

1995 BILL 53

Third Session, 23rd Legislature, 44 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 53

**MISCELLANEOUS STATUTES
AMENDMENT ACT, 1995 (NO. 2)**

THE MINISTER OF JUSTICE AND ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 53

1995

MISCELLANEOUS STATUTES AMENDMENT ACT, 1995 (NO. 2)

(Assented to _____, 1995)

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

Auditor General Act

Amends RSA
1980 cA-49

*1 The Auditor General Act is amended by adding the following
after section 30:*

Records
management

31 On the recommendation of the Auditor General, the
Select Standing Committee may make an order

- (a) respecting the management of records in the custody
or under the control of the Office of the Auditor
General, including their creation, handling, control,
organization, retention, maintenance, security,
preservation, disposition, alienation and 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);
- (c) defining and classifying records;
- (d) respecting the records or classes of records to which
the order or any provision of it applies.

Conflicts of Interest Act

Amends SA
1991 cC-22.1

*2 The Conflicts of Interest Act is amended by adding the following
after section 44:*

Records
management

44.1 On the recommendation of the Ethics Commissioner, the Standing Committee may make an order

- (a) respecting the management of records in the custody or under the control of the Office of the Ethics Commissioner, including their creation, handling, control, organization, retention, maintenance, security, preservation, disposition, alienation and 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);
- (c) defining and classifying records;
- (d) respecting the records or classes of records to which the order or any provision of it applies.

Election Act

Amends RSA
1980 cE-2

3 The Election Act is amended by adding the following after section 6.1:

Records
management

6.2 On the recommendation of the Chief Electoral Officer, the Standing Committee may, subject to section 149.1, make an order

- (a) respecting the management of records in the custody or under the control of the Office of the Chief Electoral Officer, including their creation, handling, control, organization, retention, maintenance, security, preservation, disposition, alienation and 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);
- (c) defining and classifying records;
- (d) respecting the records or classes of records to which the order or any provision of it applies.

Environmental Protection and Enhancement Act

Amends SA
1992 cE-13.3

4 *The Environmental Protection and Enhancement Act is amended in section 89*

(a) *in subsection (2) by striking out “Minister” and substituting “Board”;*

(b) *in subsection (3)*

(i) *by striking out “Minister may, if he is” and substituting “Board may, if it is”;*

(ii) *in clause (b) by striking out “Minister” and substituting “Board”.*

Forests Act

Amends RSA
1980 cF-16

5 *The Forests Act is amended by adding the following after section 51:*

Time limitation

51.1 A prosecution in respect of an offence under this Act or the regulations may not be commenced later than 2 years after the date of the alleged commission of the offence.

Freedom of Information and Protection of Privacy Act

Amends SA
1994 cF-18.5

6(1) *The Freedom of Information and Protection of Privacy Act is amended by this section.*

(2) *The following is added after section 61:*

Records
management

61.1 On the recommendation of the Information and Privacy Commissioner, the Standing Committee may make an order

(a) respecting the management of records in the custody or under the control of the Office of the Information and Privacy Commissioner, including their creation, handling, control, organization, retention, maintenance, security, preservation, disposition, alienation and 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);

(c) defining and classifying records;

- (d) respecting the records or classes of records to which the order or any provision of it applies.

(3) *Section 71(1) is amended by adding the following after clause (a.1):*

(a.2) to investigate complaints respecting any matter referred to in section 51(2) made against a head of a public body and the Commissioner had been a member, employee or head of that public body or the Commissioner has a conflict with respect to that public body,

(a.3) to review, if requested under section 73.1, a decision, act or failure to act of a head of a public body and the Commissioner had been a member, employee or head of that public body or the Commissioner has a conflict with respect to that public body,

(4) *The following is added after section 73:*

Review where
Commissioner
in conflict

73.1(1) This section applies where the Commissioner is asked under section 62(1), (2), (3) or (3.1) to review a decision, act or failure to act of a head of a public body and the Commissioner had been a member, employee or head of that public body or the Commissioner has a conflict with respect to that public body.

(2) A person who makes a request to the Commissioner for access to a record or for correction of personal information may ask an adjudicator to review any decision, act or failure to act of the head of the public body that relates to the request.

