

Alberta Regulation 90/2008

Tobacco Tax Act

TOBACCO TAX (MINISTERIAL) REGULATION

Filed: June 3, 2008

For information only: Made by the Minister of Finance and Enterprise (M.O. 01/2008) on April 28, 2008 pursuant to section 37.1(3) of the Tobacco Tax Act.

Small amounts owing or for refund

1 The amount prescribed for the purposes of section 37.1 of the *Tobacco Tax Act* is \$20.

Alberta Regulation 91/2008

Corrections Act

DESIGNATED CORRECTIONAL INSTITUTIONS AMENDMENT ORDER

Filed: June 4, 2008

For information only: Made by the Solicitor General and Minister of Public Security (M.O. 11/2006) on January 19, 2007 pursuant to section 6(2) of the Corrections Act.

1 The *Designated Correctional Institutions Order* (AR 252/99) is amended by this Order.

2 Section 1 is amended

(a) by adding the following after clause (b):

(b.1) Calgary Attendance Centre, in the City of Calgary;

(b) by adding the following after clause (d):

(d.1) Edmonton Attendance Centre, in the City of Edmonton;

Alberta Regulation 92/2008

School Act

CERTIFICATION OF TEACHERS AMENDMENT REGULATION

Filed: June 4, 2008

For information only: Made by the Minister of Education (M.O. 011/2008) on May 28, 2008 pursuant to section 94 of the School Act.

1 The *Certification of Teachers Regulation* (AR 3/99) is amended by this Regulation.

2 Section 40 is amended by striking out “2008” and substituting “2010”.

Alberta Regulation 93/2008

School Act

PRACTICE REVIEW OF TEACHERS AMENDMENT REGULATION

Filed: June 4, 2008

For information only: Made by the Minister of Education (M.O. 012/2008) on May 28, 2008 pursuant to section 94 of the School Act.

1 The *Practice Review of Teachers Regulation* (AR 4/99) is amended by this Regulation.

2 Section 31 is amended by striking out “June 30, 2008” and substituting “February 28, 2010”.

Alberta Regulation 94/2008

Financial Administration Act

INDEMNITY AUTHORIZATION AMENDMENT REGULATION

Filed: June 4, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 244/2008) on June 4, 2008 pursuant to section 71 of the Financial Administration Act.

1 The *Indemnity Authorization Regulation (AR 22/97)* is amended by this Regulation.

2 The following is added after section 9:

Metis settlements official manager and comptroller indemnity

10(1) Subject to subsection (2), the Minister of Finance and Enterprise is authorized, on behalf of the Crown, to indemnify

- (a) an official manager appointed under section 31(1) of the *Metis Settlements Act*,
- (b) a comptroller appointed under section 178(1) of the *Metis Settlements Act*, and
- (c) any
 - (i) person employed or otherwise engaged by an official manager or a comptroller, or
 - (ii) person or employee of any person engaged by the Minister responsible for the *Metis Settlements Act*

to assist an official manager or a comptroller, as the case may be, in carrying out the official manager's or the comptroller's duties and functions

against all costs, charges and expenses, including amounts paid to settle actions or satisfy judgments, reasonably incurred by the official manager, the comptroller or a person referred to in clause (c) in respect of civil, criminal or administrative actions or proceedings, to which the official manager, the comptroller or the other person is made a party by reason of holding or having held that appointment, employment or engagement, as the case may be.

(2) An official manager, a comptroller or a person referred to in subsection (1)(c) may be indemnified only if the official manager, the comptroller or the other person

- (a) acted honestly and in good faith,
- (b) complies with the Schedule, and
- (c) in the case of a criminal or administrative action or proceeding enforceable by a monetary penalty, had reasonable grounds for believing that the official manager's, the comptroller's or the other person's conduct, as the case may be, was lawful.

(3) This section applies to an official manager, a comptroller or a person referred to in subsection (1)(c) appointed, employed or engaged, as the case may be, before or after the coming into force of this section.

Alberta Regulation 95/2008

Alberta Centennial Education Savings Plan Act

ALBERTA CENTENNIAL EDUCATION SAVINGS PLAN REGULATION

Filed: June 4, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 249/2008) on June 4, 2008 pursuant to section 6 of the Alberta Centennial Education Savings Plan Act.

Table of Contents

- 1 Interpretation
- 2 Application
- 3 Time of application
- 4 Contribution
- 5 Residency
- 6 Beneficiary limitation
- 7 Trustee agreements
- 8 Use of grant
- 9 Repeal
- 10 Expiry

Interpretation

1(1) In this Regulation,

- (a) “Act” means the *Alberta Centennial Education Savings Plan Act*;
- (b) “sibling” means a brother or sister of an eligible child or eligible student, as the case may be, who is related by blood, marriage or adoption, or by virtue of an adult interdependent relationship.

(2) For the purpose of section 1(1)(a)(iii) of the Act, “eligible child” means a child born in 2005 or any subsequent year and adopted by a resident of Alberta.

(3) For the purpose of section 1(1)(b)(ii) of the Act, “eligible student” means a child who, at the relevant time,

- (a) is enrolled in an education institution satisfactory to the Minister, and
- (b) has a parent or guardian, as the case may be, who is a resident of Alberta.

(4) For the purpose of the Act, “ordinarily present in Alberta” includes a person whose home ordinarily is in Alberta but who leaves Alberta for a period of up to 12 months or a longer period approved by the Minister and intends to return to Alberta at the end of that period.

(5) Unless the contrary intention appears, an expression defined in section 146.1 of the *Income Tax Act* (Canada) has the same meaning in this Regulation.

Application

2 An application for a grant under section 2 or 3 of the Act must be accompanied with

- (a) evidence satisfactory to the Minister that the grant may be paid, and
- (b) any other information required by the Minister for the purposes of administering the Act.

Time of application

3(1) A grant shall not be paid under section 2 or 3 of the Act unless a trustee of a registered education savings plan submits an application in accordance with section 2 to the Minister

- (a) within 3 years of the request to the trustee to make the application, and
- (b) within 6 years of the applicable birthday of the eligible child or eligible student.

(2) Despite subsection (1)(a), a grant may be paid with respect to an eligible student for an applicable birthday that occurred between January 1, 2005 and December 31, 2006 if the trustee of a registered education savings plan submits an application in accordance with section 2 to the Minister

- (a) within 3 years of the request to the trustee to make the application, and
- (b) within 6 years of January 1, 2007.

(3) The Minister may extend the times referred to in subsection (1) if the Minister is satisfied there is a compelling reason to do so.

Contribution

4 A grant shall not be paid under section 3 of the Act unless a minimum of \$100 was deposited into the eligible student's registered education savings plan for each grant being applied for within the year immediately preceding the application.

Residency

5 A grant shall not be paid under section 2 or 3 of the Act unless a parent or guardian of the eligible child or eligible student

- (a) was a resident of Alberta at the applicable birthday, or
- (b) is a resident of Alberta at the time of application.

Beneficiary limitation

6 A grant shall not be paid under section 2 or 3 of the Act into a registered education savings plan unless

- (a) the plan has only one beneficiary, or
- (b) all the beneficiaries of the plan are siblings.

Trustee agreements

7(1) If an agreement is made under section 5 of the Act with the Government of Canada, a reference to "Minister" in this section means the Minister of the Government of Canada responsible for the agreement.

(2) A grant shall not be paid under section 2 or 3 of the Act into a registered education savings plan unless a trustee of the plan enters into an agreement with the Minister with respect to the plan.

(3) An agreement may include the following terms and conditions:

- (a) the trustee shall provide the Minister with information that the Minister requires for the purposes of this Regulation;
- (b) the trustee shall maintain records and books of account that relate to the payment of grants in such form and containing such information as the Minister requires to enable the Minister to determine whether grants will be paid or are required to be repaid;

- (c) the trustee shall allow the Minister access to all documents and other information related to registered education savings plans that the Minister requires for grant audit purposes;
- (d) the trustee shall report to the Minister
 - (i) all withdrawals and transfers from the registered education savings plan relating to grant money, and
 - (ii) any other information relating to the registered education savings plan that is specified in the agreement;
- (e) the reporting referred to in clause (d) shall be done annually or within such shorter period that is set out in the agreement;
- (f) the trustee shall submit all information to the Minister in a form and manner that is acceptable to the Minister.

Use of grant

8(1) In this section,

- (a) “eligible alternate beneficiary” means a beneficiary named in a registered education savings plan who is a sibling of the eligible beneficiary;
- (b) “eligible beneficiary” means a beneficiary who has received a grant.

(2) If any of the circumstances referred to in subsection (3) occur, the grant received shall be repaid to the Crown in right of Alberta

- (a) by the trustee on behalf of the subscriber if the registered education savings plan contains sufficient funds, or
- (b) if there are insufficient funds, by the subscriber or beneficiary.

(3) The circumstances for the purpose of subsection (2) are as follows:

- (a) the registered education savings plan to which the grant was deposited is terminated and the grant was not paid out as part of an educational assistance payment to the eligible beneficiary or an eligible alternate beneficiary;
- (b) the registration of the registered education savings plan to which the grant was deposited is revoked;
- (c) the grant or a portion of the grant was withdrawn from the registered education savings plan and not used as an

educational assistance payment by the eligible beneficiary or an eligible alternate beneficiary;

(d) the grant money will not be used as an educational assistance payment by the eligible beneficiary or an eligible alternate beneficiary;

(e) an application under section 2 contained false information.

