



Province of Alberta

HORSE RACING ALBERTA ACT

Revised Statutes of Alberta 2000
Chapter H-11.3

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HORSE RACING ALBERTA ACT

Chapter H-11.3

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

Interpretation

1(1) In this Act,

- (a) “board” means the board of directors of the Corporation;
- (b) “Corporation” means Horse Racing Alberta;
- (c) “horse race” means a horse race in any of its forms;
- (d) “licensed activity” includes the following:
 - (i) the operation of a race track;
 - (ii) the conduct of a horse race;
 - (iii) riding or driving a race horse in a horse race;
 - (iv) the operation of an off track wagering facility;
 - (v) the operation of a facility showing or otherwise operating simulcast horse racing;
 - (vi) the operation of a facility at which or through which wagers may be placed in respect of simulcast horse racing;

- (vii) any activity specifically related to horse racing but not referred to in subclauses (i) to (vi) that is prescribed by the rules as a licensed activity;
 - (e) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
 - (f) “off track wagering facility” means any facility not located at a race track at which a wager on the outcome of a horse race may be placed;
 - (g) “pari mutuel wagering” means a form of wagering on the outcome of a horse race under which all wagers for each race are pooled and held for distribution of the total amount, less the deductions authorized by law, to holders of tickets on the winning horses;
 - (h) “race horse” means an equine of any breed that
 - (i) is owned or otherwise maintained by a racing participant for the purposes of running in a horse race,
 - (ii) is located at or on a race track or is otherwise used or maintained for the purposes of or in connection with horse racing, or
 - (iii) is designated by the Corporation as a race horse;
 - (i) “race track” includes
 - (i) any location or grounds at which a horse race takes place or customarily takes place, and
 - (ii) any buildings and facilities located on that location or those grounds;
 - (j) “racing officials” means stewards, harness racing judges and other race track officials and employees whose duties relate to the actual running of horse races and includes
 - (i) veterinarians and analysts who are engaged in the inspection of, or the testing of samples taken from, race horses, and
 - (ii) any other persons designated by the rules as racing officials,
- but does not include racing participants;

- (k) “racing participants” means owners, trainers, drivers and jockeys of race horses and includes
 - (i) apprentice jockeys, grooms, jockeys’ agents, jockeys’ valets and exercise riders, and
 - (ii) any other persons designated by the rules as racing participants;
 - (l) “selection committee” means the selection committee referred to in section 2(3)(a);
 - (m) “simulcast” means the telecast or other transmission of audio and visual signals of a horse race that, for the purpose of allowing wagering to be conducted in Alberta on that horse race,
 - (i) is transmitted from the race track at which the horse race is being run, and
 - (ii) is received and shown at a location in Alberta, at the time that the horse race is being run;
 - (n) “wager” means a wager placed under the system known as pari mutuel wagering.
- (2) Any reference in this Act to “this Act” includes a reference to the rules made under this Act.

RSA 2000 cR-1 s1;2002 c22 s3;2023 c3 s10

Part 1 Establishment and Operation of Corporation

Alberta Racing Corporation

2(1) The Alberta Racing Corporation is continued under the name “Horse Racing Alberta” consisting of a board of directors made up of the following:

- (a) one person appointed as chair;
- (b) one person appointed by the Alberta Standardbred Horse Association to represent the race horse breeders in that Association;
- (c) one person appointed by the Alberta Standardbred Horse Association to represent persons in that Association other than race horse breeders;

- (d) one person appointed by the Canadian Thoroughbred Horse Society (Alberta Division);
- (e) one person appointed by The Horsemen's Benevolent and Protective Association of Alberta;
- (f) one person agreed on and appointed by all other racing breed associations in the Province recognized by the Corporation, excluding the associations referred to in clauses (b), (d) and (e);
- (g) 2 persons agreed on and appointed by the operators of race tracks licensed under the rules as "A" level race tracks;
- (h) one person agreed on and appointed by the operators of race tracks licensed under the rules as "B" level race tracks;
- (i) 4 members of the general public.

