



LEGISLATIVE REVIEW SUMMARY

A PUBLICATION OF THE
CANADIAN BAR ASSOCIATION ALBERTA BRANCH



FALL 2023

31ST LEGISLATURE, FIRST SESSION

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Highlights

The 2023 fall seating of the Legislature resulted in the passage of the following Acts:

1. *Alberta Taxpayer Protection Amendment Act, SA 2023 c6*
2. *Alberta Pension Protection Act, SA 2023 cA-29.5*
3. *Opioid Damages and Health Care Costs Recovery Amendment Act, SA 2023 c10*
4. *Tax Statutes Amendment Act, SA 2023 c13*
5. *Public Sector Employees Amendment Act, SA 2023 c12*
6. *Public Health Amendment Act, SA 2023 c11*
7. *Engineering and Geoscience Professions Amendment Act, SA 2023 c7*
8. *Justice Statutes Amendment Act, SA 2023 c8*
9. *Miscellaneous Statutes Amendment Act, SA 2023 c9*

Amended Legislation

- *Agricultural Pests Act, RSA 2000 cA-8*
- *Alberta Corporate Tax Act, RSA 2000 cA-15*
- *Alberta Personal Income Tax Act, RSA 2000 cA-30*
- *Animal Keepers Act, SA 2005 cA-40.5*
- *Bee Act, RSA 2000 cB-2*
- *Business Corporations Act, RSA 2000 cB-9 4(1)*
- *Consumer Protection Act, RSA 2000 cC-26.3*
- *Cooperatives Act, SA 2001 cC-28.1*
- *Court of King's Bench Act, RSA 2000 cC-31*
- *Education Act, SA 2012 cE-0.3*
- *Estate Administration Act, SA 2014 cE-12.5*
- *Fair Registration Practices Act, SA 2019 cF-1.5*
- *Fuel Tax Act, SA 2006 cF-28.1*
- *Geothermal Resource Development Act, SA 2020 cG-5.5 10(1)*
- *Health Information Act, RSA 2000 cH-5*
- *Health Professions Act, RSA 2000 cH-7*
- *Human Tissue and Organ Donation Act, SA 2006 cH-14.5 13(1)*
- *Jury Act, RSA 2000 cJ-3 4(1)*
- *Justice of the Peace Act, RSA 2000 cJ-4*
- *Labour Mobility Act, SA 2021 cL-0.7*
- *Labour Relations Code, RSA 2000 cL-1*
- *Land Titles Act, RSA 2000 cL-4*
- *Marketing of Agricultural Products Act, RSA 2000 cM-4*

- *Mines and Minerals Act*, RSA 2000 cM-17 18(1)
- *Municipal Government Act*, RSA 2000 cM-26
- *Occupational Health and Safety Act*, SA 2020 cO-2.2 20(1)
- *Oil and Gas Conservation Act*, RSA 2000 cO-6
- *Persons with Developmental Disabilities Services Act*, RSA 2000 cP-9.5 22(1)
- *Pipeline Act*, RSA 2000 cP-15 23(1)
- *Police Act*, RSA 2000 cP-17
- *Police Amendment Act, 2022*, SA 2022 c22 25(1)
- *Post-secondary Learning Act*, SA 2003 cP-19.5
- *Public Interest Disclosure (Whistleblower Protection) Act*, SA 2012 cP-39.5 27(1)
- *Public Service Employee Relations Act*, RSA 2000 cP-43 28(1)
- *Red Tape Reduction Statutes Amendment Act, 2023*, SA 2023 c5
- *Security Act*, SA 2010 cW-12.5 33(1)
- *Skilled Trades and Apprenticeship Education Act*, SA 2021 cS-7.88
- *The Alberta Indigenous Opportunities Corporation Act*, SA 2019 cA-26.3 11(1)
- *The Alberta Investment Attraction Act*, SA 2020 cA-26.4 12(1)
- *The Alberta Public Agencies Governance Act*, SA 2009 cA-31.5 13(1)
- *The Alberta Taxpayer Protection Act*, RSA 2000 cA-36 1
- *The Conflicts of Interest Act*, RSA 2000 cC-23 1(1)
- *The Engineering and Geoscience Professions Act*, RSA 2000 cE-11 1
- *The Health Quality Council of Alberta Act*, SA 2011 cH-7.2 14(1)
- *The Opioid Damages and Health Care Costs Recovery Act*, SA 2019 cO-8.5 1
- *The Public Health Act*, RSA 2000 cP-37 1
- *The Public Sector Employers Act*, SA 2019 cP-40.7 1
- *Tourism Levy Act*, RSA 2000 cT-5.5
- *Trustee Act*, SA 2022 cT-8.1
- *Water Act*, RSA 2000 cW-3 31(1)
- *Weed Control Act*, SA 2008 cW-5.1
- *Witness The Public Health Act*, RSA 2000 cP-37
- *Workers' Compensation Act*, RSA 2000 cW-15

