

2012 Bill 6

First Session, 28th Legislature, 61 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 6

PROTECTION AND COMPLIANCE STATUTES AMENDMENT ACT, 2012

MR. JENEROUX

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 6
Mr. Jeneroux

BILL 6

2012

PROTECTION AND COMPLIANCE STATUTES AMENDMENT ACT, 2012

(Assented to , 2012)

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

Fair Trading Act

Amends RSA 2000 cF-2

1(1) The *Fair Trading Act* is amended by this section.

(2) Section 1(1) is amended

(a) by renumbering clause (a) as clause (a.1) and adding the following before clause (a.1):

(a) “administrative penalty” means an administrative penalty required to be paid under section 158.1(1);

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

(i.1) “notice of administrative penalty” means a notice given under section 158.1(1);

(3) Section 127(b) is amended by striking out “or” at the end of subclause (vi), adding “or” at the end of subclause (vii) and adding the following after subclause (vii):

(viii) fails to pay, in accordance with the notice of administrative penalty and the regulations, an administrative penalty imposed under this Act;

Explanatory Notes

Fair Trading Act

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

(2) Adds definitions.

(3) Section 127 presently reads:

127 The Director may refuse to issue or renew a licence, may cancel or suspend a licence and may impose terms and conditions on a licence for the following reasons:

(4) Section 157.1 is amended by adding the following after subsection (2):

(3) The Director must maintain a public record of administrative penalties and may prescribe the form of the public record and the documents and information that must or may be included in it.

- (a) *the applicant or licensee does not or no longer meets the requirements of this Act and the regulations with respect to the class of licence applied for or held;*
 - (b) *the applicant or licensee or any of its officers or employees*
 - (i) *fails to comply with an order of the Director under section 129 or 157, unless, in the case of an order under section 129 or 157, the order has been stayed,*
 - (ii) *fails to comply with a direction of the Director under section 151(3),*
 - (iii) *furnishes false information or misrepresents any fact or circumstance to an inspector or to the Director,*
 - (iv) *fails to comply with an undertaking under this Act,*
 - (v) *has, in the Director's opinion, contravened this Act or the regulations or a predecessor of this Act,*
 - (v.1) *fails to comply with any other legislation that may be applicable,*
 - (vi) *fails to pay a fine imposed under this Act or a predecessor of this Act or under a conviction or fails to comply with an order made in relation to a conviction, or*
 - (vii) *is convicted of an offence referred to in section 125 or is serving a sentence imposed under a conviction;*
 - (c) *in the opinion of the Director, it is in the public interest to do so.*
- (4) Section 157.1 presently reads:
- 157.1(1) The Director must maintain a public record of undertakings, Director's orders, court orders and injunctions and any other prescribed document or information.*
- (2) The Director may prescribe the form of the public record referred to in subsection (1) and which documents must or may be included.*

(5) The following is added after section 158:

Administrative Penalties

Notice of administrative penalty

158.1(1) If the Director is of the opinion that a person

- (a) has contravened a provision of this Act or the regulations, or
- (b) has failed to comply with a term or condition of a licence issued under this Act or the regulations,

the Director may, by notice in writing given to the person, require the person to pay to the Crown an administrative penalty in the amount set out in the notice.

(2) Where a contravention or a failure to comply continues for more than one day, the amount set out in the notice of administrative penalty under subsection (1) may include a daily amount for each day or part of a day on which the contravention or non-compliance occurs or continues.

(3) The amount of an administrative penalty, including any daily amounts referred to in subsection (2), must not exceed \$100 000.

(4) Subject to subsection (5), a notice of administrative penalty shall not be given more than 3 years after the day on which the contravention or non-compliance occurred.

(5) Where the contravention or non-compliance occurred in the course of a consumer transaction or an attempt to enter into a consumer transaction, a notice of administrative penalty may be given within 3 years after the day on which the consumer first knew or ought to have known of the contravention or non-compliance but not more than 8 years after the day on which the contravention or non-compliance occurred.

