

1994 BILL 41

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Second Session, 23rd Legislature, 43 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 41

GOVERNMENT ORGANIZATION ACT

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MR. SMITH

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 41

1994

### GOVERNMENT ORGANIZATION ACT

(Assented to , 1994)

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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) “department” means a department established under section 2;
- (b) “Minister” means a member of the Executive Council of Alberta.

**Departments and Staff**

**Establishment  
of  
departments**

**2(1)** The Lieutenant Governor in Council may

- (a) establish departments of the Government that are to be administered by Ministers;
- (b) give names to the departments;
- (c) designate the Ministers who are to administer the departments.

(2) If the name of a department is changed, a reference to that department in any Act or regulation is to be read as a reference to the department by its new name.

(3) If a department is reorganized or disestablished, the Lieutenant Governor in Council may declare that any reference to that department in any Act or regulation is to be read as a reference to some other department or part of the public service.

Ministerial  
seals

**3(1)** A Minister may have a seal of office in a form the Lieutenant Governor in Council authorizes.

(2) The seal may be reproduced by engraving, lithography, printing or any other method of reproduction and when so reproduced has the same force and effect as if it had been manually affixed.

Deputy  
ministers

**4(1)** In accordance with the *Public Service Act* there may be appointed a deputy minister for each Minister.

(2) The Lieutenant Governor in Council may authorize more than one deputy for a Minister if the duties of that Minister make it advisable and may designate the name of office of each deputy so authorized.

(3) For the purposes of the *Public Service Act*, each deputy minister is a chief officer of a department.

Staff

**5** In accordance with the *Public Service Act* there may be appointed any employees required to enable each Minister to carry out matters under the Minister's administration.

Services of  
experts

**6(1)** A 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 his administration.

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

Advisory  
boards,  
committees or  
councils

**7(1)** A Minister may establish any boards, committees or councils that the Minister considers necessary or desirable to act in an advisory or administrative capacity in connection with any matters under the Minister's 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 the appointment of its members,
- (b) prescribe the term of office of any member,
- (c) designate a chair, vice-chair and secretary, and
- (d) authorize, fix or provide for the payment of remuneration and expenses to its members.

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

(5) The Minister may require any person appointed to a board, committee or council established under this section, before beginning his duties, to take an oath that he will not, except as authorized by the Minister, divulge any information received by him in the course of his duties as a member of the board, committee or council.

### **Ministerial Powers**

Establishing  
programs

**8(1)** A Minister may establish or operate any programs and services he considers desirable in order to carry out matters under his administration.

(2) A Minister may institute inquiries into and collect information and statistics relating to any matter under his administration.

Delegation of  
powers and  
duties

**9(1)** A Minister may in writing delegate any power, duty or function conferred or imposed on him by this Act or any other Act or regulation to any person.

(2) Subsection (1) does not apply to any power or duty of a Minister to make regulations as defined in the *Regulations Act*.

Agreements

**10(1)** Subject to section 11, a Minister may enter into agreements on or in connection with any matter under the Minister's administration.

(2) Without limiting subsection (1), agreements may be made under it with

- (a) the Government of Canada or the government of a province or territory or any agency of the Government of Canada or the government of a province or territory, or
- (b) with the government of a foreign country or any state or agency of it.

Intergovernmental  
agreements

**11(1)** In this section,

- (a) “intergovernmental agreement” means an agreement or arrangement under which
  - (i) one of the parties is the Government of Alberta or a Minister, agency or official of the Government of Alberta, and
  - (ii) the other party or one of the other parties is the Government of Canada or a minister, agency or official of it, the government of another province or territory of Canada or any minister, agency or official of it, or the government of a foreign country or any state, minister, agency or official of it;
- (b) “responsible Minister” means the Minister determined under section 16 as the Minister responsible for this section.

(2) Despite any other Act, an intergovernmental agreement to which this section applies is not binding on the Government of Alberta or any Minister, agency or official of it unless

- (a) it is signed on behalf of the Government of Alberta by the responsible Minister, if the agreement is designated by the regulations as an agreement that is to be signed on behalf of the Government by the responsible Minister only,
- (b) it is signed on behalf of the Government of Alberta by the responsible Minister in addition to any other Minister authorized by law to sign it, if the agreement is designated by the regulations as an agreement that is to be signed by the responsible Minister in addition to another Minister authorized by law to sign it, or
- (c) it is approved by the responsible Minister, in any other case.

(3) The responsible Minister may make regulations

- (a) designating the classes of intergovernmental agreements that are to be signed on behalf of the Government of Alberta by the responsible Minister only;
- (b) designating the classes of intergovernmental agreements that are to be signed on behalf of the Government of Alberta by the responsible Minister in addition to any other Minister authorized by law to sign them;
- (c) designating the classes of intergovernmental agreements to which this section does not apply.

(4) When under any enactment a Minister is authorized to sign an intergovernmental agreement and the agreement is of a class designated by the regulations under subsection (3)(a) as one that is to be signed on behalf of the Government of Alberta by the responsible Minister only, the responsible Minister shall sign the agreement in place of that other Minister and with the same effect as if it were signed by that other Minister.

(5) No intergovernmental agreement shall be entered into or signed on behalf of the Government of Alberta or by or on behalf of a Minister, agency or official of the Government of Alberta otherwise than in accordance with this section.

(6) When under any Act an intergovernmental agreement requires the approval or authorization of the Lieutenant Governor in Council, the approval or authorization must also be given in accordance with this section, despite anything in that Act.

#### Fees

**12(1)** A Minister may charge fees in connection with the provision of any service, material or program, the performance of any function or the doing of any thing

- (a) by the Minister or the department administered by the Minister, or
- (b) by any board, commission, council or other agency for which the Minister is responsible.

(2) The authority to charge a fee under subsection (1) is in addition to and not in substitution for any other authority to charge a fee.

#### Grants

**13(1)** A Minister may make grants if

- (a) he is authorized to do so by regulations under this section, 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 applicable to a Minister
- (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 or organization eligible for the grant;
  - (f) empowering the Minister in particular circumstances to waive eligibility criteria prescribed under clause (d) or (e);
  - (g) 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;
  - (h) providing for the payment of a grant in a lump sum or by instalments and prescribing the time or times when the lump sum or the instalments may be paid;
  - (i) authorizing the Minister to make deductions from a grant and prescribing the circumstances under which the deductions may be made;
  - (j) limiting the amount of a grant or class of grant;
  - (k) authorizing the Minister to delegate in writing to any employee of the Government any power conferred or duty imposed on him by this section or the regulations;
  - (l) requiring a person or organization receiving a grant to account for the way in which the grant is spent in whole or in part;
  - (m) authorizing the Minister to enter into an agreement with respect to any matter relating to the payment of a grant.
- (3) A regulation made under subsection (2) may be specific or general in its application.

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

Acquisition  
and disposal  
of property

**14(1)** A Minister may, for purposes approved by the Lieutenant Governor in Council, acquire any estate or interest in land and any personal property in conjunction with that land.

(2) Land acquired under this section is under the administration of the Minister responsible for the *Public Lands Act* unless the Lieutenant Governor in Council, by order, directs that it is under the administration of the Minister who acquired the land or some other Minister.

(3) A Minister may sell, lease or otherwise dispose of any estate or interest in land under his administration and any personal property acquired by him under this section.

### Acting Ministers

Acting  
Ministers

**15(1)** The Lieutenant Governor in Council may designate a Minister, by his name of office or personal name, as acting Minister who may exercise the powers, duties and functions of another Minister.

(2) A power, duty or function conferred or imposed by an Act or regulation to be exercised or performed by the holder of a portfolio that no longer exists may be exercised or performed

(a) by the Minister designated by the Lieutenant Governor in Council under subsection (1) as acting Minister for the holder of that portfolio, or

(b) by a deputy or acting deputy of the former holder of that portfolio or, if there is no such person, by a deputy or acting deputy of the acting Minister.

(3) Subsection (2)(b) does not authorize a deputy or acting deputy to exercise any authority conferred on a Minister to make a regulation as defined in the *Regulations Act*.

### Transfer of Responsibilities

Responsibility  
for Acts

**16(1)** The Lieutenant Governor in Council may, by regulation,

(a) designate a Minister by his personal name or name of office as the Minister responsible for an Act;

- (b) transfer the responsibility for an Act to another Minister in his personal name or name of office;
  - (c) transfer a power, duty or function of a Minister contained in an Act or regulation to another Minister in his personal name or name of office.
- (2) If a Minister is transferred the responsibility for an Act under subsection (1)(b), then despite anything in that Act
- (a) a reference in that Act or a regulation under it to a Minister is to be read as a reference to the Minister to whom the responsibility is transferred,
  - (b) a reference in that Act or a regulation under it to the deputy of a Minister is to be read as a reference to the deputy of the Minister to whom the responsibility is transferred, and
  - (c) a reference in that Act or a regulation under it to the department of a Minister is to be read as a reference to the department of the Minister to whom the responsibility is transferred.
- (3) If, under subsection (1)(c), a Minister is transferred the responsibility for the exercise or discharge of a power, duty or function contained in a provision of an Act or regulation, then despite anything in that provision
- (a) a reference in that provision to a Minister is to be read as a reference to the Minister to whom the responsibility is transferred,
  - (b) a reference in that provision to the deputy of a Minister is to be read as a reference to the deputy of the Minister to whom the responsibility is transferred, and
  - (c) a reference in that provision to the department of a Minister is to be read as a reference to the department of the Minister to whom the responsibility is transferred.
- (4) Two or more Ministers may be given common responsibility for the same Act, and in that case any reference in the Act or a regulation under that Act to a Minister, his deputy or his department is to be read as a reference to any of those Ministers and their deputies and departments.
- (5) Two or more Ministers may be given common responsibility for the exercise or discharge of the same provision of an Act or regulation, and in that case any reference in the provision to a

Minister, his deputy or his department is to be read as a reference to any of those Ministers and their deputies and departments.

(6) If an Act identifies a Minister as the member of the Executive Council charged with the administration of the Act, that reference is to be read as a reference to the Minister designated under subsection (1) as the Minister responsible for that Act.

(7) A Minister to whom the administration of an Act has been transferred under the *Public Service Administrative Transfers Act* before that Act was repealed is deemed to have been designated under subsection (1) as the Minister responsible for that Act.

Transfer of  
programs,  
public service,  
etc.

**17** The Lieutenant Governor in Council may, by regulation, transfer the responsibility for any program, service, function or part of the public service from one Minister to another Minister in his personal name or name of office.

Transfer of  
appropriation

**18(1)** In this section, “appropriation” means an appropriation as defined in the *Financial Administration Act*.

(2) If a responsibility under section 16 or 17 is transferred to a Minister, the Lieutenant Governor in Council may, by regulation, order that all or part of an appropriation to be expended for the purpose of the transferred responsibility be expended by or through that Minister or be transferred to that Minister for administration.

### **Specific Powers, Duties and Functions**

Schedule of  
specific  
powers, etc.

**19** Each Schedule to this Act sets out specific powers, duties or functions to be exercised or performed by the Minister determined under section 16 as the Minister responsible for that Schedule.

### **Consequential Amendments, Repeal and Commencement Provisions**

Amends SA  
1987 cA-13.7

**20** *The Alberta Agricultural Research Institute Act is amended*

(a) *in section 5(1) by striking out “Deputy Minister of Agriculture” and substituting “Deputy Minister of Agriculture, Food and Rural Development”;*

(b) *in section 5(2)(d) by striking out “Technology, Research and Telecommunications” and substituting “Economic Development and Tourism”.*



Amends SA 1981 cE-4.1	<b>29</b> <i>The Electric Energy Marketing Act is amended in section 1(c) by striking out “Minister of Transportation and Utilities” and substituting “Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act”.</i>
Amends SA 1981 cE-11.1	<b>30</b> <i>The Engineering, Geological and Geophysical Professions Act is amended in section 1(g) by striking out “22 of the Department of Public Works, Supply and Services Act” and substituting “1 of Schedule 8 of the Government Organization Act”.</i>
Amends SA 1992 cE-13.3	<p><b>31</b> <i>The Environmental Protection and Enhancement Act is amended by striking out section 83(2) and substituting the following:</i></p> <p style="padding-left: 40px;">(2) The Board shall hear appeals as provided for in this Act and in section 6 of Schedule 5 of the <i>Government Organization Act</i>.</p>
Amends RSA 1980 cF-9	<p><b>32</b> <i>The Financial Administration Act is amended</i></p> <p style="padding-left: 40px;">(a) <i>in section 1(1)(c)(i) by striking out “by an Act of the Legislature” and substituting “under the Government Organization Act”;</i></p> <p style="padding-left: 40px;">(b) <i>by repealing sections 9 and 10 and substituting the following:</i></p>
Agreements	<b>9</b> <i>In addition to the authority under section 10 of the Government Organization Act, the Minister may enter into agreements in respect of matters under the Securities Act and the Franchises Act.</i>
Controller	<p><b>10</b> <i>In accordance with the Public Service Act there may be appointed a Controller.</i></p> <p style="padding-left: 40px;">(c) <i>by repealing sections 11, 14, 15 and 16.</i></p> <p style="padding-left: 40px;">(d) <i>section 74(1) is repealed and the following is substituted:</i></p>
Guarantees and indemnities	<p><b>74(1)</b> <i>In addition to and not in substitution for any other authority that the Crown may have to give a guarantee or indemnity, the Lieutenant Governor in Council, on the recommendation of a Minister, may authorize the giving by the Crown of guarantees or indemnities or classes or types of guarantees or indemnities.</i></p> <p style="padding-left: 40px;">(1.1) <i>A guarantee or indemnity given under subsection (1)</i></p>

- (a) shall be in the form approved by the Provincial Treasurer, and
- (b) shall be executed on behalf of the Government by the Provincial Treasurer.