(2) The Minister may appoint one person to the board who shall not have voting rights on the board.

(2.1) In addition to the person referred to in subsection (1)(f), all other racing breed associations in the Province recognized by the Corporation, excluding the associations referred to in subsection (1)(b), (d) and (e), may appoint one other person to the board who shall not have voting rights on the board.

(3) For the purposes of making an appointment referred to in subsection (1)(a) and (i), the following applies:

- (a) the board shall form a selection committee from among the directors;
- (b) if there is a vacancy or a vacancy will occur within 12 months in a position on the board referred to in subsection (1)(a) or (i),
 - (i) if there is unanimous consent of the board for reappointment of the current chair or a current member of the general public, the current chair or the current member of the general public is reappointed, or
 - (ii) if subclause (i) does not apply, the selection committee shall advertise, subject to the rules, for nominations of persons for appointment;
- (c) after receiving nominations, the selection committee shall submit to the board the name of a candidate from the

nominated persons to fill the position on the board that is or will be vacant;

- (d) if a 2/3 majority of the board votes in favour of the candidate, the candidate is appointed to fill the vacancy or upcoming vacancy;
- (e) if the candidate is not appointed under clause (d),
 - (i) if there is unanimous consent of the board for reappointment of the current chair or a current member of the general public, the current chair or the current member of the general public is reappointed, or
 - (ii) if subclause (i) does not apply,
 - (A) the steps in clauses (c) and (d), or
 - (B) if the selection committee determines that additional nominations are advisable, the steps in clauses (b), (c) and (d)

shall be repeated.

(3.1) For the purposes of making an appointment referred to in subsection (1)(a) and (i),

- (a) the board must identify any skills, knowledge, experience or attributes required of the director before recruitment begins,
- (b) the selection committee must base the selection of a person under subsection (3)(c) on an assessment of the extent to which the person possesses the identified skills, knowledge, experience or attributes, and
- (c) the board must base the selection of a person for appointment as a director on an assessment of the extent to which the person possesses the identified skills, knowledge, experience or attributes.

(4) The term of office of a director of the board is 3 years or a shorter period of time set by the person appointing the person to the board.

(5) A person who is a director of the board may be reappointed as a director of the board but

- (a) that person is not eligible to serve for more than 6 consecutive years as a director of the board, and

(b) where the person has served for 6 consecutive years as a director of the board, that person is not eligible to be appointed again as a director until 3 years has elapsed from the day that the person's last appointment to the board terminated.

(6) No person may be appointed as a director of the board if, within the last 5 years, the person has been convicted of an offence under the *Gaming, Liquor and Cannabis Act* or this Act or has been convicted of an indictable offence under the *Criminal Code* (Canada).

(7) The board may, with the approval of the Minister, change the name of the Corporation or use a trade name that is different from the name of the Corporation.

(8) Notwithstanding subsections (1) and (3), if at any time an association or the board, as the case may be, is unable to make or does not make the appointment to the board in accordance with subsection (1) or (3), the Minister may make the appointment.

(9) The quorum of the board is 7 directors of the board who have voting rights.

RSA 2000 cR-1 s2;2002 c22 s4;2013 c10 s18;2017 c21 s29;
2022 c21 s40;2023 c3 s10

3 Repealed 2002 c22 s5.

Objects

4 The objects of the Corporation are the following:

- (a) to govern, direct, control, regulate, manage, market and promote horse racing in any or all of its forms;
- (b) to protect the health, safety and welfare of race horses and, with respect to horse racing, the safety and welfare of racing participants and racing officials;
- (c) to safeguard the interests of the general public in horse racing.

1996 cR-1.5 s4

Powers

5 The Corporation has, for the purposes of carrying out its objects under this Act, the capacity and the rights, powers and privileges of a natural person.

1996 cR-1.5 s5

Bylaws

6(1) The board may make bylaws governing the administration and management of the business and affairs of the Corporation, including the establishment and payment of remuneration and expenses to the directors of the board.