Right to make representations

158.2 Before imposing an administrative penalty in an amount of \$500 or more, the Director shall

(5) Adds sections providing for administrative penalties.

- (a) advise the person, in writing, of the Director's intent to impose the administrative penalty and the reasons for it, and
- (b) provide the person with an opportunity to make representations to the Director.

No offence where administrative penalty paid

158.3 A person who pays an administrative penalty in respect of a contravention or a failure to comply shall not be charged under this Act with an offence in respect of the same contravention or failure to comply that is described in the notice of administrative penalty.

Enforceability of notice of administrative penalty

158.4 Subject to the right of appeal, where a person fails to pay an administrative penalty in accordance with the notice of administrative penalty and the regulations, the Minister may file a copy of the notice of administrative penalty with the clerk of the Court of Queen's Bench, and on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

Ministerial regulations

158.5 The Minister may make regulations

- (a) respecting the contents of notices of administrative penalty and the manner in which the notices are required to be given;
- (b) respecting the amounts of the administrative penalties that may, subject to section 158.1(3), be imposed under section 158.1(1) and respecting factors to be taken into account in setting the amount of an administrative penalty;
- (c) respecting any other matter the Minister considers necessary or advisable for the administration of the system of administrative penalties.

(6) Section 164(1)(a) is amended by striking out "\$100 000" and substituting "\$300 000".

(6) Section 164(1) presently reads:

164(1) Any person who is convicted of an offence under this Act or the regulations is liable to a fine of not more than

(7) Section 167 is repealed and the following is substituted:

Time limit for prosecution

167(1) Subject to subsection (2), a prosecution of an offence under this Act or the regulations shall not be commenced more than 3 years after the day on which the offence was committed.

(2) Where an offence was committed in the course of a consumer transaction or an attempt to enter into a consumer transaction, a prosecution may be commenced within 3 years after the day the consumer first knew or ought to have known of the offence but not more than 8 years after the day on which the offence was committed.

(8) Section 177 is amended

- (a) in subsection (1) by striking out “may be given” and substituting “may, subject to the regulations under section 158.5, be given”;**
- (b) in subsection (2) by adding “under subsection (1)(b)” after “ordinary mail”.**

(a) \$100 000, or

(b) 3 times the amount obtained by the defendant as a result of the offence,

whichever is greater, or to imprisonment for not more than 2 years, or both.

(7) Section 167 presently reads:

167 A prosecution of an offence under this Act or the regulations may not be commenced more than 3 years after the commission of the offence.

(8) Section 177 presently reads:

177(1) If this Act requires the Minister or the Director to serve a person with a document or to give notice of a document to a person, the service or notice may be given

(a) personally,

(b) by ordinary mail, or

(c) if the person requests that service or notice be given by electronic means that results in a printed copy of the document being received by the person, by the electronic means.

(2) If service or notice is given to a person by ordinary mail, it must be sent to the last address for the person on the Director's records, and any service or notice given by ordinary mail is deemed to have been received 7 days after it is mailed unless

(a) the document is returned by a person who is not the addressee, or

(9) Section 179 is amended

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

Appeal

179(1) A person

- (a) who is refused a licence or renewal of a licence,
- (b) whose licence is made subject to terms and conditions,
- (c) whose licence is cancelled or suspended under section 127,
- (d) to whom an order under section 129 or 157 is directed, or
- (e) to whom a notice of administrative penalty is given under section 158.1(1)

may appeal the decision, order or administrative penalty by serving the Minister with a notice of appeal within 30 days after being notified in writing of the decision or order or being given the notice of administrative penalty.

- (b) in subsections (6) and (8) by striking out “decision or order” and substituting “decision, order or administrative penalty”.**

- (b) *the document was not received by the addressee, the proof of which lies on the addressee.*

(9) Section 179 presently reads:

179(1) A person

- (a) *who has been refused a licence or renewal of a licence,*
- (b) *whose licence is made subject to terms and conditions,*
- (c) *whose licence has been cancelled or suspended under section 127, or*
- (d) *who has been issued an order under section 129 or 157,*

may appeal the decision or order by serving the Minister with a notice of appeal within 30 days after being notified in writing of the decision or order.

