

## BILL 38

2002

### MISCELLANEOUS STATUTES AMENDMENT ACT, 2002 (NO. 2)

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

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

#### Alberta Heritage Foundation for Medical Research Act

Amends RSA 2000 cA-21

**1** The *Alberta Heritage Foundation for Medical Research Act* is amended in section 8(2) by striking out “the amounts paid into it pursuant to section 7(2)” and substituting “\$300 000 000”.

#### Alberta Official Song Act

Amends SA 2001 cA-27.5

**2** The *Alberta Official Song Act* is amended by repealing section 7(1) and substituting the following:

##### Report

**7(1)** The Committee must make a final report to the Minister on or before March 31, 2004 outlining its work and making a recommendation for an official song for Alberta.

#### Condominium Property Act

Amends RSA 2000 cC-22

**3** The *Condominium Property Act* is amended in section 13(a) by striking out “section 9” and substituting “section 12”.

## Dairy Industry Omnibus Act, 2002

Amends SA 2002 c11

**4 The *Dairy Industry Omnibus Act, 2002* is amended in section 1**

**(a) in subsection (9)**

- (i) by striking out** “agreement” **and substituting** “agreement, including but not restricted to a reference to the Alberta Dairy Control Board as a party to the agreement,”;
- (ii) by adding** “, and agreements entered into by the Alberta Dairy Control Board and in effect on August 1, 2002 are deemed to have been entered into by Alberta Milk” **after** “Milk Plan”;

**(b) in subsection (11) by adding** “and, in accordance with subsection (9), any reference to the Alberta Dairy Control Board in such an agreement, including but not restricted to a reference to the Alberta Dairy Control Board as a party to the agreement, is deemed to be a reference to Alberta Milk” **after** “of the *Marketing of Agricultural Products Act*”.

## Dental Disciplines Act

Amends RSA 2000 cD-8

**5(1) The *Dental Disciplines Act* is amended by this section.**

**(2) Section 1(h) is repealed and the following is substituted:**

- (h) “dentist” means a regulated member of The Alberta Dental Association and College under Schedule 7 of the *Health Professions Act*;

**(3) Section 66(1)(b) is amended by striking out** “the Alberta Dental Association,” **and substituting** “The Alberta Dental Association and College,”.

**(4) Section 75(3)(f) is repealed and the following is substituted:**

- (f) The Alberta Dental Association and College.

### **Expropriation Act**

**Amends RSA 2000 cE-13**

**6** The *Expropriation Act* is amended in section 15(2) by striking out “5 days” and substituting “15 days”.

### **Fair Trading Act**

**Amends RSA 2000 cF-2**

**7** The *Fair Trading Act* is amended in section 103(2)(b) by striking out “*Dental Profession Act*,” and substituting “Schedule 7 of the *Health Professions Act*,”.

### **Fisheries (Alberta) Act**

**Amends RSA 2000 cF-16**

**8(1)** The *Fisheries (Alberta) Act* is amended by repealing section 19(2) and substituting the following:

#### **Forest officers by virtue of appointments to other offices**

**19.1** The following individuals are fishery officers by virtue of their appointments to the offices respectively referred to, namely individuals appointed as

- (a) members of the Royal Canadian Mounted Police,
- (b) conservation officers, under section 1 of Schedule 3.1 to the *Government Organization Act*, and
- (c) forest officers, under section 2 of the *Forests Act*.

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

### **Forests Act**

**Amends RSA 2000 cF-22**

**9(1)** The *Forests Act* is amended by repealing section 3 and substituting the following:

#### **Forest officers by virtue of appointments to other offices**

**3** The following individuals are forest officers by virtue of their appointments to the offices respectively referred to, namely individuals appointed as

- (a) members of the Royal Canadian Mounted Police,
- (b) conservation officers, under section 1 of Schedule 3.1 to the *Government Organization Act*, and
- (c) wildlife officers, under section 1.1(1) of the *Wildlife Act*.

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

### **Government Organization Act**

**Amends RSA 2000 cG-10**

**10(1) The *Government Organization Act* is amended by this section.**

**(2) The following is added after Schedule 3:**

### **Schedule 3.1**

#### **Community Development Matters**

##### **Appointed conservation officers**

**1** The Minister may appoint as conservation officers employees of the Crown who are subject to the *Public Service Act*.

##### **Conservation officers by virtue of appointments to other offices**

**2** The following individuals are conservation officers by virtue of their appointments to the offices respectively referred to, namely individuals appointed as

- (a) members of the Royal Canadian Mounted Police,
- (b) members of another police service specified in writing by the Minister,
- (c) fishery officers, under the *Fisheries Act* (Canada),
- (d) wildlife officers, under section 1.1(1) of the *Wildlife Act*,
- (e) forest officers, under section 2 of the *Forests Act*, and

- (f) other peace officers specified in writing by the Minister.

**Powers, duties, jurisdiction and functions of conservation officers**

**3(1)** Conservation officers have the powers, duties and functions assigned to them by law.

**(2)** The Minister may in writing restrict or negate the jurisdiction relative to which a class of conservation officer referred to in section 2 is entitled to act under any law.

(3) A conservation officer, in the exercise of the powers and the execution of the duties of a conservation officer, is a person employed for the preservation and maintenance of the public peace.

