

LEGISLATIVE REVIEW SUMMARY

FALL 2016 | 29TH LEGISLATURE, SECOND SESSION



Alberta **LAW**
FOUNDATION



LEGISLATIVE REVIEW SUMMARY

FALL 2016 | 29TH LEGISLATURE, SECOND SESSION

HIGHLIGHTS

The 2016 fall session resulted in the passage of the following Acts:

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ACTS PASSED WERE:

1. *Agencies, Board and Commissions Review Statutes Amendment Act*, S.A. 2016, c.19
2. *An Act to Enhance Off-Highway Vehicle Safety*, S.A. 2016, c.21
3. *Appropriation (Supplementary Supply) Act*, S.A. 2016, c.20
4. *Credit Union Amendment Act*, S.A. 2016, c.27
5. *Electric Utilities Amendment Act*, S.A. 2016, c.28
6. *Fair Elections Financing Act*, S.A. 2016, c.29
7. *Forest and Prairie Protection Amendment Act*, S.A. 2016, c.22
8. *Investing in a Diversified Alberta Economy Act*, S.A. 2016, c.I-10.5
9. *Miscellaneous Statutes Amendment Act*, S.A. 2016, c.23
10. *Oil Sands Emission Limit Act*, S.A. 2016, c.0.7.5
11. *Public Health Amendment Act*, S.A. 2016, c.25
12. *Renewable Electricity Act*, S.A. 2016, R-16.5
13. *Ukrainian-Canadian Heritage Day Act*, S.A. 2016, c.U-0.3
14. *Vital Statistics and Life Events Modernization Act*, S.A. 2016, c.26

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AMENDED LEGISLATION:

1. *Alberta Corporate Tax Act*, R.S.A. 2000, c.A-15
2. *Alberta Personal Income Tax Act*, R.S.A. 2000, c.A-30
3. *Alberta Utilities Commission Act*, S.A. 2007, c.A-37.2
4. *Assured Income for the Severely Handicapped Act*, S.A 2006, c.A-45.1
5. *Child Care Licensing Act*, S.A 2007, c.C-10.5
6. *Child, Youth and Family Enhancement Act*, R.S.A. 2000, c.C-12
7. *Credit Union Act*, R.S.A. 2000, c.E-1
8. *Election Act*, R.S.A. 2000, c.E-1
9. *Election Finances and Contributions Disclosure Act*, R.S.A. 2000, c.E-2
10. *Electric Utilities Act*, S.A. 2003, c.E-5.1
11. *Environment Protection and Enhancement Act*, R.S.A. 2000, c.E-12
12. *Family Law Act*, S.A. 2003, c.F-4.5
13. *Family Support for Children with Disabilities Act*, S.A. 2003, c.F-5.3

14. *Forest and Prairie Protection Act*, R.S.A. 2000, c.F-19
15. *Hospitals Act*, R.S.A. 2000, c.H-12
16. *Hydro and Electric Energy Act*, R.S.A. 2000, c.H-16
17. *Income and Employment Supports Act*, S.A. 2003, c.I-0.5
18. *Insurance Act*, R.S.A. 2000, c.I-3
19. *Legislative Assembly Act*, R.S.A. 2000, c.L-9
20. *Marriage Act*, R.S.A. 2000, c.M-5
21. *Municipal Government Act*, R.S.A. 2000, c.M-26
22. *Notaries and Commissioners Act*, S.A. 2013, c.N-5.5
23. *Persons with Development Disabilities Services Act*, R.S.A. 2000, c.P-9.5
24. *Police Act*, R.S.A. 2000, c.P-42
25. *Public Health Act*, R.S.A. 2000, c.P-37
26. *Public Sector Compensation Transparency Act*, S.A. 2015, c.P-40.5
27. *Public Service Employee Relations Act*, R.S.A. 2000, c.P-43
28. *Public Services Act*, R.S.A. 2000, C.T-6
29. *Traffic Safety Act*, R.S.A. 2000, c.T-6
30. *Travel Alberta Act*, S.A. 2008, c.T-6.5
31. *Vital Statistics Act*, S.A. 2007, c.V-4.1

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REPEALED LEGISLATION:

1. *Government House Act*, R.S.A. 2000, c.G-9
2. *Seniors Advisory Council for Alberta Act*, R.S.A. 2000, c.S-6
3. *Wild Rose Foundation Act*, R.S.A. 2000, c.W-8

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DETAILED LISTING OF BILLS

Bill 24 - *Forest and Prairie Protection Amendment Act*, S.A. 2016, c.22

- Amended:**
- *Forest and Prairie Protection Act*, R.S.A. 2000, c.F-19
 - *Municipal Government Act*, R.S.A. 2000, c.M-26

Summary: Among other amendments, the Act amends the *Forest and Prairie Protection Act* by changing the officially designated start of the fire season from April 1 to March 1 of each year.

