

1987 BILL 241

Second Session, 21st Legislature, 36 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 241

CONSUMER ADVOCATE'S ACT

MR. CHUMIR

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 241
Mr. Chumir

BILL 241

1987

CONSUMER ADVOCATE'S ACT

(Assented to , 1987)

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

Definitions

1 In this Act,

(a) "Advocate" means the Consumer Advocate appointed pursuant to section 2;

(b) "consumer" includes a depositor or certificate holder in a financial institution and an investor in a corporation or partnership;

(c) "Fund" means the Consumer Advocacy Fund established pursuant to section 3;

(d) "regulatory hearing" means a hearing at which interested members of the public have the right to make submissions before any board, agency, bureau, commission or council created by or pursuant to an enactment, where the hearing is preliminary to the decision of the body relating to the making of an order or the issue of a regulation or decision which will affect the public or a class of the public;

(e) "Select Standing Committee" means the Select Standing Committee on Legislative Offices.

- Consumer Advocate 2(1) There shall be appointed pursuant to this Act a Consumer Advocate.
- (2) The Advocate is an officer of the Legislature.
- (3) The Lieutenant Governor in Council shall appoint the Advocate on the recommendation of the Assembly for a term of 5 years.
- (4) If a vacancy occurs while the Legislature is not in session, the Lieutenant Governor in Council, on the recommendation of the Select Standing Committee, may appoint an Advocate to fill the vacancy, and unless his office sooner becomes vacant, the person so appointed hold office until an Advocate is appointed under subsection (1), but if an appointment under subsection (1) is not made within 30 days after the commencement of the next ensuing session, the appointment under this subsection lapses and there shall be deemed to be another vacancy in the office of Advocate.
- Fund established 3 The Lieutenant Governor in Council may by order establish a fund to be known as the Consumer Advocacy Fund, into which may be paid any money appropriated to that purpose by the Legislature.
- Advocate's duties 4(1) The Advocate
- (a) shall administer the Fund;
 - (b) shall receive and determine applications for grants from the Fund, pursuant to section 5;
 - (c) may investigate either on his own motion or pursuant to a complaint received, any matter relating to the relationship between a consumer and a supplier carrying on business in Alberta;
 - (d) may represent, at a regulatory hearing, the interests of consumers in general or of a consumer or group of consumers who have a particular interest in the regulatory hearing whether or not they have made an application for a grant or a complaint;
 - (e) may commence and continue legal proceedings, including proceedings against the Crown, on behalf of any consumer or group of consumers when the Advocate considers it in the interest of the consumer, consumers or the public to do so.

(2) The Advocate shall not investigate any matter over which the Ombudsman has jurisdiction.

Grant application

5 Any person who has an interest in a regulatory hearing may apply to the Advocate in the prescribed manner for a grant from the Fund to assist with the preparation and presentation of a submission at a regulatory hearing.

Regulations

6 The Lieutenant Governor in Council shall issue regulations prescribing

(a) the form in which an application for a grant shall be made;

(b) the terms and conditions on which a grant may be approved;

(c) the amount of a grant to be made available from the Fund;

(d) the purposes for which a grant from the Fund may be used in relation to a regulatory hearing;

(e) the conditions under which the Advocate may order that different applicants seeking grants for the same regulatory hearing shall receive a combined grant for a combined presentation.

Accounting for grant

7 Every person who receives a grant shall account to the Advocate for the purposes to which it is put.

Notice of decision

8(1) On receipt of an application pursuant to section 5, the Advocate shall consider the application and advise the applicant within 30 days of receipt of the application of the decision with respect to the grant and the reasons for the decision.

(2) The decision of the Advocate with respect to an application for a grant is final.

Annual report

9(1) The Advocate shall cause a report to be prepared in respect of each year including an audited financial statement of the Fund and showing the name of each applicant for a grant, the purpose for which the grant was requested, the amount requested and the amount granted.

(2) The Advocate shall submit the report to the Minister of Consumer and Corporate Affairs no later than May 1 in the year following the year in respect of which the report is made.

(3) The Minister shall table the report in the Legislative Assembly within 30 days of receiving it, if the Legislative Assembly is then sitting, and if it is not then sitting within 15 days of the commencement of the next sitting.

Auditor

10 The Auditor General is the auditor of the Fund.

Coming into
force

11 This Act comes into force on Proclamation.