(4) Appointments of conservation officers that were made under section 7(1) of Schedule 5 before the commencement of this section and that were still in force immediately before that time remain valid for the duration of their terms and are deemed to be appointments made under section 1.

**(3) Schedule 5 is amended by repealing section 7.**

**(4) Schedule 9 is amended**

**(a) by repealing section 1 and substituting the following:  
Administration of justice**

**1(1)** The Minister is by virtue of the Minister's office Her Majesty's Attorney General in and for the Province of Alberta.

**(2)** The Deputy of the Minister is the Deputy Attorney General.

**(b) in section 2(e) by striking out "and the Solicitor General of England".**

**(5) The following is added after Schedule 14:**

**Schedule 15  
Solicitor General**

**Solicitor General**

**1** The Solicitor General

(a) shall exercise the powers and is charged with the duties attached to the office of the Solicitor General of England by law or usage insofar as those powers and duties are applicable to Alberta, and

(b) is charged generally with any duties that may be at any time assigned to the Solicitor General by law or by the Lieutenant Governor in Council.

**(6) Subsections (1), (2) and (3) come into force on Proclamation.**

### **Health Information Act**

**Amends RSA 2000 cH-5**

**11(1) The *Health Information Act* is amended in section 110(2)(a) in the new section 22(1.1) by striking out “(3.2) or (4)” wherever it occurs and substituting “(6.1) or (7)”.**

**(2) This section is deemed to have come into force January 1, 2002.**

### **Health Professions Act**

**Amends RSA 2000 cH-7**

**12(1) The *Health Professions Act* is amended by this section.**

**(2) Section 143 is amended by adding the following after subsection (3):**

**(4) The *Fair Trading Act* is amended in section 103(2)(b) by striking out “*Chiropractic Profession Act*,” and substituting “Schedule 2 of the *Health Professions Act*,”.**

**(3) Section 146 is amended by adding the following after subsection (6):**

**(6.01) The *Fair Trading Act* is amended in section 103(2)(b) by striking out “*Medical Profession Act*,” and substituting “Schedule 21 of the *Health Professions Act*,”.**

**(4) Section 147 is amended by adding the following after subsection (3):**

**(3.1) The *Fair Trading Act* is amended in section 103(2)(b) by striking out “*Nursing Profession Act*,” and substituting “Schedule 24 of the *Health Professions Act*,”.**

**(5) Section 149 is amended by adding the following after subsection (2):**

**(3) The *Fair Trading Act* is amended in section 103(2)(b) by striking out “*Optometry Profession Act*,” and substituting “Schedule 17 of the *Health Professions Act*,”.**

**(6) Section 150 is amended by adding the following after subsection (2):**

**(2.1) The *Fair Trading Act* is amended in section 103(2)(b) by striking out “*Pharmaceutical Profession Act*,” and substituting “Schedule 19 of the *Health Professions Act*.”**

**(7) Schedule 3 is amended**

**(a) in the heading to the Schedule by striking out “Technicians” and substituting “Technologists”;**

**(b) in section 1**

- (i) in subsection (1) by striking out “the same name” and substituting “the name Alberta College of Combined Laboratory and X-ray Technologists”;**
- (ii) in subsection (2) by striking out “Technicians of Alberta” and substituting “Technologists”;**
- (iii) in subsection (3) by striking out “Technicians” wherever it occurs and substituting “Technologists”;**
- (iv) in subsection (4) by striking out “Technicians” and substituting “Technologists”;**

**(c) in section 2**

- (i) by striking out “Technicians” and substituting “Technologists”;**
- (ii) by adding the following after clause (a):**

(a.1) combined laboratory x-ray technologist;

- (d) in section 3 by striking out “technicians” and substituting “technologists”;**
- (e) in section 4 by striking out “Technicians” and substituting “Technologists”;**
- (f) in section 5(a), (b), (c) and (e) by striking out “Technicians under this Act” and substituting “Technologists under this Act”;**
- (g) in section 6 by striking out “Technicians under this Act” and substituting “Technologists under this Act”;**
- (h) in section 7**
  - (i) in subsection (2)**
    - (A) in clauses (a) and (c) by striking out “Technicians, and any” and substituting “Technologists, and any”;**

**(B) in clause (b) by striking out** “Technicians under this Act” **and substituting** “Technologists under this Act”;

**(ii) in subsection (5) by striking out** “Technicians under this Act” **and substituting** “Technologists under this Act”;

**(i) in section 8(3)(a), (b), (c), (d), (e), (f), (g), (h) and (i) by striking out** “Technicians, and any” **and substituting** “Technologists, and any”;

**(8) Schedule 14 is amended in section 2 by adding the following after clause (a):**

(a.1) doctor of naturopathic medicine;

**(9) Schedule 19 is amended in section 2 by adding the following after clause (g):**

(g.1) registered pharmacist;

(g.2) pharmacy student;

(g.3) pharmacist student;

(g.4) Pharm. D.;

**(10) Schedule 24 is amended in section 2**

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

(b.1) nurse practitioner;

**(b) by adding the following after clause (f):**

(g) N.P.

### **Highway Traffic Act**

**Amends RSA 2000 cH-8**

**13 The *Highway Traffic Act* is amended in sections 13, 14(1)(d) and 70(6) by striking out** “Minister of Environment” **and substituting** “Minister responsible for the *Provincial Parks Act*”.

