

Legislative Summary

28th Legislature
Third Session
Fall 2014



THE CANADIAN
BAR ASSOCIATION
Alberta Branch



Alberta **LAW**
FOUNDATION

LEGISLATIVE REVIEW SUMMARY

Fall 2014 - 28th Legislature, 3rd Session

HIGHLIGHTS

The 2014 Fall Session resulted in the passage of the following acts:

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ACTS PASSED WERE:

1. *Respecting Property Rights Act*, S.A. 2014, c.15
2. *Alberta Accountability Act*, S.A. 2014, c.9
3. *Personal Information Protection Amendment Act*, S.A. 2014, c.14
4. *Horse Racing Alberta Amendment Act*, S.A. 2014, c.12
5. *Securities Amendment Act*, S.A. 2014, c.17
6. *Statutes Amendment Act (No. 2)*, S.A. 2014, c.18
7. *Chartered Professional Accountants Act*, S.A. 2014, c.C-10.2
8. *Justice Statutes Amendment Act*, S.A. 2014, c.13
9. *Condominium Property Amendment Act*, S.A. 2014, c.10
11. *Savings Management Repeal Act*, S.A. 2014, c.16

The final vote on Bill 10 (An Act to Amend the Alberta Bill of Rights to Protect our Children) has been delayed indefinitely. The Bill proposed to determine the body which has the final word on students'-peer support groups including LBGTQ groups.

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AMENDED LEGISLATION

- *Conflicts of Interest Act*, R.S.A. 2000, c. C-23
- *Lobbyists Act*, S.A. 2007, c. L-20.5
- *Public Service Act*, R.S.A. 2000, c. P-42
- *Personal Information Protection Act*, S.A. 2003, c.P-6.5
- *Horse Racing Alberta Act*, R.S.A. 2000, c. H-11.3
- *Business Corporations Act*, R.S.A. 2000, c. B-9
- *Securities Act*, R.S.A. 2000, c. S-4
- *Dairy Industry Omnibus Act*, S.A. 2002, c.11
- *Farm Implement Act*, R.S.A. 2000, c. F-7
- *Farm Implement Dealerships Act*, S.A. 2001, c. F-7.5
- *Safety Codes Act*, R.S.A. 2000, c. S-1
- *Workers' Compensation Act*, R.S.A. 2000, c. B-4
- *Alberta Housing Act*, R.S.A. 2000, c. A-25
- *Alberta Treasury Branches Act*, R.S.A. 2000, c. A-37
- *Cooperatives Act*, S.A. 2001, c. C-28.1, S.A. 2001, c. C-28.1
- *Credit Union Act*, R.S.A. 2000, c. C-32
- *Debtors' Assistance Act*, R.S.A. 2000, c. D-6
- *Education Act*, S.A. 2012, c. E-0.3 [not yet in force]
- *Election Finances and Contributions Disclosure Act*, R.S.A. 2000, c. E-2
- *Fair Trading Act*, R.S.A. 2000, c. F-2

