

1998 BILL 41

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Second Session, 24th Legislature, 47 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 41

**AGRICULTURE STATUTES (LIVESTOCK  
IDENTIFICATION) AMENDMENT ACT, 1998**

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THE MINISTER OF AGRICULTURE, FOOD  
AND RURAL DEVELOPMENT

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 41

1998

### AGRICULTURE STATUTES (LIVESTOCK IDENTIFICATION) AMENDMENT ACT, 1998

(Assented to \_\_\_\_\_, 1998)

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

#### Brand Act

Amends RSA  
1980 cB-11

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

**(2) Section 1 is amended**

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

(a) “brand” means a brand as defined by the regulations;

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

(c) “character” means a character as defined by the regulations;

**(c) by repealing clause (c.1) and substituting the following:**

(c.1) “electronic identification” means electronic identification as defined by the regulations;

**(d) by repealing clause (c.2) and substituting the following:**

(c.2) “honorary brand” means an honorary brand as defined by the regulations;

**(e) by repealing clause (i) and substituting the following:**

## Explanatory Notes

### Brand Act

1(1) Amends chapter B-11 of the Revised Statutes of Alberta 1980.

(2) Section 1 presently reads:

*1 In this Act,*

- (a) “brand” means a character or combination of characters used for the purpose of denoting ownership of the stock bearing the brand;*
- (b) “cattle” means a bull, cow, ox, heifer, steer or calf;*
- (c) “character” means a sign, letter or numeral;*
- (c.1) “electronic identification” means any device implanted beneath or on the skin or within the body of an animal that contains a combination of characters used to denote ownership of the animal;*
- (c.2) “honorary brand” means a character or combination of characters allotted to a person for the purpose of promoting the livestock industry or for recognizing outstanding service to the livestock industry but not for the purpose of denoting ownership of stock or of the honorary brand;*
- (d) “horse” means a horse, mare, gelding, colt or filly, ass or mule;*

- (i) "Recorder" means the person appointed as the Recorder of Brands by the Minister pursuant to section 8(1);

**(3) Section 2 is amended by striking out "approval of the Minister" and substituting "regulations".**

**(4) Section 8 is repealed and the following is substituted:**

Recorder of  
Brands

**8(1)** The Minister shall appoint a person to be the Recorder of Brands and establish the terms and conditions of service, including remuneration and expenses, applicable to the Recorder if the person is not an employee as defined in the *Public Service Act*.

(2) The Recorder shall keep a record of all brands, including honorary brands, allotted under this Act, and of their purchase, allotment date, cancellation and transfer, together with the names of the owners or transferees of those brands.

(3) The Recorder may delegate any of the Recorder's powers, duties or functions under this Act to any person.

**(5) Section 19 is amended by adding the following after subsection (3.1):**

(3.2) A person who contravenes this Act or the regulations otherwise than as referred to in subsections (1) and (3.1) is guilty of an offence.

- (e) *“Minister” means the Minister of Agriculture, Food and Rural Development;*
- (f) *“owner” means a person recorded under this Act as the owner of a brand or vent, and the authorized agent or transferee of the owner;*
- (f.1) *“prescribed” means prescribed or otherwise provided for by the regulations;*
- (h) *“recorded” means entered in the record kept under this Act;*
- (i) *“Recorder” means the person appointed Recorder of Brands pursuant to the Public Service Act;*
- (j) *“sheep” means a ram, ewe, wether or lamb;*
- (k) *“stock” means any horse, cattle, sheep or buffalo or any game-production animal as defined in the Livestock Industry Diversification Act;*
- (l) *“vent” means any mark placed on an animal by the owner denoting that the property in the stock bearing it has passed from the owner to some other person.*

(3) Section 2 presently reads:

*2 Subject to the approval of the Minister, brands of any form or combination of characters may be allotted to be applied to any part of the body of any stock.*

(4) Section 8 presently reads:

*8 The Recorder shall keep a record of all brands, including honorary brands, allotted under this Act, and of their purchase, allotment date, cancellation and transfer, together with the dates thereof and the names of the owners or transferees of those brands.*

(5) Section 19 presently reads in part:

*(3.1) A person who knowingly brands, or directs, aids or assists in branding, any stock with an honorary brand is guilty of an offence.*

