

# LEGISLATIVE SUMMARY

28th Legislature  
Fourth Session  
Spring 2015



THE CANADIAN  
BAR ASSOCIATION  
Alberta Branch



SERVING  
IN THE  
PUBLIC  
INTEREST

Alberta **LAW**  
FOUNDATION

# LEGISLATIVE REVIEW SUMMARY

## Spring 2015 - 28<sup>th</sup> Legislature, 4<sup>th</sup> Session

### HIGHLIGHTS

The 2015 spring session resulted in the passage of the following Acts:

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### ACTS PASSED WERE:

1. *Common Business Number Act*, SA 2015, c. C-20.5
2. *Fisheries (Alberta) Amendment Act*, SA 2015, c. 7
3. *Agricultural Societies Amendment Act*, SA 2015, c. 4
4. *Securities Amendment Act*, SA 2015, c. 10
5. *Statutes Amendment Act*, SA 2015, c. 11
6. *Appropriation (Supplementary Supply) Act*, SA 2015, c. 2
7. *Appropriation (Interim Supply) Act*, SA 2015, c. 5
8. *Education Amendment Act*, SA 2015, c. 6
9. *Municipal Government Amendment Act*, SA 2015, c. 8
10. *Safety Codes Amendment Act*, SA 2015, c. 12
11. *Skin Cancer Prevention (Artificial Tanning) Act*, S.A. 2015, c. S-7.9
12. *Public Sector Services Continuation Repeal*, SA 2015, c. 9

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### AMENDED LEGISLATION

- *Agricultural Societies Act*, RSA 2000, c. A-11
- *Alberta Sport, Recreation, Parks and Wildlife Foundation Act*, RSA 2000, c. A-34
- *Condominium Property Act*, RSA 2000, c. C-22
- *Condominium Property Amendment Act*, SA 2012, c. 10
- *Conflicts of Interest Act*, RSA 2000, c. C-23
- *Court of Queen's Bench Act*, RSA 2000, c. C-31
- *Education Act*, SA 2012, c. E-0.3 (not yet in force)
- *Fair Trading Act*, RSA 2000, c. F-2
- *Fisheries (Alberta) Act*, RSA 2000, c. F-16
- *Fisheries (Alberta) Amendment Act*, SA 2002, c. 14
- *Justice of the Peace Act*, RSA 2000, c. J-4
- *Land Titles Act*, RSA 2000, c. L-4
- *Municipal Government Act*, RSA 2000, c. M-26
- *New Home Buyer Protection Act*, SA 2012, c. N-3.2
- *Police Act*, RSA 2000, c. P-17
- *Post-Secondary Learning Act*, SA 2003, c. P-19.5
- *Provincial Court Act*, RSA 2000, c. P-31
- *Safety Codes Act*, RSA 2000, c. S-1
- *Securities Act*, RSA 2000, c. S-4
- *Securities Amendment Act*, SA 2014, c. 17
- *Statutes Amendment Act (No. 2)*, SA 2013, c. 23

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### REPEALED LEGISLATION & REGULATIONS

- *Alberta Central East Water Corporation Regulation*, Alta Reg 137/2013
- *Aquatera Utilities Inc. Regulation*, Alta Reg 205/2013
- *Aqueduct Utilities Corporation Regulation*, Alta Reg 92/2012
- *Business Tax Exemption (Legislative Assembly Office) Regulation*, Alta Reg 214/2011

- *Chestermere Utilities Incorporated Regulation*, Alta Reg 163/2013
- *Local Improvement (Road) Tax Bylaw Regulation*, Alta Reg 164/2013
- *Municipal Finance Clarification Regulation*, Alta Reg 206/2012
- *NEW Water Ltd. Regulation*, Alta Reg 159/2012
- *Newell Regional Services Corporation Regulation*, Alta Reg 153/2012
- *Peace Regional Waste Management Company Regulation*, Alta Reg 41/2011
- *Public Sector Services Continuation Act*, SA 2013, c. P-41.5
- *Sheep Creek Regional Utility Corporation Regulation*, Alta Reg 83/2014
- *SuperNet Assessment Regulation*, Alta Reg 113/2012

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## DETAILED LISTING OF BILLS

### Bill 12 - *Common Business Number Act*, SA 2015, c. C-20.5

**Summary:**        *The Common Business Number Act* authorizes the Minister of Service Alberta to enter into a partnership with the Government of Canada/Canada Revenue Agency to adopt a common business number identification system.

Pursuant to this Act, businesses would be provided with a single unique identifier for their interactions with participating federal or provincial government programs.

