

2015 Bill 21

Third Session, 28th Legislature, 64 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 21

SAFETY CODES AMENDMENT ACT, 2015

MR. CASEY

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 21
Mr. Casey

BILL 21

2015

SAFETY CODES AMENDMENT ACT, 2015

(Assented to , 2015)

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

Amends RSA 2000 cS-1

1 The *Safety Codes Act* is amended by this Act.

2 Section 1 is amended

(a) in subsection (1)

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

(d.1) “administrative penalty” means an administrative
penalty referred to in section 57.1;

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

(e.1) “Authority” means the Alberta Safety Codes
Authority established under section 30.1;

(iii) by repealing clause (l) and substituting the following:

(l) “elevating device” means a passenger elevator,
freight elevator, dumbwaiter, emergency elevator,
escalator, inclined passenger lift, manlift, passenger
ropeway, material lift, moving walk, personnel hoist,
lift for persons with disabilities, or amusement ride,
as defined in the regulations, or anything designated
by the regulations as an elevating device;

Explanatory Notes

- 1** Amends chapter S-1 of the Revised Statutes of Alberta 2000.
- 2** Adds definitions.

(iv) by repealing clause (q) and substituting the following:

(q) “information system” means an information system maintained under section 58;

(v) by repealing clause (y) and substituting the following:

(y) “pressure equipment” means a boiler, a fired-heater pressure coil, a thermal liquid heating system and other equipment designed to contain expansible fluid under pressure, including, but not limited to, pressure vessels, pressure piping systems and fittings, as defined in the regulations;

(vi) by repealing clause (z) and substituting the following:

(z) “private sewage disposal system” means the whole or any part of a system for the management, treatment and disposal of sewage on the site where the sewage is generated, but does not include anything excluded by the regulations;

(vii) by repealing clause (cc);

(viii) by adding the following before clause (dd):

(cc.1) “sub-council” means a sub-council of the Council established under section 16.1(3);

(cc.2) “tele-warrant” means a tele-warrant issued under section 48.1;

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

(3) This Act is to be interpreted in a manner consistent with the principles of barrier-free design and access to allow persons with physical and sensory disabilities to more easily and safely access and use buildings, facilities and services to which this Act applies.

3 Section 2 is repealed and the following is substituted:

Application of Act

2(1) This Act applies to fire protection, barrier-free design and the design, manufacture, construction, installation, use, operation, occupancy and maintenance of

- (a) buildings,
- (b) electrical systems,
- (c) elevating devices,
- (d) gas systems,
- (e) plumbing systems,
- (f) pressure equipment, and
- (g) private sewage disposal systems.

(2) The Minister may, by order, exempt any person or municipality or any thing, process or activity from any or all provisions of this Act and attach terms and conditions to the exemption.

(3) An exemption order made under subsection (2) may be made to apply generally or specifically and to all or a particular area of Alberta.

(4) The *Regulations Act* applies to an exemption order made under subsection (2).

4 The following is added after section 2:

Validation of orders

2.1(1) The following orders are, as of the date they came into force, validated and declared for all purposes to have been validly made under section 2:

- (a) Ministerial Order No. P:002/04, an exemption regarding the GP3 Generation Facility;

3 Section 2 presently reads:

2(1) This Act applies to fire protection and applies to the design, manufacture, construction, installation, operation and maintenance of

- (a) buildings,*
- (b) electrical systems,*
- (c) elevating devices,*
- (d) gas systems,*
- (e) plumbing and private sewage disposal systems, and*
- (f) pressure equipment.*

(2) The Minister may, by order, exempt any person or municipality or any thing, process or activity from any or all provisions of this Act and attach terms and conditions to the exemption.

(2.1) This Act is to be applied in a manner consistent with the principles of barrier-free design and access to allow persons with physical and sensory disabilities to access and use buildings and facilities to which this Act applies.

(3) An order under this section may be made to apply generally or specifically and to apply to all or a particular area of Alberta.

4 Validation of orders.

(b) Ministerial Order No. P:007/10, an exemption regarding the application of sentence 9.10.15.3(1) of Division B of the Alberta Building Code 2006.

(2) Everything done under or pursuant to the orders referred to in subsection (1) is validated and declared for all purposes to have been validly done.

5 Section 12 is amended

- (a) **in subsection (1) by adding** “employees or officers of the Council,” **after** “members of the Council,”;
- (b) **in subsection (2) by adding** “the Council,” **after** “the Crown,”;
- (c) **in subsection (3) by striking out** “and an accredited municipality” **and substituting** “, the Council, an accredited municipality”.

6 Section 13(1) is repealed and the following is substituted:

Overall administration

13(1) The Minister administers this Act but an accredited municipality, an accredited regional services commission, an accredited corporation and the Authority shall provide for the administration of this Act in accordance with

- (a) the order that designated the accredited municipality, accredited regional services commission or accredited corporation, or

5 Section 12 presently reads in part:

12(1) No action lies against the Crown, the Council, members of the Council, safety codes officers, accredited municipalities or their employees or officers, accredited regional services commissions or their employees or officers, accredited agencies or their employees or officers or Administrators for anything done or not done by any of them in good faith while exercising their powers and performing their duties under this Act.

(2) The Crown, an accredited municipality, an accredited regional services commission and an accredited agency acting in good faith under this Act are not liable for any damage caused by a decision related to the system of inspections, examinations, evaluations and investigations, including but not limited to a decision relating to their frequency and the manner in which they are carried out.

(3) The Crown and an accredited municipality and an accredited regional services commission that engage the services of an accredited agency are not liable for any negligence or nuisance of the accredited agency that causes an injury, loss or damage to any person or property.

6 Section 13(1) presently reads:

13(1) The Minister administers this Act but an accredited municipality, an accredited regional services commission and an accredited corporation shall provide for the administration of this Act in accordance with the order that designated it as an accredited municipality, accredited regional services commission or accredited corporation.

- (b) the order referred to in section 18(d.1) authorizing the establishment of the Authority.

7 Section 16(2) to (8) are repealed and the following is substituted:

(2) On the coming into force of this subsection, a person who, immediately before the coming into force of this subsection, held an appointment as a member of the Council continues as a member of the Council until the term of office stated in the member's appointment expires or the appointment is terminated, revoked or rescinded.

(3) Subject to subsection (2), the Council consists of the persons appointed to the Council by the Minister and the persons appointed to the Council by the Board of Directors in accordance with this section.

(4) The persons appointed to the Council by the Board of Directors must include persons who are experts in fire protection, buildings, barrier-free building design, electrical systems, elevating devices, gas systems, plumbing systems, private sewage disposal systems or pressure equipment.

(5) The Board of Directors shall ensure that representatives of municipalities, business, labour and persons with disabilities are appointed to the Council from among the persons described in subsection (4).

(6) An Administrator is not eligible to be appointed to the Council.

(7) A person appointed under subsection (3)

- (a) holds office for a term not exceeding 3 years, as set out in the appointment, and
- (b) continues to hold office after the expiry of the term of office until the person is reappointed or a successor is appointed.