(4) The amount of the grant to be repaid under this section is a debt to the Crown in right of Alberta.

Repeal

9 The *Alberta Centennial Education Savings Plan Regulation* (AR 248/2004) 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 November 30, 2015.

Alberta Regulation 96/2008

Victims of Crime Act

VICTIMS OF CRIME AMENDMENT REGULATION

Filed: June 4, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 253/2008) on June 4, 2008 pursuant to section 17 of the Victims of Crime Act.

1 The *Victims of Crime Regulation* (AR 63/2004) is amended by this Regulation.

2 Section 8 is amended

(a) in subsection (4) by striking out “Notwithstanding subsection (1)” and substituting “Notwithstanding subsection (1), but subject to subsection (6.1)”;

(b) by adding the following after subsection (6):

(6.1) Subject to subsection (6.4), a victim who suffers a neurological injury the severity of which is determined to be 190 or higher is eligible for a supplemental financial benefit of \$1000 per month.

(6.2) For the purposes of subsection (6.1), the severity of a neurological injury is to be determined in accordance with Schedule 3 and by taking into account only a single injury listed under the heading "Neurological" in section 3 of that Schedule.

(6.3) Subject to subsections (6.4), (6.6) and (6.7), a supplemental financial benefit described in subsection (6.1) is payable for each month, commencing with the month in which the injury is sustained or the month in which this subsection comes into force, whichever is later, and for every month thereafter for the duration of the victim's life.

(6.4) The amount of a supplemental financial benefit described in subsection (6.1) may be reduced or denied by the Director in accordance with section 4, 5 or 6.

(6.5) The Director must, every 12 months, review the injuries of a victim receiving a supplemental financial benefit to determine whether the severity of the victim's injuries is still 190 or higher in accordance with subsection (6.2).

(6.6) If, on review, the Director determines that the severity of the victim's injuries is lower than 190, the Director must terminate the supplemental financial benefit effective the month following the month in which the Director makes the determination.

(6.7) If a victim receiving a supplemental financial benefit fails to participate in or to cooperate with a review under subsection (6.5), the Director may suspend or terminate the supplemental financial benefit.

(6.8) Subsections (5) and (6) apply for the purposes of a review under subsection (6.5).

(c) in subsection (8) by striking out "subsection (4) or (7)" and substituting "subsection (4), (6.1) or (7)".

Alberta Regulation 97/2008

**Court of Appeal Act
Court of Queen's Bench Act
Civil Enforcement Act**

ALBERTA RULES OF COURT AMENDMENT REGULATION

Filed: June 4, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 256/2008) on June 4, 2008 pursuant to section 16 of the Court of Appeal Act, section 20 of the Court of Queen's Bench Act and section 107 of the Civil Enforcement Act.

1 The *Alberta Rules of Court* (AR 390/68) are amended by this Regulation.

2 Rule 513 is repealed and the following is substituted:

Production of court file

513(1) If any party interested considers it necessary that any original papers or documents on file in the clerk's office or in the office of a tribunal whose decision is under appeal should be before the Court, that party may on payment of the necessary expenses require the clerk or tribunal to transmit them either by courier or registered mail to the Registrar.

(2) A judge or case management officer may give the clerk, Registrar or tribunal directions for the purposes of subrule (1).

3 Rule 514(2) is amended by striking out "Appeal books" and substituting "Materials comprising the appeal record".

4 Rule 515 is repealed.

5 Rule 515.1(1) is repealed and the following is substituted:

General Appeal List

515.1(1) The Registrar shall enter a case on the General Appeal List whenever the first of the following events occurs:

- (a) 6 months have elapsed since the notice of appeal was filed;
- (b) the Appeal Digest referred to in Rule 530(1)(c)(i) and transcripts have been filed;

- (c) a judge or case management officer directs that the case be so entered.

6 Rule 530 is repealed and the following is substituted:

Contents of filed record

530(1) Subject to subrule (2), the appeal record

- (a) must contain the following sections:
 - (i) Part I - Pleadings, as described in subrule 530.3(a), prepared in accordance with Rule 530.4, and filed in accordance with Rule 530.5;
 - (ii) Part II - Final Documents, as described in subrule 530.3(b), prepared in accordance with Rule 530.4, and filed in accordance with Rule 530.5;
 - (iii) Part III - Any transcripts of oral evidence required by Rule 530.1(1)(a)(i), prepared in accordance with Rule 530.2, and filed in electronic and paper form in accordance with Rule 530.5;
- (b) may include Extracts of Key Evidence if the parties so elect, prepared in accordance with Rule 537.2, and filed in accordance with Rule 537.1;
- (c) must be arranged and indexed in the following order:
 - (i) First - Appeal Digest, consisting of Parts I and II;
 - (ii) Second - Part III, oral evidence (if any) required by Rule 530.1(1)(a)(i);and the Extracts of Key Evidence are to be separately indexed in accordance with Rule 537.2(1);
- (d) must contain pages numbered consecutively as follows:
 - (i) Part I must commence page numbering with page P1;

- (ii) Part II must commence page numbering with page F1;
- (iii) Part III must commence page numbering with page 1;
- (iv) if a supplement to the appeal record is filed, the page numbering for that supplement must continue sequentially from the last number of the last page of the immediately preceding record to which the supplement relates;

and the Extracts of Key Evidence are to be numbered in accordance with Rule 537.2(1).

(2) All oral or written evidence or exhibits received for that case by the court or tribunal whose decision is appealed is an official part of the appeal record, notwithstanding that no copy is officially filed with the Court of Appeal.

Transcripts, generally

530.1(1) Within 10 days after a notice of appeal is filed the appellant must, unless otherwise ordered by a judge,

- (a) order from Transcript Management Services of the Department of Justice, or any other commercial preparer, a complete verbatim transcript of
 - (i) all oral evidence,
 - (ii) all oral argument in a chambers hearing, if that hearing did not exceed 1/2 day, and
 - (iii) any oral reasons for the decision;
- (b) order or commence preparation of the Appeal Digest in accordance with Rule 530.3.

(2) Subject to subrule (1)(a)(ii), the appellant need not transcribe oral argument at a civil trial or hearing.

(3) The appellant must file a copy of the order placed under subrule (1) with the Registrar within 5 days of placing the order.

(4) Any request or countermand for preparation or revision of transcripts or Appeal Digests must be promptly sent to the office preparing them, and a copy filed with the appropriate Registrar.

(5) Subrule (4) does not apply to Appeal Digests prepared wholly by an appellant or a law office.

(6) If no oral record as provided for in subrule (1)(a) exists, the appellant must file with the Registrar either

- (a) a certificate of no oral record in Form T of Schedule A by the appellant's solicitor, or
- (b) if the appellant is unrepresented, a certificate in Form U of Schedule A by the clerk of the court or the tribunal from which the order, judgment or decision is being appealed.

Transcripts of oral evidence

530.2(1) The transcripts of oral evidence on the appeal record must

- (a) when evidence is in the form of a question and an answer, adhere to the following form:
 - (i) the question must commence on a separate line and be preceded on that line by the letter Q;
 - (ii) the answer must commence on a separate line following the line on which the question concludes and be preceded on the line on which the answer commences by the letter A;
 - (iii) each new question and answer must be grouped and preceded by a blank line;
- (b) number every 5th line in the margin of each page;
- (c) contain single spaced transcripts, subject to Rule 530.6.

(2) The electronic copy of Part III, the oral evidence portion of the appeal record, must be filed with the Registrar in a format satisfactory to the Registrar.

Appeal Digest

530.3 The Appeal Digest must contain the following documents, excluding the document backers when they are not needed to distinguish different suits, in chronological, ascending date order:

- (a) Part I, the Pleadings (as identified by the appellant when ordering or preparing the Appeal Digest), which are any documents by which proceedings are commenced or by which the issues in the action are defined, including at least
 - (i) the last amended version of any relevant pleading that was amended before trial,

- (ii) any amendments made at trial, and
 - (iii) if the appeal concerns any order arising from a motion, the notice of motion;
- (b) Part II, the Final Documents, which must include
- (i) the transcribed oral or written reasons of the judge appealed from, and of any Master or tribunal who was appealed to the judge now appealed from,
 - (ii) the formal judgment or order appealed from,
 - (iii) the Notice of Appeal,
 - (iv) the Certificate of Preparer in Form S of Schedule A,
 - (v) if the appeal record has been prepared by anyone other than Transcript Management Services of the Department of Justice,
 - (A) the Clerk's Certificate in Form N of Schedule A, and
 - (B) the Lawyer's Certificate in Form O of Schedule A, if the appellant is represented by counsel,
 - (vi) in the case of a direct appeal from a tribunal, a certificate from the tribunal's records custodian or, where the tribunal has no records custodian, an agreement as to the authenticity of the records signed by all parties,
 - (vii) the "Ban on Publication and Similar Order" form or any other similar document, if one exists,
 - (viii) a transcript of all oral argument in a chambers hearing, if that hearing did not exceed 1/2 day, and
 - (ix) where applicable, the certificate of no oral record as provided for in Rule 530.1(6).

