

Bill 42

BILL 42

2005

MISCELLANEOUS STATUTES AMENDMENT ACT, 2005

(Assented to , 2005)

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

Alberta Housing Act

Amends RSA 2000 cA-25

1 The *Alberta Housing Act* is amended by repealing section
32(1)(a).

Child, Youth and Family Enhancement Act

Amends RSA 2000 cC-12

2(1) The *Child, Youth and Family Enhancement Act* is
amended by this section.

(2) Section 21 is amended by adding the following after
subsection (3):

(3.1) Despite section 23(4), notice of an application under
subsection (1) shall be served at least 2 days before the date
fixed for the hearing.

(3) Section 33(4)(a) is repealed and the following is
substituted:

- (a) custody from when the child is apprehended under section
19 until an order is made under section 21(11)(a) or 21.1,
and

(4) Section 51(2) is amended by striking out “43.1,”.

Civil Enforcement Act

Amends RSA 2000 cC-15

3 The *Civil Enforcement Act* is amended in section 7(3) by striking out “15 days” and substituting “30 days”.

Employment Standards Code

Amends RSA 2000 cE-9

4 The *Employment Standards Code* is amended in section 90(5) by striking out “Maternity and Adoption Benefits” and substituting “Maternity Leave and Parental Leave”.

Energy Statutes Amendment Act, 2003

Amends SA 2003 c18

5(1) The *Energy Statutes Amendment Act, 2003* is amended by this section.

(2) Section 14 is amended in the new section 55 of the *Mines and Minerals Act*

(a) in subsection (1) by adding the following after clause (a):

(a.1) in writing direct that person to pay to the Minister within the time specified in the direction compensation in an amount determined under the regulations;

(b) in subsection (3) by adding “compensation payable or” after “Any”;

(c) in subsection (4) by striking out “a penalty” and substituting “any compensation or penalty”.

(3) Section 19 is amended in the new section 87.1(2) and (3) of the *Mines and Minerals Act* by striking out “January 1, 2001” and substituting “January 1, 2000”.

Government Organization Act

Amends RSA 2000 cG-10

6(1) The *Government Organization Act* is amended by this section.

(2) Section 11 is amended

(a) in subsection (1)

(i) in clause (a)(i) by striking out “, agency or official of the Government of Alberta” and substituting “or Provincial agency”;

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

(a.1) “Provincial agency” means Provincial agency as defined in the *Financial Administration Act*;

(b) in subsection (2)

(i) by adding “Provincial” before “agency”;

(ii) by striking out “of it” and substituting “of the Government of Alberta”;

(c) in subsection (3) by adding the following after clause (c):

(d) providing that specific entities are not Provincial agencies for the purpose of this section.

(d) in subsection (5) by striking out “, agency or official of the Government of Alberta” and substituting “or Provincial agency”.

(3) Schedule 6 is amended in section 1(c)

(a) by striking out “must” and substituting “may”;

(b) by striking out “all” and substituting “any”;

(c) by striking out “agreements” and substituting “agreement”.

Land Titles Act

Amends RSA 2000 cL-4

7(1) The *Land Titles Act* is amended by this section.

(2) Section 166 is amended by striking out “Provincial Treasurer at the times and” and substituting “Crown”.

(3) Section 167 is amended by striking out “Provincial Treasurer” and substituting “Crown”.

(4) Section 173 is amended by striking out “Provincial Treasurer” and substituting “Crown”.

(5) Section 175(1) is repealed and the following is substituted:

Payment of judgment out of General Revenue Fund

175(1) A judgment recovered against the Registrar or a claim directed to be paid pursuant to section 180 may be paid out of the General Revenue Fund.

(6) Section 182 is amended

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

(2) A certificate signed by an accounting officer, as defined in the *Financial Administration Act*, of the payment out of the General Revenue Fund pursuant to section 175 is sufficient proof of the debt.

