

1996 BILL 45

Fourth Session, 23rd Legislature, 45 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 45

MISCELLANEOUS STATUTES AMENDMENT ACT, 1996

THE MINISTER OF JUSTICE AND
ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 45

1996

MISCELLANEOUS STATUTES AMENDMENT ACT, 1996

(Assented to _____, 1996)

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

Advanced Education Foundations Act

Amends SA
1991 cA-2.5

1 *The Advanced Education Foundations Act is amended by repealing section 7(5) and substituting the following:*

- (5) A trustee is eligible for reappointment as follows:
- (a) in the case of a trustee appointed under subsection (2)(a) or (b), for further terms not exceeding 3 years each;
 - (b) in the case of a trustee appointed under subsection (2)(c), (d) or (e), for a 2nd term, but not for a further term until the expiration of 3 years after the end of the 2nd term.

Alberta Agricultural Research Institute Act

Amends SA
1987 cA-13.7

2(1) *The Alberta Agricultural Research Institute Act is amended by this section.*

(2) *Section 5 is amended*

(a) *in subsection (1) by adding “; Forestry and Home Economics” after “Faculty of Agriculture”;*

(b) *in subsection (2)*

(i) *in clause (d) by striking out “Department of Economic Development and Tourism” and substituting “Science and Research Authority”;*

(ii) in clause (e) by adding “and Agri-Food” after “Agriculture”.

(3) Section 15(a) is amended by striking out “in any securities authorized under section 50” and substituting “in investments that the Provincial Treasurer is authorized to invest in under section 50(1)”.

Alberta Evidence Act

Amends RSA
1980 cA-21

3 *The Alberta Evidence Act is amended by repealing section 10.*

Alberta Stock Savings Plan Act

Repeals SA
1986 cA-37.7

4(1) *The Alberta Stock Savings Plan Act is repealed.*

(2) *Subject to the Alberta Income Tax Act, if an individual has an unused stock savings plan tax credit when subsection (1) comes into force, that credit continues to be available for use by that individual.*

Apprenticeship and Industry Training Act

Amends SA
1991 cA-42.3

5(1) *The Apprenticeship and Industry Training Act is amended by this section.*

(2) *Section 1 is amended*

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

(j.1) “provincially administered institution” means a provincially administered institution as defined in Schedule 1 of the *Government Organization Act*;

(b) *in clause (l)(ii)*

(i) *by striking out “or” at the end of paragraph (D);*

(ii) *in paragraph (E) by striking out “under Schedule 1 of the Government Organization Act,” and substituting “, or”;*

(iii) *by adding the following after paragraph (E):*

(F) a person licensed to provide vocational training under the *Private Vocational Schools Act*,

(3) Section 3(f) is amended by adding “provincially administered institutions or by” after “program of study provided by”.

(4) Section 8 is amended by renumbering it as section 8(1) and by adding the following after subsection (1):

(2) Notwithstanding subsection (1), if

(a) a local apprenticeship committee has not been established for an area of Alberta, or

(b) a local apprenticeship committee that has been established for an area of Alberta has ceased to function,

the provincial apprenticeship committee shall carry out the functions of a local apprenticeship committee for that area.

(5) Section 11(d) is amended by adding “provincially administered institutions or by” after “program of study provided by”.

(6) Section 33(2)(g)(ii) is amended by adding “provincially administered institutions or by” after “provided by”.

(7) Section 37(1) is amended by adding the following after clause (i):

(j) respecting the payment of fees for services provided under this Act in respect of occupational training and designated occupations.

(8) Section 41 is repealed and the following is substituted:

Cancellation
re improper
actions

41 The Minister may cancel or suspend the registration of a person’s contract of apprenticeship or a person’s trade or occupational certificate if the Minister is satisfied

(a) that the contract or the certificate

(i) has been improperly altered in any manner,

(ii) was obtained by means of misrepresentation,

(iii) was improperly entered into or improperly granted due to an administrative or other error,

(iv) was obtained in a fraudulent manner or by means of fraud, or

(v) has been used for any purpose by a person other than the person who is a party to the contract or to whom the certificate was granted,

or

(b) that there has been an irregularity in the taking of an examination required under this Act.

Chartered Accountants Act

Amends SA
1987 cC-5.1

6 *The Chartered Accountants Act is amended in section 3(1) by striking out “agrees” wherever it occurs and substituting “agrées”.*

Child Welfare Act

Amends SA
1984 cC-8.1

7(1) *The Child Welfare Act is amended by this section.*

(2) *Section 59 is amended*

(a) *in subsection (1)(c) by adding “or an affidavit indicating the reasons why the petitioner is requesting that the Court dispense with one or more of the consents” after “56”;*

(b) *in subsection (2)(c) by adding “or an affidavit indicating the reasons why the petitioner is requesting that the Court dispense with one or more of the consents” after “56”;*

(c) *in subsection (3)(b) by adding “or an affidavit indicating the reasons why the petitioner is requesting that the Court dispense with one or more of the consents” after “56”.*

(3) *Section 85(6) is repealed and the following is substituted:*

(6) A decision of an Appeal Panel may be appealed to the Court of Queen’s Bench by a party to the appeal before the Appeal Panel not more than 30 days after the date on which the decision was made.

(6.1) Subsection (6) applies to decisions made after the coming into force of that subsection.

(4) *The Miscellaneous Statutes Amendment Act, 1995 is amended by repealing section 5.*

Chiropractic Profession Act

Amends SA
1984 cC-9.1

8(1) The Chiropractic Profession Act is amended by this section.

(2) Section 48(3) is repealed.

(3) The following is added after section 48:

Open hearings

48.1(1) A hearing before the Discipline Committee is open to the public.

(2) Notwithstanding subsection (1),

(a) if a complainant applies to the Discipline Committee for a direction that a hearing or part of a hearing be held in private because of the confidential nature of the matters to be heard, the Discipline Committee must direct that the hearing or part of the hearing, as the case may be, be held in private, and

(b) on the application of any interested person or on its own motion, the Discipline Committee may direct that a hearing or part of a hearing be held in private if, in the opinion of the Discipline Committee, the interests of any person may be detrimentally affected if the hearing or part of the hearing, as the case may be, is not held in private.

(3) Notwithstanding that a hearing is being held in private, the complainant may attend the hearing unless the Discipline Committee directs otherwise.

Panels of the
Discipline
Committee

48.2(1) The Council may designate a minimum of 3 members of the Discipline Committee to sit as a panel of the Discipline Committee.

(2) The Council may establish as many panels as it considers necessary.

(3) The Council shall designate which member of a panel is to act as the chair of the panel.

(4) A panel of the Discipline Committee has all the powers and functions of the Discipline Committee.

(5) Any reference in this Act to the Discipline Committee may be read as a reference to a panel of the Discipline Committee.

