

# LEGISLATIVE REVIEW SUMMARY

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SPRING 2020 | 30TH LEGISLATURE, SECOND SESSION



Alberta **LAW**  
**FOUNDATION**



THE CANADIAN  
BAR ASSOCIATION  
Alberta Branch

# LEGISLATIVE REVIEW SUMMARY

## SPRING 2020 | 30TH LEGISLATURE, SECOND SESSION

### HIGHLIGHTS

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

1. *Alberta Investment Attraction Act*, SA 2020 cA-26.4
2. *Alberta Senate Election Amendment Act*, SA 2020 c19
3. *Appropriation Act*, SA 2020 c1
4. *Choice in Education Act*, SA 2020 c11
5. *Commercial Tenancies Protection Act*, SA 2020 cC-19.5
6. *Constitutional Referendum Amendment Act*, SA 2020 c20
7. *Corrections (Alberta Parole Board) Amendment Act*, SA 2020 c12
8. *COVID-19 Pandemic Response Statutes Amendment Act*, SA 2020 c13
9. *Critical Infrastructure Defense Act*, SA 2020 cC32.7
10. *Emergency Management Amendment Act 2020 (No. 2)*, SA 2020 c7
11. *Emergency Management Amendment Act 2020*, SA 2020 c2
12. *Environmental Protection Statutes Amendment Act 2020*, SA 2020 c21
13. *Fiscal Measures and Taxation Act*, SA 2020 c3
14. *Fiscal Planning and Transparency (Fixed Budget Period) Amendment Act*, SA 2020 c14
15. *Gaming, Liquor and Cannabis Amendment Act*, SA 2020 c9
16. *Health Statutes and Amendment Act*, SA 2020 c27
17. *Liabilities Management Statutes Amendment Act*, SA 2020 c4
18. *Local Authorities Election Amendment Act*, SA 2020 c22
19. *Mental Health Amendment Act*, SA 2020 c15
20. *Miscellaneous Statutes Amendment Act*, SA 2020 c23
21. *Mobile Home Sites Tenancies Amendment Act*, SA 2020 c8
22. *Protecting Alberta Industry from Theft Act*, SA 2020 c24
23. *Protecting Survivors from Human Trafficking Act*, SA 2020 cP-26.87
24. *Provincial Administrative Penalties Act*, SA 2020 cP-30.8
25. *Public Health (Emergency Powers) Amendment Act 2020*, SA 2020 c5
26. *Real Estate Amendment Act*, SA 2020 c10
27. *Red Tape Reduction Implementation Act*, SA 2020 c25
28. *Responsible Energy Development Amendment Act*, SA 2020 c16
29. *Restoring Balance in Alberta's Workplaces Act*, SA 2020 c28
30. *Tenancies Statutes (Emergency Provisions) Amendment Act*, SA 2020 c6
31. *Tobacco and Smoking Reduction Amendment Act*, SA 2020 c17
32. *Utility Payment Deferral Program Act*, SA 2020 cU-4
33. *Victims of Crime (Strengthening Public Safety) Amendment Act*, SA 2020 c18
34. *Vital Statistics (Protecting Albertans from Convicted Sex Offenders) Amendment Act*, SA 2020 C26