(2) The Minister must, within 30 days after being served with a notice of appeal under subsection (1) and payment of the fee for the appeal as established by the regulations, refer the appeal to an appeal board appointed in accordance with the regulations or to an appeal board designated under subsection (4).

(3) The Minister may appoint an individual as the chair of the appeal board who serves as the chair whether or not an appeal is being considered by the appeal board.

(4) The Minister may designate a board or commission established by or under an Act of the Legislature to be an appeal board for the appeals specified in the designation.

(5) The Minister may set the time within which an appeal board is to hear an appeal and render a decision and may extend that time.

(6) An appeal board that hears an appeal pursuant to this section may confirm, vary or quash the decision or order that is being appealed.

(7) The Minister may set the rates of remuneration for and provide for the payment of reasonable living and travelling expenses to the members of an appeal board.

(8) An appeal under this section is a new trial of the issues that resulted in the decision or order being appealed.

(10) Section 180 is amended

- (a) in subsection (1) by striking out “subsection (2)” and substituting “this section”;**
- (b) in subsection (2) by striking out “until the appeal board renders its decision on the appeal”;**
- (c) in subsection (3) by adding “or the appeal is withdrawn” after “decision on the appeal”;**
- (d) by adding the following after subsection (3):**
 - (4)** Service under section 179(1) of a notice of appeal of an administrative penalty operates to stay the administrative penalty until the appeal board renders its decision on the appeal or the appeal is withdrawn.

(11) Subsections (2) to (5), (8), (9) and (10) come into force on Proclamation.

**Occupational Health and
Safety Act**

Amends RSA 2000 cO-2

2(1) The *Occupational Health and Safety Act* is amended by this section.

(2) Section 1 is amended

- (a) by renumbering clause (a) as clause (a.01) and adding the following before clause (a.01):**
 - (a)** “administrative penalty” means an administrative penalty required to be paid under section 40.3(2);
- (b) by adding the following after clause (q):**
 - (q.1)** “notice of administrative penalty” means a notice given under section 40.3(2);

(3) Section 3 is amended

- (a) in subsection (1) by striking out “at the same time”;**

(10) Section 180 presently reads:

180(1) Subject to subsection (2), an appeal under section 179 does not affect the status or enforceability of the decision or order being appealed.

(2) A person who is appealing a decision or order under section 179(1)(b), (c) or (d) may apply to the chair of the appeal board to stay the decision or order being appealed until the appeal board renders its decision on the appeal.

(3) On application under subsection (2) and after allowing the Director to make representations, the chair may, if the chair considers it appropriate, order a stay of the decision or order being appealed until the appeal board renders its decision on the appeal.

(11) Coming into force.

Occupational Health and Safety Act

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

(2) Adds definitions.

(3) Section 3 presently reads:

3(1) Every work site must have a prime contractor if there are 2 or more employers involved in work at the work site at the same time.

- (b) in subsections (3) and (4) by striking out “this Act and the regulations” and substituting “this Act, the regulations and the adopted code”.**

(4) The following is added after section 4:

Identification

4.1(1) Every person at a work site shall, on request by an officer, provide proof of identity satisfactory to the officer.

(2) Every employer involved in work at a work site shall, on request by an officer, identify to the officer the workers employed by that employer at the work site.

- (5) Section 7(b) is amended by adding “and the regulations” after “Act”.**

(2) The prime contractor for a work site is

- (a) the contractor, employer or other person who enters into an agreement with the owner of the work site to be the prime contractor, or*
- (b) if no agreement has been made or if no agreement is in force, the owner of the work site.*

(3) If a work site is required to have a prime contractor under subsection (1), the prime contractor shall ensure, as far as it is reasonably practicable to do so, that this Act and the regulations are complied with in respect of the work site.

(4) One of the ways in which a prime contractor of a work site may meet the obligation under subsection (3) is for the prime contractor to do everything that is reasonably practicable to establish and maintain a system or process that will ensure compliance with this Act and the regulations in respect of the work site.