Maximum fines are increased in the case of wilful contraventions to \$100,000 for individuals or imprisonment for a term not more than 2 years. Corporations face a maximum fine of \$1,000,000. Individuals are exposed to maximum fines for non-wilful contraventions up to \$50,000 or imprisonment for a term not longer than 1 year. Corporations face a maximum fine of \$500,000. Operating equipment, machinery, vehicles, aircraft or vessels in a manner which interferes with or might interfere with fire control operations is prohibited.

Contravention of the Act or condition of permits or order may attract Administrative penalties of up to \$10,000 for each contravention, each day or a portion of each day during which the contravention or failure to comply occurs.

In Force: December 9, 2016

LEGISLATIVE SUMMARY

Bill 25 - *Oil Sands Emission Limit Act*, S.A. 2016, C.O.7.5

Summary: The *Oil Sands Emission Limit Act* established a hard cap of 100-megatonne limit on greenhouse gas emissions.

In Force: December 14, 2016

Bill 26 - *Ukrainian-Canadian Heritage Day*, S.A. 2016, c.U-0.3

Summary: The *Ukrainian-Canadian Heritage Day Act* established Alberta's Ukrainian Canadian Heritage Day as each September 7, beginning in 2017.

In Force: December 9, 2016

Bill 27 - *Renewable Electricity Act*, S.A. 2016, R-16.5

Amended:

- *Alberta Utilities Commission Act*, S.A. 2007, c.A-37.2
- *Electric Utilities Act*, S.A. 2003, c.E-5.1
- *Environment Protection and Enhancement Act*, R.S.A. 2000, c.E-12
- *Hydro and Electric Energy Act*, R.S.A. 2000, c.H-16

Summary: The *Renewable Electricity Act* allows the Minister to:

- implement the Renewable Electricity Programs ("REP");
- direct the Independent System Operator ("ISO");
- establish the terms of the Renewable Electricity Support Agreement ("RESA") for the applicable REP; and
- hold security in applicable generating units.

The ISO must submit details of each REP to the Minister for approval. However, the ISO retains the authority to select the successful participant and enter into an RESA, subject to the Minister's approval of the total quantity of electricity to be generated and form of RESA to be entered into. The ISO must engage an independent fairness advisor.

The Act prohibits the Market Surveillance Administrator and the Alberta Utilities Commission from investigating or considering complaints against the ISO regarding the development of any REP.

In Force: On Proclamation

Bill 28 - *Public Health Amendment Act*, S.A. 2016, c.25

Amended:

- *Public Health Act*, R.S.A 2000, c.P-37

Summary: The amendments to the *Public Health Act* allow the Minister of Health to collect student enrolment information from the Minister of Education.

Health practitioners who perform immunizations or conduct immunization assessments must report the resulting information.

Health practitioners are required to report adverse events following immunization, and all persons who handle, transport, or store vaccines will be required to follow specific protocols.

Directors of laboratories must report incidents of diseases outlined in the regulations to a medical officer of health.

Physicians, community nurses, nurse practitioners, midwives, persons in charge of institutions or operators of supportive living accommodations must report sexually transmitted infections to a medical officer of health.

In Force: December 9, 2016 (with exceptions)

Bill 29 - *Vital Statistics and Life Events Modernization*, S.A. 2016, c.26

- Amended:**
- *Family Law Act*, S.A. 2003, c.F-4.5
 - *Marriage Act*, R.S.A. 2000, C.M-5
 - *Vital Statistics Act*, S.A. 2007, c.V-4.1

Summary: The *Vital Statistics and Life Events Modernization Act* amends the *Vital Statistics Act* by allowing among other things, parents to choose any last name for their child. “Legal Name” has been defined to allow the recognition of documents which show the names using other cultural conventions if the child was born outside Canada. Parents who later agree on a different last name for their child may apply to the Registrar to change it. Consent of a child who is 12 years old or older is required to change the child’s name if necessitated by the process of an application to change particulars of parentage.

The *Marriage Act* is amended to remove the requirement, prior to issuing a marriage license to persons who lack capacity or are under a guardianship or trusteeship order, for a doctor’s letter to show that such persons have the capacity to understand the nature or the marriage contract and the attached duties and responsibilities.

A person who is under 16 years of age and is pregnant or already a mother “to a living child” is no longer exempted from the prohibition against issuing marriage licenses to persons under 16. Guardians of persons under trusteeship orders or equivalent legislation must now receive 30 days’ notice (up from 14 days) before a marriage licence is issued.

The requirement that birth registration documents must be delivered to the Registrar within 10 days of the birth of a child has been repealed. Birth registration documents will now be completed and delivered to the Registrar in accordance with the regulations.