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

RSA 2000 cR-1 s6;2023 c3 s10

Financial Administration Act

7 The *Financial Administration Act* does not apply to the Corporation or any matter carried out under this Act.

1996 cR-1.5 s7

Crown agency

8 The Corporation is not an agent of the Crown.

1996 cR-1.5 s8

Financial matters

9(1) All fees, costs and other revenue arising with respect to the administration of this Act or any other matter administered by the Corporation are the revenues of the Corporation.

(2) All money from any source that is received by and all money that is payable to the Corporation belongs to the Corporation.

(3) Any income earned from the money of the Corporation accrues to and belongs to the Corporation.

(4) The Corporation

(a) shall use its funds

(i) to pay for the expenses and costs incurred in carrying out the administration and management of the business and affairs of the Corporation, and

(ii) for the carrying out of the objects of the Corporation,

and

(b) shall not directly or indirectly pay any dividend or other form of profit sharing to any director of the board or to any other person.

RSA 2000 cR-1 s9;2023 c3 s10

Reports

10(1) The Corporation shall provide to the Minister annually the following reports, in the form and at the times acceptable to the Minister:

- (a) a multi-year business plan and the measures to be used in assessing the performance of the Corporation;
- (b) an annual report, including audited financial statements.

(2) When the Minister receives the annual report under subsection (1)(b), the Minister shall lay a copy of it before the Legislative Assembly if it is sitting and if it is not, within 15 days after the commencement of the next sitting.

(3) In addition to the reports referred to in subsection (1), the Corporation shall, at the request of the Minister, report on specific matters in the form and manner and at the times required by the Minister.

RSA 2000 cR-1 s10;2002 c22 s6

Gaming laws, etc.

11 The Corporation shall operate in accordance with the laws governing gaming and the policies and directions of the Government with respect to gaming.

1996 cR-1.5 s11

Liability

12(1) No action lies against the directors of the board, the members of the Appeal Tribunal, any racing official or any employee or agent of the Corporation or of the Appeal Tribunal for anything done or not done by any of them in good faith while exercising their powers or performing their duties under this Act.

(2) Nothing in this section shall be construed so as to prohibit a person from bringing any action against the Corporation.

(3) Any action, other than an application made under section 27, that is brought in respect of the Appeal Tribunal shall be brought against the Corporation.

RSA 2000 cR-1 s12;2023 c3 s10

Part 2 Horse Racing

Licensing

13 The Corporation may require that the following persons be licensed by the Corporation:

- (a) persons who operate race tracks;
- (b) persons who carry out licensed activities other than the operation of race tracks;
- (c) racing officials;
- (d) racing participants.

1996 cR-1.5 s13

Prohibition

14(1) A person shall not carry out, attempt to carry out or purport to carry out a licensed activity in respect of which a licence is required under this Act unless that person is licensed under this Act to carry out that licensed activity.

(2) A person shall not carry out, attempt to carry out or purport to carry out an activity of a racing official unless that person is appointed by the Corporation as a racing official.

(3) A person shall not carry out, attempt to carry out or purport to carry out an activity of a racing participant in respect of which a licence is required under this Act unless that person is licensed under this Act as a racing participant for the purposes of carrying out that activity.

(4) Where a person is licensed under this Act to carry out an activity in respect of which a licence is required under this Act, that person shall not carry out, attempt to carry out or purport to carry out that activity during the time that the person's licence is suspended or otherwise not in force.

1996 cR-1.5 s14

Trainer of record

15(1) The Corporation may require that the owner of a race horse register with the Corporation the name of a person who is the trainer of record for that race horse.

(2) The Corporation may prohibit the racing of a race horse if no trainer of record has been registered with the Corporation for that race horse.

(3) Subject to the rules, the trainer of record for a race horse is deemed to be responsible in respect of that race horse for any matter prescribed under the rules.