### **Hospitals Act**

**Amends RSA 2000 cH-12**

**14** The *Hospitals Act* is amended in sections 82(2)(b), 97 and 98 by striking out “May 1, 1996” wherever it occurs and substituting “August 1, 1996”.

### **Human Rights, Citizenship and Multiculturalism Act**

**Amends RSA 2000 cH-14**

**15** The *Human Rights, Citizenship and Multiculturalism Act* is amended in section 11 by striking out “No” and substituting “A”.

### **Insurance Act**

**Amends RSA 2000 cI-3**

**16** The *Insurance Act* is amended in section 293 by striking out “188(3)” and substituting “195(3)”.

### **Interpretation Act**

**Amends RSA 2000 cI-8**

**17(1)** The *Interpretation Act* is amended by repealing section 28(1)(i).

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

### **Justice Statutes Amendment Act**

**Amends RSA 2000 c16(Supp)**

**18** The *Justice Statutes Amendment Act* (RSA 2000 c16(Supp)) is amended in section 74(4) in the new clause (f.1) by striking out “16(1)(b)” and substituting “17(1)(b)”.

### **Legal Profession Act**

**Amends RSA 2000 cL-8**

**19(1)** The *Legal Profession Act* is amended by this section.

**(2)** Section 78(5) is repealed and the following is substituted:

(5) Notwithstanding subsections (1) to (4), where the Conduct Committee is of the opinion that there are reasonable and probable grounds to believe that a member has committed a criminal offence, it may direct the Executive Director to advise the Minister of Justice and Attorney General.

(6) Notwithstanding subsections (1) to (4), if following a hearing under this Division, the Hearing Committee or the panel of Benchers is of the opinion that there are reasonable and probable grounds to believe that the member has committed a criminal offence, the Hearing Committee or the panel, as the case may be, shall forthwith direct the Executive Director to send a copy of the hearing record to the Minister of Justice and Attorney General.

(7) On receiving a direction under subsection (6), the Executive Director shall forthwith provide to the Minister of Justice and Attorney General the following:

- (a) the member's name;
- (b) the criminal offence suspected to have been committed;
- (c) copies of all witness statements but not compelled statements given by the member;
- (d) copies of all relevant evidence, including transcripts, but not transcripts subject to claims of solicitor-client privilege or client confidentiality, nor transcripts of the member's testimony;
- (e) a general description of relevant evidence in the possession of the Society that the Society claims may be subject to solicitor-client privilege;
- (f) a general description of relevant evidence in the possession of the Society, that the Society claims may be confidential to the client.

(8) On request by the Minister of Justice and Attorney General, the Executive Director shall forthwith provide to the Minister of Justice and Attorney General any compelled statements of the member or any testimony of the member not subject to claims of solicitor-client privilege or client confidentiality.

### **Legislative Assembly Act**

**Amends RSA 2000 cL-9**

**20** The *Legislative Assembly Act* is amended in section 37(3)(b) by striking out “Member’s Lieutenant” and substituting “Lieutenant”.

### **Livestock Industry Diversification Act**

**Amends RSA 2000 cL-17**

**21(1)** The *Livestock Industry Diversification Act* is amended in section 13(2) by striking out “conservation officer” and substituting “wildlife officer appointed under section 1.1(1) of the *Wildlife Act*”.

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

### **Metis Settlements Act**

**Amends RSA 2000 cM-14**

**22** The *Metis Settlements Act* is amended in section 133(1) and (2) by striking out “Minister of Environmental Protection” and substituting “Minister of Environment”.

### **Municipal Government Act**

**Amends RSA 2000 cM-26**

**23** The *Municipal Government Act* is amended

(a) by adding the following after section 694:

### **Division 13 Transitional**

**695 and 696** Repealed by Revision.

#### **Zoning caveat**

**697(1)** On September 1, 1995 a zoning caveat prepared and signed by the Director of Town and Rural Planning or the Provincial Planning Director and registered in a land titles office under a former Act ceases to have effect.

**(2)** On and after September 1, 1995, the owner of a parcel of land that is affected by a caveat referred to in subsection (1) may apply to the Registrar to endorse the certificate of title

with a memorandum cancelling the registration of the zoning caveat.

**(3)** On receipt of an application under subsection (2) and on being satisfied that the caveat is a zoning caveat, the Registrar must cancel the registration of the caveat.

**698 to 708** Repealed by Revision.

**(b)** in Part 18 by striking out “695 to 709 Repealed by Revision.” and substituting “709 Repealed by Revision.”.

### **Off-highway Vehicle Act**

**Amends RSA 2000 cO-5**

**24(1)** The *Off-highway Vehicle Act* is amended by this section.

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

- (n) “peace officer” means
  - (i) a member of the Royal Canadian Mounted Police,
  - (ii) a member of a municipal police service,
  - (iii) a conservation officer appointed under section 1 of Schedule 3.1 to the *Government Organization Act*,
  - (iv) a wildlife officer appointed under section 1.1(1) of the *Wildlife Act*, or
  - (v) a forest officer appointed under section 2 of the *Forests Act*;

**(3)** Section 18(2)(a.1) is amended by striking out “Minister of Environment” wherever it occurs and substituting “Minister responsible for the *Provincial Parks Act*”.

**(4)** Subsection (2) comes into force on Proclamation.

### **Provincial Court Act**

**Amends RSA 2000 cP-31**

**25** The *Provincial Court Act* is amended in section 7 by adding “, the presiding justices of the peace” after “judges”.

