

ALBERTA FINANCE AND ENTERPRISE

INSURANCE ACT

**MINISTERIAL DIRECTIVE
01/2011**

I, Lloyd Snelgrove, Minister of Finance and Enterprise, pursuant to section 791 of the *Insurance Act* make the Order in the attached Appendix, being the Delegation to the Alberta Insurance Council Order.

This Directive takes effect April 1, 2011 and may be rescinded at any time.

Ministerial Directive 05/01 is repealed effective April 1, 2011.

Dated at the City of Edmonton, in the Province of Alberta, this 8th day of March, 2011.

[ORIGINAL SIGNED]

Lloyd Snelgrove
Minister
Finance and Enterprise

APPENDIX

INSURANCE ACT

Delegation to the Alberta Insurance Council Order

In accordance with section 791 of the *Insurance Act*, the following powers, duties and functions are delegated to the Alberta Insurance Council:

1. To receive applications for certificates of authority;
2. To collect fees and levies payable by insurers, insurance agents and adjusters and by applicants for certificates of authority pursuant to the Certificate Expiry, Penalties and Fees Regulation;
3. To issue certificates of authority and restricted certificates of authority;
4. To maintain the Register under section 794(5) of the *Insurance Act* and allow persons to inspect the Register and to provide copies of the Register pursuant to section 795 of the *Insurance Act*;
5. To arrange or perform any administrative function necessary or expedient for enabling councils to perform the powers, duties and functions delegated to them pursuant to section 791 of the *Insurance Act* including the conduct of investigations;
6. To investigate complaints on behalf of councils from any persons regarding alleged contraventions of the *Insurance Act* or the regulations by holders or former holders of certificates of authority and to come to a resolution or disposition of those complaints;
7. To continue the investigation of existing complaints filed against insurance companies that were filed with the Council prior to April 1, 2011;
8. To conduct investigations for the purposes of section 468 of the *Insurance Act*;
9. To conduct, grade and administer examinations written by applicants for certificates of authority required pursuant to the Insurance Agents and Adjusters Regulation;
10. To exercise the Minister's powers under section 481 of the *Insurance Act*;
11. To approve the form of errors and omission insurance and to receive notice of cancellation or non-renewal of such insurance pursuant to section 33 of the Insurance Agents and Adjusters Regulation;
12. To collect penalties levied under section 480 of the *Insurance Act* and to remit the money collected to the Minister of Finance and Enterprise; and,
13. To delegate the matters in 1 and 5 to 9 above to such members of the Council or officers or employees of the Alberta Insurance Council as may be appropriate.

PROTOCOL AGREEMENT
INSURANCE INQUIRY AND COMPLAINT REFERRALS

BETWEEN:

SUPERINTENDENT OF INSURANCE – ALBERTA
(THE “SUPERINTENDENT”)

AND:

THE ALBERTA INSURANCE COUNCIL
(THE “COUNCIL”)

The Superintendent and the Council acknowledge that:

1. Effective April 1, 2011 Minister Directive No. 05/01 has been repealed and replaced to effect the change to the Minister’s powers duties and functions previously delegated to the AIC to investigate complaints from persons with respect to insurance companies.
2. To effect an orderly transition of insurance company inquiries and complaints to the Superintendent, the AIC will continue to handle existing complaints opened prior to April 1, 2011 and come to a resolution for those complaints.
3. This Protocol will set out a system for the exchange of an inquiry/complaint when it is determined during the inquiry or investigation of the complaint that the inquiry or complaint is not within either party’s delegated responsibilities.
4. Where either party to this Protocol determines during their handling of an inquiry or complaint that the inquiry or complaint involves a matter within the authority of the other party, the party handling the inquiry or complaint will immediately cease its involvement in that portion of the inquiry or complaint and immediately take steps to refer that matter, including relevant information and documentation, to the other party in accordance with section 816 of the Insurance Act and or section 40 of the Freedom of Information and Protection of Privacy Act.
5. To ensure effective and efficient handling of insurance inquires, except as provided in paragraph 6 the Superintendent will handle all inquiries involving an interpretation of legislation, insurance contracts or marketplace activities involving insurance companies. Where appropriate, Superintendent Bulletins will be issued on interpretations and the Superintendent will advise the Council staff of interpretations.

6. The Council will handle all inquiries involving the interpretation of legislation related to insurance agents or adjusters and all inquiries related to the marketplace activities involving insurance agents and adjusters.

7. Either party may request a review of this Protocol Agreement at any time.

Dated the 10th day of March, 2011:

[ORIGINAL SIGNED]
Dennis Gartner

Superintendent of Insurance

Dated the 18th day of March, 2011:

[ORIGINAL SIGNED]
Joanne Abram

CEO, Alberta Insurance Council