Appeal record produced in paper

530.4(1) Any portion of Parts I, II and III of the appeal record produced in paper form must be prepared in the following manner:

- (a) if they are the original copy, clearly marked as "original" at the top of the front cover;

- (b) printed or reproduced on one side of good quality, white, 8 1/2 by 11 inch paper, bound along the right edge so that the printed pages are to the left;
- (c) bound with heavy stock front and back covers, with
 - (i) Appeal Digest covers in red, and
 - (ii) any transcript covers in grey;
- (d) contain
 - (i) a front cover and title page clearly setting out the information in Form R of Schedule A, and
 - (ii) a comprehensive table of contents of all of Parts I, II and III at the beginning of each volume,

bound along the left edge of the paper, so that the printed pages are to the right;
- (e) contain legible material only or, if material does not photocopy well, provide a photocopy together with a typewritten transcript of the illegible text;
- (f) printed or reproduced in type whose capital letters are at least 2.9 mm high, whether or not the original is in smaller type and, if need be, reproducing one original sheet on 2 or more pages;
- (g) contain no more than 200 pages per volume, and where any volume would otherwise exceed 200 pages, be split into separate volumes of approximately equal length.

(2) Notwithstanding Rules 530(1) and 530.4(1), if Part III does not exceed a total of 15 pages, it must be included in the Appeal Digest and be labelled accordingly.

Transcripts of oral testimony

530.5(1) On every appeal that contains transcripts of oral testimony required by Rule 530.1(1)(a)(i), the appellant must file with the Registrar

- (a) the original and one paper copy of Part III, the transcripts of oral testimony,
- (b) the original and 4 paper copies of Parts I and II, the Appeal Digest, and

- (c) one electronic copy of Part III, the transcripts of oral testimony.

(2) On every appeal when the appeal record contains no transcripts of oral testimony, the appellant must file with the Registrar the original and 4 paper copies of Parts I and II, the Appeal Digest.

(3) In addition to the copies required under subrules (1) and (2), the appellant must serve on each other party to the appeal a copy of the Appeal Digest, and an electronic copy of Part III, any transcripts of oral testimony.

(4) Transcripts and Appeal Digests must

- (a) be prepared promptly and filed and served forthwith after they are prepared, and
- (b) unless otherwise ordered by a judge, be filed not later than 15 weeks from the date on which the notice of appeal was filed,

or the appeal will be struck by the Registrar.

(5) An appeal that has been struck and has not been restored within 6 months from the date the appeal was struck is deemed to be abandoned.

Appeal record that does not conform to Rules

530.6(1) Subject to subrule (2), an appeal record that does not materially conform to these Rules requires a fiat from a judge, the Registrar, the Deputy Registrar or a case management officer, and the fiat must be obtained

- (a) where there is consent, by providing a letter to the Registrar that sets out the discrepancies and requests that a fiat be granted;
- (b) where there is no consent, by filing and serving a notice of motion, supporting affidavit and memorandum returnable before a judge.

(2) A transcript portion of an appeal record may be filed, without fiat, if

- (a) it was prepared by an official court reporter or examiner before service of the notice of appeal, and
- (b) it deviates from Rule 530.2 only in spacing.

7 Rule 535(2) is repealed.

8 The following is added after Rule 537:

Extracts of Key Evidence

537.1(1) If so desired, any appellant, respondent or intervener may each file Extracts of Key Evidence, prepared in accordance with Rule 537.2, which may include those

- (a) extracts from the transcribed oral evidence or written trial or tribunal evidence,
- (b) selected exhibits entered before the trial court or tribunal, and
- (c) other documents on the trial or tribunal record,

that that party believes will be needed for the disposition of the appeal or will support the arguments in that party's factum.

(2) Without derogating from Rule 530(2), it is the duty of counsel on an appeal to ensure so far as possible that only the material needed for the disposition of the appeal is included in the Extracts of Key Evidence and to exclude evidence, exhibits and other material unlikely to be needed.

(3) Notwithstanding subrule (1), parties who are advancing the same position may, if they wish, file joint Extracts of Key Evidence.

(4) A party filing Extracts of Key Evidence must, at or before the time of filing or service of that party's factum,

- (a) file the original and 4 copies of its Extracts of Key Evidence with the Registrar, and
- (b) serve an additional copy thereof on each of the other parties.

(5) When Extracts of Key Evidence are not filed within the time fixed by these Rules, the party in default is not entitled to costs for preparation of the Extracts of Key Evidence unless the court otherwise orders.

Extracts of Key Evidence

537.2(1) The Extracts of Key Evidence shall

- (a) contain a comprehensive table of contents of the whole of that party's Extracts of Key Evidence at the beginning of each volume,
 - (b) be organized in such order as the party filing it desires, and not necessarily chronologically,
 - (c) subject to clause (d), contain pages numbered consecutively, commencing in the following fashion:
 - (i) with Page A1 in the Appellant's Extracts of Key Evidence;
 - (ii) with Page R1 in the Respondent's Extracts of Key Evidence;
 - (iii) with Page IN1 in the Intervener's Extracts of Key Evidence,
 - (d) not contain any duplicate page numbers, and where there are multiple appellants, or respondents, or interveners, they shall cooperate to avoid such duplication,
 - (e) reproduce documents in facsimile, containing legible material only or, if material does not photocopy well, provide a photocopy together with a typewritten transcript of the illegible text, and
 - (f) not contain any comment, argument, trial briefs, authorities or new evidence.
- (2)** In the case of exhibits that cannot be readily reproduced and will be referred to in argument, the Extracts of Key Evidence must be accompanied by a letter to the Registrar requesting that the original exhibit be made available at the appeal hearing.
- (3)** If the Extracts of Key Evidence, any other appendices and the factum together do not exceed a total of 60 pages, the Extracts of Key Evidence may be included as an appendix to the factum, or with the book of authorities.
- (4)** If the Extracts of Key Evidence, any other appendices and the factum together do exceed a total of 60 pages, the Extracts of Key Evidence must be filed separately with a front cover and title page in Form R of Schedule A, naming the party filing it, and bound with heavy stock on the front and back covers coloured as follows:
- (a) yellow for the Appellant's Extracts of Key Evidence;

- (b) pink for the Respondent's Extracts of Key Evidence;
- (c) dark blue for the Intervener's Extracts of Key Evidence.

(5) No one volume of the Extracts of Key Evidence may contain more than 200 pages, and if the total otherwise exceeds that, the Extracts of Key Evidence shall be split into separate volumes of approximately equal length.

Expense of preparing and filing

537.3 Each party shall bear the initial expense of preparing and filing the appeal record and Extracts of Key Evidence which that party orders or files, but unless otherwise ordered and subject to Rule 537.1(5), the reasonable costs of preparation shall be a taxable disbursement in the appeal.

9 Rule 538(1)(a) is amended by striking out "appeal books have been" **and substituting** "Appeal Digest was".

10 The following is added after Rule 540(2):

(2.1) Any factum filed by any party must cite passages in the oral evidence both to the electronic appeal record and to its Extracts of Key Evidence, if applicable.

11 Schedule A is amended in Form N by repealing clauses (a) and (b) and substituting the following:

- (a) the foregoing appeal record contains true copies of all material as set by
 - (i) Rules 530 to 530.6 of the *Alberta Rules of Court*, or
 - (ii) a Justice of the Court of Appeal,and
- (b) the copies of the materials in the appeal record are
 - (i) as taken from the court file,
 - (ii) as furnished to me by counsel for the parties, or
 - (iii) as furnished to me by the appellant.

12 Schedule A is amended in Form O by striking out “appeal book” wherever it occurs and substituting “Appeal Digest”.

13 Schedule A is amended in Form R

- (a) **by striking out “Title of book” and substituting “Title of volume”;**
- (b) **by striking out “prepared the appeal books” and substituting “prepared the appeal record”;**
- (c) **by striking out “appeal books have” and substituting “appeal record has”.**

14 Schedule A is amended in Form S

(a) **by repealing clause (a) and substituting the following:**

- (a) I prepared the foregoing appeal record and it contains true copies of all material as set by¹
 - Rules 530 to 530.6 of the *Alberta Rules of Court*,
 - Part J.6 of the Consolidated Practice Directions, or
 - a Justice of the Court of Appeal,

(b) **by striking out “Appeal Books” wherever it occurs and substituting “Appeal Record”.**

15 Schedule A is amended by adding the forms set out in the Schedule to this Regulation after Form S.

16 Schedule E under the heading “Tariff of Fees Payable for Court Reporting Services” is amended by striking out section 3 and substituting the following:

Appeal Record

- 3 For the appeal record in the Court of Appeal of Alberta bound

(a) for indexes and certificates for the appeal record, and for viva voce evidence, per page	\$ 3.70
(b) for pleadings and exhibits, per page	2.00
(c) for each additional copy of any part of the appeal record, per page	.20
Parties may purchase the original record only, and reproduce additional copies at their expense	
(d) for each copy of an ASCII disk, per page	.20
(e) for a disk in an electronic format approved by the Court, per page	.40

17 In the following provisions “appeal book” is struck out and “appeal record” is substituted:

Rule 533;
Rule 540(1) and (8);
Rule 723(b).

18 In the following provisions “appeal books” is struck out wherever it occurs and “appeal records” is substituted:

Rule 534;
Rule 537;
Rule 723(b), (d) and (g).

19 This Regulation comes into force on August 1, 2008.

Schedule

Form T

Lawyer’s Certificate of No Oral Record

I certify to the Court that

1 I am an active member of The Law Society of Alberta;

OR

I am a barrister and solicitor on the active roll of (name of law society) and, pursuant to section 48 of the *Legal Profession Act*, I am authorized to act in this matter;

- 2 Except as otherwise specified in this appeal record, no oral record as provided for in Rule 530.1(1)(a) of the *Alberta Rules of Court* exists.