Amends RSA  
1980 cF-13

**33** *The Forest Development Research Trust Fund Act is amended*

- (a) in section 1(c) by striking out “Minister of Forestry, Lands and Wildlife” and substituting “Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act”;
- (b) in section 3(2) by striking out “an employee of the Department of Forestry, Lands and Wildlife” and substituting “a member of the public service under the administration of the Minister who is”.

Amends SA  
1994 cF-18.5

**34** *The Freedom of Information and Protection of Privacy Act is amended by repealing section 95 and substituting the following:*

**95** *Section 14(2)(c) of Schedule 12 of the *Government Organization Act* is repealed.*

Amends RSA  
1980 cF-22

**35** *The Fuel Oil Licensing Act is amended in section 11(1) by adding “or” at the end of clause (b), by striking out “or” at the end of clause (c) and by repealing clause (d).*

Amends RSA  
1980 cH-7

**35(1)** *The Highway Traffic Act is amended by this section.*

**(2)** *Section 1(r.1) is repealed and the following is substituted:*

(r.1) “Safety Branch” means the Safety Branch established under section 167.1;

**(3)** *Sections 10 and 11 are repealed.*

**(4)** *The following is added after section 13:*

Stopping of  
motor vehicles  
for surveys

**13.1** The Minister may authorize persons to conduct surveys on any highway under his direction, control and management, and during the course of conducting a survey the person so authorized may stop motor vehicles for the purpose of questioning the occupants with respect to the survey.

(5) *Section 16(1.1)(a) is amended by striking out “Solicitor General” and substituting “Minister responsible for the Motor Vehicle Administration Act”.*

(6) *The following is added after section 167:*

## **PART 7.1**

### **TRANSPORTATION SAFETY BRANCH**

Transportation  
Safety Branch

**167.1(1)** There may be established a Transportation Safety Branch in the Department.

**(2)** One of the purposes of the Safety Branch is

- (a) to investigate all aspects of motor vehicle accidents with a view to compiling comparative statistics on the causes of accidents, and
- (b) to make recommendations, based on the investigations of the Safety Branch, for increased road safety.

**(3)** To fulfil the purposes of the Safety Branch, the employee in charge of the Safety Branch or a person authorized by him may, in writing, require from any insurance company carrying on business in Alberta any or all of the following with respect to any accident:

- (a) copies of statements made by any person in connection with the accident;
- (b) copies of reports made by insurance company investigators into the cause of the accident and the conclusion of the insurance company on the liability of the persons involved;
- (c) details of any money paid by an insurance company in respect of property damage.

**(4)** The employee in charge of the Safety Branch, or a person authorized by him, may interview

- (a) the drivers involved in the accident,
- (b) any witnesses to the accident, and
- (c) any other person who may be able to give information, whether directly relevant or not, that will assist in determining the reasons for the accident,

and with the consent of the person interviewed may take statements in writing.

(5) Any person authorized to conduct interviews under subsection (4) shall carry with him an identification card issued to him by the employee in charge of the Safety Branch and shall produce it for the inspection of any person who requests to see it.

(6) In the interests of obtaining full and true information concerning an accident, any file, document or paper kept by any person in the Safety Branch, or any person authorized by the employee in charge of the Safety Branch, that deals with the accident, including all matters incidental to it, and that has come into existence through anything done pursuant to this section

(a) shall not be disclosed to any person who has not taken the oath under subsection (10),

(b) shall not be used in any court proceedings, and

(c) shall not be used for any other purpose except the purposes stated in subsection (2).

(7) No person who has taken the oath under subsection (10) shall disclose or be compelled to disclose any information obtained by him in the course of the performance of any duties under this section.

(8) In order to inform the Minister or the public of the nature and cause of accidents, the Safety Branch may publish reports, statistics or other information, but no report, statistics or other published information shall contain particulars that would enable any person to identify the publication as being particulars relating to any particular person or accident unless the previous consent in writing of the person, or if more than one person, of all of them, has been obtained for release of the information.

(9) Publication of reports under subsection (8) is not a contravention of subsection (6) or (7).

(10) Every employee or any other person employed in or in connection with the Safety Branch shall take the following oath of secrecy before commencing his duties:

I, \_\_\_\_\_, do solemnly swear that I will not, without due authority, disclose or make known any matter or thing that comes to my knowledge by

reason of any employment in or by the Transportation Safety Branch.

(11) Any person or employee engaged in the work of the Safety Branch who contravenes this section is guilty of an offence and liable to a fine not exceeding \$500 or, in default of payment, to imprisonment for 90 days.

(12) No cause of action lies against any person by reason of the disclosure, for the purposes of this section, of any document or information to a person who has taken an oath pursuant to subsection (10).

(13) Notwithstanding anything in this section, no person shall be compelled to disclose any information if the disclosure will prejudice that person.

**167.2(1)** In this section, “employee” means

- (a) the employee in charge of the Safety Branch established pursuant to section 167.1, and
- (b) any person authorized in writing by the employee in charge of the Safety Branch to act on his behalf.

(2) When any motor vehicle is directly or indirectly involved in an accident, the employee may

- (a) request a peace officer to remove or cause to be removed the motor vehicle from the place where the accident occurred, and
- (b) specify to the peace officer the place to which he requires the motor vehicle to be taken,

for the purpose of testing and inspecting the vehicle.

(3) If

- (a) a motor vehicle is towed and stored at a place agreed on by both the owner and the employee, the owner shall pay the costs of towing and storage;
- (b) a motor vehicle is towed and stored at a place not agreed to by both the owner and the employee, the Crown shall pay the costs of towing and storage;
- (c) a motor vehicle is towed without the consent of the owner but stored at a place to which he consents, the Crown shall pay the costs of towing and the owner shall pay the costs of storage;

(d) a motor vehicle is towed with the consent of the owner but stored at a place without his consent, the owner shall pay the costs of towing and the Crown shall pay the costs of storage.

(4) On completion of the inspection and testing, if the owner of the motor vehicle wishes to have repairs carried out at a place other than a place at which the motor vehicle was inspected and tested, the Crown shall pay the reasonable costs of towing to the place specified by the owner.

(5) The employee is entitled to retain the motor vehicle for testing and inspection for 21 days from the date of the accident, but after 21 days the employee shall release it to the owner on the owner's request.

(6) The Minister shall compensate a person who does not have the use of his motor vehicle as a result of the testing and inspection in an amount the Minister considers just, unless the motor vehicle is irreparable.

(7) Notwithstanding that a motor vehicle has been taken for testing and inspection, the owner or a person authorized by him may enter the premises where it is kept during normal working hours and inspect the motor vehicle.

Amends RSA  
1980 cl-7

**37** *The Interpretation Act is amended in section 21(1)(a) by adding "a Minister acting for another Minister or" before "a Minister".*

Amends RSA  
1980 cJ-1

**38(1)** *The Judicature Act is amended by this section.*

(2) *Section 24 is amended by striking out "Attorney General" wherever it occurs and substituting "Minister of Justice and Attorney General for Alberta".*

(3) *Section 25(5) is amended by striking out "Attorney General" wherever it occurs and substituting "Minister of Justice and Attorney General for Alberta".*

(4) *Section 26(2) is amended by striking out "2 Attorneys General" and substituting "Attorney General for Canada and the Minister of Justice and Attorney General for Alberta".*

(5) *Sections 25 and 26 are amended by striking out "Attorney General for Alberta" wherever it occurs and substituting "Minister of Justice and Attorney General for Alberta".*

Amends SA  
1982 cJ-2.1

**39** *The Jury Act is amended by repealing section 4(k)(iii) and substituting the following:*

(iii) employees of the Department of Justice, and

Amends RSA  
1980 cL-5

**40(1)** *The Land Titles Act is amended by this section.*

(2) *Section 5 is amended*

(a) *by striking out “The Attorney General” and substituting “The Minister responsible for this Act”;*

(b) *in clause (a) by striking out “the Attorney General” and substituting “that Minister”.*

(3) *Section 9 is amended*

(a) *by striking out “shall be attached to the Department of the Attorney General, and”;*

(b) *by striking out “Attorney General” and substituting “Minister responsible for this Act”.*

(4) *Sections 15 and 38 are amended by striking out “Attorney General” and substituting “Minister”.*

(5) *Section 155 is repealed and the following is substituted:*

Inspectors of  
transfers

**155** The Minister responsible for this Act may appoint one or more inspectors of transfers, and the inspectors shall investigate any valuations the Registrar requires and report on the valuations and shall perform any other duties the Minister may from time to time assign to them.

(6) *Section 164 is amended by striking out “Attorney General” and substituting “Minister of Justice and Attorney General”.*

(7) *Section 170 is amended by striking out “Attorney General” wherever it occurs and substituting “Minister responsible for this Act”.*

(8) *Section 172(5) is amended by striking out “Attorney General” and substituting “Minister of Justice and Attorney General”.*

Amends RSA  
1980 cL-8

**41(1)** *The Law of Property Act is amended by this section.*

(2) *Section 31(4) is amended by striking out “Attorney General” and substituting “Minister responsible for this Act”.*

**(3) Section 32 is amended**

*(a) in subsection (1) by striking out “Attorney General” wherever it occurs and substituting “Minister responsible for this Act”;*

*(b) in subsection (9) by striking out “Attorney General” and substituting “Minister responsible for this Act”.*

Amends RSA  
1980 cL-13

**42** *The Licensing of Trades and Businesses Act is amended in section 5(1) and (2) by striking out “of Consumer and Corporate Affairs” wherever it occurs and substituting “that the Minister administers”.*

Amends SA  
1991 cL-26.5

**43** *The Loan and Trust Corporations Act is amended in section 5(2) by striking out “8 of the Department of the Attorney General Act” and substituting “4 of Schedule 9 of the Government Organization Act”.*

Amends SA  
1990 cM-14.3

**44** *The Metis Settlements Act is amended in section 3 of Schedule 3 of that Act by striking out “5(1) of the Department of Energy Act” and substituting “10 of the Government Organization Act”.*

Amends RSA  
1980 cM-20

**45** *The Motor Transport Act, RSA 1980 cM-20, is amended in section 15 by striking out “Solicitor General, with the approval of the Minister” and substituting “Minister responsible for the Motor Vehicle Administration Act, with the approval of the Minister responsible for this Act”.*

Amends RSA  
1980 cM-21

**46** *The Motor Vehicle Accident Claims Act is amended in sections 2, 3 and 5 by striking out “Solicitor General” wherever it occurs and substituting “Minister”.*

Amends RSA  
1980 cM-22

**47(1)** *The Motor Vehicle Administration Act is amended by this section.*

**(2) Section 1 is amended**

*(a) in clause (i) by striking out “Solicitor General” and substituting “Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act”;*

*(b) in clause (u) by striking out “the Motor Vehicles Division of the Department of the Solicitor General” and substituting “Motor Vehicle Services”.*

*(3) Section 2(1) is amended by striking out “the Motor Vehicles Division” and substituting “Motor Vehicle Services”.*

*(4) Section 3(4) is amended by striking out “21 of the Department of Public Works, Supply and Services Act” and substituting “14 of Schedule 12 of the Government Organization Act”.*

*(5) Section 10(1)(e) is amended by adding “or to a person licensed as a driver examiner pursuant to the regulations” after “an examiner”.*

*(6) Section 59 is amended*

*(a) in subsection (1) by adding the following after clause (e):*

*(e.01) governing the charging of service charges with respect to services offered under this Act;*

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

*(3) The Minister may make regulations*

*(a) providing for the establishment of a system for the licensing of driver training schools and of driver examiners;*

*(b) specifying the activities authorized by the licences and respecting conditions for them;*

*(c) with respect to the licensing and conditions of licences of driver training schools and driver examiners,*

*(i) governing the operation of driver training schools;*

*(ii) governing qualifications, restrictions and prohibitions for licensees;*

*(iii) governing applications, testing and training for licensees;*

*(iv) prescribing conditions for licensing generally or prescribing specific conditions in individual cases;*

- (v) permitting the Registrar to develop policies regarding the conditions of licensing;
- (vi) governing terms of licences and terms of renewal;
- (vii) establishing the components and criteria for examination as to competency as a driver;
- (viii) governing investigations and inspections;
- (ix) governing suspensions, cancellations and reinstatements of licences;
- (x) governing the records to be kept by licensees and the reports to be submitted to the Registrar;
- (xi) requiring the filing of proof of financial responsibility in the amounts and for the purposes which may be prescribed;
- (xii) establishing an advisory committee to advise the Minister regarding matters concerning driver training schools and driver examiners.

**(4) No person shall**

- (a) operate a driver training school unless licensed to do so;
- (b) operate a driver training school except in accordance with the regulations;
- (c) conduct driver examinations unless permitted to do so under the regulations;
- (d) conduct driver examinations except in accordance with the regulations.

