

2016 Bill 8

Second Session, 29th Legislature, 65 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 8

FAIR TRADING AMENDMENT ACT, 2016

THE MINISTER OF SERVICE ALBERTA

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 8

BILL 8

2016

FAIR TRADING AMENDMENT ACT, 2016

(Assented to _____, 2016)

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

Amends RSA 2000 cF-2

1 The *Fair Trading Act* is amended by this Act.

2 Section 1(1)(j) is repealed and the following is substituted:

(j) “regulatory board” means a regulatory board established
under the regulations;

3 The following is added after section 137:

Review respecting regulatory board

137.1(1) The Minister may, whenever the Minister considers it
necessary, review or appoint a person to review

- (a) the conduct of a regulatory board,
- (b) any matter relating to a fund created by a regulatory
board under section 137, or
- (c) any matters relating to the operations, powers, duties or
functions of a regulatory board.

Explanatory Notes

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

2 Section 1(1) presently reads in part:

1(1) In this Act,

(j) “regulatory board” means a regulatory board established in accordance with the regulations in respect of a designated business as defined in Part 10;

3 Review respecting regulatory board; Ministerial order after review; Notice of Ministerial order; Ministerial order in public interest, without review, notice, representations; Request to revoke or vary Ministerial order made without notice; Revocation of Ministerial order; Responsibility for review and order costs.

(2) The Minister or other person conducting a review under subsection (1)

- (a) may require the attendance of any members, directors, officers, employees or agents of the regulatory board or of any other person whose presence is considered necessary during the course of the review, and
- (b) has the same powers, privileges and immunities as a commissioner under the *Public Inquiries Act*.

(3) When required to do so by the Minister or other person conducting a review, a person referred to in subsection (2)(a) must produce for review all books and records that are in that person's possession or under that person's control that are relevant to the subject-matter of the review.

(4) A person, other than the Minister, who conducts a review must forthwith on concluding the review report in writing to the Minister.

Ministerial order after review

137.2(1) After concluding a review or receiving a report under section 137.1, the Minister may, by order,

- (a) direct that the regulatory board or any member, director, officer or employee of the regulatory board take any action that the Minister considers appropriate in the circumstances, and
- (b) provide for the procedure to be followed and reporting to be performed in relation to any direction given under clause (a).

(2) If an order under subsection (1) is not complied with to the satisfaction of the Minister, the Minister may, by order, do any or all of the following:

- (a) appoint an administrator;
- (b) dismiss or suspend any member, director, officer or employee of the regulatory board;

(c) direct that new members, directors, officers or employees be appointed to or employed by the regulatory board.

(3) The Minister may, by order,

(a) provide for payment of remuneration and expenses to the administrator, and

(b) order the regulatory board to pay the remuneration and expenses of the administrator at the rates set by the Minister.

(4) An administrator appointed under this section

(a) has all the powers and functions related to the management and operation of the regulatory board, including the powers of the board of directors, and

(b) is responsible for all the duties

(i) of the regulatory board under this Act, including the delegated powers, duties and functions of the Director, and

(ii) of the board of directors of the regulatory board.

(5) An order under this section takes effect when it is made or at the time specified in the order, and the regulatory board or member, director, officer or employee of the regulatory board, as the case may be, to whom an order under subsection (1) is directed must comply with the order within the time period specified in the order, if any, or otherwise within 45 days after the order is made.

(6) An order under this section prevails over

(a) any provision of the legislation under which the regulatory board is incorporated, and

(b) bylaws, articles or rules of the regulatory board.

Notice of ministerial order

137.3(1) Before making an order under section 137.2, the Minister shall provide the affected regulatory board and any

affected member, director, officer or employee of the regulatory board with at least 20 days' notice in writing and the opportunity to make written representations during that notice period.

(2) The Minister may, as the Minister considers appropriate, extend the notice period under subsection (1).

Ministerial order in public interest without review, notice, representations

137.4(1) Despite sections 137.1 and 137.2, if the Minister is of the opinion that it is in the public interest to do so, the Minister may, by order, do anything that may be done by an order under section 137.2 but

- (a) without a review having been conducted, and
- (b) without providing notice and the opportunity to make representations

before making the order.

(2) Section 137.2(4) to (6) apply to an order made under subsection (1) as if it were made under section 137.2.

Request to revoke or vary ministerial order made without notice

137.5(1) If the Minister makes an order under section 137.4, a regulatory board or a member, director, officer or employee of the regulatory board to whom the order is directed may

- (a) make a written request that the Minister revoke or vary the order, and
- (b) make written representations in support of the request

within 20 days after the order is made.

(2) The Minister may, as the Minister considers appropriate, extend the time for making written representations under subsection (1).

(3) After a request is made under subsection (1) and any written representations are made, the Minister shall confirm, vary or revoke the order.

Revocation of ministerial order

137.6 The Minister may revoke an order made under section 137.2 or 137.4 on the Minister's own motion at any time.

Responsibility for review and order costs

137.7 Unless the Minister orders otherwise, a regulatory board is responsible for all costs and expenses related to

- (a) a review conducted in respect of that regulatory board under section 137.1, and
- (b) an order made in respect of that regulatory board under section 137.2 or 137.4.

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
		Questions and Comments	From	To