

LEGISLATIVE REVIEW SUMMARY

SPRING 2017 | 29TH LEGISLATURE, THIRD SESSION



Alberta **LAW**
FOUNDATION



THE CANADIAN
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Alberta Branch

LEGISLATIVE REVIEW SUMMARY

SPRING 2017 | 29TH LEGISLATURE, THIRD SESSION

HIGHLIGHTS

The 2017 spring session of the Legislature resulted in the passage of the following Acts:

1. *An Act to Cap Regulated Electricity Rates*, S.A. 2017, c.C-2.3
2. *An Act to Enhance Post-Secondary Academic Bargaining*, S.A. 2017, c.4
3. *An Act to Reduce School Fees*, S.A. 2017, c.6
4. *An Act to Remove Barriers for Survivors of Sexual and Domestic Violence*, S.A. 2017, c.7
5. *An Act to Strengthen Municipal Government*, S.A. 2017, c.13
6. *An Act to Support Orphan Well Rehabilitation*, S.A. 2017, c.14
7. *Appropriation (Interim Supply) Act*, S.A. 2017, c.1
8. *Appropriation (Supplementary Supply) Act*, S.A. 2017, c.2
9. *Appropriation Act*, S.A. 2017, c.3
10. *Child Protection and Accountability Act*, S.A. 2017, c.8
11. *Fair and Family-friendly Workplaces Act*, S.A. 2017, c.9
12. *Marketing of Agricultural Products Amendment Act*, S.A. 2017, c.5
13. *New Home Buyer Protection Amendment Act*, S.A. 2017, c.10
14. *Northland School Division Act*, S.A. 2017, c.N-5.1
15. *Public Interest Disclosure (Whistleblower Protection) Amendment Act*, S.A. 2017, c.11
16. *Securities Amendment Act*, S.A. 2017, c.12
17. *Tax Statutes Amendment Act*, S.A. 2017, c.15
18. *Voluntary Blood Donations Act*, S.A. 2017, c.V-5

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. *Child and Youth Advocate Act*, S.A. 2011, c.C-11.5
5. *Climate Leadership Act*, S.A. 2016, c.C-16.9
6. *Employment Standards Code*, R.S.A. 2000, c.E-9
7. *Enhanced Protection for Farm and Ranch Workers Act*, S.A. 2015, c.19 (unproclaimed sections only)
8. *Fatality Inquiries Act*, R.S.A. 2000, c.F-9
9. *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c.F-25
10. *Fuel Tax Act*, S.A. 2006, c.F-28.1
11. *Labour Relations Code*, R.S.A. 2000, c.L-1
12. *Limitations Act*, R.S.A. 2000, c.L-12
13. *Local Authorities Election Act*, R.S.A. 2000, c.L-21

14. *Marketing of Agricultural Products Act*, R.S.A. 2000, c.M-4
15. *Modernized Municipal Government Act*, S.A. 2016, c.24 (not in force and unproclaimed sections only)
16. *Municipal Government Act*, R.S.A. 2000, c.M-26
17. *Municipal Government Amendment Act*, S.A. 2015, c.8 (unproclaimed sections only)
18. *New Home Buyer Protection Act*, S.A. 2012, c.N-3.2
19. *Oil and Gas Conservation Act*, R.S.A. 2000, c.O-6
20. *Post-Secondary Learning Act*, S.A. 2000, c.P-19.5
21. *Protection Against Family Violence Act*, R.S.A. 2000, c.P-27
22. *Public Interest Disclosure (Whistleblower Protection) Act*, S.A. 2012, c.P-39.5
23. *Public Service Employee Relations Act*, R.S.A. 2000, c.P-43
24. *School Act*, R.S.A. 2000, c.S-3
25. *Securities Act*, R.S.A. 2000, c.S-4
26. *Tobacco Tax Act*, R.S.A. 2000, c.T-4
27. *Tourism Levy Act*, R.S.A. 2000, c.T-5.5

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REPEALED LEGISLATION:

1. *Northland School Division Act*, R.S.A. 2000, c.N-5
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DETAILED LISTING OF BILLS

Bill 1 - *An Act to Reduce School Fees, S.A. 2017, c.6*

Amended: • *School Act*, R.S.A. 2000, c.S-3

Summary: *An Act to Reduce School Fees* amended *School Act* and introduced the *School Fees and Costs Regulation* as well as the *School Transportation Regulation*.

The Act eliminated the school boards' abilities to charge certain types of school fees, instructional supply or material fees for items such as textbooks, workbooks, photocopying costs, printing and paper supplies, as well as busing fees for eligible students travelling to their designated schools. Board policies on fees and costs must be detailed and contain provisions to consult parents on increases or decreases in fees and costs, as well as on process for fee refunds and waivers.