### **Queen’s Counsel Act**

**Amends RSA 2000 cQ-1**

**26** The *Queen’s Counsel Act* is amended in section 5 by adding the following after clause (c):

(c.1) the Solicitor General of Alberta for the time being;

### **Railway (Alberta) Act**

**Amends RSA 2000 cR-4**

**27(1)** The *Railway (Alberta) Act* is amended by this section.

**(2)** Section 58(2) is repealed and the following is substituted:

**(2)** Section 4 is amended by striking out “and to which the *Railway Act* does not apply,”.

**(3)** Section 61 is repealed and the following is substituted:

**61(1)** The *Public Utilities Board Act* is amended by this section.

**(2)** Section 1(i)(iii) is repealed.

**(3)** Section 89(d) is repealed.

**(4)** Section 97 is repealed.

**(5)** Section 105 is repealed.

**(4)** Subsections (1) and (3) are deemed to have come into force on September 1, 2002.

### **Safety Codes Act**

**Amends RSA 2000 cS-1**

**28** The *Safety Codes Act* is amended in section 50(3) by striking out “45(5)” and substituting “49(5)”.

## School Act

Amends RSA 2000 cS-3

**29** The *School Act* is amended in section 1(1)(a) by striking out “119” and substituting “129”.

## Traffic Safety Act

Amends RSA 2000 cT-6

**30(1)** The *Traffic Safety Act* is amended by this section.

**(2)** Section 1(1)(ff) is amended by repealing subclauses (iv) to (vii) and substituting the following:

- (iv) a park warden appointed under the *Parks Canada Agency Act* (Canada);
- (v) a conservation officer appointed under section 7 of Schedule 5 to the *Government Organization Act*;
- (vi) a forest officer appointed under the *Forests Act*;
- (vii) a wildlife officer appointed under the *Wildlife Act*;

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

**(1.1)** For the purposes of this Act, an individual who is a peace officer by virtue of

- (a) section 1(1)(ff)(iv) has the powers, duties and functions of a peace officer only while acting in a national park established under the *National Parks Act* (Canada), and
- (b) section 1(1)(ff)(vi) has the powers, duties and functions of a peace officer only while acting for the purposes of enforcing this Act with respect to off-highway vehicles as defined in Part 6.

**(4)** Section 1(1)(ff)(v) is amended by striking out “7 of Schedule 5” and substituting “1 of Schedule 3.1”.

**(5) Sections 17 and 106(b)(vii) are amended by striking out “Minister of Environment” wherever it occurs and substituting “Minister responsible for the *Provincial Parks Act*”.**

**(6) Subsection (4) comes into force on Proclamation.**

#### **Traffic Safety Amendment Act, 2001**

**Amends SA 2001 c14**

**31(1) The *Traffic Safety Amendment Act, 2001* is amended by this section.**

**(2) Section 2(b) is repealed.**

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

#### **Wilderness Areas, Ecological Reserves and Natural Areas Act**

**Amends RSA 2000 cW-9**

**32(1) The *Wilderness Areas, Ecological Reserves and Natural Areas Act* is amended by this section.**

**(2) Section 2(4) is repealed and the following is substituted:**

**(4) The Advisory Committee shall consist of**

- (a) 6 employees of the Government, and**
- (b) 6 persons who are not employees of the Government and not members or employees of an agency of the Government.**

**(3) Section 6 is amended**

- (a) in subsection (2) by striking out “of Resource Development” and substituting “of Energy”;**
- (b) in subsection (3) by striking out “of Environment” wherever it occurs.**

**(4) Section 15(3) is amended by repealing clauses (b) and (c) and substituting the following:**

- (b) a member of another police service specified in writing by the Minister,
- (c) a conservation officer, appointed under section 1 of Schedule 3.1 to the *Government Organization Act*,
- (d) a wildlife officer, appointed under section 1.1(1) of the *Wildlife Act*,
- (e) a forest officer, appointed under section 2 of the *Forests Act*,  
or
- (f) another peace officer specified in writing by the Minister.

**(5) The Schedule is amended by striking out “Department of Environment” wherever it occurs and substituting “Minister’s Department”.**

**(6) Subsection (4) comes into force on Proclamation.**

#### **Wildlife Act**

**Amends RSA 2000 cW-10**

**33(1) The *Wildlife Act* is amended by this section.**

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

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

- (a.1) “appointed officer” means a wildlife officer appointed under section 1.1(1) who is an employee of the Crown and subject to the *Public Service Act*;

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

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

- (nn) “wildlife officer” or “officer” means a person holding office as a wildlife officer under section 1.1(1) or 1.2.

**(3) The following is added after section 1:**

#### **Appointed wildlife officers**

**1.1(1) The Minister may appoint wildlife officers.**

(2) The Minister may in writing restrict the jurisdiction relative to which an officer who is appointed under subsection (1) but is not an appointed officer is entitled to act under this Act.

**Wildlife officers by virtue of appointments to other offices**

**1.2** The following individuals are wildlife officers by virtue of their appointments to the offices respectively referred to, namely individuals appointed as

- (a) members of the Royal Canadian Mounted Police,
- (b) conservation officers, under section 1 of Schedule 3.1 to the *Government Organization Act*, and
- (c) forest officers, under section 2 of the *Forests Act*.