**(5)** At least 15 days before the date of a cancellation or expiration of a motor vehicle liability policy or passenger hazard endorsement referred to in regulations made under subsection (3), the insurer shall notify the person referred to in those regulations of the impending cancellation or expiration and, in the absence of that notification being given, the policy or endorsement, as the case may be, remains in full force and effect until the required 15 day notice has been given.

Amends SA 1994 cM-26.1	<p><b>48</b> <i>The Municipal Government Act, chapter M-26.1 of the Statutes of Alberta, 1994, is amended</i></p> <p>(a) <i>in section 362(c)(ii) by striking out “Department of Education Act” and substituting “School Act”;</i></p> <p>(b) <i>by repealing section 642(19) and (20).</i></p>
Amends RSA 1980 cM-29	<p><b>49</b> <i>The Municipal and School Administration Act is amended in section 19(5)(e) by striking out “the Department of Education Act,”.</i></p>
Amends RSA 1980 cO-4	<p><b>50(1)</b> <i>The Off-highway Vehicle Act is amended by this section.</i></p> <p>(2) <i>Section 1(1) is amended</i></p> <p>(a) <i>in clause (h) by striking out “Solicitor General” and substituting “Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act”;</i></p> <p>(b) <i>in clause (o) by striking out “a member of the patrol division of the Department of the Solicitor General,”;</i></p> <p>(c) <i>in clause (q) by striking out “Motor Vehicle Division of the Department of the Solicitor General” and substituting “Motor Vehicle Services under the Motor Vehicle Administration Act”.</i></p> <p>(3) <i>Section 30(j) is amended by striking out “the Department of the Solicitor General” and substituting “the Minister”.</i></p>
Amends RSA 1980 cO-5	<p><b>51</b> <i>The Oil and Gas Conservation Act is amended in section 14.1(4) by striking out “of Forestry, Lands and Wildlife may authorize an officer of the Department of Forestry, Lands and Wildlife” and substituting “responsible for the Public Lands Act may authorize a member of the public service under his administration”.</i></p>
Amends RSA 1980 cO-7	<p><b>52</b> <i>The Ombudsman Act is amended in section 29(1) by striking out “21 of the Department of Public Works, Supply and Services Act” and substituting “14 of Schedule 12 of the Government Organization Act”.</i></p>

Amends RSA  
1980 cP-8

**53** *The Pipeline Act is amended in section 36(3) by striking out “of the Department of Forestry, Lands and Wildlife” and substituting “of the Government designated by the Minister responsible for the Public Lands Act”.*

Amends SA  
1988 cP-12.01

**54(1)** *The Police Act is amended by this section.*

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

**(f.1)** “Minister” means the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

**(3)** *Section 21(3) is amended by striking out “Solicitor General of Alberta” and substituting “Minister”.*

**(4)** *The following provisions are amended by striking out “Solicitor General” wherever it occurs and substituting “Minister”:*

section 1(n)(vi);  
section 2;  
section 5(1), (2)(b), (3), (4)(b), (5);  
section 13(1);  
section 14;  
section 17(1)(c);  
section 20(3)(d);  
section 21(1);  
section 22(1), (2), (3), (4);  
section 24(1), (3);  
section 27(2);  
section 28(1)(b);  
section 30(1), (2), (3), (4);  
section 32(4), (11)(b);  
section 33(1), (2);  
section 34(2);  
section 42(1), (3), (4), (5), (11);  
section 46(2);  
section 54(2);  
section 56(1);  
section 62(1), (2);  
section 65.

Amends SA  
1990 cP-14.2

**55** *The Premier’s Council on Science and Technology Act is amended by repealing section 1(b) and substituting the following:*

**(b)** “Minister” means the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for this Act.

- Amends RSA  
1980 cP-16      **56** *The Private Investigators and Security Guards Act is amended by repealing section 1(a) and substituting the following:*
- (a) “Administrator” means the employee in the Department of Justice designated by the Minister of Justice and Attorney General;
- Amends RSA  
1980 cP-17      **57** *The Private Vocational Schools Act is amended in section 2(d) by striking out “the Department of Advanced Education Act” and substituting “Schedule 1 of the Government Organization Act”.*
- Amends RSA  
1980 cP-18      **58** *The Proceedings Against the Crown Act is amended in section 13 by striking out “with the Attorney General” and substituting “with the Minister of Justice and Attorney General”.*
- Amends SA  
1988 cP-21.5      **59** *The Provincial Offences Procedure Act is amended in section 20(3)(b) by striking out “Motor Vehicles Division of the Department of the Solicitor General” and substituting “Motor Vehicle Services”.*
- Amends RSA  
1980 cP-26      **60** *The Public Contributions Act is amended in section 2.1 by striking out “1 or more employees of the Department of Consumer and Corporate Affairs” and substituting “member of the public service under the administration of the Minister”.*
- Amends SA  
1984 cP-27.1      **61** *The Public Health Act is amended in section 1(w)(i) by striking out “or the Department of Education Act, or both of them,”.*
- Amends RSA  
1980 cP-30      **62(1)** *The Public Lands Act is amended by this section.*
- (2) *Section 1 is amended*
- (a) *in clause (b) by striking out “of Lands of the Department” and by adding “designated by the Minister”;*
- (b) *in clause (d) by striking out “Forestry, Lands and Wildlife” and substituting “Environmental Protection”;*
- (c) *in clause (m) by striking out “Minister of Forestry, Lands and Wildlife” and substituting “Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act”.*

**(3) Section 5 is amended**

- (a) in subsection (1) by striking out “of Lands”;*
- (b) by repealing subsections (2) and (3).*

Amends RSA  
1980 cP-31

**63** *The Public Service Act is amended in section 1(b)(i) by striking out “by an Act of the Legislature” and substituting “under the Government Organization Act”.*

Amends RSA  
1980 cQ-2

**64** *The Queen’s Counsel Act is amended*

- (a) in section 4(c) by adding “Minister of Justice and” before “Attorney General”;*
- (b) by repealing section 4(d);*
- (c) in section 4(e) by adding “, Minister of Justice and Attorney General for Alberta” after “Attorney General of Alberta”.*

Amends RSA  
1980 cR-7.1

**65(1)** *The Reciprocal Enforcement of Maintenance Orders Act is amended by this section.*

**(2)** *Section 1(a) is repealed.*

**(3)** *The following is added after section 1(h):*

- (h.1)** “Minister” means the Minister of Justice and Attorney General and includes a person authorized in writing by the Minister to act for him in the performance of a power, duty or function under this Act;

**(4)** *The following provisions are amended by striking out “Attorney General” wherever it occurs and substituting “Minister”:*

section 2(1), (3);  
section 3(3);  
section 5(1), (3), (8)(a), (c);  
section 6(3)(c), (5);  
section 7(6)(c);  
section 11(1), (2), (3);  
section 12(1);  
section 15(1), (2);  
section 17;  
section 18.

Amends SA  
1994 cR-9.07

**66** *The Regional Health Authorities Act is amended*

(a) *in section 25 by repealing subsection (9);*

(b) *by adding the following after subsection (13):*

**(13.1)** *Schedule 7 of the Government Organization Act is amended in section 1(1)(b)*

(a) *by repealing subclause (iv);*

(b) *by repealing subclause (vi).*

Amends SA  
1994 cR-19.1

**67** *The Rural Gas Act (SA 1994, cR-19.1) is amended in section 4(1)(b) by striking out “the Department of Transportation and Utilities Act” and substituting “section 13 of the Government Organization Act”.*

Amends SA  
1988 cS-3.1

**68(1)** *The School Act is amended by this section.*

**(2)** *Section 1 is amended*

(a) *in subsection (1) by adding the following before clause (c):*

(b.2) “department” means the Department of Education;

(b) *in subsection (2)(e) by striking out “Solicitor General” and substituting “Minister of Justice and Attorney General”.*

**(3)** *Section 25 is amended*

(a) *in subsection (3) by adding the following after clause (c):*

(d) *for the establishment, operation, administration and management of schools, institutes or facilities for the education and training of persons with special educational needs and prescribing fees or a schedule of fees to be charged for any matter connected with the school, institute or facility;*

(e) *providing for correspondence courses and the fees to be charged in connection with them;*

(f) *governing registration in, the fees to be charged for registration in and the operation of private correspondence courses and private tutoring institutions that offer correspondence courses or tutoring in the same or substantially the same subjects as those offered in schools.*

(b) by adding the following after subsection (3):

(4) A regulation made under subsection (3)(d), (e) or (f) may be specific or general in its application.

(4) The following is added after section 25:

Investigators

**25.1(1)** The Minister may appoint a person to inquire into and report on

- (a) any appeal, complaint or dispute arising from the decision of a board or inspector or other school official,
- (b) the condition of one or more schools, or
- (c) any other school matter.

(2) A person appointed under subsection (1) may take evidence on oath.

(3) The Minister may, on receipt of a report under subsection (1), make any order that to him seems proper.

Inquiry into  
administration

**25.2(1)** The Minister may appoint a person to examine and inspect

- (a) the financial condition,
- (b) the administrative condition, or
- (c) any other matter connected with the management, administration or operation,

of a board, private school or early childhood services program.

(2) A person appointed under subsection (1) may examine and take copies of

- (a) all books of record and accounts,
- (b) all bank books, and
- (c) any other papers, documents or things.

(3) If the Minister so provides, a person appointed under subsection (1) has all the powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act*.

(4) The books, papers, documents and things referred to in subsection (2) shall be made available to the person appointed by the Minister at the time the person requests them from the person who has custody of them.

(5) A person appointed under subsection (1) shall report to the Minister on the examination and inspection and on receipt of the report the Minister may make any order that seems proper to the Minister.

Official trustee

**25.3(1)** The Minister may appoint an official trustee to conduct the affairs of a board, subject to any terms and conditions the Minister considers necessary,

- (a) when a board fails to comply with an order made under section 25.1(3) or 25.2(5), or
- (b) when the Minister considers it in the public interest to do so.

(2) An official trustee appointed under subsection (1)

- (a) has the powers and duties conferred by this Act on a board,
- (b) shall be remunerated out of the funds of the board or county or otherwise as the Lieutenant Governor in Council determines, and
- (c) notwithstanding the *County Act* or the *Municipal and School Administration Act* has, with the prior approval of the Minister, power to
  - (i) borrow money,
  - (ii) pass a by-law, and
  - (iii) revoke any resolution or by-law concerning school administration that may be passed or may previously have been passed by a board of education of a county, a county council or the board of education or the council of a city or town whose administration has been merged under the *Municipal and School Administration Act*.

(3) On the appointment of an official trustee to a board, the members of the board cease to hold office as members of that board.

(4) An official trustee holds office during the pleasure of the Minister.

(5) *The following is added after section 75:*

Certification of  
teachers

**75.1(1)** The Minister may make regulations

- (a) concerning the certification of teachers and the cancellation and suspension of certificates;
- (b) prescribing fees payable in respect of the evaluation of qualifications for the certification of teachers;
- (c) providing for a refund of all or part of a fee paid in respect of the evaluation of qualifications for the certification of teachers;
- (d) concerning the certification and special requirements of teachers and the cancellation and suspension of certificates of teachers who are involved in early childhood services programs;
- (e) concerning the qualifications of persons who may act as instructional assistants and aides in institutions offering early childhood services programs.

(2) A regulation made under subsection (1) may be specific or general in its application.

(6) *In the following provisions “the Department of Education Act” is struck out wherever it occurs and “this Act” is substituted:*

section 1(1)(x);  
section 74(1);  
section 75;  
section 93(1), (2);  
section 100;  
section 223.

Amends SA  
1984 cS-13.5

**69** *The Small Business Equity Corporations Act is amended in section 25(7) by striking out “6 of the Department of Economic Development and Trade Act” and substituting “7 of the Government Organization Act”.*

Amends RSA  
1980 cS-20

**70** *The Special Areas Act is amended in section 6(2) by striking out “or” at the end of clause (b), adding “, or” at the end of clause (c) and adding the following after clause (c):*

- (d) the Minister of Environmental Protection, the Deputy Minister of Environmental Protection or the Department of Environmental Protection

Amends RSA  
1980 cS-24

**71** *The Students Finance Act is amended in section 9(1)(a) by striking out “the Department of Advanced Education Act” and substituting “Schedule 1 of the Government Organization Act”.*

Amends SA  
1985 cS-23.5

**72** *The Student and Temporary Employment Act is amended in section 1*

- (a) *in clause (b) by striking out “of Career Development and Employment”;*

- (b) *by adding the following after clause (b):*

- (b.1) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

- (c) *in clause (c) by striking out “of Career Development and Employment”.*

Amends RSA  
1980 cT-2

**73** *The Teachers' Retirement Fund Act is amended*

- (a) *in section 1*

- (i) *in clause (d)(ii) by striking out “7 of the Department of Education Act” and substituting “13 of the Government Organization Act”;*

- (ii) *in clause (e) by striking out “Department of Education Act” and substituting “School Act”;*

- (iii) *in clause (h) by striking out “Department of Education Act” and substituting “School Act”;*

- (b) *in section 24(8) by striking out “of Advanced Education” and substituting “responsible for the Colleges Act”;*

- (c) *in section 25(1) by striking out “Department of Education Act” and substituting “School Act”.*

Amends RSA  
1980 cT-3

**74** *The Teaching Profession Act is amended in section 1(j) by striking out “Department of Education Act” and substituting “School Act”.*

Amends SA  
1981 cT-3.1

**75** *The Technical Institutes Act is amended*

(a) *in section 8(c) and (f.2) by striking out “the Department of Advanced Education Act” and substituting “Schedule 1 of the Government Organization Act”;*

(b) *in section 40(1) by striking out “the Department of Advanced Education Act” and substituting “Schedule 1 of the Government Organization Act”.*

Amends SA  
1988 cT-6.3

**76** *The Tourism Education Council Act is amended by repealing section 1(b) and substituting the following:*

(b) *“Minister” means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act.*

Amends SA  
1982 cT-6.5

**77** *The Transportation of Dangerous Goods Control Act is amended in section 15(1) by striking out “the Department of Federal and Intergovernmental Affairs Act” and substituting “Schedule 6 of the Government Organization Act”.*

Amends SA  
1990 cV-3.5

**78(1)** *The Victims' Programs Assistance Act is amended by this section.*

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

(b.1) *“Minister” means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act;*

(3) *The following provisions are amended by striking out “Solicitor General” wherever it occurs and substituting “Minister”:*

section 2(1)(c);  
section 3(1), (2), (3);  
section 4(a), (b);  
section 5(1), (2);  
section 6(a), (c), (d), (e);  
section 7(2);  
section 8(1), (2), (3);

section 9;  
section 10(1);  
section 11(1), (2).