Self-  
government

**(6) The following is added after section 20:**

**20.1(1)** The Minister may make regulations

- (a) respecting the establishment of delegated authorities;
- (b) delegating to one or more delegated authorities any of the powers, duties or functions of the Minister or of the Recorder under this Act or the regulations, except the power of the Minister to make regulations under this section or section 21;
- (c) imposing conditions on the delegated powers, duties or functions;
- (d) limiting the liability of a delegated authority and its employees, agents, directors or officers in an action for negligence with respect to the delegated power, duty or function when the delegated authority and its employees, agents, directors or officers act in good faith pursuant to the delegation, including but not limited to providing that any limitation of liability applicable to the Recorder may be made applicable to a delegated authority and its employees, agents, directors or officers when they carry out the Recorder's power, duty or function;
- (e) respecting an appeal from an action or a decision of a delegated authority or its employees, agents, directors or officers;
- (f) authorizing a delegated authority to collect money by the levy of fees and charges with respect to the delegated power, duty or function on persons or classes of persons specified in the regulations, respecting how the fees and charges are to be imposed, collected and accounted for and authorizing the delegated authority to use the money for any purpose related to the operation of the delegated authority in the carrying out of a delegated power, duty or function;
- (g) respecting the payment of a fee to a delegated authority for the carrying out of a delegated power, duty or function;
- (h) authorizing a delegated authority to collect, on behalf of the Crown, any money lawfully due to the Crown under this Act and respecting how the money

(6) Self-government.

is collected and accounted for and remitted to the Provincial Treasurer;

- (i) respecting records that a delegated authority is required to maintain;
  - (j) respecting the annual report under section 20.6;
  - (k) respecting the confidentiality of information obtained by the delegated authority and its employees, agents, directors or officers while carrying out a delegated power, duty or function;
  - (l) respecting the inspection of premises where a delegated authority or its employee, agent, director or officer is carrying out a delegated power, duty or function and authorizing the Minister to make copies of any document or other record related to the delegated power, duty or function;
  - (m) respecting the carrying out of an audit of the delegated authority with respect to its delegated powers, duties and functions and authorizing the Minister to charge reasonable costs incurred in carrying out the audit.
- (2) When a delegation is made under subsection (1),
- (a) a reference in this Act or the regulations to the Minister or to the Recorder with respect to delegated powers, duties or functions is to be read as if it were a reference to the delegated authority, and
  - (b) a person who is affected by an action taken or a decision made by a delegated authority pursuant to the delegation may appeal the action or decision in accordance with the regulations under subsection (1).
- (3) Notwithstanding the *Financial Administration Act*, any money collected by a delegated authority pursuant to subsection (1)(f) or (g) or section 20.5 belongs to the delegated authority.
- (4) If the regulations establish a maximum amount of a fee that a delegated authority may charge for providing a service, the delegated authority may not charge or collect a fee that is greater than that maximum amount.





Rules	<p><b>20.11(1)</b> A delegated authority may make rules</p> <ul style="list-style-type: none"> <li>(a) respecting the carrying out of a delegated power, duty or function;</li> <li>(b) delegating to the employees or agents of the delegated authority and, in the case of a corporation, to its employees, agents, directors or officers, the carrying out of a delegated power, duty or function, except the power to make rules under this subsection.</li> </ul> <p>(2) A rule made under subsection (1) is not in force until it is approved by the Minister.</p> <p>(3) The <i>Regulations Act</i> does not apply to a rule made under this section.</p>
Not Crown agent	<p><b>20.2</b> With respect to a delegation, a delegated authority and its employees, agents, directors or officers are not agents of the Crown.</p>
Financial Administration Act not applicable	<p><b>20.3</b> The <i>Financial Administration Act</i> does not apply to a delegated authority with respect to a delegated power, duty or function.</p>
Business Corporations Act, s.117(4)	<p><b>20.4</b> Section 117(4) of the <i>Business Corporations Act</i> does not apply to a corporation that is a delegated authority in respect of the carrying out of a power, duty or function under this Act.</p>
Collections	<p><b>20.5</b> A fee or charge levied pursuant to the regulations under section 20.1(1)(f) is recoverable by the delegated authority as a debt due to the delegated authority.</p>
Reports	<p><b>20.6(1)</b> A delegated authority shall, after the end of its fiscal year, prepare and submit to the Minister an annual report with respect to its powers, duties and functions under this Act.</p> <p>(2) The annual report must include a general summary of the delegated authority's policies and activities in that year, any rules made under section 20.11 in that year and a financial report that includes an audited financial statement.</p> <p>(3) The Minister shall lay a copy of the annual report before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.</p>



(4) A delegated authority shall on the written request of the Minister provide the Minister with other reports as specified by the Minister in the request.