**(4) Section 60 is amended**

- (a) **in subsection (1) by striking out** “a conservation officer appointed under section 7(1) of Schedule 5 to the *Government Organization Act*” **and substituting** “an appointed officer”;
- (b) **in subsection (2)(b) by striking out** “a conservation officer referred to in subsection (1)” **and substituting** “an appointed officer”.

**(5) Section 65 is amended**

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

**Status as peace officer**

**65(1)** A wildlife officer or wildlife guardian, in executing the duties and functions and exercising the powers of that office, is a person employed for the preservation and maintenance of the public peace.

- (b) **in subsection (3) by striking out** “Conservation” **and substituting** “Wildlife”.

**(6) The heading of Part 9 is repealed and the following is substituted:**

**Part 9**  
**Regulations and Transitional Provisions**

**Transitional – orders affecting conservation officers**

**106** Where a subsisting order of a court or other tribunal made before the commencement of section 33(3) of the *Miscellaneous Statutes Amendment Act, 2002 (No. 2)* makes reference to a conservation officer with regard to a function under this Act or the regulations, the reference in that order is deemed to be to a wildlife officer.

**(7) The following provisions are amended by striking out “conservation” and substituting “wildlife”:**

section 1(6)(b);  
section 3;  
section 11(b);  
section 14(2);  
section 66(1);  
section 67(1);  
section 68(1);  
section 69(2);  
section 70(1)(b);  
section 71(1);  
section 72(1);  
section 73;  
section 74(1);  
section 75(1);  
section 79(1)(b);  
section 80(2);  
section 81(1);  
section 83;  
section 85(1)(c);  
section 85(7);  
section 101(7).

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

**Explanatory Notes**

**Alberta Heritage Foundation for  
Medical Research Act**

**1** Amends chapter A-21 of the Revised Statutes of Alberta 2000. Section 8(2) presently reads:

*(2) The Provincial Treasurer shall not pay money out of the Endowment Fund if the payment would result in the value of the assets of the Endowment Fund being less than the amounts paid into it pursuant to section 7(2).*

#### **Alberta Official Song Act**

**2** Amends chapter A-27.5 of the Statutes of Alberta, 2001. Section 7(1) presently reads:

*7(1) Not later than 18 months after the first members of the Committee are appointed under section 4 or June 3, 2003, whichever occurs first, the Committee must make a final report to the Minister outlining its work and making a recommendation for an official song for Alberta.*

#### **Condominium Property Act**

**3** Amends chapter C-22 of the Revised Statutes of Alberta 2000. Corrects section reference.

#### **Dairy Industry Omnibus Act, 2002**

**4** Amends chapter 11 of the Statutes of Alberta, 2002. Section 1(9) and (11) presently read:

*(9) Any reference to the Alberta Dairy Control Board in an agreement is, on and after the coming into force of this Act, deemed to be a reference to Alberta Milk under the Alberta Milk Plan.*

*(11) Any agreement referred to in section 12 or 30 of the Dairy Board Act entered into by the Alberta Dairy Control Board with a government or an agent of a government and in effect on the coming into force of this Act is deemed, on and after the coming into force of this Act, to have been entered into by Alberta Milk and to comply with the requirements of section 51 of the Marketing of Agricultural Products Act.*

#### **Dental Disciplines Act**

**5(1)** Amends chapter D-8 of the Revised Statutes of Alberta 2000.

(2) Section 1(h) presently reads:

*1 In this Act,*

*(h) “dentist” means a licensed member as defined in the Dental Profession Act;*

(3) Section 66(1)(b) presently reads:

*66(1) There is hereby established the Dental Disciplines Advisory Committee consisting of*

*(b) one dentist appointed by the Minister from a list of nominees prepared by the Alberta Dental Association, and*

(4) Section 75(3)(f) presently reads:

*(3) Before an approval is given by the Lieutenant Governor in Council, the Minister shall consult with*

*(f) the Alberta Dental Association.*

### **Expropriation Act**

**6** Amends chapter E-13 of the Revised Statutes of Alberta 2000. Section 15 presently reads in part:

*15(1) When the approving authority receives an objection, it shall forthwith notify the Minister.*

*(2) Within 5 days after receiving notice that the approving authority has received an objection, the Deputy Minister or the Deputy Minister’s designate shall appoint an inquiry officer, who is not an officer or employee of the Crown or of any agency of the Crown, to conduct an inquiry in respect of the intended expropriation.*

### **Fair Trading Act**

**7** Amends chapter F-2 of the Revised Statutes of Alberta 2000 by changing a reference in section 103(2)(b).

### **Fisheries (Alberta) Act**

**8(1)** Amends chapter F-16 of the Revised Statutes of Alberta 2002.  
Section 19(2) presently reads:

*(2) The following are fishery officers by virtue of their office:*

*(a) all members of the Royal Canadian Mounted Police;*

*(b) all forest officers appointed under section 2 of the Forests Act.*

(2) Coming into force.

### **Forests Act**

**9(1)** Amends chapter F-22 of the Revised Statutes of Alberta 2000.  
Section 3 presently reads:

*3 All members of the Royal Canadian Mounted Police, all conservation officers and all fishery officers*

*(a) are by virtue of their office forest officers, and*

*(b) have the same powers that are conferred on a forest officer by law.*

(2) Coming into force.

