



LEGISLATIVE REVIEW SUMMARY

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FALL 2022

30TH LEGISLATURE, FOURTH SESSION

LEGISLATIVE REVIEW SUMMARY

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Highlights

The 2022 fall seating of the Legislature resulted in the passage of the following Acts:

1. *Alberta Sovereignty Within a United Canada Act*, SA 2022 cA-33.8
2. *Inflation Relief Statutes Amendment Act*, SA 2022 cI9
3. *Property Rights Statutes Amendment Act*, SA 2022 c23
4. *Alberta Health Care Insurance Amendment Act*, SA 2022 cI 7
5. *Justice Statutes Amendment Act*, SA 2022 c20
6. *Police Amendment Act*, SA 2022 c22
7. *Miscellaneous Statutes Amendment Act*, SA 2022 c21

Amended Legislation

- *Administrative Procedures and Jurisdiction Act*, RSA 2000 cA-3
- *Adult Guardianship and Trusteeship Act*, SA 2008 cA-4.2
- *Agreements Implementation Act*, RSA 2000 cI-7
- *Agrology Profession Act*, SA 2005 cA-13.5
- *Alberta Bill of Rights*, RSA 2000 cA-14
- *Alberta Human Rights Act*, RSA 2000 cA-25.5
- *Alberta Land Stewardship Act*, SA 2009 cA-26.8
- *Alberta Personal Income Tax Act*, RSA 2000 cA-30
- *Alberta Utilities Commission Act*, SA 2007 cA-37.2
- *An Act to Cap Regulated Electricity Rates*, SA 2017 cC-2.3
- *Animal Health Act*, SA 2007 cA-40.2
- *Carbon Capture and Storage Funding Act*, SA 2009 cC-2.5
- *Chartered Professional Accountants Act*, SA 2014 cC-10.2
- *Child, Youth and Family Enhancement Act*, RSA 2000 cC-12
- *Citizen Initiative Act*, SA 2021 cC-13.2
- *Civil Forfeiture Act*, SA 2001 cC-15.2
- *Companies Act*, RSA 2000 cC-21
- *Conflicts of Interest Act*, RSA 2000 cC-23
- *Election Act*, RSA 2000 cE-1
- *Election Finances and Contributions Disclosure Act*, RSA 2000 cE-2
- *Electric Utilities Act*, SA 2003 cE-5.1
- *Emissions Management and Climate Resilience Act*, SA 2003 cE-7.8
- *Energy Diversification Act*, SA 2018 cE-9.6
- *Ensuring Fiscal Sustainability Act*, SA 2019 c18
- *Environmental Protection and Enhancement Act*, RSA 2000 cE-12
- *Expropriation Act*, RSA 2000 cE-13

