



Province of Alberta

# **PUBLIC SECTOR COMPENSATION TRANSPARENCY ACT**

Statutes of Alberta 2015  
Chapter P-40.5

Current as of December 9, 2016

Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer  
7<sup>th</sup> Floor, Park Plaza  
10611 - 98 Avenue  
Edmonton, AB T5K 2P7  
Phone: 780-427-4952  
Fax: 780-452-0668

E-mail: [qp@gov.ab.ca](mailto:qp@gov.ab.ca)  
Shop on-line at [www.qp.alberta.ca](http://www.qp.alberta.ca)

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### Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

### Amendments Not in Force

This consolidation incorporates only those amendments in force on the consolidation date shown on the cover. It does not include the following amendments:

2012 cE-0.3 s283.1 (2015 cP-40.5 s19) repeals and substitutes s1(c).

### Regulations

The following is a list of the regulations made under the *Public Sector Compensation Transparency Act* that are filed as Alberta Regulations under the Regulations Act

<b>Alta. Reg.</b>	<i>Amendments</i>
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#### **Public Sector Compensation Transparency Act**

Public Sector Compensation	
Transparency General .....	52/2016

# **PUBLIC SECTOR COMPENSATION TRANSPARENCY ACT**

## Chapter P-40.5

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

#### **Definitions**

**1** In this Act,

- (a) “base salary” means the base amount of remuneration paid in a year by the Government of Alberta to an employee in relation to the employee’s performance of employment duties, and does not include any bonus, overtime or shift differential;
- (b) “compensation” means the total of all amounts paid and benefits provided in a year by a public sector body to an

employee or member that are required for tax purposes to be included in that employee's or member's income for that year, as may be further specified in, or meet the criteria set out in, the regulations, if any, but does not include any amount of severance in respect of that year;

- (c) "education body" means
- (i) a board of a public school district, separate school district, school division or regional division under the *School Act*,
  - (ii) a board as defined in the *Northland School Division Act*,
  - (iii) the Regional authority of a Francophone Education Region under the *School Act*,
  - (iv) a person responsible for the operation of a private school registered and accredited under the *School Act* that receives a grant under the *Education Grants Regulation* (AR 120/2008), and
  - (v) the operator of a charter school established under the *School Act*;
- (d) "health service provider" means a practitioner and any other individual and any part or all of an organization or body that is identified in the regulations as a health service provider;
- (e) "member" means,
- (i) in respect of a public sector body that is a corporation, a member of the public sector body or of its board, council or other governing body, and
  - (ii) in respect of a public sector body that is an unincorporated body, a member of the public sector body;
- (f) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (g) "monetary benefits" means the total amount of remuneration, other than base salary, paid in a year by the Government of Alberta to an employee in relation to the employee's performance of employment duties;
- (h) "municipal authority" means a municipal authority as defined in the *Municipal Government Act*;

- (i) subject to the regulations, “non-monetary benefits”
  - (i) in relation to an employee of the Government of Alberta, means the total amount or value of non-monetary benefits provided in a year by the Government of Alberta to or in respect of the employee and includes the employer’s portion of pension contributions in respect of the employee, and
  - (ii) in relation to an employee or member of a public sector body, means the total amount or value of non-monetary benefits provided in a year by the public sector body to or in respect of the employee or member that are not required for tax purposes to be included in that employee’s or member’s income for that year and includes the public sector body’s portion of pension contributions in respect of the employee or member;
- (j) “Office of the Legislature” means
  - (i) the Legislative Assembly Office,
  - (ii) the Office of the Auditor General,
  - (iii) the Office of the Ombudsman,
  - (iv) the Office of the Chief Electoral Officer,
  - (v) the Office of the Ethics Commissioner,
  - (vi) the Office of the Information and Privacy Commissioner,
  - (vii) the Office of the Child and Youth Advocate, and
  - (viii) the Office of the Public Interest Commissioner;
- (k) subject to the regulations, “practitioner” means a practitioner as defined in the *Alberta Health Care Insurance Act*;
- (l) “public agency” means
  - (i) a public agency to which the *Alberta Public Agencies Governance Act* applies, and
  - (ii) any other body identified in the regulations as a public agency;
- (m) “public sector body” means