Dated _____, 20__.

Lawyer's Signature

Name of Lawyer: _____

Address: _____

Form U

Clerk's/Tribunal's Certificate of No Oral Record

I certify to the Registrar of the Court of Appeal of Alberta that

Except as otherwise specified in this appeal record, no oral record as provided for in Rule 530.1(1)(a) of the *Alberta Rules of Court* exists.

Dated _____, 20__.

Clerk of the Court of Queen's Bench
or the tribunal

Name: _____

Title: _____

Alberta Regulation 98/2008

Personal Directives Act

PERSONAL DIRECTIVES AMENDMENT REGULATION

Filed: June 11, 2008

For information only: Made by the Minister of Seniors and Community Supports (M.O. 038/2008) on May 30, 2008 pursuant to section 33 of the Personal Directives Act.

1 The *Personal Directives Regulation* (AR 26/98) is amended by this Regulation.

2 The title is amended by adding “(MINISTERIAL)” after “DIRECTIVES”.

3 Section 1 is repealed.

4 Section 5 is repealed and the following is substituted:

Forms

5(1) The form of a personal directive for the purposes of section 6.1 of the Act is set out in Schedule 1.

(2) The form of a declaration for the purposes of section 9(2)(a) of the Act is set out in Schedule 2.

(3) The form of a declaration for the purposes of section 9(2)(b) of the Act is set out in Schedule 3.

(4) The form of a determination for the purposes of section 10.1(1) of the Act is set out in Schedule 4.

(5) The form of a determination for the purposes of section 10.1(2) of the Act is set out in Schedule 5.

(6) The form of a determination for the purposes of section 10.1(5) of the Act is set out in Schedule 6.

(7) The form of a complaint for the purposes of section 24.2 of the Act is set out in Schedule 7.

5 The Schedule is repealed and the following is substituted:

Schedule 1

**Personal Directive
(Section 6.1)**

I, (name of maker), make this Personal Directive.

This Personal Directive takes effect with respect to personal matters that relate to me when it is determined, in accordance with the *Personal Directives Act*, that I do not have capacity to make personal decisions with respect to those matters.

I have placed my initials next to the provisions in this document that form part of my Personal Directive.

1. Revocation of previous personal directive

Initials _____ I revoke all previous personal directives made by me.

2. Designation of agent

Initials _____ I designate (name of agent or agents) as my agent(s).

OR

Initials _____ I designate the Public Guardian as my agent.

I have consulted with the Public Guardian and the Public Guardian is satisfied that no other person is able and willing to act as my agent. The Public Guardian has agreed to be my agent.

OR

Initials _____ I do not wish to designate an agent, but provide the following information and instructions to be followed by a service provider who intends to provide personal services to me:

3. Areas of authority

Initials _____ I give my agent(s) the authority to make personal decisions on my behalf for all the personal matters, of a non-financial nature, that relate to me.

OR

Initials _____ I give the following agent(s) the authority to make personal decisions on my behalf for the following personal matters, of a non-financial nature, that relate to me:

Initials _____ health care (name of agent(s)) _____;

Initials _____ accommodation (name of agent(s)) _____;

Initials _____ with whom I may live and associate
(name of agent(s)) _____;

Initials _____ participation in social activities
(name of agent(s)) _____;

Initials _____ participation in educational activities
(name of agent(s)) _____;

Initials _____ participation in employment activities
(name of agent(s)) _____;

Initials _____ legal matters (name of agent(s)) _____;

- a person who signs the directive on behalf of the maker
- the spouse or adult interdependent partner of a person who signs the directive on behalf of the maker

10. Acknowledgement (Optional)

I (We) acknowledge that I(we) have received a copy of this personal directive.

Name of Agent	Signature of Agent	Location Where Signed	Date of Signing	Telephone Numbers of Agent	Mailing Address of Agent	E-mail Address of Agent

Schedule 2

Declaration of Incapacity to Make Decisions about a Personal Matter (Section 9(2)(a))

(To be used when a person designated in the personal directive to determine capacity consults with a physician or psychologist.)

Part 1

(To be completed by the person designated in the personal directive to determine capacity after consultation with a physician or psychologist.)

“capacity” means the ability to understand the information that is relevant to the making of a personal decision and the ability to appreciate the reasonably foreseeable consequences of the decision (s1(b) of the *Personal Directives Act*).

I, (name), am designated in the personal directive made by the maker, (name of maker), as the person who is to determine his/her capacity.

Before conducting an assessment of the capacity of the maker, I met with the maker and explained the purpose and nature of the assessment, the maker’s right to refuse to be assessed and the significance and effect of a finding that the maker lacks capacity to make personal decisions.

The reason(s) I assessed the maker’s capacity are as follows:

I identified that an assessment of the maker’s capacity to make personal decisions was warranted with respect to the following personal matters: _____

After consulting with (name of Alberta physician or psychologist) and interviewing the maker, I have determined and declare that (name of maker) lacks the capacity to make decisions about the following personal matter(s) of a non-financial nature (check any or all that apply):

- health care
- accommodation
- with whom to live and associate
- participation in social activities
- participation in educational activities
- participation in employment activities
- legal matters
- other: _____

The reasons for my determination are as follows:

1. The level of consciousness of the maker at the time of my determination was (check one):

- alert
- fluctuating
- non-responsive

2. It is my understanding that all temporary medical conditions that may affect the maker's capacity have been ruled out:

- YES

3. In my opinion, the maker:

- Is unable to understand the information that is needed to make a decision about the above-specified personal matter(s) and is unable to understand the options presented.
 Yes No

My reason(s) for this opinion are as follows:

- Is unable to retain the information that is relevant to making a decision about the above-specified personal matter(s).
 Yes No

My reason(s) for this opinion are as follows:

- Is unable to identify and appreciate the consequences of making or not making a decision about the above-specified personal matter(s). Yes No

My reason(s) for this opinion are as follows:

- Is unable to communicate his/her decision about the above-specified personal matter(s). Yes No

My reason(s) for this opinion are as follows:

I recommend that this declaration be reviewed on _____ (date) _____.
(Optional)

Dated at _____ (location) _____ in the Province of Alberta this
_____ (day) _____ day of _____ (month) _____, _____ (year) _____.

Signature of person
completing Part 1

Printed name of person
completing Part 1

Part 2

(To be completed by the physician or psychologist consulted by the person who completed Part 1.)

I, _____ (name) _____, am a member in good standing of the _____ (College of Physicians and Surgeons of the Province of Alberta/College of Alberta Psychologists) _____.

Before conducting an assessment of the capacity of the maker, _____ (name of maker) _____, I met with the maker and explained the purpose and nature of the assessment, the maker's right to refuse to be assessed and the significance and effect of a finding that the maker lacks capacity to make personal decisions.

I have interviewed the maker and consulted with _____ (name of person who completed Part 1) _____.

The reason(s) I assessed the maker's capacity are as follows:

I am of the opinion that _____ (name of maker) _____ lacks the capacity to make decisions about the following personal matter(s) of a non-financial nature (check any or all that apply):

- health care
- accommodation
- with whom to live and associate
- participation in social activities
- participation in educational activities
- participation in employment activities
- legal matters
- other: _____

The reasons for my determination are as follows:

1. The level of consciousness of the maker at the time of my determination was (check one):

- alert
- fluctuating
- non-responsive

2. Based on a medical evaluation by (name of physician) on (day/month/year), all temporary medical conditions that may affect the capacity of the maker have been ruled out:

- YES

3. In my opinion, the maker:

- Is unable to understand the information that is needed to make a decision about the above-specified personal matter(s) and is unable to understand the options presented.

- Yes No

My reason(s) for this opinion are as follows:

- Is unable to retain the information that is relevant to making a decision about the above-specified personal matter(s).

- Yes No

My reason(s) for this opinion are as follows:

- Is unable to identify and appreciate the consequences of making or not making a decision about the above-specified personal matter(s). Yes No

My reason(s) for this opinion are as follows:

- Is unable to communicate his/her decision about the above-specified personal matter(s). Yes No

My reason(s) for this opinion are as follows:

4. I have attached a more detailed capacity assessment or report. (Optional) Yes No

I recommend that this declaration be reviewed on (date). (Optional)

Dated at (location) in the Province of Alberta this (day) day of (month), (year).

Signature of physician/
psychologist completing Part 2

Printed name of physician/
psychologist completing Part 2

Schedule 3

**Declaration of Incapacity to Make Decisions
about a Personal Matter (Section 9(2)(b))**

Part 1

**(To be completed by a service provider who is a physician or
psychologist.)**

“capacity” means the ability to understand the information that is relevant to the making of a personal decision and the ability to appreciate the reasonably foreseeable consequences of the decision (s1(b) of the *Personal Directives Act*).

I, (name), am a member in good standing of the (College of Physicians and Surgeons of the Province of Alberta/College of Alberta Psychologists).

Before conducting an assessment of the capacity of the maker, (name of maker), I met with the maker and explained the purpose and nature of the assessment, the maker’s right to refuse to be assessed and the significance and effect of a finding that the maker lacks capacity to make personal decisions.

