

1994 BILL 40

Second Session, 23rd Legislature, 43 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 40

MISCELLANEOUS STATUTES AMENDMENT ACT, ~~1994~~

THE MINISTER OF JUSTICE
AND ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 40

1994

MISCELLANEOUS STATUTES AMENDMENT ACT, 1994

(Assented to , 1994)

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

Alberta Educational Communications Corporation Act

1 The Alberta Educational Communications Corporation Act is amended in section 2(1) by striking out "section 27 of the Broadcasting Act (Canada)" and substituting "section 18 of the Broadcasting Act (Canada)".

Alberta Environmental Research Trust Act

2(1) The Alberta Environmental Research Trust Act is amended by this section.

(2) Section 5(1) is repealed and the following substituted:

Board of
trustees

5(1) There shall be a board of trustees for the Trust consisting of an employee of the Government designated by the Minister of Environmental Protection and 7 other persons appointed by the Lieutenant Governor in Council.

The Alberta General Insurance Company Act

3(1) The Alberta General Insurance Company Act is repealed.

(2) The Public Service Employee Relations Act is amended in the Schedule by repealing section 1(d).

(3) Subsections (1) and (2) come into force on Proclamation.

Explanatory Notes

Alberta Educational Communications Corporation Act

1 Amends chapter A-18 of the Revised Statutes of Alberta 1980.
Corrects reference changed by the Revised Statutes of Canada, 1985.

Alberta Environmental Research Trust Act

2(1) Amends chapter A-20 of the Revised Statutes of Alberta 1980.

(2) Section 5(1) presently reads:

5(1) There shall be a board of trustees for the Trust consisting of the Deputy Minister of the Environment and 7 other persons appointed by the Lieutenant Governor in Council.

The Alberta General Insurance Company Act

3(1) Repeals chapter 9 of the Statutes of Alberta, 1948.

(2) Repeals a reference to The Alberta General Insurance Company.

(3) Coming into force.

Alberta Income Tax Act

4 The Alberta Income Tax Act is amended in section 10(14)(c) by striking out "Unemployment Insurance Act, 1971 (Canada)" and substituting "Unemployment Insurance Act (Canada)".

Alberta School Boards Association Act

5(1) The Alberta School Boards Association Act is amended by this section.

(2) Section 7 is repealed and the following substituted:

Exclusion of
board from
membership

7 A board described in section 6(1) may exclude itself from membership in the association for the next following year by giving a notice in writing to the executive director of the association not less than 7 months before the beginning of the next following financial year.

Cemeteries Act

6(1) The Cemeteries Act is amended by this section.

(2) Section 24 is repealed.

The City of Medicine Hat Gas Purchase Act

7 The City of Medicine Hat Gas Purchase Act is repealed.

Civil Service Garnishee Act

8(1) The Civil Service Garnishee Act is amended by this section.

(2) The following is added before section 1:

Definition

0.1 In this Act, "department" means a department as defined in the *Financial Administration Act*.

(3) Section 1 is amended by striking out "department of" and substituting "department".

Alberta Income Tax Act

- 4** Amends chapter A-31 of the Revised Statutes of Alberta 1980.
Corrects reference changed by the Revised Statutes of Canada, 1985.

Alberta School Boards Association Act

- 5(1)** Amends chapter A-37 of the Revised Statutes of Alberta 1980.

- (2)** Section 7 presently reads:

7 A board described in section 6(1) may exclude itself from membership in the association for the next following year by giving a notice in writing to the secretary-treasurer of the association not less than 2 months before the beginning of the next following financial year.

Cemeteries Act

- 6(1)** Amends chapter C-2 of the Revised Statutes of Alberta 1980.

- (2)** Section 24 presently reads:

24(1) No person shall construct a crematory in Alberta unless the plans and site for it have been approved in writing by the Minister.

(2) The Minister may approve the plans and site for a crematory if he is satisfied that the plans provide for the installation of the proper equipment for the disposal of human bodies by cremation and are satisfactory in every respect.

The City of Medicine Hat Gas Purchase Act

- 7** Repeals chapter 49 of the Statutes of Alberta, 1959.

Civil Service Garnishee Act

- 8(1)** Amends chapter C-11 of the Revised Statutes of Alberta 1980.

- (2)** Definition.

- (3)** Section 1 presently reads:

(4) Section 3(1) is amended by striking out "Provincial Treasurer" and substituting "Minister who administers the department".

(5) Section 4(2) is amended by striking out "the Provincial Treasurer" and substituting "a Minister".

(6) Section 5 is amended

(a) in clause (b) by striking out "the Provincial Treasurer" and substituting "a Minister";

(b) in clause (c) by striking out "Provincial Treasurer" and substituting "Lieutenant Governor in Council".

(7) This section comes into force on April 1, 1995.

Coal Mines Safety Act

9(1) The Coal Mines Safety Act is amended by this section.

(2) Section 1 is amended

(a) by repealing clause (b.1);

(b) by adding the following after clause (d):

1 A person who obtains a judgment or order for the payment or recovery of money against a person employed in a department of or by a board or commission of the public service of Alberta may, for the purpose of enforcing the judgment or order, attach the wages or salary due or accruing due to the employee.

(4) Section 3 presently reads:

3(1) When the judgment debtor is employed in a department or paid from a departmental vote the garnishee summons shall be served on the Provincial Treasurer.

(2) When the judgment debtor is employed and paid by a board or commission the garnishee summons shall be served on the board or commission.

(5) Section 4(2) presently reads:

(2) Notwithstanding subsection (1), the Provincial Treasurer, a board or a commission is not compelled to pay wages or salary otherwise than in accordance with any Act or regulations or rules relating to the payment of any class of employees in the public service.

(6) Section 5 presently reads:

5 The wages or salary of an employee are exempt from attachment under this Act to the extent of

(a) that portion of the wages or salary determined as being exempt from attachment under the provisions respecting garnishment contained in the Alberta Rules of Court,

(b) any amounts required to be deducted by the Provincial Treasurer or the board or commission, by or under an Act of the Parliament of Canada or of Alberta, and

(c) the amounts of any deductions made at the direction of the employee or as a consequence of an assignment made by the employee, if the deduction is included in a class of deductions designated by an order of the Provincial Treasurer as exempt deductions for the purpose of this section.

(7) Coming into force.

Coal Mines Safety Act

9(1) Amends chapter C-15 of the Revised Statutes of Alberta 1980.

(2) Section 1(b.1) presently reads:

1 In this Act,

(b.1) "Board" means the Energy Resources Conservation Board;

(d.01) "Director of Mines" means the Director of Mines appointed by the Minister;

(c) *by adding the following after clause (j):*

(j.01) "Minister" means the Minister of Labour;

(3) *Section 4(1)(c) is repealed and the following is substituted:*

(c) a declaration, order or direction of the Minister pursuant to this Act, or

(4) *Section 8 is amended*

(a) *in subsection (1) by striking out "A member of the Board or a person authorized by the Board" and substituting "The Director of Mines or a person authorized by the Director";*

(b) *in subsections (2) and (3) by striking out "a Board member or a person authorized by the Board" and substituting "the Director of Mines or a person authorized by the Director".*

(5) *In the following provisions "Board" is struck out wherever it occurs and "Minister" is substituted:*

sections 1(l), 5(1),(2), 6 and 7(1)(w)(ii).

(6) *In the following provisions "Board" is struck out wherever it occurs and "Director of Mines" is substituted:*

sections 1(t)(ii), 7(2),(3), 11(b), 17, 19(2), 26(2), 28(2), 29(1), (2), 30, 37(3), 43, 46 and 57.