## AMENDED LEGISLATION:

- *Alberta Health Care Insurance Act*, RSA 2000 cA-20
- *Alberta Personal Income Tax Act*, RSA 2000 cA-30
- *Alberta Senate Election Act*, SA 2019 cA-33.5
- *Alberta Taxpayer Protection Act*, RSA 2000 cA-36
- *Apprenticeship and Industry Training Act*, RSA 2000 cA-42
- *Business Corporations Act*, RSA 2000 cB-9
- *Child, Youth and Family Enhancement Act*, RSA 2000 cC-12
- *Child Care Licensing Act*, SA 2007 cC-10.5
- *Companies Act*, RSA 2000 cC-21
- *Condominium Property Act*, RSA 2000 cC-22
- *Conflicts of Interest Act*, RSA 2000 cC-23
- *Constitutional Referendum Act*, RSA 2000 cC-25
- *Corrections Act*, RSA 2000 cC-29
- *Dangerous Goods Transportation and Handling Act*, RSA 2000 cD-4
- *Education Act*, SA 2012 cE-0.3
- *Election Act*, RSA 2000 cE-1
- *Election Finances and Contributions Disclosure Act*, RSA 2000 cE-2
- *Electronic Transactions Act*, SA 2001 cE-5.5
- *Emergency Management Act*, RSA 2000 cE-6.8
- *Emissions Management and Climate Resilience Act*, SA 2003 cE-7.8
- *Employment Standards Code*, RSA 2000 cE-9
- *Environmental Protection and Enhancement Act*, RSA 2000 cE-12
- *Family Law Act*, SA 2003 cF-4.5
- *Fiscal Measures and Taxation Act, 2019*, SA 2019 c20
- *Fiscal Planning and Transparency Act*, SA 2015 cF-14.7
- *Gaming, Liquor and Cannabis Act*, RSA 2000 cG-1
- *Garage Keepers' Lien Act*, RSA 2000 cG-2
- *Guarantees Acknowledgment Act*, RSA 2000 cG-11
- *Health Care Protection Act*, RSA 2000 cH-1
- *Health Information Act*, RSA 2000 cH-5
- *Health Professions Act*, RSA 2000 cH-7
- *Health Quality Council of Alberta Act*, SA 2011 cH-7.2
- *Highways Development and Protection Act*, SA 2004 cH-8.5
- *Hospitals Act*, RSA 2000 cH-12
- *Insurance Act*, RSA 2000 cI-3
- *Interpretation Act*, RSA 2000 cI-8
- *Jury Act*, RSA 2000 cJ-3
- *Labour Relations Code*, RSA 2000 cL-1
- *Local Authorities Election Act*, RSA 2000 cL-21
- *Marketing of Agricultural Products Act*, RSA 2000 cM-4
- *Marriage Act*, RSA 2000 cM-5
- *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
- *Mobile Home Sites Tenancies Act*, RSA 2000 cM-20
- *Motor Vehicle Accident Claims Act*, RSA 2000 cM-22
- *Municipal Government Act*, RSA 2000 cM-26

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- *Oil and Gas Conservation Act*, RSA 2000 cO-6
- *Oil Sands Conservation Act*, RSA 2000 cO-7
- *Partnership Act*, RSA 2000 cP-3
- *Peace Officer Act*, SA 2006 cP-3.5
- *Personal Directives Act*, RSA 2000 cP-6
- *Petty Trespass Act*, RSA 2000 cP-11
- *Pipeline Act*, RSA 2000 cP-15
- *Police Officers Collective Bargaining Act*, RSA 2000 cP-18
- *Post-secondary Learning Act*, SA 2003 cP-19.5
- *Powers of Attorney Act*, RSA 2000 cP-20
- *Private Vocational Training Act*, RSA 2000 cP-24
- *Protection of Sexually Exploited Children Act*, RSA 2000 cP-30.3
- *Provincial Offences Procedure Act*, RSA 2000 cP-34
- *Public Education Collective Bargaining Act*, SA 2015 cP-36.5
- *Public Health Act*, RSA 2000 cP-37
- *Public Lands Act*, RSA 2000 cP-40
- *Public Service Act*, RSA 2000 cP-42
- *Public Service Employee Relations Act*, RSA 2000 cP-43
- *Railway (Alberta) Act*, RSA 2000 cR-4
- *Real Estate Act*, RSA 2000 cR-5
- *Red Tape Reduction Implementation Act, 2020*, SA 2020 c25
- *Regional Health Authorities Act*, RSA 2000 cR-10
- *Religious Societies' Land Act*, RSA 2000 cR-15
- *Residential Tenancies Act*, SA 2004 cR-17.1
- *Safer Communities and Neighborhoods Act*, SA 2007 cS-0.5
- *Safety Codes Act*, RSA 2000 cS-1
- *Scrap Metal Dealers and Recyclers Identification Act*, SA 2013 cS-3.5
- *Student Financial Assistance Act*, SA 2002 cS-20.5
- *Surface Rights Act*, RSA 2000 cS-24
- *Teaching Profession Act*, RSA 2000 cT-2
- *Tobacco and Smoking Reduction Act*, SA 2005 cT-3.8
- *Tourism Levy Act*, RSA 2000 cT-5.5
- *Traffic Safety Act*, RSA 2000 cT-6
- *Victims of Crime Act*, RSA 2000 cV-3
- *Victims Restitution and Compensation Payment Act*, SA 2001 cV-3.5
- *Vital Statistics Act*, SA 2007 cV-4.1
- *Wills and Succession Act*, SA 2010 cW-12.2

