



Province of Alberta

GOVERNMENT ORGANIZATION ACT

Revised Statutes of Alberta 2000
Chapter G-10

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Office Consolidation

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Note

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

Regulations

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GOVERNMENT ORGANIZATION ACT

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

Definitions

1 In this Act,

- (a) “department” means a department established under section 2;
- (b) “Minister” means a member of the Executive Council of Alberta.

1994 cG-8.5 s1

Departments and Staff**Establishment of departments**

2(1) The Lieutenant Governor in Council may

- (a) establish departments of the Government that are to be administered by Ministers;
- (b) give names to the departments;
- (c) designate the Ministers who are to administer the departments.

(2) If the name of a department is changed, a reference to that department in any Act or regulation is to be read as a reference to the department by its new name.

(3) If a department is reorganized or disestablished, the Lieutenant Governor in Council may declare that any reference to that department in any Act or regulation is to be read as a reference to some other department or part of the public service.

1994 cG-8.5 s2

Ministerial seals

3(1) A Minister may have a seal of office in a form the Lieutenant Governor in Council authorizes.

(2) The seal may be reproduced by engraving, lithography, printing or any other method of reproduction and when so reproduced has the same force and effect as if it had been manually affixed.

1994 cG-8.5 s3

Deputy ministers

4(1) In accordance with the *Public Service Act*, there may be appointed a deputy minister for each Minister.

(2) The Lieutenant Governor in Council may authorize more than one deputy for a Minister if the duties of that Minister make it advisable and may designate the name of office of each deputy so authorized.

(3) For the purposes of the *Public Service Act*, each deputy minister is a chief officer of a department.

1994 cG-8.5 s4

Staff

5 In accordance with the *Public Service Act*, there may be appointed any employees required to enable each Minister to carry out matters under the Minister's administration.

1994 cG-8.5 s5

Services of experts

6(1) A Minister may engage the services of experts or persons having special, technical or other knowledge to advise the Minister or to inquire into and report to the Minister on matters under the Minister's administration.

(2) A person whose services are engaged under this section may be paid the remuneration and expenses determined by the Minister.

1994 cG-8.5 s6

Advisory boards, committees or councils

7(1) A Minister may establish any boards, committees or councils that the Minister considers necessary or desirable to act in an advisory or administrative capacity in connection with any matters under the Minister's administration.

(2) The Minister may, with respect to any board, committee or council established under this section,

- (a) appoint or provide for the manner of the appointment of its members,
- (b) prescribe the term of office of any member,
- (c) designate a chair, vice-chair and secretary, and
- (d) authorize, fix or provide for the payment of remuneration and expenses to its members.

(2.1) Remuneration and expenses referred to in subsection (2) must be determined

- (a) in accordance with any applicable regulations under the Alberta Public Agencies Governance Act, or
- (b) by the Minister if no regulations under the Alberta Public Agencies Governance Act are applicable.

(3) A board, committee or council established pursuant to this section may, with the approval of the Minister, make rules governing the calling of its meetings, the procedure to be used at its meetings, the conduct of business at its meetings, reporting and any other matters as required.

(4) A board, committee or council established pursuant to this section may exercise the powers and shall perform the duties and functions that the Minister approves or confers or imposes on it.

(5) The Minister may require any person appointed to a board, committee or council established under this section, before beginning the person's duties, to take an oath that the person will not, except as authorized by the Minister, divulge any information received by the person in the course of the person's duties as a member of the board, committee or council.

RSA 2000 cG-10 s7;2009 cA-31.5 s46

Ministerial Powers

Establishing programs

8(1) A Minister may establish or operate any programs and services the Minister considers desirable in order to carry out matters under the Minister's administration.

(2) A Minister may institute inquiries into and collect information and statistics relating to any matter under the Minister's administration.

1994 cG-8.5 s8

Delegation of powers and duties

9(1) A Minister may in writing delegate to any person any power, duty or function conferred or imposed on the Minister by this Act or any other enactment.

(2) Subsection (1) does not apply to any power or duty of a Minister to make regulations as defined in the *Regulations Act*.

RSA 2000 cG-10 s9;2014 c8 s3

Information sharing to combat terrorism

9.1(1) In this section, "terrorist activity" means terrorist activity within the meaning of the *Criminal Code* (Canada).

(2) A Minister may share with

- (a) the government of a foreign jurisdiction, the Government of Canada or the government of any province or territory, or a department, agency, board or commission of such a government,
- (b) another department of the Government of Alberta, or an agency, board or commission of the Government of Alberta, or
- (c) a police service in or outside Canada

information that is relevant for the purpose of combating terrorist activity.

(3) A government, department, agency, board, commission or police service that receives information referred to in subsection (2) may use the information only for the purposes for which it was provided and may not release any of that information without the consent of the appropriate Minister.

2002 c32 s8

Agreements

10(1) Subject to section 11, a Minister may enter into agreements on or in connection with any matter under the Minister's administration.

(2) Without limiting subsection (1), agreements may be made under it with

- (a) the Government of Canada or the government of a province or territory or any agency of the Government of Canada or the government of a province or territory, or
- (b) with the government of a foreign country or any state or agency of it.

(3) The Crown, Ministers of the Crown and agents of the Crown have and have always had the capacity to enter into agreements with each other or themselves in the same or different capacities.

RSA 2000 cG-10 s10;2007 cA-26.5 s22

Intergovernmental agreements

11(1) In this section,

- (a) "intergovernmental agreement" means an agreement or arrangement under which
 - (i) one of the parties is the Government of Alberta or a Minister or Provincial agency, and
 - (ii) the other party or one of the other parties is the Government of Canada or a minister, agency or official of it, the government of another province or territory of Canada or any minister, agency or official of it, or the government of a foreign country or any state, minister, agency or official of it;
- (a.1) "Provincial agency" means Provincial agency as defined in the *Financial Administration Act*;
- (b) "responsible Minister" means the Minister determined under section 16 as the Minister responsible for this section.

(2) Notwithstanding any other Act, an intergovernmental agreement to which this section applies is not binding on the Government of Alberta or any Minister, Provincial agency or official of the Government of Alberta unless

- (a) it is signed on behalf of the Government of Alberta by the responsible Minister, if the agreement is designated by the

regulations as an agreement that is to be signed on behalf of the Government by the responsible Minister only,

- (b) it is signed on behalf of the Government of Alberta by the responsible Minister in addition to any other Minister authorized by law to sign it, if the agreement is designated by the regulations as an agreement that is to be signed by the responsible Minister in addition to another Minister authorized by law to sign it, or
- (c) it is approved by the responsible Minister, in any other case.

(3) The responsible Minister may make regulations

- (a) designating the classes of intergovernmental agreements that are to be signed on behalf of the Government of Alberta by the responsible Minister only;
- (b) designating the classes of intergovernmental agreements that are to be signed on behalf of the Government of Alberta by the responsible Minister in addition to any other Minister authorized by law to sign them;
- (c) designating the classes of intergovernmental agreements to which this section does not apply;
- (d) providing that specific entities are not Provincial agencies for the purpose of this section.

(4) When under any enactment a Minister is authorized to sign an intergovernmental agreement and the agreement is of a class designated by the regulations under subsection (3)(a) as one that is to be signed on behalf of the Government of Alberta by the responsible Minister only, the responsible Minister shall sign the agreement in place of that other Minister and with the same effect as if it were signed by that other Minister.

(5) No intergovernmental agreement shall be entered into or signed on behalf of the Government of Alberta or by or on behalf of a Minister or Provincial agency otherwise than in accordance with this section.

(6) When under any Act an intergovernmental agreement requires the approval or authorization of the Lieutenant Governor in Council, the approval or authorization must also be given in accordance with this section, notwithstanding anything in that Act.

RSA 2000 cG-10 s11;2005 c28 s6

Fees

12(1) A Minister may charge fees in connection with the provision of any service, material or program, the performance of any function or the doing of any thing

- (a) by the Minister or the department administered by the Minister, or
- (b) by any board, commission, council or other agency for which the Minister is responsible.

(2) The authority to charge a fee under subsection (1) is in addition to and not in substitution for any other authority to charge a fee.

1994 cG-8.5 s12

Grants

13(1) A Minister may make grants if

- (a) the Minister is authorized to do so by regulations under this section, and
- (b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(2) The Lieutenant Governor in Council may make regulations applicable to a Minister

- (a) authorizing the Minister to make grants;
- (b) respecting the purposes for which grants may be made;
- (c) governing applications for grants;
- (d) respecting the persons or organizations or classes of persons or organizations eligible for grants;
- (e) respecting the conditions required to be met by any applicant for a grant to render that person or organization eligible for the grant;
- (f) empowering the Minister in particular circumstances to waive eligibility criteria prescribed under clause (d) or (e);
- (g) respecting the conditions on which a grant is made and requiring the repayment of the grant to the Government if the conditions are not met;
- (h) providing for the payment of a grant in a lump sum or by instalments and prescribing the time or times when the lump sum or the instalments may be paid;

- (i) authorizing the Minister to make deductions from a grant and prescribing the circumstances under which the deductions may be made;
 - (j) limiting the amount of a grant or class of grant;
 - (k) authorizing the Minister to delegate in writing to any employee of the Government any power conferred or duty imposed on the Minister by this section or the regulations;
 - (l) requiring a person or organization receiving a grant to account for the way in which the grant is spent in whole or in part;
 - (m) authorizing the Minister to enter into an agreement with respect to any matter relating to the payment of a grant.
- (3) A regulation made under subsection (2) may be specific or general in its application.
- (4) Notwithstanding subsection (2)(g), the Minister may impose further conditions not prescribed in the regulations on the making of a particular grant.

1994 cG-8.5 s13

Acquisition and disposal of property

- 14(1)** A Minister may, for purposes approved by the Lieutenant Governor in Council, acquire any estate or interest in land and any personal property in conjunction with that land.
- (2) Land acquired under this section is under the administration of the Minister responsible for the *Public Lands Act* unless the Lieutenant Governor in Council, by order, directs that it is under the administration of the Minister who acquired the land or some other Minister.
- (3) A Minister may sell, lease or otherwise dispose of any estate or interest in land under the Minister's administration and any personal property acquired by the Minister under this section.

1994 cG-8.5 s14

Acting Ministers**Acting Ministers**

- 15(1)** The Lieutenant Governor in Council may designate a Minister, by the Minister's name of office or personal name, as acting Minister who may exercise the powers, duties and functions of another Minister.

(2) A power, duty or function conferred or imposed by an Act or regulation to be exercised or performed by the holder of a portfolio that no longer exists may be exercised or performed

- (a) by the Minister designated by the Lieutenant Governor in Council under subsection (1) as acting Minister for the holder of that portfolio, or
- (b) by a deputy or acting deputy of the former holder of that portfolio or, if there is no such person, by a deputy or acting deputy of the acting Minister.

(3) Subsection (2)(b) does not authorize a deputy or acting deputy to exercise any authority conferred on a Minister to make a regulation as defined in the *Regulations Act*.

1994 cG-8.5 s15

Transfer of Responsibilities

Responsibility for Acts

16(1) The Lieutenant Governor in Council may, by regulation,

- (a) designate a Minister by the Minister's personal name or name of office as the Minister responsible for an Act;
- (b) transfer the responsibility for an Act to another Minister in the Minister's personal name or name of office;
- (c) transfer a power, duty or function of a Minister contained in an Act or regulation to another Minister in the Minister's personal name or name of office.

(2) If a Minister is transferred the responsibility for an Act under subsection (1)(b), then notwithstanding anything in that Act

- (a) a reference in that Act or a regulation under it to a Minister is to be read as a reference to the Minister to whom the responsibility is transferred,
- (b) a reference in that Act or a regulation under it to the deputy of a Minister is to be read as a reference to the deputy of the Minister to whom the responsibility is transferred, and
- (c) a reference in that Act or a regulation under it to the department of a Minister is to be read as a reference to the department of the Minister to whom the responsibility is transferred.

(3) If, under subsection (1)(c), a Minister is transferred the responsibility for the exercise or discharge of a power, duty or

function contained in a provision of an Act or regulation, then notwithstanding anything in that provision

- (a) a reference in that provision to a Minister is to be read as a reference to the Minister to whom the responsibility is transferred,
- (b) a reference in that provision to the deputy of a Minister is to be read as a reference to the deputy of the Minister to whom the responsibility is transferred, and
- (c) a reference in that provision to the department of a Minister is to be read as a reference to the department of the Minister to whom the responsibility is transferred.

(4) Two or more Ministers may be given common responsibility for the same Act, and in that case any reference in the Act or a regulation under that Act to a Minister, the Minister's deputy or the Minister's department is to be read as a reference to any of those Ministers and their deputies and departments.

(5) Two or more Ministers may be given common responsibility for the exercise or discharge of the same provision of an Act or regulation, and in that case any reference in the provision to a Minister, the Minister's deputy or the Minister's department is to be read as a reference to any of those Ministers and their deputies and departments.

(6) If an Act identifies a Minister as the member of the Executive Council charged with the administration of the Act, that reference is to be read as a reference to the Minister designated under subsection (1) as the Minister responsible for that Act.

1994 cG-8.5 s16

Transfer of programs, public service, etc.

17 The Lieutenant Governor in Council may, by regulation, transfer the responsibility for any program, service, function or part of the public service from one Minister to another Minister in the Minister's personal name or name of office.

1994 cG-8.5 s17

Transfer of appropriation

18(1) In this section, "appropriation" means an appropriation as defined in the *Financial Administration Act*.

(2) If a responsibility under section 16 or 17 is transferred to a Minister, the Lieutenant Governor in Council may, by regulation, order that all or part of an appropriation to be expended for the

purpose of the transferred responsibility be expended by or through that Minister or be transferred to that Minister for administration.

1994 cG-8.5 s18

Specific Powers, Duties and Functions

Schedule of specific powers, etc.