In Force: June 5, 2017

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Bill 2 - *An Act to Remove Barriers for Survivors of Sexual and Domestic Violence, S.A. 2017, c.7*

Amended: • *Limitations Act*, R.S.A. 2000, c.L-12

Summary: *An Act to Remove Barriers for Survivors of Sexual and Domestic Violence* amends the *Limitations Act* to eliminate deadlines for commencing civil claims related to sexual and domestic violence.

In Force: May 4, 2017

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Bill 3 - *Voluntary Blood Donations Act*, S.A. 2017, c.V-5

Summary: The *Voluntary Blood Donations Act* bans payment to individuals for blood donations and payment for blood donations advertising. However, the Canadian Blood Services and blood given solely for the purpose of research are exempt from the ban.

In Force: March 30, 2017

Bill 4 - *Appropriation (Supplementary Supply) Act*, S.A. 2017, c.2

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: March 30, 2017

Bill 5 - *Appropriation (Interim Supply) Act*, S.A. 2017, c.1

Summary: The *Appropriation (Interim Supply) Act* allows the Alberta Government to pay its bills for the fiscal year ending March 31, 2018.

In Force: March 30, 2017

Bill 6 - *Northland School Division Act*, S.A. 2017, c.N-5.1

Repealed: • *Northland School Division Act*, R.S.A. 2000, c.N-5

Summary: The *Northland School Division Act* repealed the previous Act and introduced the breaking up of Divisions into no fewer than seven wards and no more than eleven wards, each with an elected trustee.

The new Act replaced divisional Local School Board Committees with school councils which are similar to other school councils in Alberta. The Act established a formal engagement process by each board with respect to the establishment of each board's strategic direction, to engage with among others, wards, First Nations, Métis, Treaty 8 First Nations of Alberta, the Métis Settlements of General Council and the Council of School Councils.

In Force: May 4, 2017

Bill 7 - *An Act to Enhance Post-Secondary Academic Bargaining*, S.A. 2017, c.4

Amended: • *Labour Relations Code*, R.S.A. 2000, c.L-1
• *Post-Secondary Learning Act*, S.A. 2000, c.P-19.5
• *Public Service Employee Relations Act*, R.S.A. 2000, c.P-43

Summary: *An Act to Enhance Post-Secondary Academic Bargaining* repealed sections of the Post-secondary Learning Act including mandatory binding arbitration provisions. The Act created a new division in the *Labour Relations Code* for the postsecondary sector. It also aligned labour rights with the 2016 changes to the legislation which govern essential services and which changes extended the right to strike, to Alberta's public services and health care sector. This Act extended similar changes to academic bargaining in the postsecondary sector. Academic staff, graduate students, and postdoctoral fellows now fall under the *Labour Relations Code*. The Act restored lockout provisions for institutions.

In Force: May 4, 2017 (with exceptions)

Bill 8 - An Act to Strengthen Municipal Government, S.A. 2017, c.13

- Amended:**
- *Municipal Government Act*, R.S.A. 2000, c.M-26
 - *Modernized Municipal Government Act*, S.A. 2016, c.24 (not in force & unproclaimed sections only)
 - *Municipal Government Amendment Act*, S.A. 2015, c.8 (unproclaimed sections only)
 - *Local Authorities Election Act*, R.S.A. 2000, c.L-21
 - *School Act*, R.S.A. 2000, c.S-3

Summary: *An Act to Strengthen Municipal Government* is the third round of legislative amendments under the *Municipal Government Act* review. Among other things, the Act:

- Provides that municipality councils may, by bylaw, establish parental leave for councillors;
- Expands sections 103 and 116 regarding written notifications requirements on amalgamations and annexations;
- Expatiates on the provisions regarding conservation reserves;
- Mandates that within 3 years of the coming into force of section 670, municipalities must enter into joint use and planning agreements with existing school boards. In the case of school boards which commence operations after section 670 has come into force, the municipality must enter into such agreements within 3 years of the commencement of operations by each school board;
- Prohibits municipalities from imposing off-site levies on land owned by school boards where such land is to be used for developing a school building project;
- Enables 2 or more municipalities to collaborate to impose inter-municipal off-site levies;
- Provides that property tax rates higher than the 5:1 ratio must be reduced after 2016; and
- Mandates municipalities to notify adjacent indigenous communities of new Municipal Development Plan or Area Structure Plan.

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

In Force: Various dates

Bill 9 - Marketing of Agricultural Products Amendment Act, S.A. 2017, c.5

- Amended:**
- *Marketing of Agricultural Products Act*, R.S.A. 2000, c.M-4

Summary: The *Marketing of Agricultural Products Amendment Act* among other things, repealed the provision allowing the Lieutenant Governor in Council to override an agriculture commission-administered plan which does not refund service on the request of a producer. Commissions can now determine their service charge model.