Amends RSA  
1980 cW-4

**79** *The Vital Statistics Act is amended in section 25*

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

**25(1)** There shall be a part of Alberta Registries to be known as Vital Statistics Services.

(b) *in subsections (2) and (3) by striking out “Division of Vital Statistics” wherever it occurs and substituting “Vital Statistics Services”.*

Amends RSA  
1980 cW-5

**80** *The Water Resources Act is amended in section 67(a) by striking out “of Forestry, Lands and Wildlife” and substituting “responsible for the Forest Reserves Act”.*

Amends SA  
1983 cW-5.1

**81** *The Water Resources Commission Act is amended in section 3(1)(c)*

(a) *in subclause (i) by striking out “the Environment” and substituting “Environmental Protection”;*

(b) *in subclause (ii) by striking out “Trade” and substituting “Tourism”;*

(c) *in subclause (iv) by striking out “Agriculture” and substituting “Agriculture, Food and Rural Development”;*

(d) *by repealing subclause (v).*

Amends RSA  
1980 cW-8

**82(1)** *The Wilderness Areas, Ecological Reserves and Natural Areas Act is amended by this section.*

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

(d) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

(3) *Section 2(4) is amended*

(a) *by repealing clause (a) and substituting the following:*

(a) 3 employees of the Department of Environmental Protection,

(a.1) 1 employee of the Department of Agriculture, Food and Rural Development,

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

(c) *in clause (c) by striking out “Culture and Multiculturalism” and substituting “Community Development”.*

**(4)** *Section 6(3) is amended by striking out “Tourism, Parks and Recreation” wherever it occurs and substituting “Environmental Protection”.*

Amends SA  
1984 cW-9.1

**83** *The Wildlife Act is amended in section 2(2) by striking out “Department of the Solicitor General” and substituting “Department of Justice”.*

Amends SA  
1984 cY-1

**84(1)** *The Young Offenders Act is amended by this section.*

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

(d.2) “Minister” means the Minister of Justice and Attorney General;

**(3)** *The following provisions are amended by striking out “the Attorney General” wherever it occurs and substituting “the Minister”:*

section 3(1)(a), (f);  
section 11(5)(a)(iv), (6);  
section 12(1)(a);  
section 15(1), (6), (11);  
section 18(1), (3);  
section 21(2)(a), (3)(d);  
section 24(1)(a);  
section 30(2)(d), (3).

Consequen-  
tial

**85** *In the following provisions “the Environment” is struck out wherever it occurs and “Environmental Protection” is substituted:*

Act	Section
Alberta Environmental Research Trust Act	5(5), (8). 6(2)(b)

Coal Conservation Act	21(1), (2), (2.1), (2.2), 24(1), (2), (2.1), (2.2)
Environment Council Act	1(c), 7(1)(f), (h)
Hydro and Electric Energy Act	3(4), 7(4), (5), 9(3), (5), 13(1)(a), (2), (3), (4), 18(3), 32(2)
Oil and Gas Conservation Act	10(2), 26(2), (3), (3.1), (3.2), (4)
Oil Sands Conservation Act	12(1)(a), (2), (3), (4), 14(3)
Pipeline Act	8(1), (2), (3), (4), 37(1)(a)

Consequen-  
tial

**86** *In the following provisions “Economic Development and Trade” is struck out wherever it occurs and “Economic Development and Tourism” is substituted:*

Act	Section
Alberta Corporate Tax Act	26.6(2), (6)
Alberta Opportunity Fund Act	1(g)

Consequen-  
tial

**87** *In the following provisions “and Career Development” is added after “Advanced Education” wherever it occurs:*

Act	Section
Alberta Agricultural Research Institute Act	5(2)(c)
Colleges Act	1(g)
Health Disciplines Act	3(7)(a), 4(3)(c)
Private Vocational Schools Act	1(g)
Professional and Occupational Associations Registration Act	7(4)(a), 9(2)(a)
Students Finance Act	1(b)
Ultimate Heir Act	8
Universities Act	1(e)

Consequen-  
tial

**88** *In the following provisions “Agriculture” is struck out wherever it occurs and “Agriculture, Food and Rural Development” is substituted:*

Act	Section
Agricultural Pests Act	1(1)(h)
Agricultural Relief Advances Act	1(f)
Agricultural Service Board Act	1(c), (d), 4(8)(b)

Alberta Agricultural Research Institute Act	5(4)
Artificial Insemination of Domestic Animals Act	2(1)
Bee Act	1(f)
Brand Act	1(e)
Dairy Board Act	2
Farm Implement Act	1(f)
Federal-Provincial Farm Assistance Act	1
Feeder Associations Guarantee Act	1(f)
Fur Farms Act	1(d), 9(1)
Horned Cattle Purchases Act	1(c)
Irrigation Act	6(1)
Livestock Diseases Act	1(e), (i)
Livestock Identification and Brand Inspection Act	1(f), (n), (p)
Livestock Industry Diversification Act	1(1)(d), (k), 2(1)
Livestock and Livestock Products Act	1(f), 8(6)
Marketing of Agricultural Products Act	1(j), 2
Meat Inspection Act	1(g)
Pharmaceutical Association Act	45
Stray Animals Act	1(e)
Universities Act	52(5)
Vegetable Sales (Alberta) Act	1(c)
Veterinary Profession Act	1(f)
Weed Control Act	1(1)(b), (i)
Wheat Board Money Trust Act	2(3)

Consequential

**89** *In the following provisions “Attorney General” is struck out wherever it occurs and “Minister of Justice and Attorney General” is substituted:*

Act	Section
Alberta Bill of Rights	4
Alberta Health Care Insurance Act	13(2.1)
Child Welfare Act	78(2)(b), (3), 91(2)(d), (3)
Companies Act	296
Court of Appeal Act	15(b)
Court of Queen’s Bench Act	6(2), (3), 18(1)(b), 23
Criminal Injuries Compensation Act	13, 14, 15, 16, 17
Election Act	89(3)
Environmental Protection and Enhancement Act	222(1)
Fatality Inquiries Act	4, 5, 7, 8, 34, 36, 36.1, 41, 43, 46, 47, 48
Financial Administration Act	90
Franchises Act	40, 44, 47, 51
Individual’s Rights Protection Act	34
Insurance Act	6, 231
International Child Abduction Act	4, 6
Interpretation Act	25(1)(s)

Judicature Act	45
Legal Profession Act	4, 5, 6, 8, 10, 75(4), 87, 114(13)(b), 117, 119(4), 120
Liquor Control Act	116.1(3), 119(1)
Local Authorities Board Act	50
Maintenance Enforcement Act	4(1)
Marriage Act	23(2)(b)
Mechanical Recording of Evidence Act	1(f), 2(1), 7(1), 8(2)
Mortgage Brokers Regulation Act	15(7)(d), 17
Motor Vehicle Administration Act	114(1.1)
Municipal Government Act	399, 434
Notaries Public Act	1, 6(2)
Ombudsman Act	18(1)
Police Act	2(2), 15, 17(2), (3), 45(2), 46(3)(a), 47(2), (3)
Provincial Court Act	15(2), 17, 21(3)
Provincial Court Judges Act	2(6), (7), 7(1), 8, 10, 11(1), 13(1), 16(4)
Provincial Offences Procedure Act	12(1), 16(2)(c), 17(1), 18(1)
Public Inquiries Act	8
Public Trustee Act	15, 17(1), 19(1), 27(11)
Public Utilities Board Act	51, 110
Queen's Counsel Act	3, 4(c)
Real Estate Agents' Licensing Act	49
Rural Gas Act	9
School Act	181
Securities Act	32
Telecommunications Act	36(4)
Transportation of Dangerous Goods Control Act	8(4)
Trust Companies Act	141, 161(10), 216
Ultimate Heir Act	5(2)
Unfair Trade Practices Act	20(2)
Wills Act	49, 50, 51

Consequen-  
tial

**90** *In the following provisions “Deputy Attorney General” is struck out wherever it occurs and “Deputy Minister of Justice and Deputy Attorney General” is substituted:*

Act	Section
Administration of Estates Act	8, 9, 10(1), 11
Alberta Corporate Tax Act	60.2(8), 65(7)
Fuel Tax Act	16.4
Hotel Room Tax Act	6.5
Pari Mutuel Tax Act	12
Proceedings Against the Crown Act	13
Queen's Counsel Act	3.1

Consequen-  
tial

**91** *In the following provisions “Department of the Attorney General” is struck out and “Department of Justice” is substituted:*

Act	Section
Administration of Estates Act	8(6)
Legal Profession Act	42(2)
Pharmaceutical Association Act	50(1)
Proceedings Against the Crown Act	13
Public Service Employee Relations Act	21(1)(i)

Consequen-  
tial

**92** *In the following Acts “Inspector of Legal Offices and shall be filed in his office” is struck out and “Department of Justice” is substituted:*

Act	Section
Justice of the Peace Act	3(2)
Provincial Court Judges Act	3(2)

Consequen-  
tial

**93** *In the following provisions “Minister of Culture and Multiculturalism” is struck out and “Minister of Community Development ” is substituted:*

Act	Section
Alberta Foundation for the Arts Act	1(c)
Alberta Multiculturalism Act	1(c)
Emblems of Alberta Act	1(a)
Libraries Act	1(h)

Consequen-  
tial

**94** *In the following provisions “Minister of Consumer and Corporate Affairs” is struck out and “Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act” is substituted:*

Act	Section
Business Corporations Act	1(l)
Collection Practices Act	1(e)
Condominium Property Act	1(1)(l)
Franchises Act	1(1)(j)
Mortgage Brokers Regulation Act	1(1)(a.2)
Securities Act	1(l.1)

Consequen-  
tial

**95(1)** *In the following provisions “of Forestry, Lands and Wildlife” is struck out wherever it occurs and “responsible for the Public Lands Act” is substituted:*

Act	Section
Agricultural Relief Advances Act	20(2)
Highway Traffic Act	14(1)(e)
Hydro and Electric Energy Act	7(4)(b), (5), 13(1)(b), (2), (3), (4), 18(3), 32(2)
Livestock Industry Diversification Act	6(3)(a), 33(2)(a)
Municipal Government Act	156(2), 271
Oil and Gas Conservation Act	14.1(3)
Oil Sands Conservation Act	12(1)(b), (2), (3), (4), 14(3), 19(2)(b), (3)
Pipeline Act	8(1), (2), (3), (4)
Rural Districts Act	11(2)
Special Areas Act	5(c)
Water Resources Act	1(r)(ii)
Wilderness Areas, Ecological Reserves and Natural Areas Act	12(2)(b)

**(2)** *In the following provisions “Forestry, Lands and Wildlife” is struck out wherever it occurs and “Environmental Protection” is substituted:*

Act	Section
Livestock Industry Diversification Act	13(2)
Metis Settlements Act	133(1), (2)

**(3)** *In the following provisions “Minister of Forestry, Lands and Wildlife” is struck out and “Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act” is substituted:*

Act	Section
Fish Marketing Act	1(d)
Forest and Prairie Protection Act	1(c)
Forest Reserves Act	1(b)
Forests Act	1(i)

Consequen-  
tial

**96** *In the following provisions “Tourism, Parks and Recreation” is struck out wherever it occurs and “Environmental Protection” is substituted:*

Act	Section
Highway Traffic Act	13, 14(1)(d), 70(6)
Provincial Parks Act	1(c), 7.2, 10(1)(a)

Repeal

**97** *The following enactments are repealed:*

- (a) the Department of Advanced Education Act;*
- (b) the Department of Agriculture Act;*
- (c) the Department of the Attorney General Act;*
- (d) the Department of Career Development and Employment Act;*
- (e) the Department of Consumer and Corporate Affairs Act;*
- (f) the Department of Culture and Multiculturalism Act;*
- (g) the Department of Economic Development and Trade Act;*
- (h) the Department of Education Act;*
- (i) the Department of Energy Act;*
- (j) the Department of the Environment Act;*
- (k) the Department of Family and Social Services Act;*
- (l) the Department of Federal and Intergovernmental Affairs Act;*
- (m) the Department of Forestry, Lands and Wildlife Act;*
- (n) the Department of Health Act;*
- (o) the Department of Labour Act;*
- (p) the Department of Municipal Affairs Act;*
- (q) the Department of Public Works, Supply and Services Act;*
- (r) the Department of the Solicitor General Act;*
- (s) the Department of Technology, Research and Telecommunications Act;*
- (t) the Department of Tourism, Parks and Recreation Act;*

*(u) the Department of Transportation and Utilities Act;*

*(v) the Public Service Administrative Transfers Act.*

Coming into  
force

**98** *This Act comes into force on Proclamation.*

## **SCHEDULES**

In the Schedules, “Minister” means the Minister determined under section 16 of the Act as the Minister responsible for the Schedule.