(4) Section 66(4) is amended by adding “48.1 and” after “Sections”.

Civil Enforcement Act

Amends SA
1994 cC-10.5

9(1) *The Civil Enforcement Act is amended by this section.*

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

(a) *in clause (r) by adding “, but does not include any action authorized under a lease that does not involve the physical removal of the tenant from the premises or land” after “land”;*

(b) *in clause (ll) by striking out “a search was” wherever it occurs and substituting “a related writ search or a seizure distribution search was”;*

(c) *in clause (ss) by adding “, the Federal Court of Canada” after “Court of Appeal”.*

(3) *Section 7(1) is amended by adding “pursuant to writ proceedings” after “Before any seizure”.*

(4) *Section 9(3) is amended*

(a) *in clause (a) by adding “a distress pursuant to a lease of personal property or” after “other than”;*

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

(b) subsection (1)(a), in the case of

(i) a distress pursuant to a lease of personal property, or

(ii) a distress under the *Personal Property Security Act* other than by a receiver.

(5) *Section 26(b) is repealed and the following is substituted:*

(b) *against land unless a writ issued in respect of that judgment is registered in the Personal Property Registry and*

(i) *in the case of land under the *Land Titles Act*, is registered under the *Land Titles Act*, and*

(ii) *in the case of land that is not under the *Land Titles Act*, is registered, filed or otherwise recorded in accordance with the regulations.*

(6) Section 43(2) is amended by striking out “Any” and substituting “Subject to this Act, any”.

(7) Section 83(2) is amended by adding “deposit” before “account”.

(8) Section 92 is amended

(a) by striking out “an enforcement debtor” wherever it occurs and substituting “a debtor”;

(b) by striking out “the enforcement debtor” and substituting “the debtor”;

(c) by striking out “that enforcement debtor” and substituting “that debtor”;

(d) by striking out “enforcement debtor’s” wherever it occurs and substituting “debtor’s”.

(9) Section 93 is amended by adding the following after clause (a):

(a.1) to partnership property;

(10) Section 96(2)(b) is repealed and the following is substituted:

(b) if the property is sold pursuant to a judicial sale or by a person other than a distributing authority, any portion of the proceeds in excess of the amount necessary to discharge the security interest or encumbrance shall be paid to an agency.

(11) Section 104 is amended

(a) in clause (a) by striking out “45 to 48” and substituting “34(2), 45, 46, 47(1) and 48”;

(b) by repealing clause (d) and substituting the following:

(d) except in the case where a tenant has absconded or is about to abscond from Alberta without leaving in Alberta a spouse or any children under the age of majority,

(i) in the case of a residential tenancy, the property set out in section 88(a), (b), (c), (e), (h) and (i), and

- (ii) in the case of a non-residential tenancy, the property set out in section 88(a), (b), (c), (e) and (i)

is exempt to a value not exceeding an amount prescribed by the regulations, and sections 89 to 92 apply in the same manner as if the tenant or the person who is liable for the rent were an enforcement debtor and the distress proceedings were writ proceedings.

(12) Section 109(4) is amended by adding “subsisting on December 31, 1995 and” after “writs of execution”.

(13) The following provisions are amended by striking out “claims” wherever it occurs and substituting “eligible claims”:

section 99(3)(e);
section 100;
section 101(1).

Corrections Act

Amends RSA 1980 cC-26 *10 The Corrections Act is amended in section 1(e) by striking out “Solicitor General of Alberta” and substituting “Minister of Justice and Attorney General”.*

Court of Queen’s Bench Act

Amends RSA 1980 cC-29 *11 The Court of Queen’s Bench Act is amended by adding the following after section 14:*

Complaints **14.1(1)** A complaint about a master in chambers respecting the master’s

- (a) competence,
- (b) conduct or misbehaviour,
- (c) neglect of duty, or
- (d) inability to perform his duty

may be made to the Chief Justice of the Court.

(2) The Chief Justice shall review any matter regarding the conduct of a master in chambers that comes to the attention of the Chief Justice, whether a complaint is made or not, and may do one or more of the following:

- (a) determine that no further action need be taken;
 - (b) reprimand the master in chambers;
 - (c) take corrective measures;
 - (d) refer the matter to the Judicial Council established under the *Provincial Court Judges Act*.
- (3) The Judicial Council shall
- (a) receive complaints about a master in chambers respecting the master's
 - (i) competence,
 - (ii) conduct or misbehaviour,
 - (iii) neglect of duty, or
 - (iv) inability to perform his duty,
- and
- (b) take any action to investigate complaints that it considers advisable and make recommendations to the Minister of Justice and Attorney General.
- (4) The Judicial Council may refer any complaint to the Chief Justice or to a committee of the Judicial Council for inquiry and report to the Judicial Council.
- (5) The Judicial Council, a committee of it or the Chief Justice, in conducting an inquiry under this section, has all the powers, privileges and immunities of a commissioner under the *Public Inquiries Act*.
- (6) An inquiry under this section shall be held in private and the results of the inquiry shall not be made public.
- (7) If an inquiry is conducted under this section, the master in chambers whose conduct, competence or ability is the subject of the inquiry shall be given
- (a) reasonable notice of the time and place of the inquiry and the matter to be investigated, and
 - (b) the opportunity, by himself or his counsel, to be heard and to cross-examine witnesses and adduce evidence.

(8) If the Judicial Council recommends the removal or retirement of a master in chambers from office, the Lieutenant Governor in Council may make an order of removal or retirement.

Dairy Board Act

Amends RSA 1980 cD-1 12 *The Dairy Board Act is amended in section 9 by adding “, civil enforcement bailiffs” after “Sheriffs”.*

Dental Profession Act

Amends SA 1983 cD-9.5 13(1) *The Dental Profession Act is amended by this section.*

(2) *Section 51(3) is repealed.*

(3) *The following is added after section 51:*

Open hearings **51.1(1)** A hearing before the Discipline Committee is open to the public.

(2) Notwithstanding subsection (1),

(a) if a complainant applies to the Discipline Committee for a direction that a hearing or part of a hearing be held in private because of the confidential nature of the matters to be heard, the Discipline Committee must direct that the hearing or part of the hearing, as the case may be, be held in private, and

(b) on the application of any interested person or on its own motion, the Discipline Committee may direct that a hearing or part of a hearing be held in private if, in the opinion of the Discipline Committee, the interests of any person may be detrimentally affected if the hearing or part of the hearing, as the case may be, is not held in private.

(3) Notwithstanding that a hearing is being held in private, the complainant may attend the hearing unless the Discipline Committee directs otherwise.

