



Province of Alberta

GOVERNMENT ORGANIZATION ACT

BOILERS DELEGATED ADMINISTRATION REGULATION

Alberta Regulation 32/2002

With amendments up to and including Alberta Regulation 47/2017

Office Consolidation

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(Consolidated up to 47/2017)

ALBERTA REGULATION 32/2002

Government Organization Act

BOILERS DELEGATED ADMINISTRATION REGULATION

Table of Contents

1	Definitions
2	Delegation
3	Authorization to assess and collect fees and charges
4	Use of money collected
5	Limitation of liability
6	Appeals
7	Records
8	Advice to the Minister
9	Repeal
10	Expiry
11	Coming into force

Definitions

1 In this Regulation,

- (a) “Act” means the *Government Organization Act*;
- (b) “Administration Agreement” means the written agreement made between the Minister and the Association, entitled the “Administration Agreement” (as amended, if applicable);
- (c) “Administrator” means an Administrator as defined in the *Safety Codes Act*;
- (d) “Association” means the Alberta Boilers Safety Association incorporated under the *Societies Act*;
- (e) “Freedom of Information and Protection of Privacy Coordinator” means an employee of the Government designated by the Deputy Minister as a Freedom of Information and Protection of Privacy Coordinator;
- (f) “Minister” means the Minister designated with the responsibility for the administration of the *Safety Codes*

Act and “Deputy Minister” means the Deputy of that Minister;

- (g) “pressure equipment” means pressure equipment within the meaning of the *Safety Codes Act*;
- (h) “safety codes officer” means a safety codes officer as defined in the *Safety Codes Act*.

Delegation

2(1) The powers, duties and functions of a safety codes officer are delegated to the Association with respect to the following:

- (a) the *Pressure Welders Regulation* (AR 169/2002);
- (b) the *Pressure Equipment Safety Regulation* (AR 49/2006);
- (c) the *Power Engineers Regulation* (AR 85/2003);
- (d) repealed AR 4/2007 s2;
- (e) sections 34, 35, 38, 40, 44, 46, 48, 49 and 56(1) of the *Safety Codes Act* in respect of pressure equipment.
- (f) repealed AR 4/2007 s2.

(2) The delegation of powers, duties and functions under this section is subject to the following conditions:

- (a) the Association must comply with this Regulation;
- (b) the Association may only exercise the powers, and must perform the duties and functions, delegated to it by this Regulation in accordance with the Administration Agreement;
- (c) all computer software and software systems used or developed by the Association, the information on them and anything generated or capable of generation by them for carrying out the Association’s powers, duties and functions under this Regulation or the Administration Agreement is owned by the Government;
- (d) all money received by the Association under the authority of this Regulation must be recorded and accounted for in accordance with generally accepted accounting principles, and receipts for the money received must be provided on the request of the person paying the money.

AR 32/2002 s2;4/2007;47/2017

Authorization to assess and collect fees and charges

3 The Association is authorized

- (a) to impose assessments, fees and charges with the approval of the Minister, and
- (b) to collect money from the levy of the assessments, fees and charges,

with respect to the powers, duties and functions delegated to it by this Regulation, on persons who apply for or are provided with services, materials or programs, including but not limited to providing information, issuing a permit, certificate or other thing or on notifying, filing with or registering anything with the Association.

Use of money collected

4 The Association is authorized to use the money collected by it under this Regulation to pay costs incurred in carrying out its powers, duties and functions under this Regulation.

Limitation of liability

5(1) No action lies against the Association or against its directors, officers, agents or employees or any of them individually for anything done or not done in good faith in the carrying out of powers, duties or functions under this Regulation.

(2) The Association and its directors, officers, employees and agents and any of them individually are not liable for any damage caused by a decision or the failure to make a decision related to the system of inspections, examinations, evaluations and investigations, including but not limited to a decision relating to their frequency and how they are carried out.

Appeals

6(1) Pursuant to section 2(1)(e) of Schedule 10 to the Act, a person affected by a decision made or the failure to make a decision, or any other action taken or the failure to take an action, by the Association or any of its agents, directors, officers or employees respecting a matter related to this Regulation or the Administration Agreement may appeal the decision, other action or the failure to make the decision or take the action, in writing, to the Minister if the matter is not governed by section 50 of the *Safety Codes Act*.

(2) The Minister may decide whether to hear an appeal under subsection (1).

(3) On hearing an appeal the Minister may confirm, vary or revoke the action or decision that is the subject-matter of the appeal.

(4) A decision made by the Minister with respect to an appeal under this section is final.

Records

7(1) All records in the custody or under the control of the Association that are required in the carrying out of its powers, duties and functions under this Regulation must be managed, maintained and destroyed in accordance with subsection (2) and the *Records Management Regulation* (AR 224/2001).

(2) The following conditions apply to the records described in subsection (1):

- (a) the records must be managed under the direction of a senior records officer to whom a deputy head, within the meaning of the *Records Management Regulation* (AR 224/2001), has assigned powers and duties under that Regulation;
- (b) the Association must designate a person to be responsible for records management and freedom of information and protection of privacy matters;
- (c) all records created or maintained in the carrying out of powers, duties and functions under this Regulation become and remain the property of the Crown in right of Alberta and must be managed in accordance with the *Freedom of Information and Protection of Privacy Act*;
- (d) a request for access to information made under the *Freedom of Information and Protection of Privacy Act* to the Association must be directed to the Freedom of Information and Protection of Privacy Coordinator for the processing of the request;
- (e) the Association must provide any records that are required by the Freedom of Information and Protection of Privacy Coordinator for the processing of the request, within the time period set out in the Administration Agreement;
- (f) the Association must comply with section 63 of the *Safety Codes Act*.

(3) The Association shall maintain records with respect to pressure equipment that include the following:

- (a) the registration, de-registration and recording, as applicable, of
 - (i) designs and the approval of designs for new pressure equipment,
 - (ii) obsolete designs of pressure equipment,
 - (iii) unsafe designs of pressure equipment,
 - (iv) permitted procedures, including repairs and alterations to existing pressure equipment,
 - (v) inspection reports concerning the construction, installation, repair or maintenance of pressure equipment,
 - (vi) permitted welding procedures,
 - (vii) refusals to register designs,
 - (viii) refusals to permit procedures,
 - (ix) the location, ownership and inspection records of pressure equipment, and
 - (x) the maintenance of pressure equipment;
- (b) the registration of, testing for and issuance of certificates of competency under the *Power Engineers Regulation* (AR 85/2003) and the *Pressure Welders Regulation* (AR 169/2002);
- (c) the registration of organizations that have quality management systems and that are permitted to carry out activities related to pressure equipment under the *Safety Codes Act*;
- (d) recording reports of accidents and unsafe conditions involving pressure equipment and information on their investigation;
- (e) recording the issuance of orders related to pressure equipment;
- (f) recording the issuance of variances related to pressure equipment;
- (g) recording notices of appeals related to the carrying out of powers, duties and functions under this Regulation;

- (h) any other matter related to pressure equipment that is requested by the Minister.

AR 32/2002 s7;4/2007;47/2017

Advice to the Minister

- 8** The Association is authorized, with the consent of the Minister, to provide advice to the Minister on the powers, duties and functions delegated under this Regulation.

Repeal

- 9** The *Boilers Delegated Administration Regulation* (AR 54/95) is repealed.

Expiry

- 10** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on March 30, 2022.

AR 32/2002 s10;4/2007;37/2012;47/2017

Coming into force

- 11** This Regulation comes into force on March 31, 2002.



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