(8) If a member of the Council resigns or the appointment terminates, that person may, in relation to an appeal in which the person participated as a member of the Council, perform

7 Section 16(2) to (8) presently read:

(2) On and after September 1, 1993, the Council shall consist of members appointed as follows:

- (a) not more than 40% of the members shall be appointed by the Minister, and*
- (b) at least 60% of the members shall be appointed by the Coordinating Committee of the Safety Codes Council, established by a Council bylaw.*

(3) Among the persons appointed to the Council the Minister and the Committee shall include persons who are experts in fire protection, buildings, barrier-free building design, electrical systems, elevating devices, gas systems, plumbing systems, private sewage disposal systems or pressure equipment.

(4) The Minister and the Committee shall ensure that representatives of municipalities, business, labour and persons with disabilities are appointed to the Council from among the persons described in subsection (3).

(5) An Administrator is not eligible to be a member of the Council.

(6) The Minister shall designate one of the members of the Council to chair the Council and may designate others as alternates to chair the Council.

(7) A person appointed as a member of the Council

- (a) holds office for a term not exceeding 3 years as prescribed in the appointment, and*
- (b) continues to hold office after the expiry of the term of office until the person is reappointed or a successor is appointed.*

(8) If a member of the Council resigns or the appointment terminates, that person may, in relation to a proceeding in which the person participated as a member of the Council, perform and complete the duties or responsibilities and continue to exercise the

and complete the duties or responsibilities and continue to exercise the powers that the person would have had if the person had not ceased to be a member of the Council, until the appeal is completed.

(9) Subject to subsection (7)(b) and (11), a member of the Council may not hold office for a period exceeding 9 consecutive years.

(10) Breaks in service of less than 2 years shall be disregarded in determining the number of consecutive years for the purposes of subsection (9).

(11) The Minister may make an order providing that subsection (9) does not apply in respect of a specified appointment to the Council if in the opinion of the Minister that order is necessary to ensure the effective operation of the Council.

8 The following is added after section 16:

Board of Directors and sub-councils

16.1(1) On the coming into force of this section,

- (a) the Co-ordinating Committee of the Safety Codes Council as it existed immediately before the coming into force of this section is continued as the Board of Directors;
- (b) a person who, immediately before the coming into force of this section, held an appointment as a member of the Co-ordinating Committee of the Safety Codes Council continues as a member of the Board of Directors until the term of office stated in the member's appointment expires or the appointment is terminated, revoked or rescinded;
- (c) a person who, immediately before the coming into force of this section, held the designation as the Chair of the Council continues as the chair of the Board of Directors until the term of office stated in the designation expires or the designation is terminated, revoked or rescinded;
- (d) a person who, immediately before the coming into force of this section, held a designation as an alternate to chair

powers that the person would have had if the person had not ceased to be a member, until that proceeding is completed.

8 Board of Directors and sub-councils.

the Council continues as vice-chair of the Board of Directors until the term of office stated in the designation expires or the designation is terminated, revoked or rescinded.

(2) Subject to subsection (1), the Board of Directors shall consist of

- (a) a chair appointed by the Minister as a member of the Council and as the chair of the Board of Directors,
- (b) one or more members of the Council appointed by the Board of Directors as a vice-chair of the Board of Directors, and
- (c) the members of the Council appointed by the Board of Directors as directors.

(3) The Board of Directors may establish sub-councils of the Council, including, without limitation, sub-councils relating to any thing, process or activity to which this Act applies.

(4) A sub-council shall consist of

- (a) the members of the Council appointed by the Board of Directors as members of the sub-council, and
- (b) a member of the public appointed by the Minister as a member of the Council and as the public member of the sub-council.

9 Section 18 is amended

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

- (d.1) shall, on the order of the Minister, establish the Authority referred to in section 30.1,

(b) by repealing clause (i) and substituting the following:

- (i) may
 - (i) provide advice and recommendations to the Minister about safety information, barrier-free design and

9 Section 18 presently reads:

18 The Council

- (a) shall perform its duties and responsibilities under this Act,*
- (b) shall hear appeals under Part 5,*
- (c) shall, on the request of the Minister, provide information about any matter related to this Act,*
- (d) shall carry out any activities that the Minister directs,*

access information, education programs and services, accreditation and other information and services related to this Act, and

- (ii) with the consent of the Minister, publish or provide to the public the information and services referred to in subclause (i).

10 Section 19 is repealed and the following is substituted:

Bylaws

19 The Council may make bylaws

- (a) respecting the Board of Directors, sub-councils and committees of the Council and the delegation of any power or duty conferred or imposed on it, except the power to make bylaws, to the Board of Directors, a sub-council or committee of the Council or a member of the Council;
- (b) respecting the Authority and the exercise of its powers and performance of its duties under this Act;
- (c) governing the calling of its meetings and the meetings of the Board of Directors, sub-councils and committees of

- (e) *may promote uniformity of safety standards for any thing, process or activity to which this Act applies,*
- (e.1) *may promote the principles of barrier-free design and access for any thing, process or activity to which this Act applies,*
- (f) *may provide a liaison between the Minister and any person or organization interested in safety or barrier-free design and access matters governed by this Act,*
- (g) *may review and formulate classifications of certificates of competency and qualifications required of a person to hold a certificate of competency,*
- (h) *may, with the consent of the Minister, review and formulate codes and standards for accreditation, safety standards and barrier-free design and access for any thing, process or activity to which this Act applies and promulgate those codes and standards, and*
- (i) *may recommend to the Minister that it undertake to provide the Minister with advice on safety information, barrier-free design and access information, education programs and services, accreditation and other matters related to this Act and may, with the consent of the Minister, provide that advice.*

10 Section 19 presently reads:

19(1) The Council may make bylaws

- (a) *respecting sub-councils and committees of the Council and the delegation of any power or duty conferred or imposed on it, except the power to make bylaws, to a sub-council or committee of the Council or a member of the Council,*
- (b) *governing the calling of its meetings and the meetings of the sub-councils and committees of the Council, and regulating the conduct of those meetings,*
- (c) *governing the practice and procedure applicable to appeals before it, and*

the Council, and regulating the conduct of those meetings;

- (d) governing the practice and procedure applicable to appeals before it;
- (e) governing the business, property, operation and affairs of the Council.

11 Section 29 is amended by adding the following after subsection (2):

(3) The Municipal Government Board established under section 486(1) of the *Municipal Government Act* shall, at the request of the Minister, provide recommendations regarding a question or matter relating to an accreditation overlap referred to in subsection (1).

12 Section 30(4) is amended by adding “the Council,” after “enter into an agreement with the Minister,”.

13 The following is added after section 30:

Alberta Safety Codes Authority

Establishment and powers of Authority

30.1(1) On the order of the Minister, the Council shall establish a division of the Council to be known as the “Alberta Safety Codes Authority” to oversee the provision of services pursuant to all or part of this Act identified by the order in areas to be administered by the Crown.

(d) governing the business, property, operation and affairs of the Council.

