

2020 Bill 209

Second Session, 30th Legislature, 69 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 209

COST OF PUBLIC SERVICES TRANSPARENCY ACT

MR. STEPHAN

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 209

2020

COST OF PUBLIC SERVICES TRANSPARENCY ACT

(Assented to _____, 2020)

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

Definitions

1 In this Act,

- (a) “designated public service” means a public service that is prescribed as a designated public service under section 4;
- (b) “education program” has the same meaning as in the *Education Act*;
- (c) “post-secondary educational program” means a program of study or training that is provided by
 - (i) a public post-secondary institution as defined in the *Post-Secondary Learning Act*, or
 - (ii) a publicly funded private post-secondary institution as defined in the *Post-Secondary Learning Act*;
- (d) “health service” has the same meaning as in the *Alberta Health Care Insurance Act*;
- (e) “hospital service” has the same meaning as in the *Hospitals Act*;
- (f) “Minister” means the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

- (g) “nursing home care” has the same meaning as in the *Nursing Homes Act*;
- (h) “prescribe” means to prescribe by regulation;
- (i) “public funds” means monies granted or allocated to a public service provider from
 - (i) the Government, or
 - (ii) a municipality;
- (j) “public service” means a service that
 - (i) is funded, in whole or in part, by public funds, and
 - (ii) is of one of the following classes of service:
 - (A) a health service;
 - (B) the provision of an education program;
 - (C) the provision of a post-secondary educational program;
 - (D) a service provided by a municipality;
 - (E) a hospital service;
 - (F) the provision of nursing home care;
 - (G) any other prescribed class of service;
- (k) “public service provider”, of a designated public service, means
 - (i) the person prescribed as the public service provider of the designated public service, or
 - (ii) the individual holding the position or office prescribed as the public service provider of the designated public service;
- (l) “reportable cost”, of a designated public service, means the reportable cost of the designated public service as determined under section 6;
- (m) “user”, of a designated public service, means a person who uses the designated public service.

Purposes

2 The purposes of this Act are

- (a) to promote the responsible use of public services paid for by the taxation of Albertans,
- (b) to promote the responsible use of public services by users,
- (c) to increase transparency and accountability in respect of the costs of public services and the use of those public services by Albertans, and
- (d) to share existing data, statistics and other information held by public service providers as a means to increase public knowledge of the cost of public services.

Public service provider's duty to report costs

3(1) A public service provider of a designated public service must, within a prescribed period, provide to a user of the designated public service a notice of the reportable cost of the designated public service in accordance with section 5.

(2) A delegate or agent of the public service provider may provide the notice to a user on behalf of the public service provider.

Designated public service

4 The Lieutenant Governor in Council may prescribe a public service as a designated public service.

Notice of reportable cost

5(1) A notice of the reportable cost of a designated public service

- (a) must set out
 - (i) the reportable cost of the designated public service, and
 - (ii) any information of a class of information prescribed for this purpose, and
- (b) subject to subsection (2), must be in one of the following forms:
 - (i) a receipt, invoice, transcript, tax assessment or other transactional record that the public service provider ordinarily provides to a user of the designated public service in the course of providing the service;
 - (ii) a written notice posted at a location, or on a website, that is reasonably accessible by a user of the designated public service when they are using it.

(2) If the form of a notice in respect of a designated public service is prescribed, the public service provider must provide the notice in that prescribed form only.

Reportable cost

6(1) The reportable cost of a designated public service is

- (a) the monetary amount that is equal to
 - (i) the public service provider's total expenditure of public funds required to provide the designated public service to all users within
 - (A) if a period is prescribed in respect of the designated public service, that period, or
 - (B) if otherwise, a fiscal year, or
 - (ii) the public service provider's expenditure per prescribed unit to provide the designated public service to that prescribed unit within
 - (A) if a period is prescribed in respect of the designated public service, that period, or
 - (B) if otherwise, a fiscal year, and
- (b) the public service provider's expenditure of public funds required to provide the designated public service expressed as
 - (i) in the case of a monetary amount referred to in clause (a)(i), the proportion of public funds that comprise the public service provider's total expenditure of funds, or
 - (ii) in case of a monetary amount referred to in clause (a)(ii), the proportion of the public funds that comprise the public service provider's expenditure of funds per prescribed unit.

(2) A public service provider must, in respect of the reportable cost of a designated public service, determine the reportable cost by using any of the following:

- (a) the existing data or statistics held by the public service provider, if any;
- (b) any other type of information that is reasonably available to the public service provider for this purpose.

Report of a public service provider

7(1) A public service provider must, within 30 days of the end of a fiscal year, provide the Minister with a report summarizing the notices that the public service provider provided under section 3 within that fiscal year.

(2) The Minister must include in their Ministry's annual report a summary in respect of the compliance and non-compliance of public service providers with the provisions of this Act.

Regulations

8(1) The Lieutenant Governor in Council may make regulations

- (a) prescribing a class of service for the purpose of section 1(j)(ii)(G);
- (b) prescribing a person, position or office as the public service provider of a designated public service for the purpose of section 1(k);
- (c) respecting the period within which a public service provider must provide a notice under section 3(1);
- (d) prescribing a public service as a designated public service for the purpose of section 4;
- (e) prescribing a class of information to be included in a notice for the purpose of section 5(1)(a)(ii);
- (f) prescribing the form of a notice for the purpose of section 5(2);
- (g) prescribing a period for the purposes of section 6(1)(a)(i)(A) or (ii)(A);
- (h) prescribing a unit for the purpose of section 6(1)(a)(ii).

(2) A regulation under subsection (1) may

- (a) establish, and distinguish among, classes of designated public service,
- (b) limit the application of different provisions of this Act to different classes of designated public service, and
- (c) provide for modifications that are necessary to ensure that the differential application of this Act under clause (b) is consistent with the purposes of this Act.

Coming into force

9 This Act comes into force on January 1, 2022.

