

1995 BILL 36

---

Third Session, 23rd Legislature, 44 Elizabeth II

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 36**

**AGREEMENT ON INTERNAL TRADE  
STATUTES AMENDMENT ACT, 1995**

---

---

MR. RENNER

---

---

First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

---

---

Bill 36  
Mr. Renner

## BILL 36

1995

### AGREEMENT ON INTERNAL TRADE STATUTES AMENDMENT ACT, 1995

(Assented to , 1995)

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

#### Alberta Opportunity Fund Act

Amends RSA  
1980 cA-34

*1 The Alberta Opportunity Fund Act is amended in section 2(2)(b)  
by striking out "residing in Alberta".*

#### Apprenticeship and Industry Training Act

Amends SA  
1991 cA-42.3

*2(1) The Apprenticeship and Industry Training Act is amended by  
this section.*

*(2) Section 21 is amended*

*(a) by repealing subsection (2) and substituting the following:*

*(2) Subject to the regulations, a person may be granted a  
trade certificate in a compulsory certification trade*

*(a) on successfully completing the apprenticeship  
program in that trade, or*

*(b) on successfully meeting other requirements that may  
be established, approved or otherwise recognized by  
the Board.*

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

## **Explanatory Notes**

### **Alberta Opportunity Fund Act**

**1** Amends chapter A-34 of the Revised Statutes of Alberta 1980. Section 2(2)(b) presently reads:

*(2) The Company shall give priority in the achievement of its objects to*

*(b) commercial enterprises owned and operated by Canadian citizens residing in Alberta;*

### **Apprenticeship and Industry Training Act**

**2(1)** Amends chapter A-42.3 of the Statutes of Alberta, 1991.

**(2)** Section 21 presently reads in part:

*(2) Subject to the regulations, a person may be granted a trade certificate in a compulsory certification trade on successfully completing the apprenticeship program in that trade.*

*(3) A person shall not work in a compulsory certification trade unless that person*

*(a) holds a trade certificate in that trade,*

*(b) has filed an application under this Act to participate in the apprenticeship program in that trade and that application is subsisting,*

*(c) is an apprentice in the apprenticeship program in that trade,*

- (c.1) is registered in a program of training provided in another jurisdiction and recognized by the Board as equivalent to an apprenticeship program in that trade,

*(3) Section 22 is amended*

*(a) by repealing subsection (2) and substituting the following:*

**(2)** Subject to the regulations, a person may be granted a trade certificate in an optional certification trade

- (a) on successfully completing the apprenticeship program in that trade, or
- (b) on successfully meeting other requirements that may be established, approved or otherwise recognized by the Board.

*(b) in subsection (3) by adding the following after clause (d):*

- (d.1) is registered in a program of training provided in another jurisdiction and recognized by the Board as equivalent to an apprenticeship program in that trade,

*(4) Section 33(2) is amended*

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

- (f) providing, subject to any conditions that the Board may impose, that a document that is issued by another jurisdiction relating to the skill and knowledge of a person in a designated trade shall be recognized as being equivalent to a trade certificate granted under this Act;

*(b) by repealing clause (h) and substituting the following:*

- (h) governing the examination of, or the recognition of training or work experience of, persons who have certification, recognition, training or experience in a designated trade;
- (i) governing the requirements for a person to be granted a trade certificate under section 21(2)(b) or 22(2)(b).

- (d) is a student in a student work training program in that trade, or*
- (e) is authorized under section 23 to work or to perform one or more tasks, activities or functions in that trade.*

(3) Section 22 presently reads in part:

*(2) Subject to the regulations, a person may be granted a trade certificate in an optional certification trade on successfully completing the apprenticeship program in that trade.*

*(3) A person shall not work in an optional certification trade unless that person*

- (a) is permitted to work in that trade under subsection (4) or (5),*
- (b) holds a trade certificate in that trade,*
- (c) has filed an application under this Act to participate in the apprenticeship program in that trade and that application is subsisting,*
- (d) is an apprentice in the apprenticeship program in that trade,*
- (e) is a student in a student work training program in that trade, or*
- (f) is authorized under section 23 to work or to perform one or more tasks, activities or functions in that trade.*

(4) Section 33(2) presently reads in part:

*(2) The Board, with the approval of the Minister, may in respect of designated trades make regulations*

- (e) governing the approval, registration or other recognition by the Board of student work training programs;*
- (f) providing, subject to any conditions that the Board may impose, that a document*
  - (i) that is issued in another jurisdiction pursuant to legislation that is similar to this Act, and*
  - (ii) that if issued under this Act would be a trade certificate granted in a designated trade,**shall be recognized as being equivalent to a trade certificate granted under this Act;*
- (h) governing the examination of persons or the recognition of training or work experience of persons who have*

(5) *Section 37(2)(k) is repealed and the following is substituted:*

- (k) providing, subject to any conditions that the Board may impose, that a document that is issued by another jurisdiction relating to the skill and knowledge of a person in a designated occupation shall be recognized as being equivalent to an occupational certificate granted under this Act.