(4) *Section 69(4) is amended by adding “51.1 and” after “Sections”.*

Domestic Relations Act

Amends RSA 1980 cD-37 14(1) *The Domestic Relations Act is amended by this section.*

(2) *Section 25.1 is repealed and the following is substituted:*

Definitions

25.1 In this Part,

(a) “child” means a child who

(i) is under the age of 16 years, or

(ii) is 16 years of age or over but unable, by reason of illness, disability or other cause, to withdraw from the charge of his parents or to obtain the necessaries of life;

(b) “Director of Maintenance Enforcement” means the Director of Maintenance Enforcement under the *Maintenance Enforcement Act*.

(3) *Section 27 is amended by adding the following after subsection (8):*

(8.1) An order for the maintenance of a child may provide that payment is to be made to any person who assumes the care and control of the child, notwithstanding that the person is not a party to the order.

(8.2) If a person who is not a party to an order for the maintenance of a child assumes the care and control of the child after the date of the order, that person shall, within 30 days of assuming the care and control of the child, notify the Director of Maintenance Enforcement by registered mail of the change in care and control.

(8.3) The Director of Maintenance Enforcement is not responsible for the repayment of any money disbursed by him after a change in the care and control of a child of which he has not been notified under subsection (8.2).

Election Finances and Contributions Disclosure Act

Amends RSA 1980 cE-3 15 *The Election Finances and Contributions Disclosure Act is amended in section 35(7) by striking out “subsection (1)(b)” and substituting “subsection (1.1)”.*

Farm Implement Act

Amends SA 1982 cF-4.1 *16 The Farm Implement Act is amended by repealing section 22(11).*

Fatal Accidents Act

Amends RSA 1980 cF-5 *17 The Fatal Accidents Act is amended in section 10 by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following after clause (b):*

(c) provide that such change applies only to deceased persons who die on or after a prescribed date.

Fatality Inquiries Act

Amends RSA 1980 cF-6 *18(1) The Fatality Inquiries Act is amended by this section.*

(2) *Section 1(g) is amended by adding “, unclassifiable” after “accidental”.*

(3) *Section 22(1)(a) is amended by adding “, on reasonable and probable grounds,” after “believes”.*

Forest Development Research Trust Fund Act

Amends RSA 1980 cF-13 *19 The Forest Development Research Trust Fund Act is amended in section 2(2) by adding “Protection and Enhancement Fund.” after “Environmental”.*

Forests Act

Amends RSA 1980 cF-16 *20(1) The Forests Act is amended by this section.*

(2) *Section 4(c) is amended by striking out “establishing” and substituting “respecting”.*

(3) *Section 10 is repealed and the following is substituted:*

Forest growth **10** Except as may be authorized by the Minister, no person shall

(a) cut, damage or destroy, or

(b) cause to be cut, damaged or destroyed

any forest growth on forest land.

(4) Section 30 is amended by striking out “establishing the rates” and substituting “respecting the rates”.

(5) Section 31(1) is amended by adding “or cause to be transported” after “transport”.

(6) Section 52 is amended

(a) in subsection (2) by striking out “The” and substituting “Subject to subsection (3), the”;

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

(3) A notice under subsection (2) may not be issued more than 2 years after

(a) the date on which the contravention occurred, or

(b) the date on which evidence of the contravention first came to the attention of a forest officer,

whichever occurs later.

(7) The following is added after section 54:

Offence or
contravention
by corporation

55(1) If a corporation

(a) commits an offence under this Act, or

(b) contravenes any provision of this Act or the regulations,

any officer, director, employee or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the offence or contravention is guilty of the offence or liable under section 52 to a penalty for the contravention, as the case may be.

(2) Subsection (1) applies whether or not the corporation has been

(a) prosecuted for or convicted of the offence, or

(b) assessed a penalty for the contravention.

Disclosure of
information

56 If a person has been served with a notice under section 52 respecting a contravention of this Act or the regulations, the Minister must disclose to the public the name of the person, the municipality in which the person resides, a

description of the contravention and the amount of the penalty.

Freedom of Information and Protection of Privacy Act

Amends SA
1994 cF-18.5

21(1) The Freedom of Information and Protection of Privacy Act is amended by this section.

(2) Section 29(1)(b) is amended by striking out “would be” and substituting “may be”.

(3) Section 33(1)(h) is amended by adding “clients or” after “about”.

(4) Section 36 is amended by striking out “disposal” and substituting “destruction”.

(5) Section 38(1) is amended by striking out “or” at the end of clause (z), adding “or” at the end of clause (aa) and adding the following after clause (aa):

(bb) to a lawyer or student-at-law acting for an inmate under the control or supervision of a correctional authority.

Gas Utilities Statutes Amendment Act, 1990

Amends SA
1990 c21

22 The Gas Utilities Statutes Amendment Act, 1990 is amended in section 4(2) by striking out “after section 25” and substituting “after section 17”.

Government Organization Act

Amends SA
1994 cG-8.5

23 The Government Organization Act is amended in Schedule 12, section 4(c) by striking out “8(b)” and substituting “7(b)”.

Irrigation Act

Amends RSA
1980 cl-11

24(1) The Irrigation Act is amended by this section.

(2) Section 109(2) is amended by striking out “assessment” and substituting “assessment”.

(3) Section 110(9) is amended by striking out “a a” and substituting “a”.

(4) Section 190(b) is amended by striking out “is those” and substituting “in those”.

Justice of the Peace Act

Amends RSA
1980 cJ-3

25 *The Justice of the Peace Act is amended by adding the following after section 5:*

Termination
on becoming
councillor

5.01(1) Notwithstanding section 5, the appointment of a justice of the peace terminates if the justice of the peace becomes a councillor as defined in the *Municipal Government Act*.

(2) If a justice of the peace is a councillor on the date this section comes into force, subsection (1) does not have the effect of terminating his appointment during his current term of office as councillor.

Legal Profession Act

Amends SA
1990 cL-9.1

26(1) *The Legal Profession Act is amended by this section.*

(2) *Section 7(2) is amended by adding the following after clause (a):*

- (a.1) respecting the waiving of the requirements set out in section 39(1)(b);
- (a.2) respecting additional examinations that may be required pursuant to section 40(1)(g);
- (a.3) respecting exceptions to the requirements set out in section 41(1)(d);
- (a.4) respecting the evaluation and monitoring of active members for the purpose of determining suitability to act as principal to a student-at-law;

(3) *Section 36 is amended by adding the following after subsection (2):*

(2.1) Where academic requirements have been waived by the Benchers pursuant to section 39(1.1) for a person who is applying for admission as a student-at-law, the Co-ordinating Council has no authority to require that applicant to meet those requirements.

(4) *Section 37 is amended*

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

Students-at-law

37(1) An applicant for admission as a student-at-law under section 39 shall obtain from the secretary of the Co-ordinating Council a certificate as to the applicant's compliance with section 39(1)(b), unless the requirements set out in that provision have been waived by the Benchers.