- *Fair Registration Practices Act*, SA 2019 cF-1.5
- *Financial Administration Act*, RSA 2000 cF-12
- *Fiscal Measures and Taxation Act*, SA 2019 c20
- *Fisheries (Alberta) Act*, RSA 2000 cF-16
- *Forest and Prairie Protection Act*, RSA 2000 cF-19
- *Forests Act*, RSA 2000 cF-22
- *Freedom of Information and Protection of Privacy Act*, RSA 2000 cF-25
- *Fuel Tax Act*, SA 2006 cF-28.1
- *Fur Farms Act*, RSA 2000 cF-30
- *Gaming, Liquor and Cannabis Act*, RSA 2000 cG-1
- *Gas Distribution Act*, RSA 2000 cG-3
- *Geothermal Resource Development Act*, SA 2020 cG-5.5
- *Health Information Act*, RSA 2000 cH-5
- *Health Professions Act*, RSA 2000 cH-7
- *Health Statutes Amendment Act*, 2020 (No. 2), SA 2020 c35
- *Horse Racing Alberta Act*, RSA 2000 cH-11.3
- *Hydro and Electric Energy Act*, RSA 2000 cH-16
- *Income and Employment Supports Act*, SA 2003 cl-0.5
- *Interjurisdictional Support Orders Act*, SA 2002 cl-3.5
- *International Child Abduction Act*, RSA 2000 cl-4
- *Interpretation Act*, RSA 2000 cl-8
- *Judicature Act*, RSA 2000 cj-2
- *Jury Act*, RSA 2000 cj-3
- *Justice of the Peace Act*, RSA 2000 cj-4
- *King's Counsel Act*, RSA 2000 cK-1
- *Labour Mobility Act*, SA 2021 cL-0.7
- *Land Titles Act*, RSA 2000 cL-4
- *Law of Property Act*, RSA 2000 cL-7
- *Legal Profession Act*, RSA 2000 cL-8
- *Limitations Act*, RSA 2000 cL-12
- *Lobbyists Act*, SA 2007 cL-20.5
- *Local Authorities Election Act*, RSA 2000 cL-21
- *Marriage Act*, RSA 2000 cM-5
- *Mental Health Services Protection Act*, SA 2018 cM-13.2
- *Metis Settlements Act*, RSA 2000 cM-14
- *Mines and Minerals Act*, RSA 2000 cM-17
- *Municipal Government Act*, RSA 2000 cM-26
- *New Home Buyer Protection Act*, SA 2012 cN-3.2
- *Oil and Gas Conservation Act*, RSA 2000 cO-6
- *Oil Sands Conservation Act*, RSA 2000 cO-7
- *Ombudsman Act*, RSA 2000 cO-8
- *Personal Directives Act*, RSA 2000 cP-6
- *Personal Information Protection Act*, SA 2003 cP-6.5
- *Petroleum Marketing Act*, RSA 2000 cP-10
- *Pharmacy and Drug Act*, RSA 2000 cP-13
- *Pipeline Act*, RSA 2000 cP-15
- *Proceedings Against the Crown Act*, RSA 2000 cP-25
- *Promoting Job Creation and Diversification Act*, SA 2016 cP-26.3
- *Property Rights Advocate Act*, SA 2012 cP-26.5
- *Protection for Persons in Care Act*, SA 2009 cP-29.1

- *Provincial Court (Sexual Assault Awareness Training) Amendment Act*, SA 2022 c15
- *Provincial Court Act*, RSA 2000 cP-31
- *Provincial Offences Procedure Act*, RSA 2000 cP-34
- *Provincial Parks Act*, RSA 2000 cP-35
- *Public Inquiries Act*, RSA 2000 cP-39
- *Public Interest Disclosure (Whistleblower Protection) Act*, SA 2012 cP-39.5
- *Public Lands Act*, RSA 2000 cP-40
- *Public Service Act*, RSA 2000 cP-42
- *Public Service Employee Relations Act*, RSA 2000 cP-43
- *Public Transit and Green Infrastructure Project Act*, SA 2019 cP-43.8
- *Public Utilities Act*, RSA 2000 cP-45
- *Recall Act*, SA 2021 cR-5.7
- *Referendum Act*, RSA 2000 cR-8.4
- *Reform of Agencies, Boards and Commissions Compensation Act*, SA 2016 cR-8.5
- *Regulated Rate Option Stability Act*, SA 2017, c R-13.5
- *Sale of Goods Act*, RSA 2000 cS-2
- *Special Areas Act*, RSA 2000 cS-16
- *Strategic Aviation Advisory Council Act*, SA 2020 cS-19.8
- *Supporting Alberta's Local Food Sector Act*, SA 2018 cS-23.3
- *Supportive Living Accommodation Licensing Act*, SA 2009 cS-23.5
- *The Legislative Assembly Act*, RSA 2000 cL-9 2(1)
- *The Peace Officer Act*, SA 2006 cP-3.5
- *The Police Act*, RSA 2000 cP-17 1
- *The Police Officers Collective Bargaining Act*, RSA 2000 cP-18
- *Tobacco Tax Act*, RSA 2000 cT-4
- *Traffic Safety Act*, RSA 2000 cT-6
- *Trustee Act*, SA 2022 cT-8.1
- *Turner Valley Unit Operations Act*, RSA 2000 cT-9
- *Utility Commodity Rebate Act*, SA 2022 cU-3.5
- *Utility Payment Deferral Program Act*, SA 2020 cU-4
- *Veterinary Profession Act*, RSA 2000 cV-2
- *Water Act*, RSA 2000 cW-3
- *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*, RSA 2000 cW-9
- *Wildlife Act*, RSA 2000 cW-10
- *Wills and Succession Act*, SA 2010 cW-12.2
- *Witness Security Act*, SA 2010 cW-12.5

