

LEGISLATIVE REVIEW SUMMARY

FALL 2020 | 30TH LEGISLATURE, SECOND SESSION



Alberta **LAW**
FOUNDATION



THE CANADIAN
BAR ASSOCIATION
Alberta Branch

LEGISLATIVE REVIEW SUMMARY

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HIGHLIGHTS

The 2020 fall seating of the Legislature resulted in the passage of the following Acts:

1. *Appropriation (Supplementary Supply) Act, SA 2020 c29*
2. *Builders' Lien (Prompt Payment) Amendment Act, SA 2020 c30*
3. *Child Care Licensing (Early Learning and Child Care) Amendment Act, SA 2020 c31*
4. *Ensuring Safety and Cutting Red Tape Act, SA 2020 c32*
5. *Financial Statutes Amendment Act, SA 2020 c33*
6. *Financing Alberta's Strategic Transportation Act, SA 2020 cF-13.5*
7. *Forests (Growing Alberta's Forest Sector) Amendment Act, SA 2020 c34*
8. *Geothermal Resource Development Act, SA 2020 cG-5.5*
9. *Health Statutes Amendment Act (No. 2), SA 2020 c35*
10. *Insurance (Enhancing Driver Affordability and Care) Amendment Act, SA 2020 c36*
11. *Justice Statutes Amendment Act, SA 2020 c 37*
12. *Local Authorities Election Amendment Act (No. 2), SA 2020 c38*
13. *North Saskatchewan River Basin Water Authorization Act, SA 2020 cN-3.6*
14. *Red Tape Reduction Implementation Act (No. 2), SA 2020 c39*
15. *Tax Statutes (Creating Jobs and Driving Innovation) Amendment Act, SA 2020 c40*

AMENDED LEGISLATION:

- *ABC Benefits Corporation Act, RSA 2000 cA-1*
- *Alberta Centennial Medal Act, SA 2005 cA-14.8*
- *Alberta Corporate Tax Act, RSA 2000 cA-15*
- *Alberta Evidence Act, RSA 200 cA-18*
- *Alberta Health Care Insurance Act, RSA 2000 cA-20*
- *Alberta Land Stewardship Act, SA 2009 cA-26.8*
- *Alberta Personal Income Tax Act, RSA 2000 cA-30*
- *Animal Health Act, SA 2007 cA-40.2*
- *ATB Financial Act, RSA 2000 cA-45.2*
- *Builders' Lien Act, RSA 2000 cB-7*
- *Child Care Licensing Act, SA 2007 cC-10.5*
- *Child, Youth and Family Enhancement Act, RSA 2000 cC-12*
- *Condominium Property Act, RSA 2000 cC-22*
- *Conflicts of Interest Act, RSA 2000 cC-23*
- *Credit Union Act, RSA 2000 cC-32*
- *Credit Union Amendment Act, 2016, SA 2016 c27*
- *Drainage Districts Act, RSA 2000 cD-16*
- *Environmental Protection and Enhancement Act, RSA 2000 cE-12*