(b) *in subsection (2) by adding "and subject to the rules" after "subsections (3) and (4)".*

(5) *Section 39 is amended by adding the following after subsection (1):*

(1.1) The Benchers may in accordance with the rules waive the requirements set out in subsection (1)(b).

(6) *Sections 40, 41 and 42 are repealed and the following is substituted:*

Transfer of
Canadian
lawyers to
Alberta

40(1) The Secretary shall approve the enrolment of a person as a member of the Society if the person proves to the Secretary's satisfaction and in accordance with the rules that the person

- (a) is a Canadian citizen or is lawfully admitted into Canada for permanent residence,
- (b) is of good character and reputation,
- (c) is enrolled as a barrister and solicitor in any province or territory of Canada other than Alberta,
- (d) has passed a bar admission examination,
- (e) has served under articles in accordance with subsection (2) if required to do so under that subsection,
- (f) has passed any special examinations that the Co-ordinating Council may require the person to take if the person is not the holder of a degree in law or if the person's degree in law was not granted by a university in Alberta, and
- (g) has passed any additional examinations required by the rules to be taken by applicants under this section.

(2) The Benchers may direct that an applicant under this section serve under articles in Alberta before that person's enrolment as a member and, if the Committee so directs,

Transfer of
corporate
counsel to
Alberta

- (a) the Committee shall prescribe the period of articles and may prescribe any conditions related to the service under articles, and
- (b) the Secretary shall approve the admission of the applicant as a student-at-law if the applicant proves to the Secretary's satisfaction and in accordance with the rules that the applicant meets the requirements of subsection (1)(a), (b) and (c).

41(1) In this section, "corporation" does not include a professional corporation.

(2) The Secretary shall approve the enrolment of a person as a member of the Society if that person proves to the Secretary's satisfaction and in accordance with the rules that the person

- (a) is a Canadian citizen or is lawfully admitted into Canada for permanent residence,
- (b) is of good character and reputation,
- (c) is enrolled as a barrister and solicitor in any province or territory of Canada other than Alberta, and
- (d) on being enrolled as a member, will provide services as a barrister and solicitor in Alberta exclusively to or on behalf of a corporation and its subsidiaries and affiliates and will be an employee of that corporation, subject to any exception set out in the rules permitting a person enrolled as a member under this section to provide services as a barrister and solicitor in Alberta to other parties.

(3) A person enrolled as a member under this section ceases to be a member of the Society on ceasing to be an employee of a corporation unless, before ceasing to be an employee or within the time limited by the rules after that event, that person applies to the Secretary for the approval of the Education Committee for continuation of that person's membership under this section.

(4) If a person makes an application in accordance with subsection (3) for continuation of that person's membership in the Society, the Education Committee may

- (a) approve the continuation of the applicant's membership, or

(b) order that the applicant's name be struck off the roll if the Committee determines that the applicant has failed to fulfil the requirements prescribed by the Committee as conditions to the applicant's continued membership.

(5) The Education Committee may prescribe the requirements to be fulfilled by an applicant before its approval is given to the continuation of the applicant's membership under subsection (4) and shall not give the approval until it is satisfied that the applicant has fulfilled the requirements.

(7) *Section 43 is amended*

(a) *in subsection (1) by striking out "39, 40, 41 or 42" and substituting "39 or 40";*

(b) *in subsection (2) by striking out "39, 40, 41 or 42" and substituting "39, 40 or 41".*

(8) *Section 44(1) is amended by striking out "39, 40, 41 or 42" and substituting "39, 40 or 41".*

(9) *Section 51 is amended by adding the following after subsection (1):*

(1.1) If the conduct that comes to the attention of the Society under subsection (1) involves a dispute between the member and another person, the Secretary,

(a) before commencing a review of the matter pursuant to subsection (1), may attempt to resolve the dispute, and

(b) if the dispute is resolved to the satisfaction of the member and the other person, may direct that no further proceedings be taken under this Part in respect of the matter.

(10) *Section 56 is amended by adding the following after subsection (1):*

(1.1) Notwithstanding subsection (1)(b), the chairman of the Conduct Committee may appoint as a member of the Hearing Committee a member of the Society who is not a Bencher if that member was elected as a Bencher at least twice in the 10 years immediately preceding the appointment of the Hearing Committee.

(11) Section 58 is amended by adding the following after subsection (1):

(1.1) The Benchers may hold a hearing of an application under this section if they consider that a hearing is warranted in the circumstances.

(12) Section 71 is amended

(a) in subsection (3)(b) by striking out “a summary of”;

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

(3.1) The Secretary must provide a copy of a report under subsection (1) or (2) to any person requesting a copy, on payment of a reasonable fee to cover the cost of preparing the copy, but shall refuse to provide a copy of the report if the hearing to which the report relates was held wholly or partly in private.

(13) Section 72(6) is repealed and the following is substituted:

(6) At any time after the Hearing Committee informs the member of its decision to make an order against the member under section 69(1)(a) or (b) and on notice to the Secretary, the member may apply to the Hearing Committee for a stay of the operation of the order, pending the conclusion of the appeal to the Benchers.

(14) Section 75 is amended

(a) in subsection (1) by striking out “before the Benchers under section 73” and substituting “a hearing before the Benchers of an application under section 58 or an appeal under section 73”;

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

(3.1) Nothing in subsections (1) to (3) prevents the Society from disclosing or publishing the name of a member whose conduct is the subject of a hearing under this Division held wholly or partly in private.

(15) Section 80(6) is amended by striking out “at which the member is present”.

(16) This section comes into force on Proclamation.

Matrimonial Property Act

Amends RSA 1980 cM-9 27 *The Matrimonial Property Act is amended in section 27*

(a) *in subsection (1)*

(i) *by striking out “an order” and substituting “a financing statement”;*

(ii) *by striking out “the order” wherever it occurs and substituting “the financing statement”;*

(b) *in subsection (2) by striking out “property an order” and substituting “property a financing statement”.*

Mechanical Recording of Evidence Act

Amends RSA 1980 cM-11 28 *The Mechanical Recording of Evidence Act is amended by repealing section 1(e) and substituting the following:*

(e) “reporter” means

(i) an official court reporter appointed in accordance with the Alberta Rules of Court, or

(ii) a person appointed by the Minister of Justice and Attorney General

(A) who makes a transcription of a record from a sound-recording, or

(B) who is a stenographer or typist;

Medical Profession Act

Amends RSA 1980 cM-12 29(1) *The Medical Profession Act is amended by this section.*

(2) *Section 13(1) is amended by striking out “from among members of the College”.*

(3) *Section 51(2)(b) is repealed and the following is substituted:*

(b) that the registered practitioner pay all or any portion of

(i) the costs of the investigation,

(ii) the costs of the proceedings before the investigating committee, or

(iii) both the costs of the investigation and the costs of the proceedings before the investigating committee

in an amount and within the time fixed by the investigating committee;

(4) *Section 52(1) is repealed and the following is substituted:*

Costs

52(1) Costs that may be levied against a registered practitioner by the council under section 56(2)(b) include all or any portion of the expenses incurred by the council, including the following:

- (a) legal representation of the council or the investigating committee or both;
- (b) travelling expenses and a per diem allowance, as determined by the council, for the members of the council or the members of the investigating committee.