### **SCHEDULE 1**

#### **ADVANCED EDUCATION**

Definition	<b>1</b> In this Schedule, “provincially administered institution” means an advanced education institution owned by the Government and operated as part of the department that the Minister administers.
Regulations	<b>2</b> The Minister may make regulations <ul style="list-style-type: none"><li>(a) for the establishment, operation, administration and management of provincially administered institutions;</li><li>(b) respecting fees and other charges to be charged for any matter or service provided by or for a provincially administered institution;</li><li>(c) concerning programs offered or to be offered by a provincially administered institution;</li><li>(d) providing for the co-ordination of programs and services between 2 or more institutions offering advanced education programs or services;</li><li>(e) respecting the establishment of advisory or administrative committees at provincially administered institutions.</li></ul>
Donations and loans	<b>3(1)</b> The Minister may, where he is authorized to do so by a regulation made under subsection (3), acquire real or personal property by gift or bequest. <b>(2)</b> The Minister may donate or lend property acquired under subsection (1) to a person or organization. <b>(3)</b> The Lieutenant Governor in Council may make regulations <ul style="list-style-type: none"><li>(a) respecting the acquisition of property under subsection (1), and</li><li>(b) providing for any matter in relation to the donation or loan of property under subsection (2) that may be provided for in relation to grants under section 13 of the Act.</li></ul>

**(4)** Section 13(3) and (4) of the Act apply to donations and loans as they apply to grants.

## **SCHEDULE 2**

### **AGRICULTURE**

Exclusive  
responsibility

**1** That part of the administration of the Government relating to agriculture is under the responsibility of the Minister, unless administration is specifically assigned under this or another Act to some other person.

### **SCHEDULE 3**

#### **CAREER DEVELOPMENT**

Immigration  
program

**1(1)** The Minister is responsible for programs and services of the Government of Alberta relating to immigration to Alberta.

**(2)** The Lieutenant Governor in Council may make regulations respecting programs and services relating to immigration to Alberta.

Donations and  
loans

**2(1)** The Minister may, where he is authorized to do so by a regulation made under subsection (3), acquire real or personal property by gift or bequest.

**(2)** The Minister may donate or lend property acquired under subsection (1) to a person or organization.

**(3)** The Lieutenant Governor in Council may make regulations

(a) respecting the acquisition of property under subsection (1),  
and

(b) providing for any matter in relation to the donation or loan of property under subsection (2) that may be provided for in relation to grants under section 13 of the Act.

**(4)** Section 13(3) and (4) of the Act apply to donations and loans as they apply to grants.

## **SCHEDULE 4**

### **EDUCATION**

Exclusive  
responsibility

**1** That part of the administration of the Government relating to education is under the responsibility of the Minister, unless responsibility is specifically assigned under this or another Act to some other person.

## SCHEDULE 5

### ENVIRONMENTAL MATTERS

#### Definitions

**1** In this Schedule,

- (a) “environment” means environment as defined in the Environmental Protection and Enhancement Act;
- (b) “government agency” means
  - (i) a corporation that is an agent of the Government, or
  - (ii) a corporation, commission, board or other body whose members are appointed by an Act of the Legislature, the Lieutenant Governor in Council or a Minister of the Government, or any combination of them;
- (c) “natural resources” means land, plant life, animal life, water and air.

#### Acquisition of land

**2(1)** The Minister may purchase or expropriate any estate or interest in land and may purchase any personal property in conjunction with the land

- (a) for the purpose of carrying out any agreement entered into between the Minister and the government of another jurisdiction or agency of such a government, a government agency or any other person,
- (b) for the purpose of any program or development project relating to the protection, enhancement and wise use of the environment, or
- (c) for any other purpose related to a matter under the administration of the Minister.

**(2)** Land acquired under this section is under the administration of the Minister responsible for the Public Lands Act unless, before or after the acquisition, the Lieutenant Governor in Council, by order, directs that it is under the administration of the Minister responsible for this Schedule or some other Minister.

#### Declaration of state of emergency

**3(1)** On the report of the Minister

- (a) that circumstances exist whereby the environment in any part of Alberta has been or is being destroyed or damaged or is being or is likely to be polluted, and

- (b) that urgent co-ordinated action is required for the purpose of preventing, alleviating, controlling or stopping the destruction, damage or pollution,

the Lieutenant Governor in Council may by order declare that a state of emergency exists with respect to those circumstances for the purposes of this section.

(2) When the Lieutenant Governor in Council has made an order under subsection (1), the Minister or any employee of his Department authorized by him for the purpose may

- (a) require any officer or employee of the Government or a government agency to provide his services,
- (b) require any municipal corporation or any other corporation or organization to provide its services, or
- (c) require any other person not exempted by the regulations to provide his services,

for the purposes of preventing, alleviating, controlling or stopping the destruction, damage or pollution referred to in the order.

(3) A person who refuses or neglects to comply with any requirement directed to him under subsection (2) is guilty of an offence and liable to a fine of not less than \$25 and not more than \$300 and in default of payment to imprisonment for a term of not more than 90 days or to both fine and imprisonment.

(4) The Lieutenant Governor in Council may make regulations

- (a) exempting any persons or classes of persons from the operation of subsection (2)(c);
- (b) prescribing rates of pay or remuneration to be paid to persons who provide services pursuant to subsection (2);
- (c) prescribing the rates of remuneration to be paid to persons who furnish or permit the use of equipment pursuant to subsection (2).

(5) This section does not apply to the prevention, control and suppression of forest and prairie fires.

Restricted  
Development  
Areas

**4(1)** The Lieutenant Governor in Council may by regulation establish any part or parts of Alberta as a "Restricted Development Area" or a "Water Conservation Area" (in this section called "the Area") on the report of the Minister that the establishment of the

Area is necessary in the public interest to co-ordinate and regulate the development and use of the Area for the purpose of

- (a) preventing, controlling, alleviating or stopping the destruction, damage or pollution of any natural resources in or adjacent to the Area,
- (b) protecting a watershed in or adjacent to the Area,
- (c) retaining the environment of the Area in a natural state or in a state suitable for recreation or the propagation of plant or animal life,
- (d) preventing the deterioration of the quality of the environment of the Area by reason of the development or use of land in the Area incompatible with the preservation of that environment,
- (e) confining to land within the Area
  - (i) any operation, activity, use, development or occupation of land
    - (A) that adversely affects or is likely to adversely affect the quality or quantity of any natural resource, or
    - (B) that destroys, disturbs, pollutes, alters or makes use of a natural resource or is likely to do so,
  - or
  - (ii) any emission, discharge, noise or other environmental pollutant, or its source, whether from any commercial, industrial or other operation, activity, use, development or occupation of land, or
- (f) separating
  - (i) any operation, activity, use, development or occupation of land
    - (A) that adversely affects or is likely to adversely affect the quality or quantity of any natural resources, or
    - (B) that destroys, disturbs, pollutes, alters or makes use of a natural resource, or is likely to do so,

or

- (ii) any emission, discharge, noise or other environmental pollutant, or its source, whether from any commercial, industrial or other operation, activity, use, development or occupation of lands

from any operation, activity, use, development or occupation of adjacent land.

(2) Notwithstanding any other Act, when the Lieutenant Governor in Council establishes a Restricted Development Area or Water Conservation Area, he may, in the same regulation or in any subsequent regulation, provide for

- (a) the control, restriction or prohibition of any kind of use, development or occupation of land in the Area prescribed in the regulations;
- (b) authorizing the Minister to consent to or approve any particular kind of use, development or occupation of land in the Area or to exempt any particular kind of use, development or occupation from the operation of any provision in the regulations made pursuant to clause (a);
- (c) the control, restriction or prohibition of the exercise of any power specified in the regulations by any specified Minister of the Crown, government official or government agency;
- (d) the removal of any buildings, improvements, materials or animals from the Area, and the payment of compensation by the Crown for any loss resulting from it;
- (e) the control, restriction or prohibition of the dumping, deposit or emission within the Area of any substance specified in the regulations;
- (f) the authorizing of the acquisition by purchase or expropriation by the Minister of any estate or interest in land in the Area;
- (g) the authorizing of the purchase by the Minister on behalf of the Crown in right of Alberta of all of the shares and debentures of any corporation that
  - (i) on the date of the purchase is the registered owner of an estate or interest in land that is wholly or partly within the Area,
  - (ii) has been the registered owner of the estate or interest from the date the Area was established,

- (iii) owns the estate or interest in land free and clear of any encumbrances, other than encumbrances to which the Minister agrees,
  - (iv) has no assets other than the estate or interest in land, and
  - (v) has no outstanding liabilities other than debentures,
- and the authorizing of the Minister to do all things that are necessary to transfer the estate or interest in the land to the Crown in right of Alberta;
- (h) making any or all of the provisions of the Surface Rights Act inapplicable to any land of the Crown in the Area;
  - (i) the prohibition, with respect to any land of the Crown in the Area, of any expropriation to which the Expropriation Act applies;
  - (j) any other matter or thing necessary or incidental to the protection or improvement of the environment of the Area.
- (3) When a regulation is made under this section, the Minister shall file a notice to that effect together with a certified copy of the regulation with the Registrar of Land Titles and the Registrar shall thereupon endorse a memorandum of the notice on each certificate of title pertaining to land within the Area.
- (4) When a regulation under this section is amended,
- (a) the Minister shall file a further notice respecting the amending regulation together with a certified copy of the amending regulation;
  - (b) the Registrar of Land Titles shall keep the further notice with the original notice and shall treat them as one document;
  - (c) subject to subsections (5) and (6), the Registrar of Land Titles shall not make any further endorsement on any certificate of title in respect of the further notice.
- (5) When a regulation under this section is amended and the effect of the amendment is to add land to the area, the Registrar of Land Titles shall, on receiving the Minister's further notice under subsection (4), endorse on each certificate of title for the additional land a memorandum of the original notice under subsection (3) and the further notice under subsection (4).

(6) When a regulation under this section is amended and the effect of the amendment is to remove any land from an Area, the Registrar of Land Titles shall, on receiving the Minister's further notice under subsection (4), cancel the memorandum of the original notice under this section on each certificate of title to the land so removed.

(7) When a regulation under this section is rescinded and not replaced, the Minister shall file a notice to that effect and a copy of the rescinding regulation with the Registrar of Land Titles who shall thereupon cancel the memorandum of the original notice on each certificate of title to the land previously within the Area.

(8) When a regulation under this section is rescinded and replaced by another regulation, the Minister shall file with the Registrar of Land Titles a notice to that effect and a certified copy of the new regulation and the Registrar shall,

- (a) with respect to land that was subject to the rescinded regulation and is also subject to the new regulation, cancel the memorandum on the certificate of title for the land of the notice pertaining to the rescinded regulation and endorse a memorandum on it of the notice pertaining to the new regulation, which notice shall be then treated as a notice under subsection (3);

- (b) with respect to land that was subject to the rescinded regulation but is not subject to the new regulation, cancel the memorandum of the notice on the certificate of title for the land;

- (c) with respect to land that was not subject to the rescinded regulation but is subject to the new regulation, treat the notice as a notice under subsection (3) and act accordingly.

(9) On the filing with the Registrar of Land Titles of a notice under subsection (3), (4), (7) or (8), the Registrar shall send a notification respecting the filing of the notice, but without sending a copy of the regulations, amending regulations or rescinding regulations to which the notice relates, by mail or otherwise, to each registered owner on whose title a memorandum of the notice is endorsed.

(10) Notwithstanding subsection (9), the Minister shall send, by mail or otherwise, to each person shown on the certificate of title as having a subsisting estate or interest in the land affected by any regulation, amending regulation or rescinding regulation referred to in subsection (3), (4), (7) or (8), at the last address shown for that person on the certificate of title, a copy of the regulation, amending regulation or rescinding regulation, as the case may be, together

with a notification relating thereto containing the information that the Minister may prescribe.

(11) The validity or operation of a regulation under this section is not dependent on the filing of any notice by the Minister with a Registrar of Land Titles under this section.

(12) Where the Minister has, before December 15, 1975, filed a caveat under the Land Titles Act against the certificate of title to any land in an Area purporting to claim an interest in the nature of regulatory restrictions on the uses of that land pursuant to a regulation under this section, the caveat is deemed for all purposes to be a notice by the Minister under subsection (3) and to have been filed under subsection (3).

