

2016 Bill 31

Second Session, 29th Legislature, 65 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 31

**AGENCIES, BOARD AND COMMISSIONS
REVIEW STATUTES AMENDMENT ACT, 2016**

THE PRESIDENT OF TREASURY BOARD, MINISTER OF FINANCE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 31

2016

AGENCIES, BOARDS AND COMMISSIONS REVIEW STATUTES AMENDMENT ACT, 2016

(Assented to , 2016)

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

Dissolutions

1(1) The following are dissolved:

- (a) The Government House Foundation;
- (b) the Seniors Advisory Council for Alberta;
- (c) The Wild Rose Foundation.

(2) Effective April 1, 2016, subject to subsection (3), the property, assets, rights, obligations, liabilities, powers, duties and functions of The Government House Foundation and of The Wild Rose Foundation become the property, assets, rights, obligations, liabilities, powers, duties and functions of the Crown.

(3) Effective April 1, 2016, the cash assets of The Government House Foundation as of April 1, 2016 become the assets of The Alberta Historical Resources Foundation.

(4) On the coming into force of this subsection,

- (a) an existing cause of action, claim or liability to prosecution of, by or against The Government House Foundation and The Wild Rose Foundation is unaffected by the coming into

force of this section and may be continued by or against the Crown;

- (b) a civil, criminal or administrative action or proceeding pending by or against The Government House Foundation and The Wild Rose Foundation may be continued by or against the Crown;
- (c) a ruling, order or judgment in favour of or against The Government House Foundation and The Wild Rose Foundation may be enforced by or against the Crown.

Regulations

2(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the transition of any of the powers, duties and functions of The Government House Foundation, of the Seniors Advisory Council for Alberta and of The Wild Rose Foundation on their dissolution;
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the dissolution of The Government House Foundation, the Seniors Advisory Council for Alberta or The Wild Rose Foundation.

(2) A regulation made under subsection (1) may be made retroactive to the extent set out in the regulation.

(3) A regulation made under subsection (1) is repealed on the earlier of

- (a) the coming into force of a regulation that repeals the regulation made under subsection (1), and
- (b) 2 years after the regulation comes into force.

(4) The repeal of a regulation under subsection (3) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.

Repeals

3 The following are repealed:

- (a) *Government House Act, RSA 2000 cG-9;*
- (b) *Seniors Advisory Council for Alberta Act, RSA 2000 cS-6;*
- (c) *Wild Rose Foundation Act, RSA 2000 cW-8.*

Amends SA 2006 cA-45.1

4(1) The *Assured Income for the Severely Handicapped Act* is amended by this section.

(2) Section 10(1) is repealed and the following is substituted:

Appeals

10(1) The Minister may establish one or more appeal panels to hear appeals under this Act.

(1.1) In establishing an appeal panel, the Minister may

- (a) appoint or provide for the manner of the appointment of its members,
- (b) prescribe the term of office of any member,
- (c) designate a chair and one or more vice-chairs, and
- (d) authorize, fix or provide for the payment of remuneration and expenses to its members.

(1.2) The quorum to hear an appeal is 3 members, but an appeal may be heard by one member for procedural matters related to the appeal or in emergency circumstances provided for in the regulations.

(1.3) A member of an appeal panel may be reappointed.

(1.4) Notwithstanding subsection (1.1), where an appeal panel member's appointment expires, the member continues to hold office until

- (a) the member is reappointed,
- (b) a successor is appointed, or

Explanatory Notes

4 Amends chapter A-45.1 of the Statutes of Alberta, 2006.
Sections 10 and 12(2) presently read:

10(1) The Minister may, in accordance with the regulations, establish one or more appeal panels to hear appeals under this Act.

(2) A person affected by a decision of a director, or a person on his or her behalf, may appeal that decision if it is not exempt from appeal under the regulations and the appeal is made in writing to an appeal panel within 30 days from when the person was notified of the decision and the right to appeal it.

(3) An appeal panel may, subject to this Act and the regulations, confirm, reverse or vary the decision of a director appealed from, and the decision of the appeal panel is final.

(4) The Minister may extend the time for appeal under subsection (2) if the Minister is satisfied that there are apparent grounds of appeal and a reasonable explanation for the delay.

12(2) The Minister may make regulations

- (a) respecting applications for benefits;*
- (b) respecting appeal panels, appeals and the decisions of a director that are exempt from appeal;*
- (c) respecting the transition of any matter from the previous legislation.*

(c) a period of 3 months has elapsed,
whichever occurs first.

(3) Section 12(2)(b) is repealed and the following is substituted:

- (b) respecting appeals, the decisions of a director that are exempt from appeal and the emergency circumstances in which an appeal may be heard by one member of an appeal panel;

Amends SA 2007 cC-10.5

5(1) The *Child Care Licensing Act* is amended by this section.