Forms

**20.7** A delegated authority may establish and use forms other than those prescribed by regulation.

**(7) Section 21 is amended**

**(a) by renumbering clause (a) as clause (a.1) and adding the following before clause (a.1):**

(a) defining, for the purposes of this Act and the regulations, brand, character, electronic identification and honorary brand;

**(b) in clause (b) by adding “brands,” before “persons”;**

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

(e) respecting applications for allotment of

(i) honorary brands under section 8.1;

(ii) brands under section 9;

(f) prescribing different categories of brands.

**Livestock Identification and  
Brand Inspection Act**

Amends SA  
1985 cL-22.5

**2(1) The *Livestock Identification and Brand Inspection Act* is amended by this section.**

**(2) Section 1 is amended by repealing clause (p) and substituting the following:**

(p) “supervisor” means a supervisor appointed under section 2;

**(3) Section 2(1) is repealed and the following is substituted:**

(7) Section 21 presently reads:

*21 The Minister may make regulations*

*(a) prescribing forms for use under this Act;*

*(b) respecting fees payable for allotments, purchases, transfers and other recordings made and for other services and materials provided under this Act, including the imposition of different fees for different categories of persons or services;*

*(b.1) respecting any matters that the Minister considers are required for the proper implementation of section 8.2;*

*(b.2) restricting allotments of brands whose owners do not exercise their rights to purchase under section 8.2;*

*(c) respecting the location of brands and the placement of brands including the implanting of electronic identification;*

*(d) respecting the establishment of methods of branding stock.*

### **Livestock Identification and Brand Inspection Act**

**2(1)** Amends chapter L-22.5 of the Statutes of Alberta, 1985.

(2) Section 1(p) presently reads:

*1 In this Act,*

*(p) “Supervisor” means the Supervisor of Regulatory Services of the Department of Agriculture, Food and Rural Development;*

(3) Section 2(1) presently reads:

Appointments

**2(1)** The Minister may appoint supervisors, livestock inspectors and any other persons required for the purposes of this Act and the regulations, and may prescribe the duties and fix the remuneration for any person appointed who is not an employee as defined in the *Public Service Act*.

**(4) The following is added after section 32:**

Self-government

**32.1(1)** The Minister may make regulations

- (a) respecting the establishment of delegated authorities;
- (b) delegating to one or more delegated authorities any of the powers, duties or functions of the Minister or of a supervisor or livestock inspector under this Act or the regulations, except the power of the Minister to make regulations under this section or section 33.1;
- (c) imposing conditions on the delegated powers, duties or functions;
- (d) limiting the liability of a delegated authority and its employees, agents, directors or officers in an action for negligence with respect to the delegated power, duty or function when the delegated authority and its employees, agents, directors or officers act in good faith pursuant to the delegation, including but not limited to providing that any limitation of liability applicable to a supervisor or livestock inspector may be made applicable to a delegated authority and its employees, agents, directors or officers when they carry out the supervisor's or livestock inspector's power, duty or function;
- (e) respecting an appeal from an action or a decision of a delegated authority or its employees, agents, directors or officers;
- (f) authorizing a delegated authority to collect money by the levy of fees and charges with respect to the delegated power, duty or function on persons or classes of persons specified in the regulations, respecting how the fees and charges are to be imposed, collected and accounted for and authorizing the delegated authority to use the money for any purpose related to the operation of the delegated authority in the carrying out of a delegated power, duty or function;

*2(1) In accordance with the Public Service Act there may be appointed livestock inspectors and any other persons required for the purposes of this Act and the regulations.*

(4) Self-government.

