

1994 BILL 59

Second Session, 23rd Legislature, 43 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 59

**MISCELLANEOUS STATUTES AMENDMENT
ACT, 1994 (NO. 2)**

THE MINISTER OF JUSTICE
AND ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 59

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1994

MISCELLANEOUS STATUTES AMENDMENT ACT, 1994 (NO. 2)

(Assented to , 1994)

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

Agricultural Service Board Act

Amends RSA
1980 cA-11

- 1 The Agricultural Service Board Act is amended in section 9*
- (a) in subsection (1) by striking out "district agriculturist" and substituting "person designated by the Minister for the purposes of this section";*
- (b) in subsections (2) and (3) by striking out "district agriculturist" and substituting "person referred to in subsection (1)".*

Farm Implement Act

Amends SA
1982 cF-4.1

- 2(1) The Farm Implement Act is amended by this section.*
- (2) Section 7(2) is amended by striking out "a reasonable length of time" and substituting "the time determined in accordance with the regulations".*

Explanatory Notes

Agricultural Service Board Act

1 Amends chapter A-11 of the Revised Statutes of Alberta 1980. Section 9 presently reads:

9(1) In a county, the district agriculturist shall

- (a) advise the agricultural committee concerning the agricultural problems and needs of the county,*
- (b) assist the agricultural committee in the discharge of its duties, and*
- (c) assist the agricultural fieldman of the county in technical matters in the discharge of his duties relating to agriculture.*

(2) In the exercise of his duties, the district agriculturist may attend all meetings of the county council and the agricultural committee.

(3) In a county, the district agriculturist shall exercise the functions, duties and powers that under sections 15, 16 and 22 are exercised in other municipalities by the representative of the Minister on a board.

Farm Implement Act

2(1) Amends chapter F-4.1 of the Statutes of Alberta, 1982.

(2) Section 7(2) presently reads:

(2) Repair parts shall be made available to the purchaser within a reasonable length of time after a request for them is made to the

(3) Section 29 is amended by adding the following after clause (n):

- (o) determining the time within which repair parts are to be made available for the purposes of section 7(2).*

Fuel Tax Act

Amends SA
1987 cF-22.5

3 The Fuel Tax Act is amended in section 39(1)(m) by striking out "1(1)(a)(i)" and substituting "1(1)(o)".

Health Disciplines Act

Amends RSA
1980 cH-3.5

4 The Health Disciplines Act is amended in section 28.2 by striking out "by regulation".

Maintenance Enforcement Amendment Act, 1994

Amends SA
1994 c21

5(1) The Maintenance Enforcement Amendment Act, 1994 is amended by this section.

(2) Section 3 is amended

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

(a) in subsection (2) by striking out "and" at the end of clause (a), adding ", and" at the end of clause (b) and adding the following after clause (b):

(c) the portion of jointly owed money that is deemed under subsection (2.1) to be owned by the debtor.

(b) in clause (b)

(i) in subsection (2.1) by striking out "hold" and substituting "are owed";

(ii) in subsection (2.2) by striking out "other";

(iii) in subsection (2.2) by striking out "holds" and substituting "is owed";

distributor or dealer but neither the distributor nor the dealer is responsible for any delay in delivering a required part that is due to circumstances beyond his control.

- (3) Lieutenant Governor in Council authority to make regulations.

Fuel Tax Act

- 3** Amends chapter F-22.5 of the Statutes of Alberta, 1987. Section 39(1)(m) presently reads:

39(1) The Lieutenant Governor in Council may make regulations

(m) prescribing substances for the purposes of section 1(1)(a)(i);

Health Disciplines Act

- 4** Amends chapter H-3.5 of the Revised Statutes of Alberta 1980. Section 28.2 presently reads:

28.2 The Minister may by regulation prescribe forms for the purposes of this Act.

Maintenance Enforcement Amendment Act, 1994

- 5(1)** Amends chapter 21 of the Statutes of Alberta, 1994.

- (2) Section 3 presently reads:

3 *Section 13 is amended*

(a) in subsection (2) by striking out "and" at the end of clause (a), adding ", and" at the end of clause (b) and adding the following after clause (b):

(c) the portion of jointly owned money that is deemed under subsection (2.1) to be owned by the debtor.

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

(2.1) If a person required to pay under a notice of continuing attachment owes money jointly to a debtor and one or more other persons, for the purposes of this Act it is deemed that the money is divided into as many equal portions as there are persons who hold the money jointly and that the debtor is the unconditional and sole owner of one portion of the money.

