

# LEGISLATIVE REVIEW SUMMARY

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FALL 2018 | 29TH LEGISLATURE, FOURTH SESSION



Alberta **LAW**  
**FOUNDATION**



THE CANADIAN  
BAR ASSOCIATION  
Alberta Branch

# LEGISLATIVE REVIEW SUMMARY

FALL 2017 | 29TH LEGISLATURE, THIRD SESSION

## HIGHLIGHTS

The 2018 fall session of the Legislature resulted in the passage of the following Acts:

1. *An Act for Strong Families Building Stronger Communities, SA 2018 c. 24*
2. *An Act to Combat Poverty and Fight for Albertans with Disabilities, SA 2018 c. 17*
3. *An Act to Improve the Affordability and Accessibility of Post-secondary Education, SA 2018 c.19*
4. *An Act to Protect Patients, SA 2018 c.15*
5. *An Act to Recognize AMA Representation Rights, SA 2018 c. 22*
6. *An Act to Renew Local Democracy in Alberta, SA 2018 c. 23*
7. *Canyon Creek Hydro Development Act, SA 2018 c. C-2.2*
8. *City Charters Fiscal Framework Act, SA 2018 c. C-13.3*
9. *Family Statutes Amendment Act, 2018, SA 2018 c.18*
10. *Joint Governance of Public Sector Pension Plans Act, SA 2018 c. J-0.5*
11. *Mental Health Services Protection Act, SA 2018 c. M-13.2*
12. *Miscellaneous Statutes Amendment Act, SA 2018 c. 20*
13. *Public Service Employee Relations Amendment Act, 2018, SA 2018 c. 21*
14. *Securities Amendment Act, 2018, SA 2018 c.16*

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## AMENDED LEGISLATION:

1. *Alberta Association of Municipal Districts and Counties Act, SA 1923, c 67.*
2. *Alberta Capital Finance Authority Act, RSA 2000, c A-14.5.*
3. *Alberta Health Care Insurance Act, RSA 2000, c A-20.*
4. *Alberta Housing Act, RSA 2000, c A-25.*
5. *Apprenticeship and Industry Training Act, RSA 2000, c A-42.*
6. *Assured Income for the Severely Handicapped Act, SA 2006, c A-45.1.*
7. *Business Corporations Act, RSA 2000, c B-9.*
8. *Child, Youth and Family Enhancement Act, RSA 2000, c C-12.*
9. *Companies Act, RSA 2000, c C-21.*
10. *Conflicts of Interest Act, RSA 2000, c C-23.*
11. *Corrections Act, RSA 2000, c C-29.*
12. *Court of Queen's Bench Act, RSA 2000, c C-31.*
13. *Election Act, RSA 2000, c E-1.*
14. *Employment Pension Plans Act, SA 2012, c E-8.1.*
15. *Estate Administration Act, SA 2014, c E-12.5.*
16. *Family Law Act, SA 2003, c F-4.5.*

17. *Fatality Inquiries Act, RSA 2000, c F-9.*
18. *Financial Administration Act, RSA 2000, c F-12.*
19. *Freedom of Information and Protection of Privacy Act, RSA 2000, c F-25.*
20. *Health Professions Act, RSA 2000, c H-7.*
21. *Income and Employment Supports Act, SA 2003, c I-0.5.*
22. *Interpretation Act, RSA 2000, c I-8.*
23. *Judicature Act, RSA 2000, c J-2.*
24. *Labour Relations Code, RSA 2000, c L-1.*
25. *Law of Property Act, RSA 2000, c L-7.*
26. *Legal Profession Act, RSA 2000, c L-8.*
27. *Loan and Trust Corporations Act, RSA 2000, c L-20.*
28. *Lobbyists Act, SA 2007, c L-20.5.*
29. *Local Authorities Election Act, RSA 2000, c L-21.*
30. *Maintenance Enforcement Act, RSA 2000, c M-1.*
31. *Matrimonial Property Act, RSA 2000, c M-8.*
32. *Members of the Legislative Assembly Pension Plan Act, RSA 2000, c M-12.*
33. *Municipal Government Act, RSA 2000, c M-26.*
34. *Northland School Division Act, SA 2017, c N-5.1.*
35. *Ombudsman Act, RSA 2000, c O-8.*
36. *Parks Towns Act, RSA 2000, c P-2.*
37. *Partnership Act, RSA 2000, c P-3.*
38. *Personal Information Protection Act, SA 2003, c P-6.5.*
39. *Post-secondary Learning Act, SA 2003, c P-19.5.*
40. *Provincial Court Act, RSA 2000, c P-31.*
41. *Public Health Act, RSA 2000, c P-37.*
42. *Public Sector Pension Plans Act, RSA 2000 c P-41.*
43. *Public Service Employee Relations Act, RSA 2000, c P-43.*
44. *Public Utilities Act, RSA 2000, c P-45.*
45. *Reform of Agencies, Boards and Commissions Compensation Act, SA 2016, c R-8.5.*
46. *Regional Health Authorities Act, RSA 2000, c R-10.*
47. *Regulated Forestry Profession Act, RSA 2000, c R-13.*
48. *School Act, RSA 2000, c S-3.*
49. *Securities Act, RSA 2000, c S-4.*
50. *Seniors Benefit Act, RSA 2000, c S-7.*
51. *Societies Act, RSA 2000, c S-14.*
52. *Teachers' Pension Plans Act, RSA 2000, c T-1.*
53. *Traffic Safety Act, RSA 2000, c T-6.*
54. *Travel Alberta Act, SA 2008, c T-6.5.*