(4) Subject to the rules, where a contravention of this Act occurs with respect to a race horse, the trainer of record for that race horse is liable for that contravention and is subject to any penalty,

sanction or direction that may be made in respect of that contravention.

(5) Nothing in subsection (3) or (4) shall be construed so as to remove or limit the liability of any other person who may be liable for a contravention of this Act with respect to a race horse.

1996 cR-1.5 s15

Ongoing inspections, etc.

16(1) For any purpose referred to in subsection (2), a racing official designated under subsection (3) may, during any hours that are reasonable in the circumstances, from time to time or at any specific time

- (a) on, at or near a race track carry out inspections of
 - (i) race horses,
 - (ii) buildings, areas, receptacles or facilities,
 - (iii) vehicles,
 - (iv) racing participants,
 - (v) veterinarians, analysts and other persons employed or carrying out work at a race track, and
 - (vi) any documents, records, objects and things used in respect of race horses or the conduct of horse racing;
 - (b) on, at or near a race track, on demand, take samples of fluids, material, substances and objects from or used in respect of race horses;
 - (c) on, at or near a race track, on demand, take samples of breath and body fluids from racing participants;
 - (d) carry out inspections of
 - (i) off track wagering facilities,
 - (ii) facilities at which the simulcast of horse racing takes place, and
 - (iii) any documents, records, objects and things used in respect of off track wagering facilities or the simulcast of horse racing.
- (2)** A racing official may act under subsection (1) for the purposes of

- (a) administering this Act,
- (b) fostering compliance with this Act,
- (c) fostering the safety and health of race horses and persons engaged in horse racing, and
- (d) fostering the fair and proper conduct of horse racing and the protection of the public.

(3) The Corporation may designate those racing officials who may carry out inspections and other functions and duties under subsection (1).

1996 cR-1.5 s16

Searches, etc.

17(1) A racing official designated under subsection (3) may do one or more of the things referred to in subsection (2) if the racing official suspects that

- (a) the safety or health of a race horse is in jeopardy,
- (b) a substance that is prohibited under the rules or any enactment has been administered to a race horse,
- (c) a race horse has been fitted with or had implanted on or in the race horse a device of any nature that is prohibited under the rules or any enactment,
- (d) a horse race has been conducted in a manner not authorized under the rules,
- (e) any object or equipment has been used in respect of a race horse or a horse race that is prohibited under the rules or does not comply with the rules,
- (f) any improper activity has taken place in respect of the handling of a race horse or the conduct of a horse race, or
- (g) any person has engaged in any other activity for which a person's licence may be suspended or revoked or a sanction or penalty may be imposed under this Act.

(2) If subsection (1) applies, the racing official, during any hours that are reasonable in the circumstances, may on, at or near a race track do one or more of the following:

- (a) conduct a search

- (i) of any building, area, receptacle, facility or vehicle that relates to any matter referred to in subsection (1), and
 - (ii) of any person who may have been involved in any matter referred to in subsection (1);
- (b) conduct a search of or in respect of any race horse;
 - (c) seize any document, record, object or thing that relates to any matter referred to in subsection (1) or that is used in respect of a race horse or a horse race.
- (3) The Corporation may designate those racing officials who may carry out searches and seizures under subsection (1).

1996 cR-1.5 s17

Investigations, etc.

18(1) A racing official designated under subsection (3) may conduct an investigation and hearing into any matter where the racing official or an employee or agent of the Corporation is of the opinion that a person has or is suspected by that racing official, employee or agent of having

- (a) failed to comply with or contravened this Act, or
- (b) carried out an activity or acted in a manner that is prejudicial to the best interests of horse racing,

for which a licence may be suspended or revoked or other penalties or sanctions may be imposed under the rules.

(2) For the purposes of conducting an investigation and hearing, a racing official may exercise, in respect of the investigation and hearing, the same powers as may be exercised by the Appeal Tribunal under section 28 when conducting an appeal.

(3) The Corporation may designate those racing officials who may conduct investigations and hearings under subsection (1).