### **Government Organization Act**

**10(1)** Amends chapter G-10 of the Revised Statutes of Alberta 2000.

(2) Adds Schedule 3.1, Community Development Matters.

(3) Section 7 of Schedule 5 presently reads:

*7(1) The Minister may appoint as conservation officers employees of the Crown who are subject to the Public Service Act.*

(2) *The following are conservation officers by virtue of their offices:*

- (a) *members of the Royal Canadian Mounted Police;*
- (b) *members of another police service specified in writing by the Minister;*
- (c) *fishery officers appointed under the Fisheries Act (Canada);*
- (d) *forest officers appointed under the Forests Act;*
- (e) *other peace officers specified in writing by the Minister.*

(3) *Conservation officers have the powers, duties and functions assigned to them by law.*

(4) *The Minister may in writing restrict or negate the jurisdiction relative to which a class of conservation officer referred to in subsection (2) is entitled to act under any law.*

(5) *A conservation officer, in the exercise of the powers and the execution of the duties of a conservation officer, is a person employed for the preservation and maintenance of the public peace.*

(4) Schedule 9, sections 1 and 2(e) presently read:

*1(1) The Minister is by virtue of the Minister's office*

- (a) *Her Majesty's Attorney General in and for the Province of Alberta, and*
- (b) *Her Majesty's Solicitor General in and for the Province of Alberta.*

*(2) The Deputy of the Minister is the Deputy Attorney General and the Deputy Solicitor General.*

*2 The Minister*

- (e) *shall exercise the powers and is charged with the duties attached to the office of the Attorney General of England and the Solicitor General of England by law or usage insofar as those powers and duties are applicable to Alberta;*

(5) Adds Schedule 15, Solicitor General.

(6) Coming into force.

### **Health Information Act**

**11**(1) Amends chapter H-5 of the Revised Statutes of Alberta 2000.  
Corrects section reference.

(2) Coming into force.

### **Health Professions Act**

**12**(1) Amends chapter H-7 of the Revised Statutes of Alberta 2000.

(2) Changes a reference.

(3) Changes a reference.

(4) Changes a reference.

(5) Changes a reference.

(6) Changes a reference.

(7) Changes references.

(8) Adds title.

(9) Adds titles and an abbreviation.

(10) Adds a title and an abbreviation.

### **Highway Traffic Act**

**13** Amends chapter H-8 of the Revised Statutes of Alberta. Sections 13, 14(1)(d) and 15 presently read:

*13 With respect to a road or highway that is under the direction, control and management of the Minister of Environment, that Minister may by order*

- (a) control or prohibit the movement of vehicular, pedestrian or other traffic by means of signs posted along the road or highway;*
- (b) open or close a road or highway.*

*14(1) In this section, “speed authority” means,*

- (d) in the case of a provincial park or recreation area, the Minister of Environment;*

*70(6) Except where a higher rate of speed is authorized pursuant to section 14, no person shall drive on a road or highway that is subject to the direction, control and management of the Minister of Environment at a greater speed than 80 kilometres per hour.*

### **Hospitals Act**

**14** Amends chapter H-12 of the Revised Statutes of Alberta 2000. Corrects the date that the section came into force.

### **Human Rights, Citizenship and Multiculturalism Act**

**15** Amends chapter H-14 of the Revised Statutes of Alberta 2000. Section 11, as published in the RSA 2000, read:

*11 No contravention of this Act shall be deemed not to have occurred if the person who is alleged to have contravened the Act shows that the alleged contravention was reasonable and justifiable in the circumstances.*

### **Insurance Act**

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**16** Amends chapter I-3 of the Revised Statutes of Alberta 2000. Corrects section reference.

#### **Interpretation Act**

**17(1)** Amends chapter I-8 of the Revised Statutes of Alberta 2000. Section 28(1)(i) presently reads:

*28(1) In an enactment,*

- (i) “conservation officer” means a person holding office as a conservation officer under section 7 of Schedule 5 to the Government Organization Act;*

(2) Coming into force.

#### **Justice Statutes Amendment Act**

**18** Amends chapter 16(Supp) of the Revised Statutes of Alberta 2000. Corrects section reference.

#### **Legal Profession Act**

**19(1)** Amends chapter L-8 of the Revised Statutes of Alberta 2000.

(2) Section 78(5) presently reads:

*(5) Notwithstanding subsections (1) to (3), if, following their respective hearings under this Division, the Hearing Committee or the panel of Benchers is of the opinion that there are reasonable and probable grounds to believe that the member has committed a criminal offence, the Hearing Committee or the panel, as the case may be, shall direct the Executive Director to send a copy of the hearing record to the Minister.*

#### **Legislative Assembly Act**

**20** Amends chapter L-9 of the Revised Statutes of Alberta 2000. Section 37(3)(b) presently reads:

*(3) If a Member holds office as a member of a board, commission, committee or other body to which the Member is appointed by the Lieutenant Governor in Council or a Minister of the Crown or by a regulation,*

*(b) the Member's Lieutenant Governor in Council may authorize the provision of any services or things to or for the use of the Member, if the Member's rate of fees is prescribed at a monthly or yearly rate.*

### **Livestock Industry Diversification Act**

**21(1)** Amends chapter L-17 of the Revised Statutes of Alberta 2000. Section 13(2) presently reads:

*(2) If a live species animal that is not an authorized present or prospective game-production animal is found on a farm, the operator shall forthwith notify a conservation officer of that fact.*

(2) Coming into force.