The Minister is also authorized to establish and manage an information system for the purposes of receiving and storing common business numbers and related information, as well as for integrating and updating business information.

**In Force:**        On proclamation - with exceptions

### Bill 13 - *Fisheries (Alberta) Amendment Act*, SA 2015, c. 7

**Amended:**        • *Fisheries (Alberta) Act*, RSA 2000, c. F-16  
 • *Fisheries (Alberta) Amendment Act*, SA 2002, c. 14

**Summary:**        The *Fisheries (Alberta) Amendment Acts'* amendments include mandatory boat inspections at inspection stations on major highways in the province; addition of a controlled invasive-species list; and expanding the authority of law enforcement agents such as fishery officers, fishery guardians and watercraft inspectors to ensure compliance and to take preventive measures.

Under the amended Act, individual offenders may be liable for a fine of up to \$100,000.00 and corporations for a fine of up to \$500,000.00.

**In Force:**        March 30, 2015 - with exceptions

### Bill 14 - *Agricultural Societies Amendment Act*, SA 2015, c. 4

**Amended:**        • *Agricultural Societies Act*, RSA 2000, c. A-11

**Summary:**        The *Agricultural Societies Amendment Act* provides that bylaws must include provisions for membership requirements, rights and obligations, as well as director's terms of office. New or amended bylaws which are introduced by agricultural societies will be vetted by the department. The number of people involved in agricultural production who are required to be part of an application to form an agricultural society has to be 25 per cent of at least 50 applicants. Agricultural societies may enter into contracts, purchase, own, use, and dispose of property and assets and enter into indemnities. They may also maintain a members' register, have a registered office and carry liability protection for society directors.

**In Force:**        On proclamation

## Legislative Summary

### Bill 15 - *Securities Amendment Act*, SA 2015, c. 10

- Amended:**
- *Securities Act*, RSA 2000, c. S-4
  - *Securities Amendment Act*, SA 2014, c. 17

**Summary:** The *Securities Amendment Act* amends the Alberta Securities Commission's enforcement capacity and its investigators' statutory authority to electronically record statements or evidence during an investigation. Other amendments include the extension of a Court order obtained without notice appointing a receiver, a receiver and manager, trustee, or liquidator. The amendments prohibit the directors of an insurer under investigation from exercising any of their powers that have been granted by the Court to the receiver, receiver and manager, trustee, or liquidator and permit the Court to revoke or vary an order upon application. Further, the amendments allow for applications without notice to be made.

Provisions relating to harmonization, including the prohibition on front-running are expanded to apply to derivatives.

The *Securities Amendment Act* expands the definition of associate to include persons cohabitating in a conjugal relationship who share material for the purpose of insider trading or tipping and are not otherwise captured by the definition of an adult interdependent partner.

**In Force:** March 30, 2015

### Bill 16 - *Statutes Amendment Act*, SA 2015, c. 12

- Amended:**
- *Alberta Sport, Recreation, Parks and Wildlife Foundation Act*, RSA 2000, c. A-34
  - *Condominium Property Act*, RSA 2000, c. C-22
  - *Condominium Property Amendment Act, 2014*, SA 2012, c. 10
  - *Conflicts of Interest Act*, RSA 2000, c. C-23
  - *Court of Queen's Bench Act*, RSA 2000, c. C-31
  - *Education Act*, SA 2012, c. E-0.3 (not yet in force)
  - *Fair Trading Act*, RSA 2000, c. F-2
  - *Justice of the Peace Act*, RSA 2000, c. J-4
  - *Land Titles Act*, RSA 2000, c. L-4
  - *Police Act*, RSA 2000, c. P-17
  - *Post-Secondary Learning Act*, SA 2003, c. P-19.5
  - *Provincial Court Act*, RSA 2000, c. P-31
  - *Statutes Amendment Act (No. 2)*, SA 2013, c. 23

**Summary:** There are various amendments to the foregoing legislation and practitioners are encouraged to review the Statutes Amendment Act to confirm how the amendments may affect their areas of practice. Some of the amendments include:

#### *Provincial Court Act*

The current maximum limit in the Court's civil matters will remain at \$50,000.00. However, the Lieutenant-Governor-in-Council may raise the limit to \$100,000.00 at a later date, if required, without having to amend the legislation.

Further, Court officials will direct civil disputes to the appropriate resolution track.

#### *Court of Queen's Bench Act*

This Act amends the *Court of Queen's Bench Act* to create a second Associate Chief Justice position. One Associate Chief Justice will be based in Edmonton and the other in Calgary.

