

1997 BILL 22

First Session, 24th Legislature, 46 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 22

**ENVIRONMENTAL PROTECTION AND
ENHANCEMENT AMENDMENT ACT, 1997**

THE MINISTER OF ENVIRONMENTAL PROTECTION

First Reading
Second Reading
Committee of the Whole
Third Reading
Royal Assent

Bill 22

BILL 22

1997

ENVIRONMENTAL PROTECTION AND ENHANCEMENT AMENDMENT ACT, 1997

(Assented to _____, 1997)

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

Amends SA
1992 cE-13.3

1 The *Environmental Protection and Enhancement Act* is amended by this Act.

2 Section 1(fff) is repealed.

3 Section 19 is repealed.

Explanatory Notes

1 Amends chapter E-13.3 of the Statutes of Alberta, 1992.

2 Section 1(fff) presently reads:

1 In this Act,

(fff) “regulatory board” means a regulatory board established by a regulation under section 35;

3 Section 19 presently reads:

19(1) The Minister may by order and with the approval of the Lieutenant Governor in Council

(a) delegate to a regulatory board any of the rights, powers or duties of an inspector, investigator or Director under this Act,

(b) impose any conditions on the regulatory board's exercise of the delegated rights, powers or duties that the Minister considers appropriate, and

(c) amend or revoke the order.

(2) Where the Minister makes a delegation under subsection (1), a reference in this Act to an inspector, investigator or Director with respect to the delegated right, power or duty is to be read as if it were a reference to the regulatory board to which the delegation was made.

4 Section 35(d), (e) and (f) are repealed and the following is substituted:

- (d) respecting the establishment or designation of delegated authorities;
- (e) respecting the delegation to one or more delegated authorities of
 - (i) any of the rights, powers or duties of an inspector, investigator or Director under this Act, or
 - (ii) the performance of any of the Minister's duties or functions, or the exercise of any of the Minister's powers, under this Act, other than a power to make regulations and a power to delegate;
- (f) making, with respect to a delegation referred to in clause (e), any provision that is made in Schedule 10 of the *Government Organization Act* or that may be made by regulation under section 2 of that Schedule;

(3) A regulatory board may make by-laws

- (a) respecting the conduct of the business and affairs of the board;*
- (b) respecting the calling of meetings of the members and the conduct of business at those meetings;*
- (c) respecting the appointment, removal, functions, powers, duties, remuneration and benefits of officers and employees of the board;*
- (d) delegating to the officers of the board or any committee of it any powers of the board required to manage the business and affairs of the board, except the power to make by-laws;*
- (e) respecting the establishment, membership, duties and functions of special, standing and other committees.*

(4) A by-law made by a regulatory board is not effective until it is approved by the Minister.

(5) The Regulations Act does not apply to a by-law of a regulatory board.

4 Section 35 presently reads in part:

35 The Lieutenant Governor in Council may make regulations

- (d) providing for the establishment of regulatory boards to exercise rights, powers and duties delegated to them under section 19;*
- (e) providing for the appointment of the members of a regulatory board, including, without limitation, the number of members, the method of appointment of members, the terms of office of members and the filling of vacancies and the remuneration and benefits to which members are entitled;*
- (f) respecting the manner in which the costs of the administration of the business and affairs of a regulatory board are to be paid for including, without limitation, regulations
 - (i) authorizing the board to collect money by the levy of assessments on persons or classes of persons specified in the regulation, and respecting the manner in which such assessments are to be imposed and collected, and*
 - (ii) authorizing the board to use money in any fund for which it is responsible for the purposes of those costs of administration;**

5 Section 208(f) is amended by striking out “regulatory board” and substituting “delegated authority referred to in section 35(d)”.

5 Section 208(f) presently reads:

208 No action for damages may be commenced against

(f) a member, employee or agent of, or a person under contract to, a regulatory board,

for anything done or not done by that person in good faith while carrying out his duties or exercising his powers under this Act including, without limitation, any failure to do something when that person has discretionary authority to do something but does not do it.