The reason(s) I assessed the maker’s capacity are as follows:

I identified that an assessment of the maker’s ability to make personal decisions was warranted with respect to the following personal matters: _____

I have interviewed the maker and have determined that the maker lacks the capacity to make a decision about the following personal matter(s) of a non-financial nature (check any or all that apply):

- health care
- accommodation
- with whom to live and associate
- participation in social activities
- participation in educational activities
- participation in employment activities
- legal matters
- other: _____

The reasons for my determination are as follows:

1. The level of consciousness of the maker at the time of my determination was (check one):

- alert

- fluctuating
- non-responsive

2. Based on a medical evaluation made by (name of physician) on (day/month/year), all temporary medical conditions that may affect the capacity of the maker have been ruled out: YES

3. In my opinion, the maker:

- Is unable to understand the information that is needed to make a decision about the above-specified personal matter(s) and is unable to understand the options presented.
 Yes No

My reason(s) for this opinion are as follows:

- Is unable to retain the information that is relevant to making a decision about the above-specified personal matter(s).
 Yes No

My reason(s) for this opinion are as follows:

- Is unable to identify and appreciate the consequences of making or not making a decision about the above-specified personal matter(s). Yes No

My reason(s) for this opinion are as follows:

- Is unable to communicate his/her decision about the above-specified personal matter(s). Yes No

My reason(s) for this opinion are as follows:

4. I have attached a more detailed capacity assessment or report. (Optional) Yes No

I recommend that this declaration be reviewed on (date). (Optional)

Dated at (location) in the Province of Alberta this (day) day of (month), (year).

Signature of physician/
psychologist completing Part 1

Printed name of physician/
psychologist completing Part 1

Part 2
(To be completed by a service provider.)

I, (name), am (title/position of service provider).

Before conducting an assessment of the capacity of the maker, (name of maker), I met with the maker and explained the purpose and nature of the assessment, the maker's right to refuse to be assessed and the significance and effect of a finding that the maker lacks capacity to make personal decisions.

The reason(s) I assessed the maker's capacity are as follows:

I identified that an assessment of the maker's ability to make personal decisions was warranted with respect to the following personal matters: _____

I have interviewed the maker and have determined that the maker lacks the capacity to make a decision about the following personal matter(s) of a non-financial nature (check any or all that apply):

- health care
- accommodation
- with whom to live and associate
- participation in social activities
- participation in educational activities
- participation in employment activities
- legal matters
- other: _____

The reasons for my determination are as follows:

1. The level of consciousness of the maker at the time of my determination was (check one):

- alert
- fluctuating
- non-responsive

2. It is my understanding that all temporary medical conditions that may affect the maker's capacity have been ruled out:

- YES

3. In my opinion, the maker:

- Is unable to understand the information that is needed to make a decision about the above-specified personal matter(s) and is unable to understand the options presented.

Yes No

My reason(s) for this opinion are as follows:

- Is unable to retain the information that is relevant to making a decision about the above-specified personal matter(s).
 Yes No

My reason(s) for this opinion are as follows:

- Is unable to identify and appreciate the consequences of making or not making a decision about the above-specified personal matter(s). Yes No

My reason(s) for this opinion are as follows:

- Is unable to communicate his/her decision about the above-specified personal matter(s). Yes No

My reason(s) for this opinion are as follows:

4. I have attached a more detailed capacity assessment or report.
(Optional) Yes No

I recommend that this declaration be reviewed on _____ (date).
(Optional)

Dated at _____ (location) in the Province of Alberta this
_____ (day) day of _____ (month), _____ (year).

Signature of service
provider completing Part 2

Printed name of service
provider completing Part 2

Schedule 4

Determination of Regained Capacity (Section 10.1(1))

(To be used after a personal directive is in effect when an agent of the maker notices a significant change in the maker's capacity and a service provider who provides health care services agrees that the maker has regained the capacity to make decisions about personal matters.)

Part 1

“capacity” means the ability to understand the information that is relevant to the making of a personal decision and the ability to appreciate the reasonably foreseeable consequences of the decision (s1(b) of the *Personal Directives Act*).

“significant change” means an observable and sustained improvement that does not appear to be temporary (s1(o) of the *Personal Directives Act*).

The maker, (name of maker), has a personal directive that is in effect with respect to the following personal matters:

- health care
- accommodation
- with whom to live and associate
- participation in social activities
- participation in educational activities
- participation in employment activities
- legal matters
- other: _____

I, (name of agent), am designated in the maker’s personal directive as an agent with authority to make personal decisions for the following personal matters:

- health care
- accommodation
- with whom to live and associate
- participation in social activities
- participation in educational activities
- participation in employment activities
- legal matters
- other: _____

I spoke with the maker, (name of maker), about whether he/she has regained capacity to make personal decisions. (Required)

I spoke with (name of service provider), a service provider who has recently provided a health care service to the maker, about whether the maker has regained capacity to make personal decisions. (Required)

I spoke with (name of agent(s)), other agents named in the personal directive, about whether the maker has regained capacity to make personal decisions. (Optional)

I have reviewed health or other records about the maker that are relevant to my assessment of the maker’s capacity, and have discussed the records with (name of physician or health care practitioner), the maker’s physician or other health care practitioner. (Optional)

I have considered recent statements or recommendations made by (names of health care practitioners), health care practitioners who were consulted about the maker’s capacity. (Optional)

In assessing whether the maker has regained capacity:

1. I have observed a significant change in the maker's capacity, OR

I am satisfied that (name of service provider), a service provider who provides health care services to the maker, has observed a significant change in the maker's capacity.

(One of the above is required)

2. I have considered statements or other evidence provided by (name), a service provider, agent or other person, that corroborate that there has been a change in the maker's capacity to make personal decisions. (Required)

Details respecting the statements or other evidence I considered are as follows:

3. I considered the following period of time over which the change in the maker's capacity was observed by the service provider, agents or other person: _____ to _____. (Required)

I have determined that the maker has regained the capacity to make decisions about the following personal matter(s) (check any or all that apply):

- health care
- accommodation
- with whom to live and associate
- participation in social activities
- participation in educational activities
- participation in employment activities
- legal matters
- other: _____

In addition to my opinions expressed above, I wish to add the following comments in support of my determination (Optional):

Dated at (location) in the Province of Alberta this (day) day of (month), (year).

Signature of agent

Printed name of agent

Part 2

I, (name of service provider), am a service provider who provides health care services.

I have consulted with (name of agent who completed Part 1), an agent of the maker, about whether the maker has regained capacity to make personal decisions. (Required)

I spoke with the maker, (name of maker), about whether he/she has regained capacity to make personal decisions. (Required)

I spoke with (name of service provider), a service provider who has recently provided a health care service to the maker, about whether the maker has regained capacity to make personal decisions. (Required)

I spoke with (name of agent(s)), other agents named in the personal directive, about whether the maker has regained capacity to make personal decisions. (Optional)

I have reviewed health or other records about the maker that are relevant to my assessment of the maker's capacity, and have discussed the records with (name of physician or health care practitioner), the maker's physician or other health care practitioner. (Optional)

I have considered recent statements or recommendations made by (names of health care practitioners), health care practitioners who were consulted about the maker's capacity. (Optional)

In assessing whether the maker has regained capacity:

1. I am satisfied that

(name of agent), an agent of the maker, or

(name of service provider), a service provider who provides health care services to the maker,

has directly observed a significant change in the maker's capacity.

(One of the above is required)

2. I have considered statements or other evidence provided by (name), a service provider, agent or other person, that corroborate that there has been a change in the maker's capacity to make personal decisions. (Required)

Details respecting the statements or other evidence I considered are as follows:

3. I considered the following period of time over which the change in the maker's capacity was observed by the service provider, agents or other person: _____ to _____. (Required)

I have determined that the maker has regained the capacity to make decisions about the following personal matter(s) (check any or all that apply):

- health care
- accommodation
- with whom to live and associate
- participation in social activities
- participation in educational activities
- participation in employment activities
- legal matters
- other: _____

In addition to my opinions expressed above, I wish to add the following comments in support of my determination (Optional):

Dated at _____ (location) _____ in the Province of Alberta this _____ (day) day of _____ (month) _____, _____ (year) _____.

Signature of
service provider

Printed name of
service provider

Schedule 5

Determination of Regained Capacity (Section 10.1(2))

(To be used after a personal directive is in effect when a service provider who provides or intends to provide health care services to the maker notices a significant change in the maker's capacity.)

Part 1

“capacity” means the ability to understand the information that is relevant to the making of a personal decision and the ability to appreciate the reasonably foreseeable consequences of the decision (s1(b) of the *Personal Directives Act*).

“significant change” means an observable and sustained improvement that does not appear to be temporary (s1(o) of the *Personal Directives Act*).

The maker, _____ (name of maker), has a personal directive that is in effect with respect to the following personal matters:

- health care
- accommodation
- with whom to live and associate

- participation in social activities
- participation in educational activities
- participation in employment activities
- legal matters
- other: _____

I, (name of service provider), am a service provider who provides or intends to provide health care services to the maker.

I spoke with the maker, (name of maker), about whether he/she has regained capacity to make personal decisions. (Required)

I spoke with (name of service provider), a service provider who has recently provided a health care service to the maker, about whether the maker has regained capacity to make personal decisions. (Required)

I spoke with (name of agent(s)), agent(s) named in the personal directive, about whether the maker has regained capacity to make personal decisions. (Optional)

I have reviewed health or other records about the maker that are relevant to my assessment of the maker's capacity, and have discussed the records with (name of physician or health care practitioner), the maker's physician or other health care practitioner. (Optional)

I have considered recent statements or recommendations made by (names of health care practitioners), health care practitioners who were consulted about the maker's capacity. (Optional)

In assessing whether the maker has regained capacity:

1. I am satisfied that

- (name of agent), an agent of the maker, or
- (name of service provider), a service provider who provides health care services to the maker,

has directly observed a significant change in the maker's capacity.