Detailed Listing of Bills

BILL 1 — *Alberta Sovereignty Within a United Canada Act, SA 2022 cA-33.8*

Summary: The *Alberta Sovereignty Within a United Canada Act* allows for a legislator to introduce a motion about the perceived unconstitutionality or harmful nature of a federal enactment. If the motion passes, the Legislative Assembly will subsequently make recommendations to the Lieutenant Governor in Council, who may by order, direct the responsible Minister for an enactment to, by order, suspend or modify the application or operation of all or part of a regulation authorized by an enactment. The Lieutenant Governor in Council may prescribe, or specify or set out provisions that apply in addition to, or instead of, any provision in a regulation authorized by the subject enactment, and may direct a Minister to exercise a power, duty or function of the Minister, or issue directives to a provincial entity and its members, officers and agents, and the Crown and its Ministers and agents, in respect of the federal initiative.

Although the Act reiterates the exemption of a decision or act of the Legislative Assembly from judicial review, the deadline for filing an originating application for judicial review in relation to a decision made or act under the Act must be filed and served within 30 days of the decision or act. The standard of review to be applied by the court hearing such a judicial review application is patent unreasonableness.

In Force: December 15, 2022

BILL 2 — *Inflation Relief Statutes Amendment Act, SA 2022 cI9*

Amended:

- *Alberta Health Care Insurance Amendment Act, SA 2022 cI 7*
- *Alberta Personal Income Tax Act, RSA 2000 cA-30*
- *Alberta Utilities Commission Act, SA 2007 cA-37.2*
- *An Act to Cap Regulated Electricity Rates, SA 2017 cC-2.3*
- *Ensuring Fiscal Sustainability Act, SA 2019 c18*
- *Fiscal Measures and Taxation Act, SA 2019 c20*
- *Fuel Tax Act, SA 2006 cF-28.1*
- *Income and Employment Supports Act, SA 2003 cI-0.5*
- *Regulated Rate Option Stability Act, SA 2017, c R-13.5*

Summary: The *Inflation Relief Statutes Amendment Act* suspends the fuel tax for gasoline, diesel and other prescribed fuels from January 1 to June 30 of 2023. The Act indexes personal income tax brackets and among other amendments, revises the *Alberta Personal Income Tax Act* by changing the thresholds regarding the formula for calculating family employment tax credit. The Act also repealed the title and chapter number of *An Act to Cap Regulated Electricity Rates*, and replaced it with the new title: *Regulated Rate Option Stability Act Chapter R-13.5*, and caps regulated electricity rates for three months.

In Force: December 15, 2022 (with exceptions)

BILL 3 — *Property Rights Statutes Amendment Act, SA 2022 c23*

- Amended:**
- *Land Titles Act*, RSA 2000 cL-4
 - *Law of Property Act*, RSA 2000 cL-7
 - *Limitations Act*, RSA 2000 cL-12

Summary: The *Property Rights Statutes Amendment Act* amends the following three pieces of legislation:

1. *Land Titles Act*: People who were granted ownership for adverse possession prior to the Act will maintain their ownership status.
2. *Law of Property Act*: The Act abolished adverse possession under the *Law of Property Act*. Amendments by the Act also provide additional powers to the courts to make orders directing a person who made improvements on another's lands, to remove or abandon the improvements or purchase the land on which the improvements were made. The order may require the registered owner to compensate the person who made the improvements. Courts may also order that an easement be made on terms the court thinks just.
3. *Limitations Act*: The Act removed the ten-year limitation period for a registered owner to reclaim possession of a property.