(7) *Section 9 is amended*

(a) *in subsections (1) and (2) by striking out "Board" wherever it occurs and substituting "Director of Mines";*

(3) Section 4(1) presently reads:

4(1) A provision of

(a) this Act,

(b) a regulation made pursuant to this Act,

(c) a declaration, order or direction of the Board pursuant to this Act or in any matter over which the Board has jurisdiction, or

(d) an order of the Lieutenant Governor in Council under this Act,

overrides the terms and conditions of any contract or other arrangement which conflicts with the provisions of this Act or the regulations or of the declaration, order or direction.

(4) References changed.

(5) References changed.

(6) References changed.

(7) References changed.

(b) *in subsection (3) by striking out “Board or a person authorized by the Board has exercised any of the powers granted by subsection (1), the Board on its” and substituting “Director of Mines or a person authorized by the Director has exercised any of the powers granted by subsection (1), the Minister on the Minister’s”;*

(c) *in subsection (4)*

(i) *by striking out “Board” and substituting “Minister”;*

(ii) *in clause (c) by striking out “it” and substituting “the Minister”.*

(8) *Section 10 is amended*

(a) *in subsection (1)*

(i) *by striking out “Board” and substituting “Minister”;*

(ii) *by striking out “it must” and substituting “the Minister shall”;*

(b) *in subsections (3) and (4) by striking out “Board” and substituting “Minister”.*

(9) *Section 12 is amended*

(a) *in subsection (1) by striking out “Board” and substituting “Director of Mines”;*

(b) *by repealing subsections (2) and (3) and substituting the following:*

(2) Notwithstanding any recommendation of the Panel, the Director of Mines may refuse to issue a certificate to a person who, in the opinion of the Director, is not fit to hold the office or perform the duties that the certificate would entitle the person to hold or perform, and the person may appeal the refusal to the Minister or a committee appointed by the Minister.

(3) A decision of the Minister, or of a committee appointed by the Minister, after hearing the appeal under subsection (2) is final.

(c) *in subsection (4) by striking out “Board” and substituting “Director of Mines”.*

(10) *Section 14 is amended*

(8) References changed.

(9) Section 12 presently reads:

12(1) Subject to subsection (2), on receiving the recommendations of the Panel the Board may issue certificates in accordance with the recommendations.

(2) Notwithstanding any recommendation of the Panel, the Board may refuse to issue a certificate to a person who, in its opinion, is not fit to hold the office or perform the duties which the certificate would entitle him to hold or perform, but must in that case afford the person to whom it has refused certification a hearing at which he can appeal the Board's refusal.

(3) A decision of the Board after a hearing under subsection (2) is final.

(4) The Board shall keep a complete and up to date register of the persons to whom certificates have been granted.

(10) Section 14 presently reads:

(a) in subsection (1) by repealing clauses (a) and (b) and substituting the following:

(a) a representative of the Director of Mines, who shall be the chairman of the committee, and

(b) 2 members appointed by the Director of Mines.

(b) in subsection (2) by striking out “the district Board representative” and substituting “a representative of the Director of Mines”;

(c) by repealing subsection (3) and substituting the following:

(3) A decision by the regional committee respecting the granting of a miner’s certificate, or by a representative of the Director of Mines respecting the granting of a miner’s permit, may be appealed to a committee appointed by the Minister, and the decision of the committee is final.

(11) Section 16(2) is amended

(a) by striking out “the Board in” and substituting “the Director of Mines in”;

(b) by striking out “and send a copy of the notification to the Board district office for the area in which the mine site is situated”.

(12) Section 20 is amended

(a) in subsection (1) by striking out “Board’s direction” and substituting “direction of the Director of Mines”;

(b) in subsection (2) by striking out “Board” and substituting “Director of Mines”.

(13) Section 25 is amended

(a) in subsection (1) by striking out “Board’s” and substituting “Director of Mines’ ”;

(b) in subsection (2)

(i) by striking out “Board” and substituting “Director of Mines”;

(ii) by striking out “Board’s district office” and substituting “Director of Mines”.

14(1) In conformity with the regulations, miners' certificates shall be issued by a regional committee composed of

(a) the district Board representative, who shall be the chairman of the committee, and

(b) 2 members appointed by the Board.

(2) In conformity with the regulations, miners' permits shall be issued by the district Board representative.

(3) A decision by the regional committee respecting the granting of a miner's certificate, or by the district Board representative respecting the granting of a miner's permit, may be appealed to the Board, whose disposition of the matter is final.

(11) References changed.

(12) References changed.

(13) References changed.

(14) Section 32 is amended by striking out “Board may, if it” and substituting “Director of Mines may, if the Director”.

(15) Section 33(3)(b) is amended by striking out “Board’s district office” and substituting “Director of Mines”.

(16) Section 34 is amended

(a) in subsection (1)(a) by striking out “Board” and substituting “Director of Mines”;

(b) in subsection (3)

(i) by striking out “A Board member” and substituting “The Minister”;

(ii) by striking out “Board may” and substituting “Minister may”.

(17) Sections 18(3), 19(1), 21(1), (2) and 38(2) are amended by striking out “Board’s” and substituting “Director of Mines’ ”.

(18) Section 40 is amended by striking out “the district Board representative, the Board representative shall immediately refer the matter to the Board which” and substituting “a representative of the Director of Mines, the representative shall immediately refer the matter to the Director of Mines, who”.

(19) Section 41 is amended

(a) by striking out “the Board” wherever it occurs and substituting “the Director of Mines”;

(b) by striking out “the district Board representative” and substituting “a representative of the Director of Mines”

(20) Section 44 is amended

(a) by repealing subsection (1) and substituting the following:

Service

44(1) Any notice or document that this Act or the regulations requires to be served on or sent to the Minister or the Director of Mines may be delivered personally or sent by mail.

(b) in subsection (2) by striking out “Board or a district Board office” and substituting “Minister or Director of Mines”.

(14) Reference changed.

(15) Reference changed.

(16) References changed.

(17) References changed.

(18) Reference changed.

(19) Reference changed.

(20) Section 44 presently reads:

44(1) Any notice or document which this Act or the regulations requires to be served on or sent to the Board or to a district Board office may be

(a) delivered personally, or

(b) sent by prepaid registered letter addressed

(i) if to the Board, to its office in Calgary, or

(ii) if to a district Board office, to its address.

(21) Section 45(1)(b) is amended by striking out “district Board representative for the district in which the mine site lies” and substituting “Director of Mines or a representative of the Director”.

(22) Section 47 is amended

(a) in subsection (1) by striking out “Board” and substituting “Director of Mines”;

(b) in subsection (2)

(i) by striking out “a Board member or an agent of the Board” and substituting “the Director of Mines”;

(ii) by striking out “person so signing” and substituting “Director of Mines”.

(23) Section 48 is amended

(a) in subsections (1)(a) and (4) by striking out “Board or the district Board office” and substituting “Director of Mines”;

(b) in subsections (1)(b), (2) and (3) by striking out “Board and the district Board office” and substituting “Director of Mines”.

(24) Section 52(1) is amended

(a) by striking out “The Board” and substituting “The Minister”;

(b) in clause (a) by striking out “it may” and substituting “the Minister may”.

Conflicts of Interest Act

10(1) The Conflicts of Interest Act is amended by this section.

(2) Section 8(1)(d) is amended by striking out “Alberta Agricultural Development Corporation” and substituting “Agriculture Financial Services Corporation”.

(2) Any notice or document which this Act or the regulations requires to be sent by the Board or a district Board office may be

(a) served personally on the person to whom it is to be sent, or

(b) sent by prepaid registered letter to that person at his last known address.

(21) References changed.

(22) References changed.