- *Health Professions Act*, R.S.A. 2000, c. H-7
- *Insurance Act*, R.S.A. 2000, c. I-3
- *Irrigation Districts Act*, R.S.A. 2000, c. I-11
- *Loan and Trust Corporations Act*, R.S.A. 2000, c. L-20
- *Municipal Government Act*, R.S.A. 2000, c. M-26
- *Notaries and Commissioners Act*, S.A. 2013, c. N-5.5 [not yet in force]
- *Ombudsman Act*, R.S.A. 2000, c. O-8
- *Pooled Registered Pension Plans Act*, S.A. 2013, c. P-18.5 [not yet in force]
- *Real Estate Act*, R.S.A. 2000, c. R-5
- *Regional Airports Authorities Act*, R.S.A. 2000, c. R-9
- *Agricultural Operation Practices Act*, R.S.A. 2000, c. A-7
- *Alberta Corporate Tax Act*, R.S.A. 2000, c. A-15
- *Alberta Evidence Act*, R.S.A. 2000, c. A-18
- *Alberta Utilities Commission Act*, S.A. 2007, c. A-37.2
- *Arbitration Act*, R.S.A. 2000, c. A-43
- *Business Corporations Act*, R.S.A. 2000, c. B-9
- *Child, Youth and Family Enhancement Act*, R.S.A. 2000, c. C-12
- *City Transportation Act*, R.S.A. 2000, c. C-14
- *Civil Enforcement Act*, R.S.A. 2000, c. C-15
- *Class Proceedings Act*, S.A. 2003, c. C-16.5
- *Climate Change and Emissions Management Act*, S.A. 2003, c. C-16.7
- *Companies Act*, R.S.A. 2000, c. C-21
- *Court of Queen's Bench Act*, R.S.A. 2000, c. C-31
- *Credit Union Act*, R.S.A. 2000, c. C-32
- *Election Act*, R.S.A. 2000, c. E-1
- *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12
- *Estate Administration Act*, S.A. 2014, c. E-12.5
- *Expropriation Act*, R.S.A. 2000, c. E-13
- *Family Law Act*, S.A. 2003, c. F-4.5
- *Fatality Inquiries Act*, R.S.A. 2000, c. F-9
- *Fisheries (Alberta) Act*, R.S.A. 2000, c. F-16
- *Forest and Prairie Protection Act*, R.S.A. 2000, c. F-19
- *Forests Act*, R.S.A. 2000, c. F-22
- *Guarantees Acknowledgment Act*, R.S.A. 2000, c. G-11
- *Insurance Act*, R.S.A. 2000, c. I-3
- *Irrigation Districts Act*, R.S.A. 2000, c. I-11
- *Judicature Act*, R.S.A. 2000, c. J-2
- *Jury Act*, R.S.A. 2000, c. J-3
- *Limitations Act*, R.S.A. 2000, c. L-12
- *Livestock Identification and Commerce Act*, S.A. 2006, c. L-16.2
- *Loan and Trust Corporations Act*, R.S.A. 2000, c. L-20
- *Metis Settlements Act*, R.S.A. 2000, c. M-14
- *Mines and Minerals Act*, R.S.A. 2000, c. M-17
- *Municipal Government Act*, R.S.A. 2000, c. M-26
- *Natural Resources Conservation Board Act*, R.S.A. 2000, c. N-3
- *Oaths of Office Act*, R.S.A. 2000, c. O-1
- *Perpetuities Act*, R.S.A. 2000, c. P-5
- *Police Act*, R.S.A. 2000, c. P-17
- *Possessory Liens Act*, R.S.A. 2000, c. P-19
- *Powers of Attorney Act*, R.S.A. 2000, c. P-20
- *Proceedings Against the Crown Act*, R.S.A. 2000, c. P-25

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- *Protection of Children Abusing Drugs Act*, S.A. 2005, c. P-27.5
- *Protection of Sexually Exploited Children Act*, R.S.A. 2000, c. P-30.3
- *Provincial Court Act*, R.S.A. 2000, c. P-31
- *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34
- *Provincial Parks Act*, R.S.A. 2000, c. P-35
- *Public Lands Act*, R.S.A. 2000, c. P-40
- *Public Trustee Act*, R.S.A. 2000, c. P-44.1
- *Responsible Energy Development Act*, S.A. 2012, c. R-17.3
- *Rules of Court Statutes Amendment Act*, S.A. 2009, c.-53
- *Safer Communities and Neighbourhoods Act*, S.A. 2007, c. S-0.5
- *Securities Act*, R.S.A. 2000, c. S-4
- *Social Care Facilities Licensing Act*, R.S.A. 2000, c.S-10
- *Statutes Amendment Act, 2013 (No. 2)*, S.A. 2013, c. 23
- *Supportive Living Accommodation Licensing Act*, S.A. 2009, c. S-23.5
- *Surface Right Act*, R.S.A. 2000, c.S-24
- *Traffic Safety Act*, R.S.A. 2000, c. T-6
- *Trustee Act*, R.S.A. 2000, c. T-8
- *Victims Restitution and Compensation Payments Act*, S.A. 2001, c. V-3.5
- *Water Act*, R.S.A. 2000, c. W-3
- *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*, R.S.A. 2000, c. W-9
- *Wildlife Act*, R.S.A. 2000, c. W-10
- *Wills and Succession Act*, S.A. 2010, c. W-12.2
- *Youth Justice Act*, R.S.A. 2000, c. Y-1