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## REPEALED LEGISLATION:

- *Energy Efficiency Alberta Act*, SA 2016 cE-9.7
- *Health Governance Transition Act*, SA 2008 cH-4.3
- *Provincial Health Authorities of Alberta Act*, RSA 2000 cP-33
- *Recreation Development Act*, RSA 2000 cR-8
- *Traffic Safety (Distracted Driving Demerit) Amendment Act*, SA 2015 c13



## DETAILED LISTING OF BILLS

### Bill 1 - *Critical Infrastructure Act*

**Summary:** The *Critical Infrastructure Defence Act* criminalizes damage or interference as a result of blockades, protests or other activities to infrastructure defined as essential. Pipelines and related infrastructure, oil and gas production and refinery sites, electric, gas, and water utilities, telecommunication lines, towers, equipment, highways, railways and mines are defined as essential infrastructure.

Persons who:

- wilfully enter any essential infrastructure
- wilfully destroy or damaging essential infrastructure
- wilfully obstruct, interrupt or interfere with the construction maintenance, use or operation of any essential infrastructure
- gain entry to any essential infrastructure under false pretenses
- aid, counsel or direct the commission of an offence

commit an offence under the Act and penalties range from up to \$10,000 for first offences to \$25,000 for subsequent offences (with possible prison time of up to 6 months) and up to \$200,000 for corporations which help or direct trespassers.

**In Force:** June 17, 2020

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### Bill 2 - *Gaming, Liquor and Cannabis Amendment Act, 2020*

**Amended:** • *Gaming, Liquor and Cannabis Act*, RSA 2000, G-1

**Summary:** The *Gaming, Liquor and Cannabis Amendment Act* lifts restrictions on public liquor consumption in public parks, subject to the park owner's discretion. Consumers of liquor no longer have to consume food alongside liquor in parks.

Municipalities, Métis settlements or Indian Reserves no longer have to hold a vote of their electorates when processing an application which is a first application for liquor license in an area. Alberta Gaming, Liquor and Cannabis ("AGLC") upon receipt of such an application, must refer it to the applicable municipality, Métis settlements or Indian band, which in turn must advise the AGLC of its approval of the Application within 90 days of the referral. If the municipality, Métis settlements or Indian band misses the deadline or does not approve of the issuing of the licence, the AGLC must not issue the licence for 3 years, calculated from the date of the referral. The AGLC may however issue the licence if the municipality, Métis settlements or Indian band subsequently advises the AGLC of its approval.

**In Force:** June 17, 2020

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### Bill 3 - *Mobile Home Sites Tenancies Amendment Act, 2020*

**Amended:** • *Mobile Home Sites Tenancies Act*, RSA 2000, M-20

**Summary:** The *Mobile Home Sites Tenancies Amendment Act* allows for mobile home disputes to be heard under the Residential Tenancies Dispute Resolution Service (RTDRS) established pursuant to the *Residential Tenancies Act*. Exceptions include situations where the mobile home is occupied by a surviving spouse or interdependent adult partner pursuant to the *Wills and Succession Act*, and

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where the landlord has a right to apply to the Court of Queen's Bench. In those cases, the applicant must still apply to the Court of Queen's Bench.

The choice of the RTDRS as the forum for dealing with a dispute is binding on the other party.

Prior to any tenancy dispute related applications before the Court, Court Clerks must determine whether the matter is already before the RTDRS.

**In Force:** On proclamation

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## **Bill 4 - Fiscal Planning and Transparency (Fixed Budget Period) Amendment Act, 2020**

**Amended:** • *Fiscal Planning and Transparency Act*, SA 2015 cF-14.7

**Summary:** The *Fiscal Planning and Transparency (Fixed Budget Period) Amendment Act* requires the main estimates for a fiscal plan to be tabled on or before the last day of February on the same basis as the immediate preceding year.