(23) References changed.

(24) References changed.

Conflicts of Interest Act

10(1) Amends chapter C-22.1 of the Statutes of Alberta, 1991.

(2) Section 8(1)(d) presently reads:

8(1) A Member breaches this Act if, while being a Member, the Member or a person directly associated with the Member becomes a party to a contract within any of the following classes:

(d) a contract under which the Alberta Agricultural Development Corporation lends money to, or guarantees

(3) Part 3 of the Schedule is amended

- (a) by striking out “Alberta Agricultural Development Corporation” and substituting “Agriculture Financial Services Corporation”;*
- (b) by striking out “Alberta Apprenticeship and Trade Certification Board under the Manpower Development Act” and substituting “Alberta Apprenticeship and Industry Training Board under the Apprenticeship and Industry Training Act”.*

Consumer Credit Transactions Act

11(1) The Consumer Credit Transactions Act is amended by this section.

a debt of, the Member or the person directly associated with the Member;

(3) The Manpower Development Act was replaced by the Apprenticeship and Industry Training Act. Part 3 of the Schedule presently reads in part:

Part 3

Other Disqualifying Offices

The office of chairman or member of any of the following:

*Agricultural Relief Adjustment Board under the Agricultural Relief Advances Act
Alberta Agricultural Development Corporation
Alberta Agricultural Products Marketing Council
Alberta Apprenticeship and Trade Certification Board under the Manpower Development Act
Alberta Assessment Appeal Board
Alberta Assessment Equalization Board
Alberta Automobile Insurance Board
Alberta Building Standards Council
Alberta Cancer Board
Alberta Dairy Control Board
Alberta Educational Communications Corporation
Alberta Electric Energy Marketing Agency
Alberta Sport Council
Alberta Gaming Commission appointed under section 207 of the Criminal Code (Canada)
The Alberta Government Telephones Commission
Alberta Human Rights Commission
The Alberta Liquor Control Board
Alberta Mortgage and Housing Corporation
Alberta Motion Picture Development Corporation
Alberta Motor Transport Board
Alberta Municipal Financing Corporation
Alberta Order of Excellence Council
Alberta Petroleum Marketing Commission
Alberta Planning Board
Alberta Racing Commission
Appeal board under section 537 of the Insurance Act
Appeal board under the Farm Implement Act
Appeal board under the Freehold Mineral Rights Tax Act
Appeal board under the Mortgage Brokers Regulation Act
Appeal board under the Real Estate Agents' Licensing Act
Appeal panel under the Dependent Adults Act
Board of the Alberta Securities Commission*

Consumer Credit Transactions Act

11(1) Amends chapter C-22.5 of the Statutes of Alberta, 1985.

(2) Section 1(m), (o) and (w) are repealed.

(3) Section 4 is amended by striking out "Part 6".

(4) Section 5 is amended by repealing clause (b).

(2) Section 1 presently reads in part:

1 In this Act,

(m) *"discounter" means a person who acquires from a taxpayer a right to receive the taxpayer's income tax refund;*

(o) *"income tax refund" means the amount payable to a person in respect of*

(i) an overpayment of tax paid under the Income Tax Act (Canada) or collected pursuant to an agreement entered into under section 7 of the Federal-Provincial Fiscal Arrangements and Established Programs Financing Act, 1977 (Canada),

(ii) an agreement referred to in subclause (i) that is other than a refund of an overpayment of tax paid or collected,

(iii) an overpayment of unemployment insurance premiums paid under the Unemployment Insurance Act, 1971 (Canada), or

(iv) an overpayment of contributions paid under the Canada Pension Plan (Canada),

including any interest payable on that overpayment or payment;

(w) *"taxpayer" means a person who has the right to receive an income tax refund;*

(3) Section 4 presently reads:

4 The following provisions of this Act do not apply to a mortgage of real property or the indebtedness secured by a mortgage of real property:

section 10;

section 11;

sections 14 to 17;

Part 3 except sections 24(2) and (3) and 26;

Part 4;

Part 5;

Part 6.

(4) Section 5(b) presently reads:

5 Notwithstanding section 14 of the Interpretation Act, this Act applies, subject to section 2, to the following:

(5) Part 6 is repealed.

(6) Section 42(3) is repealed.

(7) Section 43(1) is amended by striking out “or discounter”.

(8) Section 44 is amended

(a) in subsection (1) by striking out “or a discounter”;

(b) in subsection (3) by striking out “or discounter” wherever it occurs.

(b) to a loan made by the Alberta Agricultural Development Corporation;

(5) Part 6 deals with discounting income tax refunds.

(6) Section 42(3) presently reads:

(3) A discounter shall keep and maintain a complete record of each acquisition from a taxpayer of the taxpayer's right to receive an income tax refund for a period of 2 years from the date of the acquisition.

(7) Section 43(1) presently reads:

43(1) The Director may, by notice in writing, require any credit grantor or discounter to submit to him, within the time required in the notice, one or both of the following:

(a) a written return showing in detail any information required by the notice, if the information relates to or is incidental to any transaction to which this Act applies;

(b) a return containing or pertaining to any records that relate to or are incidental to any transaction to which this Act applies.

(8) Section 44(1) and (3) presently read:

44(1) In order to determine whether this Act and the regulations are being complied with, the Director may inquire into the business affairs of any person that he has reason to believe is engaged in the business of a credit grantor or a discounter.

(3) For the purpose of carrying out an inquiry under this section, the Director may apply to the Court of Queen's Bench for an order

(a) authorizing the Director or a person designated by him or named in the order

(i) to enter any premises where a person

(A) is engaged in the business of a credit grantor or discounter, or

(B) keeps records that relate to a transaction to which this Act applies;

(ii) to examine records that relate to a transaction to which this Act applies;

(iii) to seize and remove records that relate to a transaction to which this Act applies for the purpose of further examining and making copies of the records;

(b) requiring a person engaged in the business of a credit grantor or discounter or a person employed by him or

(9) Section 48(h), (i), (j) and (l) are repealed.

Co-operative Associations Act

12(1) The Co-operative Associations Act is amended by this section.

(2) Section 65(e) is repealed.

Corrections Act

13 The Corrections Act is amended

(a) in section 4(d) by striking out "Parole Act (Canada)" and substituting "Corrections and Conditional Release Act (Canada)";

otherwise performing services for him in respect of that business

- (i) to provide information to the Director or a person designated by him or named in the order in respect of a transaction to which this Act applies;*
- (ii) to give all reasonable assistance to the Director or a person designated by him or named in the order in carrying out his inquiry.*

(9) Section 48 presently reads in part:

48 The Lieutenant Governor in Council may make regulations

- (h) prescribing the requirements to be complied with by an applicant for a certificate of registration as a discounteer;*
- (i) prescribing the fees payable by an applicant for a certificate of registration as a discounteer;*
- (j) governing the imposition of any terms or conditions in respect of a certificate of registration issued to a discounteer;*
- (l) prescribing the manner in which the amount of a discount shall be expressed;*

Co-operative Associations Act

12(1) Amends chapter C-24 of the Revised Statutes of Alberta 1980.

(2) Section 65(e) presently reads:

65 The Director shall

- (e) prepare and deliver to the Minister as soon as possible after the close of the fiscal year, a report covering that year and relating to the following matters:*
 - (i) inquiries made by the Director with respect to associations and the results thereof,*
 - (ii) the total number of associations operating in Alberta and the financial standing of each association, and*
 - (iii) general statistics relating to the activities of associations.*

Corrections Act

13 Amends chapter C-26 of the Revised Statutes of Alberta 1980. Corrects a reference changed by the Revised Statutes of Canada, 1985.