Legal name changes are no longer required to be published in the Alberta Gazette.

Applicants are also no longer required to provide a reason for requesting a legal change of name. The *Vital Statistics and Life Events Modernization Act* provides for the future implementation of a non-binary identifier instead of the traditional male and female identifiers.

A commemorative certificate has been introduced commemorate births, stillbirths, marriages, changes of name or death.

In addition to physicians, midwives who attend at births are specifically authorised to complete and deliver notices of birth to the Registrar.

In addition to physicians and psychologists, registered social workers, nurse practitioners, and registered nurses may confirm an applicant’s affidavit for change of sex.

In Force: On Proclamation (with exceptions)

LEGISLATIVE SUMMARY

Bill 30 - *Investing in a Diversified Alberta Economy Act*, S.A. 2016, C.I-10.5

- Amended:**
- *Alberta Corporate Tax Act*, R.S.A. 2000, c.A-15
 - *Alberta Personal Income Act*, R.S.A. 2000, c.A-30

Summary: The *Investing in a Diversified Alberta Economy Act* establishes investor tax credits and the capital investment tax credits.

The investor tax credit offers a 30% tax credit for investments made in small Alberta businesses between April 14, 2016 and December 31, 2019.

The refundable maximum investor tax credit for an individual is \$60,000 per year.

Capital investment tax credits offer Alberta companies a 10% non-refundable tax credit. The tax credit is available to Alberta companies which are in the businesses of manufacturing or processing goods for sale or lease, and tourism infrastructure.

Applicants will be required to apply for conditional approval in advance of the investment, with the tax credit being claimed only when the capital investment is in use and the company is turning a profit.

The Minister may, at any time, refuse to accept further applications for conditional approval letters or tax credit certificates.

Practitioners are encouraged to review the Act to confirm how the amendments affect their areas of practice.

In Force: January 1, 2017 (with exceptions)

Bill 31 - *Agencies, Board and Commissions Review Statutes Amendment Act*, S.A. 2016, c.19

- Repealed:**
- *Government House Act*, R.S.A. 2000, c.G-9
 - *Seniors Advisory Council for Alberta Act*, R.S.A. 2000, c.S-6
 - *Wild Rose Foundation Act*, R.S.A. 2000, c.W-8

- Amended:**
- *Assured Income for the Severely Handicapped Act*, S.A. 2006, c.A-45.1
 - *Child Care Licensing Act*, S.A. 2007, c.C-10.5
 - *Child, Youth and Family Enhancement Act*, R.S.A. 2000, c.C-12
 - *Family Support for Children with Disabilities*, S.A. 2003, c.F-5.3
 - *Income and Employment Supports Act*, S.A. 2003, c.I-0.5
 - *Persons with Developmental Disabilities Services Act*, R.S.A. 2000, c.P-9.5
 - *Public Sector Compensation Transparency Act*, S.A. 2009, c. A-31.7
 - *Travel Alberta Act*, S.A. 2008, c.T-6.5

Summary: The *Agencies, Board and Commissions Review Statutes Amendment Act* allow the dissolution of the Government House Foundation, the Seniors Advisory Council for Alberta, and the Wild Rose Foundation.

The Act also contains amendments to the administration of the *Assured Income for the Severely Handicapped Act*, *Child Care Licensing Act*, *Child, Youth and Family Enhancement Act*, *Family Support for Children With Disabilities Act*, *Income and Employment Supports Act*, *Persons with Developmental Disabilities Services Act*, *Public Sector Compensation Transparency Act* and the *Travel Alberta Act*.

In Force: December 9, 2016

Bill 32 - Credit Union Amendment Act, S.A. 2016, c.27

Amended: • *Credit Union Act*, R.S.A. 2000, c.C-32

Summary: The *Credit Union Amendment Act* contains numerous amendments including:

- Quorum at a general meeting is 50 members of a credit union with assets of less than \$500,000,000, and 100 members of credit unions with assets of or exceeding \$500,000,000. In the event of a vote to be held on a special resolution, quorum is 75 members of a credit union with assets of less than \$500,000,000 and 150 members of a credit union with assets of or exceeding \$500,000,000;
- In addition to the Credit Union Central of Canada and the Bank of Canada, Central may also make deposits with any entity whose sole or primary business is to clear and settle payments and to take deposits for the purpose of facilitating the clearing or settling of payments from Alberta credit unions;
- The Minister is enabled to charge expenses related to the regulation of Central;
- Central's membership must include at least 2 directors who are independent of credit unions;
- There are additional requirements for record maintenance;
- There must be separation of businesses, premises and communication systems of credit unions/subsidiaries/affiliates who also act as insurance agents; and
- The Minister may make cease and desist orders for acts or omissions considered to have material adverse effect on government interests.