(One of the above is required)

2. I have considered statements or other evidence provided by (name), a service provider, agent or other person, that corroborate that there has been a change in the maker's capacity to make personal decisions. (Required)

Details respecting the statements or other evidence I considered are as follows:

3. I considered the following period of time over which the change in the maker's capacity was observed by the service provider, agents or other person: _____ to _____. (Required)

I have determined that the maker has regained the capacity to make decisions about the following personal matter(s) (check any or all that apply):

- health care
- accommodation
- with whom to live and associate
- participation in social activities
- participation in educational activities
- participation in employment activities
- legal matters
- other: _____

In addition to my opinions expressed above, I wish to add the following comments in support of my determination (Optional):

Dated at _____ (location) in the Province of Alberta this
(day) day of _____ (month), _____ (year).

Signature of
service provider

Printed name of
service provider

Part 2

(To be used if an agent is designated in the personal directive with authority to make personal decisions in the personal matter noted in Part 1 above.)

I, _____ (name of agent), am designated in the maker's personal directive as an agent with authority to make personal decisions for the following personal matters:

- health care
- accommodation
- with whom to live and associate
- participation in social activities
- participation in educational activities
- participation in employment activities
- legal matters
- other: _____

I have consulted with _____ (name of service provider who completed Part 1), a service provider who provides or intends to provide health care

services to the maker, about whether the maker has regained capacity to make personal decisions. (Required)

I spoke with the maker, (name of maker), about whether he/she has regained capacity to make personal decisions. (Required)

I spoke with (name of service provider), a service provider who has recently provided a health care service to the maker, about whether the maker has regained capacity to make personal decisions. (Required)

I spoke with (name of agent(s)), other agents named in the personal directive, about whether the maker has regained capacity to make personal decisions. (Optional)

I have reviewed health or other records about the maker that are relevant to my assessment of the maker's capacity, and have discussed the records with (name of physician or health care practitioner), the maker's physician or other health care practitioner. (Optional)

I have considered recent statements or recommendations made by (names of health care practitioners), health care practitioners who were consulted about the maker's capacity. (Optional)

In assessing whether the maker has regained capacity:

1. I am satisfied that

(name of agent), an agent of the maker, or

(name of service provider), a service provider who provides health care services to the maker,

has directly observed a significant change in the maker's capacity.

(One of the above is required)

2. I have considered statements or other evidence provided by (name), a service provider, agent or other person, that corroborate that there has been a change in the maker's capacity to make personal decisions. (Required)

Details respecting the statements or other evidence I considered are as follows:

3. I considered the following period of time over which the change in the maker's capacity was observed by the service provider, agents or other person: _____ to _____. (Required)

I have determined that the maker has regained the capacity to make decisions about the following personal matter(s) (check any or all that apply):

- health care
- accommodation
- with whom to live and associate
- participation in social activities
- participation in educational activities
- participation in employment activities
- legal matters
- other: _____

In addition to my opinions expressed above, I wish to add the following comments in support of my determination (Optional):

Dated at _____ (location) _____ in the Province of Alberta this
_____ (day) day of _____ (month) _____, _____ (year) _____.

Signature of agent

Printed name of agent

Schedule 6

Determination of Regained Capacity (Section 10.1(5))

(To be completed by 2 service providers, one of whom is a physician or psychologist, after a personal directive is in effect when the agent and a service provider who provides health care services to the maker disagree that the maker has regained the capacity to make decisions about personal matters.)

Part 1

“capacity” means the ability to understand the information that is relevant to the making of a personal decision and the ability to appreciate the reasonably foreseeable consequences of the decision (s1(b) of the *Personal Directives Act*).

“significant change” means an observable and sustained improvement that does not appear to be temporary (s1(o) of the *Personal Directives Act*).

I, _____ (name of consulted physician/psychologist) _____, am a member in good standing of the _____ (College of Physicians and Surgeons of the Province of Alberta/College of Alberta Psychologists) _____.

I was asked by (name of agent or service provider) to assess the capacity of the maker, (name of maker), because the maker's agent and a service provider who provides health care services to the maker have assessed the maker's capacity and disagree about whether the maker has regained the capacity to make decisions about personal matters.

I identified that an assessment of the maker's ability to make personal decisions was warranted with respect to the following personal matters: _____

Before conducting an assessment of the maker's capacity, I determined that it was in the best interest of the maker to conduct the assessment, and met with the maker and explained to the maker the purpose and nature of the assessment.

I have interviewed the maker and determined that he/she has regained the capacity to make decisions about the following personal matter(s) of a non-financial nature (check any or all that apply):

- health care
- accommodation
- with whom to live and associate
- participation in social activities
- participation in educational activities
- participation in employment activities
- legal matters
- other: _____

The reasons for my determination are as follows:

1. The level of consciousness of the maker at the time of my determination was (check one):

- alert
- fluctuating
- non-responsive

2. I have identified and ruled out any temporary medical conditions that may affect the maker's capacity to make personal decisions: Yes

3. In my opinion, the maker:

- Is able to understand the information that is needed to make a decision about the above-specified personal matter(s) and is unable to understand the options presented. Yes No

My reason(s) for this opinion are as follows:

- Is able to retain the information that is relevant to making a decision about the above-specified personal matter(s).
 Yes No

My reason(s) for this opinion are as follows:

- Is able to identify and appreciate the consequences of making or not making a decision about the above-specified personal matter(s). Yes No

My reason(s) for this opinion are as follows:

- Is able to communicate his/her decision about the above-specified personal matter(s). Yes No

My reason(s) for this opinion are as follows:

4. I have attached a more detailed capacity assessment or report.
(Optional) Yes No

Dated at _____ (location) _____ in the Province of Alberta this
(day) _____ day of _____ (month) _____, _____ (year) _____.

Signature of physician/
psychologist completing Part 1

Printed name of physician/
psychologist completing Part 1

Part 2

I, _____ (name and title/position of service provider) _____, am a service provider.

The reason(s) I assessed the maker's capacity are as follows:

I identified that an assessment of the maker's ability to make personal decisions was warranted with respect to the following personal matters: _____

Before conducting an assessment of the maker's capacity, I determined that it was in the best interest of the maker to conduct the assessment, and met with the maker and explained to the maker the purpose and nature of the assessment.

I have interviewed the maker and determined that he/she has regained the capacity to make decisions about the following personal matter(s) of a non-financial nature (check any or all that apply):

- health care
- accommodation

- with whom to live and associate
- participation in social activities
- participation in educational activities
- participation in employment activities
- legal matters
- other: _____

The reason(s) for my determination are as follows:

1. The level of consciousness of the maker at the time of my determination was (check one):

- alert
- fluctuating
- non-responsive

2. I have identified and ruled out any temporary medical conditions that may affect the maker's capacity to make personal decisions: Yes

3. In my opinion, the maker:

- Is able to understand the information that is needed to make a decision about the above-specified personal matter(s) and is unable to understand the options presented. Yes No

My reason(s) for this opinion are as follows:

- Is able to retain the information that is relevant to making a decision about the above-specified personal matter(s). Yes No

My reason(s) for this opinion are as follows:

- Is able to identify and appreciate the consequences of making or not making a decision about the above-specified personal matter(s). Yes No

My reason(s) for this opinion are as follows:

- Is able to communicate his/her decision about the above-specified personal matter(s). Yes No

My reason(s) for this opinion are as follows:

4. I have attached a more detailed capacity assessment or report. (Optional): Yes No

Dated at _____ (location) _____ in the Province of Alberta this _____ (day) day of _____ (month), _____ (year).

Signature of service
provider completing Part 2

Printed name of service
provider completing Part 2

Schedule 7

**Complaint to the Public Guardian
(section 24.2)**

1. Your contact information

- (a) What is your name, address, preferred telephone contact number and alternate telephone number (please state whether these numbers are for home, work, cell, pager or other), e-mail address (if any), fax number (if any)? Please write in the space below.

- (b) What is your relationship to the person who made the personal directive?

2. Information about the person who made the personal directive (if known):

What is the maker's name, address, preferred telephone contact number and alternate telephone number (please state whether these numbers are for home, work, cell, pager or other), e-mail address (if any), fax number (if any)? Please write in the space below.

3. Information about the agent (person named in the personal directive to make decisions on behalf of the maker and who is the subject of your complaint) if known:

What is the agent's name, address, preferred telephone contact number and alternate telephone number (please state whether these numbers are for home, work, cell, pager or other), e-mail address (if any), fax number (if any)? Please write in the space below.

4. Information about the personal directive

- (a) Do you have any other information about the personal directive (such as areas of agent's authority to make decisions)? If so, please write in the space below.

- (b) What is the date when the personal directive was brought into effect (if known)?
-

5. Nature of your complaint

- (a) What are the details of your complaint, including dates or time periods and any steps you may have taken to resolve the matter? Please write in the space below.
-
- (b) If you think this complaint requires the urgent attention of the Public Guardian and there is immediate concern about the safety of the maker, please explain why in the space below:
-

NOTE: *A complaint may only be made about a matter referred to in section 24.2 of the Personal Directives Act.*

6. People who can provide further information

What are the full names, titles (if any), addresses and preferred telephone contact numbers and alternate telephone numbers of any person who may be able to provide further information about your complaint or about the maker's circumstances? *[optional]*. Please write in the space below.