Enforcement  
orders

**5(1)** Where in the Minister's opinion a person has contravened section 4 or the regulations under section 4, the Minister may issue an enforcement order to that person ordering that person to do any or all of the following:

- (a) cease the contravention specified in the order;
- (b) stop any operations or shut down or stop the operation of any plant, equipment or structure either permanently or for a specified period;
- (c) take any other measures that the Minister considers necessary to
  - (i) facilitate compliance with the applicable provision, or
  - (ii) protect or restore the environment.

(2) An enforcement order shall contain the reasons for making it and must be served on the person to whom it is directed.

(3) The Minister may by order

- (a) amend a term or condition of, add a term or condition to or delete a term or condition from an enforcement order,
- (b) cancel an enforcement order, or
- (c) amend a clerical error in an enforcement order.

(4) A copy of an order issued under subsection (3) must be served on the same person to whom the original enforcement order was directed.

(5) If the person to whom an enforcement order is directed fails to comply with the enforcement order, the Minister may apply to the Court of Queen's Bench for an order of the Court directing that person to comply with the enforcement order.

(6) If the person to whom an enforcement order is directed fails to comply with the enforcement order, the Minister may take whatever action the Minister considers necessary to carry out the terms of the enforcement order.

(7) Costs under this section are recoverable by the Government

- (a) in an action in debt against the person to whom the enforcement order was directed, or
- (b) by order of the Minister directing any person who has purchased land from the person to whom the enforcement order was directed to pay to the Minister instead of to the vendor an amount not exceeding the amount owing in respect of the costs.

(8) For the purposes of this section the costs referred to in subsection (7) include, without limitation, any costs incurred in investigating and responding to

- (a) any matter to which an enforcement order relates, or
- (b) the failure to comply with an enforcement order.

(9) A purchaser who pays an amount to the Minister under subsection (7)(b) is discharged from any obligation to pay that amount to the vendor.

Appeal of  
enforcement  
order

**6(1)** A person to whom an enforcement order is directed under section 5(1)(a) or (b) may appeal the enforcement order by submitting a notice of objection to the Environmental Appeal Board established under the Environmental Protection and Enhancement Act.

(2) A notice of objection must be submitted not later than 7 days after receipt of a copy of the enforcement order, but the Environmental Appeal Board may, on application made before or after the expiry of that period, extend that period where the Board is of the opinion that there are sufficient grounds to do so.

(3) Subject to subsection (4), submitting a notice of objection does not operate to stay the enforcement order.

(4) The Minister may stay an enforcement order on the application of the person to whom an enforcement order was directed.

(5) Where the Minister stays an enforcement order the Minister may, if he is of the opinion that immediate and significant impairment of or damage to the environment, human health or safety or property may result if certain terms and conditions of the enforcement order are not carried out,

- (a) carry out whatever action the Minister considers to be necessary to carry out those terms and conditions and determine the costs of doing so, and
- (b) order the person to whom the enforcement order was directed to provide security to the Minister in the form and amount the Minister considers necessary to cover those costs.

(6) Sections 83(3), 84(6) and (7), 85, 86, 87, 88, 91, 92(1)(a) and (c) and (2), 93, 94 and 95(a) and (b) of the Environmental Protection and Enhancement Act apply in the case of a notice of objection submitted under this section, and for those purposes, section 87(5)(a)(iii) of the Environmental Protection and Enhancement Act shall be read as if it made reference to an order for security under subsection (5) of this section.

Offence

7(1) A person who knowingly contravenes an enforcement order under section 5 is guilty of an offence and is liable to,

- (a) in the case of an individual, a fine of not more than \$100 000 or to imprisonment for a period of not more than 2 years, or to both a fine and imprisonment, or
- (b) in the case of a corporation, a fine of not more than \$1 000 000.

(2) A person who contravenes an enforcement order under section 5 is guilty of an offence and is liable to

- (a) in the case of an individual, a fine of not more than \$50 000, or
- (b) in the case of a corporation, a fine of not more than \$500 000.

(3) No person shall be convicted of an offence under subsection (2) if that person establishes on the balance of probabilities that he took all reasonable steps to prevent its commission.

**8** The Lieutenant Governor in Council may make regulations

- (a) prohibiting, regulating or requiring the doing of any act for the purpose of preventing, alleviating or stopping soil erosion or anything detrimental to the protection or preservation of a watershed;
- (b) authorizing the payment of compensation by the Crown to any person for loss or damage to that person as a result of the application of any regulation under this Schedule to him, or an order under this Schedule directed to him, prescribing the cases in which the compensation shall be paid and the loss or damage for which the compensation is to be paid, and conferring jurisdiction on the Court of Queen's Bench or the Public Utilities Board in connection with settlement of the compensation to be paid;
- (c) authorizing the Minister to expropriate on behalf of the Crown any estate or interest in land if he considers it necessary to do so for the purpose of enforcing or carrying out the provisions of this Schedule or the regulations or an order under this Schedule;
- (d) prescribing, with respect to any provision of any regulation under this Schedule, that its contravention constitutes an offence;
- (e) prescribing penalties for offences against any regulations under this Schedule;
- (f) empowering the Minister to prescribe forms for any document used in the course of administering this Schedule or any Act administered by the Minister;
- (g) generally, providing for any procedure or matter incidental to the carrying out of this Schedule or any regulations under this Schedule.

## **SCHEDULE 6**

### **FEDERAL AND INTERGOVERNMENTAL MATTERS**

General  
powers and  
duties

#### **1 The Minister**

- (a) is responsible for the co-ordination of all policies, programs and activities of the Government of Alberta and its agencies in relation to the Government of Canada, the governments of the provinces and territories of Canada, and the governments of foreign countries or states, and all agencies of those governments;
- (b) shall conduct a continuing review of
  - (i) all policies, programs and activities of the Government of Alberta and its agencies in relation to the Government of Canada, the governments of the provinces and territories of Canada and the governments of foreign countries or states,
  - (ii) all intergovernmental agreements as defined in section 11 of the Act, and
  - (iii) all relevant legislation pertaining to those policies, programs, activities and agreements;
- (c) shall be a party to the negotiation of all proposed intergovernmental agreements as defined in section 11 of the Act;
- (d) shall from time to time take any action he considers necessary to initiate or maintain intergovernmental co-operation between the Government of Alberta and the Government of Canada, the government of a province or territory of Canada or any government of a foreign country or state.

## **SCHEDULE 7**

### **HEALTH**

Disposition of  
facilities

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

- (a) “Government health care facility” means any land owned by the Crown in right of Alberta that is under the administration of the Minister, including buildings and improvements on the land, and that is used or is suitable for use in providing diagnostic or treatment services or care for ill or injured persons;
- (b) “health board” means
  - (i) a district board as defined in the Hospitals Act;
  - (ii) the owner of a non-district hospital as defined in the Hospitals Act;
  - (iii) the owner of a nursing home as defined in the Nursing Homes Act;
  - (iv) a board as defined in the Provincial General Hospitals Act;
  - (v) the Alberta Cancer Board;
  - (vi) the University Hospitals Board under the University of Alberta Hospitals Act;
  - (vii) the Alberta Alcohol and Drug Abuse Commission;
  - (viii) a regional health authority under the Regional Health Authorities Act;
  - (ix) a provincial health board under the Regional Health Authorities Act;
  - (x) a local board as defined in the Public Health Act.

**(2)** Subject to the approval of the Lieutenant Governor in Council, the Minister may enter into an agreement providing for any or all of the following:

- (a) the disposition, by sale, lease or otherwise, of any Government health care facility to a health board;
- (b) the disposition, by sale, lease or otherwise, to a health board of all or any specified supplies, equipment or other

personal property located in or used in connection with a Government health care facility;

(c) the transfer of patients in a Government health care facility and the responsibility for the care of those patients to the care and responsibility of a health board;

(d) the transfer of employees of a Government health care facility to the employment of a health board described in clause (a), (b) or (c) and the transfer of any matters incidental to those employees, including salary rates, conditions of employment and pension plans.

(3) An agreement under this section may provide terms or conditions with respect to the matters enumerated in subsection (2).

(4) The Lieutenant Governor in Council may make any order he considers necessary for the purpose of implementing or facilitating any of the matters provided for in an agreement or to alleviate any difficulty arising in the course of implementing an agreement.

(5) A disposition, by sale, lease or otherwise, of a Government health care facility or of personal property pursuant to an agreement under this section may be made for a nominal consideration or for a price less than its market value.

## SCHEDULE 8

### JOINT BOARD OF PRACTICE

Joint Board of  
Practice

**1(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, and
- (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 of Practice may act as a mediator of complaints or disputes of an interprofessional nature from members of the Architects Association or the Engineers Association or from persons who are not members when the complaint cannot be resolved by each of those Associations individually or by 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 and 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 regulations authorized under the Safety Codes 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.

## **SCHEDULE 9**

### **JUSTICE ADMINISTRATION**

Administration  
of justice

**1(1)** The Minister is by virtue of his office

- (a) Her Majesty's Attorney General in and for the Province of Alberta, and
- (b) Her Majesty's Solicitor General in and for the Province of Alberta.

**(2)** The Deputy of the Minister is the Deputy Attorney General and the Deputy Solicitor General.

Powers and  
duties of  
Minister

**2** The Minister

- (a) is the official legal advisor of the Lieutenant Governor;
- (b) shall ensure that public affairs are administered according to law;
- (c) shall superintend all matters relating to the administration of justice in Alberta that are within the powers or jurisdiction of the Legislature or the Government;
- (d) shall advise on legislative acts and proceedings of the Legislature and generally advise the Crown on matters of law referred to him by the Crown;
- (e) shall exercise the powers and is charged with the duties attached to the office of the Attorney General of England and the Solicitor General of England by law or usage in so far as those powers and duties are applicable to Alberta;
- (f) shall advise the heads of the several departments of the Government on matters of law connected with them respectively;
- (g) shall settle instruments issued under the Great Seal of the Province;
- (h) shall regulate and conduct litigation for or against the Crown or a public department in respect of subjects within the authority or jurisdiction of the Legislature;
- (i) is charged generally with any duties that may be at any time assigned to the Minister by law or by the Lieutenant Governor in Council;

(j) is responsible for the conduct of the following matters, the enumeration of which shall not be taken to restrict the general nature of any provision of this Schedule:

- (i) the recommendation of the appointment of and the giving of advice to sheriffs, registrars, judicial officers, medical examiners, notaries public and commissioners for oaths;
- (ii) the consideration of applications for bail and attendance thereon;
- (iii) the consideration and argument of appeals from convictions and acquittals of persons charged with indictable offences;
- (iv) the hearing of applications for the granting of fiats regarding petitions of right, criminal information, indictments, actions to set aside Crown patents, actions to recover fines and penalties and other actions of a similar nature;
- (v) the consideration of applications for the remission of fines and penalties;
- (vi) the appointment of counsel for the conduct of criminal business;
- (vii) the arrangement of the sittings of the courts of justice in Alberta and the regulation of the work of official court reporters;
- (viii) the supervision of the offices of the courts of law in Alberta;
- (ix) the consideration of proposed legislation and other matters of a public nature;
- (x) the drawing of special conveyances and instruments of a similar nature relating to the sale or purchase of property under any Act relating to public works or otherwise.

Provincial  
Secretary and  
Deputy

**3(1)** The Minister is by virtue of his office the Provincial Secretary.

**(2)** The Deputy of the Minister is the Deputy Provincial Secretary.

Duties and  
powers

**4(1) The Minister as Provincial Secretary**

- (a) has all the powers, duties and functions, in so far as they or any of them are applicable to Alberta, that are assigned by law or custom to the Provincial Secretaries and Registrars of the different provinces of Canada;
- (b) is the Keeper of the Great Seal of the Province;
- (c) shall issue letters patent, commissions and other documents under the Great Seal of the Province and countersign the letters patent, commissions and other documents except those that are countersigned by the Clerk of the Executive Council;
- (d) is the keeper of registers of the Province.

(2) Commissions issued by the Provincial Secretary under the Great Seal of the Province shall run in Her Majesty's name.

Registrar

**5(1) The Minister is the Registrar of the Province.**

(2) The Minister as Registrar shall register instruments of summons, commissions, letters patent, writs and other instruments and documents issued under the Great Seal of the Province.

(3) The signature of the Minister as Registrar is proof of the fact that the registers, instruments of summons, commissions, letters patent, writs and other instruments and documents exist and are lawfully in his possession.

(4) A copy of a document signed by the Minister as Registrar is equivalent to the original instrument itself when produced in a court in Alberta.

(5) Each document or copy of a document purporting to bear the signature of the Minister as Registrar is deemed to bear his signature until the contrary is proved.

Board of  
Review

**6** A member of the Board of Review appointed under section 619 of the Criminal Code (Canada) has the same privileges and immunities as a judge of the Court of Queen's Bench.

**SCHEDULE 10**  
**LABOUR STATUTES DELEGATION**

**Definitions**

**1** In this Schedule,

- (a) “delegated person” means an individual, corporation or municipality, other than a Provincial agency, as defined in the Financial Administration Act, to which a delegation is made under section 2;
- (b) “committee” means a committee established pursuant to section 3(1);
- (c) “official” means
  - (i) a board or corporation created by an Act or any of its officials that is vested with a power, duty or function by the Act or regulations under the Act;
  - (ii) an employee of the Crown in right of Alberta who is employed as a deputy minister, chair, officer, inspector, investigator, registrar, director or manager or in another office named in an enactment and who is vested with a power, duty or function by the enactment, but does not include an officer of a court.