In Force: On various dates

Bill 33 - Miscellaneous Statutes Amendment Act, S.A. 2016, c.23

Amended: • *Family Law Act*, S.A. 2003, c.F-4.5
 • *Hospitals Act*, R.S.A. 2000, c.H-12
 • *Insurance Act*, R.S.A. 2000, c.I-3
 • *Notaries and Commissioners Act*, S.A. 2013, c.N-5.5
 • *Police Act*, R.S.A. 2000, c.P-42
 • *Public Service Employee Relations Act*, R.S.A. 2000, c.P-43
 • *Public Services Act*, R.S.A. 2000, c.P-42
 • *Vital Statistics Act*, S.A. 2007, c.V-4.1

Summary: The *Miscellaneous Statutes Amendment Act* introduces various amendments to the foregoing legislation. Amongst other things, the Act repealed the requirement under the *Notaries and Commissioners Act* that in order to apply to become a Commissioner for oaths, a person must be a Canadian Citizen or Permanent Resident.

The Act also repealed the requirement under the *Vital Statistics Act* that parents may only amend the first names of their stillborn children, upon presenting evidence and paying the prescribed fee, if the stillbirth was registered without a first name having been given to the child or if the name given to the child was considered unacceptable to the Registrar.

Practitioners are encouraged to review the Act to confirm how the amendments affect their areas of practice.

In Force: December 9, 2016 (with exceptions)

LEGISLATIVE SUMMARY

Bill 34 - *Electric Utilities Amendment Act, S.A. 2016, c.28*

Amended: • *Electric Utilities Act, S.A. 2003, c.E-5.1*

Summary: The *Electric Utilities Amendment Act* allows the President of Treasury Board, Minister of Finance to, on the recommendation of the Minister of Energy, loan money to the Balancing Pool to manage its obligations.

In Force: December 14, 2016

Bill 35 - *Fair Elections Financing Act, S.A. 2016, c.29*

Amended: • *Election Act, R.S.A. 2000, c.E-1*
• *Election Finances and Contributions Disclosure Act, R.S.A. 2000, c.E-2*
• *Legislative Assembly Act, R.S.A. 2000, c.L-9*

Summary: The *Fair Elections Financing Act* limits the amount which political parties, candidates, constituency associations, and nomination candidates (and their Chief Financial Officers) can spend. Some expenses are exempted from the calculations of the limits, including travel costs reasonably related to the election or contest, care for children and other dependents, expenses related to candidates living with a disability, audits and professional fees necessary for compliance with the act, and incidental expenses incurred by or on behalf of volunteers.

The limits include:

- Register parties and of registered parties have a \$2,000,000 spending limit. For by-elections, parties have a spending limit of \$23,000;
- Candidates have spending limits of \$50,000 in an electoral division;
- Nomination contestants would also be subject to a spending limit of \$10,000.

The Act also limits individuals' contribution limits to a maximum of \$4,000 per calendar year.

Nomination contestants and leadership contestants are required to register and report to the Chief Electoral Officer when they announce their intention to seek a nomination, begin incurring costs, or when they accept contributions.

The difference between market value and the price at which real property, goods or services or the use thereof which are provided to candidates and campaigns will be considered a financial contribution.

Third-party advertising is limited to \$150,000. No more than \$3,000 of that amount can be used to promote or oppose the election of one or more candidates in any one electoral division.

In Force: On various dates

Bill 36 - *An Act to Enhance Off-Highway Vehicle Safety, S.A. 2016, c.21*

Amended: • *Traffic Safety Act, R.S.A. 2000, c. T-6*

Summary: *An Act to Enhance Off-Highway Vehicle Safety* requires people who "drive, ride in or on" or are towed by off-highway vehicles to wear helmets.

Alberta's farming and ranching communities as well as persons travelling to engage in hunting or trapping within the meaning of the Wildlife Act are exempt from the aforementioned requirement. Also exempt are operations on First Nations and Métis settlement land and driving on own land or land owned by someone else with that person's implied or express consent.

In Force: On Proclamation

Bill 37 - Appropriation (Supplementary Supply) Act, S.A. 2016, c.20

Summary: The *Appropriation (Supplementary Supply) Act* addresses charges and expenses of the Public Service (not otherwise provided for) for the fiscal year ending March 31, 2017.

In Force: December 9, 2016



The Canadian Bar Association - Alberta Branch and Law Society of Alberta would like to extend their thanks to the Honourable Mr. Justice Kevin Feehan for his years of service to the Legislative Review Committee as Edmonton Chair and Legislative Review Officer, roles he has held since the fall of 2010. Due to his appointment to the Court of Queen's Bench, Justice Feehan stepped down from these roles effective October 2016.

We wish Justice Feehan the best in his new role as Justice of the Court of Queen's Bench of Alberta.

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