(4) Identification.

(5) Section 7 presently reads:

7 The Council shall

- (a) advise the Minister on matters concerning this Act, the regulations and the adopted codes and potential changes to them, and the regulations and on matters concerning the health and safety of workers;*
- (b) hear appeals in accordance with this Act;*
- (c) perform any duties and functions assigned to it by the Minister with respect to the administration of this Act, the regulations and the adopted codes.*

(6) Section 16 is amended

- (a) by repealing subsections (1) to (3) and substituting the following:**

Appeal

16(1) A person

- (a) to whom an order is issued under section 9, 10, 11, 12, 14, 25 or 33,
- (b) who is given a notice of administrative penalty, or
- (c) whose licence is cancelled or suspended,

may appeal the order, administrative penalty, cancellation or suspension to the Council.

(2) An appeal under subsection (1) shall be commenced by serving a notice of the appeal on a Director of Inspection

- (a) in the case of an appeal from an order referred to in subsection (1)(a), within 30 days from the date that the order was served on the person making the appeal,
- (b) in the case of an appeal from an administrative penalty, within 30 days from the date that the notice of administrative penalty was given to the person making the appeal, or
- (c) in the case of an appeal from the cancellation or suspension of a licence, within 30 days from the date that the licence, certificate or permit was cancelled or suspended.

(3) After considering the matter being appealed, the Council may by order

- (a) in the case of an appeal from an order referred to in subsection (1)(a), confirm, revoke or vary the order,
- (b) in the case of an appeal from an administrative penalty, confirm, revoke or vary the administrative penalty, or

(6) Section 16 presently reads:

16(1) A person

(a) to whom an order is issued under section 9, 10, 11, 12, 14, 25 or 33, or

(b) whose licence has been cancelled or suspended,

may appeal the order, cancellation or suspension to the Council.

(2) An appeal under subsection (1) shall be commenced by serving a notice of the appeal on a Director of Inspection within 30 days from the date that the order being appealed from was served on the person making the appeal.

(3) After considering the matter being appealed, the Council may by order

(a) confirm, revoke or vary the order being appealed,

(b) confirm the cancellation or suspension,

(c) reinstate the cancelled licence, certificate or permit,

(d) substitute a suspension for a cancellation, or

(e) remove or vary a suspension.

(4) When an appeal is made to the Council under subsection (1), the Council shall hear the appeal and render a decision as soon as practicable.

(5) An appeal lies to the Court of Queen's Bench from an order of the Council on a question of law or a question of jurisdiction and on hearing the matter the Court may make any order, including the awarding of costs, that the Court considers proper.

(6) An appeal under subsection (5) shall be made by way of application within 30 days from the date that the order of the Council is served on the person appealing the order of the Council.

(7) When an appeal is commenced under subsection (1), the commencement of that appeal does not operate as a stay of the order, cancellation or suspension being appealed from except insofar as the chair or a vice-chair of the Council so directs.

(c) in the case of an appeal from the cancellation or suspension of a licence,

(i) confirm the cancellation or suspension,

(ii) reinstate the cancelled licence,

(iii) substitute a suspension for the cancellation, or

(iv) remove or vary the suspension.

(b) in subsection (7) by striking out “subsection (1)” and substituting “subsection (1)(a) or (c)”;

(c) by adding the following after subsection (7):

(7.1) When an appeal from an administrative penalty is commenced under subsection (1)(b), the commencement of that appeal operates to stay the administrative penalty until the Council renders its decision on the appeal or the appeal is withdrawn.

(d) in subsection (8) by adding “from an order of the Council under subsection (3)(a) or (c)” after “an appeal”;

(e) by adding the following after subsection (8):

(9) When an appeal from an order of the Council under subsection (3)(b) confirming or varying an administrative penalty is commenced under subsection (5), the commencement of that appeal operates to stay the administrative penalty until the Court of Queen’s Bench renders its decision on the appeal or the appeal is withdrawn.