(5) *Section 56(2)(b) is repealed and the following is substituted:*

- (b) that the registered practitioner pay all or any portion of
 - (i) the costs of the investigation,
 - (ii) the costs of the proceedings before the council or the investigating committee, or
 - (iii) both the costs of the investigation and the costs of the proceedings before the council or the investigating committee

in an amount and within the time fixed by the council;

Natural Gas Marketing Amendment Act, 1992

Amends SA
1992 c25

30 The Natural Gas Marketing Amendment Act, 1992 is amended in section 7 as to section 10(2) by striking out "Attorney General" and substituting "Minister of Justice and Attorney General".

Ombudsman Act

Amends RSA
1980 cO-7

31(1) *The Ombudsman Act is amended by this section.*

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

(1.1) Notwithstanding subsection (1), the Ombudsman may, with the approval of the Select Standing Committee, act in an office of trust, on an interim basis, for a territory of Canada.

(3) *Section 30 is amended by adding the following after clause (a):*

(a.1) without lawful justification or excuse, evicts, discharges, suspends, expels, intimidates, coerces, imposes a financial or other penalty on or otherwise discriminates against a person because that person has, in good faith,

(i) made or attempted to make a complaint under this Act,

(ii) assisted another person in making or attempting to make a complaint under this Act, or

(iii) given evidence or otherwise co-operated in an investigation under this Act,

The Paramount Life Insurance Company Act

Repeals SA
1964 c136

32 *The Paramount Life Insurance Company Act is repealed.*

Personal Property Security Act

Amends SA
1988 cP-4.05

33(1) *The Personal Property Security Act is amended by this section.*

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

(2) Unless the parties otherwise agree, an obligation owing to a debtor to make future advances is not binding on a secured party if, pursuant to section 35(5), the security interest does not have priority over a writ of enforcement with respect to those future advances.

(3) *Section 20(2) is repealed.*

(4) *Section 21 is amended by striking out “an execution creditor under section 20(1)(a) or”.*

(5) *Section 22(1) is amended by striking out “20(1)(a) and (b)” and substituting “20(1)(b)”.*

(6) *Section 75(5.2)(a) is amended by striking out “20(1)(a) and (b)” and substituting “20(1)(b)”.*

Petty Trespass Act

Amends RSA
1980 cP-6

34 The Petty Trespass Act is amended in section 7 by striking out “, or to a case within section 388 of the Criminal Code (Canada)”.

Pharmaceutical Profession Act

Amends SA
1988 cP-7.1

35 The Pharmaceutical Profession Act is amended in the following provisions by striking out “health region” wherever it occurs and substituting “regional health authority”:

section 1(1)(z.1)(ii);
section 23(2).

Podiatry Act

Amends RSA
1980 cP-11

36(1) The Podiatry Act is amended by this section.

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

(e.1) “investigated member” means a podiatrist who is the subject of a complaint made under section 12;

(3) Section 12 is repealed and the following is substituted:

Complaints

12(1) A person may make a written complaint to the registrar about the conduct of a podiatrist.

(2) The registrar must review a complaint received under subsection (1) and may

(a) determine that no further action be taken, or

(b) refer the complaint to the Council.

Notice of
hearing

12.1(1) The Council must hold a hearing with respect to a complaint referred to it under section 12.

(2) The registrar must cause to be served on the investigated member a notice of hearing at least 15 days before the hearing date stating the date, time and place of the hearing and giving reasonable particulars of the complaint.

Evidence
before Council

12.2(1) The evidence of each witness in a hearing before the Council must be taken under oath.

(2) For the purposes of a hearing before the Council, the presiding member of the Council is conferred with the powers of a commissioner for oaths under the *Commissioners for Oaths Act*.

Appearance
and
representation

12.3 The Association and the investigated member may appear and be represented by counsel at a hearing before the Council.

Open hearing

12.4(1) A hearing before the Council is open to the public.

(2) Notwithstanding subsection (1),

(a) if a complainant applies to the Council for a direction that a hearing or part of a hearing be held in private because of the confidential nature of the matters to be heard, the Council must direct that the hearing or part of the hearing, as the case may be, be held in private, and

(b) on the application of any interested person or on its own motion, the Council may direct that a hearing or part of a hearing be held in private if, in the opinion of the Council, the interests of any person may be detrimentally affected if the hearing or part of the hearing, as the case may be, is not held in private.

(3) Notwithstanding that a hearing is being held in private, the complainant may attend the hearing unless the Council directs otherwise.

Orders of
Council

12.5 If, at the conclusion of a hearing under section 12.1, the Council finds that the conduct of the investigated member constitutes professional misconduct or incompetence, or that the investigated member has contravened a by-law of the Association that imposes suspension or cancellation of registration as the penalty for contravention, the Council may make any one or more of the following orders:

(a) reprimand the investigated member;

- (b) suspend the registration of the investigated member for a stated period;
- (c) suspend the registration of the investigated member until
 - (i) the investigated member has completed a specific course of studies or obtained supervised practical experience, or
 - (ii) the Council is satisfied as to the competence of the investigated member;
- (d) accept in place of a suspension the investigated member's undertaking to limit his practice;
- (e) impose conditions on the investigated member's entitlement to engage in the practice of podiatry, including the conditions that the investigated member
 - (i) practise under supervision,
 - (ii) not engage in sole practice,
 - (iii) permit periodic inspections by a person authorized by the Council, or
 - (iv) report to the Council on specific matters;
- (f) direct the investigated member to pass a particular course of study or satisfy the Council as to his practical competence;
- (g) direct the investigated member to satisfy the Council that a disability or addiction can be or has been overcome, and suspend the investigated member's registration until the Council is so satisfied;
- (h) require the investigated member to take counselling that in the opinion of the Council is appropriate;
- (i) direct the investigated member to waive, reduce or repay a fee for services rendered by the investigated member that, in the opinion of the Council, were not rendered or were improperly rendered;
- (j) cancel the registration of the investigated member.