(2.2) The Director and the debtor, and any other person who holds money jointly with the debtor, may, in

(iv) *in subsection (2.3) by striking out “holds” and substituting “is owed”;*

(v) *in subsection (2.3) by striking out “hold” wherever it occurs and substituting “are owed”.*

Motor Vehicle Administration Act

Amends RSA
1980 cM-22

6(1) The Motor Vehicle Administration Act is amended by this section.

(2) Section 101(7) and (8) are repealed and the following is substituted:

(7) A person, other than a corporation, who is guilty of an offence under section 70(5), 71 or 72 is liable

(a) for a first offence, to a fine of not less than \$2500 and not more than \$10 000 and in default of payment to imprisonment for a term of not less than 30 days and not more than 6 months, and

(b) for each subsequent offence committed within one year after the commission of the offence referred to in clause (a), to imprisonment for a term of not less than 60 days and not more than 6 months.

(8) A corporation that is guilty of an offence under section 71 or 72 is liable

(a) for a first offence to a fine of not less than \$5000 and not more than \$20 000, and

(b) for any subsequent offence to a fine of not less than \$7500 and not more than \$25 000.

(3) Section 107 is repealed and the following is substituted:

Subsequent
offence

107(1) On the conviction of a person of an offence under section 70(5), 71 or 72, the Minister may, notwithstanding section 57(1.1), suspend the convicted person's operator's licence and certificates of registration or any permit issued to the convicted person under this Act.

accordance with the regulations, apply by notice of motion to the Court of Queen's Bench

(a) for an order that the debtor is entitled to a smaller or greater portion of the money, and

(b) for appropriate relief.

(2.3) Notice of an application under subsection (2.2) must be served,

(a) if the applicant is the debtor or a person who holds money jointly with the debtor, on all the other persons who hold the money jointly, the creditor and the Director, or

(b) if the applicant is the Director, on all the persons who hold the money jointly.

Motor Vehicle Administration Act

6(1) Amends chapter M-22 of the Revised Statutes of Alberta 1980.

(2) Section 101(7) and (8) presently read:

(7) A person, other than a corporation, who is guilty of an offence under section 70(5), 71 or 72 is liable

(a) for a first offence, to a fine of not less than \$600 and not more than \$2500 and in default of payment, to imprisonment for a term of not less than 14 days or more than 6 months, and

(b) for each subsequent offence committed within one year after the commission of the offence referred to in clause (a), to imprisonment for a term of not less than 30 days or more than 6 months.

(8) A corporation that is guilty of an offence under section 71 or 72 is liable

(a) for a first offence to a fine of not less than \$1500 and not more than \$3000, and

(b) for any subsequent offence to a fine of not less than \$2000 and not more than \$3500.

(3) Section 107 presently reads:

107 On the conviction of a person of a second or subsequent offence under section 70(5), 71 or 72 the Minister may

(a) suspend the operator's licence of the convicted person,

(2) A suspension under subsection (1) continues until the convicted person files with the Minister proof of financial responsibility in a form and in an amount satisfactory to the Minister.

(3) When an operator's licence or a certificate of registration or permit issued under this Act is suspended or cancelled pursuant to subsection (1), the person to whom it was issued shall, if required by the Minister, immediately return

(a) the operator's licence,

(b) the certificate of registration and licence plates, or

(c) the permit,

as the case may be, to the Minister.

(4) A person who fails to return an operator's licence, certificate of registration, licence plate or permit as required by subsection (3) is guilty of an offence.

(4) The amendments contained in this section apply to offences committed on or after January 1, 1995.

(5) This section comes into force on January 1, 1995.

Municipal Government Act

Amends SA
1994 cM-26.1

7 *The Municipal Government Act (SA 1994 cM-26.1) is amended in section 644(n) by adding "(RSA 1980 cM-26)" after "Act".*

Oil and Gas Conservation Act

Amends RSA
1980 cO-5

8 *The Oil and Gas Conservation Act is amended by repealing section 20.1 and substituting the following:*

Interpretation

20.1 For the purposes of sections 20.2, 20.3 and 20.4 "licensee" and "working interest participant" include a person who has actual control of the corporation, including a person referred to in section 2(2) of the *Business Corporations Act*.