The *Statutes Amendment Act* also authorizes the Chief to issue directives on the jurisdiction of Masters.

#### *The Police Act*

The *Police Act* is amended to expand the category of persons who may preside over a hearing regarding the discipline or performance of a police officer. The police service and police commission are not required to notify the director of law enforcement about police complaints and of how the complaint was disposed.

*Alberta Sport Recreation Parks and Wildlife Foundation Act*

The amendment to the Act officially changes the name of the *Alberta Sport Recreation Parks and Wildlife Foundation Act* to the *Alberta Sport Connection Act*. Amendments also include provisions for the transfer of land previously owned by the Foundation.

*Land Titles Act*

Amendments to the *Land Titles Act* will allow frequent Land Title Office users to become subscribers who will have the ability to affix digital signatures on documents submitted to the Land Titles Office. Paper registrations will still be continued for nonsubscribers. The Registrar is authorized to recognize a certified authorization for those who will be working in partnership with the Land Titles Office, to maintain the master list of eligible subscribers, and to monitor compliance with guidelines to ensure proper practices.

The offence provisions indicate that individuals who affix an electronic signature in contravention of the Act or incorporate the digital signature of another person may be fined up to \$10,000.00 or imprisoned for six months.

The amendments prevent land title insurance companies from making claims against the Land Titles Assurance Fund.

*Post-Secondary Learning Act*

This Act amends the *Post-Secondary Learning Act* to confirm the legal status of the boards of governors for both Medicine Hat College and SAIT.

**In Force:** March 30, 2015 - with exceptions

**Bill 17 - *Appropriation (Supplementary Supply) Act*, SA 2015 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, 2015.

**In Force:** March 19, 2015

**Bill 18 - *Appropriation (Interim Supply) Act*, SA 2015, c. 5**

**Summary:** The *Appropriation (Interim Supply) Act* allowed the Alberta Government to pay its bills until the budget was passed.

**In Force:** March 30, 2015

**Bill 19 - *Education Amendment Act*, SA 2015, c. 6**

**Amended:** • *Education Act*, SA 2012, c. E-0.3 (not yet in force)

**Summary:** The amendments to the *Education Amendment Act* are mostly administrative. For instance, all references throughout the Education Act are changed from “assessment” to “evaluation” and “test” changed to “examination.”

Among other things, the Amendment Act redefines the term “resident” so that a student only has to reside in Alberta during the school year.

In addition, the Minister may prescribe courses or programs of study and continue requirements attached to those courses or programs, but does not have to do so by Order.

Other consequential amendments were made to the *Education Act*.

**In Force:** March 30, 2015



## Legislative Summary

### Bill 20 - *Municipal Government Amendment Act*, SA 2015, c. 8

- Amended:**
- *Education Act*, SA 2012, c. E-0.3 (not yet in force)
  - *Municipal Government Act*, RSA 2000, c. M-26
- Repealed:**
- *Alberta Central East Water Corporation Regulation*, Alta Reg 137/2013
  - *Aquatera Utilities Inc. Regulation*, Alta Reg 205/2013
  - *Aqueduct Utilities Corporation Regulation*, Alta Reg 92/2012
  - *Business Tax Exemption (Legislative Assembly Office) Regulation*, Alta Reg 214/2011
  - *Chestermere Utilities Incorporated Regulation*, Alta Reg 163/2013
  - *Local Improvement (Road) Tax Bylaw Regulation*, Alta Reg 164/2013
  - *Municipal Finance Clarification Regulation*, Alta Reg 206/2012
  - *NEW Water Ltd. Regulation*, Alta Reg 159/2012
  - *Newell Regional Services Corporation Regulation*, Alta Reg 153/2012
  - *Peace Regional Waste Management Company Regulation*, Alta Reg 41/2011
  - *Sheep Creek Regional Utility Corporation Regulation*, Alta Reg 83/2014
  - *SuperNet Assessment Regulation*, Alta Reg 113/2012

**Summary:** The *Municipal Government Amendment Act* contains a multitude of amendments. Practitioners are advised to review the new Act to determine how the amendments may affect their practice.

Pursuant to this act municipalities may establish charters and modify or replace a provision of the MGA or any other enactment by bylaw. The charter prevails in cases of inconsistency between it and the MGA or other legislation. The Act outlines matters relating to charters such as interpretation, the application of the MGA and other legislation to a charter.

The Minister may, by regulation, define meetings for the purpose of the MGA and its regulations. A new definition for closed meetings has been added as it relates to municipal councils, council committees or other bodies.