- (g) respecting the payment of a fee to a delegated authority for the carrying out of a delegated power, duty or function;
  - (h) authorizing a delegated authority to collect, on behalf of the Crown, any money lawfully due to the Crown under this Act and respecting how the money is to be collected and accounted for and remitted to the Provincial Treasurer;
  - (i) notwithstanding anything contained in section 26, respecting the withholding, release and disposition of settlement funds;
  - (j) respecting records that a delegated authority is required to maintain;
  - (k) respecting the annual report under section 32.6;
  - (l) respecting the terms and conditions on which a market operator must lease an office to a delegated authority when required by the delegated authority;
  - (m) respecting the confidentiality of information obtained by the delegated authority and its employees, agents, directors or officers while carrying out a delegated power, duty or function;
  - (n) respecting the inspection of premises where a delegated authority or its employee, agent, director or officer is carrying out a delegated power, duty or function and authorizing the Minister to make copies of any document or other record related to the delegated power, duty or function;
  - (o) respecting the carrying out of an audit of the delegated authority with respect to its delegated powers, duties and functions and authorizing the Minister to charge reasonable costs incurred in carrying out the audit.
- (2) When a delegation is made under subsection (1),
- (a) a reference in this Act or the regulations to the Minister or to a supervisor or livestock inspector with respect to delegated powers, duties or functions is to be read as if it were a reference to the delegated authority, and
  - (b) a person who is affected by an action taken or a decision made by a delegated authority pursuant to





the delegation may appeal the action or decision in accordance with the regulations under subsection (1).

(3) Notwithstanding the *Financial Administration Act*, any money collected by a delegated authority pursuant to subsection (1)(f) or (g) or section 32.5 belongs to the delegated authority.

(4) If the regulations establish a maximum amount of a fee that a delegated authority may charge for providing a service, the delegated authority may not charge or collect a fee that is greater than that maximum amount.

Rules

**32.11(1)** A delegated authority may make rules

(a) respecting the carrying out of a delegated power, duty or function;

(b) delegating to the employees or agents of the delegated authority and, in the case of a corporation, to its employees, agents, directors or officers, the carrying out of a delegated power, duty or function, except the power to make rules under this subsection.

(2) A rule made under subsection (1) is not in force until it is approved by the Minister.

(3) The *Regulations Act* does not apply to a rule made under this section.

Not Crown agent

**32.2** With respect to a delegation, a delegated authority and its employees, agents, directors or officers are not agents of the Crown.

Financial Administration Act not applicable

**32.3** The *Financial Administration Act* does not apply to a delegated authority with respect to a delegated power, duty or function.

Business Corporations Act, s.117(4)

**32.4** Section 117(4) of the *Business Corporations Act* does not apply to a corporation that is a delegated authority in respect of the carrying out of a power, duty or function under this Act.

Collections

**32.5** A fee or charge levied pursuant to the regulations under section 32.1(1)(f) is recoverable by the delegated authority as a debt due to the delegated authority.



Reports

**32.6(1)** A delegated authority shall, after the end of its fiscal year, prepare and submit to the Minister an annual report with respect to its powers, duties and functions under this Act.

(2) The annual report must include a general summary of the delegated authority's policies and activities in that year, any rules made under section 32.11 in that year and a financial report that includes an audited financial statement.

(3) The Minister shall lay a copy of the annual report before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

(4) A delegated authority shall on the written request of the Minister provide the Minister with other reports as specified by the Minister in the request.

Forms

**32.7** A delegated authority may establish and use forms other than those prescribed by regulation.

**(5) The following provisions are amended by striking out "Supervisor" and substituting "supervisor":**

section 6(1) and (5);  
section 9(2);  
section 12(1) and (2);  
section 13;  
section 17(1), (2) and (3).

#### **Livestock and Livestock Products Act**

Amends RSA  
1980 cL-24

**3(1) The *Livestock and Livestock Products Act* is amended by this section.**

**(2) Section 8(2) is repealed and the following is substituted:**

(2) When under subsection (1) security is required to be furnished, the security must be in a form prescribed by regulation.

(5) Change in terminology.