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## REPEALED LEGISLATION:

1. *Married Women's Act, RSA 2000, c M-6.*

## DETAILED LISTING OF BILLS

### **Bill 19 - *An Act to Improve the Affordability and Accessibility of Post-secondary Education, SA 2018 c. 19***

- Amended:**
- Alberta Capital Finance Authority Act, RSA 2000, c A-14.5.
  - Apprenticeship and Industry Training Act, RSA 2000, c A-42.
  - Conflicts of Interest Act, RSA 2000, c C-23.
  - Fatality Inquiries Act, RSA 2000, c F-9.
  - Financial Administration Act, RSA 2000, c F-12.
  - Freedom of Information and Protection of Privacy Act, RSA 2000, c F-25.
  - Labour Relations Code, RSA 2000, c L-1.
  - Legal Profession Act, RSA 2000, c L-8.
  - Loan and Trust Corporations Act, RSA 2000, c L-20.
  - Municipal Government Act, RSA 2000, c M-26.
  - Ombudsman Act, RSA 2000, c O-8.
  - Personal Information Protection Act, SA 2003, c P-6.5.
  - Post-secondary Learning Act, SA 2003, c P-19.5.
  - Public Health Act, RSA 2000, c P-37.
  - Public Service Employee Relations Act, RSA 2000, c P-43.
  - Public Utilities Act, RSA 2000, c P-45.
  - Reform of Agencies, Boards and Commissions Compensation Act, SA 2016, c R-8.5.
  - Regulated Forestry Profession Act, RSA 2000, c R-13.

**Summary:** *An Act to Improve the Affordability and Accessibility of Post-secondary Education proposes a number of updates to the Post-secondary Learning Act. Tuition increases for domestic students and apprentices will be indexed to the All-items Consumer Price Index. The Minister has the authority to prohibit tuition and fees increases..*

**In Force:** February 1, 2019

### **Bill 20 - *Securities Amendment Act, 2018, SA 2018 c.16***

- Amended:**
- *Securities Act, RSA 2000, c S-4.*

**Summary:** The Securities Amendment Act amends the Securities Act by implementing a whistle-blower program for misconduct under the Securities Act. The Act prohibits false reports of wrongdoing, obstruction of whistle-blowing, and agreements aimed at restricting whistle-blowing.

The Act also introduces a regulatory system for indexes that include a group of securities, i.e., benchmarks and benchmark administrators.

Alberta Securities Commission members, staff, and employees may not be compelled to testify in third-party hearings regarding information collected in the course of their duties.

**In Force:** November 19, 2018

### **Bill 21 - *An Act to Protect Patients, SA 2018 c. 15***

- Amended:**
- *Health Professions Act, RSA 2000, c H-7.*

**Summary:** An Act to Protect Patients amends the Health Professions Act by mandating a minimum five-year ban on a practice permit for a finding of unprofessional conduct by a health professional. If a health professional's application for reinstatement is refused, the person must wait a minimum of 6 months before making another application.

An employer who suspects a health professional of what could constitute unprofessional conduct must give notice of that conduct to the Complaints Director.

An investigator must attempt to make reasonable efforts to interview a complainant.

Upon a tribunal's determination that the conduct of an investigated person constitutes unprofessional conduct, the tribunal must immediately order the suspension of the person.

**In Force:** November 19, 2018, with exceptions

### **Bill 22 - An Act for Strong Families Building Stronger Communities, SA 2018 c. 24**

**Amended:**

- *Child, Youth and Family Enhancement Act, RSA 2000, c C-12.*
- *Family Law Act, SA 2003, c F-4.5.*

**Summary:** Under An Act for Strong Families Building Stronger Communities, First Nations must be automatically notified not less than 30 days before a hearing, whenever someone applies for private guardianship of a child who is a First Nation Individual. The Band may participate in the hearing.

Under this Act, every guardianship application for a child in care would follow the same process and streamlines the two ways to apply for permanent guardianship of a child in care in the Child, Youth and Family Enhancement Act and through the Family Law Act.