19 Each Schedule to this Act sets out specific powers, duties or functions to be exercised or performed by the Minister determined under section 16 as the Minister responsible for that Schedule.

1994 cG-8.5 s19

Schedules

In the Schedules, “Minister” means the Minister determined under section 16 of the Act as the Minister responsible for the Schedule.

Schedule 1

Advanced Education

Definition

1 In this Schedule, “provincially administered institution” means an advanced education institution owned by the Government and operated as part of the department that the Minister administers.

Regulations

2 The Minister may make regulations

- (a) for the establishment, operation, administration and management of provincially administered institutions;
- (b) respecting fees and other charges to be charged for any matter or service provided by or for a provincially administered institution;
- (c) concerning programs offered or to be offered by a provincially administered institution;
- (d) providing for the co-ordination of programs and services between 2 or more institutions offering advanced education programs or services;
- (e) respecting the establishment of advisory or administrative committees at provincially administered institutions.

Donations and loans

3(1) The Minister may, where the Minister is authorized to do so by a regulation made under subsection (3), acquire real or personal property by gift or bequest.

(2) The Minister may donate or lend property acquired under subsection (1) to a person or organization.

(3) The Lieutenant Governor in Council may make regulations

- (a) respecting the acquisition of property under subsection (1), and

(b) providing for any matter in relation to the donation or loan of property under subsection (2) that may be provided for in relation to grants under section 13 of the Act.

(4) Section 13(3) and (4) of the Act apply to donations and loans as they apply to grants.

1994 cG-8.5 Sched. 1

Schedule 2

Agriculture

Exclusive responsibility

1 That part of the administration of the Government relating to agriculture is under the responsibility of the Minister, unless administration is specifically assigned under this or another Act to some other person.

1994 cG-8.5 Sched. 2

Schedule 3**Career Development****Immigration program**

1(1) The Minister is responsible for programs and services of the Government of Alberta relating to immigration to Alberta.

(2) The Lieutenant Governor in Council may make regulations respecting programs and services relating to immigration to Alberta.

Donations and loans

2(1) The Minister may, where the Minister is authorized to do so by a regulation made under subsection (3), acquire personal property.

(2) The Minister may donate or lend property acquired under subsection (1) to a person or organization.

(3) The Lieutenant Governor in Council may make regulations

- (a) respecting the acquisition of property under subsection (1), and
- (b) providing for any matter in relation to the donation or loan of property under subsection (2) that may be provided for in relation to grants under section 13 of the Act.

(4) Section 13(3) and (4) of the Act apply to donations and loans as they apply to grants.

1994 cG-8.5 Sched. 3;1997 c18 s10

Schedule 3.1

Community Development Matters

Appointed conservation officers

1 The Minister may appoint as conservation officers employees of the Crown who are subject to the *Public Service Act*.

Conservation officers by virtue of appointments to other offices

2 The following individuals are conservation officers by virtue of their appointments to the offices respectively referred to, namely individuals appointed as

- (a) members of the Royal Canadian Mounted Police,
- (b) members of another police service specified in writing by the Minister,
- (c) fishery officers, under the *Fisheries Act* (Canada),
- (d) wildlife officers, under section 1.1(1) of the *Wildlife Act*,
- (e) forest officers, under section 2 of the *Forests Act*, and
- (f) other peace officers specified in writing by the Minister.

Powers, duties, jurisdiction and functions of conservation officers

3(1) Conservation officers have the powers, duties and functions assigned to them by law.

(2) The Minister may in writing restrict or negate the jurisdiction relative to which a class of conservation officer referred to in section 2 is entitled to act under any law.

(3) A conservation officer, in the exercise of the powers and the execution of the duties of a conservation officer, is a person employed for the preservation and maintenance of the public peace.

(4) Appointments of conservation officers that were made under section 7(1) of Schedule 5 before the commencement of this section and that were still in force immediately before that time remain valid for the duration of their terms and are deemed to be appointments made under section 1.

2002 c30 s10

Schedule 4**Education****Exclusive responsibility**

1 That part of the administration of the Government relating to education is under the responsibility of the Minister, unless responsibility is specifically assigned under this or another Act to some other person.

1994 cG-8.5 Sched. 4

Schedule 5**Environmental Matters****Definitions**

1 In this Schedule,

- (a) “environment” means environment as defined in the *Environmental Protection and Enhancement Act*;
- (b) “government agency” means
 - (i) a corporation that is an agent of the Government, or
 - (ii) a corporation, commission, board or other body whose members are appointed by an Act of the Legislature, the Lieutenant Governor in Council or a Minister of the Government, or any combination of them;
- (c) “natural resources” means land, plant life, animal life, water and air.

Acquisition of land

2(1) The Minister may purchase or expropriate any estate or interest in land and may purchase any personal property in conjunction with the land

- (a) for the purpose of carrying out any agreement entered into between the Minister and the government of another jurisdiction or agency of such a government, a government agency or any other person,
- (b) for the purpose of any program or development project relating to the protection, enhancement and wise use of the environment, or
- (c) for any other purpose related to a matter under the administration of the Minister.

(2) Land acquired under this section is under the administration of the Minister responsible for the *Public Lands Act* unless, before or after the acquisition, the Lieutenant Governor in Council, by order, directs that it is under the administration of the Minister responsible for this Schedule or some other Minister.

Declaration of state of emergency

3(1) On the report of the Minister

- (a) that circumstances exist whereby the environment in any part of Alberta has been, is being or is likely to be destroyed, damaged or polluted, and
- (b) that urgent co-ordinated action is required for the purpose of preventing, alleviating, controlling or stopping the destruction, damage or pollution,

the Lieutenant Governor in Council may by order declare that a state of emergency exists with respect to those circumstances for the purposes of this section.

(2) When the Lieutenant Governor in Council has made an order under subsection (1), the Minister or any employee of the Minister's Department authorized by the Minister for the purpose may

- (a) require any officer or employee of the Government or a government agency to provide the officer's or employee's services,
- (b) require any municipal corporation or any other corporation or organization to provide its services, or
- (c) require any other person not exempted by the regulations to provide the person's services,

for the purposes of preventing, alleviating, controlling or stopping the destruction, damage or pollution referred to in the order.

(3) A person who refuses or neglects to comply with any requirement directed to the person under subsection (2) is guilty of an offence and liable to a fine of not less than \$25 and not more than \$300 and in default of payment to imprisonment for a term of not more than 90 days or to both fine and imprisonment.

(4) The Lieutenant Governor in Council may make regulations

- (a) exempting any persons or classes of persons from the operation of subsection (2)(c);
- (b) prescribing rates of pay or remuneration to be paid to persons who provide services pursuant to subsection (2);
- (c) prescribing the rates of remuneration to be paid to persons who furnish or permit the use of equipment pursuant to subsection (2).

(5) This section does not apply to the prevention, control and suppression of forest and prairie fires.

Restricted Development Areas

4(1) The Lieutenant Governor in Council may by regulation establish any part or parts of Alberta as a “Restricted Development Area” or a “Water Conservation Area” (in this section called “the Area”) on the report of the Minister that the establishment of the Area is necessary in the public interest to co-ordinate and regulate the development and use of the Area for the purpose of

- (a) preventing, alleviating, controlling or stopping the destruction, damage or pollution of any natural resources in or adjacent to the Area,
- (b) protecting a watershed in or adjacent to the Area,
- (c) retaining the environment of the Area in a natural state or in a state suitable for recreation or the propagation of plant or animal life,
- (d) preventing the deterioration of the quality of the environment of the Area by reason of the development or use of land in the Area incompatible with the preservation of that environment,
- (e) confining to land within the Area
 - (i) any operation, activity, use, development or occupation of land
 - (A) that adversely affects or is likely to adversely affect the quality or quantity of any natural resource, or
 - (B) that destroys, disturbs, pollutes, alters or makes use of a natural resource, or is likely to do so,
 - or
 - (ii) any emission, discharge, noise or other environmental pollutant, or its source, whether from any commercial, industrial or other operation, activity, use, development or occupation of land, or
- (f) separating
 - (i) any operation, activity, use, development or occupation of land
 - (A) that adversely affects or is likely to adversely affect the quality or quantity of any natural resource, or

(B) that destroys, disturbs, pollutes, alters or makes use of a natural resource, or is likely to do so,

or

(ii) any emission, discharge, noise or other environmental pollutant, or its source, whether from any commercial, industrial or other operation, activity, use, development or occupation of lands

from any operation, activity, use, development or occupation of adjacent land.

(2) Notwithstanding any other Act, when the Lieutenant Governor in Council establishes a Restricted Development Area or Water Conservation Area, the Lieutenant Governor in Council may, in the same regulation or in any subsequent regulation, provide for

- (a) the control, restriction or prohibition of any kind of use, development or occupation of land in the Area prescribed in the regulations;
- (b) authorizing the Minister to consent to or approve any particular kind of use, development or occupation of land in the Area or to exempt any particular kind of use, development or occupation from the operation of any provision in the regulations made pursuant to clause (a);
- (c) the control, restriction or prohibition of the exercise of any power specified in the regulations by any specified Minister of the Crown, government official or government agency;
- (d) the removal of any buildings, improvements, materials or animals from the Area, and the payment of compensation by the Crown for any loss resulting from it;
- (e) the control, restriction or prohibition of the dumping, deposit or emission within the Area of any substance specified in the regulations;
- (f) the authorizing of the acquisition by purchase or expropriation by the Minister of any estate or interest in land in the Area;
- (g) the authorizing of the purchase by the Minister on behalf of the Crown in right of Alberta of all of the shares and debentures of any corporation that

- (i) on the date of the purchase is the registered owner of an estate or interest in land that is wholly or partly within the Area,
 - (ii) has been the registered owner of the estate or interest from the date the Area was established,
 - (iii) owns the estate or interest in land free and clear of any encumbrances, other than encumbrances to which the Minister agrees,
 - (iv) has no assets other than the estate or interest in land, and
 - (v) has no outstanding liabilities other than debentures,
- and the authorizing of the Minister to do all things that are necessary to transfer the estate or interest in the land to the Crown in right of Alberta;
- (h) making any or all of the provisions of the *Surface Rights Act* inapplicable to any land of the Crown in the Area;
 - (i) the prohibition, with respect to any land of the Crown in the Area, of any expropriation to which the *Expropriation Act* applies;
 - (j) any other matter or thing necessary or incidental to the protection or improvement of the environment of the Area.
- (3)** The Lieutenant Governor in Council may not establish an Area that covers all or part of a Metis settlement or make or amend a regulation under subsection (2) that applies to an Area that covers all or part of a Metis settlement unless the Minister consults with the Metis settlement and the Metis Settlements General Council.
- (4)** When a regulation is made under this section, the Minister shall file a notice to that effect together with a certified copy of the regulation with the Registrar of Land Titles and, on such filing, the Registrar shall endorse a memorandum of the notice on each certificate of title pertaining to land within the Area.
- (5)** When a regulation under this section is amended,
- (a) the Minister shall file a further notice respecting the amending regulation together with a certified copy of the amending regulation;
 - (b) the Registrar of Land Titles shall keep the further notice with the original notice and shall treat them as one document;

(c) subject to subsections (6) and (7), the Registrar of Land Titles shall not make any further endorsement on any certificate of title in respect of the further notice.

(6) When a regulation under this section is amended and the effect of the amendment is to add land to an Area, the Registrar of Land Titles shall, on receiving the Minister's further notice under subsection (5), endorse on each certificate of title for the additional land a memorandum of the original notice under subsection (4) and the further notice under subsection (5).

(7) When a regulation under this section is amended and the effect of the amendment is to remove any land from an Area, the Registrar of Land Titles shall, on receiving the Minister's further notice under subsection (5), cancel the memorandum of the original notice under this section on each certificate of title to the land so removed.

(8) When a regulation under this section is rescinded and not replaced, the Minister shall file a notice to that effect and a copy of the rescinding regulation with the Registrar of Land Titles who shall, on such filing, cancel the memorandum of the original notice on each certificate of title to the land previously within the Area.

(9) When a regulation under this section is rescinded and replaced by another regulation, the Minister shall file with the Registrar of Land Titles a notice to that effect and a certified copy of the new regulation and the Registrar shall,

(a) with respect to land that was subject to the rescinded regulation and is also subject to the new regulation, cancel the memorandum on the certificate of title for the land of the notice pertaining to the rescinded regulation and endorse a memorandum on it of the notice pertaining to the new regulation, which notice shall be then treated as a notice under subsection (4);

(b) with respect to land that was subject to the rescinded regulation but is not subject to the new regulation, cancel the memorandum of the notice on the certificate of title for the land;

(c) with respect to land that was not subject to the rescinded regulation but is subject to the new regulation, treat the notice as a notice under subsection (4) and act accordingly.

(10) On the filing with the Registrar of Land Titles of a notice under subsection (4), (5), (8) or (9), the Registrar shall send a notification respecting the filing of the notice, but without sending

a copy of the regulations, amending regulations or rescinding regulations to which the notice relates, by mail or otherwise, to each registered owner on whose title a memorandum of the notice is endorsed.

(11) Notwithstanding subsection (10), the Minister shall send, by mail or otherwise, to each person shown on the certificate of title as having a subsisting estate or interest in the land affected by any regulation, amending regulation or rescinding regulation referred to in subsection (4), (5), (8) or (9), at the last address shown for that person on the certificate of title, a copy of the regulation, amending regulation or rescinding regulation, as the case may be, together with a notification relating thereto containing the information that the Minister may prescribe.

(12) If the Area covers patented land as defined in the *Metis Settlements Act*, subsections (4) to (11) insofar as they apply to that land are to be read with the following modifications:

- (a) references to the Registrar of Land Titles are to be read as the Registrar of the Metis Settlements Land Registry;
- (b) references to certificate of title are to be read as Metis title register.