(b) in section 24 by striking out “section 7 of the Parole Act (Canada)” and substituting “section 108 of the Corrections and Conditional Release Act (Canada)”.

Crop Liens Priorities Act

14(1) The Crop Liens Priorities Act is amended by this section.

(2) Section 1(c) is amended by striking out “Alberta Hail and Crop Insurance Corporation” and substituting “Agriculture Financial Services Corporation” and by striking out “Hail and Crop Insurance Act” and substituting “Agriculture Financial Services Act”.

Election Act

15 The Election Act is amended by adding the following after section 14:

1995
enumeration

14.01 Notwithstanding section 14(a), an enumeration is not required to be conducted for the 1995 calendar year.

Election Finances and Contributions Disclosure Act

16(1) The Election Finances and Contributions Disclosure Act is amended by this section.

(2) Section 29 is amended

(a) in subsection (1)(b)

(i) by striking out “Canada Elections Act a registered” and substituting “Canada Elections Act (Canada) a registered”;

(ii) by striking out “Election Expenses Act (Canada)” and substituting “Canada Elections Act (Canada)”;

(b) in subsection (2) by adding “(Canada)” after “Canada Elections Act”.

(3) Sections 30 and 30.1 are amended by striking out “Election Expenses Act (Canada)” and substituting “Canada Elections Act (Canada)”.

Crop Liens Priorities Act

14(1) Amends chapter C-34 of the Revised Statutes of Alberta 1980.

(2) Section 1(c) presently reads:

1 Notwithstanding anything in any Act or in the common law, the following liens and charges on crops have, in the order hereinafter set out, priority over all other claims, liens, privileges or encumbrances on those crops:

(c) liens and charges for the amount payable to the Alberta Hail and Crop Insurance Corporation in respect of any application for insurance under the Hail and Crop Insurance Act;

Election Act

15 Amends chapter E-2 of the Revised Statutes of Alberta 1980.

Election Finances and Contributions Disclosure Act

16(1) Amends chapter E-3 of the Revised Statutes of Alberta 1980.

(2) Corrects references.

(3) Corrects references.

Expropriation Act

17(1) The Expropriation Act is amended by this section.

(2) Section 15 is amended

(a) in subsection (1) by striking out “Attorney General” and substituting “Minister of Justice and Attorney General”;

(b) in subsections (2), (3) and (4) by striking out “Attorney General” wherever it occurs and substituting “Deputy Minister of Justice and Deputy Attorney General or his designate”;

(c) by repealing subsection (10) and substituting the following:

(10) The expropriating authority shall pay the reasonable costs in connection with the inquiry

(a) of the inquiry officer, and

(b) of the owner unless the inquiry officer determines that special circumstances exist to justify the reduction or denial of costs.

(3) Section 23 is amended in subsections (1), (2) and (3) by striking out “Attorney General” and substituting “Deputy Minister of Justice and Deputy Attorney General or his designate”.

Expropriation Act

17(1) Amends chapter E-16 of the Revised Statutes of Alberta 1980.

(2) Section 15(1), (2), (3), (4) and (10) presently read:

15(1) When the approving authority receives an objection it shall forthwith notify the Attorney General.

(2) Within 5 days after receiving notice that the approving authority has received an objection, the Attorney General shall appoint an inquiry officer, who is not an officer or employee of the Crown or of any agency of the Crown, to conduct an inquiry in respect of the intended expropriation.

(3) The Attorney General may appoint a chief inquiry officer who shall exercise the power of the Attorney General under subsection (2) and who has general supervision and direction over inquiry officers.

(4) When the expropriating authority is other than the Crown or a municipality, the Attorney General shall appoint the Board to carry out the functions of an inquiry officer under this Act.

(10) The reasonable costs of the owner in connection with the inquiry shall be paid by the expropriating authority unless the inquiry officer determines that special circumstances exist to justify the reduction or denial of costs.

(3) Section 23(1), (2) and (3) presently read:

23(1) The Attorney General may, prior to the expiration of the 120-day period referred to in section 20,

(a) extend the time for appointing the inquiry officer by an additional 5 days;

(b) extend the time for the inquiry officer to report by an additional 30 days;

(c) extend the time for the approving authority to make its decision by an additional 30 days.

(2) When the Attorney General has, pursuant to subsection (1), extended the time for the approving authority to make its decision and at the end of the extended period the approving authority has not made a decision, the application for a certificate of approval shall be deemed to have been refused.

(3) When any extension is granted under subsection (1), the Attorney General shall execute an extension order extending the time for registration of the certificate of approval for an equivalent number of days.

Fatality Inquiries Act

18 The Fatality Inquiries Act is amended by repealing section 15(2) and substituting the following:

(2) After being notified under subsection (1) a medical examiner or an investigator authorized by the medical examiner may, if the medical examiner believes it is necessary to do so, make such investigation as may be necessary to establish or confirm the cause of death or to establish the identity of the deceased person.

Forest Development Research Trust Fund Act

19(1) The Forest Development Research Trust Fund Act is amended by this section.

(2) Section 3(4)(c) is repealed and the following is substituted:

(c) an employee of the public service under the administration of the Minister designated by the Minister,

Fur Farms Act

20(1) The Fur Farms Act is amended by this section.

(2) Section 5(1) is amended by striking out “prescribed”.

(3) The following is added after section 15:

Licence fees

15.1 The Minister may by order establish the fees to be paid for licences.

(4) Section 16(a) is repealed.

Fatality Inquiries Act

18 Amends chapter F-6 of the Revised Statutes of Alberta 1980.
Section 15 presently reads:

15(1) When a body is brought into Alberta for ultimate disposal, a funeral director, undertaker, embalmer, mortuary attendant or other person who intends to dispose of the body shall, before disposing of the body, notify a medical examiner.

(2) After being notified under subsection (1), the medical examiner or an investigator authorized by the medical examiner shall

(a) inspect the medical certificate of death or other documents that accompany the body,

(b) make such investigation as may be necessary to establish or confirm the cause of death, and

(c) countersign the burial permit before disposal of the body.

Forest Development Research Trust Fund Act

19(1) Amends chapter F-13 of the Revised Statutes of Alberta 1980.

(2) Section 3(4)(c) presently reads:

(4) Other members of the Council shall include:

(c) the Assistant Deputy Minister, Alberta Forest Service,

Fur Farms Act

20(1) Amends chapter F-23 of the Revised Statutes of Alberta 1980.

(2) Section 5(1) presently reads:

5(1) On compliance with this Act and the regulations and on payment of the prescribed licence fee, the Supervisor shall issue a licence to the applicant.

(3) Licence fees.

(4) Section 16(a) presently reads:

16 The Lieutenant Governor in Council may make regulations

(a) prescribing the fees to be paid for licences;

Income Support Recovery Act

21 The Income Support Recovery Act is amended in section 4(1) by adding “or any employee of an Indian or Metis organization” after “the Department”.

Insurance Act

22(1) The Insurance Act is amended by this section.

(2) Section 94(7) is amended by striking out “1970, c. N-10” and substituting “1985, c. N-11”.

(3) Section 396(1) is amended by striking out “Alberta Hail and Crop Insurance Corporation” and substituting “Agriculture Financial Services Corporation”.

Labour Relations Code

23(1) The Labour Relations Code is amended by this section.

(2) Section 168(1) is amended by striking out “section 162” and substituting “section 162(1)(a)”.

Land Agents Licensing Act

24 The Land Agents Licensing Act is amended in section 1

(a) by adding “and” at the end of clause (b)(i), by striking out “and” at the end of clause (b)(ii), and by repealing clause (b)(iii);

(b) in clause (c)(ii) by adding “, which includes accepting compensation for travel and other incidental expenses,” after “for a fee”.