- *Expropriation Act*, RSA 2000 cE-13
- *Fatality Inquiries Act*, RSA 2000 cF-9
- *Financial Administration Act*, RSA 2000 cF-12
- *Forests Act*, RSA 2000 cF-22
- *Freedom of Information and Protection of Privacy Act*, RSA 2000 cF-25
- *Government Organization Act*, RSA 2000 cG-10
- *Health Disciplines Act*, RSA 2000 cH-2
- *Health Facilities Act*, RSA 2000 cH-2.7
- *Health Information Act*, RSA 2000 cH-5
- *Health Professions Act*, RSA 2000 cH-7
- *Historical Resources Act*, RSA 2000 cH-9
- *Insurance Act*, RSA 2000 cI-3
- *Income and Employment Supports Act*, SA 2003 cI-0.5
- *Irrigation Districts Act*, RSA 2000 cI-11
- *Jury Act*, RSA 2000 cJ-3
- *Labour Relations Code*, RSA 2000 cL-1
- *Land Titles Act*, RSA 2000 cL-4
- *Loan and Trust Corporations Act*, RSA 2000 cL-20
- *Local Authorities Capital Financing Act*, SA 2019 cL-20.8
- *Local Authorities Election Act*, RSA 2000 cL-21
- *Long Term Care Information Act*, SA 2018 cL-22
- *Maintenance Enforcement Act*, RSA 2000 cM-1
- *Mental Health Act*, RSA 2000 cM-13
- *Mental Health Services Protection Act*, SA 2018 cM-13.2
- *Mines and Minerals Act*, RSA 2000 cM-17
- *Modernized Municipal Government Act*, SA 2016 c 24
- *Motor Vehicle Accident Claims Act*, RSA 2000 cM-22
- *Municipal Government Act*, RSA 2000 cM-26
- *New Home Buyer Protection Act*, SA 2012 cN-3.2
- *Nursing Homes Act*, RSA 2000 cN-7
- *Occupational Health and Safety Act*, SA 2017 cO-2.1
- *Oil and Gas Conservation Act*, RSA 2000 cO-6
- *Pharmacy and Drug Act*, RSA 2000 cP-13
- *Pipeline Act*, RSA 2000 cP-15
- *Police Act*, RSA 2000 cP-17
- *Post-secondary Learning Act*, SA 2003 cP-19.5
- *Professional and Occupational Associations Registration Act*, RSA 2000 cP-26
- *Property Rights Advocate Act*, SA 2012 cP-26.5
- *Protection for Persons in Care Act*, SA 2009 cP-29.1
- *Protection of Children Abusing Drugs Act*, SA 2005 cP-27.5
- *Protection of Sexually Exploited Children Act*, RSA 2000 cP-30.3
- *Provincial Offences Procedure Act*, RSA 2000 cP-34
- *Public Health Act*, RSA 2000 cP-37
- *Public Inquiries Act*, RSA 2000 cP-39
- *Public Lands Act*, RSA 2000 cP-40
- *Queen's Counsel Act*, RSA 2000 cQ-1
- *Radon Awareness and Testing Act*, SA 2017 cR-2.5
- *Railway (Alberta) Act*, RSA 2000 cR-4
- *Referendum Act*, RSA 2000 cR-8.4

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- *Reform of Agencies, Boards and Commissions Compensation Act*, SA 2016 cR-8.5
- *Regional Health Authorities Act*, RSA 2000 cR-10
- *Resident and Family Councils Act*, SA 2017 cR-16.7
- *Responsible Energy Development Act*, SA 2012 cR-17.3
- *Safety Codes Act*, RSA 2000 cS-1
- *Supportive Living Accommodation Licensing Act*, SA 2009 cS-23.5
- *Surface Rights Act*, RSA 2000 cS-24
- *Victims Restitution and Compensation Act*, SA 2001 cV-3.5
- *Vital Statistics Act*, SA 2007 cV-4.1
- *Water Act*, RSA 2000 cW-3
- *Wills and Succession Act*, SA 2010 cW-12.2
- *Workers' Compensation Act*, RSA 2000 cW-15

REPEALED LEGISLATION:

- *Hospitals Act*, RSA 2000 cH-12
- *Occupational Health and Safety Act*, SA 2017 cO-2.1
- *Radiation Protection Act*, RSA 2000 cR-2

ENACTED LEGISLATION:

- *Heroes' Compensation Act*, SA 2020 cH-7.8
- *Land and Property Rights Tribunal Act*, SA 2020 cL-2.3
- *Occupational Health and Safety Act*, SA 2020 cO-2.2

DETAILED LISTING OF BILLS

Bill 35 - Tax Statutes (Creating Jobs and Driving Innovation) Amendment Act

- Amended:**
- *Alberta Corporate Tax Act*, RSA 2000 cA-15
 - *Alberta Personal Income Tax Act*, RSA 2000 cA-30

Summary: The *Tax Statutes (Creating Jobs and Driving Innovation) Amendment Act* reduces the corporate income tax rate to 8%, effective July 1, 2020. In the alternative, the Act provides for an aggregate calculation of corporate income tax.

The Act also includes other amendments to Alberta's tax code, including provisions allowing Alberta to parallel federal extensions to tax-related time periods.

The Act introduces the Innovation Employment Grant ("IEG") which is a new program aimed at investment by small and medium-sized firms. The IEG will provide Alberta companies with grants worth up to a percentage of qualifying research and development spending. The Act contains the technical details for the IEG program.

