



Province of Alberta  
Order in Council

O.C. 239/2019

NOV 26 2019

# ORDER IN COUNCIL

Approved and ordered:

Lieutenant Governor  
or  
Administrator

The Lieutenant Governor in Council makes the Fair Registration Practices Regulation set out in the attached Appendix.

  
CHAIR

FILED UNDER  
THE REGULATIONS ACT

as ALBERTA REGULATION 152/2019

ON November 26 2019

ACTING DEPUTY REGISTRAR  
OF REGULATIONS

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For Information only

Recommended by: Minister of Labour and Immigration

Authority: Fair Registration Practices Act  
(section 23)

## APPENDIX

### Fair Registration Practices Act

#### FAIR REGISTRATION PRACTICES REGULATION

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##### **Definitions**

**1** In this Regulation, "Act" means the *Fair Registration Practices Act*.

##### **Notice of audit, audit scope and audit standards**

**2(1)** The Minister shall include the following information in a notice given to a regulatory body under section 10(2) of the Act:

- (a) the date by which the audit is to begin;
- (b) the date by which the audit is to be completed;
- (c) the reason for the audit;
- (d) the scope of the audit and the audit standards;
- (e) the process by which the auditor will be selected;
- (f) notice of the requirement under section 5 for the regulatory body to pay the auditor's fees and expenses.

**(2)** The notice must be given to the regulatory body at least 30 days before the audit is to begin.

**(3)** For the purposes of subsection (1)(d), the Minister shall establish the scope of an audit in respect of a regulatory body, taking into consideration the following audit objectives:

- (a) to determine whether the registration practices carried out by the regulatory body are transparent, objective, impartial and procedurally fair;

- (b) to determine whether the regulatory body is complying with any or all of the requirements set out in sections 4 to 9 of the Fair Registration Practices Code;
- (c) to identify any areas for improvement with respect to the regulatory body's registration practices and its fulfilment of the requirements set out in sections 4 to 9 of the Fair Registration Practices Code.

**(4)** For the purposes of subsection (1)(d), the Minister shall establish audit standards that include the following auditor responsibilities:

- (a) to assess the extent to which the regulatory body's registration practices and activities comply with the Fair Registration Practices Code;
- (b) to assess the effectiveness of the regulatory body's registration practices and activities in complying with the Fair Registration Practices Code;
- (c) to identify measures that are recommended for the regulatory body to take to remedy any non-compliance with the Fair Registration Practices Code or to increase the effectiveness of the regulatory body's registration practices or activities in complying with the Fair Registration Practices Code.

#### **Auditor qualifications**

**3(1)** A person is authorized to conduct an audit referred to in section 10(2) of the Act if

- (a) the person is independent of the Government and the regulatory body being audited, and
- (b) the person has the capability and resources necessary to properly conduct the audit.

**(2)** For the purposes of subsection (1)(a), a person is independent of the Government and the regulatory body being audited if the person has no direct or indirect relationship with the Government or the regulatory body that could reasonably be expected to interfere with the exercise of the person's professional judgment.

**(3)** For the purposes of subsection (1)(b), the following criteria must be considered in determining whether a person has the capability and resources necessary to properly conduct an audit in respect of a regulatory body:

- (a) the person's experience in conducting reviews, assessments and audits of the policies, practices and procedures of regulatory bodies or other organizations;
- (b) the person's experience in applying the principles of transparency, objectivity, impartiality and procedural fairness within a regulatory environment;
- (c) the person's knowledge of the registration practices of regulatory bodies.

**Auditor's duties**

**4(1)** An auditor who conducts an audit referred to in section 10(2) of the Act shall

- (a) conduct the audit in accordance with the requirements set out in the notice referred to in section 2(1),
- (b) without delay on completion of the audit
  - (i) prepare a draft audit report, and
  - (ii) provide a copy of the draft audit report to the regulatory body together with a notice that the regulatory body may, within 30 days of receiving the draft audit report, make written submissions to the auditor,

and

- (c) without delay after the expiry of the 30-day period referred to in clause (b)(ii), prepare a final report and provide it to the Minister and the regulatory body.

**(2)** The auditor shall consider any written submissions made by the regulatory body in accordance with subsection (1)(b)(ii) in preparing the final audit report.

**Auditor’s fees and expenses**

**5** A regulatory body in respect of which an audit is conducted under section 10(2) of the Act shall pay the auditor’s fees and expenses relating to the audit.

**Review**

**6** The Minister shall, within 5 years after the date this Regulation comes into force and every 5 years thereafter, review the provisions and operation of this Regulation.

**Coming into force**

**7** This Regulation comes into force on the coming into force of the *Fair Registration Practices Act*.