(2) Section 19 is amended

- (a) in subsection (1) by striking out “each consisting of not fewer than 3 persons appointed by the Minister”;

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

(2) The Minister may, subject to any applicable regulations under the *Alberta Public Agencies Governance Act*,

- (a) fix the term of office of a member of an appeal panel in accordance with the regulations,
(b) designate the chair and one or more vice-chairs of an appeal panel, and
(c) authorize and provide for the payment of the remuneration and expenses of the members of an appeal panel.

(3) The quorum to hear an appeal is 3 members, but an appeal may be heard by one member for procedural matters related to the appeal or in emergency circumstances provided for in the regulations.

(4) Notwithstanding subsection (2)(a), where the appointment of a member of an appeal panel expires, the member continues to hold office until

5 Amends chapter C-10.5 of the Statutes of Alberta, 2007.
Sections 19 and 27(1) presently read:

19(1) The Minister may establish one or more appeal panels each consisting of not fewer than 3 persons appointed by the Minister.

(2) The Minister may, subject to any applicable regulations under the Alberta Public Agencies Governance Act,

- (a) fix the term of office of a member of an appeal panel in accordance with the regulations,*
- (b) designate the chair and vice-chair of an appeal panel,*
- (c) prescribe the number of members of an appeal panel that constitutes a quorum, and*
- (d) authorize and provide for the payment of the remuneration and expenses of the members of an appeal panel.*

27(1) The Minister may make regulations

- (a) prescribing forms required under this Act;*
- (b) respecting the information that must accompany an application under section 4;*
- (c) respecting fees payable with an application under section 4;*
- (d) respecting the application process;*

- (a) the member is reappointed,
- (b) a successor is appointed, or
- (c) a period of 3 months has elapsed,

whichever occurs first.

(3) Section 27(1) is amended by adding the following after clause (i):

- (i.1) respecting the emergency circumstances in which an appeal may be heard by one member of an appeal panel;

Amends RSA 2000 cC-12

6(1) The *Child, Youth and Family Enhancement Act* is amended by this section.

(2) Section 118 is amended

- (a) in subsection (1) by striking out “each consisting of not fewer than 3 persons appointed by the Minister”;

- (b) in subsection (2) by striking out “, but may not be appointed for more than 7 consecutive years”;

- (c) by repealing subsection (3) and substituting the following:

(3) The Minister may designate the chair and one or more vice-chairs of an Appeal Panel.

(3.1) The quorum to hear an appeal is 3 members, but an appeal may be heard by one member for procedural matters related to the appeal or in emergency circumstances provided for in the regulations.

- (d) by adding the following after subsection (5):

- (e) *establishing categories of child care programs;*
- (f) *respecting the standards that must be maintained by licence holders for each category of child care program;*
- (g) *respecting levels of child care worker certification and the certification of individuals as child care workers by the director;*
- (h) *respecting the term of office of persons appointed as members of an appeal panel and the reappointment of members;*
- (i) *prescribing matters in respect of which a decision of the director may be appealed to an appeal panel;*
- (j) *respecting exemptions from the need to comply with one or more requirements of the regulations.*

6 Amends chapter C-12 of the Revised Statutes of Alberta 2000. Sections 118 and 131(1) presently read:

118(1) The Minister may establish one or more Appeal Panels each consisting of not fewer than 3 persons appointed by the Minister.

(2) A person may be appointed as a member of an Appeal Panel for a term prescribed by the Minister and may be reappointed, but may not be appointed for more than 7 consecutive years.

(3) The Minister shall

- (a) designate the chair and vice-chair of an Appeal Panel,*
- (b) prescribe the number of members of an Appeal Panel that constitutes a quorum,*

(4) The members of an Appeal Panel shall receive

- (a) remuneration, and*
- (b) payment for travelling, living and other expenses incurred in the course of their duties as members.*

(5) Remuneration and expenses referred to in subsection (4) must be determined

(6) Notwithstanding subsection (2), where the appointment of a member of an Appeal Panel expires, the member continues to hold office until

- (a) the member is reappointed,
- (b) a successor is appointed, or
- (c) a period of 3 months has elapsed,

whichever occurs first.