**In Force:** June 26, 2020

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## **Bill 4 - Fiscal Measures and Taxation Act, 2020**

**Amended:** • *Education Act*, SA 2012 cE-0.3  
• *Insurance Act*, RSA 2000 cI-3  
• *Post-secondary Learning Act*, SA 2003 cP-19.5  
• *Public Education Collective Bargaining Act*, SA 2015 cP-36.5  
• *Tourism Levy Act*, RSA 2000 cT-5.5

**Summary:** The *Fiscal Measures and Taxation Act*, amongst other things, requires the boards or governing body of post-secondary institutions to enter into investment management agreements with the government which includes the mandate of the school and performance metrics of the institution.

The Teachers' Employer Bargaining Association board must have 15 members as outlined in the Regulations and must include:

- 2 or more directors appointed by the Minister; and
- 2 or more directors who are trustees elected by and from among designated trustees.

The Act also extends the 4% tourism levy to short-term rentals.

**In Force:** On various dates

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## **Bill 4 - Appropriation Act, 2020**

**Summary:** The *Appropriation Act* allows the Alberta Government to pay certain charges of the Legislative Assembly of Alberta and of the Public Service (not otherwise provided for) for the fiscal year ending March 31, 2021.

**In Force:** March 20, 2020

**Bill 7 - Responsible Energy Development Amendment Act, 2020**

**Amended:** • *Responsible Energy Development Act*, SA 2012 cR-17.3

**Summary:** The *Responsible Energy Development Amendment Act* in the main, grants the government the authority to make regulations establishing maximum timelines for the Alberta Energy Regulator to exercise its powers.

**In Force:** June 26, 2020

**Bill 8 - Protecting Survivors of Human Trafficking Act**

**Summary:** Among other things, the *Protecting Survivors of Human Trafficking Act* establishes the tort of human trafficking which include the transportation, transfer, holding, concealing, harbouring or receipt of another person for forced labour, sexual exploitation, and trafficking of organs and tissues by:

- threat, use of force or other forms of coercion, fraud or deception;
- repeated provision of controlled substance;
- a use of power or a position of vulnerability; or
- giving or receiving payments or benefits to achieve the consent of a person who has control over another person.

The Act:

- allows persons including the victim of human trafficking to obtain protection orders;
- allow survivors of human trafficking to sue their traffickers;
- establishes February 22 of every year the Human Trafficking Awareness Day;
- allows a warrant permitting entry to help remove trafficking victims from unsafe situations; and
- anticipates provisions regarding pets in human trafficking protection orders.

**In Force:** May 12, 2020, except Part 2, which comes into force on July 1, 2020.

**Bill 9 - Emergency Management Amendment Act, 2020**

**Amended:** • *Emergency Management Act*, RSA 2000 cE-6.8

**Summary:** The *Emergency Management Amendment Act* addressed the need for states of emergency during emergencies and disasters including pandemic.

When a local authority declares a state of emergency, it is responsible for the coordination and implementation of attendant plans or programs. Where there are conflicts regarding directions given during a state of emergency declared by the Lieutenant Governor in Council in an area overlapping the same local area, the direction of the Minister or the person who is authorized by the Minister prevails.

**In Force:** March 20, 2020

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## **Bill 10 - *Public Health (Emergency Powers) Amendment Act, 2020***

**Amended:**

- *Public Health Act*, RSA 2000 cP-37
- *Peace Officer Act*, SA 2006 cP-3.5

**Summary:** The *Public Health (Emergency Powers) Amendment Act* expands the breadth of ministerial powers by authorizing a Minister to suspend, modify, or amend a ministerial order without consultation if they are satisfied that it is in the public interest. Such an order may be retroactive to the date of the original ministerial order, but must not have any new tax implications, appropriate public revenue or create a new offence.

Under the Act, the Minister no longer requires consent of peace officers or their employers to declare the jurisdiction of peace officers in any part of Alberta.

The Act validates Procedures (Public Health) Amendment Regulation, Alta Reg 51/2020 made by Order in Council 100/2020 (the "Regulation") which enables the use of violation tickets for offences related to contravening an order made by the Chief Medical Officer and sets the specified penalty payable for an individual at \$1,000. Under the Act, everything done under or in reliance of the Regulation is validated and declared for all purposes to have been validly done.

Practitioners should review the *Public Health (Emergency Powers) Amendment Act* in its entirety to ascertain its implication on their practice.

