

2020 Bill 1

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Second Session, 30th Legislature, 69 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 1**

## **CRITICAL INFRASTRUCTURE DEFENCE ACT**

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THE PREMIER

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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# **BILL 1**

2020

## **CRITICAL INFRASTRUCTURE DEFENCE ACT**

*(Assented to , 2020)*

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

#### **Definitions**

**1(1)** In this Act,

- (a) “essential infrastructure” means any of the following:
  - (i) a controlled area, installation, manufacturing plant, marketing plant, pipeline, processing plant, refinery, road or road allowance as defined in the *Pipeline Act*;
  - (ii) a heavy oil site, mine, oil production site, oil sands site, pit, private utility, privately owned development, quarry, storm drainage system, telecommunication line, transmission line, waste management facility, wastewater system, watercourse or waterworks system as defined in the *Environmental Protection and Enhancement Act*;

- (iii) a provincial highway, transportation facility, transportation system or urban rail transit system as defined in the *Highways Development and Protection Act*;
  - (iv) a railway, structural facility or track as defined in the *Railway (Alberta) Act*;
  - (v) a hydro development or power plant as defined in the *Hydro and Electric Energy Act*;
  - (vi) an agricultural operation as defined in the *Agricultural Operation Practices Act*;
  - (vii) a highway as defined in the *Traffic Safety Act*;
  - (viii) a facility as defined in the *Oil and Gas Conservation Act*;
  - (ix) a public utility as defined in the *Public Utilities Act*;
  - (x) an electric utility as defined in the *Electric Utilities Act*;
  - (xi) a gas utility as defined in the *Gas Utilities Act*;
  - (xii) a coal processing plant as defined in the *Coal Conservation Act*;
  - (xiii) an oil sands processing plant as defined in section 2(2)(pp) of the *Activities Designation Regulation* (AR 276/2003);
  - (xiv) a radio apparatus as defined in the *Radiocommunication Act* (Canada), including its antenna systems;
  - (xv) a dam as defined in the *Water (Ministerial) Regulation* (AR 205/98);
  - (xvi) a building, structure, device or other thing prescribed by the regulations;
- (b) “owner” means the owner of essential infrastructure and includes the following:
- (i) the occupier of the essential infrastructure;

- (ii) the person who is in possession or control of the essential infrastructure.

(2) The land on which essential infrastructure is located, and any land used in connection with the essential infrastructure, is deemed to be part of the essential infrastructure.

#### **Prohibitions**

**2(1)** No person shall, without lawful right, justification or excuse, wilfully enter on any essential infrastructure.

(2) No person shall, without lawful right, justification or excuse, wilfully damage or destroy any essential infrastructure.

(3) No person shall, without lawful right, justification or excuse, wilfully obstruct, interrupt or interfere with the construction, maintenance, use or operation of any essential infrastructure in a manner that renders the essential infrastructure dangerous, useless, inoperative or ineffective.

(4) No person shall aid, counsel or direct another person to commit an offence under subsection (1), (2) or (3), whether or not the other person actually commits the offence.

(5) A person who enters on any essential infrastructure, having obtained by false pretences permission to enter on the essential infrastructure from the owner or an authorized representative of the owner, is deemed to have contravened subsection (1) unless the person had a lawful right, justification or excuse to enter on the essential infrastructure.

#### **Offences and penalties**

**3(1)** A person who contravenes section 2 is guilty of an offence and liable

- (a) in the case of an individual,
  - (i) for a first offence, to a fine not less than \$1000 and not exceeding \$10 000, or to imprisonment for a term not exceeding 6 months, or to both a fine and imprisonment, and
  - (ii) for a 2nd or subsequent offence in relation to the same premises, to a fine not less than \$1000 and not exceeding \$25 000, or to imprisonment for a term not exceeding 6 months, or to both a fine and imprisonment,

and

(b) in the case of a corporation, to a fine not less than \$10 000 and not exceeding \$200 000.

(2) Where a corporation commits an offence under subsection (1), any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of that offence and liable to the penalty provided for the offence, whether or not the corporation has been prosecuted for or convicted of that offence.

(3) Each day that a contravention continues constitutes a separate offence.

**Arrest without warrant**

4 A peace officer may arrest, without warrant, any person the peace officer finds contravening section 2(1), (2) or (3).

**Regulations**

5 The Lieutenant Governor in Council may make regulations prescribing buildings, structures, devices or other things as being essential infrastructure.



**RECORD OF DEBATE**

Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
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