1996 cR-1.5 s18

Hindering of officials

19 No person shall hinder the Corporation, a racing official or any employee or agent of the Corporation from carrying out any functions or duties permitted or required under this Act.

1996 cR-1.5 s19

Non-compliance

20(1) Any contravention of or failure to comply with this Act by a person does not constitute an offence.

- (2) Where, in the opinion of a racing official, a person
- (a) has failed to comply with or has contravened this Part or a rule made under this Part, or
 - (b) has carried out an activity or acted in a manner that is prejudicial to the best interests of horse racing,

that non-compliance, contravention, activity or act is grounds on which, subject to the rules,

- (c) a licence issued to that person under this Act may be suspended or revoked;
- (d) a sanction may be imposed on that person;
- (e) a monetary penalty may be imposed on that person.

(3) Any monetary penalty imposed under this Act is a debt owing to the Corporation.

1996 cR-1.5 s20

Court order

21(1) If a person

- (a) when not licensed, carries on a licensed activity for which a licence is required under this Act,
- (b) carries on a licensed activity while that person's licence is suspended or otherwise not in force,
- (c) in any manner hinders the Corporation, a racing official or any employee or agent of the Corporation from carrying out any activity or duty permitted or required under this Act, or
- (d) fails to comply with a sanction or penalty imposed under this Act,

the Corporation may apply to the Court of King's Bench for an order under subsection (2).

(2) If subsection (1) applies, the Court may, with respect to a person referred to in subsection (1), make an order doing one or more of the following:

- (a) directing the person to stop carrying out the licensed activity;

- (b) directing the person to stop hindering the carrying out of the activity or duty by the Corporation, racing official, employee or agent;
- (c) directing the person to comply with the sanction or penalty;
- (d) giving any other direction, including the payment of costs, that the Court considers appropriate.

(3) On the filing of an application with the clerk of the Court of King's Bench, the Court may, if it considers it necessary in the circumstances, hear an interim application on 2 days' notice and make an interim order granting such relief as 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.

RSA 2000 cR-1 s21;2009 c53 s82;AR 217/2022

Rules

22(1) The Corporation may make rules

- (a) defining, for the purposes of this Act, any term that is not otherwise defined by this Act;
- (b) prescribing activities, in addition to those referred to in section 1(1)(d), as licensed activities;
- (c) designating persons, in addition to those specified in section 1(1)(j), as racing officials;
- (d) designating persons, in addition to those specified in section 1(1)(k), as racing participants;
- (e) governing the licensing of persons under this Act and the suspension, revocation and reinstatement of licences and designating the persons or class of persons who may issue, suspend, revoke or reinstate licences;
- (f) governing the imposing of conditions under which a licence is issued, including the right to search the licensee and property of the licensee;
- (g) establishing, in any amounts considered appropriate by the Corporation, fees or other charges
 - (i) for any licences issued under this Act,
 - (ii) for any services provided by the Corporation,

- (iii) in respect of horse racing,
- (iv) in respect of any activities carried out by the Corporation, and
- (v) in respect of any matter that relates to the administration of this Act or the carrying out of the objects of the Corporation;
- (h) governing the fees and charges referred to in clause (g);
- (i) governing the allocation of racing days for the conduct of horse racing and the simulcast of horse racing;
- (j) governing the conduct of horse races;
- (k) governing the simulcast of horse racing;
- (l) governing the operation of race tracks;
- (m) prescribing or restricting any matter in respect of a race horse or the racing of a race horse for which the trainer of record is responsible;
- (n) requiring horse breed registries to make rules establishing the qualifications for accredited race horses bred in Alberta for the purposes of promoting, developing and improving the breeding of race horses in Alberta;
- (o) governing the criteria that must be met by rules made by horse breed registries under clause (n);
- (p) governing substances that may be administered to a race horse;
- (q) prohibiting the administering of substances to a race horse;
- (r) governing devices that may be fitted to or implanted in a race horse;
- (s) prohibiting the fitting to or the implanting of a device in a race horse;
- (t) governing objects and equipment that may be used in respect of race horses and horse races;
- (u) prohibiting the use of objects and equipment in respect of race horses and horse races;
- (v) governing veterinary practices in respect of race horses;