**In Force:** April 2, 2020 (certain sections took effect on earlier dates)

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## **Bill 11 - *Tenancies Statutes (Emergency Provisions) Amendment Act, 2020***

**Amended:**

- *Mobile Home Sites Tenancies Act*, RSA 2000 cM-20
- *Residential Tenancies Act*, SA 2004 cR-17.1

**Summary:** The *Tenancies Statutes (Emergency Provisions) Amendment Act* prohibits fee or penalty for late payment of rent from April 1, 2020 to June 30, 2020 or another end date of the state of emergency. The Act also forbids rent increase during that period.

**In Force:** On various dates

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## **Bill 12 - *Liabilities Management Statutes Amendment Act, 2020***

**Amended:**

- *Oil and Gas Conservation Act*, RSA 2000 cO-6
- *Pipeline Act*, RSA 2000 cP-15

**Summary:** The *Liabilities Management Statutes Amendment Act* extends the amended legislation to include "wells, facilities, well sites and facility sites", not merely the first 2 of the 4.

The Act authorizes the delegation of additional responsibilities to the Orphan Well Association (OWA). When the OWA takes over management and control of an orphan well, it must not undertake production without the consent of the owners of rights related to orphaned wells. The Act also established the duty for licensees and approval holders to "provide reasonable care and measures to prevent impairment or damage" to wells and other facilities identified in the Act.



The monies in the orphan fund is available to cover the costs of fulfilling obligations under the Act including costs associated with monitoring orphan wells and facilities and the costs of a receiver.

**In Force:** On proclamation

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**Bill 13 - *Emergency Management Amendment Act, 2020 (No. 2)***

**Amended:**

- *Emergency Management Act*, RSA 2000 cE-6
- *Peace Officer Act*, SA 2006 cP-3.5

**Summary:** The *Emergency Management Amendment Act (No. 2)* amends the *Emergency Management Act* (the “EMA”) by authorizing the Minister - or anyone so authorized - to make an emergency order to use the powers under a state of emergency.

A Peace Officer may issue a Summons Violation Ticket if they have reasonable grounds to believe that the EMA has been violated.

The Act allows states of local emergency for pandemics to last for up to 90 days.

The Minister is authorized to modify or even cancel a state of local emergency or any directions given by the local authority thereunder.

**In Force:** May 12, 2020, with exceptions

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**Bill 14 - *Utility Payment Deferral Program Act***

**Summary:** The *Utility Payment Deferral Program Act* defers electricity and natural gas payments from March 18, 2020 to June 18, 2020 (the “Deferral Period”).

Eligible customers are those who consume less than 250 megawatt hours of electricity per year or less than 2,500 gigajoules of natural gas per year. Eligible customers must enroll in the Utility Payment Deferral Program.

During the Deferral Period, service providers must not cut off any enrolled customers from utility services for non-payment. Also, collection actions may not be taken against such customers.

Enrolled customers who defer payments must repay the full amount on or before June 18, 2021.

Service providers with enrolled customers may apply to the Alberta Utilities Commission for funding from the Balancing Pool for the amounts deferred by their customers. The funding must be repaid when the customers repay the providers.

**In Force:** May 12, 2020 with certain provisions having effect as of March 18, 2020

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## **Bill 15 - *Choice in Education Act, 2020***

**Amended:** • *Education Act, SA 2012 cE-0.3*

**Summary:** Among other things, the *Choice in Education Act* amends the *Education Act* to:

- clarify that a person can only have one address as the place of residence;
- allow a person to apply directly to the Minister for the creation of new charter schools;
- clarify that a board or the Minister may provide early childhood services program to students under 7 years old; and
- allow for unsupervised and notification only homeschooling.

**In Force:** September 1, 2020

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## **Bill 16 - *Victims of Crime (Strengthening Public Safety) Amendment Act, 2020***

**Amended:** • *Victims of Crime Act, RSA 2000 cV-3*  
• *Conflicts of Interest Act, RSA 2000 cC-23*  
• *Provincial Offences Procedure Act, RSA 2000 cP-34*  
• *Victims Restitution and Compensation Payment Act, SA 2001 cV-3.5*

**Summary:** The *Victims of Crime (Strengthening Public Safety) Amendment Act* renames the *Victims of Crime Act* to include public safety initiatives.