Amended Legislation

- *Farm Credit Stability Act*, RSA 2000 cF-6 9

Detailed Listing of Bills

BILL 1 — *Alberta Taxpayer Protection Amendment Act, SA 2023 c6*

Amended: • *Alberta Taxpayer Protection Act*, RSA 2000 cA-36 1

Summary: The *Alberta Taxpayer Protection Amendment Act* amends the *Alberta Taxpayer Protection Act* by clarifying actions considered to constitute tax increases under the Act. The Act also mandates the provincial government to hold a referendum prior to introducing bills that impose a general provincial sales tax or an income tax increase.

In Force: December 7, 2023

BILL 2 — *Alberta Pension Protection Act, SA 2023 cA-29.5*

Summary: The *Alberta Pension Protection Act* mandates the Government of Alberta must hold a referendum prior to withdrawing from the Canada Pension Plan (“CPP”) in favour of a provincial pension plan. The Act also outlines the requirements of holding such a referendum.

In the event that a referendum passes, contribution rates under a provincial plan would be the same or lower than the rates compared to the CPP. Further, the provincial plan would provide the same or better benefits and the entire asset amount transferred from the CPP to Alberta would only be used to set up and operate a provincial pension plan.

In Force: December 7, 2023

BILL 3 — *Opioid Damages and Health Care Costs Recovery Amendment Act, SA 2023 c10*

Amended: • *Opioid Damages and Health Care Costs Recovery Act, SA 2019 cO-8.5 1*

Summary: The *Opioid Damages and Health Care Costs Recovery Amendment Act* adds consultants to manufacturers and wholesalers of opioid products as a class of people against whom the government of Alberta may pursue a direct and distinct cause of action to recover the cost of health care benefits caused or contributed to by an opioid-related wrong.

The Act allows for the Crown to recover the cost of health care benefits incurred with respect to particular individual insured persons or on an aggregate basis. The Act also outlines the evidence which is admissible to establish causation and quantify damages or the cost of health care benefits, joint and several liability of manufacturers, wholesalers and consultants, limitation periods, and the retroactive effect of the Act.

In Force: December 7, 2023

BILL 4 — *Tax Statutes Amendment Act, SA 2023 c13*

Amended: • *Alberta Corporate Tax Act, RSA 2000 cA-15*
• *Alberta Personal Income Tax Act, RSA 2000 cA-30*
• *Fuel Tax Act, SA 2006 cF-28.1*
• *Tourism Levy Act, RSA 2000 cT-5.5*

Summary: The *Tax Statutes Amendment Act* continued the provincial fuel tax pause under the *Fuel Tax Act* until December 31, 2023.

The Act also amends the *Tourism Levy Act* by repealing previous requirement for online brokers to collect and remit the tourism levy, with the changes repealed retroactively. Temporary accommodation providers have to collect the tourism levy on behalf of the minister and remit same. The Act also updates information-sharing requirements.

The *Alberta Personal Income Tax Act* is amended by among other things:

- updating the calculation for the recovery tax on qualified disability trusts;
- changing the eligibility requirements for the provincial disability tax credit;
- amending the Alberta calculation for tax on split income;
- allowing eligible businesses to immediately deduct up to \$1.5 million of the cost of eligible investments *Alberta Corporate Tax Act*;
- correcting the formula for calculating the Innovation Employment Grant benefit for corporations that are associated with other corporations.