(3) Section 131(1) is amended by adding the following after clause (c):

- (c.1) respecting the emergency circumstances in which an appeal may be heard by one member of an Appeal Panel;

- (a) *in accordance with any applicable regulations under the Alberta Public Agencies Governance Act, or*
- (b) *by the Minister if no regulations under the Alberta Public Agencies Governance Act are applicable.*

131(1) The Lieutenant Governor in Council may make regulations

- (a) *respecting procedures for the assessment and placement of children under this Act;*
- (b) *prescribing the standards to be met in providing intervention services including the qualifications of persons to be employed in providing those services;*
- (c) *respecting rules under which appeals under this Act are to be made and heard and dealing generally with all matters of procedure before Appeal Panels, the Court and the Court of Queen's Bench under this Act;*
- (d) *prescribing the forms including notices to be used in any application made to Appeal Panels, the Court and the Court of Queen's Bench under this Act;*
- (d.1) *respecting applications to the Court under section 126.3, including, without limitation, regulations*
 - (i) *prescribing classes of individuals for the purpose of section 126.3(1)(c);*
 - (ii) *respecting service of orders made under section 126.3;*
- (e) *prescribing the professions or occupations to which section 4(5) applies;*
- (e.1) *respecting any matter necessary or advisable to carry out effectively the intent and purpose of section 19.1.*
- (e.2) *respecting the disclosure of financial information for the purpose of section 57.8;*
- (e.3) *respecting the circumstances under which the Council may appoint an expert review panel;*

Amends SA 2003 cF-5.3

7(1) The *Family Support for Children with Disabilities Act* is amended by this section.

(2) Section 8 is amended

- (a) in subsection (1) by striking out** “each consisting of not fewer than 3 nor more than 7 persons appointed by the Minister”;
- (b) in subsection (2) by striking out** “, but may not serve as a member for more than 7 consecutive years”;
- (c) by repealing subsection (3) and substituting the following:**

(3) The Minister may

- (a) designate the chair and one or more vice-chairs of an appeal committee, and
- (b) authorize and provide for the payment of the remuneration and expenses of the members of an appeal committee in accordance with any applicable regulations under the *Alberta Public Agencies Governance Act*.

(4) The quorum to hear an appeal is 3 members, but an appeal may be heard by one member for procedural matters related to the appeal or in emergency circumstances provided for in the regulations.

(5) Notwithstanding subsection (2), where the appointment of a member of an appeal committee expires, the member continues to hold office until

- (a) the member is reappointed,
- (b) a successor is appointed, or
- (c) a period of 3 months has elapsed,

whichever occurs first.

(3) Section 10 is amended by adding the following after clause (d):

7 Amends chapter F-5.3 of the Statutes of Alberta, 2003.

Sections 8 and 10 presently read:

8(1) The Minister may establish one or more appeal committees each consisting of not fewer than 3 nor more than 7 persons appointed by the Minister.

(2) A person may be appointed as a member of an appeal committee for a term prescribed by the Minister and may be reappointed, but may not serve as a member for more than 7 consecutive years.

(3) The Minister may

(a) designate the chair, vice-chair and secretary of an appeal committee,

(b) prescribe the number of members of an appeal committee that constitutes a quorum, and

(c) authorize and provide for the payment of the remuneration and expenses of the members of an appeal committee in accordance with any applicable regulations under the Alberta Public Agencies Governance Act.

10 The Minister may make regulations

(a) respecting forms;

(b) respecting contents of agreements under sections 3 and 4;

(c) respecting the nature and amount of family support services and child-focused services that may be provided by a director under the terms of an agreement;

(d) respecting the standards for services to be provided pursuant to agreements under sections 3 and 4;

(e) respecting the criteria to be considered when making a decision under this Act.

- (d.1) respecting the emergency circumstances in which an appeal may be heard by one member of an appeal committee;

Amends SA 2003 cl-0.5

8(1) The *Income and Employment Supports Act* is amended by this section.

(2) Section 47(2) is repealed and the following is substituted:

(2) The Minister may with respect to an appeal panel established under subsection (1)

- (a) appoint or provide for the appointment of its members,
- (b) designate a chair and one or more vice-chairs, and
- (c) authorize, fix and provide for the payment of remuneration and expenses to its members in accordance with any applicable regulations under the *Alberta Public Agencies Governance Act*.

(3) The quorum to hear an appeal is 3 members, but an appeal may be heard by one member for procedural matters related to the appeal or in emergency circumstances provided for in the regulations.

(4) Notwithstanding subsection (2), where the appointment of a member of an appeal panel expires, the member continues to hold office until

- (a) the member is reappointed,
- (b) a successor is appointed, or
- (c) a period of 3 months has elapsed,

whichever occurs first.

(3) Section 48 is amended by adding the following after clause (c):

- (c.1) respecting the emergency circumstances in which an appeal may be heard by one member of an appeal panel;

8 Amends chapter I-0.5 of the Statutes of Alberta, 2003. Sections 47 and 48 presently read:

47(1) The Minister may establish one or more appeal panels to hear appeals from decisions referred to in section 43(1) and to hear applications under section 17(2).

