

## BILL 33

2004

### MISCELLANEOUS STATUTES AMENDMENT ACT, 2004

(Assented to \_\_\_\_\_, 2004)

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

#### **Alberta Capital Finance Authority Act**

##### **Amends RSA 2000 cA-14.5**

**1 The *Alberta Capital Finance Authority Act* is amended in section 1(1)(d) by adding the following after subclause (iv):**

- (iv.1) the Board of Governors of the Banff Centre for Continuing Education under the *Post-secondary Learning Act*;

#### **Disaster Services Act**

##### **Amends RSA 2000 cD-13**

**2 The *Disaster Services Act* is amended in section 1**

- (a) in clause (g)(i) by adding** “but does not include the council of a summer village” **after** “municipal district”;
- (b) by repealing clause (i) and substituting the following:**
- (i) “municipality” means the area comprising a city, town, village, municipal district, improvement district or special area and includes
- (i) the settlement area of a settlement under the *Metis Settlements Act*,

- (ii) the area comprising a national park where an agreement is entered into with the Government of Canada under section 9(b) in which it is agreed that the park superintendent is a local authority for the purposes of this Act, and
- (iii) the area comprising an Indian reserve where an agreement is entered into with the Government of Canada under section 9(b) in which it is agreed that the band council is a local authority for the purposes of this Act,

but does not include the area comprising a summer village.

### **Private Vocational Schools Act**

**Amends RSA 2000 cP-24**

**3(1) The *Private Vocational Schools Act* is amended by this section.**

**(2) Section 1(a) is repealed.**

**(3) Sections 4 to 10 are repealed.**

**(4) Section 18 is repealed.**

**(5) Section 19 is repealed.**

**4 The *Conflicts of Interest Act* is amended in Part 3 of the Schedule by striking out “Private Vocational Schools Advisory Council under the Private Vocational Schools Act”.**

### **School Act**

**Amends RSA 2000 cS-3**

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

**(2) Section 252.1 is amended**

- (a) in clause (b) by striking out “section 256(1)(a)” and substituting “section 256(1)”;**
- (b) in clause (f) by striking out “section 256(1)(a)” and substituting “section 256(1)”.**

### **Explanatory Notes**

#### **Alberta Capital Finance Authority Act**

**1** Amends chapter A-14.5 of the Revised Statutes of Alberta 2000. Section 1(1)(d) presently reads:

*1(1) In this Act,*

*(d) “educational authority” means*

- (i) the board of trustees of a school district or school division under the School Act;*
- (ii) the board of governors of a public college under the Post-secondary Learning Act;*
- (iii) the board of governors of a technical institute under the Post-secondary Learning Act;*
- (iv) the board of governors of a university under the Post-secondary Learning Act;*
- (v) The Board of the Northland School Division No. 61 under the Northland School Division Act;*

#### **Disaster Services Act**

**2** Amends chapter D-13 of the Revised Statutes of Alberta 2000. Section 1(g)(i) and (i) presently read:

*1 In this Act,*

*(g) “local authority” means*

- (i) the council of a city, town, village or municipal district,*

- (i) *“municipality” means the area comprising a city, town, village, municipal district, improvement district or special area and includes*
  - (i) *the settlement area of a settlement under the Metis Settlements Act,*
  - (ii) *the area comprising a national park where an agreement is entered into with the Government of Canada under section 9(b) in which it is agreed that the park superintendent is a local authority for the purposes of this Act, and*
  - (iii) *the area comprising an Indian reserve where an agreement is entered into with the Government of Canada under section 9(b) in which it is agreed that the band council is a local authority for the purposes of this Act.*

### **Private Vocational Schools Act**

**3(1)** Amends chapter P-24 of the Revised Statutes of Alberta 2000.

**(2)** Section 1(a) presently reads:

*1 In this Act,*

*(a) “Council” means the Private Vocational Schools Advisory Council;*

**(3)** Repeals sections relating to the Private Vocational Schools Advisory Council.

**(4)** Section 18 presently reads:

*18(1) A person who is affected by a decision of the Director under section 12(2), 14(2) or 17 may appeal that decision by serving on the Director a notice of appeal setting out the reasons for the appeal, within 30 days after*

*(a) being notified of the decision under section 12 or 14, or*

*(b) the effective date of the cancellation or suspension under section 17.*

*(2) The Director shall within 10 days after being served with the notice of appeal deliver the notice of appeal to the chair of the Council.*

*(3) The Council shall commence hearing the appeal within 30 days after the notice of appeal being served on the Director.*

*(4) The appellant may be represented at the hearing of an appeal and may make representations to the Council at the hearing.*

*(5) On hearing an appeal, the Council may make any decision that the Director could have made.*

*(6) The Director or the person whose appeal is heard by the Council may appeal the decision of the Council by filing an originating notice with the Court within 30 days after being served with the order made under subsection (5) and the Court may make any order that the Council may make under subsection (5).*

(5) Section 19 presently reads:

*19(1) A licensee whose licence has been changed from a Class A licence to a Class B licence, cancelled, suspended or not renewed and who has commenced an appeal under section 18 may apply to the Court by originating notice for an order*

- (a) reinstating the Class A licence,*
- (b) reinstating the cancelled licence,*
- (c) removing the suspension, or*
- (d) renewing the licence,*

*as the case may be, pending the determination of the appeal.*

*(2) The Court may hear an application made under this section not less than 2 days after the originating notice has been served on the Director.*

*(3) On hearing an application made under this section, the Court may, subject to any conditions it considers proper, reinstate the Class A licence, reinstate the cancelled licence, remove the suspension or renew the licence, as the case may be, pending the determination of the appeal under section 18.*

**4** Amends chapter C-23 of the Revised Statutes of Alberta 2000. Part 3 of the Schedule presently reads in part:

*Part 3  
Other Disqualifying Offices*

*The office of chair or member of any of the following:*

*Private Vocational Schools Advisory Council under the Private Vocational Schools Act*

**School Act**

**5(1)** Amends chapter S-3 of the Revised Statutes of Alberta 2000.

(2) Section 252.1(b) and (f) presently read:

*252.1 In this Part,*

- (b) *“public school elector” means an individual described in section 256(1)(a) other than a separate school elector;*
- (f) *“separate school elector” means an individual described in section 256(1)(a) who is of the same faith, whether Protestant or Roman Catholic, as the minority of all individuals living within the boundaries of a Region as determined by the Minister under section 253.1;*

#### Explanatory Notes