Income Support Recovery Act

21 Amends chapter I-1.7 of the Revised Statutes of Alberta 1980. Delegation power. Section 4(1) presently reads:

4(1) The Director may, in writing, authorize any employee of the Department to exercise any powers, duties and functions conferred on the Director by this Act as specified in the authorization.

Insurance Act

22(1) Amends chapter I-5 of the Revised Statutes of Alberta 1980.

(2) Section 94(7) presently reads:

(7) Notwithstanding the foregoing provisions of this section, a company may lend its funds, or any portion thereof, on the security of real estate pursuant to the National Housing Act, R.S.C. 1952, c.188, or the National Housing Act, R.S.C. 1970, c. N-10.

(3) Section 396(1) presently reads:

396(1) This Part applies to hail insurance and to every insurer carrying on the business of hail insurance in Alberta except the Alberta Hail and Crop Insurance Corporation.

Labour Relations Code

23(1) Amends chapter L-1.2 of the Statutes of Alberta, 1988.

(2) Section 168(1) presently reads:

168(1) No application for registration shall be made without the Board's consent until at least 60 days after the applicant has complied with section 162.

Land Agents Licensing Act

24 Amends chapter L-2 of the Revised Statutes of Alberta 1980. Section 1(b) and (c) presently read:

1 In this Act,

(b) "interest in land" means an estate or interest in land that

(i) is acquired for the purpose of a right of way or other surface use,

(ii) is of a kind that may be acquired

(A) by a right of entry order under the Surface Rights Act,

Land Surveyors Act

25 The Land Surveyors Act is amended by adding the following after section 13:

Conduct of
preliminary
investigation

13.1(1) The Board may, prior to an inquiry or review under section 13(1), appoint a person to conduct a preliminary investigation.

(2) After a preliminary investigation under this section, the person conducting the preliminary investigation

(a) shall make a written report to the Board on the investigation, and

(b) may make recommendations to the Board regarding the matter investigated, with reasons for the recommendations.

(3) If a practitioner does not co-operate with the person conducting the preliminary investigation, the Board may make a complaint in writing to the Discipline Committee and the failure or refusal to co-operate may be held by the Discipline Committee to be unprofessional conduct.

- (A.1) *by a right of entry order under Part 4 of the Metis Settlements Act,*
 - (A.2) *under section 6 of the Metis Settlements Land Protection Act,*
 - (B) *by an expropriation as defined in the Expropriation Act, or*
 - (C) *pursuant to any other Act of Alberta that provides for the expropriation of land,*
- and*
- (iii) *is acquired by agreement with the owner of it;*
- (c) *“land agent” means*
- (i) *a person who*
 - (A) *on behalf of his employer,*
 - (B) *as an agent on behalf of another person, or*
 - (C) *on his own behalf,**negotiates for or acquires an interest in land, or*
 - (ii) *a person who for a fee gives or offers advice to an owner or his agent with respect to a negotiation for or acquisition of an interest in land;*

Land Surveyors Act

25 Amends chapter L-4.1 of the Statutes of Alberta, 1981.

Land Titles Act

26(1) *The Land Titles Act is amended by this section.*

(2) *Section 195 is repealed and the following substituted:*

Protection of
person
accepting
transfer, etc.

195(1) In this section,

(a) “interest” includes any estate or interest in land;

(b) “owner” means

(i) the owner of an interest in whose name a certificate of title has been granted,

(ii) the owner of any other registered interest in whose name the interest is registered, or

(iii) the caveator or transferee of a caveat in whose name the caveat is registered.

(2) A person contracting or dealing with or taking or proposing to take a transfer, mortgage, encumbrance, lease or other interest from an owner is not, except in the case of fraud by that person,

(a) bound or concerned, for the purpose of obtaining priority over a trust or other interest that is not registered by instrument or caveat, to inquire into or ascertain the circumstances in or the consideration for which the owner or any previous owner of the interest acquired the interest or to see to the application of the purchase money or any part of the money, or

(b) affected by any notice, direct, implied or constructive, of any trust or other interest in the land that is not registered by instrument or caveat, any rule of law or equity to the contrary notwithstanding.

(3) The knowledge of the person that any trust or interest that is not registered by instrument or caveat is in existence shall not of itself be imputed as fraud.

(4) This section is deemed to have been in force since the commencement of *The Land Titles Act*, being chapter 24 of the Statutes of Alberta, 1906, in place of section 135 of that Act and similar sections in successor Acts.

Land Titles Act

26(1) Amends chapter L-5 of the Revised Statutes of Alberta 1980.

(2) Section 195 presently reads:

195 Except in the case of fraud, no person contracting or dealing with or taking or proposing to take a transfer, mortgage, encumbrance or lease from the owner of any land in whose name a certificate of title has been granted shall be bound or concerned to inquire into or ascertain the circumstances in or the consideration for which the owner or any previous owner of the land is or was registered or to see to the application of the purchase money or of any part thereof, nor is he affected by notice direct, implied or constructive, of any trust or unregistered interest in the land, any rule of law or equity to the contrary notwithstanding, and the knowledge that any trust or unregistered interest is in existence shall not of itself be imputed as fraud.

Law of Property Act

27(1) The Law of Property Act is amended by this section.

(2) Section 35(2)(b) is amended by striking out “1970 c.N-10” and substituting “1985, c. N-11”.

(3) Section 43(2) is amended by striking out “1970, c.N-10” and substituting “1985, c. N-11”.

(4) Section 43.1(4) is amended by striking out “1970, c.N-10” and substituting “1985, c. N-11”.

(5) Section 59.2 as enacted by the Landlord and Tenant Amendment Act, 1991 is renumbered as section 59.21.

Legal Profession Act

28 The Legal Profession Act (SA 1990 cL-9.1) is amended by repealing section 32(c).

Law of Property Act

27(1) Amends chapter L-8 of the Revised Statutes of Alberta 1980.

(2) Section 35(2) presently reads:

(2) *Nothing in this section applies to*

(a) *a mortgage on land in favour of The Canadian Farm Loan Board or the Farm Credit Corporation or an agreement for the sale of land entered into by The Canadian Farm Loan Board or the Farm Credit Corporation,*

(b) *a mortgage to secure a loan under the National Housing Act, R.S.C. 1952, c.188 or the National Housing Act, R.S.C 1970 c.N-10, or*

(c) *a mortgage given to secure loans for the purpose of building a house or houses when the form of the mortgage, including its terms and conditions, has been approved by the Lieutenant Governor in Council.*

(3) Section 43(2) presently reads:

(2) *Sections 41 and 42 and subsections (1.1) and (3) of this section do not apply to a mortgage given to secure a loan under the National Housing Act, R.S.C. 1952, c.188 or the National Housing Act, R.S.C. 1970, c.N-10.*

(4) Section 43.1(4) presently reads:

(4) *This section does not apply in respect of a mortgage given to secure a loan under the National Housing Act, R.S.C. 1952, c.188, or the National Housing Act, R.S.C. 1970, c.N-10.*

(5) The section 59.2 being renumbered presently reads:

59.2(1) Subject to the Land Titles Act and this Act, a person who acquires the reversionary interest of the landlord or the leasehold interest of the tenant has all the rights and is subject to all the obligations based on the real covenants relating to the tenancy, during the time that the person holds the interest.

(2) The Grantees of Reversion Act, 32 Hen. 8, c.34, does not apply to the rights of a landlord or of a tenant.

Legal Profession Act

28 Amends chapter L-9.1 of the Statutes of Alberta, 1990. Section 32(c) presently reads:

32 A person ceases to be a member of the Society on becoming

Local Authorities Election Act

29(1) The Local Authorities Election Act is amended by this section.