REPEALED LEGISLATION

- *Land Assembly Project Area Act*, S.A. 2009, c. L-2.5
- *Regulated Accounting Profession Act*, R.S.A. 2000, c. R-12
- *Savings Management Act*, S.A. 2014, c. S-2.5

DETAILED LISTING OF BILLS

Bill 1 - *Respecting Property Rights Act*, S.A. 2014, c.15

Repeals: • *Land Assembly Project Area Act*, S.A. 2009, c. L-2.5.

Summary: The *Respecting Property Rights Act* repeals the *Land Assembly Project Area Act*, which had never been proclaimed since its enactment in 2009.

In Force: December 17, 2014

Bill 2 - *Alberta Accountability Act*, S.A. 2014, c.9

Amends: • *Conflicts of Interest Act*, R.S.A. 2000, c. C-23
• *Lobbyists Act*, S.A. 2007, c. L-20.5
• *Public Service Act*, R.S.A. 2000, c. P-42

Summary: The *Alberta Accountability Act* amongst other things amends the *Conflicts of Interest Act*, the *Lobbyists Act* and the *Public Service Act*. Due to its sensitive and penal nature, practitioners are advised to familiarize themselves with the provisions of the new Act.

In Force: December 17, 2014, with exceptions

Bill 3 - *Personal Information Protection Amendment Act, 2014*, S.A. 2014, c.14

Amends: • *Personal Information Protection Act*, S.A. 2003, c. P6.5

Summary: The *Personal Information Protection Amendment Act* was promulgated in reaction to the Supreme Court of Canada's ruling in *Alberta (Information and Privacy Commissioner) v. United Food and Commercial Workers*, 2013 SCC 62, which rendered PIPA unconstitutional, and declared it invalid for being in breach of the *Charter of Rights and Freedoms*.

The Amendment Act authorizes a trade union to collect, use, and disclose personal information about an individual, without consent, if such collection, use and disclosure was deemed necessary having regard to the nature and sensitivity of the information and the circumstances.

In Force: December 17, 2014

Bill 4 - *Horse Racing Alberta Act*, S.A. 2014, c.12

Amends: • *Horse Racing Alberta Act*, R.S.A. 2000, c. H-11.3

Summary: Amongst other things, the *Horse Racing Alberta Amendment Act* changes the constitution of the Board of Directors for Horse Racing Alberta from 12 members to 11, while at the same time increasing the number of public members to 6 (up from previous 3 members). There will be 5 industry-nominated members. The Board can no longer make bylaws regarding the establishment and payment of remuneration and expenses to its members.

In Force: On Proclamation

Bill 5 - *Securities Amendment Act*, S.A. 2014, c.17

Amends: • *Business Corporation Act*, R.S.A. 2000, c. B-9
• *Cooperatives Act*, S.A. 2001, c. C-28.1
• *Securities Act*, R.S.A. 2000, c. S-4

Summary: The amendments in the *Securities Amendment Act* include further specific details surrounding the incorporation of professional corporations; it allows the recognition of an auditor oversight organization upon its application and if such recognition is not prejudicial to the public interest.

The Act permits the Securities Exchange Commission (the "Commission") to issue extra-provincial orders without taking any additional steps.

The Commission may continue to set its own fees upon the prior approval of the Minister.

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The Act contains several technical/housekeeping amendments. For instance, the Act repeals a redundant requirement regarding the confirmation of trade, which requirement was moved into the regulations, and clarifies that service of documents on the Commission must be by personal delivery, courier or registered mail.