(13) The validity or operation of a regulation under this section is not dependent on the filing of any notice by the Minister with the Registrar of Land Titles under this section.

(14) Notwithstanding the enforcement of priority provisions in the *Metis Settlements Land Registry Regulation* (AR 361/91), the validity or operation of a regulation under this section is not dependent on the filing of any notice by the Minister with the Registrar of the Metis Settlements Land Registry.

(15) Where the Minister has, before December 15, 1975, filed a caveat under the *Land Titles Act* against the certificate of title to any land in an Area purporting to claim an interest in the nature of regulatory restrictions on the uses of that land pursuant to a regulation under this section, the caveat is deemed for all purposes to be a notice by the Minister under subsection (4) and to have been filed under subsection (4).

Enforcement orders

5(1) Where in the Minister's opinion a person has contravened section 4 or the regulations under section 4, the Minister may issue an enforcement order to that person ordering that person to do any or all of the following:

- (a) cease the contravention specified in the order;
 - (b) stop any operations or shut down or stop the operation of any plant, equipment or structure either permanently or for a specified period;
 - (c) take any other measures that the Minister considers necessary to
 - (i) facilitate compliance with the applicable provision, or
 - (ii) protect or restore the environment.
- (2)** An enforcement order shall contain the reasons for making it and must be served on the person to whom it is directed.
- (3)** The Minister may by order
- (a) amend a term or condition of, add a term or condition to or delete a term or condition from an enforcement order,
 - (b) cancel an enforcement order, or
 - (c) amend a clerical error in an enforcement order.
- (4)** A copy of an order issued under subsection (3) must be served on the same person to whom the original enforcement order was directed.
- (5)** If the person to whom an enforcement order is directed fails to comply with the enforcement order, the Minister may apply to the Court of Queen's Bench for an order of the Court directing that person to comply with the enforcement order.
- (6)** If the person to whom an enforcement order is directed fails to comply with the enforcement order, the Minister may take whatever action the Minister considers necessary to carry out the terms of the enforcement order.
- (7)** Costs under this section are recoverable by the Government
- (a) in an action in debt against the person to whom the enforcement order was directed, or
 - (b) by order of the Minister directing any person who has purchased land from the person to whom the enforcement order was directed to pay to the Minister instead of to the vendor an amount not exceeding the amount owing in respect of the costs.

(8) For the purposes of this section, the costs referred to in subsection (7) include, without limitation, any costs incurred in investigating and responding to

- (a) any matter to which an enforcement order relates, or
- (b) the failure to comply with an enforcement order.

(9) A purchaser who pays an amount to the Minister under subsection (7)(b) is discharged from any obligation to pay that amount to the vendor.

Appeal of enforcement order

6(1) A person to whom an enforcement order is directed under section 5(1)(a) or (b) may appeal the enforcement order by submitting a notice of appeal to the Environmental Appeals Board established under the *Environmental Protection and Enhancement Act*.

(2) A notice of appeal must be submitted not later than 7 days after receipt of a copy of the enforcement order, but the Environmental Appeals Board may, on application made before or after the expiry of that period, extend that period where the Board is of the opinion that there are sufficient grounds to do so.

(3) Subject to subsection (4), submitting a notice of appeal does not operate to stay the enforcement order.

(4) The Minister may stay an enforcement order on the application of the person to whom an enforcement order was directed.

(5) Where the Minister stays an enforcement order, the Minister may, if the Minister is of the opinion that immediate and significant impairment of or damage to the environment, human health or safety or property may result if certain terms and conditions of the enforcement order are not carried out,

- (a) carry out whatever action the Minister considers to be necessary to carry out those terms and conditions and determine the costs of doing so, and
- (b) order the person to whom the enforcement order was directed to provide security to the Minister in the form and amount the Minister considers necessary to cover those costs.

(6) Sections 90(3), 91(6) and (7), 92, 94, 95, 96, 99, 100(1)(a) and (c) and (2), 103, 105 and 106(a) and (b) of the *Environmental Protection and Enhancement Act* apply in the case of a notice of

appeal submitted under this section, and for those purposes, section 95(5)(a)(v) of the *Environmental Protection and Enhancement Act* shall be read as if it made reference to an order for security under subsection (5) of this section.

7(1) Repealed 2002 c30 s10.

Offence

8(1) A person who knowingly contravenes an enforcement order under section 5 is guilty of an offence and liable to,

- (a) in the case of an individual, a fine of not more than \$100 000 or to imprisonment for a period of not more than 2 years, or to both fine and imprisonment, or
- (b) in the case of a corporation, a fine of not more than \$1 000 000.

(2) A person who contravenes an enforcement order under section 5 is guilty of an offence and liable to

- (a) in the case of an individual, a fine of not more than \$50 000, or
- (b) in the case of a corporation, a fine of not more than \$500 000.

(3) No person shall be convicted of an offence under subsection (2) if that person establishes on the balance of probabilities that the person took all reasonable steps to prevent its commission.

Regulations

9 The Lieutenant Governor in Council may make regulations

- (a) prohibiting, regulating or requiring the doing of any act for the purpose of preventing, alleviating or stopping soil erosion or anything detrimental to the protection or preservation of a watershed;
- (b) authorizing the payment of compensation by the Crown to any person for loss or damage to that person as a result of the application of any regulation under this Schedule to that person, or an order under this Schedule directed to that person, prescribing the cases in which the compensation must be paid and the loss or damage for which the compensation shall be paid, and conferring jurisdiction on the Court of Queen's Bench or the Alberta Utilities

Commission in connection with settlement of the compensation to be paid;

- (c) authorizing the Minister to expropriate on behalf of the Crown any estate or interest in land if the Minister considers it necessary to do so for the purpose of enforcing or carrying out the provisions of this Schedule or the regulations or an order under this Schedule;
- (d) prescribing, with respect to any provision of any regulation under this Schedule, that its contravention constitutes an offence;
- (e) prescribing penalties for offences against any regulations under this Schedule;
- (f) empowering the Minister to prescribe forms for any document used in the course of administering this Schedule or any Act administered by the Minister;
- (g) generally, providing for any procedure or matter incidental to the carrying out of this Schedule or any regulations under this Schedule.

RSA 2000 cG-10 Sched. 5;2002 c30 s10;2002 c32 s8;
2003 c42 s8;2007 cA-37.2 s82(13)

Schedule 6

Intergovernmental and Aboriginal Matters

General powers and duties

1 The Minister

- (a) is responsible for the co-ordination of all policies, programs and activities of the Government of Alberta and its agencies in relation to the Government of Canada, the governments of the provinces and territories of Canada, and the governments of foreign countries or states, and all agencies of those governments;
- (b) shall conduct a continuing review of
 - (i) all policies, programs and activities of the Government of Alberta and its agencies in relation to the Government of Canada, the governments of the provinces and territories of Canada and the governments of foreign countries or states,
 - (ii) all intergovernmental agreements as defined in section 11 of the Act, and
 - (iii) all relevant legislation pertaining to those policies, programs, activities and agreements;
- (c) may be a party to the negotiation of any proposed intergovernmental agreement as defined in section 11 of the Act;
- (d) shall from time to time take any action the Minister considers necessary to initiate or maintain intergovernmental co-operation between the Government of Alberta and the Government of Canada, the government of a province or territory of Canada or any government of a foreign country or state.

Domestic Trade Agreements

Definition

2 In sections 2.1, 2.2 and 4 to 4.4, “domestic trade agreement” means

- (a) the Agreement on Internal Trade entered into on or about July 18, 1994 by the Government of Alberta, the Government of Canada and the governments of the other

provinces of Canada and the Northwest Territories and Yukon, including any amendments to the agreement,

- (b) subject to the regulations, a trade enhancement arrangement entered into by the Government of Alberta that is consistent with Article 1800 of the Agreement on Internal Trade referred to in clause (a), including any amendments to the trade enhancement arrangement, or
- (c) an agreement that is designated in the regulations as a domestic trade agreement, including any amendments to the agreement.

Assigning responsibilities of Government

2.1 Unless otherwise provided by a domestic trade agreement, the Minister is responsible for

- (a) carrying out on behalf of the Government of Alberta any of its powers or duties under the agreement, and
- (b) exercising on behalf of the Government of Alberta any discretion it has under the agreement.

Appointment of officials

2.2 The Minister may appoint a person to any position that may be necessary or advisable for the purposes of a domestic trade agreement, unless otherwise provided by the agreement.

3 Repealed 2017 c22 s23.

Enforcement of awards

4(1) In this section, “award” means award as defined in the regulations.

(2) A certified copy of an award, or of the document that contains an award, under a domestic trade agreement may be filed with the clerk of the Court of Queen’s Bench and on being filed the award has the same force and effect and is enforceable as if it were an order or judgment of the Court of Queen’s Bench, but only if and to the extent that that filing or enforcement is not restricted by the domestic trade agreement.

(3) Repealed 2014 c8 s3.

(4) For the purposes of subsection (2), a copy of an award or a document containing an award must be certified as being a true

copy by the appropriate official or body designated in the regulations.

Prohibition on private cause of action

4.1(1) Subject to subsection (2), no legal proceeding lies or may be brought or continued against the Government of Alberta or another person to enforce or determine a right or obligation that is claimed or arises solely under

- (a) a domestic trade agreement, or
- (b) a domestic trade agreement as interpreted by a decision issued by the Government of Alberta and the other party or parties to the agreement under a provision of the agreement that authorizes the parties to declare their interpretation of the agreement.

(2) Subsection (1) does not apply to

- (a) a proceeding that is provided for under the dispute resolution provisions of a domestic trade agreement, or
- (b) a proceeding to enforce an award that is filed with the clerk of the Court of Queen's Bench under section 4(2).

(3) No legal proceeding lies or may be brought or continued against the Government of Alberta for compensation, damages or any other remedy for anything arising as a consequence of a decision issued under a provision of a domestic trade agreement by the Government of Alberta and the other party or parties to the agreement declaring the parties' interpretation of the agreement.

(4) This section is deemed to have come into force on April 1, 2007.

Information sharing

4.2 Where information that

- (a) is subject to any type of legal privilege, including solicitor-client privilege and parliamentary privilege,
- (b) is subject to any kind of confidence, including Cabinet confidence, Treasury Board confidence and intergovernmental confidence, or
- (c) is supplied, explicitly or implicitly, in confidence,

is disclosed under an agreement entered into by the Government of Alberta and another party to a domestic trade agreement, under a

regulation made under section 4.4(e) or otherwise pursuant to a domestic trade agreement, the disclosure of that information does not waive or negate any privilege or confidence attached to that information, and the privilege or confidence continues for all purposes.

Application of Arbitration Act

4.3 The *Arbitration Act* does not apply to a domestic trade agreement unless the agreement provides that the *Arbitration Act* applies, in which case it applies only to the extent provided for in the agreement.

Regulations respecting domestic trade agreements

4.4 The Minister may make regulations

- (a) defining words or expressions used but not defined in sections 2 to 4.3;
- (b) providing that a trade enhancement arrangement entered into by the Government of Alberta that is consistent with Article 1800 of the Agreement on Internal Trade is not a domestic trade agreement for the purposes of section 2(b);
- (c) designating agreements as domestic trade agreements for the purposes of section 2(c);
- (c.1) defining “award” for the purposes of section 4(1) either generally or with respect to particular domestic trade agreements;
- (d) designating officials or bodies for the purposes of section 4(4);
- (e) respecting the collection, use and disclosure of information, including personal information, for the purposes of consultation under and compliance with the requirements of a domestic trade agreement;
- (f) respecting any matter the Minister considers necessary or advisable to carry out the intent and purposes of sections 2 to 4.3.

5 Repealed 2008 c7 s1.

**First Nations
Commercial and Industrial
Development Act (Canada)**

Implementation of FNCIDA

6(1) In this section, “FNCIDA” means the *First Nations Commercial and Industrial Development Act (Canada)*.

(2) If a regulation made under section 3 of FNCIDA specifies a provincial official by whom, or body by which, a power may be exercised or a duty must be performed and an agreement referred to in paragraph 5(b) of FNCIDA for the administration and enforcement of the regulation has been concluded, the provincial official or body has authority to exercise any power or perform any duty set out in the regulation to the extent provided for in the agreement.

**First Nations Oil
and Gas and Moneys
Management Act (Canada)**

Implementation of FNOGMMA

7(1) In this section,

- (a) “FNOGMMA” means the First Nations Oil and Gas and Moneys Management Act (Canada);
- (b) “first nation oil and gas law” means a law made under section 35 of FNOGMMA.

(2) If a first nation oil and gas law specifies a provincial official by whom, or body by which, a power may be exercised or a duty must be performed and an agreement referred to in section 43 of FNOGMMA for the administration and enforcement of the first nation oil and gas law has been concluded, the provincial official or body has authority to exercise any power or perform any duty set out in the first nation oil and gas law to the extent provided for in the agreement.

RSA 2000 cG-10 Sched. 6;2005 c28 s6;2007 c30 s2;
2008 c7 s1;2008 c43 s6;2010 c19 s2;2014 c8 s3;
2017 c22 s23

Schedule 6.1 Repealed 2010 c19 s3.

Schedule 7**Health****Disposition of facilities**

1(1) In this section,

- (a) “Government health care facility” means any land owned by the Crown in right of Alberta that is under the administration of the Minister, including buildings and improvements on the land, and that is used or is suitable for use in providing diagnostic or treatment services or care for ill or injured persons;
- (b) “health board” means
 - (i) the owner of a non-regional hospital as defined in the *Hospitals Act*;
 - (ii) the owner of a nursing home as defined in the *Nursing Homes Act*;
- (iii), (iv) repealed 2008 cH-4.3 s16;
- (v) a regional health authority under the *Regional Health Authorities Act*;
- (vi) a provincial health board under the *Regional Health Authorities Act*.