Payment of costs and fines

12.6(1) The Council may, in addition to or instead of dealing with the conduct of an investigated member in accordance with section 12.5, order that the investigated member pay, within the time set by the order, any or all of the following:

- (a) the costs of the review of the complaint under section 12(2);
- (b) the costs of the hearing;
- (c) a fine to the Association not exceeding \$5000 for each finding of professional misconduct or incompetence and \$25 000 in the aggregate for all of such findings arising out of the hearing;

(2) Costs that may be levied against an investigated member by the Council under subsection (1) include all or any portion of the expenses incurred by the Council, including the following:

- (a) legal representation of the Council;
- (b) travelling expenses and a per diem allowance, as determined by the Council, for the members of the Council.

(3) Costs or a fine ordered to be paid to the Council under this section is a debt due to the Association and may be recovered by the Association by civil action for debt.

(4) *Section 13 is amended*

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

Appeal

13(1) An investigated member may appeal to the Court of Queen's Bench any order made by the Council under section 12.5 or 12.6.

(1.1) An appeal must be commenced within 14 days of the date of the order made by the Council unless the Court grants leave to extend the time for commencing the appeal.

(b) in subsection (3) by striking out "judge" and substituting "Court";

(c) by repealing subsection (4) and substituting the following:

(4) The Court may, on hearing an appeal, make any order that the Court considers proper.

(5) *Section 14 is amended*

(a) *in subsection (1)*

(i) *by striking out “When a member is expelled” and substituting “If the registration of an investigated member is cancelled”;*

(ii) *by striking out “expelled member” and substituting “investigated member”;*

(b) *in subsection (2) by striking out “When a member is suspended” and substituting “If the registration of an investigated member is suspended”;*

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

(3) The Council must notify the Minister if the registration of an investigated member is suspended or cancelled.

Provincial Court Act

Amends RSA
1980 cP-20

37(1) The Provincial Court Act is amended by this section.

(2) The following is added after section 19:

Rules of Court

19.1(1) The practice and procedure of the Court shall be as provided in this Act and the regulations.

(2) Where this Act or the regulations do not provide for a specific practice or procedure of the Court that is necessary to ensure an expeditious and inexpensive resolution of a matter before the Court, the Court may

(a) apply the Alberta Rules of Court, and

(b) modify the Alberta Rules of Court as needed.

(3) The following is added after section 66:

Failure to
appear

66.1(1) Notwithstanding section 66, if the appellant fails to appear on the date set for the hearing of the appeal, the Court of Queen’s Bench may dismiss the appeal.

(2) If an appeal is dismissed under subsection (1), the Court of Queen’s Bench may make any order as to costs that it considers proper.

(4) Section 76 is repealed.

Provincial Offences Procedure Act

Amends SA 1988 cP-21.5 38 *The Provincial Offences Procedure Act is amended by adding the following after section 9:*

Absolute liability offence 9.1 Notwithstanding this Act or any other enactment, a defendant is not liable to imprisonment for an absolute liability offence.

Psychology Profession Act

Amends SA 1985 cP-25.01 39(1) *The Psychology Profession Act is amended by this section.*

(2) *Section 1 is amended*

(a) *by repealing clause (b);*

(b) *in clause (c) by striking out “Association” and substituting “College”;*

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

(c.1) “College” means the College of Alberta Psychologists;

(d) *in clause (d) by striking out “Association” and substituting “College”;*

(e) *in clause (j) by striking out “Association” and substituting “College”.*

(3) *The heading preceding section 5 is repealed and the following is substituted:*

PART 2

COLLEGE OF ALBERTA PSYCHOLOGISTS

(4) *Section 5 is amended*

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

College 5(1) The Psychologists Association of Alberta is continued as a corporation under the name “The College of Alberta Psychologists”.

(b) *in subsection (2) by striking out “Association” and substituting “College”;*

- (c) *in subsection (3) by striking out “Association” and substituting “College”.*
- (5) *Section 22(4) is amended by striking out “Association’s solicitor” and substituting “College’s solicitor”.*
- (6) *In the following provisions, “Association” is struck out wherever it occurs and “College” is substituted:*

section 6(1) and (2);
 section 7(1) and (2);
 section 27(4);
 section 35(1);
 section 36(1);
 section 40(3);
 section 46(1)(b) and (4);
 section 52(1) and (3);
 section 53(3);
 section 54(1);
 section 55(1) and (2)(b)(ii);
 section 59(1)(q)
 section 60(1)(a), (a.1), (b), (b.1), (c), (c.1), (d.1), (e), (h), (i),
 (k), (m), (o), (s) and (u) and (3);
 section 61;
 section 62(b);
 section 63(1)(a) and (b) and (2)(a) and (d).

(7) *The Mental Health Act is amended in section 17(6)(q)(i) by striking out “Psychologists Association of Alberta” and substituting “College of Alberta Psychologists”.*

(8) *This section comes into force on Proclamation.*

Public Lands Act

Amends RSA
1980 cP-30

40(1) *The Public Lands Act is amended by this section.*

(2) *Section 21 is amended*

(a) *in subsection (1) by adding “or a permanent resident as defined in the Immigration Act (Canada)” after “Canadian citizen” wherever it occurs;*

(b) *in subsection (3) by adding “or permanent residents as defined in the Immigration Act (Canada)” after “Canadian citizens” wherever it occurs.*

(3) *The following is added after section 47.1:*

Disclosure of information

47.2 If a person

- (a) is required to make payment under section 47 for an unauthorized use of public land, or
- (b) has been served with a notice under section 47.1 with respect to a contravention of an authorization or a disposition,

the Minister must disclose to the public the name of the person, the municipality in which the person resides, a description of the unauthorized use or contravention and the amount of the payment or penalty, as the case may be.

Public Service Act

Amends RSA
1980 cP-31

41 The Public Service Act is amended in section 5(2) by striking out “calendar year which” and substituting “fiscal year, which”.

Public Trustee Act

Amends RSA
1980 cP-36

42(1) The Public Trustee Act is amended by this section.

(2) Section 1 is amended

(a) by repealing clause (b);

(b) in clause (f) by striking out “who” and substituting “who, after reasonable inquiry,”.

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

(4) When a new Public Trustee is appointed, by virtue of the appointment the new Public Trustee is the successor in office to every office held by the predecessor Public Trustee and is vested with all the property, rights, powers and duties of the predecessor Public Trustee.

(5) If the Public Trustee dies or is incapable of carrying out the duties of the office of Public Trustee,

(a) all the property, rights, powers and duties vested in the Public Trustee vest in the Public Trustee’s deputy or acting deputy, within the meaning of section 21(2) of the *Interpretation Act*, and

(b) all authorizations to officers under section 34 continue and are valid

until a new Public Trustee is appointed.