### **Livestock and Livestock Products Act**

**3(1)** Amends chapter L-24 of the Revised Statutes of Alberta 1980.

(2) Section 8(2) presently reads:

*(2) When security is required by regulations under subsection (1) to be furnished, the security may, in the discretion of the Minister, take the form of*

*(a) a bond in favour of the Crown, with one or more sureties, of which it is a condition that the licensee shall pay patrons for the value of the livestock or livestock products supplied, or*

*(b) any other security payable to the Crown that the Minister may require for the proper discharge of the financial obligations of the licensee to patrons.*

**(3) Section 9.1 is repealed and the following is substituted:**

Administrator

**9.1** The Minister shall appoint a person to be the Administrator and establish the terms and conditions of service, including remuneration and expenses, applicable to the Administrator if the person is not an employee as defined in the *Public Service Act*.

**(4) Section 14.1(6) is repealed and the following is substituted:**

**(6)** The Minister may appoint a person to be the secretary to the Tribunal and establish the terms and conditions of service, including remuneration and expenses, applicable to the secretary if the person is not an employee as defined in the *Public Service Act*.

**(5) Section 16(1) is amended by striking out “, subject to the *Public Service Act*,”.**

**(6) The following is added after section 22:**

Self-  
government

**22.1(1)** The Minister may make regulations

- (a) respecting the establishment of delegated authorities;
- (b) delegating to one or more delegated authorities any of the powers, duties or functions of the Minister or of the Administrator or an inspector under this Act or the regulations, except the power of the Minister to make regulations under this section or section 2.1, 3(5) or 18;
- (c) imposing conditions on the delegated powers, duties or functions;
- (d) limiting the liability of a delegated authority and its employees, agents, directors or officers in an action for negligence with respect to the delegated power, duty or function when the delegated authority and its employees, agents, directors or officers act in good faith pursuant to the delegation, including but not limited to providing that any limitation of liability applicable to the Administrator or an inspector may be made applicable to a delegated authority and its employees, agents, directors or officers when they

(3) Section 9.1 presently reads:

*9.1 The Minister shall appoint an employee of the Department of Agriculture, Food and Rural Development to be the Administrator.*

(4) Section 14.1(6) presently reads:

*(6) The Administrator is the secretary to the Tribunal.*

(5) Section 16(1) presently reads:

*16(1) The Minister may, subject to the Public Service Act, appoint any persons he considers necessary as inspectors for the purposes set out in this section, prescribe their duties and fix their remuneration.*

(6) Self-government.

carry out the Administrator's or inspector's power, duty or function;

- (e) notwithstanding anything contained in sections 4 and 5, respecting an appeal from an action or a decision of a delegated authority or its employees, agents, directors or officers;
- (f) authorizing a delegated authority to collect money by the levy of fees and charges with respect to the delegated power, duty or function on persons or classes of persons specified in the regulations, respecting how the fees and charges are to be imposed, collected and accounted for and authorizing the delegated authority to use the money for any purpose related to the operation of the delegated authority in the carrying out of a delegated power, duty or function;
- (g) respecting the payment of a fee to a delegated authority for the carrying out of a delegated power, duty or function;
- (h) authorizing a delegated authority to collect, on behalf of the Crown, any money lawfully due to the Crown under this Act and respecting how the money is to be collected and accounted for and remitted to the Provincial Treasurer;
- (i) respecting records that a delegated authority is required to maintain;
- (j) respecting the annual report under section 22.6;
- (k) respecting the confidentiality of information obtained by the delegated authority and its employees, agents, directors or officers while carrying out a delegated power, duty or function;
- (l) respecting the inspection of premises where a delegated authority or its employee, director, agent or officer is carrying out a delegated power, duty or function and authorizing the Minister to make copies of any document or other record related to the delegated power, duty or function;
- (m) respecting the carrying out of an audit of the delegated authority with respect to its delegated powers, duties and functions and authorizing the Minister to charge reasonable costs incurred in carrying out the audit.





- (2) When a delegation is made under subsection (1),
- (a) a reference in this Act or the regulations to the Minister or the Administrator or an inspector with respect to delegated powers, duties or functions is to be read as if it were a reference to the delegated authority, and
  - (b) a person who is affected by an action taken or decision made by a delegated authority pursuant to the delegation may appeal the action or decision in accordance with the regulations under subsection (1).
- (3) Notwithstanding the *Financial Administration Act*, any money collected by a delegated authority pursuant to subsection (1)(f) or (g) or section 22.5 belongs to the delegated authority.
- (4) If the regulations establish a maximum amount of a fee that a delegated authority may charge for providing a service, the delegated authority may not charge or collect a fee that is greater than that maximum amount.

