

1997 BILL 201

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Fifth Session, 23rd Legislature, 46 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 201

OMBUDSMAN AMENDMENT ACT, 1997

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MR. YANKOWSKY

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill 201*  
*Mr. Yankowsky*

## **BILL 201**

1997

### **OMBUDSMAN AMENDMENT ACT, 1997**

*(Assented to , 1997)*

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

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

*(2) Section 11 is amended in subsections (3), (4) and (5) by adding  
"or section 11.1(1)" after "subsection (1)".*

## Explanatory Notes

1(1) Amends chapter 0-7 of the Revised Statutes of Alberta, 1980.

(2) Section 11(3), (4) and (5) presently read:

*(3) The powers and duties conferred on the Ombudsman by this Act may be exercised and performed notwithstanding any provision in any Act to the effect*

*(a) that any decision, recommendation, act or omission mentioned in subsection (1) is final,*

*(b) that no appeal lies in respect thereof, or*

*(c) that no proceeding or decision of the person or organization whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.*

*(4) Without limiting subsection (1), any committee of the Legislative Assembly may at any time refer to the Ombudsman, for investigation and report by him, any petition that is before that committee for consideration or any matter to which the petition relates and, in that case, the Ombudsman shall,*

*(a) subject to any special directions of the committee, investigate the matter so referred to him so far as it is within his jurisdiction, and*

*(3) The following is added after section 11:*

**11.1(1)** It is the function and duty of the Ombudsman to investigate any decision or recommendation made or any act done or omitted relating to a matter of administration and affecting any person or body of persons in his or its personal capacity in or by The Law Society of Alberta or by any officer, employee or agent thereof in the exercise of any power or function conferred on him by any enactment.

**(2)** The Ombudsman may only commence an investigation under subsection (1) upon receipt of a written complaint.

**(3)** The Ombudsman may only investigate a complaint under this section when it relates to a complaint made to The Law Society of Alberta after the coming into force of this section.

**(4)** In sections 15, 17 and 20, "agency" includes The Law Society of Alberta.

*2(1) The Legal Profession Act is amended by this section.*

*(2) Section 112 is amended by adding the following after subsection (4):*

**(5)** Subsection (4) does not apply to an investigation conducted under the *Ombudsman Act*.

*(b) make any report to the committee that he thinks fit,*

*but nothing in section 14, 20 or 21 applies in respect of any investigation or report made under this subsection.*

*(5) Without limiting subsection (1), a Minister may at any time by order refer any matter to the Ombudsman for investigation and report by him and, in that case, the Ombudsman may*

*(a) subject to any special directions of the Minister, investigate the matter so referred to him so far as it is within his jurisdiction, and*

*(b) make any report to the Minister that he thinks fit,*

*but nothing in section 14, 20 or 21 applies in respect of any investigation or report made under this subsection.*

2(1) Amends chapter L-9.1 of the Statutes of Alberta, 1990.

*3 This Act comes into force on Proclamation.*