- (i) an Office of the Legislature,
  - (ii) a public agency and the subsidiaries of a public agency,
  - (iii) Covenant Health and the subsidiaries of Covenant Health, and
  - (iv) any part or all of a person, an organization or a body, whether incorporated or not, that is identified in the regulations as a public sector body;
- (n) subject to the regulations, “severance” means, except in sections 11 and 12, the total of
- (i) any remuneration paid or payable to an employee or member in lieu of or supplementary to notice of termination of employment or appointment, and
  - (ii) any salary or remuneration paid or payable to an employee or member after permanent termination of the employee’s employment or the member’s appointment or status as a member;
- (o) “threshold”, except in a regulation made under section 5, means
- (i) in relation to an employee of the Government of Alberta,
    - (A) for the 2015 calendar year, \$104 754 of base salary or severance, and
    - (B) for a subsequent calendar year, the amount referred to in paragraph (A) adjusted cumulatively from year to year by a percentage equal to the increase to the Alberta Consumer Price Index, All Items, published by Statistics Canada for each year;
- and
- (ii) in relation to the total compensation and severance provided to an employee by a public sector body or by an education body or by a municipal body,
    - (A) for the 2015 calendar year, \$125 000, and
    - (B) for a subsequent calendar year, the amount referred to in paragraph (A) adjusted cumulatively from year to year by a percentage equal to the increase to the Alberta Consumer Price Index, All Items, published by Statistics Canada for each year.

**Disclosure by the Government of Alberta**

**2(1)** Commencing in 2016, on or before June 30 in each year, the Minister shall disclose the following to the public, in the form and manner determined by the Minister, with respect to each employee of the Government of Alberta whose base salary or severance during the previous calendar year is greater than the threshold referred to in section 1(o)(i):

- (a) a statement of remuneration in relation to the previous year in accordance with subsection (2);
- (b) subject to the regulations, any contract of employment with respect to the employee
  - (i) under section 28 of the *Public Service Act*, or
  - (ii) if the employee is
    - (A) a person appointed to the position of deputy minister under section 4 of the *Government Organization Act*,
    - (B) a senior official appointed by an order in council and paid directly by the government, or
    - (C) a person who works in the office of a minister or the Premier;
- (c) subject to the regulations, any contract with respect to the employee's severance or other terms and conditions for the termination of the employee's employment.

**(2)** The statement of remuneration disclosed under this section must provide the following information separately with respect to each employee whose base salary or severance during the previous year is greater than the threshold:

- (a) the employee's name;
- (b) the position or appointment last held by the employee during the previous year;
- (c) the most recent office or department in which the employee was employed during the previous year;
- (d) the employee's most recent classification during the previous year;
- (e) the amount of base salary paid to the employee during the previous year;

- (f) the amount of monetary benefits paid to the employee during the previous year;
- (g) the amount or value of non-monetary benefits provided to or in respect of the employee during the previous year;
- (h) the amount of any severance paid to the employee, or to which the employee became entitled, during the previous year;
- (i) any documents, records or other information set out in the regulations.

**(3)** In addition to the disclosure referred to in subsection (1), the Minister must disclose the information set out in subsections (1)(c) and (2)(h) on or before December 31 in each calendar year with respect to the 6-month period ending on June 30 of that year.

**(4)** The Minister shall not disclose information in respect of which an employee of the Government of Alberta has a contractual or other legal right of confidentiality that was acquired prior to January 20, 2014.

**(5)** The Lieutenant Governor in Council may, by regulation, establish the period of time during which a disclosure under this section is to remain public.

#### **Disclosure by public sector bodies**

**3(1)** Commencing in 2016, on or before June 30 in each year, every public sector body shall disclose to the public and the Minister, in the form and manner determined by the Minister, a statement of remuneration in relation to the previous calendar year in accordance with subsection (2).