(2) A bylaw under subsection (1) does not come into force unless it has been approved by the Minister.

11 Section 29 presently reads:

29(1) If an accredited municipality, an accredited regional services commission and an accredited corporation are authorized to administer the same part of this Act with respect to the same thing, process or activity at the same location, the Minister may direct whether the accredited municipality, the accredited regional services commission or the accredited corporation may administer this Act with respect to that thing, process or activity.

(2) If the Minister considers it expedient and in the public interest, the Minister may delegate the Minister's powers under this section to another individual.

12 Section 30(4) presently reads:

(4) An accredited agency may enter into an agreement with the Minister, an accredited municipality, an accredited corporation or another person approved by the Minister to provide services under this Act that the agency is authorized to provide.

13 Establishment and powers of Authority.

(2) The membership, powers and duties of the Authority shall be established in accordance with the order referred to in subsection (1).

(3) The Authority may enter into contracts on behalf of the Council that the Authority considers appropriate for the exercise of its powers and performance of its duties under this Act.

(4) The Authority may appear as an applicant or respondent in legal proceedings concerning the services that it provides or oversees pursuant to this section.

(5) The *Regulations Act* applies to an order made under this section.

14 Section 31(1) is repealed and the following is substituted:

Designation

31(1) On receipt of an application, an Administrator may

- (a) designate a person who holds an appropriate certificate of competency and meets the requirements of the regulations as a safety codes officer with respect to all or part of this Act, and
- (b) designate the powers that a safety codes officer referred to in section 33(2) to (6) may exercise.

15 Section 32 is repealed and the following is substituted:

Officer's powers and duties

32 A safety codes officer designated in accordance with section 31(1)(a) may exercise the powers and perform the duties of a safety codes officer only in accordance with

- (a) a designation of powers under section 31(1)(b) and the safety codes officer's terms of employment, or
- (b) an appointment referred to in section 33(1) and the safety codes officer's terms of employment.

14 Section 31(1) presently reads:

31(1) On receipt of an application, an Administrator may designate a person who holds an appropriate certificate of competency and meets the requirements of the regulations as a safety codes officer with respect to all or part of this Act and may designate the powers that a safety codes officer may exercise.

15 Section 32 presently reads:

32 A safety codes officer may exercise the powers and perform the duties of a safety codes officer only in accordance with the designation under section 31 and the safety codes officer's terms of employment.

16 Section 33 is amended

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

Employment

33(1) The Minister may, in accordance with the *Public Service Act*, appoint safety codes officers for the administration of all or part of this Act anywhere in Alberta and shall prescribe the powers and duties of the safety codes officers.

- (b) **by adding the following after subsection (5):**

(6) The Authority shall provide for safety codes officers for the purpose of providing services under this Act that it provides or oversees pursuant to section 30.1.

17 Section 34(4)(a) is repealed and the following is substituted:

- (a) be accompanied by a police officer, a peace officer or any other person or with any thing that the safety codes officer considers appropriate,

18 Section 37(1) is amended by striking out “accredited municipality or accredited regional services commission” and substituting “an accredited municipality, an accredited regional services commission, the Authority or the Council”.

16 Section 33 presently reads:

33(1) In accordance with the Public Service Act, there may be appointed safety codes officers for the administration of all or part of this Act anywhere in Alberta.

(2) A local authority shall provide for safety codes officers for the purpose of administering all or part of this Act that an accredited municipality is authorized to administer.

(3) An accredited regional services commission shall provide for safety codes officers for the purpose of administering all or part of this Act that it is authorized to administer.

(4) An accredited corporation shall provide for safety codes officers for the purpose of administering all or part of this Act that it is authorized to administer.

(5) An accredited agency shall provide for safety codes officers for the purpose of providing services under this Act that it is authorized to provide.

17 Section 34(4)(a) presently reads:

(4) In carrying out an inspection, review, examination or evaluation under this Act, a safety codes officer may

(a) be accompanied by any person or with any thing that the safety codes officer considers would be of assistance,

18 Section 37(1) presently reads:

37(1) If a person refuses to allow a safety codes officer to exercise that officer's powers under this Act or interferes or attempts to interfere with a safety codes officer in the exercise of that officer's powers under this Act, an Administrator, accredited municipality or accredited regional services commission may apply to the Court of Queen's Bench for an order

(a) restraining that person from preventing or in any manner interfering with a safety codes officer in the exercise of that officer's powers under this Act, and

19 Section 38 is amended by adding the following after subsection (4):

(5) A decision of the Administrator under subsection (1) is final and not subject to appeal.

(6) If a safety codes officer refuses to issue a written variance, the applicant shall be served with a written notice of the refusal.

(7) An applicant who receives a notice referred to in subsection (6) may, within 30 days after the date on which the notice is received, appeal the refusal to the Council in accordance with the Council's bylaws.

20 Section 45 is repealed and the following is substituted:

Stamps, seals

45(1) If the regulations require the design of any thing, process or activity to which this Act applies to be submitted for review or to be registered and

(a) to have a stamp or seal affixed to it and to be signed pursuant to the *Architects Act*, or

(b) to have a seal affixed to it and to be signed pursuant to the *Engineering and Geoscience Professions Act*,

no permit may be issued with respect to the design unless the design is submitted for review or registered and is signed, stamped and sealed in accordance with the regulations.

(2) Despite subsection (1), a permit may be issued on or before April 1, 2016 with respect to a design submitted on or before April 1, 2016 that does not bear the signatures referred to in subsection (1).

- (b) *for the purposes of providing protection, authorizing a police officer to accompany the safety codes officer on an inspection, review, examination or evaluation under this Act.*

19 Section 38 presently reads:

38(1) An Administrator or a safety codes officer may issue a written variance with respect to any thing, process or activity to which this Act applies if the Administrator or officer is of the opinion that the variance provides approximately equivalent or greater safety performance with respect to persons and property as that provided for by this Act.

(2) An Administrator or a safety codes officer may include terms and conditions in the variance.

(3) A safety codes officer on issuing a variance shall notify an Administrator.

(4) The Regulations Act does not apply to variances issued under this section.

20 Section 45 presently reads:

45 If the regulations require the design of any thing, process or activity to which this Act applies to be submitted for review or registered and to have

(a) a stamp or seal affixed to it pursuant to the Architects Act, or

(b) a seal affixed to it pursuant to the Engineering and Geoscience Professions Act,

no permit may be issued with respect to the design unless the design is submitted for review or registered and is stamped and sealed in accordance with the regulations.

21 Section 47(3) is repealed and the following is substituted:

(3) A safety codes officer may request the assistance of a police officer, a peace officer or any other person as the safety codes officer considers appropriate when taking an action under subsection (1).

(4) If an action is taken under subsection (1) in respect of land that is not Metis patented land, the local authority may place an amount equal to the expense incurred in carrying out the action on the tax roll as an additional tax against the land concerned, and that amount

- (a) forms a lien on the land in favour of the local authority,
- (b) is, for all purposes, deemed to be a tax imposed and assessed on the land and in arrears under the *Municipal Government Act* from the date the amount was placed on the tax roll, and
- (c) the *Municipal Government Act* applies for the purposes of the enforcement, collection and recovery of that amount.