In Force: On proclamation

Bill 10 - Appropriation Act, S.A. 2017, c.3

Summary: The *Appropriation Act* allowed the Alberta Government to pay its bills (not otherwise provided for) in the fiscal year ending March 31, 2018.

In Force: May 4, 2017

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Bill 11 - Public Interest Disclosure (Whistleblower Protection) Amendment Act, 2017, S.A. 2017, c.11

- Amended:**
- *Public Interest Disclosure (Whistleblower Protection) Act*, S.A. 2012, c.P-39.5
 - *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c.F-25

Summary: The *Public Interest Disclosure (Whistleblower Protection) Amendment Act* amends the *Public Interest Disclosure (Whistleblower Protection) Act*.

Among other things, the Act allows whistle-blowers to report reprisals or wrongdoing directly to the Public Interest Commissioner. The protection for whistle-blowers extends to when the whistle-blower makes the initial inquiry of any wrongdoing. The Office of the Public Interest Commissioner may not be compelled to give evidence regarding any record or information which is obtained or which comes to their knowledge during the exercise of the duties of that office. The Commissioner must determine a remedy for the whistle-blower when a reprisal has been identified. The *Freedom of Information and Protection of Privacy Act* has also been amended to prevent a disclosure of the name and contact details of a whistleblower.

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

In Force: On proclamation (with exceptions)

Bill 12 - New Home Buyer Protection Amendment Act, 2017, S.A. 2017, c.10

- Amended:**
- *New Home Buyer Protection Act*, S.A. 2012, c.N-3.2

Summary: The *New Home Buyer Protection Amendment Act*

- established a licensing system for home builders;
- provide home buyers with information on home builders all in one place; and
- creates provisions to remove or suspend builders from operation.

In Force: On proclamation

Bill 13 - Securities Amendment Act, S.A. 2017, c.12

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

Summary: The *Securities Amendment Act* amends the *Securities Act* by granting the self-regulatory organizations (SROs) or recognised quotation and trading systems with statutory authority similar to the court of Queen's Bench to compel the attendance and production of evidence. The Act also extends immunity, with some exception, from civil liability to the Securities Commission, recognised auditor oversight organisations and SROs. The immunity extends to the directors, governors, members, officers, employees, and agents of those entities.

In Force: June 7, 2017

Bill 14 - An Act to Support Orphan Well Rehabilitation, S.A. 2017, c.14

- Amended:**
- *Oil and Gas Conservation Act*, R.S.A. 2000, c.O-6

Summary: *An Act to Support Orphan Well Rehabilitation* amends the *Oil and Gas Conservation Act* to enable a delegated (or designated) administrative authority to use funds from the orphan fund levied on industry to repay the loan from the Alberta Government.

In Force: June 7, 2017

Bill 15 - Tax Statutes Amendment Act, S.A. 2017, c.15

- Amended:**
- *Alberta Corporate Tax Act*, R.S.A. 2000, c.A-15
 - *Alberta Personal Income Tax*, R.S.A. 2000, c.A-30
 - *Fuel Tax Act*, S.A. 2006, c.F-28.1
 - *Tobacco Tax Act*, R.S.A. 2000, c.T-4
 - *Tourism Levy Act*, R.S.A 2000, c.T-5.5

Summary: The *Tax Statutes Amendment Act* contains some technical and administrative amendments, as well as changes that will affect the carbon levy rebate. The amendments affect provisions regarding tax credits on political contribution to leadership campaigns and nomination races, as well as preferential business tax rate on small businesses. The Act introduces a capital tax investment credit and the Alberta investor tax credit. Other amendments include an amendment to the payment rules for the carbon levy rebate, specifically, the repayment of the rebate when a death changed a household's eligibility.

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

In Force: Various dates

Bill 16 - An Act to Cap Regulated Electricity Rates, S.A. 2017, c.C-2.3

- Amended:**
- *Alberta Utilities Commission Act*, S.A. 2007 c.A-37.2
 - *Climate Leadership Act*, S.A. 2016, c.C-16.9

Summary: *An Act to Cap Regulated Electricity Rates* capped electricity rates at 6.8 cents per kilowatt hour on the regulated rate option ("the RRO"), rate for a four-year period from June 1, 2017 to May 31, 2021. The Act outlines the operation of the price cap for different RRO providers. The aforementioned cap applied to RRO providers regulated by the Alberta Utilities Commission ("AUC"). The Act outlines the default price cap for rural electrification associations and municipalities, but for some flexibility as to how the price cap is applied in the regulations. The Act includes provisions for the city of Medicine Hat, to eventually be included in the price cap program.