Practitioners should review the *Tax Statutes (Creating Jobs and Driving Innovation) Amendment Act* in its entirety to ascertain its implication on their practices.

In Force: December 9, 2020, with certain sections having effect on various dates.

Bill 36 — Geothermal Resource Development Act

- Amended:**
- *Environmental Protection and Enhancement Act*, RSA 2000 cE-12
 - *Mines and Minerals Act*, RSA 2000 cM-17
 - *Oil and Gas Conservation Act*, RSA 2000 cO-6
 - *Pipeline Act*, RSA 2000 cP-15
 - *Responsible Energy Development Act*, SA 2012 cR-17.3

Summary: The *Geothermal Resource Development Act* establishes a new framework to regulate geothermal development below the base of groundwater protection. It also amends several acts such as the *Mines and Minerals Act* by vesting the owner of the mineral title with the right to explore, develop, recover and manage geothermal resources associated with minerals and with any subsurface reservoirs under the land.

The Act also permits the Crown to enter into contracts respecting geothermal resources associated with minerals or subsurface reservoirs that are owned by the Crown, and amounts payable to the Crown for exploration for, or development and recovery thereof.

The Act also permits the Lieutenant Governor in Council to make regulations respecting the amounts payable to the provincial Crown for such exploration or development and recovery.

In Force: On Proclamation

Bill 37 — Builders’ Lien (Prompt Payment) Amendment Act

- Amended:**
- *Builders’ Lien Act*, RSA 2000 cB-7
 - *Condominium Property Act*, RSA 2000 cC-22
 - *Land Titles Act*, RSA 2000 cL-4
 - *Mines and Minerals Act*, RSA 2000 cM-17

Summary: The *Builders’ Lien (Prompt Payment) Amendment Act* introduces strict timeframes for payments to contractors and subcontractors.

An owner under a construction contract will have 28 days to pay a “Proper Invoice”. The 28-day timeframe for prompt payment does not begin until a Proper Invoice with all the statutorily required information is received. To be a “Proper Invoice”, a contractor’s invoice must contain:

- the full name and business address of the contractor or subcontractor;
- a description of the work or materials provided;
- the date of the invoice and the period of time during which the work or materials were provided;
- information identifying the authority under which the work or materials were provided;
- the amount requested for payment and corresponding payment terms broken down for the work or materials provided;
- the name, title and contact information of the person to whom the payment is to be sent;
- a statement indicating that the invoice provided is intended to constitute a Proper Invoice; and
- any other information that may be prescribed.

It may not be a term of contracts may not stipulate that a Proper Invoice be conditional on the prior certification of a person or the prior approval of the owner. This requirement does not apply to provisions for the testing and commissioning of completed work in contracts.

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Parties to a construction contract will have 14 days after receiving a Proper Invoice to issue a notice of non-payment and dispute for either a portion or the entirety of the invoice amount. This notice will have to follow a prescribed form and indicate the reason for the refusal to pay.

If a notice of dispute is not provided within the 14-day timeframe, then the full amount of the Proper Invoice must be paid. Any undisputed portion of the Proper Invoice must be paid within the 28-day timeframe.

Once payment has been received by the contractor, the contractor will have 7 days to pay their subcontractors, and those subcontractors will then have 7 days to pay their subcontractors.

If a party to a contract does not pay an invoice within the required timeframe, then the statutorily prescribed interest rate, to be set by regulation, will begin to accrue and will be due.

In circumstances where a contractor has received only partial payment from an owner, and the unpaid portion is specific to the work or materials provided by specific subcontractors, then the other subcontractors must be paid first, with any remaining amounts to be paid to the subcontractors implicated in the dispute on a proportionate basis.

Parties may by agreement, revise a Proper Invoice so long as the date of the Proper Invoice remains unchanged.

Any party to a construction contract or subcontract may initiate dispute resolution before an adjudicator by issuing a notice of dispute against a Proper Invoice within the 14-day timeframe.

Adjudications will have to be carried out by an approved adjudicator that has been appointed by the Nominating Authority. The adjudication process will supersede any existing provisions in a contract that run contrary to the procedures set out by the Nominating Authority.

