

## BILL 28

2002

### MISCELLANEOUS STATUTES AMENDMENT ACT, 2002

(Assented to \_\_\_\_\_, 2002)

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

#### Employment Pension Plans Act

##### Amends RSA 2000 cE-8

**1(1)** The *Employment Pension Plans Act* is amended by this section.

**(2)** Section 81(1)(a) is amended by striking out “effective”.  
**Railway (Alberta) Act**

##### Amends RSA 2000 cR-4

**2(1)** The *Railway (Alberta) Act* is amended by this section.

**(2)** Section 10(1)(b) is repealed and the following is substituted:

- (b) operate rolling stock without being authorized to do so by an approval for that purpose that is granted by the Railway Administrator.

**(3)** Section 20(1)(a)(ii) is amended by striking out “by the regulations to be a private road” and substituting “as a private road by the Minister”.

**(4)** Section 23 is amended

- (a) by repealing subsection (2) and substituting the following:

(2) An operator of a public railway or industrial railway who intends to cease providing a service shall, prior to the cessation of that service, give notice of the cessation of service to the Railway Administrator in accordance with the regulations.

(b) in subsection (3) by adding “in accordance with the regulations” after “railway of the cessation of the service”.

**(5) Section 30 is amended**

(a) in clause (h) by adding “or renewed” after “granted”;

(b) by adding the following after clause (h):

(h.1) requiring an applicant for an approval or an operator of a railway to have a safety management system and plan, and respecting the nature of such systems and plans;

(h.2) governing the term for which an approval may be granted or renewed;

(c) in clause (n) by adding “and other incidents” after “accidents”;

(d) by repealing clause (w).

**(6) Section 46(1) is amended by adding the following after clause (a):**

(a.1) a quorum of the Board is 3 members;

**(7) Section 57(4) is amended by adding the following after clause (a):**

(a.1) prescribing the term of an approval that is deemed to have been granted by virtue of the operation of subsection (2);

**(8) The following is added after section 57:**

### **Transitional**

**57.1(1)** An operator of a public railway that is operating rolling stock on the date this section comes into force must be in compliance with section 10(1)(b) not later than 3 months after the date this section comes into force.

(2) An operator of an industrial railway or amusement railway that is operating rolling stock on the date this section comes into force must be in compliance with section 10(1)(b) not later than 12 months after the date this section comes into force.

(3) This section does not apply to the Central Western Railway Corporation.

### **(9) Section 60 is repealed and the following is substituted:**

**60** The *Expropriation Act* is amended in section 27(2) by adding “or under or pursuant to the *Railway (Alberta) Act*” after “plants”.

## **Small Business Term Assistance Act**

### **Repeals RSA 2000 cS-8**

**3(1)** The *Small Business Term Assistance Act* is repealed.

**(2)** The *Financial Administration Act* is amended in section 62(1)(b) by striking out “and section 3(a) of the *Small Business Term Assistance Act*”.

## **Explanatory Notes**

### **Employment Pension Plans Act**

1(1) Amends chapter E-8 of the Revised Statutes of Alberta 2000.

(2) Section 81(1) presently reads in part:

*81(1) An amendment to a pension plan, or, where one plan has been adopted in place of another, the plan so adopted, may not reduce*

- (a) *a person's benefits in respect of employment on or after the initial qualification date and before the effective date of the amendment or the adoption of the other plan,*

**Railway (Alberta) Act**

**2(1)** Amends chapter R-4 of the Revised Statutes of Alberta 2000.

(2) Section 10(1)(b) presently reads:

*10(1) An operator of a railway shall not do the following:*

- (b) *commence the general operation of rolling stock until the Railway Administrator grants an approval to the operator authorizing the commencement of the general operation of rolling stock.*

(3) Section 20(1)(a) presently reads:

*20(1) In this section,*

- (a) *“private road” means*
  - (i) *a road that is not a highway, or*
  - (ii) *a highway that is not owned or otherwise under the direction, control or management of the Crown in right of Alberta or Canada, a Minister or a municipality and is designated by the regulations to be a private road,*

*and*

(4) Section 23 presently reads in part:

*(2) An operator of a railway who ceases to provide a service shall give notice to the Railway Administrator of the cessation of the service.*

*(3) With respect to the cessation of a service that is provided by a public railway, the operator of the public railway shall, prior to the cessation of that service and in addition to giving notice under subsection (2), notify the public and the shippers of goods or commodities on that railway of the cessation of the service.*

(5) Section 30 presently reads in part:

*30 The Minister may make regulations*

- (h) *governing the criteria to be met in order for an approval to be granted;*
- (n) *governing the reporting of accidents;*
- (w) *for the purposes of section 20, designating a highway or any portion of a highway to be a private road;*

(6) Section 46(1) presently reads:

*46(1) For the purposes of conducting reviews and hearings before the Board,*

- (a) *the chair and the other members of the Board have the same power as is vested in the Court of Queen’s Bench for the trial of civil actions*

- (i) *to summon and enforce the attendance of witnesses,*
- (ii) *to compel witnesses to give evidence on oath or otherwise,*
- (iii) *to compel witnesses to give evidence in person or otherwise,*  
*and*
- (iv) *to compel witnesses to produce any record, object or thing*  
*that relates to the matter being heard;*
- (b) *a person appearing before the Board may be represented by legal*  
*counsel;*
- (c) *the Board may take evidence under oath;*
- (d) *any member or officer of the Board may administer oaths for the*  
*purpose of taking evidence;*
- (e) *the Board may grant interim relief and stays in respect of the*  
*proceedings before the Board;*
- (f) *the Board may reconsider any decision made by the Board.*

(7) Section 57 presently reads:

*57(1) In this section, "previous Act" means the Railway Act, RSA 1980*  
*cR-4.*

*(2) Any railway as defined in the previous Act that is in existence on the*  
*coming into force of this Act is deemed to be a railway under this Act and*  
*the operator of that railway is deemed to have been granted the necessary*  
*approvals to operate under this Act.*

*(3) Any farm crossing that was provided under section 143 of the previous Act and that is in existence on the coming into force of this Act shall continue under this Act subject to the terms pursuant to which the crossing was provided or to an agreement between the operator of the railway and the owner of the land being served by the crossing.*

*(4) The Minister may make regulations*

*(a) respecting the transition of any matter from the previous Act or the Central Western Railway Corporation Act to this Act;*

*(b) to deal with any difficulty or impossibility resulting from the transition from the previous Act or the Central Western Railway Corporation Act to this Act.*

(8) Transitional.

(9) Corrects reference to new Railway (Alberta) Act.

#### **Small Business Term Assistance Act**

**3(1)** Repeals chapter S-8 of the Revised Statutes of Alberta 2000.

(2) Consequential.

Explanatory Notes