(2) Subject to the approval of the Lieutenant Governor in Council, the Minister may enter into an agreement providing for any or all of the following:

- (a) the disposition, by sale, lease or otherwise, of any Government health care facility to a health board;
- (b) the disposition, by sale, lease or otherwise, to a health board of all or any specified supplies, equipment or other personal property located in or used in connection with a Government health care facility;
- (c) the transfer of patients in a Government health care facility and the responsibility for the care of those patients to the care and responsibility of a health board;
- (d) the transfer of employees of a Government health care facility to the employment of a health board described in clause (a), (b) or (c) and the transfer of any matters

incidental to those employees, including salary rates, conditions of employment and pension plans.

(3) An agreement under this section may provide terms or conditions with respect to the matters enumerated in subsection (2).

(4) The Lieutenant Governor in Council may make any order the Lieutenant Governor in Council considers necessary for the purpose of implementing or facilitating any of the matters provided for in an agreement or to alleviate any difficulty arising in the course of implementing an agreement.

(5) A disposition, by sale, lease or otherwise, of a Government health care facility or of personal property pursuant to an agreement under this section may be made for a nominal consideration or for a price less than its market value.

RSA 2000 cG-10 Sched. 7;2008 cH-4.3 s16

Schedule 7.1

Health Services Restricted Activities

Definitions

1 In this Schedule,

- (a) “activity of daily living” means an activity that individuals normally perform on their own behalf to maintain their health and well-being, and includes
 - (i) routine and invasive self-care activities, including but not restricted to the removal of slivers and the cleaning of wounds, and
 - (ii) specifically taught procedures, which generally result in predictable and stable responses, including but not restricted to catheterization, maintenance of drainage tubes and administration of drugs by injection;
- (a.1) “administration of a drug” means the supplying of a dose of a drug to a person for the purpose of immediate ingestion, application, inhalation, insertion, instillation or injection;
- (b) “compound” means to mix together 2 or more ingredients of which at least one is a drug for the purposes of dispensing a drug or drugs, but does not include reconstituting a drug or drugs with only water;
- (c) “dispense” means
 - (i) with respect to drugs, to provide a drug pursuant to a prescription for a person, but does not include the administration of a drug to a person;
 - (ii) with respect to corrective lenses, to verify corrective lenses objectively to the prescription;
- (d) “drug” means drug as defined in the *Pharmacy and Drug Act*;
- (e) “health service” means a service provided to people
 - (i) to protect, promote or maintain their health,
 - (ii) to prevent illness,
 - (iii) to diagnose, treat or rehabilitate them, or

- (iv) to take care of the health needs of the ill, disabled, injured or dying;
- (f) “Minister” means the Minister responsible for the *Health Professions Act*;
- (g) “restricted activity” means an activity named as a restricted activity in section 2;
- (h) “sell” includes
 - (i) distribute, trade or barter for money or other valuable consideration,
 - (ii) distributing and giving away without expectation or hope of compensation or reward,
 - (iii) keeping for sale, and
 - (iv) offering for sale;
- (i) “surrogate” means a person authorized by an individual or by the individual’s guardian, if the guardian is authorized to give such authorization, to assist the individual in carrying on an activity of daily living.

Restricted activities

2(1) The following, carried out in relation to or as part of providing a health service, are restricted activities:

- (a) to cut a body tissue, to administer anything by an invasive procedure on body tissue or to perform surgical or other invasive procedures on body tissue
 - (i) below the dermis or the mucous membrane or in or below the surface of the cornea;
 - (ii) in or below the surface of teeth, including scaling of teeth;
- (b) to insert or remove instruments, devices, fingers or hands
 - (i) beyond the cartilaginous portion of the ear canal,
 - (ii) beyond the point in the nasal passages where they normally narrow,
 - (iii) beyond the pharynx,
 - (iv) beyond the opening of the urethra,

- (v) beyond the labia majora,
 - (vi) beyond the anal verge, or
 - (vii) into an artificial opening into the body;
- (b.1) to insert into the ear canal
- (i) under pressure, liquid, air or gas;
 - (ii) a substance that subsequently solidifies;
- (c) to set or reset a fracture of a bone;
- (d) to reduce a dislocation of a joint except for a partial dislocation of the joints of the fingers and toes;
- (e) to use a deliberate, brief, fast thrust to move the joints of the spine beyond the normal range but within the anatomical range of motion, which generally results in an audible click or pop;
- (f) to prescribe a Schedule 1 drug within the meaning of the *Pharmacy and Drug Act*;
- (g) to dispense, compound, provide for selling or sell a Schedule 1 drug or Schedule 2 drug within the meaning of the *Pharmacy and Drug Act*;
- (h) to administer a vaccine or parenteral nutrition;
- (i) to prescribe, compound or administer blood or blood products;
- (j) to prescribe or administer diagnostic imaging contrast agents;
- (k) to prescribe or administer anesthetic gases, including nitrous oxide, for the purposes of anesthesia or sedation;
- (l) to prescribe or administer radiopharmaceuticals, radiolabelled substances, radioactive gases or radioaerosols;
- (m) to order or apply any form of ionizing radiation in
- (i) medical radiography,
 - (ii) nuclear medicine, or
 - (iii) radiation therapy;

- (n) to order or apply non-ionizing radiation in
 - (i) lithotripsy,
 - (ii) magnetic resonance imaging, or
 - (iii) ultrasound imaging, including any application of ultrasound to a fetus;
- (o) to prescribe or fit
 - (i) an orthodontic or periodontal appliance,
 - (ii) a fixed or removable partial or complete denture, or
 - (iii) an implant supported prosthesis;
- (p) to perform a psychosocial intervention with an expectation of treating a substantial disorder of thought, mood, perception, orientation or memory that grossly impairs
 - (i) judgment,
 - (ii) behaviour,
 - (iii) capacity to recognize reality, or
 - (iv) ability to meet the ordinary demands of life;
- (q) to manage labour or deliver a baby;
- (r) to prescribe or dispense corrective lenses.

(2) Despite subsection (1), the following are not restricted activities:

- (a) activities of daily living, whether performed by the individual or by a surrogate on the individual's behalf,
- (b) giving information and providing advice with the intent of enhancing personal development, providing emotional support or promoting spiritual growth of individuals, couples, families and groups, and
- (c) drawing venous blood.

Regulations

3 The Minister may make regulations authorizing a person or a category of persons, other than a regulated member or category of regulated members under the *Health Professions Act*, to perform

one or more restricted activities subject to any conditions included in the regulations.

Public health emergency

3.1 For the purposes of preventing, combating or alleviating a public health emergency as defined in the *Public Health Act*, the Minister may by order authorize a person or category of persons to perform one or more restricted activities subject to any terms or conditions the Minister may prescribe.

Offence

4(1) No person shall perform a restricted activity or a portion of it on or for another person unless

- (a) the person performing it
 - (i) is a regulated member as defined in the *Health Professions Act*, and is authorized to perform it by the regulations under the *Health Professions Act*,
 - (ii) is authorized to perform it by a regulation under section 3,
 - (ii.1) is authorized to perform it by an order under section 3.1, or
 - (iii) is authorized to perform it by another enactment,or
- (b) the person performing it
 - (i) has the consent of, and is being supervised by, a regulated member described in clause (a)(i), and
 - (ii) is permitted to perform the restricted activity under a regulation made under section 131(1)(d)(i) of the *Health Professions Act* by the council of the college of the regulated member referred to in subclause (i),

and there are regulations made under section 131(1)(d)(ii) of the *Health Professions Act* by the council of the college of that regulated member respecting how regulated members must supervise persons who provide restricted activities under this clause.

(2) Despite subsection (1), if no person who is authorized under subsection (1) is available to perform the restricted activity or a portion of it, a person may without expectation or hope of compensation or reward provide a restricted activity or a portion of

it to provide physical comfort to or to stabilize another person who is ill, injured or unconscious as a result of an accident or other emergency.

(3) No person, other than a person authorized to perform a restricted activity under subsection (1)(a), shall or shall purport to consent to, provide supervision of and control of, another person performing the restricted activity or a portion of a restricted activity.

(4) No person shall require another person to perform a restricted activity or a portion of a restricted activity if that other person is not authorized in accordance with subsection (1) to perform it.

Penalty

5(1) A person who contravenes section 4 is guilty of an offence and liable

- (a) for a first offence, to a fine of not more than \$5000,
- (b) for a 2nd offence, to a fine of not more than \$10 000, and
- (c) for a 3rd and every subsequent offence, to a fine of not more than \$25 000 or to imprisonment for a term of not more than 6 months or to both fine and imprisonment.

(2) A prosecution for an offence under this Schedule may not be commenced more than 2 years after the date on which the alleged offence occurs.

Burden of proof

6 In a prosecution under this Schedule, the burden of proving that a person was authorized to perform a restricted activity by section 4(1) is on the accused.

Injunction

7 The Court of Queen's Bench, on application by a person authorized by the Minister, may grant an injunction enjoining any person from doing any act that contravenes section 4 despite any penalty that may be provided by section 5 in respect of that contravention.

RSA 2000 cH-7 s137;RSA 2000 cP-13 s47;2001 c21 s25;
2005 c13 s2;2006 c19 s1;2007 c23 s3;2009 c53 s73;
2019 c22 s5

Schedule 8**Joint Board of Practice****Joint Board of Practice**

1(1) In this section,

- (a) “Architects Association” means The Alberta Association of Architects under the *Architects Act*;
- (b) “Engineers Association” means the Association of Professional Engineers and Geoscientists of Alberta under the *Engineering and Geoscience Professions Act*.

(2) There shall be a Joint Board of Practice composed of

- (a) 4 persons appointed by the Council of the Architects Association, and
- (b) 4 persons appointed by the Council of the Engineers Association,

and one chair from each Council appointed by the Minister from among candidates mutually agreed to by both Councils.

(3) The function and operation of the Joint Board of Practice shall be prescribed by agreement between the Council of the Architects Association and the Council of the Engineers Association, and the agreement shall include at least the following matters:

- (a) rules of procedure;
- (b) provisions respecting the assessment of applications for a certificate of authorization under the *Architects Act* and provisions respecting the assessment of applications for a certificate of authorization under the *Engineering and Geoscience Professions Act*;
- (c) a procedure under which the Joint Board of Practice may act as a mediator of complaints or disputes of an interprofessional nature from members of the Architects Association or the Engineers Association or from persons who are not members when the complaint cannot be resolved by each of those Associations individually or by both of those Associations jointly;
- (d) an undertaking to work on other matters of interprofessional relations, including the co-ordination and publication of guidelines, standards and criteria and performance standards in the field of building design and construction;

- (e) provisions respecting recommendations on applications for authority to prepare final drawings for buildings with one seal of either an engineer or an architect in cases where the drawings would ordinarily fit within the category of design that requires the seal of both professions under the regulations authorized under the *Safety Codes Act*;
- (f) a method of recommending to the Association concerned that a qualified certificate of authorization limiting the scope of practice in the other profession by an individual who is a professional engineer or a registered architect be issued to an applicant
 - (i) who has historically provided that service competently in Alberta, and
 - (ii) who applied for the certificate before October 1, 1982;
- (g) any other matters agreed to between the Councils of both the Architects Association and the Engineers Association.

RSA 2000 cG-10 Sched 8;2011 c3 s33

Schedule 9

Justice Administration

Administration of justice

- 1(1)** The Minister is by virtue of the Minister's office Her Majesty's Attorney General in and for the Province of Alberta.
- (2)** Except as otherwise provided in this section, the deputy appointed for the Minister under section 4 of this Act is the Deputy Attorney General.
- (3)** If the Lieutenant Governor in Council considers it advisable, the Lieutenant Governor in Council may, in accordance with the *Public Service Act*, appoint a person other than the deputy of the Minister as Deputy Attorney General.
- (4)** The Deputy Attorney General referred to in subsection (2) or appointed under subsection (3)
- (a) is the deputy of the Minister in the Minister's capacity as Attorney General in and for the Province of Alberta, and
 - (b) is a lawful deputy of the Attorney General in and for the Province of Alberta under the *Criminal Code* (Canada) or any other Act or any regulation of Canada.

Powers and duties of Minister

2 The Minister

- (a) is the official legal advisor of the Lieutenant Governor;
- (b) shall ensure that public affairs are administered according to law;
- (c) shall superintend all matters relating to the administration of justice in Alberta that are within the powers or jurisdiction of the Legislature or the Government;
- (d) shall advise on legislative acts and proceedings of the Legislature and generally advise the Crown on matters of law referred to the Minister by the Crown;
- (e) shall exercise the powers and is charged with the duties attached to the offices of the Attorney General and Solicitor General of England by law or usage insofar as those powers and duties are applicable in the Province of Alberta;

- (f) shall advise the heads of the several departments of the Government on matters of law connected with them respectively;
- (g) shall settle instruments issued under the Great Seal of the Province;
- (h) shall regulate and conduct litigation for or against the Crown or a public department in respect of subjects within the authority or jurisdiction of the Legislature;
- (i) is charged generally with any duties that may be at any time assigned to the Minister by law or by the Lieutenant Governor in Council;
- (j) is responsible for the conduct of the following matters, the enumeration of which shall not be taken to restrict the general nature of any provision of this Schedule:
 - (i) the recommendation of the appointment of and the giving of advice to sheriffs, registrars, judicial officers, medical examiners, notaries public and commissioners for oaths;
 - (ii) the consideration of applications for bail and attendance on such applications;
 - (iii) the consideration and argument of appeals from convictions and acquittals of persons charged with indictable offences;
 - (iv) the hearing of applications for the granting of fiats regarding petitions of right, criminal information, indictments, actions to set aside Crown patents, actions to recover fines and penalties and other actions of a similar nature;
 - (v) the consideration of applications for the remission of fines and penalties;
 - (vi) the appointment of counsel for the conduct of criminal business;
 - (vii) the regulation of the work of official court reporters;
 - (viii) the supervision of the offices of the courts of law in Alberta;
 - (ix) the consideration of proposed legislation and other matters of a public nature;

- (x) the drawing of special conveyances and instruments of a similar nature relating to the sale or purchase of property under any Act relating to public works or otherwise.