(7) Section 17 is amended by adding the following after subsection (7):

(8) For the purpose of hearing appeals under this Act, the members of the Council have the same power as is vested in the Court of Queen’s Bench for the trial of civil actions

(a) to summon and enforce the attendance of witnesses,

(b) to compel witnesses to give evidence under oath or otherwise,

(8) When an appeal is commenced under subsection (5), the commencement of that appeal does not operate as a stay of the order of the Council being appealed from except insofar as a judge of the Court of Queen's Bench so directs.

(7) Section 17 presently reads:

17(1) When the Council hears appeals under this Act, it may, at the direction of the chair, sit in one or more divisions and the divisions may sit simultaneously or at different times.

(2) For the purpose of hearing appeals under this Act, 3 members constitute a quorum of the Council or of a division of the Council.

(3) A division of the Council may exercise and perform all the jurisdiction, powers and duties of the Council with respect to the

- (c) to compel witnesses to give evidence in person or otherwise, and
- (d) to compel witnesses to produce any record, object or thing that relates to the matter being heard.

(8) Section 36 is amended by striking out “this Act or the regulations” **and substituting** “this Act, the regulations or the adopted code”.

(9) Section 40(1) is amended

- (a) in clause (a)(ii) by striking out** “this Act or the regulations” **and substituting** “this Act, the regulations or an adopted code”;
- (b) by adding the following after clause (i):**
 - (i.1) respecting administrative penalties, including regulations
 - (i) respecting notices of administrative penalty, their form and contents and the manner in which they are required to be given;
 - (ii) respecting the amounts of the administrative penalties that may, subject to section 40.3(3), be

hearing of appeals under this Act and an order of a division is an order of the Council and binds all members of the Council.

(4) The chair may designate a member of a division of the Council to preside at any sitting of a division at which the chair is not present.

(5) When the Council or a division of the Council is hearing an appeal and one or more members of the Council or division, as the case may be, do not for any reason attend on any day or part of a day, the remaining members present may, if they constitute a quorum under this section, exercise and perform all the jurisdiction, powers and duties of the Council with respect to that hearing.

(6) A decision of a majority of the members of the Council or a division of the Council present and constituting a quorum is the decision of the Council or of the division and in the event that there is a tie vote the chair or the presiding member, as the case may be, may cast a 2nd vote.

(7) The Council may establish rules of procedure respecting the hearing of appeals before it or before a division.

(8) Section 36 presently reads:

36 No person shall dismiss or take any other disciplinary action against a worker by reason of that worker acting in compliance with this Act, the regulations, the adopted code or an order given under this Act or the regulations.

(9) Section 40(1) presently reads:

40(1) The Lieutenant Governor in Council may make regulations

- (a) establishing general health and safety rules for or in connection with occupations and work sites, including
 - (i) reporting, medical and health requirements, and*
 - (ii) the making available of notices issued by a Director and of orders made under, and other information and documents required by, this Act or the regulations;**
- (b) providing for any matter or thing which by this Act may or is to be provided for by the regulations;*

imposed under section 40.3(2) and respecting factors to be taken into account in setting the amount of an administrative penalty;

- (iii) respecting appeals from administrative penalties, including regulations authorizing the charging of fees in respect of appeals from administrative penalties and regulations respecting the fees, the amounts of the fees and their disposition;
 - (iv) respecting any other matter the Lieutenant Governor in Council considers necessary or advisable to carry out the intent and purpose of the system of administrative penalties;
- (i.2) respecting service of orders under section 44(1.1)(a), (b) and (c), including regulations respecting the electronic methods by which service may be effected, regulations respecting service by recorded mail and regulations respecting when service by recorded mail or an electronic method is deemed to be effective;

(10) The following is added after section 40.2:

Administrative penalties

40.3(1) In this section, “regulated person” means

- (a) a contractor;
- (b) an employer;
- (c) a prime contractor;
- (d) a supplier;