**Delegation**

**2(1)** The Lieutenant Governor in Council may make regulations

- (a) delegating to one or more delegated persons any of the powers, duties or functions of the Minister or of an official under an enactment, except the power of the Minister or official
  - (i) to make regulations, as defined in the Regulations Act, and
  - (ii) to appoint members to boards and to prescribe the remuneration of such members;
- (b) authorizing a delegated person, with the consent of the Minister, to provide advice to the Minister named in the order, on the delegated powers, duties or functions;
- (c) imposing conditions on the delegated powers, duties or functions;

- (d) respecting limiting the liability of a delegated person and the delegated person's employees, agents, directors or officers or the members of a committee in an action for negligence with respect to the delegated power, duty or function when the delegated person, employee, agent, director, officer or member of a committee acts in good faith pursuant to the delegation, including but not limited to providing that any limitation of liability applicable to an official may be made applicable to a delegated person and the delegated person's employees, agents, directors and officers and members of a committee when they carry out the official's power, duty or function;
- (e) respecting an appeal from an action or decision of a delegated person or the delegated person's employees, agents, directors, officers or members of a committee that is not inconsistent with an appeal provided for, if any, in an enactment with respect to the action or decision;
- (f) authorizing a delegated person to collect money by the levy of assessments, fees and charges with respect to the delegated power, duty or function on persons or classes of persons specified in the regulations, and respecting how the assessments, fees and charges are to be imposed, collected and accounted for and authorizing the delegated person to use this money for the purposes of costs incurred in carrying out a delegated power, duty or function;
- (g) respecting the payment of a fee to a delegated person for the carrying out of a delegated power, duty or function;
- (h) authorizing a delegated person to collect money by the levy of assessments, fees and charges with respect to the delegated power, duty or function on persons or classes of persons specified in the regulations and respecting how the assessments, fees and charges are to be imposed, collected and accounted for and remitted to the Provincial Treasurer;
- (i) authorizing a delegated person, on behalf of the Crown, to collect money lawfully due to the Crown or a Provincial agency as defined in the Financial Administration Act
  - (i) in accordance with the enactment under which the money is lawfully due, or
  - (ii) by undertaking civil enforcement proceedings,
 and respecting how the money is collected and accounted for and remitted to the Provincial Treasurer;

- (j) respecting records that a delegated person is required to maintain;
  - (k) respecting the annual report under section 10.
- (2) When a delegation is made under subsection (1),
- (a) a reference in an enactment to the Minister or an official with respect to delegated powers, duties or functions is to be read as if it were a reference to the delegated person, and
  - (b) a person who is affected by an action taken or decision made by a delegated person pursuant to the delegation may appeal the action or decision in accordance with the enactment and the regulations under subsection (1).
- (3) Notwithstanding the Financial Administration Act, any money collected by a delegated person pursuant to subsection (1)(f) or (g) or section 8 belongs to the delegated person.

#### Rules

#### **3(1) A delegated person may make rules**

- (a) respecting the carrying out of a delegated power, duty or function;
  - (b) if the person is a corporation or municipality, respecting the calling of meetings pertaining to carrying out a delegated power, duty or function and the conduct of business at those meetings;
  - (c) respecting the appointment, removal, functions, powers, duties, remuneration and benefits of employees and agents of the delegated person and members of a committee, whose duties pertain to the carrying out of a delegated power, duty or function;
  - (d) delegating to the employees or agents of the delegated person and, in the case of a corporation or municipality to its directors, officers, employees or agents or a committee of the corporation or municipality, the carrying out of a delegated power, duty or function, except the power to make rules under this subsection;
  - (e) respecting the establishment, membership, duties and functions of special, standing and other committees with respect to the delegated power, duty or function.
- (2) A rule made under subsection (1) is not in force until it is approved by the Minister.

**(3)** The Regulations Act does not apply to a rule made under this section.

Confidentiality     **4** A delegated person and the person's employee, agent, director or officer or member of a committee may, with the consent of the Minister, disclose information that the person, employee, agent, director, officer or member of the committee obtains while carrying out a delegated power, duty or function.

Not Crown agent     **5** With respect to a delegation, a delegated person and the delegated person's employee, agent, director or officer or member of a committee are not agents of the Crown.

Financial Administration Act not applicable     **6** The Financial Administration Act does not apply to a delegated person with respect to a delegated power, duty or function.

Business Corporations Act, s.117(4)     **7** Section 117(4) of the Business Corporations Act does not apply to a corporation that is a delegated person in respect of the carrying out of a power, duty or function under this Schedule.

Assessment collections     **8** An assessment, fee or charge levied pursuant to the regulations under section 2(1)(f) is recoverable by the delegated person as a debt due to the delegated person.

Audit, inspection     **9(1)** For the purpose of ensuring that this Schedule and the regulations and rules under it are complied with, the Minister or a person designated by the Minister may, without a warrant, at any reasonable time, enter premises, other than a private dwelling, where a delegated person or the person's employee, agent or officer or member of a committee is carrying out a delegated power, duty or function and

(a) may inspect and make copies of any document related to the carrying out of the delegated power, duty or function, and

(b) may carry out an audit of the delegated person with respect to the delegated power, duty or function.

**(2)** On entering premises described in subsection (1) the Minister or designated person shall, on request, produce identification and provide advice on the power to carry out an inspection or audit.

(3) The Minister may charge the delegated person any reasonable costs incurred in carrying out an audit under subsection (1) and that charge is recoverable by the Minister as a debt due to the Crown.

Annual report

**10(1)** A delegated person shall, after the end of the person's fiscal year, prepare and submit to the Minister an annual report with respect to the person's powers, duties and functions under this Schedule.

(2) The report must include a general summary of the delegated person's policies and activities in that year, any rules made under section 3 in that year and a financial report that includes an audited financial statement.

(3) The Minister shall lay a copy of the report before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

Offence

**11** A delegated person and the person's employee, agent, director or officer or a member of a committee who contravenes a regulation or a rule under this Schedule is guilty of an offence and liable

- (a) for a first offence, to a fine of not more than \$2000 or a term of imprisonment of not more than 30 days or to both fine and imprisonment, and
- (b) on a subsequent offence, to a fine of not more than \$10 000 or a term of imprisonment of not more than 6 months or to both fine and imprisonment.

## **SCHEDULE 11**

### **MUNICIPAL AND CONSUMER MATTERS**

Loans and  
guarantees

**1(1)** In this section, “housing” means

- (a) buildings or structures suitable and adequate for human habitation that are or are to be used primarily for that purpose, or
- (b) projects for the provision, construction or rehabilitation of those buildings or structures,

and includes the infrastructure of, or the provision or construction of infrastructure for, those buildings, structures or projects.

**(2)** The Minister, when authorized by regulations under subsection **(3)**, may make loans for the following:

- (a) the cost of acquiring and preparing land for housing;
- (b) the cost of improving or developing land for housing;
- (c) the cost of designing, constructing, maintaining or improving housing;
- (d) the cost of providing sewer, water and other utilities in respect of housing;
- (e) any other purpose that the Minister considers incidental to or proper, necessary or desirable in connection with housing.

**(3)** The Lieutenant Governor in Council may make regulations

- (a) authorizing the Minister to make loans in accordance with and for the purposes mentioned in subsection **(2)**;
- (b) respecting the purposes for which loans may be made;
- (c) governing applications for loans;
- (d) respecting the persons or organizations or classes of persons or organizations eligible for loans;
- (e) respecting the conditions required to be met by any applicant for a loan to render that person eligible for it;
- (f) respecting the conditions on which a loan is made and the obligations of a person to whom a loan is made;

- (g) respecting the class of security that the Minister may require to be given by applicants respecting a loan;
  - (h) limiting the amount of a loan or class of loan;
  - (i) authorizing the Minister to delegate in writing to any employee or agent of the Government any duty or power respecting the making of a loan;
  - (j) requiring a recipient to account for the way in which a loan made by the Government is spent in whole or in part;
  - (k) authorizing the Minister to enter into an agreement with respect to any matter relating to the making of a loan.
- (4) Regulations made under subsection (3) may be specific or general in their application.
- (5) Notwithstanding subsection (3)(f), the Minister may impose further conditions not prescribed in the regulations on the making of a particular loan.
- (6) The Minister may do all things necessary to realize on any security given to the Government in consideration of a loan.

Powers and  
functions of  
Minister

## 2 The Minister

- (a) may develop and implement policies, programs, services and administrative procedures in matters pertaining to consumer protection;
- (b) may cause to be investigated complaints of practices that
  - (i) are in contravention of Acts for the protection of consumers,
  - (ii) appear to be detrimental either to a business or to a consumer, or
  - (iii) are unethical business practices;
- (c) may compile, study and assess information directly or indirectly related to matters pertaining to consumer protection in order to carry out his functions and responsibilities under this Schedule or any other Act and with a view to providing that information, or the results of the study and assessment, to departments of the Government, government agencies and the public;

- (d) may arrange for and assist in the representation of and on behalf of consumers before any tribunal whose decision or other action may materially affect the interests of consumers;
- (e) may do any other things he considers necessary for the furtherance of consumer protection.

Investigation  
and  
examination

**3(1)** In carrying out the powers conferred on the Minister by this Schedule, the Minister, or a person authorized in writing by him for the purpose, may, by notice to any person, require that person to furnish to him within the time specified in the notice written information verified by affidavit in connection with any matter under investigation.

**(2)** The Minister, or a person authorized in writing by him to conduct an investigation, has for the purposes of an investigation conducted under this Schedule, the powers of a commissioner appointed under the Public Inquiries Act.

**(3)** A person who fails to comply with a requirement made under subsection (1) is guilty of an offence and is liable to a fine of not more than \$500 and in default of payment to imprisonment for a term not exceeding 90 days.

**(4)** A person is not guilty of an offence under subsection (3) if in the circumstances of the case the time specified in the notice was unreasonable.

**SCHEDULE 12**  
**PUBLIC WORKS, SUPPLY AND SERVICES**

Definitions

**1** In this Schedule,

- (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 2 and 3, 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) “supplies” means materials, equipment and other personal property, and includes furnishings.

Acquisition of  
Government  
supplies

**2(1)** Subject to subsection (3),

- (a) the Minister is responsible for the acquisition and provision of all supplies that are required by the departments for the transaction of their business and affairs, and
- (b) every department shall acquire its supplies through the Minister.

(2) All acquisitions of supplies 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 otherwise than through the Minister would be practical or economical, the Minister, by an order which may be general or limited to the supplies to the department designated in the order, may permit such an acquisition.

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

Disposition of  
Government  
surplus  
supplies

**3(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

- (a) to 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) to a university, college or other educational institution or the owner of a public hospital,
- (c) to 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) to 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 that of profit or gain, or
- (e) to any person in accordance with a trust or other obligation in favour of that person.

Agency  
functions of  
the Minister

**4** 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 8(b) to (d).

Provision of  
supplies and  
services

**5** The Minister may, on request, acquire supplies on behalf of, or provide services to, approved hospitals as defined in the Hospitals Act, schools, post-secondary educational institutions and any organizations that carry out services or programs on behalf of the Government.

Health care facilities

**6** The Minister may enter into and carry out an agreement with a hospital board, a regional health authority under the Regional Health Authorities Act or a provincial health board under the Regional Health Authorities Act respecting the provision of services relating to the design, construction, alteration, extension, repair or demolition of a health care facility.

Minister's responsibility for public works

**7** 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 public works of the Government,
- (b) the design, construction, alteration, extension, repair, maintenance 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 Government, and
- (d) the disposal of all land that is or was held, used or occupied for public works of the Government.

Expropriation

**8** The Minister may acquire by expropriation any estate or interest in land for the purpose of public works.

Agreements for municipal public works

**9(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 10 of the Act, 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, public swimming pools or other municipal public works that in the opinion of the Minister and of the local authority are necessary or desirable.

**(3)** Every local authority, notwithstanding the Municipal Government 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

**10(1)** Subject to this section, the Minister may sell or otherwise dispose of any estate, interest or right in land held by the Crown and under his administration.

**(2)** The Minister may grant a lease, licence, easement or right of way with respect to land held by the Crown and under his administration.

**(3)** A sale or other disposition under subsection (1) may only be made

- (a) following an invitation to submit tenders or through a listing with a real estate agent licensed under the Real Estate Agents' Licensing Act,
- (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.

**(4)** Subsection (3)(a) does not apply

- (a) if the land is sold or otherwise disposed of to the person who sold the land to the Crown and that person owns land adjacent to that Crown land, or
- (b) if the land is sold or otherwise disposed of to a person who owns land adjacent to that Crown land to facilitate the development of the land.

**(5)** Subsection (3)(b) does not apply if the costs of conducting the sale or other disposition in accordance with that clause would, in the opinion of the Minister, exceed the market value of the land as determined by the Minister.

**(6)** Subsection (3)(c) does not apply if,

- (a) 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, or

(b) following the listing, no offers were received or the highest offer received was for less than the amount determined by the Minister, having regard to the appraisals, to be the market value of the land.

(7) Subsection (3)(a) and (c) do not apply if the sale or other disposition 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 or otherwise disposed of by the Minister.