In Force: June 7, 2017 (with exceptions)

Bill 17 - Fair and Family-Friendly Workplaces Act, S.A. 2017, c.9

- Amended:**
- *Employment Standards Code*, R.S.A. 2000, c.E-9
 - *Enhanced Protection for Farm and Ranch Workers Act*, S.A. 2015, c.19 (unproclaimed sections only)
 - *Labour Relations Code*, R.S.A 2000, c.L-1

Summary: The *Fair and Family-friendly Workplaces Act* amends the *Employment Standards Code* and *Labour Relations Code*. Some of the amendments include (but are not limited to):

- Employees will be eligible for leave after 90 days - previously 1 year;
- Compassionate care leave has been extended to 27 weeks from the previous 8 weeks. The end date for a compassionate care leave can be either the date of death of the family member or the end of the 27-week period (whichever is earlier). The class of caregivers has been expanded;
- Maternity leave has been extended from 15 to 16 weeks;
- Employees will be entitled to a minimum of a 30-minute paid or unpaid break within every consecutive 5 hours of employment. If agreed to by the employer and employees, the breaks can be taken in two, 15-minute installments;

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- Averaging Agreements previously known as “compressed work weeks” arrangement may be by agreement between the employer and employee(s) or be contained within a union collective agreement;
- Overtime agreements will allow time to be banked for 6 months instead of 3 months;
- Overtime banking will be calculated at a minimum of 1.5 times for all overtime hours worked;
- The eligibility requirement to have worked for 30 days in the 12 months before the holiday has been repealed;
- Employees must be paid 4% or 2 weeks of their annual wages in lieu of vacation until they have been employed for 5 years, after which they must receive at least 6% of their annual wages;
- Employers are not allowed to force employees to vacation or banked overtime during a termination notice period, unless agreed to by the employee;
- Layoffs are limited to 60 days within a 120-day period. Layoffs could be extended if wages and/or benefits are paid and the employee agrees, or if there is an attendant collective agreement;
- Written notice of a temporary layoff to an employee is required. Notice must be provided at least one week in advance of the temporary layoff and must contain effective date and outline applicable provisions of the Code and any other information in the regulations;
- Recall notices from temporary layoffs must be written and served on the employee;
- If the wages of an employee varies from one pay period to another, termination pay will be calculated based on average wage of the preceding 13 weeks of employment;
- Individuals under the age of 12 will not be allowed to work unless it is work which is an artistic endeavour under a permit. Individuals who are between 13 to 15 years of age may be employed in artistic endeavours or work which is light work or any type of work under a permit, except hazardous work. Parents or guardians must provide consent for individuals 15 years old or younger;
- An unpaid leave will provide up to 16 weeks of job protection per year for long-term personal sickness or injury. Medical certificate and reasonable notice will be required;
- A new unpaid leave provides up to 5 days of job protection per year for personal sickness or short-term care of an immediate family member;
- A new unpaid leave provides up to 3 days of job protection per year for bereavement of an immediate family member;
- A new unpaid leave provides up to 10 days of job protection per year for employees addressing a situation of domestic violence;
- A new unpaid leave provides up to a half-day of job protection for employees attending a citizenship ceremony;
- A new unpaid leave provides up to 36 weeks of job protection for parents of critically ill children;
- A new unpaid death or disappearance of child leave will provide up to 52 weeks of job protection for an employee whose child disappeared as a result of a crime, or up to 104 weeks if a child died as a result of a crime; and
- Employees of farms and ranches are affected by the new Act.

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

In Force: Various dates

Bill 18 - *Child Protection and Accountability Act, S.A. 2017, c.8*

- Amended:**
- *Child and Youth Advocate Act, S.A. 2011, c.C-11.5*
 - *Fatality Inquiries Act, R.S.A. 2000, c.F-9*
 - *Protection Against Family Violence Act, R.S.A. 2000, c.P-27*

Summary: Under the *Child Protection and Accountability Act*, the Child and Youth Advocate is required to review every death of an individual child up to 18 years old who was receiving services at the time of their death, or an individual up to the age of 20 if they received services within two years prior to their death. The Act requires the Child and Youth Advocate to publicly report to the Legislature

every six months, informing the public of the reviews which have been completed and the status of all those that have been delayed or are incomplete.

Under the Act, the Child and Youth Advocate is required to complete death reviews within one year whenever possible, and when it is not possible, the Child and Youth Advocate is required to report the delay to the public.

Also under the Act, the Advocate is required to notify the families and community of the child when a review starts and when it has been completed.

The Act provides that individuals who report to authorities will remain anonymous similar to those in the *Child, Youth and Family Enhancement Act*.

In Force: On proclamation

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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