make grants if

- (a) he is authorized to do so by regulations made under subsection (2), and
- (b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(2) The Lieutenant Governor in Council may make regulations

- (a) authorizing the Minister to make grants;
- (b) respecting the purposes for which grants may be made;
- (c) governing applications for grants;
- (d) respecting the persons or organizations or classes of persons or organizations eligible for grants;
- (e) respecting the conditions required to be met by any applicant for a grant to render that person eligible for the grant;
- (f) respecting the conditions on which a grant is made and requiring the repayment of the grant to the Government if the conditions are not met;
- (g) providing for the payment of a grant in a lump sum or by instalments and prescribing the time or times at which the grant or the instalments may be paid;
- (h) limiting the amount of a grant or class of grant;
- (i) authorizing the Minister to delegate in writing to any employee of the Government any duty or power respecting the payment of a grant;
- (j) requiring the recipient to account for the way in which the grant is spent in whole or in part;

(k) authorizing the Minister to enter into an agreement with respect to any matter relating to the payment of a grant.

(3) Regulations made under subsection (2) may be specific or general in their application.

(4) Notwithstanding subsection (2)(f), the Minister may impose further conditions not prescribed in the regulations on the making of a particular grant.

Agreements

**8(1)** The Minister may enter into agreements on or in connection with any policies, programs, services or other matters under his administration.

(2) Without limiting subsection (1), agreements may be made under that subsection with the Government of Canada or of a province or any agency of the Government of Canada or of a province.

(3) Subsection (1) applies subject to section 2(2) of the *Public Works Act*.

Revolving fund

**9(1)** The Minister shall establish and administer a revolving fund for the Department to enable the Minister

(a) to acquire land for and to undertake public works, and

(b) to acquire and provide supplies and services to departments.

(2) The Provincial Treasurer shall, on the requisition of the Minister, advance from the General Revenue Fund to the revolving fund any money required by the Minister to enable him to do anything falling under subsection (1)(a) or (b).

(3) The net amount outstanding at any time in respect of advances under subsection (2) shall not exceed \$150 000 000.

(4) As soon as practicable after the end of each fiscal year, the Minister, for the purposes of section 77 of the *Financial Administration Act*, shall ensure the preparation of financial statements covering the revolving fund for the immediately preceding fiscal year and a summary of the fund's assets and liabilities.

(5) The financial statements and summary of assets and liabilities shall be audited by the Auditor General.

Charges and credits for supplies and services

**10(1)** Where supplies or services are provided to or acquired for and delivered to a department, the Minister may charge their fair value to that department.

(2) Where supplies or services are acquired at the expense of the revolving fund for use by a department and their value is charged to and retained by the revolving fund, the Minister may charge a fair rent or rate for their use to the department.

(3) The amount of

(a) each charge made by the Minister under subsections (1) and (2), and

(b) the proceeds of a sale or other disposition made under section 12,

shall be credited in reduction of the amount of the advances made by the Provincial Treasurer under section 9.

Acquisition of  
Government  
supplies and  
services

11(1) Subject to subsection (3),

(a) the Minister is responsible for the acquisition and provision of all supplies and services that are required by the departments, and

(b) every department shall acquire its supplies and services through the Minister.

(2) All acquisitions of supplies or services by a department through the Minister shall be made by public tender except where the Minister considers that an acquisition by another method is more practical or economical and permits the acquisition by the other method.

(3) Where, in his opinion, the acquisition of supplies or services otherwise than through the Minister would be practical or economical, the Minister, by an order which may be general or limited to the supplies or services or to the department designated in the order, may permit such an acquisition.

(4) The Lieutenant Governor in Council may, by a regulation which may be general or limited to the supplies or services or to the department designated in the regulation, provide for the manner in which acquisitions of supplies and services otherwise than through the Minister are to be made by a department.

Disposition of  
Government  
surplus supplies

12(1) The Minister is responsible for the disposition of each department's supplies that have become surplus or that are no longer required.

(2) Subject to subsection (3), property sold under subsection (1) must be sold at not less than its market or book value.