The Act makes several other amendments and practitioners are advised to review it to determine how it affects their practices

In Force: On various dates.

BILL 5 — *Public Sector Employers Amendment Act, SA 2023 c12*

- Amended:**
- *The Public Sector Employers Act, SA 2019 cP-40.7 1*
 - *The Alberta Indigenous Opportunities Corporation Act, SA 2019 cA-26.3 11(1)*
 - *The Alberta Investment Attraction Act, SA 2020 cA-26.4 12(1)*
 - *The Alberta Public Agencies Governance Act, SA 2009 cA-31.5 13(1)*
 - *The Health Quality Council of Alberta Act, SA 2011 cH-7.2 14(1)*

Summary: The *Public Sector Employers Amendment Act* amends the *Public Sector Employers Act* to authorizes the Minister to make changes including changes to the compensation governance structure, policies and plans.

In Force: On Proclamation.

BILL 6 — *Public Health Amendment Act, SA 2023 c11*

- Amended:**
- *The Public Health Act, RSA 2000 cP-37 1*

Summary: The *Public Health Amendment Act* clarifies the *Public Health Act* and the roles and accountability of Cabinet and medical officers of health, including the chief medical officer of health in future declared states of public health emergency.

During a declared state of public health emergency:

- Medical officers of health retain final decision-making authority for orders impacting a specific person or a specific public place.
- Cabinet has discretionary authority to make final decisions on public health orders in respect of all persons or groups, businesses, non-profits and educational settings.
- The chief medical officer of health provides advice for cabinet and cabinet committees consideration.

The Act also adds a paramountcy clause to the *Public Health Act* to provide cabinet with the discretionary authority to reverse or vary any public health decision of any decision-maker made under the *Public Health Act* outside of a declared state of public health emergency.

In Force: On Proclamation.

BILL 7 — *Engineering and Geoscience Professions Amendment Act, SA 2023 c7*

Amended: • *Engineering and Geoscience Professions Act, RSA 2000 cE-11 1*

Summary: The *Engineering and Geoscience Professions Amendment Act* amends the *Engineering and Geoscience Professions Act* to allow anyone to use the title “software engineer” or similar title even if they are not a professional engineer, licensee or permit holder entitled to engage in the practice of engineering, and they shall not be considered, only because of using such words or phrases to represent or hold out, expressly or by implication, that they are entitled to engage in the practice of engineering, or is a professional engineer, licensee or permit holder.

However, the title of “Professional Engineer”, with the designation of “P.Eng” remaining reserved for accredited individuals.

The Act also authorizes the Minister to make further regulations prescribing titles such as “Software Engineer” or similar titles.

In Force: December 7, 2023

BILL 8 — *Justice Statutes Amendment Act, SA 2023 c8*

Amended: • *Conflicts of Interest Act, RSA 2000 cC-23 1(1)*
• *Court of King’s Bench Act, RSA 2000 cC-31*
• *Estate Administration Act, SA 2014 cE-12.5*
• *Jury Act, RSA 2000 cJ-3 4(1)*
• *Justice of the Peace Act, RSA 2000 cJ-4*
• *Trustee Act, SA 2022 cT-8.1*

Summary: The *Justice Statutes Amendment Act* amends the following legislation:

Conflicts of Interest Act

- Allows key concepts to be addressed or clarified through regulation and incorporate a recommendation of the Ethics Commissioner into legislation;
- Suspends investigations into conflicts of interest violations once a general election is called, which would keep unproven allegations from influencing the democratic process; and
- Moved rules for elected officials receiving gifts into regulation.

Trustee Act

- The Act clarifies the definition of incapacitated person.

Estate Administration Act

- The Act clarifies the requirements for an Albertan acting as personal representatives.

Jury Act

- The Act replaces summary trials with streamlined trials.
- With effect from January 1, 2024, streamlined trials will replace summary trial process for civil and family matters in the Court of King's Bench.

Justice of the Peace Act

- The Act temporarily increased the maximum number of terms a justice of the peace can serve.

Court of King's Bench Act

- The Act increased the number of judges in the act by six.

Practitioners are advised to review the *Justice Statutes Amendment Act* to determine how the Act affects their practice.