(5) If an action is taken under subsection (1) by a safety codes officer appointed under section 33(1) or (6), or in respect of a subject-matter that is not under the administration of an accredited municipality or an accredited regional services commission, an amount equal to the expense incurred in carrying out the investigation is a debt due to the Crown jointly and severally by the owners of the land concerned, but those persons may only include

- (a) the owners of the land concerned as registered under the *Land Titles Act*, or
- (b) in the case of Metis patented land, the persons registered in the Metis Settlements Land Registry as owners of the Metis title, provisional Metis title or an allotment in the land.

(6) Nothing in this section precludes the owners of the land concerned from seeking indemnity from a third party for the removal or reduction of a danger or any expense incurred in carrying out an investigation.

21 Section 47(3) presently reads:

(3) A safety codes officer may request the assistance of a police officer when acting under subsection (1).

22 Section 48(2)(a) is amended by striking out “sections 34 and 35” and substituting “sections 34, 35 and 48.1”.

23 The following is added after section 48:

Tele-warrants

48.1(1) In carrying out an investigation under section 48, if

- (a) a safety codes officer has reasonable grounds to believe that there is in a place anything that will afford evidence as to the investigation,
- (b) a person refuses to allow a safety codes officer to exercise that officer’s powers under this Act or interferes or attempts to interfere with a safety codes officer in the exercise of that officer’s powers under this Act, and
- (c) it would be impracticable to appear personally before a justice to make an application for a search warrant,

the safety codes officer may submit an information on oath to a justice by telephone or other means of telecommunication.

(2) An information submitted by telephone or other means of telecommunication must be recorded verbatim by the justice, who must, as soon as practicable, cause to be filed with the clerk of The Provincial Court of Alberta nearest to the area in which the tele-warrant is intended for execution, the record or a transcription of the record certified by the justice as to time, date and contents.

(3) For the purposes of subsection (2), an oath may be administered by telephone or other means of telecommunication.

(4) An information on oath submitted by telephone or other means of telecommunication must include

22 Section 48(2) presently reads:

(2) For the purposes of investigating an unsafe condition, accident or fire, a safety codes officer may whenever necessary

(a) exercise any of the powers of a safety codes officer under sections 34 and 35, and

23 Tele-warrants.

- (a) a statement of the circumstances that make it impracticable for the safety codes officer to appear personally before a justice,
- (b) a statement of the place to be searched and the things alleged to be liable to seizure in respect of the investigation,
- (c) a statement of the safety codes officer's grounds for believing that things liable to seizure in respect of the investigation will be found in the place to be searched, and
- (d) a statement as to any prior application under this section or any other warrant or order issued or applied for in respect of the same matter of which the safety codes officer has knowledge.

(5) A justice who is satisfied that an information on oath submitted by telephone or other means of telecommunication

- (a) is in respect of an investigation under this Act and conforms to the requirements of subsection (4),
- (b) discloses reasonable grounds for dispensing with an information presented personally and in writing, and
- (c) discloses reasonable grounds for the issuance of a search warrant in respect of the investigation,

may issue a tele-warrant to a safety codes officer and may require that the tele-warrant be executed within any time period that the justice may order.

(6) A tele-warrant issued under this section may confer the same authority as may be conferred by a warrant issued by a justice before whom the safety codes officer appears personally.

(7) If a justice issues a tele-warrant under subsection (5),

- (a) the justice must complete and sign the tele-warrant in the form prescribed in the regulations, noting on its face the date, time and place of issuance,

- (b) the safety codes officer, on the direction of the justice, must complete, in duplicate, a facsimile of the tele-warrant in the form prescribed in the regulations, noting on its face the name of the issuing justice and the date, time and place of issuance, and
- (c) the justice must, as soon as practicable after the tele-warrant has been issued, cause the tele-warrant to be filed with the clerk of The Provincial Court of Alberta nearest to the area in which the tele-warrant is intended for execution.

(8) A safety codes officer who executes a tele-warrant issued under subsection (5) must, before entering the place to be investigated, or as soon as is practicable afterwards, give a facsimile of the tele-warrant to any person present and ostensibly in control of the place.

(9) A safety codes officer who, in any unoccupied place, executes a tele-warrant issued under subsection (5) must, on entering the place or as soon as is practicable afterwards, cause a facsimile of the tele-warrant to be suitably affixed in a prominent location within the place.

(10) A safety codes officer to whom a tele-warrant is issued under subsection (5) must file a written report with the clerk of The Provincial Court of Alberta nearest to the area in which the tele-warrant was executed as soon as is practicable but not more than 7 days after the tele-warrant was executed, which report must include

- (a) a statement of the time and date the tele-warrant was executed, or if the tele-warrant was not executed, a statement of the reasons why it was not executed,
- (b) a statement of the things, if any, that were seized pursuant to the tele-warrant and the location where they are being held, and
- (c) a statement of the information, data, records, reports, documents and things, if any, that were seized in addition to the things mentioned in the tele-warrant and the location where they are being held, together with a statement of the safety codes officer's grounds for

believing that those additional things provide evidence relevant to the unsafe condition, accident or fire under investigation.

(11) The clerk of The Provincial Court of Alberta with whom a written report is filed pursuant to subsection (10) must, as soon as is practicable, cause the report, together with the information on oath and a copy of the tele-warrant to which it pertains, to be brought before a justice to be dealt with in respect of anything that was seized and is referred to in the report, in the same manner as if the things were seized pursuant to a search warrant issued by a justice on an information presented personally by a safety codes officer.

(12) In any proceeding in which it is material for a court to be satisfied that a search or seizure was authorized by a tele-warrant issued under subsection (5), the absence of a copy of the information on oath, transcribed and certified by the justice as to the time, date and contents, or a copy of the tele-warrant, signed by the justice and carrying on its face a notation of the time, date and place of issuance, is, in the absence of evidence to the contrary, proof that the search or seizure was not authorized by a tele-warrant issued under subsection (5).

24 Section 50(2) is repealed and the following is substituted:

(2) The Council, on receipt of a notice of appeal in the form approved by the Council, shall

- (a) send a copy of the notice of appeal to
 - (i) the relevant Administrator,
 - (ii) the safety codes officer who issued the order being appealed, and
 - (iii) an accredited municipality, accredited regional services commission or the Authority, as the case may be, if the subject-matter of the order is administered by the accredited municipality, accredited regional services commission or the Authority,

24 Section 50(2) presently reads:

(2) The Council, on receipt of a notice of appeal, shall send a copy to an Administrator and also to an accredited municipality or accredited regional services commission if the subject-matter of the order is administered by the accredited municipality or accredited regional services commission, and the Council shall notify the Administrator and the appellant and the accredited municipality or accredited regional services commission of the time and place of the appeal.

and

- (b) notify the persons listed in clause (a) and the appellant of the time and place of the appeal.