**(2)** The statement of remuneration disclosed under this section must provide the following information separately with respect to each employee whose total compensation and severance for the previous year is greater than the threshold referred to in section 1(o)(ii) and with respect to each member:

- (a) the employee's or member's name;
- (b) the position or appointment last held by the employee or member during the previous year;
- (c) the amount of compensation provided to the employee or member during the previous year;



- (d) the amount or value of all non-monetary benefits provided to or in respect of the employee or member during the previous year;
  - (e) subject to a regulation under subsection (3),
    - (i) the amount of severance, if any, paid to the employee or member, or to which the employee or member became entitled, during the previous year, and
    - (ii) any documents, records or other information set out in the regulations.
- (3)** Despite subsection (1), the Lieutenant Governor in Council may, by regulation, vary the time or times during each year by which any or all public sector bodies shall disclose
- (a) the amount of severance paid or payable to employees and members, and
  - (b) a document, record or other information referred to in subsection (2)(e)(ii).
- (4)** Subject to subsection (5) and the regulations, a public sector body shall not disclose information in respect of which an employee or member has a written contractual right of confidentiality that was acquired prior to November 5, 2015.
- (5)** Subsection (4) applies until the earlier of
- (a) December 31, 2017,
  - (b) the date on which the contractual right of confidentiality referred to in subsection (4) expires, and
  - (c) the date, if any, on which the employee or member, in writing, waived that right.
- (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.

(6) The Lieutenant Governor in Council may, by regulation, establish the period of time during which a disclosure under this section is to remain public.

2015 cP-40.5 s3;2016 c19 s10

**No disclosure required**

4 If a public sector body has no employees whose total compensation and severance for the previous year is greater than the threshold and no members who were paid compensation or severance, who became entitled to severance or to or in respect of whom non-monetary benefits were provided during the previous year,

- (a) the public sector body is not required to make a disclosure under section 3 in respect of that year, and
- (b) the public sector body shall so advise the public and the Minister in the form and manner determined by the Minister.

**Disclosure re health service providers**

5(1) In this section, subject to the regulations,

- (a) “Alternative Relationship Plan” means an Alternative Relationship Plan as defined in the *Medical Benefits Regulation* (AR 84/2006);
- (b) “health services” includes health-related programs;
- (c) “publicly funded health services” includes all health services that are funded fully or partially and directly or indirectly with public funds.

(2) The Lieutenant Governor in Council may, by regulation, require the Crown to disclose to the public and the Minister, in the form and manner determined by the Minister or under the regulations, information, documents and records, including practitioners’ personal information, with respect to

- (a) claims made under the *Alberta Health Care Insurance Act*, including claims in respect of
  - (i) Alternative Relationship Plans, and
  - (ii) agreements and arrangements under section 20 of the *Alberta Health Care Insurance Act*,

and

(b) payments in respect of those claims.

**(3)** The Lieutenant Governor in Council may, by regulation, require the following health entities to disclose to the public and the Minister, in the form and manner determined by the Minister or under the regulations, information, documents and records, including health service providers' personal information, with respect to any funding received, payments made or benefits provided by that health entity in respect of publicly funded health services and in respect of health service providers:

- (a) the Government of Alberta;
- (b) a regional health authority and a subsidiary health corporation under the *Regional Health Authorities Act*;
- (c) the Alberta Medical Association;
- (d) Covenant Health and the subsidiaries of Covenant Health;
- (e) any part or all of any other person, organization or body, whether incorporated or not, that provides or receives funding in respect of publicly funded health services.

**(4)** This section does not authorize the disclosure of personal information about patients.

#### **Exemption**

**6(1)** The Lieutenant Governor in Council may, by regulation, exempt from the application of part or all of this Act part or all of a public sector body or a health entity referred to in section 5(3) to which this Act would otherwise apply.

**(2)** The Minister may, in writing,

- (a) on application by an employee of the Government of Alberta, exempt the Government of Alberta from any part or all of the requirement to disclose under this Act in respect of the employee if in the opinion of the Minister that disclosure could unduly threaten the safety of the employee;
- (b) on application by a public sector body, or an employee or member of a public sector body, exempt the public sector body from any part or all of the requirement to disclose under this Act in respect of an employee or member of the public sector body if in the opinion of the Minister that disclosure could unduly threaten the safety of the employee or member;