- (c) *respecting the establishment, composition and operation of a board dealing with first aid training;*
 - (d) *respecting licences and licensing, including qualifications to obtain and hold licences and the maintenance of a registry of licensees;*
 - (e) *specifying which work sites are mines or quarries for the purposes of this Act;*
 - (f) *respecting fees*
 - (i) *to be paid by the Government to physicians for services performed, and*
 - (ii) *for licences and for services and materials provided under this Act, the regulations and the adopted codes;*
 - (g) *respecting acceptances referred to in section 34;*
 - (h) *establishing and otherwise respecting a system of fixed fines or penalties for contraventions of this Act, the regulations and any adopted code, including mechanisms for administering and enforcing that system and the disposition of the fines or penalties collected under the system;*
 - (i) *authorizing the making of orders relating to any matters falling within the scope of clauses (a), (d) or (g) or section 40.1(1)(a);*
 - (j) *enabling any particular subject-matter covered by clause (a) to be dealt with by an adopted code.*
- (10) Administrative penalties.

(e) a worker.

(2) If an officer is of the opinion that a regulated person

- (a) has contravened a provision of this Act, the regulations or an adopted code,
- (b) has failed to comply with an order made under this Act, the regulations or an adopted code,
- (c) has failed to comply with a term, condition or requirement of an acceptance issued under section 34, or
- (d) has failed to comply with a term, condition or requirement of an approval issued under an adopted code,

the officer may, by notice in writing given to the regulated person, require the regulated person to pay to the Crown an administrative penalty in the amount set out in the notice.

(3) The amount set out in a notice of administrative penalty must not exceed

- (a) \$10 000, or
- (b) in the case of a contravention or a failure to comply that continues for more than one day, \$10 000 for each day or part of a day on which the contravention or failure to comply occurs or continues.

(4) A regulated person who pays an administrative penalty in respect of a contravention or a failure to comply shall not be charged under this Act with an offence in respect of the same contravention or failure to comply that is described in the notice of administrative penalty.

(5) A notice of administrative penalty may be given within 2 years after the alleged contravention or non-compliance occurs, but not afterwards.

(6) Subject to the right to appeal, where a regulated person fails to pay an administrative penalty in accordance with the notice of administrative penalty and the regulations, the Minister may file a copy of the notice of administrative penalty with the clerk of the

Court of Queen's Bench, and on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

(11) The following is added before section 41:

Prohibition

40.4 No person shall interfere with or in any manner hinder an officer or peace officer who is exercising powers or performing duties or functions under this Act.

(12) Section 41(1) is amended by striking out “this Act or the regulations or” and substituting “this Act, the regulations or an adopted code or with”.

(13) The following is added after section 41.1:

Effect of non-payment

41.2(1) If a person is ordered under section 41.1 to pay money to any other person and fails to pay

(11) Prohibition.

(12) Section 41(1) presently reads:

41(1) A person who contravenes this Act, the regulations or an adopted code or fails to comply with an order made under this Act or the regulations or an acceptance issued under this Act is guilty of an offence and liable

(a) for a first offence,

(i) to a fine of not more than \$500 000 and in the case of a continuing offence, to a further fine of not more than \$30 000 for each day during which the offence continues after the first day or part of a day, or

(ii) to imprisonment for a term not exceeding 6 months,

or to both fines and imprisonment, and

(b) for a 2nd or subsequent offence,

(i) to a fine of not more than \$1 000 000 and in the case of a continuing offence, to a further fine of not more than \$60 000 for each day or part of a day during which the offence continues after the first day, or

(ii) to imprisonment for a term not exceeding 12 months,

or to both fines and imprisonment.

(13) Effect of non-payment.

- (a) the entire amount before the expiry of the time period within which the order requires the entire amount to be paid, or
- (b) an instalment toward the entire amount before the expiry of the time period within which the order requires the instalment to be paid,

then on the expiry of that time period the entire amount, or that portion which then remains unpaid, is deemed to be a fine imposed on the person and is enforceable by the Crown in right of Alberta in the same manner as any other fine may be enforced under the *Provincial Offences Procedure Act*.

(2) Subsection (1) does not apply where the order requiring the payment of money was made before the coming into force of this section.