NOTE: *If the subject-matter of your complaint could be an offence under the Criminal Code (Canada), abuse against a client under the Protection for Persons in Care Act or an offence under another statute or regulation of Alberta, the Public Guardian will refer the complaint to a police service or appropriate government ministry in accordance with s24.6 of the Personal Directives Act.*

Dated at _____ (location) _____ in the Province of Alberta this
_____ (day) day of _____ (month) _____, _____ (year) _____.

Signature of Person Making Complaint

Your personal information is being collected under section 24.5 of the *Personal Directives Act* and will be used for the purposes of conducting an investigation or resolving a complaint under Part 4.1 of the *Personal Directives Act*, making a Court application under section 25 of the *Personal Directives Act* or as authorized or required under the *Freedom of Information and Protection of Privacy Act* or other enactment. If you have any questions about this collection, you may contact the Office of the Public Guardian at (780) 422-1868.

6 This Regulation comes into force on the coming into force of the *Personal Directives Amendment Act, 2007*.

Alberta Regulation 99/2008

Personal Directives Act

PERSONAL DIRECTIVES REGULATION

Filed: June 11, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 261/2008) on June 11, 2008 pursuant to section 34 of the Personal Directives Act.

Table of Contents

1	Definitions
2	Required information
3	Personal Directives Registry
4	Registering information in personal directives registry
5	Access, use and disclosure of registry information
6	Agreements
7	Assessments under s9(2)(a) of Act
8	Assessments under s9(2)(b) of Act
9	Assessments by agent under s10.1 of Act
10	Assessments by service provider under s10.1 of Act
11	Assessments under s10.1(5) of Act
12	Investigation by Public Guardian
13	Expiry
14	Coming into force

Definitions

1(1) In the Act and this Regulation,

- (a) “health care practitioner” means a person, regulated by a professional Act, who provides health care to any person;
- (b) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for the Act;
- (c) “physician” means a person registered as a medical practitioner under the *Medical Profession Act*;
- (d) “professional Act” means an Act that regulates a health care profession;

- (e) “psychologist” means a person who is a regulated member of the College of Alberta Psychologists under the *Health Professions Act*;
- (f) “record” means a record of information in any form;
- (g) “residential facility” means
 - (i) a nursing home as defined in the *Nursing Homes Act*,
 - (ii) a place of care, licensed under the *Social Care Facilities Licensing Act*, for persons who are aged or infirm or who require special care,
 - (iii) an approved hospital or auxiliary hospital as defined in the *Hospitals Act*, or
 - (iv) lodge accommodation as defined in the *Alberta Housing Act*.

(2) In this Regulation,

- (a) “approved service provider” means a person or organization that has entered into an agreement described in section 6(1) with the Minister;
- (b) “authorized user” means a person designated by an approved service provider under section 6(3) as an authorized user;
- (c) “personal directives registry” means the registry established under section 3;
- (d) “registry information” means information referred to in section 4(1) that is registered in the personal directives registry;
- (e) “third party” means, in respect of a maker, any of the following:
 - (i) the maker’s agent, spouse, adult interdependent partner, child, parent, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, son-in-law or daughter-in-law;
 - (ii) the director of a residential facility in which the maker resides, or a person designated by the director;
 - (iii) the maker’s lawyer;
 - (iv) the maker’s physician.

Required information

2(1) The information that a maker must provide to the Public Guardian pursuant to section 7.1 of the Act is as follows:

- (a) the maker's full legal name, telephone number, mailing address, and e-mail address, if any;
- (b) the name and contact information of a person that the maker would like the Public Guardian to contact in an emergency situation;
- (c) a copy of the maker's personal directive.

(2) If the Public Guardian consents to being designated as a maker's agent, the maker must provide the information referred to in subsection (1) any time that there is a change to the information or at the request of the Public Guardian.

Personal Directives Registry

3 The Minister shall establish and maintain a registry containing information registered in accordance with section 7.2 of the Act and this Regulation.

Registering information in personal directives registry

4(1) A maker, or a third party on behalf of a maker, may provide the following information to the Minister for registration in the personal directives registry:

- (a) the date the maker signed the personal directive;
- (b) the maker's name, telephone number, mailing address, e-mail address, date of birth and personal health number;
- (c) the name, telephone number, mailing address and e-mail address of any person designated in the personal directive as an agent of the maker.

(2) The Minister may register information referred to in subsection (1)(a) or (b) with respect to a maker if the maker confirms, in a manner satisfactory to the Minister, that

- (a) the information is correct, and
- (b) the maker consents to the information being registered in the personal directives registry and used and disclosed in accordance with this Regulation.

(3) The Minister may register information referred to in subsection (1)(c) with respect to a person designated in a personal directive as an agent of a maker if

- (a) the maker confirms, in a manner satisfactory to the Minister, that the person is designated as an agent of the maker, and
- (b) the agent confirms, in a manner satisfactory to the Minister, that
 - (i) the information is correct, and
 - (ii) the agent consents to the information being registered in the personal directives registry and used and disclosed in accordance with this Regulation.

Access, use and disclosure of registry information

5(1) Registry information may be accessed, used and disclosed as follows:

- (a) a maker may access registry information that relates to the maker and to agents of the maker;
- (b) an agent of a maker may access registry information that relates to the agent;
- (c) the Minister may
 - (i) enter, update, correct and delete registry information,
 - (ii) disclose registry information to persons who are authorized to access it under this Regulation,
 - (iii) access, use and disclose registry information in the personal directives registry for administrative purposes, including statistical analysis and reporting, research, program planning and policy development, and
 - (iv) disclose registry information to the Public Guardian for the purposes of an investigation under section 24.3 of the Act;
- (d) an approved service provider and its authorized users may access and use registry information only for the purpose of
 - (i) determining whether persons under the care of the approved service provider have made personal directives, and

- (ii) contacting agents of makers under the care of the approved service provider.

(2) If a person who is interested in the welfare of a maker requests registry information respecting the maker or an agent of the maker, the Minister may

- (a) collect the person's contact information and, with the person's consent, disclose it to the maker or agent, as the case may be, to enable the maker or agent to contact the person, or
- (b) disclose the registry information to the person if, in the opinion of the Minister, the disclosure is in the best interest of the maker.

Agreements

6(1) The Minister may enter into an agreement with any of the following persons or organization that permits that person or organization to access registry information as an approved service provider in accordance with this Regulation:

- (a) a service provider who provides health care services;
- (b) a public body under the *Freedom of Information and Protection of Privacy Act*;
- (c) a custodian under the *Health Information Act*;
- (d) an organization under the *Personal Information Protection Act*.

(2) An agreement under subsection (1) must be in the form specified by the Minister.

(3) An approved service provider may, in accordance with the terms of the agreement under subsection (1), designate a physician or an employee, contractor or agent of the approved service provider as an authorized user of the approved service provider.

(4) An approved service provider and its authorized users must comply with

- (a) the terms and conditions set out in the agreement under subsection (1), and
- (b) the policies and procedures of the approved service provider developed in accordance with the agreement.

Assessments under s9(2)(a) of Act

7(1) When a person designated in a personal directive to determine the maker's capacity, or a physician or psychologist who has been consulted by the designated person, is assessing a maker's capacity for the purpose of making a written declaration under section 9(2)(a) of the Act, the designated person, physician or psychologist must conduct the assessment in accordance with this section.

(2) Before conducting the assessment, the designated person must

- (a) identify the reasons for conducting the assessment, including whether the maker's capacity to make personal decisions has been called into question,
- (b) meet with the maker and, after considering the reasons for conducting the assessment identified under clause (a) and the maker's usual capacity to make personal decisions, identify the personal matters for which an assessment of the maker's capacity to make personal decisions is warranted, and
- (c) meet with the maker to explain the purpose and nature of the assessment, the maker's right to refuse to be assessed by the designated person and the significance and effect of a finding that the maker lacks capacity to make personal decisions.

(3) Before the consulting physician or psychologist provides an opinion to the designated person regarding the physician's or psychologist's assessment of the maker's capacity, the physician or psychologist must

- (a) identify the reasons for conducting the assessment, including whether the maker's capacity to make personal decisions has been called into question,
- (b) identify and rule out any temporary medical conditions that may affect the maker's capacity to make personal decisions,
- (c) meet with the maker and, after considering the matters identified under clauses (a) and (b), identify the personal matters for which an assessment of the maker's capacity to make personal decisions is warranted, and
- (d) meet with the maker to explain the purpose and nature of the assessment, the maker's right to refuse to be assessed by the physician or psychologist and the significance and effect of a finding that the maker lacks capacity to make personal decisions.

(4) The designated person and the consulting physician or psychologist may only conduct an assessment under this section with

respect to the personal matters that have been identified by that designated person, physician or psychologist as warranting an assessment.

(5) The designated person and the consulting physician or psychologist may only conduct an assessment under this section if the maker has not refused to be assessed and,

- (a) in the opinion of the designated person, physician or psychologist, the maker
 - (i) appears to be capable of consenting to the assessment and has consented, and
 - (ii) understands the purpose of the assessment and that the maker has a right to refuse to be assessed,

or

- (b) in the opinion of the designated person, physician or psychologist,
 - (i) the maker is not, or might not be, capable of consenting to the assessment, and
 - (ii) it is in the best interest of the maker to conduct the assessment.