25 Section 51 is amended

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

- (a.1) a refusal by a safety codes officer to issue a written variance,

- (b) by repealing subsection (2) and substituting the following:**

(2) In order for an appeal to proceed, the Council must receive a notice of appeal in the form approved by the Council within 30 days after the date the corporation or person was served with the written notice of the refusal to designate, refusal by a safety codes officer to issue a written variance, refusal to register, deregistration, suspension or cancellation.

26 Section 52 is amended

- (a) in subsection (1)(a) by striking out “person who chairs the Council” and substituting “chair of the Board of Directors”;**

- (b) in subsection (2) by striking out “or” at the end of clause (b) and adding the following after clause (b):**

- (b.1) confirm the refusal by a safety codes officer to issue a written variance or revoke the refusal by a safety codes officer to issue a written variance and issue a written variance on the terms and conditions that the Council considers appropriate, or

25 Section 51 presently reads:

51(1) The Council, on receipt of a notice of appeal with respect to

- (a) a refusal to designate a corporation as an accredited corporation or a person as an accredited agency,*
- (b) a refusal to register a design or a deregistration of a design, or*
- (c) a suspension or cancellation of a designation of accreditation, a certificate of competency or a permit,*

shall send a copy of the notice of appeal to the relevant Administrator and the safety codes officer, if any, who issued the suspension or cancellation, and notify them and the appellant of the time and place of the appeal.

(2) In order for an appeal to proceed, the Council must receive a notice of appeal within 30 days after the date the corporation or person was served with the written notice of the refusal to designate, refusal to register, deregistration, suspension or cancellation.

26 Section 52 presently reads in part:

52(1) When the Council is considering an appeal,

- (a) it may, at the direction of the person who chairs the Council or in accordance with the Council's bylaws, sit in one or more divisions, and the divisions may sit simultaneously or at different times;*

(2) The Council may by order

- (b) confirm a refusal or direct that a designation, certificate or permit be issued and direct the inclusion of terms and conditions in the designation, certificate or permit, or*

- (c) **in subsection (5) by striking out** “accredited regional services commission and” **and substituting** “the accredited regional services commission, the Authority and the”.

27 Section 53(2)(b) is amended

- (a) **in subclause (i) by adding** “and on the respondent” **after** “on the Council”;
- (b) **in subclause (ii) by striking out** “accredited municipality or accredited regional services commission” **and substituting** “an accredited municipality, an accredited regional services commission or the Authority”.

28 Section 55(1) is repealed and the following is substituted:

Enforcement of order

55(1) An Administrator or a safety codes officer appointed under section 33(1) or referred to in section 33(2) or (3), together with a police officer, a peace officer or any other person as the safety codes officer considers appropriate, may enter, at any reasonable time, any premises or place for the purpose of carrying out an order unless the owner refuses to allow or interferes with the entry or the carrying out of an order

- (a) if a person to whom the order is issued under section 49, 52 or 53 with respect to any thing, process or activity under the administration of an accredited municipality or accredited regional services commission does not commence an appeal of the order within the time set out

(c) confirm a deregistration of a design, confirm a refusal to register a design or direct that a design be submitted for review or be registered and that changes be made to the design before it is submitted for review or is registered.

(5) The Council shall serve a copy of its order on the appellant and the Administrator and on the accredited municipality, accredited regional services commission and safety codes officer if they were sent a copy of the notice of appeal.

27 Section 53(2) presently reads:

(2) An appeal under this section may be commenced within 30 days after receipt of service of the Council's decision

(a) by filing an application with the clerk of the Court, and

(b) by serving a copy of the application

(i) on the Council, if the appellant is the person to whom the order under appeal is directed, or

(ii) on the Council and on the person to whom the order under appeal is directed, if the appellant is an Administrator, accredited municipality or accredited regional services commission.

28 Section 55(1) presently reads:

55(1) A safety codes officer appointed under section 33(2) or (3), together with any person who is necessary, may enter, at any reasonable time, any premises or place for the purpose of carrying out an order unless the owner refuses to allow or interferes with the entry or the carrying out of an order

(a) if a person to whom the order is issued under section 49, 52 or 53 with respect to any thing, process or activity under the administration of an accredited municipality or accredited regional services commission does not commence an appeal of the order within the time set out for the commencement of the appeal and the order is not carried out within the time set out in the order, and

for the commencement of the appeal and the order is not carried out within the time set out in the order, and

- (b) if the owner of the land concerned as registered under the *Land Titles Act* or, in the case of Metis patented land, the settlement member registered in the Metis Settlements Land Registry as owner of the Metis title, provisional Metis title or an allotment in the land has been given written notice of the intention of the accredited municipality, the accredited regional services commission or the Authority to carry out the order.

29 Section 56(1) is repealed and the following is substituted:

Enforcement of order

56(1) An Administrator or a safety codes officer appointed under section 33(1) or referred to in section 33(6) and designated by the Administrator, together with a police officer, a peace officer or any other person as the safety codes officer considers appropriate, may enter, at any reasonable time, any premises or place for the purpose of carrying out an order unless the owner refuses to allow or interferes with the entry or the carrying out of an order

- (a) if a person to whom an order is issued under section 49, 52 or 53 with respect to a subject-matter that is not under the administration of an accredited municipality or an accredited regional services commission does not commence an appeal of the order within the time set out for the commencement of the appeal and the order is not carried out within the time set out in the order, and
- (b) if the owner of the land concerned as registered under the *Land Titles Act* or, in the case of Metis patented land, the person registered in the Metis Settlements Land Registry as owner of the Metis title, provisional Metis title or an allotment in the land and the persons named by the Minister under subsection (2) have been given written notice of the intention to carry out the order.

- (b) *if the owner of the land concerned as registered under the Land Titles Act or, in the case of Metis patented land, the settlement member registered in the Metis Settlements Land Registry as owner of the Metis title, provisional Metis title or an allotment in the land has been given written notice of the intention of the accredited municipality or accredited regional services commission to carry out the order.*

29 Section 56(1) presently reads:

56(1) An Administrator or a safety codes officer appointed under section 33(1) and designated by the Administrator, together with any person who is necessary, may enter, at any reasonable time, any premises or place for the purpose of carrying out an order unless the owner refuses to allow or interferes with the entry or the carrying out of an order

- (a) *if a person to whom an order is issued under section 49, 52 or 53 with respect to a subject-matter that is not under the administration of an accredited municipality or an accredited regional services commission does not commence an appeal of the order within the time set out for the commencement of the appeal, and the order is not carried out within the time set out in the order, and*
- (b) *if the owner of the land concerned as registered under the Land Titles Act or, in the case of Metis patented land, the person registered in the Metis Settlements Land Registry as owner of the Metis title, provisional Metis title or an allotment in the land and the persons named by the Minister under subsection (2) have been given written notice of the intention to carry out the order.*

30 Section 57(1) is amended by striking out “the Administrator, accredited municipality or accredited regional services commission” **and substituting** “the Administrator, the accredited municipality, the accredited regional services commission or the Authority”.