(3) A third party notified under section 30 of a decision by the head of a public body to give access may ask an adjudicator to review that decision.

(4) A person who believes that the person's own personal information has been collected, used or disclosed in violation of Part 2 may ask an adjudicator to review that matter.

(5) *Section 74(2) is amended by striking out "of the Commissioner".*

Government Organization Act

Amends SA 1994 cG-8.5 7 *The Government Organization Act is amended in Schedule 12 by repealing section 14(1)(d) and (e).*

Legislative Assembly Act

Amends SA 1983 cL-10.1 8 *The Legislative Assembly Act is amended by adding the following after section 21:*

- Records management **21.1** The Members' Services Committee may make an order
- (a) respecting the management of records in the custody or under the control of the Legislative Assembly Office, including their creation, handling, control, organization, retention, maintenance, security, preservation, disposition, alienation and 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);
 - (c) defining and classifying records;
 - (d) respecting the records or classes of records to which the order or any provision of it applies.

Motor Vehicle Administration Act

Amends RSA 1980 cM-22 9 *The Motor Vehicle Administration Act is amended by repealing section 106(6) and (6.1) and substituting the following:*

- (6) If a person is found guilty under subsection 259(4) of the *Criminal Code* (Canada) anywhere in Canada, any operator's licence held by that person is suspended and that person is thereupon disqualified from holding an operator's licence for the longer of the following:
- (a) a period of 6 months from the date of conviction;
 - (b) if an order prohibiting that person from driving a motor vehicle on a highway in Canada is made as a result of that conviction, the period for which he is prohibited under that order.
- (6.1) If a person is disqualified from holding a licence for the period referred to in subsection (6) and the person is

already under suspension or under a prohibition at the time of the finding of guilt, the period of disqualification runs consecutively with that suspension or prohibition.

Municipal Government Act

Amends SA 1994 cM-26.1 *10 The Municipal Government Act is amended in section 738 by striking out "section 1(1)(i)" and substituting "section 1(1)(p)(vi)".*

Municipal Government Amendment Act, 1995

Amends SA 1995 c24 *11 The Municipal Government Amendment Act, 1995 is amended in section 100(12) by striking out "187(1)" and substituting "187(2)".*

Ombudsman Act

Amends RSA 1980 cO-7 *12 The Ombudsman Act is amended by adding the following after section 29:*

Records management **29.1** On the recommendation of the Ombudsman, the Select Standing Committee may, subject to section 29, make an order

- (a) respecting the management of records in the custody or under the control of the Office of the Ombudsman, including their creation, handling, control, organization, retention, maintenance, security, preservation, disposition, alienation and 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);
- (c) defining and classifying records;
- (d) respecting the records or classes of records to which the order or any provision of it applies.

Public Safety Services Act

Amends RSA 1980 cP-30.5 *13(1) The Public Safety Services Act is amended by this section.*
(2) The title and chapter number of the Act are repealed and the following is substituted:

**DISASTER SERVICES ACT
CHAPTER D-36**

(3) Section 1 is amended

(a) by adding the following after clause (c):

(c.1) "Deputy Minister" means the deputy minister of the Minister;

(b) by repealing clause (g.1).

(4) Section 2 is repealed.

(5) Section 6(h) is repealed.

(6) In the following provisions "Managing Director" is struck out wherever it occurs and "Deputy Minister" is substituted:

*section 4(1);
section 7(1)(b);
section 16(4).*

Real Estate Act

Amends SA
1995 cR-4.5

14(1) The Real Estate Act is amended by adding the following after section 84:

Transitional
appointments

84.1 *For the purposes of the appointment of the initial members of the Council under section 6(1)(a), (d) and (e) the following applies:*

(a) section 6(1)(a) and (d) shall be interpreted as if "an industry member" read "a real estate broker or mortgage broker";

(b) section 6(1)(e) shall be interpreted as if "industry members" read "real estate brokers and mortgage brokers" and as if "an industry member" wherever it occurs read "a real estate broker or mortgage broker".

(2) This section is deemed to have come into force on the same date that section 6 of the Real Estate Act came into force.