(3) Property sold under subsection (1) may be sold at a price determined by the Minister that is less than its market or book value where the sale is made to

(a) a municipality, the board of trustees of a school district or school division, the board of directors of an irrigation district or the board of trustees of a drainage district,

(b) a university, college or other educational institution or the owner of a public hospital,

(c) a corporation that is an agent of the Crown or that is incorporated for the purpose of carrying out any governmental function and is wholly or substantially supported by money appropriated by the Legislature or the Parliament of Canada,

(d) a corporation to which Part 9 of the *Companies Act* applies, a corporation incorporated under the *Societies Act* or any other

corporation incorporated for a purpose other than profit or gain,  
or

(e) any person in accordance with a trust or other obligation in  
favour of that person.

Agency functions  
of the Minister

**13** The Minister may act as the agent of a department referred to  
in section 1(c)(i) or (ii) in

(a) the acquisition of its supplies or services,

(b) the disposition of its surplus supplies, or

(c) any function, in relation to its public works, that is referred  
to in section 14(b) to (d).

Minister's  
responsibility for  
public works

**14** Unless otherwise provided by law or an order of the Lieutenant  
Governor in Council, the Minister is responsible for

(a) the administration of all land held, used or occupied for pub-  
lic works of the Government,

(b) the design, construction, alteration, extension, repair, main-  
tenance and management of all buildings, structures and other  
improvements required for public works of the Government,

(c) the acquisition of all land for public works of the Govern-  
ment, and

(d) the disposal of all land that is or was held, used or occupied  
for public works of the Government.

Expropriation

**15** The Minister may acquire by expropriation any estate or inter-  
est in land for the purpose of public works.

Agreements for  
municipal public  
works

**16(1)** In this section, "local authority" means a municipality or, in  
the case of an improvement district or special area, the Minister of  
Municipal Affairs.

(2) Without limiting section 8(1), the Minister may enter into and  
carry out an agreement with any local authority providing for the  
laying out, construction or improvement of parks, public places, pub-  
lic swimming pools or other municipal public works that in the opin-  
ion of the Minister and of the local authority are necessary or desir-  
able.

(3) Every local authority, notwithstanding the *Municipal Govern-  
ment Act*, the *Municipal Taxation Act* or any other Act, may enter  
into and carry out an agreement under subsection (2).

(4) The agreement shall fix

(a) the total cost of construction,

(b) the period of construction,

(c) the proportions of the cost to be borne by the Crown and the  
local authority, and

(d) the terms on which and the times when payments are to be made by the Crown for its part of the cost.

Sale or other  
disposal of land

**17(1)** Subject to this section, the Minister may, with the approval of the Lieutenant Governor in Council, sell or otherwise dispose of any estate, interest or right in land held by the Crown and under his administration.

(2) A sale of land under subsection (1) shall only be made

(a) following an invitation to submit tenders,

(b) after the Minister has obtained 2 or more appraisals of the market value of the land, at least one of which is obtained from an appraiser who is not an employee of the Government and carries on business as an appraiser, and

(c) at not less than the market value of the land, as determined by the Minister having regard to those appraisals.

(3) Subsection (2)(c) does not apply if, following the invitation to submit tenders, no tenders were received or the highest tender received was for less than the amount determined by the Minister, having regard to the appraisals, to be the market value of the land.

(4) Subsection (2)(a) and (c) do not apply if the sale is made in exchange for other land and, in the opinion of the Minister having regard to the appraisals, adequate compensation is obtained for the land sold by the Minister.

(5) Subsection (2) does not apply if the sale is made to a person, and, where applicable, under circumstances, referred to in section 12(3).

(6) A sale referred to in subsection (5) may be made for a nominal consideration.

(7) A lease or disposition of a mine or mineral shall be made pursuant to the *Mines and Minerals Act*.

Lease, lesser  
interests and  
improvements

**18(1)** Subject to section 17(7) but notwithstanding section 17(1), the Minister may grant a lease, licence, easement or right of way with respect to land held by the Crown and under his administration.

(2) The Minister may sell or otherwise dispose of any improvements that are severed or severable from land held by the Crown and under his administration.

Unclaimed  
property

**19(1)** Subject to any other Act, all lost or unclaimed property in the custody of the Government shall be

(a) turned over to the Minister, and

(b) retained by the Minister for a period of at least 1 year from the time the property came into the custody of the Government.

(2) If the property is not claimed within 1 year from the time it came into the custody of the Government, the Minister may then dispose of the property on behalf of the Government.