- (w) governing the taking of samples under section 16 and the analysis of those samples;
- (x) establishing and governing the imposition and enforcement of sanctions and penalties under this Act;
- (y) subject to this Act, governing the conduct of inspections, searches and seizures carried out under this Act;
- (z) governing the conduct of investigations and hearings carried out under section 18 by racing officials including, for the purposes of conducting an investigation and hearing, making, with all necessary modifications, rules with respect to the same subject-matter with respect to which rules may be made under section 28;
- (aa) governing the records, accounts and documentation to be maintained by persons licensed under this Act;
- (bb) prescribing the duties of racing officials and governing the carrying out of those duties;
- (cc) governing the activities of racing participants in respect of matters governed by this Act;
- (dd) governing, subject to section 2, the nomination and appointment of persons as directors of the board;
- (ee) prescribing rulings and directions that can be appealed to the Appeal Tribunal.

(2) The *Regulations Act* does not apply to rules made under this section.

(3) Where a rule is made under subsection (1), the Corporation shall publish the rule in Part I of The Alberta Gazette.

(4) A rule that is not published in accordance with subsection (3) is not valid against a person who has not had actual notice of the rule.

(5) On publication of a rule in Part I of The Alberta Gazette, every person is deemed to have notice of the rule.

RSA 2000 cR-1 s22;2023 c3 s10

Part 3 Appeals

Appeal Tribunal

23(1) The Minister shall

- (a) appoint an Appeal Tribunal consisting of at least 5 persons and not more than 7 persons to hear appeals under this Act, and
- (b) designate one of the members of the Appeal Tribunal as the chair of the Appeal Tribunal.

(2) The term of office of a member of the Appeal Tribunal shall not exceed 3 years.

(3) A person who is a member of the Appeal Tribunal may, subject to the *Alberta Public Agencies Governance Act* and any applicable regulations under that Act, be reappointed as a member of the Appeal Tribunal.

(3.1) Subsection (3) applies to members holding office on the coming into force of this subsection.

(4) A person shall not at any one time be a member of both the board and the Appeal Tribunal.

(5) The Minister shall, in accordance with any applicable regulations under the *Alberta Public Agencies Governance Act*, set by order the remuneration and expenses payable to the chair and members of the Appeal Tribunal.

(5.1) If regulations under the *Alberta Public Agencies Governance Act* establish rates in respect of remuneration or expenses payable to the chair or members of the Appeal Tribunal, those regulations prevail, to the extent of any conflict or inconsistency, over an order of the Minister under subsection (5).

(6) The amount of the remuneration and expenses paid under subsection (5) and the expenses and costs incurred in the operation of the Appeal Tribunal shall be paid by the Corporation.

(7) to (10) Repealed 2023 c3 s10.

RSA 2000 cR-1 s23;2002 c22 s7;2009 cA31.5 s51;2023 c3 s10

Panels and quorum

24(1) The board shall

- (a) establish panels of 3 members of the Appeal Tribunal to deal with a particular matter or class or group of matters, and
- (b) designate a member to chair each panel convened under clause (a).

- (2) An Appeal Tribunal panel established under subsection (1) may perform the functions of the Appeal Tribunal in respect of the particular matter or class or group of matters for which the panel was established, and when performing any of those functions, the panel has all the powers and jurisdiction of the Tribunal, except for the power to make rules under section 28(2).
- (3) A majority of the members of a panel constitutes a quorum.
- (4) A decision of a majority of the members of a panel is the decision of the Appeal Tribunal.
- (5) The board may delegate its powers in this section to the chair of the Appeal Tribunal.