31 The following is added after section 57:

Part 5.1 Administrative Penalties

Administrative penalties

57.1(1) An Administrator may impose an administrative penalty in accordance with this section and the regulations if the Administrator is of the opinion that a person has

- (a) contravened a provision of this Act, the regulations or a code or standard adopted under this Act that is prescribed as a provision in respect of which an administrative penalty may be imposed, or
- (b) failed to comply with or contravened an order made under this Act that is prescribed as an order in respect of which an administrative penalty may be imposed.

(2) An administrative penalty may be

- (a) a single amount, or
- (b) an amount for each day or part of a day on which the contravention or failure to comply continues.

30 Section 57(1) presently reads:

57(1) If a person refuses to allow an Administrator or a safety codes officer or a person lawfully accompanying either of them to carry out an order under section 55 or 56 or interferes with or attempts to interfere with the carrying out of that order, the Administrator, accredited municipality or accredited regional services commission, as the case may be, may, whether or not that person has been prosecuted under section 67(1) or 67(4)(c) or (d), make an application to the Court of Queen's Bench for an order

- (a) requiring that person to comply with the order issued under this Act, or*
- (b) restraining that person from interfering in any manner with the carrying out of an order in accordance with section 55 or 56.*

31 Administrative penalties; suspension, reduction or withdrawal of administrative penalty; appeal of administrative penalty; enforcement of administrative penalty.

(3) The total amount of an administrative penalty must not exceed

- (a) in the case of a penalty referred to in subsection (2)(b), the maximum daily amount of \$10 000, and
- (b) the maximum cumulative amount of \$100 000.

(4) A notice of administrative penalty must be in writing and contain the following information:

- (a) the name of the person required to pay the administrative penalty;
- (b) the particulars of the contravention or failure to comply;
- (c) the amount of the administrative penalty and whether it is imposed as a single amount or as an amount applicable to each day that the contravention or failure to comply has continued or will continue;
- (d) the date on which the notice is issued;
- (e) the date by which the administrative penalty must be paid;
- (f) a statement that the person otherwise liable to pay the administrative penalty may, under section 57.3, appeal the imposition of or the amount of the administrative penalty, or both;
- (g) any other information required by the regulations.

(5) A notice of administrative penalty may be served within 3 years from the date on which the contravention or failure to comply is alleged to have occurred, but not afterward.

(6) A notice of administrative penalty must be served on the person alleged to have contravened or failed to comply.

(7) Except as otherwise provided in this Part, a person who has been served with a notice of administrative penalty shall pay the amount of the penalty within 30 days after the date on which the notice was served.

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

Discretion to suspend, reduce or withdraw

57.2 After imposing an administrative penalty under section 57.1, if the person served with a notice of administrative penalty has not submitted a notice of appeal and the Administrator is of the opinion that the person is taking reasonable measures to remedy the contravention or failure to comply, the Administrator may, in writing, as the Administrator considers appropriate, and in accordance with the regulations,

- (a) suspend, reduce or withdraw the administrative penalty, and
- (b) impose terms and conditions concerning a suspension.

Appeal of administrative penalty

57.3(1) A person served with a notice of administrative penalty may appeal the imposition of or the amount of the administrative penalty, or both, by submitting a notice of appeal of administrative penalty in accordance with the regulations to the appeal body established or designated by the regulations.

(2) Subject to the regulations, the appeal body referred to in subsection (1) may make rules governing its own procedure and business.

(3) The *Regulations Act* does not apply to rules made under subsection (2).

(4) The appeal referred to in subsection (1) shall be dealt with in accordance with the regulations and the rules made under subsection (2).

(5) Any subsequent actions before a court following a notice of administrative penalty shall be dealt with in accordance with the regulations.

Enforcement of administrative penalty

57.4 Subject to the right to appeal, where a person fails to pay an administrative penalty in accordance with a notice of

administrative penalty and any suspension or reduction of an administrative penalty referred to in section 57.2, the Administrator may file a copy of the notice of administrative penalty together with the written suspension or reduction of an administrative penalty, if any, with the clerk of the Court of Queen's Bench, and on being filed, they have the same force and effect and may be enforced as a judgment of the Court.

32 Section 58 is repealed and the following is substituted:

Information systems

58 An Administrator or the Council may, in accordance with the regulations, maintain one or more information systems with respect to

- (a) the administration of and exercise of powers and performance of duties under this Act, and
- (b) any matter to which this Act applies.

33 Section 59 is repealed and the following is substituted:

Accident notification

59 If there is an unsafe condition, accident or fire that involves a thing, process or activity to which this Act applies, the owner or person designated in the regulations shall, if required by the regulations, forthwith report it to an Administrator, or to the accredited municipality, the accredited regional services commission or the Authority, as the case may be, if the thing, process or activity is under the administration of the accredited municipality, the accredited regional services commission or the Authority.

34 Section 61 is amended by striking out “may place an entry on the information system” and substituting “may place an entry on the relevant information system”.

32 Section 58 presently reads:

58 An Administrator or the Council may, in accordance with the regulations, maintain an information system with respect to any or all matters under this Act.

33 Section 59 presently reads:

59 If there is an unsafe condition, accident or fire that involves a thing, process or activity to which this Act applies, the owner or person designated in the regulations shall, if required by the regulations, forthwith report it to an Administrator, or to the accredited municipality or accredited regional services commission if the thing, process or activity is under the administration of the accredited municipality or accredited regional services commission.

34 Section 61 presently reads:

61 If a person to whom an order is issued under this Act

- (a) does not commence an appeal of the order within the time set out in this Act for commencement of an appeal, and*

35 Section 62 is amended by striking out “may place an entry on the information system” **and substituting** “may place an entry on the relevant information system”.

36 Section 63 is repealed and the following is substituted:

Release of information

63(1) Any person employed or assisting in the administration of this Act shall preserve confidentiality with respect to personal information, as defined in the *Freedom of Information and Protection of Privacy Act*, that comes to the person’s attention under this Act and shall not disclose or communicate that information except as follows:

- (a) an accredited municipality, an accredited regional services commission, an accredited agency and the Authority must, on request by a municipality, release information, including personal information, to the municipality with respect to the administration of this Act within the municipality;
- (b) a person may disclose personal information in accordance with the *Freedom of Information and Protection of Privacy Act*.

(2) An accredited municipality, an accredited regional services commission, an accredited corporation and an accredited agency must, on the request of the Council, release information to the Council with respect to any matter related to this Act.

(b) does not carry out the order within the time set out in the order,

an Administrator may place an entry on the information system that briefly indicates the subject-matter of the outstanding order, the name of the owner and the location of the thing, process or activity that is the subject-matter of the outstanding order.

35 Section 62 presently reads:

62 An Administrator may place an entry on the information system that briefly indicates the subject-matter of a variance and the location of the thing, process or activity to which the variance applies.