In Force: On Various Dates.

BILL 9 — *Miscellaneous Statutes Amendment Act, SA 2023 c9*

- Amended:**
- *Agricultural Pests Act*, RSA 2000 cA-8
 - *Animal Keepers Act*, SA 2005 cA-40.5
 - *Bee Act*, RSA 2000 cB-2
 - *Business Corporations Act*, RSA 2000 cB-9 4(1)
 - *Consumer Protection Act*, RSA 2000 cC-26.3
 - *Cooperatives Act*, SA 2001 cC-28.1
 - *Education Act*, SA 2012 cE-0.3
 - *Fair Registration Practices Act*, SA 2019 cF-1.5
 - *Geothermal Resource Development Act*, SA 2020 cG-5.5 10(1)
 - *Health Information Act*, RSA 2000 cH-5
 - *Health Professions Act*, RSA 2000 cH-7
 - *Human Tissue and Organ Donation Act*, SA 2006 cH-14.5 13(1)
 - *Labour Mobility Act*, SA 2021 cL-0.7
 - *Labour Relations Code*, RSA 2000 cL-1
 - *Land Titles Act*, RSA 2000 cL-4
 - *Marketing of Agricultural Products Act*, RSA 2000 cM-4
 - *Mines and Minerals Act*, RSA 2000 cM-17 18(1)
 - *Municipal Government Act*, RSA 2000 cM-26
 - *Occupational Health and Safety Act*, SA 2020 cO-2.2 20(1)
 - *Oil and Gas Conservation Act*, RSA 2000 cO-6
 - *Persons with Developmental Disabilities Services Act*, RSA 2000 cP-9.5 22(1)
 - *Pipeline Act*, RSA 2000 cP-15 23(1)
 - *Police Act*, RSA 2000 cP-17
 - *Police Amendment Act, 2022*, SA 2022 c22 25(1)
 - *Post-Secondary Learning Act*, SA 2003 cP-19.5
 - *Public Interest Disclosure (Whistleblower Protection) Act*, SA 2012 cP-39.5 27(1)
 - *Public Service Employee Relations Act*, RSA 2000 cP-43 28(1)
 - *Red Tape Reduction Statutes Amendment Act, 2023*, SA 2023 c5
 - *Skilled Trades and Apprenticeship Education Act*, SA 2021 cS-7.88
 - *Water Act*, RSA 2000 cW-3 31(1)

- *Weed Control Act*, SA 2008 cW-5.1
- *Witness Security Act*, SA 2010 cW-12.5 33(1)
- *Workers' Compensation Act*, RSA 2000 cW-15

Repealed: • *Farm Credit Stability Act*, RSA 2000 cF-6 9

Summary: The *Miscellaneous Statutes Amendment Act* repealed the *Farm Credit Stability Act* and amended the following legislation:

- The *Business Corporations Act* is amended by striking out “kept;” and substituting “kept”.
- The *Geothermal Resource Development Act* is amended by renumbering section 3(1) as section 3.
- The *Human Tissue and Organ Donation Act* is amended by repealing a regulating power of the Minister regarding registrations.
- The *Mines and Minerals Act* is amended by renumbering section 105(1) as section 105.
- The Act adds the definition of “explosive” in the *Occupational Health and Safety Act*.
- The *Persons with Developmental Disabilities Services Act* is amended by is amended by striking out “Director” and substituting “director”.
- The Act corrects a typographical error in the *Pipeline Act*.
- The *Police Amendment Act*, is amended by this section. (2) Section 31 is amended in the new section 43.5(6) by striking out “subsection 4(b)” and substituting “subsection 4(a)”.
- The *Public Interest Disclosure (Whistleblower Protection) Act* is amended by correcting a typographical error.
- The *Public Service Employee Relations Act* is amended by renumbering a section.
- The Act amends the *Water Act* by deleting a repeated word.
- The Act amends *Witness Security Act* by clarifying that the relevant department is the Department of Justice.

Practitioners are advised to review the *Miscellaneous Statutes Amendment Act* to determine how the new comprehensive Act affects their practice.

In Force: December 7, 2023

2023-24 Legislative Review 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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