Provincial Secretary and Deputy

3(1) The Minister is by virtue of the Minister's office the Provincial Secretary.

(2) The Deputy of the Minister is the Deputy Provincial Secretary.

Duties and powers

4(1) The Minister as Provincial Secretary

- (a) has all the powers, duties and functions, insofar as they or any of them are applicable to Alberta, that are assigned by law or custom to the Provincial Secretaries and Registrars of the different provinces of Canada;
- (b) is the Keeper of the Great Seal of the Province;
- (c) shall issue letters patent, commissions and other documents under the Great Seal of the Province and countersign the letters patent, commissions and other documents except those that are countersigned by the Clerk of the Executive Council;
- (d) is the keeper of registers of the Province.

(2) Commissions issued by the Provincial Secretary under the Great Seal of the Province shall run in Her Majesty's name.

Registrar

5(1) The Minister is the Registrar of the Province.

(2) The Minister as Registrar shall register instruments of summons, commissions, letters patent, writs and other instruments and documents issued under the Great Seal of the Province.

(3) The signature of the Minister as Registrar is proof of the fact that the registers, instruments of summons, commissions, letters patent, writs and other instruments and documents exist and are lawfully in the Minister's possession.

(4) A copy of a document signed by the Minister as Registrar is equivalent to the original instrument itself when produced in a court in Alberta.

(5) Each document or copy of a document purporting to bear the signature of the Minister as Registrar is deemed to bear the Minister's signature until the contrary is proved.

Review Board

6 A member of the Review Board appointed under section 672.38 of the *Criminal Code* (Canada) has the same privileges and immunities as a judge of the Court of Queen's Bench.

RSA 2000 cG-10 Sched. 9;2002 c30 s10;2014 c8 s3

Schedule 10

Labour Statutes Delegation

Definitions

1 In this Schedule,

- (a) “committee” means a committee established pursuant to section 3(1);
- (b) “delegated person” means an individual, corporation or municipality, other than a Provincial agency, as defined in the *Financial Administration Act*, to which a delegation is made under section 2;
- (c) “official” means
 - (i) a board or corporation created by an Act or any of its officials that is vested with a power, duty or function by the Act or regulations under the Act;
 - (ii) an employee of the Crown in right of Alberta who is employed as a deputy minister, chair, officer, inspector, investigator, registrar, director or manager or in another office named in an enactment and who is vested with a power, duty or function by the enactment, but does not include an officer of a court.

Delegation

2(1) The Lieutenant Governor in Council may make regulations

- (a) delegating to one or more delegated persons any of the powers, duties or functions of the Minister or of an official under an enactment, except the power of the Minister or official
 - (i) to make regulations, as defined in the *Regulations Act*, and
 - (ii) to appoint members to boards and to prescribe the remuneration of such members;
- (b) authorizing a delegated person, with the consent of the Minister, to provide advice to the Minister named in the order, on the delegated powers, duties or functions;
- (c) imposing conditions on the delegated powers, duties or functions;

- (d) respecting limiting the liability of a delegated person and the delegated person's employees, agents, directors or officers or the members of a committee in an action for negligence with respect to the delegated power, duty or function when the delegated person, employee, agent, director, officer or member of a committee acts in good faith pursuant to the delegation;
- (d.1) providing that any limitation of liability applicable to an official may be made applicable to a delegated person and the delegated person's employees, agents, directors and officers and members of a committee when they are carrying out the official's power, duty or function;
- (e) respecting an appeal from an action or decision of a delegated person or the delegated person's employees, agents, directors or officers or members of a committee that is not inconsistent with an appeal provided for, if any, in an enactment with respect to the action or decision;
- (f) authorizing a delegated person to collect money by the levy of assessments, fees and charges with respect to the delegated power, duty or function on persons or classes of persons specified in the regulations, and respecting how the assessments, fees and charges are to be imposed, collected and accounted for and authorizing the delegated person to use this money for the purposes of costs incurred in carrying out a delegated power, duty or function;
- (g) respecting the payment of a fee to a delegated person for the carrying out of a delegated power, duty or function;
- (h) authorizing a delegated person to collect money by the levy of assessments, fees and charges with respect to the delegated power, duty or function on persons or classes of persons specified in the regulations, and respecting how the assessments, fees and charges are to be imposed, collected and accounted for and remitted to the Minister;
- (i) authorizing a delegated person, on behalf of the Crown, to collect money lawfully due to the Crown or a Provincial agency as defined in the *Financial Administration Act*
 - (i) in accordance with the enactment under which the money is lawfully due, or
 - (ii) by undertaking civil enforcement proceedings,

and respecting how the money is collected and accounted for and remitted to the Minister;

- (j) respecting records that a delegated person is required to maintain;
- (k) respecting the annual report under section 10.

(2) When a delegation is made under subsection (1),

- (a) a reference in an enactment to the Minister or an official with respect to delegated powers, duties or functions is to be read as if it were a reference to the delegated person, and
- (b) a person who is affected by an action taken or decision made by a delegated person pursuant to the delegation may appeal the action or decision in accordance with the enactment and the regulations under subsection (1).

(3) Notwithstanding the *Financial Administration Act*, any money collected by a delegated person pursuant to subsection (1)(f) or (g) or section 8 belongs to the delegated person.

Rules

3(1) A delegated person may make rules

- (a) respecting the carrying out of a delegated power, duty or function;
- (b) if the person is a corporation or municipality, respecting the calling of meetings pertaining to carrying out a delegated power, duty or function and the conduct of business at those meetings;
- (c) respecting the appointment, removal, functions, powers, duties, remuneration and benefits of employees and agents of the delegated person and members of a committee, whose duties pertain to the carrying out of a delegated power, duty or function;
- (d) delegating to the employees or agents of the delegated person and, in the case of a corporation or municipality to its directors, officers, employees or agents or a committee of the corporation or municipality, the carrying out of a delegated power, duty or function, except the power to make rules under this subsection;

(e) respecting the establishment, membership, duties and functions of special, standing and other committees with respect to the delegated power, duty or function.

(2) A rule made under subsection (1) is not in force until it is approved by the Minister.

(3) The *Regulations Act* does not apply to a rule made under this section.

Confidentiality

4 A delegated person and the person's employee, agent, director or officer or member of a committee may, with the consent of the Minister, disclose information that the person, employee, agent, director or officer or member of the committee obtains while carrying out a delegated power, duty or function.

Not Crown agent

5 With respect to a delegation, a delegated person and the delegated person's employee, agent, director or officer or member of a committee are not agents of the Crown.

Financial Administration Act not applicable

6 The *Financial Administration Act* does not apply to a delegated person with respect to a delegated power, duty or function.

Business Corporations Act, s122(4)

7 Section 122(4) of the *Business Corporations Act* does not apply to a corporation that is a delegated person in respect of the carrying out of a power, duty or function under this Schedule.

Assessment collections

8 An assessment, fee or charge levied pursuant to the regulations under section 2(1)(f) is recoverable by the delegated person as a debt due to the delegated person.

Audit, inspection

9(1) For the purpose of ensuring that this Schedule and the regulations and rules under it are complied with, the Minister or a person designated by the Minister may, without a warrant, at any reasonable time, enter premises, other than a private dwelling, where a delegated person or the person's employee, agent or officer

or member of a committee is carrying out a delegated power, duty or function and

- (a) may inspect and make copies of any document related to the carrying out of the delegated power, duty or function, and
- (b) may carry out an audit of the delegated person with respect to the delegated power, duty or function.

(2) On entering premises described in subsection (1), the Minister or designated person shall, on request, produce identification and provide advice on the power to carry out an inspection or audit.

(3) The Minister may charge the delegated person any reasonable costs incurred in carrying out an audit under subsection (1) and that charge is recoverable by the Minister as a debt due to the Crown.

Annual report

10(1) A delegated person shall, after the end of the person's fiscal year, prepare and submit to the Minister an annual report with respect to the person's powers, duties and functions under this Schedule.

(2) The report must include a general summary of the delegated person's policies and activities in that year, any rules made under section 3 in that year and a financial report that includes an audited financial statement.

(3) The Minister shall lay a copy of the report before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next sitting.

Offence

11 A delegated person and the person's employee, agent, director or officer or a member of a committee who contravenes a regulation or a rule under this Schedule is guilty of an offence and liable

- (a) for a first offence, to a fine of not more than \$2000 or a term of imprisonment of not more than 30 days, or to both fine and imprisonment, and
- (b) on a subsequent offence, to a fine of not more than \$10 000 or a term of imprisonment of not more than 6 months, or to both fine and imprisonment.

RSA 2000 cG-10 Sched. 10;2001 c23 s5;
2006 c23 s38

Schedule 11

Public Works, Supply and Services

Definitions

1 In this Schedule,

- (a) “Crown” means the Crown in right of Alberta;
- (b) “department” means a department of the Government and, except in sections 2 and 3, includes
 - (i) a board, commission or organizational unit that forms part of the public service of Alberta but is not part of a department of the Government, and
 - (ii) a corporation that is an agent of the Crown;
- (c) “supplies” means materials, equipment and other personal property, and includes furnishings.

Acquisition of Government supplies

2(1) Subject to subsection (3),

- (a) the Minister is responsible for the acquisition and provision of all supplies that are required by the departments for the transaction of their business and affairs, and
- (b) every department shall acquire its supplies through the Minister.

(2) All acquisitions of supplies by a department through the Minister shall be made by public tender except where the Minister considers that an acquisition by another method is more practical or economical and permits the acquisition by the other method.

(3) Where, in the Minister’s opinion, the acquisition of supplies otherwise than through the Minister would be practical or economical, the Minister may, by an order which may be general or limited to the supplies to the department designated in the order, permit such an acquisition.

(4) The Lieutenant Governor in Council may by regulation, which may be general or limited to the supplies or to the department designated in the regulation, provide for the manner in which acquisitions of supplies otherwise than through the Minister are to be made by a department.

Disposition of Government surplus supplies

- 3(1)** The Minister is responsible for the disposition of each department's supplies that have become surplus or that are no longer required.
- (2)** Subject to subsection (3), property sold under subsection (1) must be sold at not less than its market or book value.
- (3)** Property sold under subsection (1) may be sold at a price determined by the Minister that is less than its market or book value where the sale is made
- (a) to a municipality, a Metis Settlement, the board of trustees of a school division, an irrigation district or the board of trustees of a drainage district,
 - (b) to a university, college or other educational institution or the owner of a public hospital,
 - (c) to a corporation that is an agent of the Crown or that is incorporated for the purpose of carrying out any governmental function and is wholly or substantially supported by money appropriated by the Legislature or the Parliament of Canada,
 - (d) to a corporation to which Part 9 of the *Companies Act* applies, a corporation incorporated under the *Societies Act* or any other corporation incorporated for a purpose other than that of profit or gain, or
 - (e) to any person in accordance with a trust or other obligation in favour of that person.

Agency functions of the Minister

- 4** The Minister may act as the agent of a department referred to in section 1(b)(i) or (ii) in
- (a) the acquisition of its supplies or services,
 - (b) the disposition of its surplus supplies, or
 - (c) any function, in relation to its public works, that is referred to in section 7(b) to (d).

Provision of supplies and services

- 5** The Minister may, on request, acquire supplies on behalf of, or provide services to, approved hospitals as defined in the *Hospitals Act*, schools, post-secondary educational institutions,

municipalities, Metis settlements and any organizations that carry out services or programs on behalf of the Government.

Health care facilities

6 The Minister may enter into and carry out an agreement with a hospital board, a regional health authority under the *Regional Health Authorities Act* or a provincial health board under the *Regional Health Authorities Act* respecting the provision of services relating to the design, construction, alteration, extension, repair or demolition of a health care facility.

Minister's responsibility for public works

7 Unless otherwise provided by law or an order of the Lieutenant Governor in Council, the Minister is responsible for

- (a) the administration of all land held, used or occupied for public works of the Government,
- (b) the design, construction, alteration, extension, repair, maintenance and management of all buildings, structures and other improvements required for public works of the Government,
- (c) the acquisition of all land for public works of the Government, and
- (d) the disposal of all land that is or was held, used or occupied for public works of the Government.

Expropriation

8 The Minister may acquire by expropriation any estate or interest in land for the purpose of public works.

Agreements for municipal public works

9(1) In this section, "local authority" means

- (a) a municipality,
- (b) a Metis settlement,
- (c) in the case of an improvement district, the Minister responsible for the *Municipal Government Act*, or
- (d) in the case of a special area, the Minister responsible for the *Special Areas Act*.

(2) Without limiting section 10 of the Act, the Minister may enter into and carry out an agreement with any local authority providing for the laying out, construction or improvement of parks, public places, public swimming pools or other public works that in the opinion of the Minister and of the local authority are necessary or desirable.

(3) Every local authority, notwithstanding the *Municipal Government Act* or any other Act, may enter into and carry out an agreement under subsection (2).

(4) The agreement shall fix

- (a) the total cost of construction,
- (b) the period of construction,
- (c) the proportions of the cost to be borne by the Crown and the local authority, and
- (d) the terms on which and the times when payments are to be made by the Crown for its part of the cost.

Sale or other disposal of land

10(1) Subject to this section, the Minister may sell or otherwise dispose of any estate, interest or right in land held by the Crown and under the Minister's administration.

(2) The Minister may grant a lease, licence, easement or right of way with respect to land held by the Crown and under the Minister's administration.