36 Section 63 presently reads:

63(1) The Minister, members of the Council, Administrators, accredited municipalities, accredited regional services commissions, accredited corporations, accredited agencies, safety codes officers and any person employed in the administration of this Act shall preserve confidentiality with respect to all information and documents that come to their knowledge from employment in the administration of this Act except

- (a) with the consent of the owner of the thing, process or activity that is the subject-matter of the information,*
- (b) if the information is published in statistical form whereby no place or premises is readily identified, unless the regulations authorize their identification,*
- (c) if the release of information or a document is required by an order of a court,*
- (d) if the release of information or a document is required by another Act,*
- (e) if the release of information or a document is authorized by this Act, or*
- (f) if the information*
 - (i) concerns a permit,*

(3) Subsection (2) does not authorize the release of personal information as defined in the *Freedom of Information and Protection of Privacy Act*.

(4) Subject to the regulations, a person may request a search of a relevant information system for variances, orders and records related to the issuance of variances and orders, and the search request may be granted in accordance with the regulations and the *Freedom of Information and Protection of Privacy Act*.

37 Section 64(1)(a) and (b) are repealed and the following is substituted:

- (a) for anything issued or for any material, information, education program, publication or service provided by the Minister under this Act,
- (b) for any research that is carried out by the Minister that relates to any thing, process or activity to which this Act applies, and
- (c) for the filing of a notice of appeal of an administrative penalty referred to in section 57.3(1).

38 The following is added after section 64:

Service

64.1 If a document is required to be served on a person under this Act, the service must be effected in accordance with the regulations.

- (ii) is released by a public body as defined in the Freedom of Information and Protection of Privacy Act, and*
 - (iii) is limited to the name of the permit holder and the nature of the permit.*
- (2) Notwithstanding subsection (1),*
- (a) an accredited regional services commission must, on request by a municipality, release information to the municipality with respect to the administration of this Act within the municipality, and*
 - (b) an accredited agency must, on request by a municipality, release information to the municipality with respect to the administration of this Act within the municipality.*
- (3) A person may request a search of the information system for variances and outstanding orders.*

37 Section 64(1) presently reads:

- 64(1) The Government may charge fees, in accordance with an order of the Minister,*
- (a) for anything issued or for any material, information, education program or service provided by the Minister under this Act, and*
 - (b) for any research that is carried out by the Minister that relates to any thing, process or activity to which this Act applies.*

38 Service.

39 Section 65 is amended

(a) in subsection (1)

(i) by repealing clauses (a), (b) and (c) and substituting the following:

- (a) governing fire protection and the safe design, manufacture, construction, sale, installation, use, operation, occupancy and maintenance of
 - (i) buildings,
 - (ii) electrical systems,
 - (iii) elevating devices,
 - (iv) fire protection systems and equipment,
 - (v) gas systems,
 - (vi) plumbing systems,
 - (vii) pressure equipment, and
 - (viii) private sewage disposal systems;
- (b) respecting the requirements for designs to be signed or have stamps or seals affixed by persons licensed or registered under the *Architects Act* or the *Engineering and Geoscience Professions Act* or any other enactment governing a profession or occupation;
- (c) respecting exclusions from the definitions of
 - (i) building,
 - (ii) electrical system,
 - (iii) gas,
 - (iv) gas system,
 - (v) plumbing system, and

39 Section 65 presently reads:

65(1) The Lieutenant Governor in Council may make regulations

- (a) governing fire protection and the safe design, manufacture, construction, sale, installation, use, operation, occupancy and maintenance of*
 - (i) buildings,*
 - (ii) electrical systems,*
 - (iii) elevating devices,*
 - (iv) gas systems,*
 - (v) plumbing or private sewage disposal systems,*
 - (vi) pressure equipment, and*
 - (vii) fire protection systems and equipment;*
- (b) respecting designs that require stamps or seals affixed by persons licensed or registered under the Architects Act or the Engineering and Geoscience Professions Act or any other enactment governing a profession or occupation;*
- (c) respecting exclusions from the definitions of*
 - (i) building,*
 - (ii) gas,*
 - (iii) electrical system,*
 - (iv) gas system, and*
 - (v) plumbing system,**for the purposes of this Act;*
- (d) respecting the designation of any thing as an elevating device;*
- (e) defining for the purposes of this Act fittings, boilers, pressure vessels and pressure piping systems;*

- (vi) private sewage disposal system,
for the purposes of this Act;

(ii) by repealing clause (e) and substituting the following:

- (e) defining for the purposes of this Act
 - (i) a passenger elevator, freight elevator, dumbwaiter, emergency elevator, escalator, inclined passenger lift, manlift, passenger ropeway, material lift, moving walk, personnel hoist, lift for persons with disabilities or amusement ride, and
 - (ii) boilers, pressure vessels, pressure piping systems and fittings, fired-heater pressure coils and thermal liquid heating systems;

(iii) by adding the following after clause (i.1):

- (i.2) respecting the request of the Minister and recommendations regarding a question or matter relating to an accreditation overlap referred to in section 29(3);
- (i.3) respecting the administrative penalties referred to in section 57.1, including regulations
 - (i) respecting notices of administrative penalty, their form and contents;
 - (ii) respecting the amount of an administrative penalty;
 - (iii) 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.4) respecting the suspension, reduction and withdrawal of administrative penalties under section 57.2;

- (e.1) governing barrier-free design and access;*
- (e.2) defining for the purposes of this Act principles of barrier-free design and access;*
 - (f) governing the qualifications and the evaluation of the qualifications of safety codes officers and applicants for and holders of permits and certificates of competency;*
 - (g) designating things, processes or activities with respect to which a certificate of competency or permit is required and establishing the classifications of certificates of competency and permits;*
 - (h) governing the issuance, display, making available, suspension, renewal and cancellation of permits and certificates of competency;*
 - (i) governing the provision of identification of safety codes officers and the use of the identification;*
 - (i.1) respecting the investment of money for the purpose of section 21(3);*
 - (j) respecting forms for the purposes of this Act;*
 - (k) governing the information system and the release of information under section 63;*
 - (l) governing orders and the service of orders and notices;*
 - (m) governing the preparation, submission and retention of reports and information and the reporting of unsafe conditions, accidents and fires;*
 - (n) governing designs;*
 - (o) governing quality management systems;*
 - (p) governing accredited municipalities, accredited regional services commissions, accredited corporations and accredited agencies.*
- (2) If a code, standard or body of rules relating to*
 - (a) fire protection,*

- (i.5) respecting the form and contents of a notice of appeal of administrative penalty referred to in section 57.3(1);
- (i.6) designating a body as the appeal body for the hearing of appeals from notices of administrative penalty referred to in section 57.3(1) or respecting the establishment of an appeal body for the hearing of appeals from notices of administrative penalty referred to in section 57.3(1);
- (i.7) respecting the conduct of appeals before the appeal body referred to in section 57.3, including
 - (i) adjournments of matters before the appeal body;
 - (ii) the attendance of witnesses before the appeal body;
 - (iii) the applicability of the rules of evidence in judicial proceedings to hearings before the appeal body;
 - (iv) the receiving and recording of evidence;
 - (v) empowering the appeal body to proceed when a party to the appeal fails to appear at or attend a hearing;
 - (vi) empowering the appeal body to require the production of any record, object or thing;
 - (vii) the reconsideration of decisions made by the appeal body;
 - (viii) costs;
- (i.8) respecting the subsequent actions before a court following a notice of administrative penalty referred to in section 57.3(5);
- (i.9) respecting the enforcement of administrative penalties under section 57.4;