### **Metis Settlements Act**

**22** Amends chapter M-14 of the Revised Statutes of Alberta 2000. Section 133(1) and (2) presently read:

*133(1) At the request of a settlement council, the Minister of Environmental Protection may authorize the council to issue Metis Commercial Fishing Licences to settlement members and members of adjacent settlements for commercial purposes, with or without conditions.*

*(2) If fishing licences are issued under subsection (1), a proportion of the total catch designated by the Minister of Environmental Protection from the body of water from which it is proposed to take the fish must be set aside as available only for settlement members.*

### **Municipal Government Act**

**23** Amends chapter M-26 of the Revised Statutes of Alberta 2000.  
Re-enacts section inadvertently repealed by Revision.

### **Off-highway Vehicle Act**

**24(1)** Amends chapter O-5 of the Revised Statutes of Alberta 2000.

(2) Section 1(1)(n) presently reads:

*1(1) In this Act,*

(n) *“peace officer” means a member of the Royal Canadian Mounted Police, a member of a municipal police service, a forest officer or a conservation officer;*

(3) Section 18(2) presently reads in part:

*(2) Notwithstanding subsection (1),*

(a) *the Minister of Infrastructure may by order authorize persons to operate off-highway vehicles along any portion of any highway or class of highway under that Minister’s direction, control and management, subject to any restrictions and conditions the Minister of Infrastructure may prescribe,*

(a.1) *the Minister of Environment may by order authorize persons to operate off-highway vehicles along any portion of any highway or class of highway under that Minister’s direction, control and management, subject to any restrictions and conditions the Minister of Environment may prescribe,*

(4) Coming into force.

### **Provincial Court Act**

**25** Amends chapter P-31 of the Revised Statutes of Alberta 2000. Adds words added by section 10(6) of the Justice Statutes Amendment Act, 1998, but inadvertently omitted from revision.

### **Queen's Counsel Act**

**26** Amends chapter Q-1 of the Revised Statutes of Alberta 2000. Section 5 presently reads:

*5 The following members of the Bar of Alberta have precedence in the courts of Alberta in the following order:*

- (a) the Minister of Justice of Canada for the time being;*
- (b) the Solicitor General of Canada for the time being;*
- (c) the Minister of Justice and Attorney General of Alberta for the time being;*
- (d) the members of the Bar of Alberta who have filled the office of Minister of Justice of Canada, Solicitor General of Canada, Attorney General of Alberta, Minister of Justice and Attorney General of Alberta or Solicitor General of Alberta, according to seniority of appointment as such.*

### **Railway (Alberta) Act**

**27(1)** Amends chapter R-4 of the Revised Statutes of Alberta 2000.

(2) Removes reference to repealed Act.

(3) Corrects section references.

(4) Coming into force.

### **Safety Codes Act**

**28** Amends chapter S-1 of the Revised Statutes of Alberta 2000. Corrects section reference.

### **School Act**

**29** Amends chapter S-3 of the Revised Statutes of Alberta 2000. Corrects section reference.

### **Traffic Safety Act**

**30(1)** Amends chapter T-6 of the Revised Statutes of Alberta 2000.

(2) Section 1(1)(ff) presently reads:

*1(1) In this Act,*

*(ff) "peace officer" means*

- (i) a member of the Royal Canadian Mounted Police;*
- (ii) a member of a municipal police service;*
- (iii) a special constable if under that person's appointment as a special constable that person is empowered to carry out the duties of a peace officer under, or to enforce the provisions of, this Act;*
- (iv) a park warden appointed pursuant to the Parks Canada Agency Act (Canada), while carrying out duties under this Act in a national*

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*park established under the National Parks Act (Canada);*

- (v) *a park ranger appointed pursuant to the Provincial Parks Act while carrying out duties under this Act for the purposes of enforcing this Act;*
- (vi) *a forest officer appointed under the Forests Act while carrying out duties under this Act for the purposes of enforcing this Act with respect to off-highway vehicles as defined in Part 6 and their operation;*
- (vii) *a wildlife guardian appointed under the Wildlife Act while carrying out duties under this Act for the purposes of enforcing this Act;*

(3) Limitations in functions of certain peace officers.

(4) Reference change.

(5) Sections 17 and 106(b) presently read:

*17 With respect to a highway under the direction, control and management of the Minister of Environment, the Minister of Environment may make regulations*

- (a) *governing, by means of signs erected along the highway, the movement of pedestrians, vehicles or other traffic on the highway;*
- (b) *governing the opening or closing of highways.*

*106 Subject to a speed limit that is prescribed under section 108 for a highway,*

- (b) *80 kilometres per hour is the maximum speed limit for*

- (i) *a highway that is subject to the direction, control and management of*
  - (A) *the council of a municipal district or Metis settlement, or*
  - (B) *the Minister responsible for the Special Areas Act, in the case of a special area;*
- (ii) *a highway that is within a city where the title to the highway is vested in the Crown in right of Alberta pursuant to section 22 of the Public Highways Development Act;*
- (iii) *a highway that*
  - (A) *is located on an Indian reserve where the title to the highway is vested in the Crown in right of Alberta, and*
  - (B) *is not the subject of an agreement entered into pursuant to section 13 of the Public Highways Development Act;*
- (iv) *a forestry road;*
- (v) *a licence of occupation road;*
- (vi) *a highway located within an improvement district;*
- (vii) *a highway that is subject to the direction, control and management of the Minister of Environment;*

(6) Coming into force of subsection (4).