Decisions reached during this adjudication process will be binding and final, subject to judicial review. An Adjudicator's decision will not be stayed pending a judicial review.

An adjudicator's decision could be set aside on an application for judicial review only on the following grounds

- the adjudicator committed a mistake of law;
- the adjudicator did not have the jurisdiction to decide the matter;
- the contract was invalid or did not exist at the time the dispute arose;
- the determination was of a matter for which adjudication under the legislation was not permitted, or of a matter entirely unrelated to the subject of the adjudication;
- the adjudication was conducted by someone other than a duly qualified adjudicator;
- the procedures followed in the adjudication did not accord with the procedures to which the adjudication was subject under the regulations or established by the responsible nominating authority;
- there was a reasonable apprehension of bias on the part of the adjudicator; or
- the determination was made as a result of fraud.

If the payment amount is still owing after an adjudication takes place and a decision is made, the party awaiting payment can suspend work or terminate the contract.

The Act also includes changes to timeframes for registering liens. The registration period for any construction liens, aside from liens related to oil and gas wells and sites, will be extended from 45 to 60 days. Oil and gas well projects will continue to be 90 days deadline.

The Act increased the minimum amount on which a lien could be registered from \$300 to \$700.

In Force: On proclamation

Bill 38 — Justice Statutes Amendment Act, 2020

- Amended:**
- *Jury Act*, RSA 2000 cJ-3
 - *Police Act*, RSA 2000 cP-17
 - *Provincial Offences Procedure Act*, RSA 2000 cP-34
 - *Queen's Counsel Act*, RSA 2000 cQ-1
 - *Referendum Act*, RSA 2000 cR-8.4
 - *Victims Restitution and Compensation Act*, SA 2001 cV-3.5

Summary: The *Justice Statutes Amendment Act* contains amendments to the following legislation:

Police Act

The Act recognizes First Nations police services as equivalent to municipal police services and updates population references for communities.

Provincial Offences Procedure Act

The Act allows peace officers to prove they served a ticket by written statement which will be deemed to be made under oath.

Tickets for more offences may be served by mail.

The Act streamlines the procedure for persons applying to set aside convictions in absentia. Amendments will allow people 30 days to apply, eliminating the need to go before a commissioner of oaths to swear an affidavit.

The Act permits justices to allow parties participate in trials and hearings remotely by video conference or telephone. The Act also allows routine court matters to be dealt with by telephone, e-mail, or electronic means. It allows First Nations to use ticketing provisions to enforce bylaw offences.

Housekeeping amendments remove reference to a regulation that prescribes the locations of provincial court offices in Alberta and add a reference to paying tickets online.

Jury Act

The Act removes the requirement that a juror summons be in a specific form and allow summons to be served by e-mail.

Referendum Act

The Act amends the *Referendum Act* to allow referendums and Senate elections to be held at the same time during a municipal election. Holding a referendum as part of municipal elections would allow for efficiencies to cover costs.

Queen's Counsel Act

The Act expands the qualification requirements for Queen's Counsel to include membership of the bar of almost all Commonwealth jurisdictions which incorporate or use common-law based legal systems. The Act requires lawyers entitled to practise in a superior court in a Commonwealth jurisdiction other than Canada to have been entitled to practise for at least a 10-year period, including in Alberta, for a minimum of five years to be considered for an appointment.

A Queen's Counsel appointment is automatically revoked when a lawyer is disbarred or resigns in the face of discipline and is deemed to have been disbarred.

Victims Restitution and Compensation Payment Act

The Act expands offences that are eligible for civil forfeiture.

In Force: December 9, 2020, with exceptions, and with section 6 taking effect January 1, 2021

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Bill 39 — *Child Care Licensing (Early Learning and Child Care) Amendment Act*

- Amended:**
- *Child Care Licensing Act*, SA 2007 cC-10.5
 - *Protection for Persons in Care Act*, SA 2009 cP-29.1
 - *Public Health Act*, RSA 2000 cP-37
 - *Public Inquiries Act*, RSA 2000 cP-39
 - *Radon Awareness and Testing Act*, SA 2017 cR-2.5

Summary: The *Child Care Licensing (Early Learning and Child Care) Amendment Act* changes the name of the *Child Care Licensing Act* and requires licensed programs to notify parents of any issues related to their licence and enables Children’s Services to disclose whether any stop orders have been issued against an unlicensed provider within 24 months.