Under the Act, financial assistance would remain with the child.

The Act creates strict public reporting requirements, including requiring Children's Services to report every death, injury, and serious incident within 4 business days.

**In Force:** February 28, 2019

### **Bill 23 - An Act to Renew Local Democracy in Alberta, SA 2018 c. 23**

**Amended:**

- *Election Act, RSA 2000, c E-1.*
- *Local Authorities Election Act, RSA 2000, c L-21.*
- *Municipal Government Act, RSA 2000, c M-26.*
- *Northland School Division Act, SA 2017, c N-5.1.*
- *School Act, RSA 2000, c S-3.*

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**Summary:** Among other things, An Act to Renew Local Democracy in Alberta limits candidate donations by individuals to \$4,000.00.

The Act authorizes Election Commissioner to investigate any offences and levy penalties for contravention.

Anonymous contributions must be returned to the contributor if such a donor can be identified. In the alternative, the funds may be donated to a registered charity or the candidate's local jurisdiction.

Corporations and unions are prohibited from making donations.

The Act requires municipalities with populations greater than 5,000 to hold at least one advance vote.

**In Force:** Various

## **Bill 24 - An Act to Recognize AMA Representation Rights, SA 2018 c.22**

**Amended:**

- *Alberta Health Care Insurance Act, RSA 2000, c A-20.*
- *Regional Health Authorities Act, RSA 2000, c R-10.*

**Summary:** An Act to Recognize AMA Representation Rights provides the Alberta Medical Association with statutory representation for physicians in Alberta. The Act does not change existing processes between the Government and the Alberta Medical Association.

**In Force:** December 11, 2018

## **Bill 25 - Canyon Creek Hydro Development Act, SA 2018 c. C-2.2**

**Summary:** Pursuant to the Canyon Creek Hydro Development Act, the Alberta Legislature formally approved the Canyon Creek Pumped Hydro Energy Storage Project as required under the Hydro and Electric Energy Act.

**In Force:** December 11, 2018

## **Bill 26 - An Act to Combat Poverty and Fight for Albertans with Disabilities, SA 2018 c.17**

**Amended:**

- *Alberta Housing Act, RSA 2000, c A-25.*
- *Assured Income for the Severely Handicapped Act, SA 2006, c. A-45.1.*
- *Income and Employment Supports Act, SA 2003, c I-0.5.*
- *Seniors Benefit Act, RSA 2000, c S-7.*

**Summary:** An Act to Combat Poverty and Fight for Albertans with Disabilities indexes Assured Income for the Severely Handicapped program and seniors' benefits programs to Alberta All-items Consumer Price Index.

**In Force:** January 1, 2019

## **Bill 27 - Joint Governance of Public Sector Pension Plans Act, SA 2018 c. J-0.5**

- Amended:**
- *Conflicts of Interest Act, RSA 2000, c C-23.*
  - *Employment Pension Plans Act, SA 2012, c E-8.1.*
  - *Financial Administration Act, RSA 2000, c F-12.*
  - *Interpretation Act, RSA 2000, c I-8.*
  - *Public Sector Pension Plans Act, RSA 2000 c P-41.*
  - *Reform of Agencies, Boards and Commissions Compensation Act, SA 2016, c R-8.5.*

**Summary:** *The Joint Governance of Public Sector Pension Plans Act transitions the Local Authorities Pension Plan, the Public Services Pension Plan, and the Special Forces Pension Plan to a joint governance structure. All three plans will be registered as jointly sponsored plans under the Employment Pension Plans Act.*

**In Force:** December 11, 2018, with exceptions

**Bill 28 - Family Statutes Amendment Act, 2018, SA 2018 c18**

- Amended:**
- *Employment Pension Plans Act, SA 2012, c E-8.1.*
  - *Estate Administration Act, SA 2014, c E-12.5.*
  - *Family Law Act, SA 2003, c F-4.5.*
  - *Law of Property Act, RSA 2000, c L-7.*
  - *Matrimonial Property Act, RSA 2000, c M-8.*
  - *Members of the Legislative Assembly Pension Plan Act, RSA 2000, c M-12.*
  - *Teachers' Pension Plans Act, RSA 2000, c T-1.*

**Repealed:**

- *Married Women's Act, RSA 2000, c M-6.*

**Summary:** *The Family Statutes Amendment Act modernizes the aforementioned Acts by replacing older terms with ones which recognize non-marital adult interdependent relationships. For instance, "family" now replaces "matrimonial" when reference is made to property belonging to spouses or partners. The Act provides rules about property division for unmarried couples and allows applications to be brought for sick or disabled adult children of parents who are not married or divorcing. The Act also repeals the Married Women's Act.*

**In Force:** December 11, 2018, with exceptions

**Bill 29 - Public Service Employee Relations Amendment Act, 2018, SA 2018 c. 21**

- Amended:**
- *Labour Relations Code, RSA 2000, c L-1.*
  - *Post-secondary Learning Act, SA 2003, c P-19.5.*
  - *Public Service Employee Relations Act, RSA 2000, c P-43.*

**Summary:** The Public Service Employee Relations Amendment Act among other things, removes restrictions on budget officers, systems analysts, auditors, disbursement control officers and hearing officers from proceeding to compulsory arbitration. The Act also removes restrictions on pensions, election, appointment, promotion, training, and transfer etc. from going to arbitration.