#### **Architects Act**

Amends RSA  
1980 cA-44.1

3 *The Architects Act is amended in section 27*

(a) *by repealing subsection (1)(b);*

(b) *by repealing subsection (2)(b)(i).*

#### **Child Welfare Act**

Amends SA  
1984 cC-8.1

4 *The Child Welfare Act is amended in section 69.1(1) by adding the following after clause (a):*

- (a.1) an extra-provincial corporation registered under Part 21 of the *Business Corporations Act* if, in the opinion of a

*certification, recognition or training in a trade in another jurisdiction.*

(5) Section 37(2)(k) presently reads:

*(2) The Board, with the approval of the Minister, may in respect of designated occupations make regulations*

*(k) providing, subject to any conditions that the Board may impose, that a document*

*(i) that is issued in another jurisdiction pursuant to legislation that is similar to this Act, and*

*(ii) that if issued under this Act would be an occupational certificate granted in a designated occupation,*

*shall be recognized as being equivalent to an occupational certificate granted under this Act.*

#### **Architects Act**

**3** Amends chapter A-44.1 of the Revised Statutes of Alberta 1980. Section 27 presently reads in part:

*27(1) The Registrar may cancel the registration of*

*(b) a registered architect who has ceased to be ordinarily resident in Alberta;*

*(2) The notice under subsection (1) shall state that the Registrar may cancel the registration unless, as the case may be,*

*(b) evidence satisfactory to the Registrar has been received by him within the time prescribed in the notice that*

*(i) the registered architect continues to be ordinarily resident in Alberta,*

*(ii) the architects corporation has shareholders, directors or officers in compliance with the regulations, or*

*(iii) the joint firm has at least one registered architect and at least one professional engineer to take the responsibility referred to in section 18(2)(b).*

#### **Child Welfare Act**

**4** Amends chapter C-8.1 of the Statutes of Alberta, 1984. Section 69.1(1) presently reads:

*69.1(1) An application for a licence to operate an adoption agency, or for a renewal of a licence, may be submitted to a director in accordance with this Part and the regulations by*

director, the corporation does not carry on business for the purpose of gain,

### **Government Organization Act**

Amends SA  
1994 cG-8.5

*5 The Government Organization Act is amended in Schedule 6 by adding the following after section 1:*

Appointment  
of screeners  
under Internal  
Trade  
Agreement

**2** The Minister may appoint one or more persons as screeners under Article 1713 of the Agreement on Internal Trade.

Ombudsman  
as screener

**3(1)** The Ombudsman may be appointed as a screener.

(2) If the Ombudsman is to be appointed as a screener, the appointment must be made by the Lieutenant Governor in Council with the prior approval of the Legislative Assembly.

(3) If the Legislative Assembly is not sitting, the Lieutenant Governor in Council may appoint the Ombudsman as a screener with the prior approval of the Standing Committee on Legislative Offices, but the appointment must be confirmed by the Legislative Assembly within 30 days after the commencement of the next sitting of the Legislative Assembly.

(4) If an appointment under subsection (3) is not confirmed within 30 days after the commencement of the next sitting of the Legislative Assembly, the appointment of the Ombudsman as a screener lapses.

(5) The appointment of the Ombudsman as a screener may be rescinded at any time by the Lieutenant Governor in Council with the prior approval of the Standing Committee on Legislative Offices, but the rescission must be confirmed by the Legislative Assembly within 30 days after the commencement of the next sitting of the Legislative Assembly.

(6) If a matter is referred to the Ombudsman as screener and in the opinion of the Ombudsman there is a conflict with respect to that matter between his function as Ombudsman and his function as screener, the Ombudsman must inform the Minister and the Standing Committee on Legislative Offices of that conflict.

(7) On being informed by the Ombudsman under subsection (6), the Minister may designate another person appointed as a screener to carry out the matter.



- (a) a body incorporated under the Societies Act,*
- (b) a body referred to in Part 9 of the Companies Act, or*
- (c) a body incorporated under Part II or III of the Canada Corporations Act (Canada).*

#### **Government Organization Act**

**5** Amends chapter G-8.5 of the Statutes of Alberta, 1994. Provisions relating to the Agreement on Internal Trade.

(8) A person employed or engaged in the Office of the Ombudsman may provide assistance to the Ombudsman in carrying out the Ombudsman's function as screener.