(2) Section 22(2)(k) is amended by striking out "Agricultural Development Act" and substituting "Agriculture Financial Services Act".

An Act Respecting the Village of Lomond

30 An Act Respecting the Village of Lomond is repealed.

Mental Health Act

31 The Mental Health Act is amended in section 34

(a) in subsection (1)(a) and (b) by adding "and prescribe the term of office of" after "appoint";

(b) by repealing subsection (5).

Motor Transport Act

32 The Motor Transport Act (RSA, 1980 cM-20) is amended in section 6(3) by striking out "National Transportation Act (Canada)" and substituting "National Transportation Act, 1987 (Canada)".

Motor Vehicle Administration Act

33(1) The Motor Vehicle Administration Act is amended by this section.

(c) a Master in Chambers of the Court of Queen's Bench,

Local Authorities Election Act

29(1) Amends chapter L-27.5 of the Statutes of Alberta, 1983.

(2) Section 22(2)(k) presently reads:

(2) Subsection (1) does not apply to a person by reason only

(k) that he is a vendor, purchaser, assignor or assignee of land bought or sold under the Agricultural Development Act;

An Act Respecting the Village of Lomond

30 Repeals chapter 14 of the Statutes of Alberta, 1946.

Mental Health Act

31 Amends chapter M-13.1 of the Statutes of Alberta, 1988. Section 34(1) and (5) presently read:

34(1) The Minister shall, in respect of each facility,

(a) appoint a chairman and a vice-chairman, who must be lawyers, and

(b) appoint a roster of eligible persons to act as the other members

of review panels to hear applications under sections 27, 29, 33, 38 and 39.

(5) The persons appointed under this section shall not be appointed for a term exceeding 5 years, except that a person may be reappointed when 2 years has elapsed since the termination of his most recent previous appointment.

Motor Transport Act

32 Amends chapter M-20 of the Revised Statutes of Alberta 1980. Corrects reference changed by the Revised Statutes of Canada, 1985.

Motor Vehicle Administration Act

33(1) Amends chapter M-22 of the Revised Statutes of Alberta 1980.

(2) Section 93(4) is amended by striking out “within 30 days from the day” and substituting “within 15 days from the day”.

(3) Section 111(1) is amended by striking out “6 months” and substituting “one year”.

(4) Subsection (2) comes into force on July 1, 1994 and applies to vehicles seized or immobilized on or after that date.

(5) Subsection (3) applies to offences committed after subsection (3) comes into force.

Northeast Alberta Regional Commission Act

34 The Northeast Alberta Regional Commission Act is repealed.

Provincial Court Act

35(1) The Provincial Court Act is amended by this section.

(2) Section 32 is amended

(a) in subsection (1) by repealing clause (b) and substituting the following:

(2) Section 93(4) presently reads:

(4) If a vehicle stored pursuant to this section is not, within 30 days of its removal or, if it is seized or immobilized, within 30 days from the day that it is eligible to be released from the seizure or immobilization, claimed by the registered owner or someone on his behalf in return for full payment of the removal and storage costs actually paid, the vehicle may, with the approval in writing of the Administrator of the Motor Vehicle Accident Claims Act or his appointee, be disposed of as the Administrator or his appointee may direct, if written notice of the proposed disposal is given to the holders of security interests registered in respect of the vehicle at the Personal Property Registry under the Personal Property Security Act, and the proceeds of the disposal shall be expended in the following order:

- (a) to pay the debt owing to the Crown under this section;*
- (b) to pay the balance owing on any encumbrances referred to in this section, to the rightful persons;*
- (c) to pay any remaining portion to the Registrar.*

(3) Section 111(1) presently reads:

111(1) When a person is found guilty anywhere in Canada of an offence under subsection 249(1) or section 252 of the Criminal Code (Canada), that person thereupon becomes disqualified from holding an operator's licence for a period of 6 months from the date of the finding of guilt and any operator's licence held by that person thereupon becomes suspended for the same period.

(4) Coming into force.

(5) Application of subsection (3).

Northeast Alberta Regional Commission Act

34 Repeals chapter N-8 of the Revised Statutes of Alberta 1980.

Provincial Court Act

35(1) Amends chapter P-20 of the Revised Statutes of Alberta 1980.

(2) Section 32 presently reads in part:

32(1) If

- (b) the terms respecting custody of or access to the child are agreed to by the parties or there is a dispute respecting custody of or access to the child,

(b) by repealing subsection (3) and substituting the following:

- (3) An applicant for an order under this section must
 - (a) file an affidavit with the clerk that sets out the material facts, and
 - (b) give written notice to all interested parties to the application to appear before the Court at the hearing of the application.

Public Health Act

36 The Public Health Act is amended by adding the following after section 75(1):

- (1.1) If a code, standard or body of rules relates to any matter on which regulations may be made under subsection (1) and the code, standard or body of rules has been published by an association or person and copies are available, the Lieutenant Governor in Council may, in addition to or instead of any regulation that may be made under subsection (1), by regulation declare the code, standard or body of rules to be in force either in whole or in part and with any specified variations.

Quarries Regulation Act

37(1) The Quarries Regulation Act is amended by this section.

(2) Section 1 is amended

- (a) by repealing clause (a);*
- (b) in clause (b) by striking out "Board" and substituting "Minister";*
- (c) by adding the following after clause (d):*

(a) the parents of a child are in fact living apart from one another, and

(b) there is a dispute as to the custody of or access to the child,

the Court may, on an application, make an order as it sees fit regarding

(c) the custody of the child, and

(d) the right of access to the child,

by either parent or any other person, having regard to the best interests of the child.

(3) An applicant for an order under this section shall

(a) apply in person to a clerk, and

(b) file with the clerk a supporting affidavit setting out the material facts,

and on being satisfied that there may be reasonable grounds for the making of an order, the clerk shall give written notice to all interested parties to the application to appear at the hearing of the application before the Court.

Public Health Act

36 Amends chapter P-27.1 of the Statutes of Alberta, 1984. Adoption of codes, standards and rules.

Quarries Regulation Act

37(1) Amends chapter Q-1 of the Revised Statutes of Alberta 1980.

(2) Definitions.

(d.1) "Minister" means the Minister of Labour;

(3) *Section 4(1) is amended by striking out "Board" and substituting "Minister".*

(4) *Section 5(3) is amended by striking out "the forms prescribed by the Board" and substituting "a form satisfactory to the Minister".*

(5) *Section 12 is amended*

(a) *in subsections (1) to (3) by striking out "Board" wherever it occurs and substituting "Minister";*

(b) *in subsection (3)*

(i) *by striking out "shown to it" and substituting "shown to the Minister";*

(ii) *by striking out "it thinks" and substituting "the Minister thinks".*

Radiation Protection Act

38(1) The Radiation Protection Act is amended by this section.

(2) *Section 10 is amended by adding the following after subsection (3):*

(3.1) A registration certificate has a term and a renewal date as provided for in the regulations.

(3) *Section 18 is amended by adding the following after clause (h):*

(h.1) governing the term and renewal dates of registration certificates under section 10;

Reciprocal Enforcement of Maintenance Orders Act

39(1) The Reciprocal Enforcement of Maintenance Orders Act is amended by this section.

(2) *Section 3 is amended by adding the following after subsection (1):*

(1.1) Testimony in proceedings under subsection (1) may be by affidavit, oral or both.

(3) *The following is added after section 21:*

(3) Reference changed.

(4) Reference changed.

(5) Reference changed.