The Act removes non-academic staff at postsecondary institutions under the Labour Relations Code.

The Act makes consequential amendments to the Labour Relations Code, Post-secondary Learning Act Compensation Act and the Public Service Employee Relations Act.

**In Force:** June 1, 2019, with exceptions

**Bill 30 - Mental Health Services Protection Act, SA 2018 c. M-13.2**

- Amended:**
- *Health Professions Act, RSA 2000, c H-7.*

# LEGISLATIVE SUMMARY

**Summary:** *The Mental Health Services Protection Act outlines licensing requirements and reporting and other standards for residential addiction treatment facilities. It requires residential treatment facilities to have policies, procedures, and standards, including critical incidents reporting, consent in service standards and contracts, and clear record-keeping requirements.*

*The Act continues the Association of Counselling Therapy as the College of Counselling Therapy of Alberta.*

**In Force:** January 1, 2019, with exceptions

## **Bill 31 - Miscellaneous Statutes Amendment Act, 2018, SA 2018 c. 20**

- Amended:**
- *Alberta Association of Municipal Districts and Counties Act, SA 1923, c 67.*
  - *Business Corporations Act, RSA 2000, c B-9.*
  - *Companies Act, RSA 2000, c C-21.*
  - *Conflicts of Interest Act, RSA 2000, c C-23.*
  - *Corrections Act, RSA 2000, c C-29.*
  - *Court of Queen’s Bench Act, RSA 2000, c C-31.*
  - *Election Act, RSA 2000, c E-1.*
  - *Health Professions Act, RSA 2000, c H-7.*
  - *Judicature Act, RSA 2000, c J-2.*
  - *Lobbyists Act, SA 2007, c L-20.5.*
  - *Maintenance Enforcement Act, RSA 2000, c M-1.*
  - *Municipal Government Act, RSA 2000, c M-26.*
  - *Parks Towns Act, RSA 2000, c P-2.*
  - *Partnership Act, RSA 2000, c P-3.*
  - *Provincial Court Act, RSA 2000, c P-31.*
  - *Societies Act, RSA 2000, c S-14.*
  - *Traffic Safety Act, RSA 2000, c T-6.*
  - *Travel Alberta Act, SA 2008, c T-6.5.*

**Summary:** The Miscellaneous Statutes Amendment Act makes mostly consequential amendments. The Act amends the aforementioned legislation largely by replacing “registered mail” with “recorded mail”. In the Companies Act, service on companies may now in addition to service by recorded mail on the company and by leaving it at the company, be effected by delivery or recorded mail on any director, manager or other officer of the company or by electronic means pursuant to the Electronic Transactions Act.

**In Force:** December 11, 2018, with exceptions

## **Bill 32 - City Charters Fiscal Framework Act, SA 2018 c. C-13.3**

**Summary:** The City Charters Fiscal Framework Act a new funding framework regarding long-term funding for the Cities of Edmonton and Calgary. The Minister must starting no later than September 1, 2032 and every 10 years thereafter, review the operation of the Act over the previous 10 years.

**In Force:** April 1, 2019, or an earlier date determined by the Lieutenant Governor in Council

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*The Legislative Review Committee is a joint committee of the Law Society of Alberta and the Canadian Bar Association - Alberta Branch and, in addition receives funding from the Alberta Law Foundation. It has subcommittees in both Edmonton and Calgary and has filled a role in the legislative review process in Alberta for over 30 years. The Committee reviews all bills introduced in the Alberta Legislature and provides comments and assistance to both Government and the Bar on drafting and operative aspects of legislation and amending legislation. The Committee is often called upon confidentially to give legal practitioners' input on draft legislation and regulations. It play significant roles in the shaping of the Personal Property Security Act, the Civil Enforcement Act, the Builders' Lien Act and other Alberta statutes. Its chairperson sits as a member of various stakeholder committees consulted by Government, including the Registry Liaison Committee, which have helped shape statute law.*

*The Committee draws upon practitioners with a wide range of practical experience, some of whom have served for many years. It also, through its Legislative Liaison Officer, facilitates input by CBA sections, the Law Society, and business and community groups on the policy of legislation.*

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