(4) Section 4 is amended

- (a) in clause (a) by adding “subject to sections 5 and 19,” before “act”;*
- (b) in clause (c) by striking out “persons, convicts” and substituting “persons”;*
- (c) in clause (d) by adding “subject to section 19,” before “on order”;*
- (d) in clause (e) by striking out “either alone or jointly with any other person or persons,” and substituting “subject to section 19,”;*
- (e) in clause (g)*
 - (i) in subclauses (i) and (ii) by adding “subject to section 19,” before “by”;*
 - (ii) in subclause (iv) by adding “subject to section 19,” before “under”;*
- (f) in clause (h) by striking out “guardianship,” and substituting “guardianship or appointed as the trustee of the estate of a minor,”.*

(5) Section 5 is amended

- (a) in subsection (1) by striking out “person, convict” and substituting “person”;*
- (b) by adding the following after subsection (1):*
 - (1.1)** Subsection (1) does not apply to applications governed by the *Administration of Estates Act*.
- (c) by repealing subsection (3) and substituting the following:*
 - (3)** The Public Trustee is not the guardian ad litem of the estate of a minor, missing person or mentally incompetent person unless the court appoints the Public Trustee as the guardian ad litem.
 - (3.1)** A person may, on notice to the Public Trustee, apply to have the Public Trustee appointed as the guardian ad litem of the estate of a minor, missing person or mentally incompetent person.

(3.2) Subject to section 19, the court may specify terms and conditions of the appointment, including costs.

(d) in subsection (5) by striking out “referred to in subsection (1)” and substituting “to which subsection (1) applies”.

(6) Section 6(1) is amended by striking out “guardianship,” and substituting “guardianship or appointed as the trustee of the estate of a minor,”.

(7) Section 7 is amended

(a) in subsection (1)

(i) by adding “or is to be paid” after “has been paid”;

(ii) by adding “or is to be held” after “is held”;

(iii) in clause (b) by striking out “\$2000” and substituting “\$4000”;

(iv) in clause (c)

(A) by striking out “\$2000” and substituting “\$4000”;

(B) in subclause (i) by striking out “or” at the end of paragraph (A), by adding “or” at the end of paragraph (B) and by adding the following after paragraph (B):

(C) consent to the advance or transfer by a person who holds a share or property or any sum derived from that share or property of all or any portion of it to another person who in the opinion of the Public Trustee is a responsible adult,

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

(3) A receipt satisfactory to the Public Trustee from a person to whom a share or property or a sum derived from a share or property is advanced under subsection (1)(c)(i)(B) or a written confirmation satisfactory to the Public Trustee from the person who advanced or transferred a share or property or a sum derived from a share or property in accordance with subsection (1)(c)(i)(C) is a sufficient discharge to the Public Trustee and exonerates the Public Trustee from seeing to the application of, and from being accountable or liable for any loss or misapplication of, the share or property or sum

derived from that share or property advanced or transferred under subsection (1)(c)(i)(B) or (C).

(4) The responsible adult, within the meaning of subsection (1)(c)(i)(B) or (C), is liable to render an account of the administration of the share or property or sum derived from that share or property to the minor on the minor's attaining the age of 18 years in the same manner as a trustee appointed by the court.

(5) A next friend or guardian of a minor may, on notice to the Public Trustee, apply to the court for an order authorizing the Public Trustee to transfer money and property held in trust by the Public Trustee for the minor to a similar official or an individual, corporation or entity that is charged with the duty of managing or administering the estates of minors and is authorized to act as the guardian or trustee of the estates of minors in another province.

(6) The court, on being satisfied

- (a) that it is in the best interests of the minor, and
- (b) that the official, individual, corporation or entity is charged with the duty of managing or administering the estates of minors, is authorized to act as a guardian or trustee of the estates of minors in the other province and is willing to receive the money and property,

may, by order, terminate the trust, approve the Public Trustee's accounts, discharge the Public Trustee and authorize the Public Trustee to advance the money and transfer the money and property to that official, individual, corporation or entity for the benefit of the minor in accordance with the terms and conditions set out in the order.

(8) *Section 10 is amended in subsection (2)*

- (a) *by striking out "distribution" and substituting "distribution, payment or return";*
- (b) *by striking out "Bench" and substituting "Bench, in accordance with the procedures in section 33".*

(9) *Section 12 is repealed and the following is substituted:*

Trusteeship
ceases

12 The Public Trustee ceases to be the trustee of the estate or part of the estate of a mentally incompetent person on being notified in accordance with section 56(1)(a) or (b) of the *Dependent Adults Act* or on receipt of an order under section 56(1)(c) of that Act.

(10) *Section 12.1 is amended by renumbering it as section 12.1(1) and adding the following after subsection (1):*

(2) Without limiting the generality of subsection (1), the Public Trustee may, if reasonable having regard to the size of the estate, make gifts from the estate to charities and to family members and friends of the mentally incompetent person or the dependent adult if, in the opinion of the Public Trustee,

- (a) the person had made similar gifts before becoming mentally incompetent or a dependent adult,
- (b) there is reason to believe the person would make such gifts, based on the apparent intentions of the person expressed before the person became mentally incompetent or a dependent adult, or
- (c) such a gift is appropriate having regard to the relationship to the recipient, the nature of the occasion and any other circumstances considered reasonable by the Public Trustee.

(11) *Section 17(1) is amended*

- (a) *by striking out* “mentally incompetent person who is detained in an asylum, mental hospital or other public institution in another province” *and substituting* “person with respect to whom a certificate that is equivalent to a certificate of incapacity under the *Mental Health Act* or *Dependent Adults Act* has been issued resides in another province but”;
- (b) *by striking out* “official” *and substituting* “official, individual, corporation or entity”.

(12) *Section 19 is amended*

- (a) *in subsection (1)*
 - (i) *by striking out* “the Minister of Justice and Attorney General or”;

(ii) *by striking out* “administrator or guardian,” *and substituting* “administrator, guardian or guardian ad litem.”;

(b) *by adding the following after subsection (1):*

(1.1) If the Minister of Justice and Attorney General is empowered to appoint a trustee, executor, administrator or guardian, the Public Trustee may be appointed to any of the appointments.

(1.2) Notwithstanding this or any other Act, the Alberta Rules of Court or the Surrogate Rules, the Public Trustee must be served with notice before an appointment described in subsection (1) or section 4 is made or a direction or order is made by a court or a judge that requires the Public Trustee to prepare a report, conduct an investigation or perform any other tasks.

(1.3) An appointment, direction or order described in subsection (1.2) may not be proceeded with until

(a) the Public Trustee consents to the appointment, and

(b) the Public Trustee has had the opportunity to make representations with respect to the terms and conditions of the appointment, direction or order, including costs.

(c) *in subsection (2) by striking out* “A person” *and substituting* “Subject to this section, a person”.