2023 c3 s10

Role of the Corporation

- 24.1(1)** The Corporation shall not give any directions to the Appeal Tribunal with respect to the conduct of appeals or the operation of the Appeal Tribunal.
- (2) Notwithstanding subsection (1), the Corporation is entitled to appear as a party before the Appeal Tribunal and to present evidence and make submissions.

2023 c3 s10

Appeal

- 24.2** Where a racing official makes a ruling or gives a direction and the rules under section 22(1)(ee) prescribe that the ruling or direction can be appealed, a person affected by that ruling or direction may appeal to the Appeal Tribunal.

RSA 2000 cR-1 s24;2023 c3 s10

Commencement of appeal

- 25(1)** A person who has a right of appeal may commence an appeal by serving on the Corporation, or on a person designated by the Corporation, a notice of appeal within 30 days from the day that the person receives written notification of the ruling or direction being appealed.
- (2) On being served with a notice of appeal, the Corporation shall, within 10 days from the day of being served with the notice of appeal, deliver the notice of appeal to the chair of the Appeal Tribunal.

1996 cR-1.5 s25

Decision of Appeal Tribunal

- 26(1)** When the Appeal Tribunal hears an appeal, the Appeal Tribunal may, by order, do one or more of the following:

- (a) dismiss the appeal;
- (b) allow the appeal and give such directions, if any, that the Appeal Tribunal considers appropriate in the circumstances;
- (c) vary the decision;
- (d) prescribe terms and conditions to which its order is subject;
- (e) make any other decision that in the opinion of the Appeal Tribunal is in the best interests of horse racing;
- (f) subject to section 28(2)(1), award costs.

(2) The Appeal Tribunal shall notify the parties to the appeal and the Corporation in writing of the Appeal Tribunal's decision.

(3) Notwithstanding subsection (1), the Appeal Tribunal does not have the authority to order that a rule made under this Act be repealed, amended or otherwise varied.

RSA 2000 cR-1 s26;2023 c3 s10

Judicial review

27(1) Subject to subsection (2), no decision, order, directive, ruling or proceeding of the Appeal Tribunal shall be questioned or reviewed in any court by way of an application for judicial review or otherwise, and no order shall be made or process entered or proceedings taken in any court, whether by way of injunction, declaratory judgment, prohibition, quo warranto or otherwise, to question, review, prohibit or restrain the Appeal Tribunal or any of its proceedings.

(2) A decision, order, directive, ruling or proceeding of the Appeal Tribunal may be questioned or reviewed by way of an application for judicial review seeking an order in the nature of certiorari or mandamus if the originating notice is filed with the Court of King's Bench and served on the Appeal Tribunal no later than 30 days after the date of the decision, order, directive, ruling or proceeding, or reasons in respect of it, whichever is later.

(3) The Court of King's Bench may, in respect of any application under subsection (2),

- (a) determine the issues to be resolved on the application, and
- (b) limit the contents of the return from the Appeal Tribunal to those materials necessary for the disposition of those issues.

RSA 2000 cR-1 s27;AR 217/2022

Procedure before Appeal Tribunal

28(1) Subject to the rules established under subsection (2), for the purposes of conducting appeals before the Appeal Tribunal,

- (a) the Appeal Tribunal may require the production or disclosure of any record, object or thing;
- (b) the Appeal Tribunal may grant interim relief and stays;
- (c) the Appeal Tribunal may conduct hearings
 - (i) in person, and
 - (ii) by electronic or telephonic means that enable all persons who are required or entitled to participate in the hearing to hear and communicate with each other instantaneously;
- (d) if a party to the appeal fails to attend the hearing, the Appeal Tribunal may proceed with the hearing;
- (e) the Appeal Tribunal may take evidence under oath;
- (f) the chair and the other members of the Appeal Tribunal have the same power as is vested in the Court of King's Bench for the trial of civil actions
 - (i) to summon and enforce the attendance of witnesses,
 - (ii) to compel witnesses to give evidence on oath or otherwise, and
 - (iii) to compel witnesses to give evidence in person or otherwise;
- (g) any member of the Appeal Tribunal may administer oaths for the purpose of taking evidence;
- (h) the Appeal Tribunal may reconsider a previous decision made by the Appeal Tribunal;
- (i) without limiting the power of the Appeal Tribunal to determine its own procedure, the Appeal Tribunal may
 - (i) adopt rules from the *Alberta Rules of Court* or other rules,
 - (ii) adjourn matters,
 - (iii) determine the applicable rules of evidence,