#### **Traffic Safety Amendment Act, 2001**

**31(1)** Amends chapter 14 of the Statutes of Alberta, 2001.

(2) Section 2(b) presently reads:

*2 Section 1 is amended*

*(b) in subsection (1)(ff)*

*(i) by repealing subclause (v) and substituting the following:*

*(v) a conservation officer appointed under section 7 of Schedule 5 to the Government Organization Act while carrying out duties under this Act for the purposes of enforcing this Act;*

*(ii) by repealing subclause (vii);*

(3) Coming into force.

### **Wilderness Areas, Ecological Reserves and Natural Areas Act**

**32(1)** Amends chapter W-9 of the Revised Statutes of Alberta 2000.

(2) Section 2(4) presently reads:

*(4) The Advisory Committee shall consist of*

*(a) 3 employees of the Department of Environment,*

*(b) one employee of the Department of Agriculture, Food and Rural Development,*

*(c) one employee of the Department of Resource Development,*

- (d) *one employee of the Department of Community Development, and*
- (e) *6 persons who are not employed by the Government or a government agency.*

(3) Section 6 presently reads:

*6(1) Subject to subsections (2) and (3), if at the time any public land is established as part of a wilderness area or ecological reserve or is added to a wilderness area or ecological reserve a person other than the Crown holds, in respect of that land, an interest under or pursuant to*

- (a) *a disposition granted under the Public Lands Act and the regulations under that Act,*
- (b) *a lease, permit, easement or other disposition under the Special Areas Act and the regulations under that Act,*
- (c) *a timber disposition as defined in the Forests Act,*
- (d) *a surface disposition granted under any other Act or regulation, or*
- (e) *a disposition as defined in the Mines and Minerals Act,*

*the Minister of the Crown who is charged with the administration of the relevant Act referred to in clauses (a) to (e) shall ensure as far as practicable that the interest is withdrawn, cancelled or otherwise terminated as soon as possible.*

*(2) Subsection (1) does not apply so as to require the Minister of Resource Development to withdraw, cancel or otherwise terminate an interest under a petroleum or natural gas disposition in an ecological reserve.*

*(3) The Minister of Environment may, when an ecological reserve is established or added to, permit interests under*

- (a) *dispositions granted under the Public Lands Act or the Special Areas Act and the regulations under those Acts in connection with a petroleum or natural gas disposition made under the Mines and Minerals Act,*
- (b) *other dispositions granted under the Public Lands Act and the regulations under that Act,*
- (c) *leases, permits, easements and other dispositions under the Special Areas Act and the regulations under that Act,*
- (d) *timber licences and timber permits under the Forests Act, and*
- (e) *permits to graze livestock granted under the Forest Reserves Act and the regulations under that Act*

*that exist on or relate to the ecological reserve or the land added to the ecological reserve at the time the ecological reserve is established or added to, as the case may be, to continue until their expiry and to be renewed, but no interest referred to in clauses (a) to (e) may be continued or renewed unless the Minister of Environment consents in writing to the continuation or renewal.*

(4) Section 15(3) presently reads:

(3) *In this section, “peace officer” means*

- (a) *a member of the Royal Canadian Mounted Police,*
- (b) *a forest officer appointed under the Forests Act, and*
- (c) *a conservation officer.*

(5) In the Schedule Department of Environment changed to Minister’s Department.

(6) Coming into force.

## Wildlife Act

**33(1)** Amends chapter W-10 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

*1(1) In this Act,*

*(u) “officer” means a conservation officer;*

(3) Wildlife officers.

(4) Section 60(1) and (2) presently read:

*60(1) If a live big game animal is found on permit premises and its possession on those premises is not authorized by a permit, the owner or person in charge of those premises shall ensure that a conservation officer appointed under section 7(1) of Schedule 5 to the Government Organization Act is notified forthwith of the finding.*

*(2) Where a wildlife or controlled animal escapes from captivity on permit premises or a game animal production farm, the owner or person in charge of the permit premises or farm shall*

*(a) make reasonable efforts to recapture the animal, and*

*(b) ensure that the escape is reported to a conservation officer referred to in subsection (1) within the prescribed period or, if no such period is prescribed, within 48 hours after the escape, unless it is recaptured within that period.*

(5) Section 65 presently reads in part:

*65(1) A wildlife guardian, in the execution of the guardian's duties and responsibilities and in the exercise of the guardian's powers, is a person employed for the preservation and maintenance of the public peace.*

(3) *Conservation officers and wildlife guardians*

(a) *are the persons with the primary responsibility of enforcing this Act, and*

(b) *without limiting their other powers, have all powers that are required for, that are incidental to or that form part of*

(i) *the performance of their duties, whether or not those duties are specifically referred to in this Act, or*

(ii) *any enforcement, investigation, administration or process under or relating to this Act or any directions, requirements, orders or prosecution or other legal proceeding under or relating to this Act.*

(6) Transitional provision.

(7) Formal amendments to several provisions, changing "conservation officer" references to "wildlife officer".

(8) Coming into force.

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