The Act reduces licensed child care programs to two: facility-based and home-based.

The Act allows child care providers to offer 24- hour a day child care under additional standards and allows for flexibility to mix children of different age groups.

The Act allows for digital record-keeping.

In Force: February 1, 2021

Bill 40 — *Forests (Growing Alberta’s Forest Sector) Amendment Act*

- Amended:**
- *Forests Act*, RSA 2000 cF-22

Summary: The *Forests (Growing Alberta’s Forest Sector) Amendment Act* amends the *Forests Act* by among other things, making timber dues calculation methods available to the public and by providing regular updates. The Act allows 10-year harvest control periods as another option to the existing five-year option for timber quota holders.

The Act also eliminates the requirement for forestry companies to hold a timber licence in addition to their timber quota.

In Force: May 1, 2021, except sections 6(b), 11 and 23 which come into force on proclamation

Bill 41 — *Insurance (Enhancing Driver Affordability and Care) Amendment Act*

- Amended:**
- *Insurance Act*, RSA 2000 cI-3

Summary: Some amendments introduced by the *Insurance (Enhancing Driver Affordability and Care) Amendment Act*, include the following:

- Unless with leave of court or otherwise agreed upon by all parties, there are limits to the number of damages experts to be called by limiting claims under \$100,000 to one expert and report (from the same expert). For claims above \$100,000, reports from experts are limited to a maximum of three experts on the injury damages. Additionally, parties may rely on a joint expert report.

The party seeking leave to call additional experts must provide the name and scope of expertise of any proposed additional expert, as well as records supporting the need for additional evidence.

- Two big changes are now in place regarding prejudgment interest:
 - As opposed to the date of a motor vehicle accident, the new act limits the start date for prejudgment interest on non-pecuniary damages to the earlier of the date the plaintiff serves the defendant(s) with the claim and the date the plaintiff provides the defendant’s insurer with written notice of the claim.
 - Bill 41 changes start date for prejudgment interest on non-pecuniary damages. Specifically, interest will only accrue from the earlier of the date the plaintiff serves the claim and the date the plaintiff provides the defendant’s insurer with a written notice of the claim – as opposed to the date of the subject accident.
 - Bill 41 also changes the interest rates for non-pecuniary for loss or damages as they will henceforth be calculated at the same rate as the prescribed interest rate on pecuniary damages.

In addition to the foregoing, Bill 41 provides for direct compensation by an insurer for property damage in an accident involving more than one insured vehicle that are owned by different persons.

Practitioners should review the *Insurance (Enhancing Driver Affordability and Care) Amendment Act* in its entirety to ascertain its implication on their practices.

In Force: December 9, 2020, except part of section 3, which has effect January 1, 2022

Bill 42 — North Saskatchewan River Basin Water Authorization Act

Summary: Pursuant to the *North Saskatchewan River Basin Water Authorization Act*, licenses and amendments under the *Water Act* authorize the transfer of treated municipal water between the North Saskatchewan River Basin and the Athabasca River Basin in an annual amount which should not exceed 171.915 cubic decametres.

The Act also prohibits the appeal of any decision regarding the issuance of such licenses.

In Force: December 9, 2020

Bill 43 — Financing Alberta’s Strategic Transportation Act

Summary: The *Financing Alberta’s Strategic Transportation Act* allows the Government to establish a user tolling fee framework to finance some highway and road construction projects. The Act allows for the fees to be charged, which fees will be eliminated when a project has been paid for. The toll may be suspended temporarily or permanently where it is in the public interest to do so.

The Minister may enter into an agreement with parties referred to as “concessionaire” to design, build finance, maintain or operate a toll highway and to set, charge collect or enforce fees or interest with respect to the resulting highway. Such agreements may be amended or terminated by the Minister under specific circumstances. The concessionaires are not agents or Crown Agencies of the Government and the Government may not be made a party in actions against concessionaires.