- (iv) determine how to receive and record evidence, and
 - (v) determine how decisions are to be issued and, if applicable, published.
- (2)** With respect to appeals before the Appeal Tribunal, the Appeal Tribunal may make rules applicable to the entire Tribunal
- (a) respecting notices of appeal;
 - (b) respecting the procedure before the Appeal Tribunal, including
 - (i) the adoption of rules from the *Alberta Rules of Court* or other rules, and
 - (ii) the procedure if a party to the appeal fails to attend the hearing;
 - (c) respecting the production or disclosure of any record, object or thing;
 - (d) respecting adjournments of matters before the Appeal Tribunal;
 - (e) respecting interim relief and stays;
 - (f) respecting hearings conducted
 - (i) in person, and
 - (ii) by electronic or telephonic means that enable all persons who are required or entitled to participate in the hearing to hear and communicate with each other instantaneously;
 - (g) respecting the attendance of witnesses;
 - (h) respecting the applicability of the rules of evidence in judicial proceedings to hearings before the Appeal Tribunal;
 - (i) respecting the receiving and recording of evidence;
 - (j) respecting the issuing and publication of decisions of the Appeal Tribunal;
 - (k) respecting the reconsideration of decisions made by the Appeal Tribunal;
 - (l) respecting costs.

(2.1) Rules under subsection (2) must be approved by a majority of the appointed members of the Appeal Tribunal.

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

(4) Where a rule is made under subsection (2), the Appeal Tribunal shall publish the rule in Part I of The Alberta Gazette.

(5) A rule that is not published in accordance with subsection (4) is not valid against a person who has not had actual notice of the rule.

(6) On publication of a rule in Part I of The Alberta Gazette, every person is deemed to have notice of the rule.

RSA 2000 cR-1 s28;AR 217/2022;2023 c3 s10

Part 4 Transitional Provisions

Definition

29 In this Part, “former provisions” means the provisions of this Act in force immediately before the coming into force of the section 10 of the *Financial Statutes Amendment Act, 2023*.

2023 c3 s10

Appointments

30(1) The chair of the board of the Corporation appointed under the former provisions continues as the chair until the appointment expires, the appointment is terminated or the chair resigns.

(2) A director of the board of the Corporation appointed as a public member under the former provisions continues as a director until the appointment expires, the appointment is terminated or the director resigns.

(3) The director of the board appointed by the Minister under the former provisions continues as a director until the appointment expires, the appointment is terminated or the director resigns.

(4) A person appointed by the Minister under the former provisions as a member of the Appeal Tribunal continues as a member of the Appeal Tribunal until the appointment expires, the appointment is terminated or the member resigns.

(5) The person designated by the Minister under the former provisions as the chair of the Appeal Tribunal continues as the chair of the Appeal Tribunal until the appointment expires, the appointment is terminated or the chair resigns.

(6) The rules made under section 28(2) of the former provisions continue to have effect insofar as they are not inconsistent with the Act until amended, repealed or replaced.

2023 c3 s10

Appeals and decisions

31(1) An appeal related to events that occurred before the coming into force of section 10 of the *Financial Statutes Amendment Act, 2023* may be started and proceed under the former provisions.

(2) Any appeal commenced and not concluded before the coming into force of section 10 of the *Financial Statutes Amendment Act, 2023* continues under the former provisions.

(3) Any decision, determination or order made by the Appeal Tribunal before the coming into force of section 10 of the *Financial Statutes Amendment Act, 2023* is deemed to be a decision, determination or order of the Appeal Tribunal under this Act.

2023 c3 s10



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