(8) Subsection (3) does not apply if the sale or other disposition is made to a person referred to in section 3(3) and, where applicable, under circumstances, referred to in section 3(3).

(9) A sale or other disposition referred to in subsection (8) may be made for a nominal consideration.

(10) The Minister may transfer the administration of any public land under his administration to any other Minister of the Crown or to a Crown corporation if

(a) the public land is required under a program administered by that Minister or Crown corporation, and

(b) that Minister or Crown corporation consents in writing to the transfer.

(11) Notice of the sale or other disposition of land under subsection (1) must be published in The Alberta Gazette within 30 days after the land is sold.

(12) The notice must contain the name of the person to whom the land is sold or otherwise disposed of, a description of the land and the amount paid for the land.

Sale of  
improvements

**11** 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

**12(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 one year from the time the property came into the custody of the Government.

(2) If the property is not claimed within one 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 one 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 one 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

**13(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, presence of 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 \$1000.

(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 that it was erected by the Minister.

(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 in the certificate is owned or occupied by the Crown without proof of the Minister's appointment or signature.

**14(1)** In this section, “department” means

- (a) a department, branch or office of the Government of Alberta,
- (b) an agency, board, commission, corporation, office or other body designated as a department in the regulations,
- (c) the Executive Council Office,
- (d) the Legislative Assembly Office,
- (e) the office of the Auditor General, the Ombudsman, the Chief Electoral Officer, the Ethics Commissioner and the Information and Privacy Commissioner,
- (f) the Court of Appeal of Alberta, the Court of Queen’s Bench of Alberta, the Surrogate Court of Alberta and the Provincial Court of Alberta,
- (g) a treasury branch,
- (h) the office of a member of the Executive Council,

but does not include the office of the Speaker of the Legislative Assembly, the office of a member of the Executive Council with respect to personal records and constituency records and the office of a member of the Legislative Assembly.

**(2)** The Lieutenant Governor in Council may make regulations

- (a) respecting the management of records in the custody or under the control of a department, including their creation, handling, control, organization, retention, maintenance, security, preservation, disposition, alienation, destruction and their transfer to the Provincial Archives of Alberta;
- (b) establishing or governing the establishment of programs for any matter referred to in clause (a), including interdepartmental structures for implementing the programs;
- (c) prohibiting or restricting or governing the prohibition or restriction of access to records;
- (d) defining and classifying records;
- (e) respecting the departments, records or classes of records to which the regulations or any provisions of them apply.

## **SCHEDULE 13**

### **REGISTRIES ADMINISTRATION**

#### **Definitions**

#### **1(1) In this Schedule,**

- (a) “registry” means a registry, document recording system, information recording system, information bank, data bank or similar system
  - (i) that is under the administration of the Minister, or
  - (ii) that is operated by the Government and that is not under the administration of the Minister but for which the Minister is requested to provide services or otherwise deal with under this Schedule;
- (b) “registry agent” means a person who is not an employee of the Government and who enters into an agreement under section 3 to carry out registry services for the public;
- (c) “registry services” includes statutory functions and other functions, services and products that are provided or made available by or through the Government or one or more registries;
- (d) “statutory function” means a duty, task or other function that is performed or otherwise carried out pursuant to an enactment under or in the name of the office of a statutory officer, but does not include the power to make regulations under an enactment;
- (e) “statutory officer” means a person who holds an office that is established or otherwise provided for under an enactment and includes the Minister.

#### **(2) For the purposes of this Schedule,**

- (a) a reference to registrations includes
  - (i) the registration of a document in a registry,
  - (ii) the recording of information in a registry,
  - (iii) the filing of a document in a registry,
  - (iv) the providing of a document or information to a registry for the purposes of making a filing or registration in the registry, and

- (v) the issuance of a document by or in a registry under which a person has title to or claims an interest in property or that affects the status of property,

or any one or more of those functions, but does not include the provision of information that is not provided as part of the carrying out of a function referred to in subclauses (i) to (v);

- (b) a reference to a registry agent doing something or providing registry services means a registry agent doing something or providing registry services to, for or on behalf of a member of the public when requested, directed or otherwise authorized to do so by that member of the public;
- (c) a reference to the public includes any individual, organization, corporation, public institution or government and their heirs, executors, administrators and other legal representatives.

Establishment  
of the Division

**2** There is hereby established a division of a department of the Government to be known as “Alberta Registries”.

Provision of  
services by  
registry agents

**3(1)** The Minister may enter into an agreement with a person under which the person is authorized to be a registry agent.

**(2)** Notwithstanding that an enactment provides that a statutory function is to be carried out by a statutory officer, a registry agent may carry out that statutory function where permitted to do so under this Schedule, the regulations or an agreement entered into under this Schedule.

**(3)** Subject to this Schedule, where a registry agent provides registry services for a member of the public, the registry agent may, for the registry agent’s own benefit, charge and collect from that member of the public a service charge for providing those registry services.

**(4)** If the regulations establish a maximum or minimum amount of a service charge that a registry agent may collect for providing a registry service, a registry agent may not charge or collect a service charge that is greater than that maximum amount or less than that minimum amount, as the case may be.

Registrations  
by registry  
agents

**4(1)** The Minister may enter into an agreement with a registry agent under which the registry agent may carry out, on behalf of the public, registrations in a registry using the facilities and services provided by that registry agent.

	<p>(2) A registry agent shall not carry out registrations in a registry on behalf of the public except when permitted to do so under an agreement entered into between the Minister and the registry agent and in accordance with that agreement.</p> <p>(3) For the purposes of carrying out registrations under the enactments under which a registry operates using the facilities and services provided by a registry agent, the Minister may, notwithstanding any provision of those enactments, make regulations facilitating the carrying out of registrations in that registry using the facilities and services provided by that registry agent.</p>
Agent of Crown	<p><b>5(1)</b> A registry agent is an agent of the Crown in right of Alberta, but only for the purposes of carrying out registry services as permitted pursuant to this Schedule or the agreement entered into between the Minister and the registry agent.</p> <p>(2) Where a statutory function is carried out or purported to be carried out by a registry agent, that statutory function is deemed to have been carried out or purported to have been carried out by the appropriate statutory officer.</p>
Provision of services, etc. by the Government	<p><b>6(1)</b> The Minister may enter into an agreement with a person who is not a registry agent under which that person acquires services or products or carries out functions that are provided or made available by or through the Government or a registry.</p> <p>(2) Where a person enters into an agreement under subsection (1), that person is not by virtue of that agreement or any dealings carried out under that agreement</p> <p>(a) an agent of the Crown in right of Alberta, or</p> <p>(b) a registry agent or empowered to carry on the business of a registry agent.</p> <p>(3) A person who enters into an agreement with the Minister under subsection (1) shall not acquire services or products or carry out functions except as permitted under that agreement.</p>
Funds held in trust	<p><b>7</b> Where a registry agent or other person has possession of or control over funds that are owing to the Government, those funds</p> <p>(a) are deemed to be held in trust for the Government, and</p> <p>(b) are deemed to be separate from and not to form any part of any funds belonging to the registry agent or other person or the registry agent's or other person's estate whether or not those funds have in fact been kept separate and apart from</p>

funds belonging to the registry agent or other person or the registry agent's or other person's estate.

Recovery from  
registry  
agents, etc.

**8 If the Government**

- (a) is liable for something done or omitted to be done by a registry agent or other person,
- (b) assumes the liability for something done or omitted to be done by a registry agent or other person, or
- (c) assumes an obligation for something done or omitted to be done by a registry agent or other person,

and the Government makes a payment in respect of that liability or obligation, the registry agent or the other person, as the case may be, shall, subject to any agreement entered into between the Government and the registry agent or the other person, indemnify the Government for that payment and any interest owing in respect of that payment, notwithstanding any law that provides otherwise.

Regulations

**9(1) The Minister may make regulations**

- (a) respecting the holding and handling of money by registry agents;
- (b) respecting the carrying out of registry services;
- (c) respecting the provision of information;
- (d) respecting the maximum and minimum amounts that may be charged by registry agents as service charges.

(2) Where an enactment under which a registry operates provides for the carrying out of registry services, the Minister may, notwithstanding that enactment, make regulations for the purposes of facilitating the carrying out of those registry services using the facilities and services provided by registry agents.

(3) Notwithstanding any provision in an enactment under which a registry operates or otherwise carries out registry services, the Minister may with respect to the establishment or collection of any fees or charges under that enactment make regulations

- (a) prescribing any fees or charges to be paid with respect to registrations carried out under that enactment;
- (b) prescribing any fees or charges, other than fees or charges referred to in clause (a), to be paid for the carrying out of registry services under or relating to that enactment.

(4) Notwithstanding subsection (3), the Minister may charge any fees or charges, other than fees or charges referred to in subsection (3)(a), that the Minister considers appropriate for the carrying out of a registry service where a fee or charge is not prescribed under subsection (3)(b) for the carrying out of that registry service.

(5) If, with respect to the same matter,

(a) a fee or charge is established pursuant to an enactment, and

(b) a fee or charge is established or otherwise provided for under subsection (3) or (4),

the fee or charge referred to in clause (b) prevails over the fee or charge referred to in clause (a).

Court order

**10(1)** If a person fails to comply with this Schedule or a regulation or an agreement made under this Schedule, the Minister may apply to the Court of Queen's Bench for an order granting the relief provided for under subsection (5).

(2) An application under this section shall be by way of an originating notice.

(3) On the filing of an originating notice with the clerk of the Court of Queen's Bench, the Court may, if it considers it necessary in the circumstances, hear an interim application on one day's notice, or such longer period as the Court may direct, and make an interim order granting such relief as the Court considers appropriate pending the determination of the application.

(4) An interim order under subsection (3) may be made ex parte if the Court considers it appropriate to do so in the circumstances.

(5) On hearing an application the Court may do one or more of the following:

(a) direct the person to comply with this Schedule, the regulations or the agreement made under this Schedule, as the case may be;

(b) direct a person to cease carrying out any action that in the opinion of the Court does not comply with this Schedule, the regulations or the agreement made under this Schedule, as the case may be;

(c) give those directions that it considers necessary in order to ensure compliance with this Schedule, the regulations or the agreement made under this Schedule, as the case may be;

- (d) make its order subject to any terms or conditions that the Court considers appropriate;
- (e) dismiss the application;
- (f) award costs.

(6) Nothing in this section shall be construed so as to restrict or otherwise affect any right of action or remedy that the Government has at law or under an enactment or an agreement.

Offences

**11(1)** No person shall

- (a) purport to be a registry agent, or
- (b) carry on the business of a registry agent,

unless that person is a registry agent under this Schedule.

(2) Where a regulation is made under this Schedule governing the provision of information, no person shall provide information in contravention of that regulation.

(3) A person who contravenes subsection (1) or (2) or section 4(2) is guilty of an offence and liable to a fine of not more than \$10 000 or to a term of imprisonment of not more than one year or to both a fine and a term of imprisonment.

(4) Nothing in subsection (1) shall be construed so as to prohibit or restrict a lawyer from carrying out the practice of law as permitted under the Legal Profession Act or carrying out any task or function that is ancillary to the carrying out of the practice of law.

## **SCHEDULE 14**

### **TRANSPORTATION MATTERS**

Definition	<p><b>1</b> In this Schedule, “highway” or “road”</p> <p>(a) means land used or surveyed for use as a public highway or road, and</p> <p>(b) includes a bridge forming part of a public highway or road and any structure incidental to the public highway or road or bridge.</p>
Administration of highways, railways and airports	<p><b>2</b> Unless the administration is assigned or transferred to some other minister by an Act or by an order of the Lieutenant Governor in Council, the Minister of Transportation and Utilities has the administration of all highways the title to which is vested in the Crown in right of Alberta and all airports, airstrips and railways held, used or occupied by, or the title to which is vested in, the Crown in right of Alberta.</p>
Disposal of land, etc.	<p><b>3(1)</b> The Minister may sell, lease or otherwise dispose of any public land under his administration in accordance with section 10 of Schedule 12.</p> <p>(2) When any machinery, vehicles, equipment, stock or material not acquired by purchase out of the revolving fund is no longer required, the Minister may sell, lease or otherwise dispose of it on any terms and conditions he considers proper and the proceeds, if any, of the sale or disposition form part of the General Revenue Fund.</p> <p>(3) When practicable, property referred to in subsection (2) shall be sold, leased or otherwise disposed of by tender or by public auction.</p> <p>(4) A lease or disposition of a mine or mineral shall be made pursuant to the Mines and Minerals Act.</p>
Construction, maintenance and repair	<p><b>4</b> The design, construction, alteration, repair and maintenance of a highway, airport, airstrip or railway for which the Minister is responsible may be done either</p> <p>(a) by employees of his Department, or</p> <p>(b) by any other persons under contract or commission, when the Minister is of the opinion that</p>

(i) from the nature of the work, it can be executed more expeditiously or economically in that manner, or

(ii) it is desirable or expedient to do so.

Airstrips and  
airports

**5(1)** The Minister may, in relation to airstrips and airports that are or are to be under his administration,

- (a) purchase land for an airstrip or airport or the site of any structure incidental to the airstrip or airport;
- (b) construct, operate and maintain airstrips or airports;
- (c) control traffic on and regulate the use of airstrips and airports.

**(2)** There is no obligation on the Minister to construct or maintain any airport or airstrip for public use.