In Force: March 20, 2020

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Bill 44 — *Financial Statutes Amendment Act*

- Amended:**
- *ATB Financial Act*, RSA 2000 cA-45.2
 - *Credit Union Act*, RSA 2000 cC-32
 - *Credit Union Amendment Act, 2016*, SA 2016 c27
 - *Financial Administration Act*, RSA 2000 cF-12
 - *Freedom of Information and Protection of Privacy Act*, RSA 2000 cF-25
 - *Loan and Trust Corporations Act*, RSA 2000 cL-20
 - *Local Authorities Capital Financing Act*, SA 2019 cL-20.8

Summary: Some of the amendments in the *Financial Statutes Amendment Act* include the ones in the following legislation:

Credit Union Act

The Act reduces the size of the Credit Union Deposit Guarantee Corporation board by two directors and allows the Credit Union Deposit Guarantee Corporation to share information with other governmental agencies.

The Act transfers some operational authorities from the Lieutenant Governor in Council to the President of Treasury Board and Minister of Finance.

ATB Financial Act

The Act permits ATB Financial's access to the Bank of Canada's Standing Term Liquidity Facility. In order to permit access to the Standing Term Liquidity Facility, the Alberta Superintendent of Financial Institutions, who enforces and administers the *ATB Financial Act* is introduced into the Act

Loan and Trust Corporations Act

The Act allows the Minister to dissolve unregistered loan and trust corporations that do not comply with legal requirements, or are not in the public interest.

The Act transfers some delegated authorities from the Lieutenant Governor in Council to the President of Treasury Board and Minister of Finance

Credit Union Amendment Act, 2016

The Act repeals two unproclaimed provisions regarding the mode of operation and purpose of credit unions and the provisions which prevented credit unions from selling life insurance in their branches.

Local Authorities Capital Financing Act

The Act allows government to loan money to regional airport authorities in emergency situations to help maintain their operations during the pandemic.

In Force: December 9, 2020

Bill 45 — *Local Authorities Election Amendment Act (No. 2)*

- Amended:**
- *Local Authorities Election Act*, RSA 2000 cL-21

Summary: The *Local Authorities Election Amendment Act* amends the *Local Authorities Election Act*, among other things, by allowing a Senate and referendum vote on the same day as a municipal general election under the *Authorities Election Act* - the third Monday in October.

Contributions are now limited to \$30,000 per donor per third-party advertiser.

In Force: January 1, 2021

Bill 46 — Health Statutes Amendment Act (No. 2)

- Amended:**
- *ABC Benefits Corporation Act*, RSA 2000 cA-1
 - *Alberta Corporate Tax Act*, RSA 2000 cA-15
 - *Alberta Evidence Act*, RSA 200 cA-18
 - *Alberta Health Care Insurance Act*, RSA 2000 cA-20
 - *Animal Health Act*, SA 2007 cA-40.2
 - *Child, Youth and Family Enhancement Act*, RSA 2000 cC-12
 - *Fatality Inquiries Act*, RSA 2000 cF-9
 - *Freedom of Information and Protection of Privacy Act*, RSA 2000 cF-25
 - *Government Organization Act*, RSA 2000 cG-10
 - *Health Disciplines Act*, RSA 2000 cH-2
 - *Health Facilities Act*, RSA 2000 cH-2.7
 - *Health Information Act*, RSA 2000 cH-5
 - *Health Professions Act*, RSA 2000 cH-7
 - *Income and Employment Supports Act*, SA 2003 cI-0.5
 - *Labour Relations Code*, RSA 2000 cL-1
 - *Local Authorities Capital Financing Act*, SA 2019 cL-20.8
 - *Long Term Care Information Act*, SA 2018 cL-22
 - *Mental Health Act*, RSA 2000 cM-13
 - *Mental Health Services Protection Act*, SA 2018 cM-13.2
 - *Motor Vehicle Accident Claims Act*, RSA 2000 cM-22
 - *Municipal Government Act*, RSA 2000 cM-26
 - *Nursing Homes Act*, RSA 2000 cN-7
 - *Pharmacy and Drug Act*, RSA 2000 cP-13
 - *Protection for Persons in Care Act*, SA 2009 cP-29.1
 - *Protection of Children Abusing Drugs Act*, SA 2005 cP-27.5
 - *Protection of Sexually Exploited Children Act*, RSA 2000 cP-30.3
 - *Public Health Act*, RSA 2000 cP-37
 - *Public Inquiries Act*, RSA 2000 cP-39
 - *Regional Health Authorities Act*, RSA 2000 cR-10
 - *Resident and Family Councils Act*, SA 2017 cR-16.7
 - *Supportive Living Accommodation Licensing Act*, SA 2009 cS-23.5
 - *Vital Statistics Act*, SA 2007 cV-4.1