- (b) *buildings,*
- (c) *electrical systems,*
- (d) *elevating devices,*
- (e) *gas systems,*
- (f) *plumbing or private sewage disposal systems,*
- (g) *pressure equipment,*
- (g.1) *barrier-free design and access,*
- (h) *classifications of and qualifications for certificates of competency,*
- (i) *quality management systems, or*
- (j) *accredited municipalities, accredited regional services commissions, accredited corporations or accredited agencies,*

has been published by the Council or any association or person and copies are available, the Lieutenant Governor in Council may, in addition to or instead of any regulation the Lieutenant Governor in Council may make under subsection (1), by regulation declare the code, standards or rules to be in force either in whole or in part or with any variations that the Lieutenant Governor in Council specifies.

(3) The Minister shall ensure that the Council has the opportunity to review a proposed regulation for a period of 90 days prior to the regulation's being made unless the Council has waived or reduced the period of time.

(4) Regulations under this section may apply generally or specifically and may provide for which provision of which regulation prevails in the case of a conflict between the regulations.

(iv) by repealing clause (k) and substituting the following:

- (k) governing the information systems referred to in section 58, including
 - (i) the information, including personal information, to be included in an information system,
 - (ii) the release of information, including personal information, from an information system under section 63, and
 - (iii) the portion of the information in an information system, including personal information, that may be made available to the public in response to a search request referred to in section 63(4);

(v) by adding the following after clause (k):

- (k.1) governing
 - (i) the content of a municipal bylaw referred to in section 66(2)(b.1) respecting private sewage disposal systems, and
 - (ii) the manner in which a municipality may make a municipal bylaw referred to in section 66(2)(b.1) respecting private sewage disposal systems;

(vi) in clause (l) by striking out “and notices” and substituting “, notices and other documents”;

(vii) in clause (p) by striking out “and accredited agencies” and substituting “, accredited agencies and the Authority”;

(b) by repealing subsections (2) to (4) and substituting the following:

- (2) The Lieutenant Governor in Council may, by regulation,
 - (a) declare in force a code, standard or body of rules relating to the matters set out in subsection (1) and require compliance;

(b) amend or repeal a code, standard or body of rules declared in force before or after the coming into force of this subsection.

(3) A code, standard or body of rules may be declared in force under subsection (2)

(a) in whole or in part and with variations or disclaimers, and

(b) as it read on a specified day or as amended or replaced from time to time.

(4) If a code, standard or body of rules is declared in force as amended or replaced from time to time, any amendments to the code, standard or body of rules or replacement of the code, standard or body of rules comes into force on the first day of the month following the expiry of 12 months after the date on which the amendment or replacement is published, unless the Minister publishes an order in Part I of The Alberta Gazette declaring

(a) that the amendment or replacement will not be in force on the expiry of 12 months following the date on which the amendment was published, or

(b) that the coming into force of the amendment or replacement is to occur on an earlier or later date.

(5) Regulations under this section may apply generally or specifically and may provide for which provision of which regulation prevails in the case of a conflict between the regulations.

(6) Before making a regulation under this section, the Lieutenant Governor in Council shall ensure that the Council has the opportunity to review the proposed regulation for a period of 90 days prior to the regulation's being made unless the Council has waived or reduced that period.

(7) Before making a regulation referred to in subsection (2), the Lieutenant Governor in Council shall ensure that the code, standard, body of rules, amendment or replacement is published, whether by the Council or another association or person, and available to the public.

- (8)** The Lieutenant Governor in Council may make regulations respecting
- (a) the determination of the date on which an amendment or replacement of a code, standard or body of rules was published;
 - (b) the timely review, amendment, repeal and replacement of codes, standards and bodies of rules;
 - (c) the timely commencement of codes, standards and bodies of rules, amendments, repeals and replacements.

40 The following is added after section 65:

Implementation amendments to regulations

65.01(1) The Lieutenant Governor in Council may, by regulation, amend other regulations made under this Act

- (a) for consistency with this Act as amended from time to time;
- (b) to declare more than one code, standard or body of rules in force as amended or replaced from time to time under section 65(3), (4) and (5).

(2) An amendment under subsection (1) may be made notwithstanding that the regulation being amended was made by a member of the Executive Council or some other person or body.

41 Section 66 is amended

- (a) in subsection (1) by striking out “A bylaw” and substituting “Except as provided in this section, a bylaw”;**
- (b) in subsection (2) by adding the following after clause (b):**
 - (b.1) in the manner and to the extent authorized by the regulations, respecting private sewage disposal systems;

40 Implementation amendments to regulations.

41 Section 66 presently reads:

66(1) A bylaw of a municipality that purports to regulate a matter that is regulated by this Act is inoperative.

(2) Notwithstanding subsection (1), a municipality may make bylaws

(a) to carry out its powers and duties under the Forest and Prairie Protection Act;

42 Section 67 is amended by adding the following after subsection (4):

(5) A person who is guilty of an offence under this Act is liable on conviction for each day or part of a day on which the offence occurs or continues.

- (b) respecting minimum maintenance standards for buildings and structures;*
- (c) respecting unsightly or derelict buildings or structures.*
- (3) Notwithstanding subsection (1), an accredited municipality may make bylaws*
 - (a) respecting fees for anything issued or any material or service provided pursuant to this Act, and*
 - (b) respecting the carrying out of its powers and duties as an accredited municipality.*

42 Section 67 presently reads:

67(1) A person who interferes with or in any manner hinders an Administrator or a safety codes officer in the exercise of the Administrator's or officer's powers and performance of the Administrator's or officer's duties under this Act is guilty of an offence.

(2) A person who knowingly makes a false or misleading statement under section 34(4)(c) either orally or in writing is guilty of an offence.

(3) A person who fails to prepare, submit or retain any information that the person is required by this Act to prepare, submit or retain is guilty of an offence.

(4) A person who

- (a) contravenes this Act,*
- (b) contravenes a condition in a permit, certificate or variance,*
- (c) contravenes an order, or*
- (d) fails to carry out any action required in an order to be taken within the time specified in it,*

is guilty of an offence.

43 The *New Home Buyer Protection Act* is amended in section 18 by adding the following before subsection (3):

(2.1) In addition to the matters referred to in subsection (1), the Board has all necessary jurisdiction and power to serve as the appeal body and to hear appeals under another enactment that may be assigned to it by the Lieutenant Governor in Council.

44 Sections 19, 25, 31 and 41 come into force on Proclamation.

43 Amends chapter N-3.2 of the Statutes of Alberta, 2012.
Consequential amendment.

44 Coming into force.