- (c) on application by a practitioner referred to in section 5(2) or a health entity or health service provider referred to in section 5(3)(b), (c), (d) or (e), exempt
  - (i) the Crown from any part or all of the requirement to disclose under this Act or the regulations in respect of a practitioner if in the opinion of the Minister that disclosure could unduly threaten the safety of the practitioner, or
  - (ii) a health entity from any part or all of the requirement to disclose under this Act or the regulations in respect of a health service provider if in the opinion of the Minister that disclosure could unduly threaten the safety of the health service provider.
- (3) The Minister may, in writing, exempt
  - (a) the Crown from any part or all of the requirement to disclose under section 5(2) if in the opinion of the Minister that disclosure could unduly threaten the safety of a practitioner, or
  - (b) the Government of Alberta from any part or all of the requirement to disclose under section 5(3) if in the opinion of the Minister that disclosure could unduly threaten the safety of a health service provider.
- (4) The Lieutenant Governor in Council may, by regulation, establish additional exemption criteria respecting the disclosure required under section 5.
- (5) The Offices of the Legislature are exempt from the application of the following requirements of this Act:
  - (a) the requirement to disclose to the Minister under section 3(1);
  - (b) the requirement to advise the Minister under section 4(b).
- (6) Sections 7(4), 8 and 9 do not apply in respect of the Offices of the Legislature.

**Minister's powers**

- 7(1)** The Minister may, in writing, establish a process for correcting or providing a notice of correction in respect of a disclosure under this Act after the date on which the disclosure was initially made.

- (2) The Minister may aggregate or republish any part or all of the information disclosed in accordance with this Act in the form and manner determined by the Minister.
- (3) The Minister may at any time require an officer, director or employee of a body
- (a) that the Minister believes might be a public sector body to provide any information, including employees' or members' personal information, that the Minister requires to determine whether the body is a public sector body;
  - (b) that the Minister believes might be a health entity referred to in section 5(3) to provide any information, including health service providers' personal information, that the Minister requires to determine whether the body is a health entity referred to in section 5(3).
- (4) The Minister may at any time require
- (a) an officer, director or employee of a public sector body to provide any information, including employees' or members' personal information, that the Minister requires to determine whether the public sector body is complying with this Act, and
  - (b) an officer, director or employee of a health entity referred to in section 5(3) to provide any information, including health service providers' personal information, that the Minister requires to determine whether the health entity is complying with this Act.
- (5) The Minister may, on application
- (a) by a public sector body, extend the deadline for disclosure set out in section 3(1) or a regulation under section 3(3) that applies to the public sector body, or
  - (b) by a health entity referred to in section 5(3)(b), (c), (d) or (e), extend any deadline for disclosure set out in the regulations under section 5(3) that applies to the health entity.
- (6) The Minister may extend
- (a) any deadline for disclosure set out in the regulations under section 5(2), or
  - (b) any deadline set out in the regulations under section 5(3), as it applies to the Government of Alberta.

(7) The Minister may make public, in the form and manner that the Minister considers appropriate, the failure of a public sector body or of a health entity referred to in section 5(3) to comply with this Act.

**In-house audit**

**8(1)** The Minister may

- (a) order that an audit be conducted by a public sector body at the public sector body's expense to determine whether the public sector body is complying with this Act, and
- (b) order that the results of an audit under this subsection, including any further or corrected disclosure relating to the public sector body's statements of remuneration, be made public in the form and manner determined by the Minister.

**(2)** The Minister may

- (a) order that an audit be conducted by a health entity referred to in section 5(3) at the health entity's expense to determine whether the health entity is complying with this Act, and
- (b) order that the results of an audit under this subsection, including any further or corrected disclosure relating to a disclosure required under section 5(3), be made public in the form and manner determined by the Minister.

**Ministerial audit**

**9(1)** The Minister may audit or appoint an auditor to audit the records of a public sector body or of a health entity referred to in section 5(3) to determine whether the public sector body or health entity is complying with this Act.

**(2)** A public sector body or a health entity referred to in section 5(3)

- (a) shall co-operate fully with the person performing an audit under this section, and
- (b) is authorized to disclose to the person performing an audit under this section the employees', members' or health service providers' personal information required by the person performing the audit for the purpose of determining whether the public sector body or health entity is complying with this Act.