(3) A sale or other disposition under subsection (1) may be made only

- (a) if it is made
 - (i) following an invitation to submit tenders or through a listing with a real estate broker licensed under the *Real Estate Act*,
 - (ii) after the Minister has obtained 2 or more appraisals of the market value of the land, at least one of which is obtained from an appraiser who is not an employee of the Government and carries on business as an appraiser, and

- (iii) for an amount not less than the market value of the land, as determined by the Minister, having regard to the appraisals referred to in subclause (ii),
 - (b) to a person referred to in section 3(3) and, where applicable, under circumstances referred to in section 3(3), or
 - (c) under circumstances authorized by the Lieutenant Governor in Council, subject to any conditions that may be imposed by the Lieutenant Governor in Council.
- (4)** Subsection (3)(a)(i) does not apply
 - (a) if the land is sold or otherwise disposed of to the person who sold the land to the Crown and that person owns land adjacent to that Crown land, or
 - (b) if the land is sold or otherwise disposed of to a person who owns land adjacent to that Crown land to facilitate the development of the land.
- (5)** Subsection (3)(a)(ii) does not apply if the costs of conducting the sale or other disposition in accordance with that clause would, in the opinion of the Minister, exceed the market value of the land as determined by the Minister.
- (6)** Subsection (3)(a)(iii) does not apply if,
 - (a) following the invitation to submit tenders, no tenders were received or the highest tender received was for less than the amount determined by the Minister, having regard to the appraisals, to be the market value of the land, or
 - (b) following the listing, no offers were received or the highest offer received was for less than the amount determined by the Minister, having regard to the appraisals, to be the market value of the land.
- (7)** Subsection (3)(a)(i) and (iii) do not apply if the sale or other disposition is made in exchange for other land and, in the opinion of the Minister, having regard to the appraisals, adequate compensation is obtained for the land sold or otherwise disposed of by the Minister.
- (8)** Repealed 2008 c18 s2.
- (9)** A sale or other disposition referred to in subsection (3)(b) may be made for a nominal consideration.

(10) The Minister may transfer the administration of any public land under the Minister's administration to any other Minister of the Crown or to a Crown corporation if

- (a) the public land is required under a program administered by that Minister or Crown corporation, and
- (b) that Minister or Crown corporation consents in writing to the transfer.

(11) Notice of the sale or other disposition of land under subsection (1) must be published in The Alberta Gazette within 30 days after the land is sold.

(12) The notice must contain the name of the person to whom the land is sold or otherwise disposed of, a description of the land and the amount paid for the land.

Sale of improvements

11 The Minister may sell or otherwise dispose of any improvements that are severed or severable from land held by the Crown and under the Minister's administration.

Unclaimed property

12(1) Subject to any other Act, all lost or unclaimed property in the custody of the Government shall be

- (a) turned over to the Minister, and
- (b) retained by the Minister for a period of at least one year from the time the property came into the custody of the Government.

(2) If the property is not claimed within one year from the time it came into the custody of the Government, the Minister may then dispose of the property on behalf of the Government.

(3) A purchaser of property under this section becomes the owner of it and any claim of an earlier owner may only be made against the Government and for the proceeds of the sale less transportation, storage, sale and other necessary expenses incurred by the Government.

(4) No claim may be made

- (a) to the property after one year from the date that the property came into the custody of the Government unless the property is still in the custody of the Government, or

(b) to the net proceeds of a sale of the property after one year from the date on which the property was sold by the Minister.

(5) This section does not apply to abandoned vehicles to which section 69(8) or 77 of the *Traffic Safety Act* applies.

Use of Crown land

13(1) This section applies only to land belonging to or occupied by the Crown.

(2) The Lieutenant Governor in Council may make regulations, either general in their application or specific to any particular case,

(a) permitting, restricting or prohibiting the use by the public or by any persons

(i) of any path, passageway, driveway or road through land belonging to or occupied by the Crown and leading to or from any public work belonging to or occupied by the Crown, whether or not it has been dedicated or established as a public highway, and

(ii) of the gardens, grounds or other area appurtenant to or used in connection with any public work belonging to or occupied by the Crown;

(b) permitting, restricting, prohibiting or imposing conditions on the use, manner of use, speed, direction of travel, stopping or parking of motor vehicles and other vehicles, the presence of animals, or any other thing named in the regulations, in any place referred to in clause (a);

(c) authorizing and providing for the seizure and removal of any motor vehicle or other vehicle parked or left in contravention of the regulations, and authorizing and providing for its retention until the expenses of seizure, removal and storage, if any, are paid.

(3) The bylaws of a municipality relating to the matters enumerated in subsection (2) apply to the land referred to in those bylaws situated in the municipality but, if there is a conflict between the bylaws and a regulation under subsection (2), the regulation prevails.

(4) A vehicle seized and removed pursuant to regulations under subsection (2)(c) is retained and stored at the risk of its owner.

- (5) Subject to regulations under subsection (2), the Minister may erect at any place where the Minister considers it necessary signs
- (a) fixing speed limits,
 - (b) prohibiting or controlling parking,
 - (c) prohibiting entry and restricting the direction of movement of traffic, and
 - (d) requiring vehicles to stop before proceeding and to yield the right of way to other traffic,
- and any other type of sign or device ordinarily used to regulate traffic.
- (6) A person who
- (a) contravenes a regulation made under subsection (2), or
 - (b) fails to obey an order, direction or instruction indicated by a sign erected pursuant to subsection (5)
- is guilty of an offence and liable to a fine of not more than \$1000.
- (7) In a prosecution under this section, the existence of a sign referred to in subsection (5) is proof, in the absence of evidence to the contrary, that the sign was erected by the Minister without other or further proof that it was erected by the Minister.
- (8) In a prosecution under this section, a certificate purporting to be signed by the Minister shall be admitted in evidence as proof, in the absence of evidence to the contrary, that any land or premises referred to in the certificate is owned or occupied by the Crown without proof of the Minister's appointment or signature.

Records management

- 14(1)** In this section, "department" means
- (a) a department, branch or office of the Government of Alberta,
 - (b) an agency, board, commission, corporation, office or other body designated as a department in the regulations,
 - (c) the Executive Council Office,
 - (d) the Court of Appeal of Alberta, the Court of Queen's Bench of Alberta and The Provincial Court of Alberta,
 - (e) a treasury branch, and

- (f) the office of a member of the Executive Council,

but does not include the office of the Speaker of the Legislative Assembly, the office of a member of the Executive Council with respect to personal records and constituency records and the office of a member of the Legislative Assembly.

(2) The Lieutenant Governor in Council may make regulations

- (a) respecting the management of records in the custody or under the control of a department, including their creation, handling, control, organization, retention, maintenance, security, preservation, disposition, alienation, destruction and their transfer to the Provincial Archives of Alberta;
- (b) establishing or governing the establishment of programs for any matter referred to in clause (a), including interdepartmental structures for implementing the programs;
- (c) defining and classifying records;
- (d) respecting the departments, records or classes of records to which the regulations or any provisions of them apply.

RSA 2000 cG-10 Sched. 11; RSA 2000 c16(Supp) s47;
2003 c42 s8; 2008 c18 s2; 2012 cE-0.3 s270

Schedule 12**Registries Administration****Part 1
General****Definitions**

1(1) In this Part,

- (a) “registry” means a registry, document recording system, information recording system, information bank, data bank or similar system
 - (i) that is under the administration of the Minister, or
 - (ii) that is operated by the Government and that is not under the administration of the Minister but for which the Minister is requested to provide services or otherwise deal with under this Part;
- (b) “registry agent” means a person who is not an employee of the Government and who enters into an agreement under section 3 to carry out registry services for the public;
- (c) “registry services” includes statutory functions and other functions, services and products that are provided or made available by or through the Government or one or more registries;
- (d) “statutory function” means a duty, task or other function that is performed or otherwise carried out pursuant to an enactment under or in the name of the office of a statutory officer, but does not include the power to make regulations under an enactment;
- (e) “statutory officer” means a person who holds an office that is established or otherwise provided for under an enactment and includes the Minister.

(2) For the purposes of this Part,

- (a) a reference to registrations includes
 - (i) the registration of a document in a registry,
 - (ii) the recording of information in a registry,
 - (iii) the filing of a document in a registry,

- (iv) the providing of a document or information to a registry for the purpose of making a filing or registration in the registry, and
 - (v) the issuance of a document by or in a registry under which a person has title to or claims an interest in property or that affects the status of property,
- or any one or more of those functions, but does not include the provision of information that is not provided as part of the carrying out of a function referred to in subclauses (i) to (v);
- (b) a reference to a registry agent doing something or providing registry services means a registry agent doing something or providing registry services to, for or on behalf of a member of the public when requested, directed or otherwise authorized to do so by that member of the public;
 - (c) a reference to the public includes any individual, organization, corporation, public institution or government and their heirs, executors, administrators and other legal representatives;
 - (d) a reference to document handling procedures means the filing, sending, transmitting, recording, depositing, production, reproduction, creation, issuance or registration of any document or information or any procedure or method that otherwise deals with any document or information;
 - (e) a reference to an enactment under which a registry operates is a reference to the enactment under which the registry was established or otherwise operates and is not a reference to this Part or a regulation made under this Part.

Establishment of the Division

2 There is hereby established a division of a department of the Government to be known as “Alberta Registries”.

Provision of services by registry agents

3(1) The Minister may enter into an agreement with a person under which the person is authorized to be a registry agent.

(1.1) An agreement referred to in subsection (1) must specify

- (a) the registry services that the registry agent must provide, as determined by the Minister, and

(b) the location at which the registry services must be provided, as determined by the Minister in accordance with regulations made under section 12.

(1.2) A registry agent shall not provide registry services other than those specified under subsection (1.1)(a).

(1.3) No change in the ownership of a registry agent and no sale, lease or other disposition of the business operations of a registry agent that pertain to the provision of registry services may occur without the prior approval of the Minister, and the Minister may attach terms and conditions to an approval.

(2) Notwithstanding that an enactment provides that a statutory function is to be carried out by a statutory officer, a registry agent may carry out that statutory function where permitted to do so under this Part, the regulations or an agreement entered into under this Part.

(3) Subject to this Part, where a registry agent provides registry services for a member of the public, the registry agent may, for the registry agent's own benefit, charge and collect from that member of the public a service charge for providing those registry services.

(4) If the regulations establish a maximum or minimum amount of a service charge that a registry agent may collect for providing a registry service, a registry agent may not charge or collect a service charge that is greater than that maximum amount or less than that minimum amount, as the case may be.

(5) If the regulations establish a limit or condition on a service charge that a registry agent may collect for providing a registry service, a registry agent may not charge or collect a service charge that contravenes the limit or condition.

Registrations by registry agents

4(1) The Minister may enter into an agreement with a registry agent under which the registry agent may carry out, on behalf of the public, registrations in a registry using the facilities and services provided by that registry agent.

(2) A registry agent shall not carry out registrations in a registry on behalf of the public except when permitted to do so under an agreement entered into between the Minister and the registry agent and in accordance with that agreement.

(3) For the purpose of carrying out registrations under the enactments under which a registry operates using the facilities and

services provided by a registry agent, the Minister may, notwithstanding any provision of those enactments, make regulations facilitating the carrying out of registrations in that registry using the facilities and services provided by that registry agent.

Agent of Crown

5(1) A registry agent is an agent of the Crown in right of Alberta, but only for the purposes of carrying out registry services as permitted pursuant to this Part or the agreement entered into between the Minister and the registry agent.

(2) Where a statutory function is carried out or purported to be carried out by a registry agent, that statutory function is deemed to have been carried out or purported to have been carried out by the appropriate statutory officer.

Provision of services, etc. by the Government

6(1) The Minister may enter into an agreement with a person who is not a registry agent under which that person acquires services or products or carries out functions that are provided or made available by or through the Government or a registry.

(2) Where a person enters into an agreement under subsection (1), that person is not by virtue of that agreement or any dealings carried out under that agreement

- (a) an agent of the Crown in right of Alberta, or
- (b) a registry agent or empowered to carry on the business of a registry agent.

(3) A person who enters into an agreement with the Minister under subsection (1) shall not acquire services or products or carry out functions except as permitted under that agreement.

Authorizing documents for processing

7(1) In this section,

- (a) “accredited person” means an employee of the Crown in right of Alberta or other person who is accredited pursuant to this Part to carry out functions respecting document authorization;

- (b) “designated document” means a document or information that is designated as a designated document under subsection (2);
- (c) “designated registry” means a registry that is designated by regulation as a registry to which this section applies;
- (d) “functions respecting document authorization” means the process carried out in order to determine whether a designated document may be authorized for processing and includes the authorization of that document for processing;
- (e) “registrar” means, in respect of a designated registry, the person who is the registrar of that registry or is responsible for that registry and includes an employee of the Government who performs a statutory function in respect of that registry;
- (f) any reference to a document’s being authorized for processing means, in respect of a designated document, that the designated document
 - (i) meets or otherwise complies with the standards or criteria established by the registrar of a designated registry, and
 - (ii) where applicable, has been converted into a form in which the designated document can be dealt with in accordance with the document handling procedures applicable in respect of the designated registry.

(2) For the purposes of this section, the registrar of a designated registry may designate a document or information or any class of documents or information as a designated document.

(3) Notwithstanding any provision in an enactment under which a designated registry operates, the registrar may refuse to deal with a designated document until an accredited person has authorized that designated document for processing.

(4) Where an accredited person is a person other than an employee of the Crown in right of Alberta, that person is not, by reason only of that person’s carrying out the functions respecting document authorization, an agent of the Crown in right of Alberta.

(5) In carrying out functions respecting document authorization, an accredited person may carry out those functions only in respect of a designated registry or designated documents for which that person is accredited.

- (6) A person who is not an accredited person shall not
- (a) authorize or purport to authorize a document for processing, or
 - (b) purport to be an accredited person.
- (7) The *Regulations Act* does not apply to a designation made under subsection (2).