Radiation Protection Act

38(1) Amends chapter R-2.1 of the Statutes of Alberta, 1985.

(2) Term of registration certificate.

(3) Regulation making power.

Reciprocal Enforcement of Maintenance Orders Act

39(1) Amends chapter R-7.1 of the Revised Statutes of Alberta 1980.

(2) Affidavit and oral evidence.

(3) Regulations.

Regulations

21.1(1) The Lieutenant Governor in Council may, by regulation, make rules respecting

(a) proceedings under this Act, and

(b) the conduct and disposition of any proceedings under this Act without an oral hearing.

(2) The Minister of Justice and Attorney General may, by regulation, provide for forms to be used under this Act.

Rural Electrification Long Term Financing Act

40(1) The Rural Electrification Long Term Financing Act is amended by this section.

(2) Section 3(1)(b) is amended by striking out “prescribed” and substituting “as provided for”.

(3) Section 27(b.1) is amended by adding “or provide for the setting of” after “prescribe”.

Rural Electrification Revolving Fund Act

41(1) The Rural Electrification Revolving Fund Act is amended by this section.

(2) Section 5(3)(b) is amended by striking out “prescribed” and substituting “as provided for”.

Rural Electrification Long Term Financing Act

40(1) Amends chapter R-17 of the Revised Statutes of Alberta 1980.

(2) Section 3(1)(b) presently reads:

- 3(1) A loan under this Act shall bear interest,*
- (b) at the rate per year prescribed in the regulations*
- (i) if the loan was approved under section 7(1) on or after July 1, 1991, or*
- (ii) if the land respecting which there is a lien note covering the loan is sold on or after July 1, 1991.*

(3) Section 27(b.1) presently reads:

27 Subject to this Act, the Lieutenant Governor in Council, by regulations, may

- (b.1) prescribe the interest rate referred to in section 3(1)(b);*

Rural Electrification Revolving Fund Act

41(1) Amends chapter R-18 of the Revised Statutes of Alberta 1980.

(2) Section 5(3)(b) presently reads:

- (3) A loan shall bear interest, payable annually,*
- (b) at the rate per year prescribed in the regulations*
- (i) if the loan was approved under section 12(1) on or after July 1, 1991, or*
- (ii) if the land respecting which there is a lien note covering the loan is sold on or after July 1, 1991.*

(3) Section 27(b.1) is amended by adding “or provide for the setting of” after “prescribe”.

Safety Codes Act

42(1) The Safety Codes Act is amended by this section.

(2) Section 40 is amended by adding “or other person designated by an Administrator” wherever it occurs after “officer”.

(3) Section 69(2) is amended by striking out “municipality” and substituting “municipality”.

(3) Section 27(b.1) presently reads:

27 Subject to this Act, the Lieutenant Governor in Council, by regulation, may

(b.1) prescribe the interest rate referred to in section 5(3)(b);

Safety Codes Act

42(1) Amends chapter S-0.5 of the Statutes of Alberta, 1991.

(2) Section 40 presently reads:

40(1) On receipt of an application, a safety codes officer may issue a permit to a person who complies with the requirements of this Act or issue a permit with respect to a thing, process or activity if it complies with the requirements of this Act.

(2) A safety codes officer may include terms and conditions in a permit.

(3) If a safety codes officer refuses to issue a permit, the safety codes officer shall serve the applicant with a written notice of the refusal.

(4) A person who acts pursuant to a permit shall do so in accordance with this Act and shall comply with this Act and any terms or conditions contained in the permit.

(5) A person who is refused a permit may appeal the refusal to the Council in accordance with the Council's by-laws.

(3) Section 69(2) presently reads:

69(2) On the coming into force of this Act, a municipality with any powers or duties under the

(a) Fire Prevention Act,

(b) Electrical Protection Act,

(c) Elevator and Fixed Conveyances Act,

(d) Gas Protection Act,

(e) Plumbing and Drainage Act, or

(f) Boilers and Pressure Vessels Act,

relating to matters regulated under this Act is deemed to be an accredited municipality with those powers and duties.

Securities Act

43(1) The Securities Act is amended by this section.

(2) Section 68(1) is amended

- (a) by striking out “Subject to the regulations, every” and substituting “Every”;*
- (b) by adding “prepared in accordance with the regulations” after “transaction”.*

(3) Section 71(3) is amended by striking out “section 68(1)(c)” and substituting “the regulations”.

(4) Section 173 is amended

(a) in subsection (3)

- (i) by striking out “68(1)(c)” and substituting “68(1)”;*
- (ii) by striking out “with the section” and substituting “with the regulations”;*

(b) in subsection (4) by striking out “subsection (2)” and substituting “subsection (3)”.

(5) Section 196 is amended by repealing clause (m.1).

Social Development Act

44(1) The Social Development Act is amended by this section.

(2) Section 4(1) is amended by adding “or any employee of an Indian or Metis organization” after “Department”.

Securities Act

43(1) Amends chapter S-6.1 of the Statutes of Alberta, 1981.

(2) Section 68(1) presently reads:

68(1) Subject to the regulations, every registered dealer who has acted as principal or agent in connection with any trade in a security or an exchange contract shall promptly send to the customer a written confirmation of the transaction.

(3) Section 71(3) presently reads:

(3) A statement made in compliance with this section or section 68(1)(c) that a registered dealer proposes to act or has acted as principal in connection with a trade in a security does not prevent that dealer from acting as agent in connection with a trade of the security.

(4) Section 173 presently reads in part:

(3) If section 68(1)(c) applies to a contract and a registered dealer has failed to comply with the section by not disclosing that he acted as principal, a person or company who has entered into the contract may rescind the contract.

(4) A person or company may rescind a contract under subsection (2) by sending written notice of rescission to the registered dealer within 7 days from the day of the delivery of the written confirmation of the contract.

(5) Section 196(m.1) presently reads:

196 The Lieutenant Governor in Council may make regulations

(m.1) exempting confirmation of any trade in a security of a mutual fund under a contractual plan from section 68(1)(a) or (3) and prescribing terms and conditions, if any, to the exemption, as they may apply to the trade under the contractual plan;

Social Development Act

44(1) Amends chapter S-16 of the Revised Statutes of Alberta 1980. Delegation power.

(2) Section 4(1) presently reads:

4(1) The Director may authorize any employee of the Department or any welfare worker or any other municipal authority charged with the performance of municipal obligations under this Act to exercise

(3) *The following is added after section 31:*

Civil legal aid

31.1(1) Money, from funds paid by the Government to the Legal Aid Society of Alberta under the agreement referred to in section 4 of the *Legal Profession Act*, that is used by the Legal Aid Society of Alberta to provide legal aid in civil matters to persons in receipt of a social allowance as defined in this Act is deemed to be a social allowance only for the purpose of obtaining cost sharing under the Canada Assistance Plan.

(2) For greater certainty, any decision by the Legal Aid Society of Alberta relating to the provision of legal aid in civil matters to a person in receipt of a social allowance as defined in this Act is not a decision on a matter respecting a social allowance that may be appealed under section 29.

Trust Companies Act

45 *The Trust Companies Act is amended in section 123*

- (a) *in subsection (1)(a) by striking out “N-10 of the Revised Statutes of Canada 1970” and substituting “N-11 of the Revised Statutes of Canada, 1985”;*
- (b) *in subsection (2)(a) by striking out “N-10 of the Revised Statutes of Canada 1970” and substituting “N-11 of the Revised Statutes of Canada, 1985”.*

Trustee Act

46(1) *The Trustee Act is amended by this section.*

(2) *Section 8(b) is repealed and the following is substituted:*

- (b) in any trust corporation,
- (b.1) in any credit union,
- (b.2) in any loan corporation, or

any powers, duties and functions conferred on the Director by this Act.