(6) When conducting an assessment of the maker's capacity to make personal decisions with respect to each personal matter identified under subsection (2)(b), the designated person must meet with the maker and form an opinion as to whether the maker is able to

- (a) understand the information that is needed to make a decision and the options presented,
- (b) retain the information that is relevant to making a decision,
- (c) identify and appreciate the consequences of making or not making a decision, and
- (d) communicate the maker's decision.

(7) When consulting with the designated person about an assessment of the maker's capacity to make personal decisions with respect to each personal matter identified under subsection (3)(c), the physician or psychologist must meet with the maker and form an opinion as to whether the maker is able to

- (a) understand the information that is needed to make a decision and the options presented,

- (b) retain the information that is relevant to making a decision,
- (c) identify and appreciate the consequences of making or not making a decision, and
- (d) communicate the maker's decision.

(8) If, after conducting an assessment under this section and consulting with a physician or psychologist, the designated person determines that the maker lacks capacity to make personal decisions with respect to a personal matter, the designated person must complete a written declaration with respect to that personal matter in the form prescribed in Schedule 2 to the *Personal Directives (Ministerial) Regulation* (AR 26/98).

(9) If, after consulting with the designated person, considering the designated person's assessment and conducting an assessment under this section, the physician or psychologist determines that the maker lacks capacity to make personal decisions with respect to a personal matter, the physician or psychologist must provide the physician's or psychologist's opinion in the form prescribed in Schedule 2 to the *Personal Directives (Ministerial) Regulation* (AR 26/98).

(10) The designated person or the consulting physician or psychologist may recommend a date for a review of the declaration if, in the opinion of the person, physician or psychologist, a periodic review of the maker's capacity to make personal decisions is appropriate.

Assessments under s9(2)(b) of Act

8(1) When a service provider is assessing a maker's capacity for the purpose of making a written declaration under section 9(2)(b) of the Act, the service provider must conduct the assessment in accordance with this section.

- (2)** Before conducting the assessment, the service provider must
- (a) identify the reasons for conducting the assessment, including whether the maker's capacity to make personal decisions has been called into question,
 - (b) identify and rule out any temporary medical conditions that may affect the maker's capacity to make personal decisions,
 - (c) meet with the maker and, after considering the matters identified under clauses (a) and (b), identify the personal matters for which an assessment of the maker's capacity to make personal decisions is warranted, and

- (d) meet with the maker to explain the purpose and nature of the assessment, the maker's right to refuse to be assessed by the service provider and the significance and effect of a finding that the maker lacks capacity to make personal decisions.

(3) A service provider may only conduct an assessment under this section of the maker's capacity to make personal decisions with respect to the personal matters that have been identified by the service providers as warranting assessment.

(4) A service provider may only conduct an assessment under this section if the maker has not refused to be assessed and,

- (a) in the opinion of the service provider, the maker
 - (i) appears to be capable of consenting to the assessment and has consented, and
 - (ii) understands the purpose of the assessment and that the maker has a right to refuse to be assessed,

or

- (b) in the opinion of the service provider,
 - (i) the maker is not, or might not be, capable of consenting to the assessment, and
 - (ii) it is in the best interest of the maker to conduct the assessment.

(5) When conducting an assessment of the maker's capacity to make personal decisions with respect to each personal matter identified under subsection (2)(c), the service provider must meet with the maker and form an opinion as to whether the maker is able to

- (a) understand the information that is needed to make a decision and the options presented,
- (b) retain the information that is relevant to making a decision,
- (c) identify and appreciate the consequences of making or not making a decision, and
- (d) communicate the maker's decision.

(6) If, after conducting an assessment under this section, a service provider determines that the maker lacks capacity to make personal decisions with respect to a personal matter, the service provider

- (a) must complete a declaration with respect to that personal matter in the form prescribed in Schedule 3 to the *Personal Directives (Ministerial) Regulation* (AR 26/98), and
- (b) may recommend a date for a review of the declaration if, in the opinion of the service provider, a periodic review of the maker's capacity to make personal decisions is appropriate.

Assessments by agent under s10.1 of Act

9(1) When an agent is assessing a maker's capacity pursuant to section 10.1(1) of the Act, or consulting with a service provider who is assessing the maker's capacity pursuant to section 10.1(2) of the Act, the agent

- (a) must speak with the maker and with a service provider who has recently provided a health care service to the maker about whether the maker has regained capacity to make personal decisions,
- (b) may speak with any other agents named in the personal directive or with any other person who may have relevant information about whether the maker has regained capacity to make personal decisions,
- (c) may review any health or other records concerning the maker that are relevant to the assessment of the maker's capacity and may discuss the records with the maker's physician or other health care practitioners, and
- (d) may consider recent statements or recommendations made by any health care practitioners who have been consulted about the maker's capacity.

(2) When an agent is assessing whether the maker has regained capacity, the agent must

- (a) observe, or be satisfied that a service provider who provides health care services to a maker has observed, a significant change in the maker's capacity,
- (b) consider any statements or other evidence that may be provided by a service provider, agent or other person that corroborate that there has been a change in the maker's capacity to make personal decisions, and
- (c) consider the period of time over which the change has been observed by service providers, agents or other persons.

Assessments by service provider under s10.1 of Act

10(1) When a service provider is assessing a maker's capacity pursuant to section 10.1(2) of the Act, or consulting with an agent who is assessing the maker's capacity pursuant to section 10.1(1) of the Act, the service provider

- (a) must speak with the maker and with a service provider who has recently provided a health care service to the maker about whether the maker has regained capacity to make personal decisions,
- (b) may speak with any agents named in the personal directive or with any other person who may have relevant information about whether the maker has regained capacity to make personal decisions,
- (c) may review any health or other records concerning the maker that are relevant to the assessment of the maker's capacity and may discuss the records with the maker's physician or other health care practitioners, and
- (d) may consider recent statements or recommendations made by any health care practitioners who have been consulted about the maker's capacity.

(2) When a service provider is assessing whether the maker has regained capacity, the service provider must

- (a) be satisfied that either an agent of the maker or a service provider who provides health care services to the maker has directly observed a significant change in the maker's capacity,
- (b) consider any statements or other evidence that may be provided by other service providers, agents or other persons that corroborate that there has been a change in the maker's capacity to make personal decisions, and
- (c) consider the period of time over which the change has been observed by other service providers, agents or other persons.

Assessments under s10.1(5) of Act

11(1) When a service provider is assessing a maker's capacity for the purpose of section 10.1(5) of the Act, the service provider must conduct the assessment in accordance with this section.

(2) Before conducting the assessment, the service provider must

- (a) determine that section 10.1(4) of the Act applies,

- (b) determine that it is in the best interest of the maker to conduct the assessment,
- (c) independently identify and rule out any temporary medical conditions that may affect the maker's capacity to make personal decisions,
- (d) meet with the maker and identify the personal matters for which an assessment of the maker's capacity to make personal decisions is warranted, and
- (e) meet with the maker to explain to the maker the purpose and nature of the assessment.

(3) When conducting an assessment of the maker's capacity to make personal decisions, the service provider must meet with the maker and form an opinion as to whether the maker is able to

- (a) understand the information that is needed to make a decision and the options presented,
- (b) retain the information that is relevant to making a decision,
- (c) identify and appreciate the consequences of making or not making a decision, and
- (d) communicate the maker's decision.

(4) If, after conducting an assessment under this section, the service provider determines that the maker has regained the capacity to make personal decisions with respect to any of the personal matters in respect of which the personal directive is in effect, the service provider must complete a Determination of Regained Capacity in the form prescribed in Schedule 6 to the *Personal Directives (Ministerial) Regulation* (AR 26/98).

Investigation by Public Guardian

12 If, after conducting an investigation under Part 4.1 of the Act, the Public Guardian is not satisfied that there are reasonable grounds to believe that the grounds for complaint set out in section 24.2(1) of the Act apply to the agent who is the subject of the complaint, the Public Guardian may notify the complainant and the persons notified under section 24.3(2) of the Act that no further action will be taken by the Public Guardian.

Expiry

13 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 31, 2013.

Coming into force

14 This Regulation comes into force on the coming into force of section 1 of the *Personal Directives Amendment Act, 2007*, SA 2007 c37.

Alberta Regulation 100/2008

Government Organization Act

**DESIGNATION AND TRANSFER OF RESPONSIBILITY
AMENDMENT REGULATION**

Filed: June 11, 2008

For information only: Made by the Lieutenant Governor in Council (O.C. 268/2008) on June 11, 2008 pursuant to section 16 of the Government Organization Act.

1 The *Designation and Transfer of Responsibility Regulation (AR 38/2008)* is amended by this Regulation.

2 Section 4 is amended by adding the following after subsection (1):

(1.1) The Minister of Agriculture and Rural Development is designated as the Minister responsible for the *Animal Health Act*.

3 Section 5 is amended by adding the following after subsection (1):

(1.1) The Minister of Children and Youth Services is designated as the Minister responsible for the *Child Care Licensing Act*.

4 Section 14(2) is amended by adding “, the Minister of Transportation” after “Minister of Infrastructure”.

5 Section 18 is amended by adding the following after subsection (1):

(1.1) The Minister of Seniors and Community Supports is designated as the Minister responsible for the *Service Dogs Act*.

6 Section 23 is amended

(a) by repealing subsection (1)(c) and substituting the following:

(c) Schedule 14 to the *Government Organization Act*;

(b) by adding the following after subsection (1):

(1.1) The responsibility for sections 6 to 10 and 13 of Schedule 11 to the *Government Organization Act* is transferred to the common responsibility of the Minister of Transportation and the Minister of Infrastructure.