(b) in subsection (3)(b) by striking out “signed by the Provincial Treasurer” and substituting “described in subsection (2)”.

Mines and Minerals Act

Amends RSA 2000 cM-17

8(1) The *Mines and Minerals Act* is amended by this section.

(2) Sections 56(1)(a) and (2)(b) and 67(2) are amended by striking out “Energy Resources Conservation Board” and substituting “Alberta Energy and Utilities Board”.

(3) Section 87 is amended by adding the following after subsection (4):

(5) In subsection (2) the reference to the Energy Resources Conservation Board includes a reference to the Alberta Energy and Utilities Board.

Queen Elizabeth II Golden Jubilee Recognition Act

Amends SA 2002 cQ-0.5

9(1) The *Queen Elizabeth II Golden Jubilee Recognition Act* is amended by this section.

(2) Section 3 is amended

(a) in subsection (2) by striking out “5”;

(b) by adding the following after subsection (2):

(2.1) The maximum number of outstanding students who may be granted the Queen’s Golden Jubilee Citizenship Medal under subsection (2) is the number established by the regulations.

(3) Section 5 is amended by adding the following after clause (c):

(c.1) respecting the number of outstanding students who may be granted the Queen’s Golden Jubilee Citizenship Medal;

School Act

Amends RSA 2000 cS-3

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

(2) Section 136 is amended

(a) in subsection (3) by striking out “Not less than 30 days before the date set for hearing the appeal, or such shorter time period as determined by the Board of Reference,” **and**

substituting “Within the time determined by the regulations,”;

(b) by repealing subsection (7)(b) and substituting the following:

(b) governing any matter under subsection (3) respecting the provision of material and information and the making of disclosures, and the time within which they must be provided and made.

(3) This section comes into force on Proclamation.

Explanatory Notes

Alberta Housing Act

1 Amends chapter A-25 of the Revised Statutes of Alberta 2000.
Section 32(1)(a) presently reads:

32(1) No action for damages may be commenced against

(a) a management body,

Child, Youth and Family Enhancement Act

2(1) Amends chapter C-12 of the Revised Statutes of Alberta 2000.

(2) Section 21(3) presently reads:

(3) An application under subsection (1) shall be heard not more than 10 days after the child is apprehended.

(3) Section 33(4) presently reads:

(4) For the purposes of subsection (1), the following periods during which a director has custody of a child shall not be included in computing the total cumulative period of time:

(a) custody referred to in section 22, and

(b) *the first 42 days provided for in section 21.1(6).*

(4) Section 51(2) presently reads:

(2) Unless it is satisfied that it would be in the best interests of the child to order otherwise, the Court shall in respect of a child who is confined under this Division extend the confinement pending the hearing of an application under section 43.1, 44 or 44.1 or the hearing of a review under section 49, as the case may be.

Civil Enforcement Act

3 Amends chapter C-15 of the Revised Statutes of Alberta 2000. Section 7(3) presently reads:

(3) If within 15 days from the day of being served with a notice under subsection (1), an enforcement creditor in writing instructs the agency or, in the case of garnishment, the clerk to continue the proceedings,

(a) the proceedings shall continue, and

(b) where more than one enforcement creditor instructs that the proceedings be continued, the enforcement creditor whose instructions were first received by the agency or, in the case of garnishment, by the clerk is from then on deemed to be the instructing creditor.

Employment Standards Code

4 Amends chapter E-9 of the Revised Statutes of Alberta 2000. Section 90(5) presently reads:

(5) An order of the Director for compensation under section 89(3)(b) may direct payment for a period not exceeding 6 months from the date that the employment of the employee was suspended or terminated, that the employee was laid off or that the employer failed to reinstate the employee or to provide the employee with alternative work, in accordance with Part 2, Division 7, Maternity and Adoption Benefits.

Energy Statutes Amendment Act, 2003

5(1) Amends chapter 18 of the Statutes of Alberta, 2003.