Enforcement  
of panel  
awards

4 Where a panel has made an award of costs under Article 1718(3) of the Agreement on Internal Trade, the person entitled to the award may at any time file a certified copy of that award with the clerk of the Court of Queen's Bench, and on being filed with the clerk of the Court of Queen's Bench that award has the same force and effect as if it were a judgment of the Court of Queen's Bench.

#### **Land Surveyors Act**

Amends SA  
1981 cL-4.1

6 *The Land Surveyors Act is amended*

(a) *by repealing section 15(1)(j);*

(b) *by repealing section 30(1)(b).*

#### **Motor Transport Act**

Amends RSA  
1980 cM-20

7(1) *The Motor Transport Act, RSA 1980 cM-20, is amended by this Act.*

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

(s.1) "safety fitness certificate" means a public vehicle safety fitness certificate issued under this Act;

(3) *Section 18 is amended in subsections (1) and (2) by adding "or a safety fitness certificate" after "operating authority certificate".*

### **Land Surveyors Act**

**6** Amends chapter L-4.1 of the Statutes of Alberta, 1981. Sections 15(1)(j) and 30(1)(b) presently read:

*15(1) The Council may make regulations*

*(j) requiring an Alberta land surveyor to reside in Alberta if he is to maintain his registration as an Alberta land surveyor or in any other place that may be prescribed in the regulations or permitted by the Council;*

*30(1) The Council may direct the Registrar to cancel the registration of*

*(b) an Alberta land surveyor who does not comply with the residency requirements specified in the regulations,*

### **Motor Transport Act**

**7(1)** Amends chapter M-20 of the Revised Statutes of Alberta 1980.

**(2)** New definition.

**(3)** Section 18 presently reads:

*18(1) The Board may issue an operating authority certificate authorizing intraprovincial or extraprovincial transportation of goods or passengers.*

*(2) The Board may exempt the transportation of any goods or the operation of any vehicle or class of vehicles from the requirement of an operating authority certificate.*

*(4) Section 35(1) is amended*

*(a) by renumbering clause (a) as clause (a.01) and by adding the following before clause (a.01):*

*(a) establishing and governing the criteria to be met by a person in order for that person to be granted or to hold a certificate;*

*(b) in clause (d) by adding “or a safety fitness certificate” after “operating authority certificate”.*

*(5) Section 36 is amended*

*(a) in clause (a) by striking out “or permit” and substituting “, a safety fitness certificate or a permit”;*

*(b) in clause (c) by striking out “or any permit” and substituting “, safety fitness certificate or permit”.*

*(6) Section 37(1) and (2) are amended by adding “or a safety fitness certificate” after “operating authority certificate”.*

*(7) Section 46(4) is amended by adding “or a safety fitness certificate” after “operating authority certificate”.*

*(3) No operating authority certificate confers exclusive rights on the holder of it or precludes the Board in any way from granting any other operating authority certificates that the Board considers appropriate.*

(4) Section 35(1)(a) and (d) presently read:

*35(1) The Board may make orders*

*(a) governing routes, tolls and express rates relating to passenger transportation;*

*(d) exempting the operation of any public vehicle or class of public vehicles from the necessity of obtaining an operating authority certificate;*

(5) Section 36 presently reads:

*36 No person may operate a public vehicle on a highway for the purpose of transporting goods or passengers unless*

*(a) the operation is carried out pursuant to the authority of an operating authority certificate or permit or an exemption has been obtained under this Act with respect to the particular operation,*

*(b) the vehicle is the subject of a subsisting certificate of registration under the Motor Vehicle Administration Act, a permit issued under section 19 or a certificate issued pursuant to a reciprocal agreement under section 12 or 13, and*

*(c) the operation is carried out in accordance with the terms and conditions of the operating authority certificate or any permit and with the provisions of this Act and the regulations.*

(6) Section 37(1) and (2) presently read:

*37(1) Subject to the regulations, no person may carry on the business of an agent arranging for the transportation of goods or passengers on any highway unless he has been appointed as an authorized agent by the holder of an operating authority certificate.*

*(2) An authorized agent of a holder of an operating authority certificate shall be appointed in writing and the appointment*

*(a) shall be signed by the certificate holder, and*

*(b) shall at all times be kept displayed in a conspicuous place on the premises at which the agent conducts the agency business.*

(7) Section 46(4) presently reads:

### **Commencement**

Coming into  
force

8 *This Act comes into force on Proclamation.*

*(4) The holder of an operating authority certificate issued under this Act shall not operate a public vehicle to which it applies if the certificate or a copy of it is not in the motor vehicle.*

#### **Commencement**

**8** Coming into force.