- (3) An auditor appointed under subsection (1) shall submit the results of the audit to the Minister within the time specified by the Minister.
- (4) The results of an audit under this section, including any further or corrected disclosure relating to the public sector body's statements of remuneration and any further or corrected disclosure relating to a disclosure required under section 5(3), may be made public in the form and manner determined by the Minister.
- (5) The public sector body or health entity is liable to the Minister for the costs of an audit and for the costs, if any, incurred by the Minister when making public the results of the audit under this section.

#### **Audit of Offices of the Legislature**

- 10(1)** The Auditor General may, if the Auditor General considers it appropriate to do so, conduct an audit to determine whether an Office of the Legislature, other than the Office of the Auditor General, is complying with this Act.
- (2) The Standing Committee on Legislative Offices may, if it considers it appropriate to do so, appoint an auditor to conduct an audit to determine whether the Office of the Auditor General is complying with this Act.
- (3) An Office of the Legislature
- (a) shall co-operate fully with the person conducting an audit under this section, and
  - (b) is authorized to disclose to the person conducting an audit under this section the personal information required by the person conducting the audit for the purpose of determining whether the Office of the Legislature is complying with this Act.
- (4) The Auditor General shall submit the results of an audit under subsection (1) to the Standing Committee on Legislative Offices or, in the case of an audit in respect of the Legislative Assembly Office, to the Special Standing Committee on Members' Services.
- (5) An auditor appointed under subsection (2) shall submit the results of the audit to the Standing Committee on Legislative Offices within the time specified by the Standing Committee.
- (6) The results of an audit under this section, including any further or corrected disclosure relating to a statement of remuneration

previously disclosed by the Office of the Legislature in respect of which the audit is conducted, may be made public in the form and manner determined by the Standing Committee on Legislative Offices or, in the case of an audit in respect of the Legislative Assembly Office, by the Special Standing Committee on Members' Services.

#### **Education bodies authorized to disclose**

**11(1)** An education body may, in the form and manner and to the extent determined by a resolution or in a written policy of the education body, disclose to the public the following information:

- (a) the names of those employees of the education body whose total compensation and severance during the previous calendar year is greater than the threshold referred to in section 1(o)(ii);
- (b) any position, appointment or classification held by each employee named pursuant to clause (a);
- (c) the amount of remuneration and benefits provided to each employee named pursuant to clause (a);
- (d) the amount of severance, if any, provided to each employee named pursuant to clause (a);
- (e) the documents, records and other information in respect of employee remuneration, benefits and severance determined by the education body.

**(2)** An education body may disclose information in respect of which an employee has a written contractual right of confidentiality that was acquired on a date earlier than the date of the resolution or written policy referred to in subsection (1) that authorizes or requires the disclosure, on and after the earliest of

- (a) the date that is 2 years after the date of the resolution or written policy,
- (b) the date on which the contractual right of confidentiality expires, and
- (c) the date, if any, on which the employee, in writing, waives that right.

**(3)** This Act does not authorize an education body to disclose information in respect of which an employee has a written contractual right of confidentiality that was acquired on or after the date of the resolution or written policy referred to in subsection (1).



**Municipal authorities authorized to disclose**

**12(1)** A municipal authority may, in the form and manner and to the extent determined by bylaw, disclose to the public the following information:

- (a) the names of those employees of the municipal authority whose total compensation and severance during the previous calendar year is greater than the threshold referred to in section 1(o)(ii);
- (b) any position, appointment or classification held by each employee named pursuant to clause (a);
- (c) the amount of remuneration and benefits provided to each employee named pursuant to clause (a);
- (d) the amount of severance, if any, provided to each employee named pursuant to clause (a);
- (e) the documents, records and other information in respect of employee remuneration, benefits and severance determined by the municipal authority.

**(2)** A municipal authority may disclose information in respect of which an employee has a written contractual right of confidentiality that was acquired on a date earlier than the date of the bylaw referred to in subsection (1) that authorizes or requires the disclosure, on and after the earliest of

- (a) the date that is 2 years after the date of the bylaw,
- (b) the date on which the contractual right of confidentiality expires, and
- (c) the date, if any, on which the employee, in writing, waives that right.

**(3)** This Act does not authorize a municipal authority to disclose information in respect of which an employee has a written contractual right of confidentiality that was acquired on or after the date of the bylaw referred to in subsection (1).