(2) The Minister may with respect to an appeal panel established under subsection (1)

- (a) appoint or provide for the appointment of its members for terms prescribed by the regulations,*
- (b) designate a chair,*
- (c) authorize, fix and provide for the payment of remuneration and expenses to its members in accordance with any applicable regulations under the Alberta Public Agencies Governance Act, and*
- (d) prescribe the number of members of the appeal panel that constitutes a quorum.*

48 The Lieutenant Governor in Council may make regulations

- (a) respecting the terms of appointment of appeal panel members;*
- (b) adding other matters that may be appealed under section 43;*
- (c) exempting from appeal any matter;*
- (d) respecting the circumstances in which an appeal panel may waive repayment of an amount that would otherwise be required to be repaid under section 35;*
- (e) respecting the determination of the abandonment of an appeal referred to in section 46(3).*

Amends RSA 2000 cP-9.5

9(1) The *Persons with Developmental Disabilities Services Act* is amended by this section.

(2) Section 15(1) is repealed and the following is substituted:

Appeals

15(1) The Minister may, in accordance with the regulations, establish one or more appeal panels to hear appeals under this Act.

(1.1) In establishing an appeal panel, the Minister may

- (a) appoint or provide for the manner of the appointment of its members,
- (b) prescribe the term of office of any member,
- (c) designate a chair and one or more vice-chairs, and
- (d) authorize, fix or provide for the payment of remuneration and expenses to its members.

(1.2) The quorum to hear an appeal is 3 members, but an appeal may be heard by one member for procedural matters related to the appeal or in emergency circumstances provided for in the regulations.

(1.3) A member of an appeal panel may be reappointed.

(1.4) Notwithstanding subsection (1.1), where an appeal panel member's appointment expires, the member continues to hold office until

- (a) the member is reappointed,
- (b) a successor is appointed, or
- (c) a period of 3 months has elapsed,

whichever occurs first.

(3) Section 23(e) is repealed and the following is substituted:

9 Amends chapter P-9.5 of the Revised Statutes of Alberta 2000. Sections 15 and 23(e) presently read:

15(1) The Minister may, in accordance with the regulations, establish one or more appeal panels to hear appeals under this Act.

(2) An individual who is receiving services or has applied to receive services and is affected by a decision of the Director respecting those services may, in accordance with the regulations, appeal that decision if the decision is not exempt from appeal under the regulations.

(3) A request for an appeal must be made in writing to an appeal panel

(a) where mediation has been requested under section 14.1, within 30 days from the day the mediation ends, as determined under the regulations, or

(b) where mediation has not been requested under section 14.1, within 45 days from the day the individual was notified of the decision.

(4) An appeal panel may, subject to this Act and the regulations, confirm, reverse or vary the decision that is the subject of the appeal.

(5) The decision of the appeal panel is final.

(6) The Minister may extend the time for requesting an appeal under subsection (3) if the Minister is satisfied that there are apparent grounds of appeal and that there is a reasonable explanation for the delay.

23 The Minister may make regulations

(e) respecting appeal panels, appeals, including the form and manner of requesting an appeal, and the decisions that are exempt from appeal;

- (e) respecting appeals, the decisions of a director that are exempt from appeal and the emergency circumstances in which an appeal may be heard by one member of an appeal panel;

Amends SA 2015 cP-40.5

10(1) The *Public Sector Compensation Transparency Act* is amended by this section.

(2) Section 3 is amended by adding the following after subsection (5):

(5.1) Where, in a calendar year, a public sector body is dissolved or amalgamated or otherwise ceases to exist,

- (a) a statement of remuneration in relation to that year must be disclosed in accordance with the regulations, and
- (b) if a statement of remuneration has not yet been disclosed under this section in relation to the previous year, the statement of remuneration in relation to that year must be disclosed in accordance with the regulations.

(3) Section 15(1) is amended by adding the following after clause (s):

- (s.1) respecting the disclosure to be made in respect of a public sector body that is dissolved or amalgamated or that otherwise ceases to exist, including determining who is required to prepare and disclose the statement of remuneration, and the deadline by which the disclosure must be made;

Amends SA 2008 cT-6.5

11 The *Travel Alberta Act* is amended by repealing section 4(1) and substituting the following:

Board of directors

4(1) There shall be a board of directors consisting of not fewer than 7 and not more than 11 members appointed by the Lieutenant Governor in Council.

10 Amends chapter P-40.5 of the Statutes of Alberta, 2015. Adds Lieutenant Governor in Council regulation-making powers.

11 Amends chapter T-6.5 of the Statutes of Alberta, 2008. Section 4(1) presently reads:

4(1) There shall be a board of directors consisting of

- (a) not fewer than 7 and not more than 11 members appointed by the Lieutenant Governor in Council, and*
- (b) the Deputy Minister of the Minister.*

