

Directive No. 97-21 Date: November 24, 2010

Subject Public Disclosure of Penalties

Purpose To provide the public with information regarding *Forests Act* and *Public Lands Act* penalties.

To support an open and transparent regulatory system, increasing public confidence in the enforcement of existing legislation.

To improve compliance with the *Forests Act*, the *Public Lands Act* and their associated Regulations.

Policy Section 65 of the *Forests Act* and Section 59.9 of the *Public Lands Act* require the Minister to disclose information on administrative penalties assessed for contraventions of these *Acts* and their Regulations. Forest Management Branch has assumed responsibility for this Departmental requirement.

The information is publicly disclosed once the respondent has received the Notice of Penalty Assessment letter and accompanying invoice.

Requests for additional information are governed by the *Freedom of Information and Protection of Privacy Act (FOIPPA)*, and responded to through the Department's FOIPPA office.

Disclosure occurs through weekly posting on Alberta Sustainable Resource Development's (ASRD) website: (<http://www.srd.alberta.ca>).

The Department may also issue a news release, notifying the public of a penalty.

Procedure The Respondent may be notified that a penalty has been assessed by several means. The procedure for confirming that the Notice has been received varies with each, as follows:

1. **Personal service:** The Notice is issued by the Area Manager and personally served on (i.e. delivered to) the Respondent. The officer serving the Notice must inform the issuing office as soon as possible (by telephone, E-mail or FAX) that the Respondent has

received it. The officer is also required to send formal notification to the issuing office by Statutory Declaration. The verbal or written report of the serving officer is considered formal confirmation of service.

2. **Registered mail:** The Notice is issued, as above, and sent to the Respondent by registered mail. The registration number is tracked on the Canada Post website to confirm delivery.

Information to be disclosed includes (where applicable):

- Name of the person or corporation on the Notice;
- Area in which the contravention occurred;
- Description of the contravention, citing the section of the Act or Regulation and a capsule description of the section's contents (e.g. "operations not in accordance with an approved annual operating plan");
- Date of the contravention; and
- Amount of penalty

Where a case has or may develop a high public profile (due to the nature of the infraction, size of penalty, etc.) the Area Manager should inform the Forest Management Branch Executive Director. In consultation with Communications Division they will decide if a news release is appropriate. The news release should be issued concurrent with confirmation of service of the Notice of Penalty Assessment.

Authorities

Section 65 of the Forests Act - requires the Minister to disclose information on penalties for contravention of the *Act* or the regulations.

Section 59.9 of the Public Lands Act - requires the Minister to disclose information on payments required for unauthorized use and on penalties for contravention of an authorization or disposition.

Cross-Reference

Framework for LFD Enforcement Action

Contacts

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Approved

Original signed

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