Rules

**22.11(1)** A delegated authority may make rules

- (a) respecting the carrying out of a delegated power, duty or function;
- (b) delegating to the employees or agents of the delegated authority and, in the case of a corporation, to its employees, agents, directors or officers, the carrying out of a delegated power, duty or function, except the power to make rules under this subsection.

(2) A rule made under subsection (1) is not in force until it is approved by the Minister.

(3) The *Regulations Act* does not apply to a rule made under this section.

Not Crown agent

**22.2** With respect to a delegation, a delegated authority and its employees, agents, directors or officers are not agents of the Crown.

Financial Administration Act not applicable

**22.3** The *Financial Administration Act* does not apply to a delegated authority with respect to a delegated power, duty or function.



Business Corporations Act, s.117(4)	<b>22.4</b> Section 117(4) of the <i>Business Corporations Act</i> does not apply to a corporation that is a delegated authority in respect of the carrying out of a power, duty or function under this Act.
Collections	<b>22.5</b> A fee or charge levied pursuant to the regulations under section 22.1(1)(f) is recoverable by the delegated authority as a debt due to the delegated authority.
Reports	<p><b>22.6(1)</b> A delegated authority shall, after the end of its fiscal year, prepare and submit to the Minister an annual report with respect to its powers, duties and functions under this Act.</p> <p>(2) The annual report must include a general summary of the delegated authority's policies and activities in that year, any rules made under section 22.11 in that year and a financial report that includes an audited financial statement.</p> <p>(3) The Minister shall lay a copy of the annual report before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.</p> <p>(4) A delegated authority shall on the written request of the Minister provide the Minister with other reports as specified by the Minister in the request.</p>
Forms	<b>22.7</b> A delegated authority may establish and use forms other than those prescribed by regulation.

### **Stray Animals Act**

Amends RSA 1980 cS-23	<p><b>4(1) The <i>Stray Animals Act</i> is amended by this section.</b></p> <p><b>(2) Section 4 is repealed and the following is substituted:</b></p>
Staff	<p><b>4</b> The Minister may appoint inspectors, assessors and any other persons required for the purposes of this Act and the regulations, and may prescribe the duties and fix the remuneration and travelling and living expenses for any person appointed who is not an employee as defined in the <i>Public Service Act</i>.</p>

### **Stray Animals Act**

**4(1)** Amends chapter S-23 of the Revised Statutes of Alberta 1980.

**(2)** Section 4 presently reads:

*4(1) In accordance with the Public Service Act there may be appointed any inspectors and other persons required for the purposes of this Act and the regulations.*

*(2) The Minister may*

*(a) designate any person as an inspector for the purposes of this Act either for all or for any part of Alberta subject to any conditions he considers necessary, or*

*(b) appoint any person as an assessor for the purposes of this Act,*

**(3) The heading to Part 4 is amended by striking out “REGULATIONS, OFFENCES AND PENALTIES” and substituting “GENERAL MATTERS”.**

**(4) The following is added before section 23:**

Self-  
government

**22.1(1)** The Minister may make regulations

- (a) respecting the establishment of delegated authorities;
- (b) delegating to one or more delegated authorities any of the powers, duties or functions of the Minister or of an inspector or assessor under this Act or the regulations, except
  - (i) the Minister’s power to make regulations under this section or section 23.1, and
  - (ii) the Minister’s powers, duties and functions under section 8.1;
- (c) imposing conditions on the delegated powers, duties or functions;
- (d) limiting the liability of a delegated authority and its employees, agents, directors or officers in an action for negligence with respect to the delegated power, duty or function when the delegated authority and its employees, agents, directors or officers act in good faith pursuant to the delegation, including but not limited to providing that any limitation of liability applicable to an inspector or assessor may be made applicable to a delegated authority and its employees, agents, directors or officers when they carry out the inspector’s or assessor’s power, duty or function;
- (e) respecting an appeal from an action or a decision of a delegated authority or its employees, agents, directors or officers;
- (f) authorizing a delegated authority to collect money by the levy of fees and charges with respect to the delegated power, duty or function on persons or classes of persons specified in the regulations, respecting how the fees and charges are to be imposed, collected and accounted for and authorizing the delegated authority to use the money for any purpose related to the operation of the

