

1990 BILL 47

Second Session, 22nd Legislature, 39 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 47

ALCOHOL AND DRUG ABUSE
AMENDMENT ACT, 1990

MR. NELSON

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 47
Mr. Nelson

BILL 47

1990

ALCOHOL AND DRUG ABUSE AMENDMENT ACT, 1990

(Assented to _____, 1990)

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

1 The Alcohol and Drug Abuse Act is amended by this Act.

2 Section 1 is amended by adding the following after clause (d):

(d.1) "Crown" means the Crown in right of Alberta;

3 The following is added after section 2:

2.1(1) Notwithstanding anything in this Act, the Commission

(a) is, and is declared always to have been, an agent of the
Crown,

(b) may exercise its powers and shall perform its duties and
functions only as an agent of the Crown, and

(c) shall, in the exercise and performance of its powers,
duties and functions, comply with directions given to it by the
Minister.

(2) A member of the Commission shall not conduct himself in
a manner that results in the Commission's failing to comply with
subsection (1).

*4 Section 4 is amended by adding the following after subsection
(6):*

Explanatory Notes

1 This Bill will amend chapter A-38 of the Revised Statutes of Alberta 1980.

2 Addition of definition.

3 Status and functions of Commission.

4 Inclusion of by-laws in minutes.

(7) The minutes of a meeting at which any amendment is made to the Commission's by-laws or new by-laws are made must set out or incorporate as an attachment the exact words of the resolution effecting the amendment or of the new by-laws.

5 Section 6 is amended

(a) in subsection (1) by striking out "an Executive Director" and substituting "a chief executive officer";

(b) in subsection (2) by striking out "Executive Director is the chief executive officer of the Commission, and" and substituting "chief executive officer";

(c) in subsection (3) by striking out "Executive Director" and substituting "chief executive officer".

6 Section 10(2) is amended by adding "for approval by the Government and" after "fiscal year".

7 Section 15 is amended by adding the following after clause (d):

(e) establish a tariff of fees payable to the Commission for services, programs or materials provided by the Commission.

8 Section 16 is amended

(a) by renumbering it as section 16(1);

(b) in subsection (1),

(i) by striking out "The Commission may" and substituting "The objects of the Commission are as follows:";

(ii) in clauses (a), (b), (c) and (d) by adding "to" as the first word of each clause;

(iii) by repealing clause (e);

(c) by adding the following after subsection (1):

(2) The Commission's objects are declared to be public and governmental.

5 Section 6 presently reads:

6(1) The Lieutenant Governor in Council, on the recommendation of the chairman, may appoint an Executive Director of the Commission and may fix his remuneration.

(2) The Executive Director is the chief executive officer of the Commission and an employee of the Commission, and is responsible for the management of the work of the Commission.

(3) The Executive Director may delegate to an employee of the Commission any power or duty conferred or imposed on him by the Commission.

6 Section 10(2) presently reads:

(2) The Commission shall prepare a budget for each fiscal year in a form approved by the Minister and shall present it to the Minister in the manner and at the time specified by the Minister.

7 Transposing of section 16(e) to section 15(e) verbatim.

8 Section 16 presently reads:

16 The Commission may

(a) operate programs for the prevention or treatment of alcohol and drug abuse;

(b) conduct studies and research into and investigate alcohol and drug abuse or matters relating to alcohol and drug abuse;

(c) provide financial and other assistance to persons conducting programs for the prevention or treatment of alcohol and drug abuse;

(d) provide financial and other assistance to persons conducting studies and research into and investigating alcohol and drug abuse or matters relating to alcohol and drug abuse;

(e) establish a tariff of fees payable to the Commission for services, programs or materials provided by the Commission.

9 *The following is added after section 16:*

16.1(1) The Commission shall not

(a) pay any dividends or similar distributions to its members,
or

(b) pay or otherwise make available any part of its assets to
or for the personal benefit of any of its members.

(2) Members are not entitled to participate, on the liquidation, dissolution, winding-up or termination of the Corporation and after the payment of its debts, in the distribution of its assets, but in such an event, all its remaining assets belong to the Crown.

(3) Nothing in this section prohibits the payment of remuneration or expenses to members pursuant to section 3.

10 *The following is added after section 17:*

18 Notwithstanding any other law or that the Commission acts in accordance with section 2.1, an action, suit or other legal proceeding in respect of any right or obligation acquired or incurred by the Commission on behalf of the Crown, whether in its name or in the name of the Crown, may be brought or taken by or against the Commission in the name of the Commission in any court that would have jurisdiction if the Commission were not an agent of the Crown.

9 Distributions and surpluses.

10 Suits by and against the Commission.