**Disclosure permitted despite other laws**

**13(1)** A disclosure required or authorized in accordance with this Act does not contravene any enactment made on or before the day this Act comes into force.

(2) Except as provided in this Act, a disclosure required or authorized by this Act or the regulations does not breach or contravene any contractual or other legal right of confidentiality.

(3) No cause of action lies against any person by reason of a disclosure required or authorized by this Act or the regulations.

#### **Comprehensive review**

**14(1)** A committee of the Legislative Assembly must begin a comprehensive review of this Act and the regulations made under it

- (a) by January 1, 2019, and
- (b) thereafter, every 4 years after the date on which the previous committee submits its final report under subsection (2).

(2) A committee must submit a final report to the Legislative Assembly within 6 months after beginning a review under subsection (1).

(3) The report of a committee may include the committee's recommendation for amendments to this Act, the regulations made under this Act or any other enactment.

#### **Regulations**

**15(1)** The Lieutenant Governor in Council may make regulations

- (a) defining terms used but not defined in this Act;
- (b) further defining "compensation" or setting out criteria respecting compensation for the purposes of section 1(b);
- (c) further defining "health service provider" or respecting the identification of any individual or any part or all of an organization or body as a health service provider for the purposes of section 1(d);
- (d) further defining "non-monetary benefits" or setting out criteria respecting non-monetary benefits for the purposes of section 1(i)(i) and (ii);
- (e) further defining "practitioner" or respecting the identification of practitioners for the purposes of section 1(k);
- (f) identifying as a public agency for the purposes of section 1(l)(ii) a body to which the *Alberta Public Agencies Governance Act* does not apply;

- (g) identifying any part or all of a person, organization or body as a public sector body for the purposes of section 1(m)(iv);
- (h) further defining “severance” for the purposes of section 1(n);
- (i) respecting the disclosure in partial or redacted form of
  - (i) a contract referred to in section 2(1)(b) or (c) or that must be disclosed under section 3(2)(e)(ii), and
  - (ii) a document, record or other information that must be disclosed under section 2(2)(i) or 3(2)(e)(ii);
- (j) respecting exemptions from or additions to the requirement to disclose
  - (i) a contract referred to in section 2(1)(b) or (c) or that must be disclosed under section 3(2)(e)(ii), and
  - (ii) a document, record or other information that must be disclosed under section 2(2)(i) or 3(2)(e)(ii);
- (k) respecting the documents, records and other information to be provided in a statement of remuneration under section 2(2)(i) or 3(2)(e)(ii);
- (l) respecting the period, if any, during which a public sector body identified by a regulation under clause (g) shall not disclose information in respect of which an employee or member has a written contractual right of confidentiality for the purposes of section 3(4) and (5);
- (m) further defining or setting out criteria in respect of “Alternative Relationship Plan”, “health services” and “publicly funded health services”, for the purposes of section 5(1);
- (n) respecting any matter or thing relating to a regulation under section 5(2) or (3), including the identification of any individual or any part or all of an organization or body as a health entity for the purposes of section 5(3)(e);
- (o) respecting the applications that may be made
  - (i) under section 6(2)(a) by an employee of the Government of Alberta,
  - (ii) under section 6(2)(b) by a public sector body or an employee or member of a public sector body, and

- (iii) under section 6(2)(c) by a practitioner, a health entity or a health service provider;
- (p) respecting the exemptions referred to in section 6(3);
- (q) respecting the applications that may be made
  - (i) under section 7(5)(a) by a public sector body, and
  - (ii) under section 7(5)(b) by a health entity;
- (r) respecting the extension of deadlines referred to in section 7(6);
- (s) respecting an audit referred to in section 8 or 9;
- (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;
- (t) respecting any other matter or thing the Lieutenant Governor in Council considers necessary or expedient to carry out the intent of this Act.

**(2)** A regulation made under this section may apply to all persons, organizations, bodies or entities or to a class of persons, organizations, bodies or entities to which this Act applies, and there may be different regulations for different classes of such persons, organizations, bodies or entities.

2015 cP-40.5 s15;2016 c19 s10

**16 to 24** *(These sections amend other Acts; the amendments have been incorporated into those Acts.)*









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