(13) *The following is added after section 25:*

Financial
credits

25.1 If the Public Trustee enters into a contract for banking services with respect to a common fund under section 25, any financial benefits and credits earned pursuant to the contract may be applied toward the costs of banking and related financial services with respect to the operation of the common fund.

(14) *Section 29 is repealed.*

(15) *Section 33 is amended*

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

(a) if any money or other property that forms part of the estate of a mentally incompetent person who has died either testate or intestate is in the hands of the

Public Trustee and 2 or more years has elapsed from the date the estate is ready for distribution, and

(b) by repealing subsection (2) and substituting the following:

(2) Money or other property that is in the hands of the Public Trustee and that forms part of the estate of

- (a) a person who is declared under section 9 to be a missing person,
- (b) a missing beneficiary of a deceased person's estate, if 2 years has elapsed from the date of the distribution to a trust for the benefit of the missing beneficiary, or
- (c) a person who has not been heard of by the Public Trustee, if 2 years has elapsed from the date of the completion of reasonable inquiries to locate that person,

may

- (d) in the case of money, be remitted to the Provincial Treasurer, and
- (e) in the case of other property, if in the absolute discretion of the Public Trustee it is in the best interests of the estate, be sold and converted into money and the proceeds remitted to the Provincial Treasurer.

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

(3.1) The Public Trustee may publish in The Alberta Gazette the name of any person with respect to whom money is remitted to the Provincial Treasurer under this section, the amount of money remitted and the date the money was remitted.

(d) by repealing subsection (4) and substituting the following:

(4) If a person claims to be entitled to money or proceeds paid to the Provincial Treasurer under this section, the Minister of Justice and Attorney General may

- (a) if satisfied as to the claimant's right, or
- (b) in the case of a person declared to be missing under section 9, on receipt of a declaration of the court

and court order, pursuant to section 10, directing that the person is entitled to the money or proceeds,

authorize the Provincial Treasurer, who shall then return to the Public Trustee for payment to the claimant the money, together with the interest on it, including interest from the date of receipt of the money by the Provincial Treasurer at the rate determined in accordance with the following:

- (c) before April 1, 1984, at the rate of interest of 5%;
- (d) for any year or part of a year commencing on or after April 1, 1984, at the rate of interest prescribed for that year for the purposes of section 4(2) of the *Judgment Interest Act*.

(16) *The following is added after section 35:*

Fees

35.1(1) The Public Trustee may, on the basis that the Public Trustee in his discretion considers to be reasonable, charge, including on an interim basis, for costs, fees, compensation, expenses and legal fees and charge for the provision of services or the carrying out of powers and duties pursuant to this Act or any other Act.

(2) All costs, compensation, expenses and fees, including legal fees, that would be allowed to a private trustee are allowed to the Public Trustee and may be collected by the Public Trustee.

(17) *The Administration of Estates Act is amended in section 6*

(a) *in subsection (1)(a) by striking out “death, a missing person or a convict” and substituting “death or a missing person”;*

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

(2.1) Notwithstanding subsection (2), if the will creates a trust for the benefit of a minor and appoints an executor or another person to hold the trust for the benefit of a minor, the Public Trustee may advise the court that the Public Trustee does not intend to monitor the trust or otherwise represent the interests of the minor beneficiary in the trust.

(2.2) On receipt of the Public Trustee’s advice under subsection (2.1) the Court may, on giving the Public Trustee the opportunity to make representations with respect to the terms and conditions of the appointment, including the payment of the Public Trustee’s compensation, fees and disbursements, direct the Public

Trustee to monitor the trust and specify terms and conditions and provide for the payment of the Public Trustee's compensation, fees and disbursements either

(a) as directed by the court, or

(b) as provided under the *Public Trustee Act*.

(2.3) On filing the intention under subsection (2.1) the Public Trustee is under no obligation to monitor the trust or otherwise protect the interest of the minor in that trust unless the court directs otherwise under subsection (2.2).

(c) *in subsection (3) by striking out "and "convict" have the meanings given them" and substituting "has the meaning given it"*.

(18) *This section comes into force on Proclamation.*

PWA Corporation Act

Amends SA
1983 cP-39

43(1) *The PWA Corporation Act is amended by this section.*

(2) *The title and chapter number of the Act are repealed and the following is substituted:*

CANADIAN AIRLINES CORPORATION ACT

CHAPTER C-0.6

(3) *The following provisions are amended by striking out "PWA" wherever it occurs and substituting "Canadian Airlines":*

section 1(c.1);
section 13(2).

Railway Act

Amends RSA
1980 cR-4

44 *The Railway Act is amended in section 219 by adding "and liable" after "offence".*

The Rocky Mountain Life Insurance Company Act

Repeals SA
1965 c119

45(1) *The Rocky Mountain Life Insurance Company Act is repealed.*

(2) *This section comes into force on Proclamation.*

Rural Gas Act

Amends SA 1994 cR-19.1 46 *The Rural Gas Act is amended by renumbering section 41 as section 40.*

Securities Act

Amends SA 1981 cS-6.1 47 *The Securities Act is amended in section 109(3)(a) and (b) by striking out “section” wherever it occurs and substituting “paragraph”.*

Social Development Act

Amends RSA 1980 cS-16 48 *The Social Development Act is amended*
(a) by repealing the heading “PART 5 FAMILY ALLOWANCE RATES” and sections 33, 34 and 35;
(b) in section 36 by striking out “or the Family Allowances Act, 1973 (Canada)”.

Wild Rose Foundation Act

Amends SA 1984 cW-7.8 49 *The Wild Rose Foundation Act is amended in section 5(3)*
(a) in clause (a) by striking out “any securities authorized under section 50” and substituting “investments that the Provincial Treasurer is authorized to invest in under section 50(1)”;
(b) in clause (b) by striking out “securities” wherever it occurs and substituting “investments”.

Workers’ Compensation Act

Amends SA 1981 cW-16 50(1) *The Workers’ Compensation Act is amended by this section.*
(2) Section 82.1 is amended by striking out “Health Care Insurance Fund” wherever it occurs and substituting “General Revenue Fund”.
(3) Section 149.1 is amended
(a) in subsection (1) by adding “1,” after “sections”;
(b) in subsection (2) by striking out “it” and substituting “he”.

Repeal of SA 1910(1) c5

Repeals SA
1910(1) c5

51(1) An Act to Confirm Certain By-laws of the City of Edmonton and a Certain Agreement entered into between the Canadian Pacific Railway Company, the Calgary and Edmonton Railway Company, and the City of Edmonton, chapter 5 of the Statutes of Alberta, 1910 (First Session), is repealed.

(2) The agreement entered into between the Canadian Pacific Railway Company, the Calgary and Edmonton Railway Company and the City of Edmonton confirmed under the Act referred to in subsection (1) and any amendments to that agreement are terminated effective March 31, 1994.