- Repealed:**
- *Hospitals Act*, RSA 2000 cH-12

Summary: The *Health Statutes Amendment Act* amends a number of pieces of health legislation and repeals the *Health Information Act*. Portions of the Act are targeted towards facilitating the “broader use of the electronic health record”.

The Commissioner may refuse to conduct an inquiry if “the circumstances warrant deciding not to conduct an inquiry”.

The Act introduces higher fines for offences outlined in the *Health Information Act*, including a fine of not more than \$200,000 for individuals and a fine of not more than \$1,000,000 in the case of any other person. This includes offences where custodians fail to take reasonable steps to safeguard health information.

Practitioners should review the *Health Statutes Amendment Act* in its entirety to ascertain its implication on their practices.

In Force: December 9, 2020, with some exceptions – namely Parts 1 and 2, sections 51 to 60, 61 to the extent that it enacts section 56.71(2) and (3) of the *Health Information Act* and 62 and Part 4, except section 96(b) all come into force on proclamation.

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Bill 47— *Ensuring Safety and Cutting Red Tape Act*

- Enacted:**
- *Heroes' Compensation Act, SA 2020 cH-7.8*
 - *Occupational Health and Safety Act, SA 2020 cO-2.2*

- Amended:**
- *Workers' Compensation Act, RSA 2000 cW-15*

- Repealed:**
- *Occupational Health and Safety Act, SA 2017 cO-2.1*
 - *Radiation Protection Act, RSA 2000 cR-2*

Summary: The *Ensuring Safety and Cutting Red Tape Act* replaces Alberta's current *Occupational Health and Safety Act* and makes significant amendments to the *Alberta Workers' Compensation Act*.

The Act requires a joint health and safety committee (JHSC) only for employers that regularly employ 20 or more workers. A JHSC will not be required for each employer at worksites with multiple employers and a "prime contractor." Instead, prime contractors will absorb the role of the former Joint Worksite Health And Safety Committee ("JWHSC"). In the absence of a prime contractor, one of the employers is designated to fulfill this role.

There are no longer requirements with respect to the composition of the JHSCs, the meeting frequency, payment for meetings, timelines for resolving issues, or training. The Act removes requirements with respect to site inspections, educational programs, investigations, and other duties that were previously performed by the JWHSC. Instead, it mandates a limited, document-based workplace inspection, and that the JHSC:

- receive, consider, and dispose of health and safety concerns respecting workers;
- participate in the hazard assessment that is conducted by the employer;
- make recommendations to the employer "respecting the health and safety of workers"; and
- review the employer's "work site inspection documentation."

The Act removes the requirement that employers create a health and safety program in consultation with the JWHSC. Instead, employers that regularly employ 20 or more workers are required to establish and implement a health and safety program.

The Act outlines the conditions under which a worker has the right to refuse work on the basis of a health and safety concern. A worker may refuse work only if the work poses an "undue hazard," which is defined as "a hazard that poses a serious and immediate threat to the health and safety of a person".

Employers are no longer required to continue to pay workers who have engaged in the work refusal process.

Employers cannot discipline or subject employees to adverse action if employees exercise their rights under occupational health and safety laws. Workers who have a complaint relating to the employer action must file the complaint no later than 180 days after the alleged contravention occurred. Such a complaint has been renamed a "disciplinary action complaint," as opposed to the previous "discriminatory action complaint".

Unionized workers are required to address complaints through the grievance mechanism under their applicable collective agreements.

Under the new legislation, employers must report when an illness results in the death of a worker.

Employers must investigate an incident that had likelihood of causing serious injury or illness, and where there is reasonable cause to believe that corrective action may need to be taken to prevent recurrence.

An employer is no longer required to continue wage payment while a stop-work or stop-use order is in place.