(14) Section 42(a) is amended by striking out “this Act or the regulations” **and substituting** “this Act, the regulations or an adopted code”.

(15) Section 44 is amended

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

Service of orders

44(1) In this section, “recorded mail” means a form of document delivery by mail or courier in which receipt of the

(14) Section 42 presently reads:

42 When

- (a) an order has been made under this Act or the regulations by a Director of Inspection, a Director of Medical Services, a Director of Occupational Hygiene, an officer or the Council, and*
- (b) the person to whom that order has been made is carrying on the work without complying with that order,*

a Director of Inspection may, notwithstanding that the person to whom the order was made may or may not have been prosecuted under this Act for not complying with that order, apply to the Court of Queen's Bench for an order of the Court requiring that person to comply with the order made by a Director of Inspection, a Director of Medical Services, a Director of Occupational Hygiene, an officer or the Council, as the case may be.

(15) Section 44 presently reads:

44(1) When an order is made in writing under this Act or the regulations, that order shall be served

- (a) by personal service on the person to whom it is made,*

document must be acknowledged in writing as specified in the regulations.

(1.1) Where a notice of administrative penalty is given to a person or where an order that may be given to a person under this Act, the regulations or the adopted code is required to be in writing, the notice of administrative penalty or order shall be served on the person

- (a) by personal service,
- (b) by recorded mail,
- (c) in accordance with the regulations, by an electronic method, or
- (d) as directed by the Court of Queen's Bench on application.

(1.2) Notwithstanding subsection (1.1), where a person required to be served under that subsection is an employer involved in work at a work site, the notice of administrative penalty or order is deemed to have been served on the employer if it is served personally on an individual present at the work site who has apparent authority in respect of the work of that employer at the work site.

(b) in subsection (2) by striking out “subsection (1)(c)” and substituting “subsection (1.1)(d)”.

(16) Subsections (2), (6), (7), (9)(b) and (10) come into force on Proclamation.

Safety Codes Act

Amends RSA 2000 cS-1

3(1) The *Safety Codes Act* is amended by this section.

(2) Section 68(1) is amended

- (a) in clause (a)(i) by striking out “\$15 000” and substituting “\$100 000”;**
- (b) in clause (b)(i) by striking out “\$30 000” and substituting “\$500 000”.**

(b) by double registered mail if the post office receipt for the envelope containing the order is signed by the person to whom the order is made, or

(c) as directed by the Court of Queen's Bench on application.

(2) An application under subsection (1)(c) may be made ex parte if the Court considers it proper to do so.

(3) When an order is made orally under section 10(1)(a) or (b), that order is deemed to have been served on the person to whom it is made at the time that the oral order is made to that person.

(16) Coming into force.

Safety Codes Act

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

(2) Section 68(1) presently reads:

68(1) A person who is guilty of an offence is liable

(a) for a first offence,

(3) The following is added after section 68:

Prosecution time limit

68.1(1) A prosecution of an offence under this Act may not be commenced more than 3 years after the day on which evidence of the offence first came to the attention of a safety codes officer.

(2) This section applies only in respect of offences that are committed on or after the day on which this section comes into force.

- (i) *to a fine of not more than \$15 000 and, in the case of a continuing offence, to a further fine of not more than \$1000 for each day during which the offence continues after the first day or part of a day, or*
 - (ii) *to imprisonment for a term not exceeding 6 months,*
or to both fines and imprisonment, and
 - (b) *for a 2nd or subsequent offence,*
 - (i) *to a fine of not more than \$30 000 and, in the case of a continuing offence, to a further fine of not more than \$2000 for each day or part of a day during which the offence continues after the first day, or*
 - (ii) *to imprisonment for a term not exceeding 12 months,*
or to both fines and imprisonment.
- (3) Prosecution time limit.

RECORD OF DEBATE

Stage	Date	Member	From	To

		Questions and Comments	From	To

Stage	Date	Member	From	To

		Questions and Comments	From	To

Stage	Date	Member	From	To

		Questions and Comments	From	To

Stage	Date	Member	From	To

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