The Act provides for procedures relating to closed meetings. It authorizes the Minister to make regulations regarding matters which may be discussed in closed meetings in addition to those matters that are already eligible to be discussed pursuant to the *Freedom of Information and Protection of Privacy Act*.

The Act allows for the amalgamation of non-contiguous summer villages adjacent to a common water body. It also provides that when contiguous summer villages or other municipality amalgamate, the new municipality may be a summer village or other municipality if it meets the requirements for such a municipality.

The Act amends the MGA as it relates to report of negotiations. Such a report must include a certificate stating that it accurately reflects the results of the amalgamation negotiations. It must be approved by a resolution of the councils involved in the amalgamation. If a municipal authority council does not pass a resolution approving it, the report may include the authority's reasons for not approving it.

The MGA has been amended to authorize the Minister to make regulations to allow municipalities to jointly initiate an amalgamation as well as the procedures for joint initiation of amalgamations.

The Act authorizes the Minister to make regulations respecting annexation procedures.

The Act also adds a new requirement for councils to establish a code of conduct governing the conduct of councillors equally. It provides that a councillor cannot be disqualified or removed from office for a breach of the code. The Act allows the Minister to make regulations respecting matters that a code of conduct must address.

A new section provides that if the chief administrative officer (CAO) of a municipality provides information about the operation or administration of the municipality to a councillor, the same information must be provided to all councillors as soon as it is practical to do so.

The Act introduces a new requirement for all councils to introduce a public participation policy for their municipality. The Minister may make regulations respecting the contents of such policies, the considerations to be taken into account by council in establishing its public participation policy, a date by which every municipality must have its first policy in place, requirements for a council to periodically review its policy and requirements to make that policy public.

The Act amends the petitioning process. Some of the amendments to the process include extension of the time frame for a CAO to declare whether a petition is sufficient, from 30 to 45 days. The Act permits municipalities to modify the requirements for petitions to municipal councils by bylaw, such as decreasing the percentage requirement for sufficient petitions, accepting online petitions, outlining online petition validation requirements, extending timelines for the collection of petition signatures, and allowing petitioners to remove their names from a petition within a specified number of days from the date the petition is filed with the CAO.

The Act introduces new provisions requiring municipalities to, at a minimum, prepare a three-year financial plan and a five-year capital plan.

The Amendment Act contains some general housekeeping items. For instance, it contains new and revised definitions in the *Alberta Land Stewardship Act*.

**In Force:** On proclamation, with exceptions

**Bill 21 - *Safety Codes Amendment Act*, SA 2015, c. 12**

**Amended:**

- *New Home Buyer Protection Act*, SA 2012, c. N-3.2
- *Safety Codes Act*, RSA 2000, c. S-1)

**Summary:** These amendments enable new additions of codes and standards developed nationally or internationally by approved agencies to be adopted in Alberta. Most codes will come into force 12 months after their publication. The codes may also come into force early by Ministerial Order or may be delayed if necessary.

The Act transfers the administration of the Act in unaccredited municipalities to the Safety Codes Council.

Administrative penalties will now be issued for repeat noncompliance with orders or for serious accidents that may cause injury.

Pursuant to the Amendment Act, the coordinating committee will be replaced with a board of directors.

The Act provides for municipalities to establish bylaws with respect to private sewage disposal systems.

The Act allows Safety Code officers to obtain tele-warrants in the event of an investigation.

The Act includes numerous housekeeping amendments.

**In Force:** March 30, 2015

## Legislative Summary

### Bill 22 - *Skin Cancer Prevention (Artificial Tanning) Act*, SA 2015, c. S-7.9

**Summary:** This *Skin Cancer Prevention (Artificial Tanning) Act* bans artificial tanning businesses from providing services to minors and restricts those under 18 from using artificial tanning. It also restricts direct advertising of artificial tanning to youths under 18. The Act bans self-serve artificial tanning equipment.

The Act includes a process to investigate complaints about businesses who are repeat offenders, test purchases by secret shoppers and escalate fines for businesses. The Minister of Health will appoint enforcement officers.

**In Force:** On proclamation

### Bill 24 - *Public Sector Services Continuation Repeal Act*, SA 2015, c. 9

**Repeals:**

- *Public Sector Services Continuation Act*, SA 2013, c. P-41.5 (not yet in force)

**Summary:** The *Public Sector Services Continuation Repeal Act* repeals the *Public Sector Services Continuation Act*, which was passed in December 2013 but was never proclaimed or in force.

**In Force:** March 30, 2015

## Legislative Review Committee

**Kevin P. Feehan, QC**  
**Legislative Officer**  
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