(2) Section 55 of the Mines and Minerals Act as enacted by section 14 of the Energy Statutes Amendment Act, 2003 presently reads:

55(1) Where the Minister has grounds to believe that a person has contravened section 54(1), the Minister may do one or more of the following:

- (a) *in writing impose a penalty on that person and direct that person to pay the penalty to the Minister within the time specified in the direction in an amount determined under the regulations;*
- (b) *in writing require that person to forfeit to the Crown in right of Alberta any information or data obtained as a result of the contravention;*
- (c) *disqualify that person from bidding on an agreement if the Minister is of the opinion that information or data obtained as a result of the contravention may give that person an advantage over others in bidding for the agreement;*
- (d) *cancel any agreement to which that person is a party where the Minister is of the opinion that information or data*

obtained as a result of the contravention may have given that person an advantage over others in acquiring the agreement.

(2) The Minister must refund the money paid to acquire an agreement that is cancelled under subsection (1)(d).

(3) Any penalty imposed pursuant to a direction under subsection (1) is recoverable by the Minister in an action in debt.

(4) Section 43 applies to a penalty owing under this section in the same way as if it were liability in respect of royalty on a mineral.

(3) Section 87.1(2) and (3) of the Mines and Minerals Act as enacted by section 19 of the Energy Statutes Amendment Act, 2003 presently read:

(2) An agreement granting rights in respect of oil sands that is issued on or after January 1, 2001, grants the right to solution gas.

(3) Nothing in this section is to be construed so as to affect in any manner any agreements issued before January 1, 2001 with respect to any rights granted in respect of oil sands.

Government Organization Act

6(1) Amends chapter G-10 of the Revised Statutes of Alberta 2000.

(2) Section 11 presently reads:

11(1) In this section,

(a) “intergovernmental agreement” means an agreement or arrangement under which

(i) *one of the parties is the Government of Alberta or a Minister, agency or official of the Government of Alberta, and*

(ii) *the other party or one of the other parties is the Government of Canada or a minister, agency or official of it, the government of another province or territory of Canada or any minister, agency or official of it, or the government of a foreign country or any state, minister, agency or official of it;*

(b) *“responsible Minister” means the Minister determined under section 16 as the Minister responsible for this section.*

(2) *Notwithstanding any other Act, an intergovernmental agreement to which this section applies is not binding on the Government of Alberta or any Minister, agency or official of it unless*

(a) *it is signed on behalf of the Government of Alberta by the responsible Minister, if the agreement is designated by the regulations as an agreement that is to be signed on behalf of the Government by the responsible Minister only,*

(b) *it is signed on behalf of the Government of Alberta by the responsible Minister in addition to any other Minister authorized by law to sign it, if the agreement is designated by the regulations as an agreement that is to be signed by the responsible Minister in addition to another Minister authorized by law to sign it, or*

(c) *it is approved by the responsible Minister, in any other case.*

(3) *The responsible Minister may make regulations*

(a) *designating the classes of intergovernmental agreements that are to be signed on behalf of the Government of Alberta by the responsible Minister only;*

- (b) *designating the classes of intergovernmental agreements that are to be signed on behalf of the Government of Alberta by the responsible Minister in addition to any other Minister authorized by law to sign them;*
- (c) *designating the classes of intergovernmental agreements to which this section does not apply.*

(4) When under any enactment a Minister is authorized to sign an intergovernmental agreement and the agreement is of a class designated by the regulations under subsection (3)(a) as one that is to be signed on behalf of the Government of Alberta by the responsible Minister only, the responsible Minister shall sign the agreement in place of that other Minister and with the same effect as if it were signed by that other Minister.

(5) No intergovernmental agreement shall be entered into or signed on behalf of the Government of Alberta or by or on behalf of a Minister, agency or official of the Government of Alberta otherwise than in accordance with this section.