Consequential amendments are made to the *Cooperatives Act* and the *Business Corporations Act*.

In Force: December 17, 2014, with exceptions

Bill 6 - Statutes Amendment Act, (No. 2), S.A. 2014, c.18

- Amends:**
- *Conflicts of Interest Act*, R.S.A 2000, c. C-23
 - *Dairy Industry Omnibus Act*, S.A. 2002, c.11
 - *Farm Implement Act*, R.S.A. 2000, c. F-7
 - *Farm Implement Dealerships Act*, S.A. 2001, c. F-7.5
 - *Safety Codes Act*, R.S.A. 2000, c. S-1
 - *Workers' Compensation Act*, R.S.A. 2000, c. B-4

Summary: The Statutes Amendment Act amends a number of Acts by:

- combining the Farm Implement Act with the Farm Implement Dealerships Act under the name Farm Implement and Dealerships Act. Among other provisions, the new Act enables the Minister to publish information received in notices of failure to perform; clarifies roles and responsibilities during a repair or repurchase of a farm implement; expands repurchase provisions to include "required supplementary materials" such as signs, computer hardware and software, service manuals and special tools obtained from and required by the distributor; and increases the penalty for contravention of the Act from a maximum of \$50,000 to a maximum of \$100,000;
- repealing the omnibus Dairy Industry Act of 2002 which was transitional in nature and no longer necessary;
- revising the Safety Codes Act amongst other things, to allow safety officers to have powers similar to Administrators - to approve designs, process or activities under the Safety Codes Act; and
- revising the Workers' Compensation Act to expand the Workers' Compensation Board's authority to disclose information to the Appeals Commission

In Force: December 17, 2014, with exceptions

Bill 7 - Chartered Professional Accountants Act, S.A. 2014, c.C-10.2

- Amends:**
- *Regulated Accounting Profession Act*, R.S.A. 2000, C.R.-12

- Repeals:**
- *Alberta Housing Act*, R.S.A. 2000, c. A-25
 - *Alberta Treasury Branches Act*, R.S.A. 2000, C. A-37
 - *Cooperatives Act*, S.A. 2001, c. C-28.1

- *Credit Union Act*, R.S.A. 2000, c. C-32
- *Debtors' Assistance Act*, R.S.A. 2000, c. D-6
- *Education Act*, S.A. 2012, c. E-0.3 [Not yet in force]
- *Election Finances and Contributions Disclosure Act*, R.S.A.2000, c. E-2
- *Fair Trading Act*, R.S.A. 2000, c. F-2
- *Health Professions Act*, R.S.A. 2000, c. H-7
- *Insurance Act*, R.S.A. 2000, c. I-3
- *Irrigation Districts Act*, R.S.A. 2000, c. I-11
- *Loan and Trust Corporations Act*, R.S.A. 2000, c. L-20
- *Municipal Government Act*, R.S.A. 2000, c. M-26
- *Notaries and Commissioners Act*, S.A. 2013, c. N-5.5 [Not yet in force]
- *Ombudsman Act*, R.S.A. 2000, c. O-8
- *Pooled Registered Pension Plans Act*, S.A. 2013, c. P-18.5 [Not yet in force]
- *Real Estate Act*, R.S.A. 2000, c. R-5
- *Regional Airports Authorities Act*, R.S.A. 2000, c. R-9

Summary: The *Chartered Professional Accountants Act* unifies three professional accounting bodies in Alberta, the Certified General Accountants' Association of Alberta, the Certified Management Accountants of Alberta, and the Institute of Chartered Accountants of Alberta, as the Chartered Professional Accountants of Alberta. This new body will issue one professional accounting designation, the chartered professional accountant (CPA).

The *Chartered Professional Accountants Act* repeals the *Regulated Accounting Profession Act*.