(3) A purchaser of property under this section becomes the owner of it and any claim of an earlier owner may only be made against the Government and for the proceeds of the sale less transportation, storage, sale and other necessary expenses incurred by the Government.

(4) No claim may be made

(a) to the property after 1 year from the date that the property came into the custody of the Government unless the property is still in the custody of the Government, or

(b) to the net proceeds of a sale of the property after 1 year from the date on which the property was sold by the Minister.

(5) This section does not apply to abandoned vehicles to which section 93 of the *Motor Vehicle Administration Act* applies.

Use of Crown  
land

**20(1)** This section applies only to land belonging to or occupied by the Crown.

(2) The Lieutenant Governor in Council may make regulations, either general in their application or specific to any particular case,

(a) permitting, restricting or prohibiting the use by the public or by any persons

(i) of any path, passageway, driveway or road through land belonging to or occupied by the Crown and leading to or from any public work belonging to or occupied by the Crown, whether or not it has been dedicated or established as a public highway, and

(ii) of the gardens, grounds or other area appurtenant to or used in connection with any public work belonging to or occupied by the Crown;

(b) permitting, restricting, prohibiting or imposing conditions on the use, manner of use, speed, direction of travel, stopping or parking of motor vehicles and other vehicles, animals, or any other thing named in the regulations, in any place referred to in clause (a);

(c) authorizing and providing for the seizure and removal of any motor vehicle or other vehicle parked or left in contravention of the regulations, and authorizing and providing for its retention until the expenses of seizure, removal and storage, if any, are paid.

(3) The by-laws of a municipality relating to the matters enumerated in subsection (2) apply to the land referred to in those by-laws situated in the municipality but, if there is a conflict between the by-laws and a regulation under subsection (2), the regulation prevails.

(4) A vehicle seized and removed pursuant to regulations under subsection (2)(c) is retained and stored at the risk of its owner.

(5) Subject to regulations under subsection (2), the Minister may erect at any place where he considers it necessary signs

- (a) fixing speed limits,
- (b) prohibiting or controlling parking,
- (c) prohibiting entry and restricting the direction of movement of traffic, and
- (d) requiring vehicles to stop before proceeding and to yield the right of way to other traffic,

and any other type of sign or device ordinarily used to regulate traffic.

(6) A person who

- (a) contravenes a regulation made under subsection (2), or
- (b) fails to obey an order, direction or instruction indicated by a sign erected pursuant to subsection (5)

is guilty of an offence and liable to a fine of not more than \$100.

(7) In a prosecution under this section, the existence of a sign referred to in subsection (5) is prima facie proof that the sign was erected by the Minister without other or further proof thereof.

(8) In a prosecution under this section, a certificate purporting to be signed by the Minister shall be admitted in evidence as prima facie proof that any land or premises referred to therein is owned or occupied by the Crown without proof of the Minister's appointment or signature.

Records  
management

**21(1)** In this section, "department", without limiting section 1(c), includes

- (a) any corporation, commission, board or other body empowered to exercise judicial or quasi-judicial or governmental functions and whose members are appointed by an Act of the Legislature, the Lieutenant Governor in Council or a Minister of the Crown, or any combination thereof, and
- (b) any court established by the Legislature.

(2) The Lieutenant Governor in Council may make regulations

- (a) governing the handling, control, organization, retention, maintenance, preservation, disposition, alienation and destruction of records, including their transfer to the Provincial Archives of Alberta;
- (b) establishing programs for any matter referred to in clause (a), including interdepartmental structures for implementing the programs;
- (c) prohibiting or restricting access to public records;

- (d) defining and classifying records and public records;
- (e) prescribing the departments, records or classes of records to which the regulations or any provisions thereof apply.

**22(1)** In this section,

- (a) “Architects Association” means The Alberta Association of Architects under the *Architects Act*;
- (b) “Engineers Association” means the Association of Professional Engineers, Geologists and Geophysicists of Alberta under the *Engineering, Geological and Geophysical Professions Act*.

(2) There shall be a Joint Board of Practice composed of

- (a) 4 persons appointed by the Council of the Architects Association,
- (b) 4 persons appointed by the Council of the Engineers Association,

and a chairman appointed by the Minister from among candidates mutually agreed to by both councils.