In Force: December 15, 2022

BILL 4 — *Alberta Health Care Insurance Amendment Act, SA 2022 cI 7*

- Amended:**
- *The Alberta Health Care Insurance Act*, RSA 2000 cA-20 1

Summary: The *Alberta Health Care Insurance Amendment Act* repealed section 40.2 of the *Alberta Health Care Insurance Act* which authorizes the Minister to terminate an agreement to administer a plan to provide benefits for basic health services to Albertans or any agreement between the Crown and the Alberta Medical Association regarding physician compensation matters.

The Bill also made consequential changes arising from the renaming of Alberta Justice and Solicitor General to Alberta Justice.

In Force: December 15, 2022

BILL 5 — *Justice Statutes Amendment Act, SA 2022 c20*

- Amended:**
- *Interjurisdictional Support Orders Act*, SA 2002 cI-3.5
 - *The Legislative Assembly Act*, RSA 2000 cL-9 2(1)
 - *Provincial Court Act*, RSA 2000 cP-31
 - *Referendum Act*, RSA 2000 cR-8.4
 - *Sale of Goods Act*, RSA 2000 cS-2
 - *Trustee Act*, SA 2022 cT-8.1

Summary: The *Justice Statutes Amendment Act* amended the *Legislative Assembly Act*, the *Provincial Court Act*, the *Interjurisdictional Support Orders Act*, the *Referendum Act*, the *Sale of Goods Act*, and the *Trustee Act*.

1. *Interjurisdictional Support Orders Act:* The Act authorizes the courts to accept telephonic or other electronic means of transfer of documents, evidence or information from a party or witness. At first instance, the claimant or the appropriate authority of the reciprocating jurisdiction may present an extra-provincial order or a foreign order to the designated authority in Alberta as an ordinary copy as opposed to a certified copy. However, the designated authority may insist that the claimant or the appropriate authority of the reciprocating jurisdiction provide a certified copy of the extra-provincial order or foreign order.
2. *Legislative Assembly Act:* Amendments to the *Legislative Assembly Act* authorize the Legislative Assembly security personnel to be treated as peace officers under the Criminal Code.

The Speaker is responsible for the security of the Legislative Assembly, its committees and Members. The Speaker's directives in that regard are binding.

The Speaker must permit the provision of security services within the legislative precinct to members of the Executive Council by an individual who is not a legislative security officer.

The Court may, on application by the Speaker, make an order restraining a person from contravening or continuing to contravene the provisions of the Act, whether or not a conviction has been adjudged in respect of the contravention.

A person who contravenes a provision of the Act is guilty of an offence and liable to a fine of not more than \$10 000, or to a term of imprisonment not exceeding six months, or to both.

3. *Provincial Court Act:* The *Provincial Court Act* authorizes the Lieutenant Governor in Council to make regulations increasing the jurisdictional limit for Provincial Court claims from \$50,000 to \$200,000.
4. *Referendum Act:* The Act clarifies that only constitutional questions require a resolution be made in the legislature.
5. *Sale of Goods Act:* The Act amends the *Sale of Goods Act* to eliminate the requirement that a buyer must keep a record of the kind of vehicle delivering the grain and its licence number to acquire good title to grain.
6. *Trustee Act:* The act clarifies that under the *Trustee Act*, a trust will not fail if there is temporarily no trustee.

In Force: December 15, 2022 (with exceptions)

BILL 6 — *Police Amendment Act, SA 2022 c22*

- Amended:**
- *The Police Act, RSA 2000 cP-17 1*
 - *The Peace Officer Act, SA 2006 cP-3.5*
 - *The Police Officers Collective Bargaining Act, RSA 2000 cP-18*

Summary: Among other things, the *Police Amendment Act* mandates municipalities with populations over 15,000 who have police service agreements with the RCMP to create municipal policing committees.