In Force: On proclamation, with exceptions

Bill 8 - *Justice Statutes Amendment Act*, S.A. 2014, c.13 contains amendment to numerous acts

- Amends:**
- *Agricultural Operation Practices Act*, R.S.A. 2000, c. A-7
 - *Alberta Corporate Tax Act*, R.S.A. 2000, c. A-15
 - *Alberta Evidence Act*, R.S.A. 2000, c. A-18
 - *Alberta Utilities Commission Act*, S.A. 2007, c. A-37.2
 - *Arbitration Act*, R.S.A. 2000, c. A-43
 - *Business Corporations Act*, R.S.A. 2000, c. B-9
 - *Child, Youth and Family Enhancement Act*, R.S.A. 2000, c. C-12
 - *City Transportation Act*, R.S.A. 2000, c. C-14
 - *Civil Enforcement Act*, R.S.A. 2000, c. C-15
 - *Class Proceedings Act*, S.A. 2003, c. C-16.5
 - *Climate Change and Emissions Management Act*, S.A. 2003, c. C-16.7
 - *Companies Act*, R.S.A. 2000, c. C-21
 - *Cooperatives Act*, S.A. 2001, c. C-28.1
 - *Court of Queen's Bench Act*, R.S.A. 2000, c. C-31
 - *Credit Union Act*, R.S.A. 2000, c. C-32
 - *Election Act*, R.S.A. 2000, c. E-1
 - *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12
 - *Estate Administration Act*, S.A. 2014, c. E-12.5
 - *Expropriation Act*, R.S.A. 2000, c. E-13
 - *Family Law Act*, S.A. 2003, c. F-4.5
 - *Fatality Inquiries Act*, R.S.A. 2000, c. F-9
 - *Fisheries (Alberta) Act*, R.S.A. 2000, c. F-16
 - *Forest and Prairie Protection Act*, R.S.A. 2000, c. F-19

Legislative Summary

- *Forests Act*, R.S.A. 2000, c. F-22
- *Guarantees Acknowledgment Act*, R.S.A. 2000, c. G-11
- *Insurance Act*, R.S.A. 2000, c. I-3
- *Irrigation Districts Act*, R.S.A. 2000, c. I-11
- *Judicature Act*, R.S.A. 2000, c. J-2
- *Jury Act*, R.S.A. 2000, c. J-3
- *Limitations Act*, R.S.A. 2000, c. L-12
- *Livestock Identification and Commerce Act*, S.A. 2006, c. L-16.2
- *Loan and Trust Corporations Act*, R.S.A. 2000, c. L-20
- *Metis Settlements Act*, R.S.A. 2000, c. M-14
- *Mines and Minerals Act*, R.S.A. 2000, c. M-17
- *Municipal Government Act*, R.S.A. 2000, c. M-26
- *Natural Resources Conservation Board Act*, R.S.A. 2000, c. N-3
- *Notaries and Commissioners Act*, S.A. 2013, c. N-5.5 [not yet in force]
- *Oaths of Office Act*, R.S.A. 2000, c. O-1
- *Perpetuities Act*, R.S.A. 2000, c. P-5
- *Police Act*, R.S.A. 2000, c. P-17
- *Possessory Liens Act*, R.S.A. 2000, c. P-19
- *Powers of Attorney Act*, R.S.A. 2000, c. P-20
- *Proceedings Against the Crown Act*, R.S.A. 2000, c. P-25
- *Protection of Children Abusing Drugs Act*, S.A. 2005, c. P-27.5
- *Protection of Sexually Exploited Children Act*, R.S.A. 2000, c. P-30.3
- *Provincial Court Act*, R.S.A. 2000, c. P-31
- *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34
- *Provincial Parks Act*, R.S.A. 2000, c. P-35
- *Public Lands Act*, R.S.A. 2000, c. P-40
- *Public Trustee Act*, R.S.A. 2000, c. P-44.1
- *Responsible Energy Development Act*, S.A. 2012, c. R-17.3
- *Rules of Court Statutes Amendment Act*, S.A. 2009, c.-53
- *Safer Communities and Neighbourhoods Act*, S.A. 2007, c. S-0.5
- *Securities Act*, R.S.A. 2000, c. S-4
- *Social Care Facilities Licensing Act*, R.S.A. 2000, c.S-10
- *Statutes Amendment Act, 2013 (No. 2)*, S.A. 2013, c. 23
- *Supportive Living Accommodation Licensing Act*, S.A. 2009, c. S-23.5
- *Surface Right Act*, R.S.A. 2000, c.S-24
- *Traffic Safety Act*, R.S.A. 2000, c. T-6
- *Trustee Act*, R.S.A. 2000, c. T-8
- *Victims Restitution and Compensation Payments Act*, S.A. 2001, c. V-3.5
- *Water Act*, R.S.A. 2000, c. W-3
- *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*, R.S.A. 2000, c. W-9
- *Wildlife Act*, R.S.A. 2000, c. W-10
- *Wills and Succession Act*, S.A. 2010, c. W-12.2
- *Youth Justice Act*, R.S.A. 2000, c. Y-1