(3) The function and operation of the Joint Board of Practice shall be prescribed by agreement between the Council of the Architects Association and the Council of the Engineers Association, and the agreement shall include at least the following matters:

- (a) rules of procedure;
- (b) provisions respecting the assessment of applications for a certificate of authorization under the *Architects Act* and provisions respecting the assessment of applications for a certificate of authorization under the *Engineering, Geological and Geophysical Professions Act*;
- (c) a procedure under which the Joint Board may act as a mediator of complaints or disputes of an interprofessional nature from members of the Architects Association or the Engineers Association or persons who are not members when the complaint cannot be resolved by each of those Associations individually or both of those Associations jointly;
- (d) an undertaking to work on other matters of interprofessional relations, including the co-ordination and publication of guidelines, standards, criteria and performance standards in the field of building design and construction;
- (e) provisions respecting recommendations on applications for authority to prepare final drawings for buildings with one seal of either an engineer or an architect in cases where the drawings would ordinarily fit within the category of design that requires the seal of both professions under the *Uniform Building Standards Act*;

(f) a method of recommending to the Association concerned that a qualified certificate of authorization limiting the scope of practice in the other profession by an individual who is a professional engineer or a registered architect be issued to an applicant

(i) who has historically provided that service competently in Alberta, and

(ii) who applied for the certificate before October 1, 1982;

(g) any other matters agreed to between the Councils of both the Architects Association and the Engineers Association.

Consequential

**23(1)** *In the following enactments "Government Services" is struck out wherever it occurs and "Public Works, Supply and Services" is substituted:*

Act	Section number
Agent-General Act	5(a)
Local Authorities Board Act	45(2)
Public Utilities Board Act	46(2)
Treasury Branches Act	13(2)

*(2) In the following enactments "Housing and Public Works" is struck out wherever it occurs and "Public Works, Supply and Services" is substituted:*

Act	Section number
Architects Act	1(j)
Drainage Districts Act	16(b)
Engineering, Geological and Geophysical Professions Act	1(k)
Public Works Act	1(b)(ii)
Treasury Branches Act	13(1)

*(3) Section 25 of the Alberta Heritage Foundation for Medical Research Act and the heading preceding that section are repealed.*

*(4) The Architects Act is amended*

*(a) in section 1(h) by striking out "established under the Department of Housing and Public Works Act" and substituting "under section 22 of the Department of Public Works, Supply and Services Act";*

*(b) by repealing section 76(1)(b) and substituting the following:*

*(b) applied for the certificate before October 1, 1982.*

*(5) Section 7.1 of the Department of Hospitals and Medical Care Act is repealed and the following is substituted:*

**7.1** The Minister may construct hospitals or nursing homes on land under his administration.

*(6) The Engineering, Geological and Geophysical Professions Act is amended*

(a) in section 1(g) by striking out “established under the *Department of Housing and Public Works Act*” and substituting “under section 22 of the *Department of Public Works, Supply and Services Act*”;

(b) by repealing section 36(1)(b) and substituting the following:

(b) applied for the certificate before October 1, 1982.

(7) Section 1(1)(u)(i) of the *Financial Administration Act* is amended by striking out “section 13(1) of the *Department of Government Services Act*” and substituting “section 9(1) of the *Department of Public Works, Supply and Services Act*”.

(8) Section 9(h)(i) of the *Historical Resources Act* is amended by striking out “(as defined in the *Department of Government Services Act*)”.

(9) Section 97(1) of the *Land Titles Act* is amended by striking out “Department of Public Works of the Northwest Territories or of Alberta” and substituting “department of the Government of Alberta or the North-West Territories then responsible for public works”.

(10) Section 173(2) of the *Municipal Government Act* is amended by striking out “Housing and Public Works or the Minister of Government Services, as the case may be,” and substituting “Public Works, Supply and Services”.

(11) Section 29(1) of the *Ombudsman Act* is amended by striking out “section 7 of the *Department of Government Services Act*” and substituting “section 21 of the *Department of Public Works, Supply and Services Act*”.

(12) Section 7 of the *Queen’s Printer Act* is repealed and the following is substituted:

**7** The Minister charged with the administration of this Act is the member of the Executive Council so designated by the Lieutenant Governor in Council.

Repeal

**24(1)** The *Department of Government Services Act* is repealed.

(2) Part 3 and section 23 of the *Department of Housing and Public Works Act* are repealed.

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*In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.*