Exercise of discretion

- 8 Where a statutory officer may exercise discretion pursuant to an enactment and under this Part or a regulation or an agreement made under this Part a person who is not an employee of the Government is authorized to exercise that discretion on behalf of the statutory officer, the Minister may, notwithstanding anything in that enactment,
- (a) give directions to that person as to how the discretion is to be exercised or in respect of any matter relating to the exercise of that discretion, or
 - (b) exercise the discretion in whole or in part in place of its being exercised by that person.

Signature and seal of statutory officers

- 9(1) Where an enactment provides that a statutory function is to be carried out by a statutory officer and the carrying out of that statutory function involves the production, creation or issuance of a document containing the signature of the statutory officer, that document is deemed to have been signed by the statutory officer if the document
- (a) sets out the signature of the person who is or was the statutory officer, or
 - (b) sets out the seal of office of the statutory officer.
- (2) For the purposes of subsection (1)(b), the Minister may approve the form of the seal of office to be used by a statutory officer.
- (3) Any signature or seal referred to in this section may be reproduced by engraving, lithography or printing or by any electronic or mechanical or other method of reproduction and when so reproduced has the same force and effect as if it had been manually signed or affixed.

Funds held in trust

10 Where a registry agent or other person has possession of or control over funds that are owing to the Government, those funds

- (a) are deemed to be held in trust for the Government, and
- (b) are deemed to be separate from and not to form any part of any funds belonging to the registry agent or other person or the registry agent's or other person's estate whether or not those funds have in fact been kept separate and apart from funds belonging to the registry agent or other person or the registry agent's or other person's estate.

Recovery from registry agents, etc.

11(1) If the Government

- (a) is liable for something done or omitted to be done by a registry agent or other person,
- (b) assumes the liability for something done or omitted to be done by a registry agent or other person, or
- (c) assumes an obligation for something done or omitted to be done by a registry agent or other person,

and the Government makes a payment in respect of that liability or obligation, the registry agent or the other person, as the case may be, shall, subject to any agreement entered into between the Government and the registry agent or the other person, indemnify the Government for that payment and any interest owing in respect of that payment, notwithstanding any law that provides otherwise.

(2) Where any costs, fees or other amounts identified in the regulations that are payable by a registry agent to the Government remain unpaid, the costs, fees or other amounts constitute a debt due to the Government and may be recovered by the Minister in an action in debt against the registry agent.

Regulations

12(1) The Minister may make regulations

- (a) respecting the requirements to be met by persons applying to become registry agents;
- (a.1) respecting the authority to carry out background checks on the persons referred to in clause (a) in order to determine the

suitability of a person to become a registry agent, including, but not limited to,

- (i) making inquiries respecting those persons,
 - (ii) if the person is a corporation, making inquiries respecting all shareholders and directors of the corporation,
 - (iii) making inquiries respecting the spouses or adult interdependent partners of the persons referred to in subclause (i) and the shareholders and directors referred to in subclause (ii), and
 - (iv) requesting credit reports and obtaining information from law enforcement agencies and records from the Registrar of Motor Vehicle Services relating to any of the persons referred to in subclauses (i) to (iii);
- (a.2) respecting the Minister's absolute discretion to determine whether an agreement under section 3 should be entered into with any person;
 - (a.3) respecting ongoing requirements to be met by registry agents;
 - (a.4) respecting the matters to be considered by the Minister in determining the location at which registry services are to be provided under an agreement entered into under section 3;
 - (a.5) respecting the holding and handling of money by registry agents;
 - (b) respecting the carrying out of registry services;
 - (c) respecting the provision of information;
 - (d) respecting the maximum and minimum amounts that may be charged by registry agents as service charges;
 - (d.1) respecting limits or conditions on the service charges that a registry agent may charge for providing registry services;
 - (e) designating a registry as a registry to which section 7 applies;
 - (f) governing the accreditation and the suspension or cancellation of accreditation of persons as accredited persons for the purposes of section 7 and providing for

disclosure of information related to the status of a person's accreditation;

- (g) governing functions respecting document authorization for the purposes of section 7;
- (h) governing service charges that may be charged in respect of services provided by accredited persons under section 7;
- (i) governing document handling procedures in respect of a registry where the enactment under which the registry operates does not provide for document handling procedures;
- (j) providing for the restriction of or the cancellation or suspension of registry services to persons who owe money or are in arrears with respect to the payment of fees for registry services that are payable or otherwise owing to the Government;
- (k) providing for forms to be used in respect of registries and the provision of registry services;
- (l) respecting access and the manner of access to a registry, including the restriction of that access as a consequence of a contravention of
 - (i) this Part,
 - (ii) the regulations made under this section,
 - (iii) another enactment under which a registry operates,
 - (iv) an agreement under this Part, or
 - (v) a code of conduct or policies and procedures referred to in clause (o),and respecting the use of information in a registry by registry agents, other persons authorized to provide registry services and accredited persons;
- (m) identifying costs, fees and other amounts for the purposes of section 11(2);
- (n) respecting the conduct of inspections and audits of registry agents, other persons authorized to provide registry services and accredited persons and of functions carried out by those persons;

- (o) respecting the development of
 - (i) codes of conduct, and
 - (ii) policies and procedures relating to the operation of a registry and the provision of registry services and requiring registry agents, other persons authorized to provide registry services and accredited persons to comply with those codes of conduct and policies and procedures;
 - (p) providing, with respect to any provision of the regulations made under this section, that its contravention constitutes an offence;
 - (q) requiring registry agents, other persons authorized to provide registry services and accredited persons to report to the Minister any conduct that may amount to a contravention referred to in clause (l);
 - (r) respecting the appeal by a registry agent, another person authorized to provide registry services or an accredited person of any decision relating to a contravention referred to in clause (l);
 - (s) exempting a registry agent from the operation of any provision of the regulations;
 - (t) respecting the provision of registry services when an agreement under section 3 expires or is terminated;
 - (u) respecting the appointment of a receiver or manager of the property of a registry agent;
 - (v) respecting any administrative or other matter that is considered necessary or advisable to carry out the intent of this Part.
- (2) Where an enactment under which a registry operates
- (a) provides for the carrying out of registry services, the Minister may, notwithstanding that enactment, make regulations for the purpose of facilitating the carrying out of those registry services using the facilities and services provided by registry agents;
 - (b) provides for document handling procedures,

- (i) the Minister may, notwithstanding anything in that enactment, make regulations
 - (A) governing document handling procedures under that enactment by electronic or any other means or form, and
 - (B) for the purposes of section 7, governing functions respecting document authorization,and
 - (ii) unless otherwise provided for in that regulation, a regulation made pursuant to subclause (i) prevails, in respect of matters provided for in that regulation, over the provisions of the enactment under which the registry operates;
 - (c) requires or otherwise provides that a person is to sign a document, the Minister may, notwithstanding anything in that enactment, by regulation
 - (i) remove or modify the requirement that the person sign the document, or
 - (ii) provide or otherwise establish or recognize a method or procedure under which the person may acknowledge or verify the document without the necessity of signing the document;
 - (d) requires or otherwise provides that a document must be accompanied with or have endorsed on it an order of a court, a certificate, an affidavit, a statutory declaration or any other accompanying documentation of any type, the Minister may, notwithstanding anything in that enactment, by regulation
 - (i) modify that requirement so that only the information or a portion of the information contained in the accompanying documentation, and not the actual accompanying documentation, needs to be provided, or
 - (ii) provide or otherwise establish or recognize a method or procedure under which the accompanying documentation may be acknowledged or verified without the necessity of the actual documentation being provided.
- (3)** Notwithstanding any provision in an enactment under which a registry operates or otherwise carries out registry services, the

Minister may with respect to the establishment or collection of any fees or charges under that enactment make regulations

- (a) prescribing any fees or charges to be paid with respect to registrations carried out under that enactment;
- (b) prescribing any fees or charges, other than fees or charges referred to in clause (a), to be paid for the carrying out of registry services under or relating to that enactment.

(4) Notwithstanding subsection (3), the Minister may charge any fees or charges, other than fees or charges referred to in subsection (3)(a), that the Minister considers appropriate for the carrying out of a registry service where a fee or charge is not prescribed under subsection (3)(b) for the carrying out of that registry service.

(5) If, with respect to the same matter,

- (a) a fee or charge is established pursuant to an enactment, and
- (b) a fee or charge is established or otherwise provided for under subsection (3) or (4),

the fee or charge referred to in clause (b) prevails over the fee or charge referred to in clause (a).

(6) Notwithstanding that an enactment under which a registry operates or otherwise carries out registry services provides for the establishment or use of forms under that enactment, the Minister may make regulations governing the forms to be used under that enactment, including regulations prescribing or otherwise providing for the forms to be used under that enactment.

Court order

13(1) If a person fails to comply with this Part or a regulation or an agreement made under this Part, the Minister may apply to the Court of Queen's Bench for an order granting the relief provided for under subsection (5).

(2) Repealed 2009 c53 s73.

(3) On the filing of an application with the clerk of the Court of Queen's Bench, the Court may, if it considers it necessary in the circumstances, hear an interim application on one day's notice, or any longer period that the Court may direct, and make an interim order granting any relief that the Court considers appropriate pending the determination of the application.

(4) An interim order under subsection (3) may be made ex parte if the Court considers it appropriate to do so in the circumstances.

(5) On hearing an application, the Court may do one or more of the following:

- (a) direct the person to comply with this Part, the regulations or the agreement made under this Part, as the case may be;
- (b) direct a person to cease carrying out any action that in the opinion of the Court does not comply with this Part, the regulations or the agreement made under this Part, as the case may be;
- (c) give those directions that it considers necessary in order to ensure compliance with this Part, the regulations or the agreement made under this Part, as the case may be;
- (d) make its order subject to any terms or conditions that the Court considers appropriate;
- (e) dismiss the application;
- (f) award costs.

(6) Nothing in this section is to be construed so as to restrict or otherwise affect any right of action or remedy that the Government has at law or under an enactment or an agreement.

Legal effect, evidentiary matters respecting documents, information

14(1) In this section, “document handling procedures” includes matters dealt with under section 12(2)(c) and (d).

(2) Where

(a) an enactment under which a registry operates provides for document handling procedures, and

(b) a regulation is made under section 12(2) governing those document handling procedures,
any document or information that is dealt with in accordance with the document handling procedures provided for in that regulation has the same force and effect as if the document or information had been dealt with in accordance with the document handling procedures provided for in the enactment under which the registry operates.

(3) Where

- (a) an enactment provides that a certificate or other evidentiary documentation may be issued in respect of any document or information that is dealt with in accordance with the document handling procedures provided for in the enactment under which a registry operates, and
- (b) a regulation is made under section 12(2) governing those document handling procedures and a document or information is dealt with in accordance with the document handling procedures provided for in that regulation,

that certificate or other evidentiary documentation may be issued, and has the same force and effect, as if the document or information in respect of which the certificate or other evidentiary documentation is issued had been dealt with in accordance with the document handling procedures provided for in the enactment under which the registry operates.

Offences

15(1) No person shall

- (a) purport to be a registry agent, or
- (b) carry on the business of a registry agent,

unless that person is a registry agent under this Part.

(2) Where a regulation is made under this Part governing the provision of information, no person shall provide information in contravention of that regulation.

(3) Repealed 2009 c9 s2.

(4) Nothing in subsection (1) shall be construed so as to prohibit or restrict a lawyer from carrying out the practice of law as permitted under the *Legal Profession Act* or carrying out any task or function that is ancillary to the carrying out of the practice of law.

General offence

15.1 A person who contravenes

- (a) a provision of this Part, or
- (b) a provision of the regulations made under section 12 the contravention of which is, pursuant to those regulations, an offence,

is guilty of an offence and liable to a fine of not more than \$10 000 or to a term of imprisonment of not more than one year or to both a fine and a term of imprisonment.

Limitation period

15.2 No proceedings under section 15 or 15.1 may be instituted after the expiry of

- (a) 9 months from the date on which the Minister first becomes aware that an alleged offence has occurred, or
- (b) 6 years from the date on which an alleged offence occurred,

whichever occurs first.

Right of entry, audit and inspection

15.3(1) For the purpose of the administration of and monitoring compliance with this Part, the regulations made under section 12, an agreement under this Part or a code of conduct or policies and procedures developed under section 12(1)(o), the Minister or a person designated by the Minister may, without a warrant or court order, at any reasonable time,

- (a) enter, inspect and audit the business premises of a registry agent or other person authorized to provide registry services and any other premises, other than a private dwelling, used by the registry agent or other person authorized to provide registry services to store records or other documents that relate to or are required to be kept for the provision of registry services,
- (b) require the production of any records or other documents referred to in clause (a),
- (c) make copies of or take extracts from any records or other documents referred to in clause (a),
- (d) use any computer system at the business premises to examine any data contained in or available to the computer system,
- (e) interview the registry agent or other person authorized to provide registry services, any officers, employees or agents of the registry agent or other person authorized to provide registry services and any accredited persons,
- (f) make reasonable inquiries of any person, orally or in writing,

- (g) remove any records or other documents referred to in clause (a) for the purpose of examining them and making copies, and
- (h) in addition, where the person designated by the Minister is a peace officer appointed under the *Peace Officer Act*, carry out any other investigation or activity that that peace officer is by law authorized to carry out.

(2) For the purpose of taking possession of records or other documents, equipment, inventory and supplies that are the property of the Government when an agreement under section 3 expires or is terminated, the Minister or a person designated by the Minister may, without a warrant or court order, at any reasonable time and without advance notice if the Minister or other person considers it appropriate,

- (a) enter the business premises of the registry agent with whom the agreement was entered into and any other premises, other than a private dwelling, used by the registry agent to store records or other documents that relate to or are required to be kept for the provision of registry services, and
- (b) require the production of, and remove, the records and other documents, equipment, inventory and supplies that are the property of the Government.

