

2007 Bill 38

Third Session, 26th Legislature, 56 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 38

GOVERNMENT ORGANIZATION AMENDMENT ACT, 2007

MS DeLONG

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 38
Ms DeLong

BILL 38

2007

GOVERNMENT ORGANIZATION AMENDMENT ACT, 2007

(Assented to , 2007)

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

Amends RSA 2000 cG-10

1 The *Government Organization Act* is amended by this Act.

2 Schedule 6 is amended

- (a) **by adding the heading “Agreement on Internal Trade” before section 2;**
- (b) **by adding the following after section 4:**

Trade, Investment and Labour Mobility Agreement

Enforcement of TILMA awards

5(1) In this section,

- (a) “panel” means a panel convened under Article 29 of TILMA;
- (b) “TILMA” means the Trade, Investment and Labour Mobility Agreement between British Columbia and Alberta, dated April 28, 2006;
- (c) “TILMA award” means

Explanatory Notes

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

2 Schedule 6 presently reads:

1 The Minister

(a) is responsible for the co-ordination of all policies, programs and activities of the Government of Alberta and its agencies in relation to the Government of Canada, the governments of the provinces and territories of Canada, and the governments of foreign countries or states, and all agencies of those governments;

(b) shall conduct a continuing review of

(i) all policies, programs and activities of the Government of Alberta and its agencies in relation to the Government of Canada, the governments of the provinces and territories of Canada and the governments of foreign countries or states,

(ii) all intergovernmental agreements as defined in section 11 of the Act, and

- (i) a monetary award issued under Article 29(7) of TILMA
 - (A) in respect of which judicial review has not been requested under Article 31(1) of TILMA within the period provided by that Article,
 - (B) in respect of which judicial review has been requested under Article 31(1) of TILMA within the period provided by that Article and which the court hearing the request has determined should neither be set aside nor remitted to a panel, or
 - (C) as confirmed or amended by a panel to which a court hearing a request for judicial review of an award under Article 31(1) of TILMA has remitted the award, and in respect of which further judicial review has not been requested under Article 31(1) of TILMA within the period provided by that Article,

and

- (ii) costs apportioned under Article 32(1) of TILMA;
- (d) the following terms have the meaning given to them by Part VII of TILMA:
 - (i) administrator;
 - (ii) Party;
 - (iii) person.

(2) The Party or person entitled to a TILMA award may at any time file a certified copy of the TILMA award or of the compliance report issued under Article 29(6) of TILMA that contains the TILMA award with the clerk of the Court of Queen's Bench, and on being filed with the clerk of the Court of Queen's Bench the TILMA award has the same force and effect as if it were a judgment of the Court of Queen's Bench.

(3) For the purposes of subsection (2), a copy of a TILMA award or a compliance report must be certified by an administrator.

- (iii) all relevant legislation pertaining to those policies, programs, activities and agreements;*
- (c) may be a party to the negotiation of any proposed intergovernmental agreement as defined in section 11 of the Act;*
- (d) shall from time to time take any action the Minister considers necessary to initiate or maintain intergovernmental co-operation between the Government of Alberta and the Government of Canada, the government of a province or territory of Canada or any government of a foreign country or state.*

2 The Minister may appoint one or more persons as screeners under Article 1713 of the Agreement on Internal Trade.

3(1) The Ombudsman may be appointed as a screener.

(2) If the Ombudsman is to be appointed as a screener, the appointment must be made by the Lieutenant Governor in Council with the prior approval of the Legislative Assembly.

(3) If the Legislative Assembly is not sitting, the Lieutenant Governor in Council may appoint the Ombudsman as a screener with the prior approval of the Standing Committee on Legislative Offices, but the appointment must be confirmed by the Legislative Assembly within 30 days after the commencement of the next sitting of the Legislative Assembly.

(4) If an appointment under subsection (3) is not confirmed within 30 days after the commencement of the next sitting of the Legislative Assembly, the appointment of the Ombudsman as a screener lapses.

(5) The appointment of the Ombudsman as a screener may be rescinded at any time by the Lieutenant Governor in Council with the prior approval of the Standing Committee on Legislative Offices, but the rescission must be confirmed by the Legislative Assembly within 30 days after the commencement of the next sitting of the Legislative Assembly.

(6) If a matter is referred to the Ombudsman as screener and in the opinion of the Ombudsman there is a conflict with respect to that matter between the Ombudsman's function as Ombudsman and the Ombudsman's function as screener, the Ombudsman must inform the Minister and the Standing Committee on Legislative Offices of that conflict.

(7) On being informed by the Ombudsman under subsection (6), the Minister may designate another person appointed as a screener to carry out the matter.

(8) A person employed or engaged in the Office of the Ombudsman may provide assistance to the Ombudsman in carrying out the Ombudsman's function as screener.

4 Where a panel has made an award of costs under Article 1718(3) of the Agreement on Internal Trade, the person entitled to the award may at any time file a certified copy of that award with the clerk of the Court of Queen's Bench, and on being filed with the clerk of the Court of Queen's Bench that award has the same force and effect as if it were a judgment of the Court of Queen's Bench.

RECORD OF DEBATE

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