With the approval of the Minister, two or more municipalities may establish a joint municipal policing committee in accordance with the regulations. However, if a municipality with a population of at least 5,000, but not more than 15,000 has the approval of the Minister, it may establish a municipal policing committee instead of a regional policing committee in accordance with the regulations.

Municipalities with populations over 15,000 who have police service agreements with the RCMP and are located within a prescribed regional governance zone must establish a regional policing committee in accordance with the regulations.

The Act establishes a Provincial Police Advisory Board (the “Board”) consisting of no more than 15 people. The Board must have at least one First Nation member and one Métis member. Members of the Board may serve a term of no more than three years, while the designated Chair of the Board may be appointed for a term of not more than five years.

The Act transfers the investigation of police disciplinary complaints from a police service to the newly-established Police Review Committee (the “PRC”).

The PRC, headed by its Chief Executive Officer (CEO), will receive all complaints regarding the conduct of all non-RCMP police officers in Alberta. The RCMP will retain its own complaint process unless, and to the extent that the RCMP agrees that the PRC may review complaints against RCMP members.

After receiving the complaint, the PRC will notify the complainant of its receipt of the complaint within two days and notify the relevant police service of the complaint.

Any police service, commission, municipal policing committee or regional policing committee which receives a complaint must forward the complaints to the PRC as soon as practicable, and in any event, within 30 days of the receipt of such complaint. Then the PRC will assess the complaint and classify all complaints into five categories.

- Level 1 complaints involve serious injuries, deaths, or matters which are of a serious or sensitive nature arising out of officers' actions. Level 1 complaints are administered by CEO of the PRC and investigated by a third party.
- Level 2 complaints allege an offence under a provincial or federal enactment, but do not meet the criteria of a Level 1 complaint. The complaint must be referred to the CEO of PRC, who will in turn notify the Minister of the complaint.
- Level 3 complaints allege an officer has contravened regulations governing police discipline, but do not meet the criteria of Levels 1 or 2 complaints. The PRC has the discretion to investigate Level 3 complaints itself or allow the police service to investigate. The CEO of the PRC may adhere to the one-year limitation period for Levels 2 and 3 complaints or extend the limitation period.

- Level 4 complaints allege unsatisfactory performance of police, but do not meet the criteria of Levels 1, 2 or 3 complaints. The chief of police of each police service will be responsible for investigating Level 4 complaints.
- Level 5 complaints are focused on policies of, or services provided by a police service. The chief of police of each police service will be responsible for investigating Level 5 complaints.

Within 30 days of receiving a complaint, the PRC must inform the complainant of the results of the assessment.

In Force: On proclamation (with exceptions)