Summary:

The *Justice Statutes Amendment Act* amends a long list of acts, including the *Court of Queen’s Bench Act*, the *Estate Administration Act*, the *Family Law Act*, the *Limitations Act*, the *Notaries and Commissioners Act*, the *Oaths of Office Act*, the *Perpetuities Act*, the *Provincial Court Act*, and the *Wills and Succession Act*. Some of the amendments are housekeeping changes (substituting terminology such as “leave” for “permission” of the Court, and “motion” for “application”).

Some of the substantive amendments include:

- Amendments to the *Limitations Act* to address the situation created by *Canadian Natural Resources Ltd. v. Arcelormittal Tubular Products Roman SA*, 2013 ABCA 279 (“CNRL”). The Alberta Court of Appeal in CNRL decided that a third party claim for contribution must be served within the plaintiff’s limitation period. Pursuant to the amendments, contribution claims are not statute barred by the expiry of the limitation period of the claimant; and
- Repeal of the controversial provision in the last iteration of the *Guarantees Acknowledgement Act* that guarantors must appear before a lawyer who does not represent or is not employed by a person or corporation who stands to benefit from the guarantee. However, guarantors must still appear before an “active lawyer” and not merely a notary public.

There are some other substantive changes, and practitioners are advised to review the *Justice Statutes Amendment Act* to determine how the amendments affect their areas of practice.

In Force: December 17, 2014

Bill 9 - Condominium Property Amendment Act, S.A. 2014, c.10

- Amends:**
- *Condominium Property Act*, R.S.A. 2000, c. C-22
 - *Municipal Government Act*, R.S.A. 2000, c. M-26
 - *Real Estate Act*, R.S.A. 2000, c. R-5
 - *Unclaimed Personal Property and Vested Property Act*, S.A. 2007, c. U-1.5

Summary Amongst other amendments, the Condominium Property Amendment Act:

- requires developers to disclose a broader range of information to potential purchasers. A purchaser’s right to cancel an agreement to purchase will remain until they have actually received all the information to which they are entitled;
- expands on the jurisdiction of a Tribunal created under the Act to assist with disputes between parties. In addition to other powers, the Tribunal may regulate the fees charged by a condominium corporation;
- mandates that condominium buyers must be notified of delays to occupancy or material changes to the purchase contract and provided with appropriate remedies;
- authorizes electronic board meetings and voting, and updates the offences and enforcement sections of the Act. For instance, the Director may issue orders for compliance and levy administrative penalties of up to \$100,000, and whenever necessary, commence court actions. Penalties for offences are increased.

In Force: On proclamation

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Bill 10 - *Savings Management Repeal Act*, S.A. 2014, c.16

Repeals: • *Savings Management Act*, S.A. 2014, c. S-2.5

Amends: • *Access to the Future Act*, S.A. 2005, c. A-1.5
• *Alberta Heritage Scholarship Act*, R.S.A. 2000, c. A-24

Summary The *Savings Management Repeal Act* eliminates the Social Innovation Endowment Account, the Agriculture and Food Innovation Endowment account, and the Alberta Future Fund all established under the *Savings Management Act*.

In Force: December 17, 2014

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