In Force: On proclamation, with exceptions

Bill 48 — *Red Tape Reduction Implementation Act (No. 2)*

Enacted: • *Land and Property Rights Tribunal Act*, SA 2020 cL-2.3

Repealed: • *Alberta Centennial Medal Act*, SA 2005 cA-14.8
 • *Alberta Land Stewardship Act*, SA 2009 cA-26.8
 • *Animal Health Act*, SA 2007 cA-40.2
 • *Child, Youth and Family Enhancement Act*, RSA 2000 cC-12
 • *Conflicts of Interest Act*, RSA 2000 cC-23
 • *Drainage Districts Act*, RSA 2000 cD-16
 • *Environmental Protection and Enhancement Act*, RSA 2000 cE-12
 • *Expropriation Act*, RSA 2000 cE-13
 • *Fatality Inquiries Act*, RSA 2000 cF-9
 • *Historical Resources Act*, RSA 2000 cH-9
 • *Irrigation Districts Act*, RSA 2000 cI-11
 • *Land Titles Act*, RSA 2000 cL-4
 • *Maintenance Enforcement Act*, RSA 2000 cM-1
 • *Modernized Municipal Government Act*, SA 2016 c 24
 • *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
 • *Pipeline Act*, RSA 2000 cP-15
 • *Post-secondary Learning Act*, SA 2003 cP-19.5
 • *Professional and Occupational Associations Registration Act*, RSA 2000 cP-26
 • *Property Rights Advocate Act*, SA 2012 cP-26.5
 • *Public Lands Act*, RSA 2000 cP-40
 • *Railway (Alberta) Act*, RSA 2000 cR-4
 • *Reform of Agencies, Boards and Commissions Compensation Act*, SA 2016 cR-8.5
 • *Safety Codes Act*, RSA 2000 cS-1
 • *Surface Rights Act*, RSA 2000 cS-24
 • *Water Act*, RSA 2000 cW-3
 • *Wills and Succession Act*, SA 2010 cW-12.2

Summary: The *Red Tape Reduction Implementation Act* updated or repealed multiple legislation.

The Act amends the *Municipal Government Act* by:

- eliminating the ability of municipalities larger than 15,000 citizens to determine their own subdivision and development timelines;
- enabling the Land and Property Rights Tribunal, which will assume the role of the Municipal Government Board to hear permit appeals associated with decisions of provincial regulators; and
- modifying the rules around municipal reserves to determine the amount of land developers are required to set aside for municipalities.

The Act establishes the new *Land and Property Rights Tribunal Act* to combine the Municipal Government Board, the New Home Buyer Protection Board, the Land Compensation Board and the Surface Rights Board into a single public agency. The Act repeals related provisions in the four corresponding acts.

LEGISLATIVE SUMMARY

The Act amends the *New Home Buyer Protection Act* by removing the requirement for builders to complete a Building Assessment Report for condominium projects. A Building Assessment Report provides an overview of the common property, inspections, building occupants, and identifies deficiencies or defects in the building.

The Act enables adoptees to receive clearer information with fewer redactions under the *Child, Youth and Family Enhancement Act*. The Act allows the release of more personal information to adoptees about additional individuals, such as siblings and extended family members.

The Act amends the *Land Titles Act* by creating a pre-registration queue to address any deficiencies in applications without losing its place in line.

The Act amends the *Professional and Occupational Associations Registration Act* by introducing “protection of public safety” as another registration criterion in addition to the protection of public interest.

The Act rescinds the Registered Historic Resource designation in the *Historical Resources Act*.

The Act rescinds eligibility and nomination provisions for centennial medals under the *Alberta Centennial Medal Act*.

The Act removes the requirement in the *Animal Health Act* to have a Qualification Certificate holder at Authorized Medicine Sales Outlets.

The Act repeals a requirement in the *Post-Secondary Learning Act* that a university must be notified of an unclaimed, deceased body so that it can be used for study or research. It also amends the *Fatality Inquiries Act*.

The Act repeals a section of the *Maintenance Enforcement Act* relating to the process for child support recipients applying for a garnishment order.”

The Act allows Albertans to make non-insurance beneficiary designations electronically under the *Wills and Succession Act*.

Summary: June 2, 2021

Bill 50 — *Appropriation (Supplementary Supply) Act*

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, 2021.

In Force: December 9, 2020

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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