- (3) Civil legal aid.

Trust Companies Act

45 Amends chapter T-9 of the Revised Statutes of Alberta 1980. Section 123 presently reads in part:

123(1) In this section,

(a) "approved lender", "approved loan" and "insured loan" have the meanings given them by the National Housing Act (Canada), chapter N-10 of the Revised Statutes of Canada 1970;

(2) A company may, with the company's own funds and its deposits and investment money,

(a) if it is an approved lender, make approved loans on the security of a first mortgage in favour of the lender in accordance with the National Housing Act, chapter 188 of the Revised Statutes of Canada 1952, or the National Housing Act, chapter N-10 of the Revised Statutes of Canada 1970,

Trustee Act

46(1) Amends chapter T-10 of the Revised Statutes of Alberta 1980.

(2) Section 8 presently reads:

8 A trustee may, pending the investment of any trust money, deposit it during a time that is reasonable in the circumstances

(a) in any bank or treasury branch,

(b) in any trust company, or

(3) *Section 47 is amended*

(a) *in subsection (1)(c) by striking out “or” at the end of subclause (i) and adding the following after subclause (ii):*

(iii) a registered retirement savings plan or registered retirement income fund as defined in the *Income Tax Act* (Canada), or

(iv) a fund, trust, scheme, contract or arrangement prescribed in regulations made by the Lieutenant Governor in Council;

(b) *by adding the following after subsection (2):*

(2.1) A designation under subsection (2) that relates to a plan referred to in subsection (1)(c)(iii) has effect whether it is made, or the participant making it dies, before or after subsection (1)(c)(iii) comes into force.

(2.2) Subsection (2.1) does not apply if its application would

(a) alter the result in any proceedings in which a judgment or final order was granted before subsection (2.1) came into force, regardless of whether the judgment or order is appealable, or

(b) impose on a person the obligation to repay or account for proceeds of a plan referred to in subsection (1)(c)(iii) received or paid out by that person before subsection (1)(c)(iii) came into force.

Workers' Compensation Act

47(1) *The Workers' Compensation Act is amended by this section.*

(2) *Section 5.1(4) is repealed and the following is substituted:*

(4) An appeals commissioner other than a temporary appeals commissioner shall be appointed for a maximum term of 3 years and is eligible for reappointment for additional terms of not more than 3 years each.

- (c) *in any approved corporation expressly empowered by statute to accept money for deposit.*

(3) Section 47 presently reads in part:

47(1) In this section,

- (a) *"annuity" includes an amount payable on a periodic basis, whether payable at intervals longer or shorter than a year;*
- (b) *"participant" means a person who is entitled to designate another person to receive a benefit payable under a plan on the participant's death;*
- (c) *"plan" means*
 - (i) *a pension, retirement, welfare or profit-sharing fund, trust, scheme, contract or arrangement for the benefit of employees, former employees, agents or former agents of an employer or their dependants or beneficiaries, whether created by or pursuant to a statute or otherwise, or*
 - (ii) *a fund, trust, scheme, contract or arrangement for the payment of an annuity for life or for a fixed or variable term or under which money is paid for the purpose of providing, on the happening of a specified event, for the purchase of, or the payment of, an annuity for life or for a fixed or variable term, created before or after the commencement of this section;*
- (d) *"will" has the same meaning as in the Wills Act.*

(2) A participant may designate a person to receive a benefit payable under a plan on the participant's death

- (a) *by an instrument signed by him or signed on his behalf by another person in his presence and by his direction, or*
- (b) *by will,*

and may revoke the designation by either of those methods.

Workers' Compensation Act

47(1) Amends chapter W-16 of the Statutes of Alberta, 1981.

(2) Section 5.1(4) presently reads:

(4) An appeals commissioner other than a temporary appeals commissioner shall be appointed for a term of 5 years and is eligible for reappointment for additional terms of not more than 5 years each.

(3) *Section 51(7) is repealed and the following is substituted:*

(7) Compensation for temporary total disability and temporary partial disability is payable to the worker only as long as the disability lasts, and compensation for temporary total disability shall be

(a) where the worker's bi-weekly net earnings are greater than the sum referred to in subsection (6)(a), the greater of

(i) the sum referred to in subsection (6)(a), and

(ii) the bi-weekly equivalent of the amount that he would have received under subsection (5) had he been permanently totally disabled,

and

(b) where the worker's bi-weekly net earnings are equal to or less than the sum referred to in subsection (6)(a), 100% of those bi-weekly net earnings.

Miscellaneous References to Statutes of Canada

48 *In the following provisions "Immigration Act, 1976 (Canada)" is struck out and "Immigration Act (Canada)" is substituted:*

Act	Section
Business Corporations Act	1(t)(iii)
Dental Profession Act	26(3)(d)

49 *In the following provisions "Penitentiary Act (Canada)" is struck out and "Corrections and Conditional Release Act (Canada)" is substituted:*

Act	Section
Alberta Health Care Insurance Act	4(3)(c)
Election Act	41(d)(i)
Health Insurance Premiums Act	3(1)(d), (3)(c)

50 *In the following provisions "section 33 of the Citizenship Act (Canada)" is struck out and "section 35 of the Citizenship Act (Canada)" is substituted:*

(3) Section 51(7) presently reads:

(7) Compensation for temporary total disability and temporary partial disability is payable to the worker only as long as the disability lasts, and compensation for temporary total disability shall be the greater of

(a) the bi-weekly equivalent of the amount that he would have received under subsection (5) had he been permanently totally disabled, and

(b) his bi-weekly net earnings, if they are less than the sum referred to in subsection (6)(a).

Miscellaneous References to Statutes of Canada

48 Corrects references changed by the Revised Statutes of Canada, 1985.

49 References changed due to the repeal and replacement of the Penitentiary Act (Canada).

50 Corrects references changed by the Revised Statutes of Canada, 1985.

Act	Section
Agricultural and Recreational Land Ownership Act	2, 5
Agricultural and Recreational Land Ownership (Consequential Amendments) Act (RSA 1980 c2(Supp.))	1(2), (3), 2(2), (3), 3(2), (3), 4(2), (3)
Companies Act	25(2), 162(2)(d), 172(3)(f)
Co-operative Associations Act	3(6)(b), 24(11)
Dower Act	2(2)
Land Titles Act	31(1), (2)
Religious Societies' Land Act	11(2)(b), 21(2)
Rural Utilities Act	3(2)(d), 21(3)
Societies Act	5(3), 22(2)(c)

51 In the following provisions “Bankruptcy Act (Canada)” is struck out wherever it occurs and “Bankruptcy and Insolvency Act (Canada)” is substituted:

Act	Section
Business Corporations Act	114(3)(c), 185(1)(b), 200
Collection Practices Act	3(1)(b)
Companies Act	292
Condominium Property Act	9(a) of Appendix 1
Credit Union Act	154(2)(a), 189(2), 203(a), 205(8)
Franchises Act	48(1), 56(1)(c), (5)
Fraudulent Preferences Act	12
Insurance Act	299(2) Statutory Condition 1(2)(a)
Landlord's Rights on Bankruptcy Act	1, 2(b)
Mortgage Brokers Regulation Act	18(1)(f)(iii)
Partnership Act	5(2), 39(4)
Real Estate Agents' Licensing Act	19(f)(iii)
Securities Act	37(1)(h), 65(1)(a)(iii)
Trust Companies Act	1(1)(c)
Trustee Act	38(3)

51 The name of the Bankruptcy Act was changed to Bankruptcy and Insolvency Act by chapter 27 of the Statutes of Canada, 1992.