



Province of Alberta

CLIMATE CHANGE AND EMISSIONS
MANAGEMENT ACT

**CLIMATE CHANGE AND EMISSIONS
MANAGEMENT FUND
ADMINISTRATION REGULATION**

Alberta Regulation 120/2009

With amendments up to and including Alberta Regulation 107/2015

Office Consolidation

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(Consolidated up to 107/2015)

ALBERTA REGULATION 120/2009

Climate Change and Emissions Management Act

**CLIMATE CHANGE AND EMISSIONS MANAGEMENT
FUND ADMINISTRATION REGULATION**

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Definitions

1 In this Regulation,

- (a) “Act” means the *Climate Change and Emissions Management Act*;
- (b) “Corporation” means the Climate Change and Emissions Management (CCEMC) Corporation;
- (c) “Fund” means the Climate Change and Emissions Management Fund established by section 10 of the Act.

Designation of delegated authority

2(1) The Climate Change and Emissions Management (CCEMC) Corporation is designated as a delegated authority.

(2) If the Corporation changes its name, a reference in this Regulation to the Corporation's name is deemed to be a reference to its new name.

Delegation of duties, functions and powers

3 The performance of the Minister's duties and functions and the exercise of the Minister's powers in respect of holding, administering and making payments of the money paid to the Corporation from the Fund under section 4(1) are delegated to the Corporation.

Payment of Fund money to delegated authority

4(1) The Minister may pay some or all of the money in the Fund to the Corporation from time to time.

(2) Money paid to the Corporation from the Fund under subsection (1) belongs to the Corporation.

Payment of expenses of delegated authority

5 Salaries, fees, expenses, liabilities and other costs incurred by the Corporation in carrying out a duty or function of or exercising a power of the Minister delegated to the Corporation under section 3 may be paid out of the money paid to the Corporation from the Fund under section 4(1).

Fees

6(1) The Corporation may collect money by the levy of assessments, fees and charges on persons to whom it provides services, materials or programs in the course of performing duties or functions or exercising powers delegated to the Corporation under section 3.

(2) The Corporation may use money collected under subsection (1) for the purpose of costs incurred in performing a delegated duty or function or exercising a delegated power.

(3) Notwithstanding the *Financial Administration Act*, any money collected by the Corporation under subsection (1) belongs to the Corporation.

(4) An assessment, fee or charge levied by the Corporation under subsection (1) is recoverable by the Corporation as a debt due to the Corporation.

Financial Administration Act not applicable

7 The *Financial Administration Act* does not apply to the Corporation with respect to a delegated duty, function or power.

Agreement respecting delegation

8 The Minister may enter into an agreement with the Corporation respecting any matter related to the duties, functions and powers delegated to the Corporation by section 3, including, without limitation, the receipt and payment by the Corporation of money paid to the Corporation from the Fund under section 4(1).

Changes to objects and bylaws

9 If the Corporation proposes to change its objects or any of its bylaws, it shall give reasonable prior notice of the proposed change to the Minister.

The Corporation is not Crown agent

10 With respect to the delegation under section 3, the Corporation and the Corporation's employees, agents, directors and officers are not agents of the Crown.

Inspection and audit

11(1) 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 the Corporation or the Corporation's employees, agents, directors or officers are performing a duty or function or exercising a power delegated under this Regulation and

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

(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 Corporation 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

12(1) The Corporation shall,

- (a) not less than 30 days before the start of its fiscal year, provide to the Minister a business plan for the Corporation that indicates its goals for the coming fiscal year, and

- (b) not more than 6 months after the end of its fiscal year, prepare and submit to the Minister an annual report with respect to the performance of duties and functions and the exercise of powers by the Corporation under this Regulation.
- (2) The report must include a general summary of the Corporation's policies, operations and activities in that fiscal year and a financial report that includes an audited financial statement.
- (3) The financial statement or a note or schedule to the financial statement must include the remuneration and benefits that were paid during the fiscal year to
- (a) members of the board of directors of the Corporation, and
 - (b) management personnel who report directly to the board of directors.
- (4) The remuneration and benefits must be reported
- (a) on an individual basis by name in the case of persons referred to in subsection (3)(a), and
 - (b) on an aggregate basis in the case of persons referred to in subsection (3)(b).
- (5) The Minister is authorized to disclose personal information reported under this section, and this subsection constitutes an authorization for the purposes of section 40(1)(f) of the *Freedom of Information and Protection of Privacy Act*.

Compliance with FOIP

- 13(1)** The Corporation must comply with the *Freedom of Information and Protection of Privacy Act* in the course of performing duties and functions and exercising powers under this Regulation.
- (2) The Corporation is authorized to collect personal information in the course of performing duties and functions and exercising powers under this Regulation, and this subsection constitutes an authorization for the purposes of section 33 of the *Freedom of Information and Protection of Privacy Act*.
- (3) The Corporation shall designate a person to be responsible for freedom of information and protection of privacy matters.
- (4) If a request for access to information is made under the *Freedom of Information and Protection of Privacy Act*, the Corporation shall,

- (a) in the case of a request made directly to the Corporation, immediately direct the request to the Freedom of Information and Protection of Privacy Co-ordinator of the Minister's Department, and
- (b) in every case, comply with such directions regarding the request as may be provided by the Co-ordinator.

Records

14(1) All records in the custody or under the control of the Corporation that are required in the performance of duties or functions or the exercise of powers under this Regulation are subject to the *Records Management Regulation* (AR 224/2001).

(2) All information and records issued or maintained by the Corporation in the course of performing duties or functions or exercising powers under this Regulation become and remain the property of the Crown in right of Alberta.

(3) The Corporation shall designate a person to be responsible for records management matters.

Expiry

15 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on December 31, 2017.

AR 120/2009 s15;137/2014;226/2014;107/2015



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