*and prescribe his remuneration and travelling and living expenses.*

(3) The Part 4 heading presently reads:

*PART 4*

*REGULATIONS, OFFENCES AND PENALTIES*

(4) Self-government.

delegated authority in the carrying out of a delegated power, duty or function;

- (g) respecting the payment of a fee to a delegated authority for the carrying out of a delegated power, duty or function;
  - (h) notwithstanding sections 15 and 18, authorizing the delegated authority to collect the proceeds from a public auction and respecting the manner in which those proceeds are to be dealt with by the delegated authority;
  - (i) authorizing a delegated authority to collect, on behalf of the Crown, any money lawfully due to the Crown under this Act and respecting how the money is to be collected and accounted for and remitted to the Provincial Treasurer;
  - (j) respecting records that a delegated authority is required to maintain;
  - (k) respecting the annual report under section 22.6;
  - (l) respecting the confidentiality of information obtained by the delegated authority and its employees, agents, directors or officers while carrying out a delegated power, duty or function;
  - (m) respecting the inspection of premises where a delegated authority or its employee, agent, director or officer is carrying out a delegated power, duty or function and authorizing the Minister to make copies of any document or other record related to the delegated power, duty or function;
  - (n) respecting the carrying out of an audit of the delegated authority with respect to its delegated powers, duties and functions and authorizing the Minister to charge reasonable costs incurred in carrying out the audit.
- (2) When a delegation is made under subsection (1),
- (a) a reference in this Act or the regulations to the Minister or to an inspector or assessor with respect to delegated powers, duties or functions is to be read as if it were a reference to the delegated authority, and





(b) a person who is affected by an action taken or a decision made by a delegated authority pursuant to the delegation may appeal the action or decision in accordance with the regulations under subsection (1).

(3) Notwithstanding the *Financial Administration Act*, any money collected by a delegated authority pursuant to subsection (1)(f) or (g) or section 22.5 belongs to the delegated authority.

(4) If the regulations establish a maximum amount of a fee that a delegated authority may charge for providing a service, the delegated authority may not charge or collect a fee that is greater than that maximum amount.

Rules

**22.11(1)** A delegated authority may make rules

(a) respecting the carrying out of a delegated power, duty or function;

(b) delegating to the employees or agents of the delegated authority and, in the case of a corporation, to its employees, agents, directors or officers, the carrying out of a delegated power, duty or function, except the power to make rules under this subsection.

(2) A rule made under subsection (1) is not in force until it is approved by the Minister.

(3) The *Regulations Act* does not apply to a rule made under this section.

Not Crown agent

**22.2** With respect to a delegation, a delegated authority and its employees, agents, directors or officers are not agents of the Crown.

Financial Administration Act not applicable

**22.3** The *Financial Administration Act* does not apply to a delegated authority with respect to a delegated power, duty or function.

Business Corporations Act, s.117(4)

**22.4** Section 117(4) of the *Business Corporations Act* does not apply to a corporation that is a delegated authority in respect of the carrying out of a power, duty or function under this Act.

Collections

**22.5** A fee or charge levied pursuant to the regulations under section 22.1(1)(f) is recoverable by the delegated authority as a debt due to the delegated authority.



Reports

**22.6(1)** A delegated authority shall, after the end of its fiscal year, prepare and submit to the Minister an annual report with respect to its powers, duties and functions under this Act.

(2) The annual report must include a general summary of the delegated authority's policies and activities in that year, any rules made under section 22.11 in that year and a financial report that includes an audited financial statement.

(3) The Minister shall lay a copy of the annual report before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

(4) A delegated authority shall on the written request of the Minister provide the Minister with other reports as specified by the Minister in the request.

Forms

**22.7** A delegated authority may establish and use forms other than those prescribed by regulation.

### **Coming into Force**

**5 This Act comes into force on Proclamation.**

## **Coming into Force**

- 5** Coming into force.