(3) On entering premises under subsection (1) or (2), the Minister or the person designated by the Minister must, on request, produce identification.

(4) When the Minister or a person designated by the Minister removes any records or other documents pursuant to subsection (1), the Minister or person must

- (a) give to the person from whom those items were taken a receipt for those items within a reasonable period after removing them, and
- (b) return those items to the person from whom they were taken after they have served the purpose for which they were taken.

(5) No registry agent or other person authorized to provide registry services, no officer, employee or agent of a registry agent or other person authorized to provide registry services and no accredited person shall

- (a) refuse or fail to permit the Minister or a person designated by the Minister to enter any premises under subsection (1) or (2), or
- (b) obstruct or refuse or fail to assist the Minister or a person designated by the Minister in the exercise of rights and performance of duties under this section.

Registry is property of Government

15.4 Each registry, and all records and information that form part of the registry, are the property of the Government.

**Part 2
Voluntary Identification Cards****Definition**

16 In this Part, “identification card” means an identification card issued under section 17(2).

Identification cards

17(1) A person may apply for an identification card in accordance with the regulations.

(2) The Minister may issue an identification card to an applicant in accordance with the regulations.

(3) No person is required to obtain an identification card.

Crown not liable

18 No liability attaches to the Crown for any loss or damage that arises from the issuance of an identification card, or from incorrect information contained in an identification card or an application for an identification card, notwithstanding that the information may have been entered by some person other than the applicant for an identification card.

Offences

19 A person is guilty of an offence who

- (a) makes a false statement in an application for an identification card,
- (b) being the holder of an identification card permits another person to possess or use it,
- (c) uses an identification card belonging to another person,

- (d) alters or falsifies an identification card,
- (e) possesses or uses an identification card that has been altered or falsified,
- (f) possesses or uses any fictitious document purporting to be an identification card, or
- (g) knowingly makes a false statement in an identification card.

Regulations

20 The Minister may make regulations respecting

- (a) the information to be provided with an application for an identification card;
- (b) the establishment of the identity of an applicant;
- (c) the issuance, renewal, cancellation and expiration of identification cards;
- (d) the qualifications or conditions required to be met in order to be issued or to hold an identification card;
- (e) the form of an identification card and other forms and documents required for the purposes of this Part;
- (f) the collection, use and disclosure of information provided under this Part;
- (g) fees to be charged under this Part.

RSA 2000 cG-10 Sched. 12;2003 c8 s2;2008 c7 s1;
2009 c9 s2;2009 c48 s6;2009 c53 s73

Schedule 13**Social Housing and Consumer Matters****Loans**

1(1) In this section, “housing” means

- (a) buildings or structures suitable and adequate for human habitation that are or are to be used primarily for that purpose, or
- (b) projects for the provision, construction or rehabilitation of those buildings or structures,

and includes the infrastructure of, or the provision or construction of infrastructure for, those buildings, structures or projects.

(2) The Minister, when authorized by regulations under subsection (3), may make loans for the following:

- (a) the cost of acquiring and preparing land for housing;
- (b) the cost of improving or developing land for housing;
- (c) the cost of designing, constructing, maintaining or improving housing;
- (d) the cost of providing sewer, water and other utilities in respect of housing;
- (e) any other purpose that the Minister considers incidental to or proper, necessary or desirable in connection with housing.

(3) The Lieutenant Governor in Council may make regulations

- (a) authorizing the Minister to make loans in accordance with and for the purposes mentioned in subsection (2);
- (b) respecting the purposes for which loans may be made;
- (c) governing applications for loans;
- (d) respecting the persons or organizations or classes of persons or organizations eligible for loans;
- (e) respecting the conditions required to be met by any applicant for a loan to render that person eligible for it;

- (f) respecting the conditions on which a loan is made and the obligations of a person to whom a loan is made;
 - (g) respecting the class of security that the Minister may require to be given by applicants respecting a loan;
 - (h) limiting the amount of a loan or class of loan;
 - (i) authorizing the Minister to delegate in writing to any employee or agent of the Government any duty or power respecting the making of a loan;
 - (j) requiring a recipient to account for the way in which a loan made by the Government is spent in whole or in part;
 - (k) authorizing the Minister to enter into an agreement with respect to any matter relating to the making of a loan.
- (4) Regulations made under subsection (3) may be specific or general in their application.
- (5) Notwithstanding subsection (3)(f), the Minister may impose further conditions not prescribed in the regulations on the making of a particular loan.
- (6) The Minister may do all things necessary to realize on any security given to the Government in consideration of a loan.

Powers and functions of Minister

2 The Minister

- (a) may develop and implement policies, programs, services and administrative procedures in matters pertaining to consumer protection;
- (b) may cause to be investigated complaints of practices that
 - (i) are in contravention of Acts for the protection of consumers,
 - (ii) appear to be detrimental either to a business or to a consumer, or
 - (iii) are unethical business practices;
- (c) may compile, study and assess information directly or indirectly related to matters pertaining to consumer protection in order to carry out the Minister's functions and responsibilities under this Schedule or any other Act and

with a view to providing that information, or the results of the study and assessment, to departments of the Government, government agencies and the public;

- (d) may arrange for and assist in the representation of and on behalf of consumers before any tribunal whose decision or other action may materially affect the interests of consumers;
- (e) may do any other things the Minister considers necessary for the furtherance of consumer protection.

Investigation and examination

3(1) In carrying out the powers conferred on the Minister by this Schedule, the Minister, or a person authorized in writing by the Minister for the purpose, may, by notice to any person, require that person to furnish to the Minister or authorized person within the time specified in the notice written information verified by affidavit in connection with any matter under investigation.

(2) The Minister, or a person authorized in writing by the Minister to conduct an investigation, has for the purposes of an investigation conducted under this Schedule, the powers of a commissioner appointed under the *Public Inquiries Act*.

(3) A person who fails to comply with a requirement made under subsection (1) is guilty of an offence and liable to a fine of not more than \$500 and in default of payment to imprisonment for a term not exceeding 90 days.

(4) A person is not guilty of an offence under subsection (3) if in the circumstances of the case the time specified in the notice was unreasonable.

1994 cG-8.5 Sched. 11

Schedule 13.1**Office of the Utilities
Consumer Advocate****Definitions**

1 In this Schedule,

- (a) “consumer” means a person who is
 - (i) an eligible customer as defined in the *Regulated Rate Option Regulation* (AR 262/2005),
 - (ii) a consumer as defined in the *Energy Marketing and Residential Heat Sub-metering Regulation* (AR 246/2005),
 - (iii) a person who purchases fewer than 2500 gigajoules of natural gas per year, or
 - (iv) a person who receives water from a provider for
 - (A) residential purposes,
 - (B) small business purposes, or
 - (C) agricultural purposes other than irrigation;
- (b) “distributor” means
 - (i) an owner of an electric distribution system as defined in the *Electric Utilities Act*, or
 - (ii) a gas distributor as defined in the *Gas Utilities Act*;
- (c) “provider” means
 - (i) a regulated rate provider as defined in the *Electric Utilities Act*,
 - (ii) a default supply provider as defined under the *Gas Utilities Act*, or
 - (iii) a person that provides water, sewage disposal or drainage to a consumer and is
 - (A) a public utility under the *Public Utilities Act*,
 - (B) a public utility under the *Municipal Government Act*, or

- (C) any other water utility regulated by the Alberta Utilities Commission;
- (d) “retailer” means
 - (i) a municipality as defined in the *Municipal Government Act*,
 - (ii) a retailer as defined in the *Electric Utilities Act*, or
 - (iii) a retailer as defined in the *Gas Utilities Act*.

Office of the Utilities Consumer**Advocate established**

2 The Office of the Utilities Consumer Advocate is established as part of the department of the responsible Minister, consisting of the Utilities Consumer Advocate and such staff as the responsible Minister determines.

Responsibilities

3 The Office of the Utilities Consumer Advocate has the following responsibilities:

- (a) to represent the interests of Alberta residential, farm and small business consumers of electricity and natural gas before proceedings of the Alberta Utilities Commission and other bodies whose decisions may affect the interests of those consumers;
- (b) to disseminate independent and impartial information about the regulatory process relating to electricity and natural gas, including an analysis of the impact of decisions of the Alberta Utilities Commission, other bodies and the courts relating to electricity and natural gas;
- (c) to inform and educate consumers about electricity, natural gas and water utilities issues;
- (d) to disseminate independent and impartial information to assist electricity and natural gas consumers in choosing a distributor, provider or retailer, including
 - (i) complaints made under this Schedule, the *Electric Utilities Act* or the *Alberta Utilities Commission Act* and the outcome of any recommendation, hearing or settlement,
 - (ii) investigations, orders, administrative penalties or convictions conducted, awarded or made under the

Electric Utilities Act, the Alberta Utilities Commission Act or the Consumer Protection Act,

- (iii) compliance records of a distributor, provider or retailer in adhering to the standards and codes prescribed under the *Electric Utilities Act, the Alberta Utilities Commission Act* and the *Consumer Protection Act*, and
- (iv) any other matters the Utilities Consumer Advocate considers necessary to carry out the purposes of this clause;
- (e) to assist in the resolution of any consumer issue, complaint or dispute between a consumer and a distributor, provider or retailer relating to the provision of electricity, natural gas or water as the Utilities Consumer Advocate considers appropriate and, if a resolution is not reached, to refer the complaint to the person, body or authority the Utilities Consumer Advocate considers appropriate;
- (f) to develop and undertake activities that the Utilities Consumer Advocate considers appropriate for the purposes of
 - (i) preventing the disconnection of electricity or natural gas provided by a retailer or provider to a consumer, or
 - (ii) facilitating the reconnection of electricity or natural gas provided by a retailer or provider to a consumer;
- (g) to carry out such other responsibilities relating to electricity, natural gas and water as the responsible Minister determines.

Collection and disclosure of distributor, provider or retailer information

4(1) The Office of the Utilities Consumer Advocate may, for the purposes of carrying out the responsibilities set out in section 3(d), collect and use information about an electricity and natural gas distributor, provider or retailer from

- (a) the Market Surveillance Administrator,
- (b) the Alberta Utilities Commission,
- (c) the Director of Fair Trading, and

(d) any other persons as reasonably required to carry out the responsibilities set out in section 3(d).

(2) For the purposes set out in subsection (1), the bodies, organizations and persons referred to in subsection (1) are authorized to disclose information about a distributor, provider or retailer to the Office of the Utilities Consumer Advocate.

(3) For the purposes set out in subsection (1), the Office of the Utilities Consumer Advocate is authorized to disclose information collected under this section about a distributor, provider or retailer to any persons as reasonably required to carry out the responsibilities set out in section 3(d).

(4) No action lies against the Office of the Utilities Consumer Advocate for the publication of any information pursuant to this section, if such publication is made in good faith for the purposes of section 3(d).

(5) Nothing in this section compels the disclosure of any information or records that are subject to any type of legal privilege, including solicitor-client privilege.

Authority to collect information

5 This Schedule does not limit the authority of the Office of the Utilities Consumer Advocate to collect, use or disclose information when authorized to do so by any other enactment.

Regulations

6 The Lieutenant Governor in Council may make regulations

- (a) clarifying who is a water consumer for the purposes of section 1(a);
- (b) clarifying who is a water provider for the purposes of section 1(c);
- (c) defining any word or phrase used in this Schedule but not defined in this Schedule;
- (d) adding to, clarifying, limiting or restricting any of the responsibilities of the Office of the Utilities Consumer Advocate or regulating how they are to be carried out;
- (e) respecting any other matter necessary to carry out the intent of this Schedule.

2017 cA-37.2 s82(13); 2018 c5 s2

Schedule 14**Transportation Matters****Definition**

1 In this Schedule, “highway” or “road” means a highway, road or street within the meaning of the *Highways Development and Protection Act*.

Administration of highways, railways and airports

2 Unless the administration is assigned or transferred to some other Minister by an Act or by an order of the Lieutenant Governor in Council, the Minister of Infrastructure has the administration of all highways the title to which is vested in the Crown in right of Alberta and all airports, airstrips and railways held, used or occupied by, or the title to which is vested in, the Crown in right of Alberta.

Disposal of land, etc.

3(1) The Minister may sell, lease or otherwise dispose of any public land under the Minister’s administration in accordance with section 10 of Schedule 11.

(2) When any machinery, vehicles, equipment, stock or material is no longer required, the Minister may sell, lease or otherwise dispose of it on any terms and conditions the Minister considers proper and the proceeds, if any, of the sale or disposition form part of the General Revenue Fund.

(3) When practicable, property referred to in subsection (2) shall be sold, leased or otherwise disposed of by tender or by public auction.

(4) A lease or disposition of a mine or mineral shall be made pursuant to the *Mines and Minerals Act*.

Construction, maintenance and repair

4 The design, construction, alteration, repair and maintenance of a highway, airport, airstrip or railway for which the Minister is responsible may be done either

- (a) by employees of the Minister’s Department, or
- (b) by any other persons under contract or commission, when the Minister is of the opinion that

- (i) from the nature of the work, it can be executed more expeditiously or economically in that manner, or
- (ii) it is desirable or expedient to do so.

Airstrips and airports

5(1) The Minister may, in relation to airstrips and airports that are or are to be under the Minister's administration,

- (a) purchase land for an airstrip or airport or the site of any structure incidental to the airstrip or airport;
- (b) construct, operate and maintain airstrips or airports;
- (c) control traffic on and regulate the use of airstrips and airports.

(2) There is no obligation on the Minister to construct or maintain any airstrip or airport for public use.

RSA 2000 cG-10 Sched. 14;2003 c2 s1(25);
2003 c42 s8;2004 cH-8.5 s67

Schedule 15 Repealed 2014 c8 s3.



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