- (b) *require the licence plates in respect of every motor vehicle owned by the convicted person to be returned to him, or*
- (c) *require the convicted person to file with him proof of financial responsibility in a form and in an amount satisfactory to him.*

(4) Application.

(5) Coming into force.

Municipal Government Act

7 Section 644(n) presently reads:

644 The following Acts are repealed:

(n) Municipal Government Act;

Oil and Gas Conservation Act

8 Amends chapter O-5 of the Revised Statutes of Alberta 1980. Section 20.1 presently reads:

20.1 For the purposes of sections 20.2, 20.3 and 20.4, a licensee or a working interest participant who is also a licensee includes a person who has actual control of the licensee, including a person referred to in section 2(2) of the Business Corporations Act.

Parentage and Maintenance Act

Amends SA
1990 cP-0.7

9(1) The Parentage and Maintenance Act is amended by this section.

(2) Section 7(2) is amended by repealing clause (d) and substituting the following:

(d) the Director on behalf of the Government, where the Government has a right of subrogation under section 14 of the Social Development Act.

(3) Section 18(1) is amended by repealing clause (e) and substituting the following:

(e) the Director on behalf of the Government, where the Government has a right of subrogation under section 14 of the Social Development Act.

Public Service Employee Relations Act

Amends RSA
1980 cP-33

10 The Public Service Employee Relations Act is amended by repealing section 61 and substituting the following:

Application of
Labour
Relations
Code

61 Sections 132 to 144 of the *Labour Relations Code* apply in respect of collective agreement arbitration under this Act, except that in sections 134(e), 135(1), 136(1)(a) and (b) and 139(2) and (4) of the Code, the references to “Director” shall be read as references to “Board”.

Parentage and Maintenance Act

9(1) Amends chapter P-0.7 of the Statutes of Alberta, 1990.

(2) Section 7(2) presently reads:

(2) An application under subsection (1) may be made by

(a) a parent,

(b) a child,

(c) a person who has the care and control of a child, or

(d) the Director on behalf of a recipient of a social allowance as defined in the Social Development Act.

(3) Section 18(1) presently reads:

18(1) An application to vary or terminate an order or a filed agreement may be made to the Court by

(a) a person required by the order or filed agreement to make a payment,

(b) a parent of a child who is the subject of the order or filed agreement,

(c) a person who has the care and control of a child who is the subject of the order or filed agreement,

(d) a child who is the subject of the order or filed agreement, or

(e) the Director on behalf of a recipient of a social allowance as defined in the Social Development Act.

Public Service Employee Relations Act

10 Section 61 presently reads:

61 Sections 132 to 144 of the Labour Relations Code apply in respect of collective agreement arbitration under this Act.

Senatorial Selection Act

Amends SA
1989 cS-11.5

11 The Senatorial Selection Act is amended in section 60 by striking out "1994" and substituting "1999".

Social Development Act

Amends RSA
1980 cS-16

12(1) The Social Development Act is amended by this section.

(2) Section 14(3) is repealed and the following is substituted:

(3) If the Government is subrogated to any right pursuant to this section, it may

(a) start an action or make an application in its own name or in the name of the person to whose rights it is subrogated, including an action to obtain or vary an order for maintenance, and

(b) oppose an application to vary a maintenance order.

Social Work Profession Act

Amends SA
1991 cS-16.5

13(1) The Social Work Profession Act is amended by this section.

(2) Section 1(b) is amended by adding "Registered" before "Social".

(3) The heading to Part 2 is amended by adding "REGISTERED" before "SOCIAL".

(4) Section 4(1) is amended by adding "Registered" before "Social".

Senatorial Selection Act

11 Amends chapter S-11.5 of the Statutes of Alberta, 1989. Section 60 presently reads:

60 This Act expires December 31, 1994.

Social Development Act

12(1) Amends chapter S-16 of the Revised Statutes of Alberta 1980.

(2) Section 14(3) presently reads:

(3) If the Government is subrogated to any right pursuant to this section it may bring an action or make an application in its own name or the name of the person to whose rights the Government is subrogated.

Social Work Profession Act

13(1) Amends chapter S-16.5 of the Statutes of Alberta, 1991.

(2) Section 1(b) presently reads:

1 In this Act,

(b) "Association" means the Alberta Association of Social Workers;

(3) The heading to Part 2 presently reads:

ALBERTA ASSOCIATION OF SOCIAL WORKERS

(4) Section 4(1) presently reads:

4(1) The Alberta Association of Social Workers is hereby continued as a corporation.