(6) When under any Act an intergovernmental agreement requires the approval or authorization of the Lieutenant Governor in Council, the approval or authorization must also be given in accordance with this section, notwithstanding anything in that Act.

(3) Schedule 6, section 1(c) presently reads:

1 The Minister

- (c) *must be a party to the negotiation of all proposed intergovernmental agreements as defined in section 11 of the Act;*

Land Titles Act

7(1) Amends chapter L-4 of the Revised Statutes of Alberta 2000.

(2) Section 166 presently reads:

166 A Registrar shall keep a correct account of all sums of money received by the Registrar in accordance with this Act and shall pay the money to the Provincial Treasurer at the times and in the manner directed by the Lieutenant Governor in Council.

(3) Section 167 presently reads:

167 All money received by the Registrar under this Act as assurance fees shall be paid to the Provincial Treasurer.

(4) Section 173 presently reads:

173 On payment of the amount of the judgment, the Provincial Treasurer is entitled to assignment of it as against any other defendant liable as aforesaid and entitled to be subrogated to all the rights of the person entitled to the judgment.

(5) Section 175(1) presently reads:

175(1) The Provincial Treasurer shall pay the amount of any

(a) judgment recovered against the Registrar, or

(b) claim directed to be paid pursuant to section 180,

as the case may be, out of the General Revenue Fund.

(6) Section 182 presently reads in part:

(2) A certificate signed by the Provincial Treasurer of the payment out of the General Revenue Fund pursuant to section 175 is sufficient proof of the debt.

(3) When any amount has been paid out of the General Revenue Fund pursuant to section 175 on account of any person who has absconded or who cannot be found within Alberta and who has left any real or personal estate within Alberta, a judge, on

- (a) *the application of the Registrar,*
- (b) *production of a certificate signed by the Provincial Treasurer that the amount has been paid in satisfaction of a judgment against the Registrar as nominal defendant, and*
- (c) *proof of service of the writ in any of the modes provided by the ordinary procedure in Alberta,*

may allow the Registrar to sign judgment against that person forthwith for the amount paid out of the General Revenue Fund pursuant to section 175, together with the costs of the application.

Mines and Minerals Act

8(1) Amends chapter M-17 of the Revised Statutes of Alberta 2000.

(2) Replaces the references to the “Energy Resources Conservation Board” with references to the “Alberta Energy and Utilities Board”.

(3) Section 87(2) presently reads:

(2) For the purposes of this Act, the McMurray formation is deemed to be and to have always been a zone designated by the Energy Resources Conservation Board.

Queen Elizabeth II Golden Jubilee Recognition Act

9(1) Amends chapter Q-0.5 of the Statutes of Alberta, 2002.

(2) Section 3(2) presently reads:

(2) The Minister may grant the Queen’s Golden Jubilee Citizenship Medal each year to the 5 most outstanding students among those receiving an award under subsection (1).

(3) Section 5 presently reads:

5 The Lieutenant Governor in Council may make regulations

- (a) varying the amounts of the awards and scholarships referred to in section 3;*
- (b) respecting the form of recognitions referred to in section 3;*
- (c) respecting the granting of the awards and scholarships;*
- (d) respecting the qualifications of and residence requirements for applicants for awards and scholarships;*
- (e) respecting the terms and conditions on which awards and scholarships may be provided and used.*

School Act

10(1) Amends chapter S-3 of the Revised Statutes of Alberta 2000.

(2) Section 136 presently reads in part:

(3) Not less than 30 days before the date set for hearing the appeal, or such shorter time period as determined by the Board of Reference, each of the parties to the appeal must provide to the

Board of Reference and the other parties to the appeal any material and information and make any disclosures as set out, described, governed or otherwise provided for by regulation.

(7) The Minister may make regulations

- (b) governing any matter respecting*

- (i) the provision of material and information, and*
 - (ii) the making of disclosures,*
- under subsection (3).*

(3) Coming into force.