BILL 7 — *Miscellaneous Statutes Amendment Act, SA 2022 c21*

- Amended:**
- *Administrative Procedures and Jurisdiction Act*, RSA 2000 cA-3
 - *Adult Guardianship and Trusteeship Act*, SA 2008 cA-4.2
 - *Agrology Profession Act*, SA 2005 cA-13.5
 - *Alberta Bill of Rights*, RSA 2000 cA-14
 - *Alberta Human Rights Act*, RSA 2000 cA-25.5
 - *Alberta Land Stewardship Act*, SA 2009 cA-26.8
 - *Animal Health Act*, SA 2007 cA-40.2
 - *Carbon Capture and Storage Funding Act*, SA 2009 cC-2.5
 - *Chartered Professional Accountants Act*, SA 2014 cC-10.2
 - *Child, Youth and Family Enhancement Act*, RSA 2000 cC-12
 - *Citizen Initiative Act*, SA 2021 cC-13.2
 - *Civil Forfeiture Act*, SA 2001 cC-15.2
 - *Companies Act*, RSA 2000 cC-21
 - *Conflicts of Interest Act*, RSA 2000 cC-23
 - *Election Act*, RSA 2000 cE-1
 - *Election Finances and Contributions Disclosure Act*, RSA 2000 cE-2
 - *Electric Utilities Act*, SA 2003 cE-5.1
 - *Emissions Management and Climate Resilience Act*, SA 2003 cE-7.8
 - *Energy Diversification Act*, SA 2018 cE-9.6
 - *Environmental Protection and Enhancement Act*, RSA 2000 cE-12
 - *Expropriation Act*, RSA 2000 cE-13
 - *Fair Registration Practices Act*, SA 2019 cF-1.5
 - *Financial Administration Act*, RSA 2000 cF-12
 - *Fisheries (Alberta) Act*, RSA 2000 cF-16
 - *Forest and Prairie Protection Act*, RSA 2000 cF-19
 - *Forests Act*, RSA 2000 cF-22
 - *Freedom of Information and Protection of Privacy Act*, RSA 2000 cF-25
 - *Fur Farms Act*, RSA 2000 cF-30
 - *Gaming, Liquor and Cannabis Act*, RSA 2000 cG-1
 - *Gas Distribution Act*, RSA 2000 cG-3
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 - *Health Statutes Amendment Act, 2020 (No. 2)*, SA 2020 c35
 - *Horse Racing Alberta Act*, RSA 2000 cH-11.3
 - *Hydro and Electric Energy Act*, RSA 2000 cH-16
 - *International Child Abduction Act*, RSA 2000 cI-4
 - *Agreements Implementation Act*, RSA 2000 cI-7
 - *Interpretation Act*, RSA 2000 cI-8

- *Judicature Act*, RSA 2000 cJ-2
- *Jury Act*, RSA 2000 cJ-3
- *Justice of the Peace Act*, RSA 2000 cJ-4
- *King's Counsel Act*, RSA 2000 cK-1
- *Labour Mobility Act*, SA 2021 cL-0.7
- *Legal Profession Act*, RSA 2000 cL-8
- *Lobbyists Act*, SA 2007 cL-20.5
- *Local Authorities Election Act*, RSA 2000 cL-21
- *Marriage Act*, RSA 2000 cM-5
- *Mental Health Services Protection Act*, SA 2018 cM-13.2
- *Métis Settlements Act*, RSA 2000 cM-14
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- *Oil and Gas Conservation Act*, RSA 2000 cO-6
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- *Property Rights Advocate Act*, SA 2012 cP-26.5
- *Protection for Persons in Care Act*, SA 2009 cP-29.1
- *Provincial Court (Sexual Assault Awareness Training) Amendment Act*, SA 2022 c15
- *Provincial Offences Procedure Act*, RSA 2000 cP-34
- *Provincial Parks Act*, RSA 2000 cP-35
- *Public Inquiries Act*, RSA 2000 cP-39
- *Public Interest Disclosure (Whistleblower Protection) Act*, SA 2012 cP-39.5
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- *Public Service Act*, RSA 2000 cP-42
- *Public Service Employee Relations Act*, RSA 2000 cP-43
- *Public Transit and Green Infrastructure Project Act*, SA 2019 cP-43.8
- *Public Utilities Act*, RSA 2000 cP-45
- *Recall Act*, SA 2021 cR-5.7
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- *Utility Payment Deferral Program Act*, SA 2020 cU-4
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- *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*, RSA 2000 cW-9
- *Wildlife Act*, RSA 2000 cW-10
- *Wills and Succession Act*, SA 2010 cW-12.2
- *Witness Security Act*, SA 2010 cW-12.5

Summary: The Bill mainly made consequential changes to 92 Acts arising from the renaming of Alberta Justice and Solicitor General to Alberta Justice.

Practitioners are advised to review the *Miscellaneous Statutes Amendment Act* to determine how the amendments affect their practice.

In Force: December 15, 2022

2022-23 Legislative Review Committee

Edmonton Committee

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The Canadian Bar Association - Alberta Branch Legislative Review Committee is partially funded by 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 played 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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