The Act also renames the Victims of Crime Fund as the Victims of Crime and Public Safety Fund. The Victims of Crime Programs Committee will now be known as the Victims of Crime and Public Safety Programs Committee. The Act:

- allow the Victims of Crime Program Committee to review and make funding recommendations for public safety initiatives, in addition to reviewing grants for victim-serving organizations
- establish an interim victims assistance program to provide:
- help with out-of-pocket expenses resulting from violent crime, such as emergency accommodation or protective measures
- access to counselling for victims of serious violent crime and families of homicide victims
- court support to victims and witnesses
- eliminate the injury and witness-to-homicide benefits
- remove the Criminal Injuries Review Board – which reviews decisions made under the Victims of Crime Financial Benefits Program regarding these benefits – after all open class action files are completed
- victims would appeal subsequent decisions through a judicial review
- give the courts discretion to vary or waive the victim surcharge

Victims of crime can continue to apply for the death benefit and the supplemental benefit.

**In Force:** June 26, 2020, with exceptions

**Bill 17 - Mental Health Amendment Act, 2020**

**Amended:**

- *Mental Health Act*, RSA 2000 cM-13
- *Mental Health Services Protection Act*, SA 2018 cM-13.2

**Summary:** The *Mental Health Amendment Act* amends the *Mental Health Act* ("MHA") as a result of *J H v. Alberta Health Services*, 2019 ABQB 540 ABQB, where Eidsvik, J found sections of the MHA to be unconstitutional and gave the provincial government 12 months to address the issue.

The Act expands the role of physicians, psychiatrists or qualified health professional to allow nurse practitioners to assess, examine and supervise patients.

The Act also allows people who are held at a facility or secure location to be assessed and examined by videoconferencing, where appropriate.

Memorandum of transfer will no longer be required to move patients between two facilities run by regional health authorities or their contracted service providers.

Regional health authorities must provide patients with free and timely access to their medical records and must advise patients of their right to legal counsel.

The Act expands the Mental Health Patient Advocate's role to include contact with patients and assistance with such patients to obtain and review key and complete information. The Advocate may assist a formal patient regardless of the status of their complaint.

In addition to hearing applications from patients and their guardians or representatives on issues such as admission and renewal certificate cancellations, Mental Health Review Panels may also hear applications regarding the issuance of community treatment orders.

The Act gives patients 30 days to appeal a review panel's decision to the Court of Queen's Bench.

**In Force:** On proclamation, with exceptions (certain sections come into force on June 26, 2020)

**Bill 18 - Corrections (Alberta Parole Board) Amendment Act, 2020**

**Amended:**

- *Corrections Act*, RSA 2000 cC-29

**Summary:** The *Corrections (Alberta Parole Board) Amendment Act* establishes the Alberta Parole Board (the "Parole Board") and allows the Lieutenant-Governor the power to appoint the Parole Board members.

The Parole Board would determine parole eligibility for people serving sentences in provincial correctional facilities. The Parole Board may only grant parole to provincial offenders and may impose conditions thereon.

**In Force:** On proclamation

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## **Bill 19 - Tobacco and Smoking Reduction Amendment Act, 2020**

**Amended:** • *Tobacco and Smoking Reduction Act*, SA 2005 cT-3.8

**Summary:** The *Tobacco and Smoking Reduction Amendment Act* includes a ban on the use by, or provision of tobacco or vaping products to minors. It may be a defence under the Act that a person furnished or provided a tobacco or vaping product to a person they believed was at least 18 years old.

The Act also prohibits the display, sale and promotion of tobacco or vaping products in health facilities, post-secondary institution campuses, pharmacies, retail stores with pharmacy sections but no separate entrance/exits, temporary/mobile outlets or premises or vending machines.

In-patients or residents of group living facilities are allowed to smoke in a separate room designated for smoking or vaping. Hotel guests may smoke in bedrooms designated for smoking or vaping.

The list of places where smoking and vaping are prohibited was expanded to include hospital properties, child care facility properties, school properties, workplace, public place, public vehicles, vehicles where a minor child is present, within prescribed distances from places including playgrounds, zoos, public outdoor pool or splash pads, outdoor theatres, as well as skateboard or bicycle parks.

Sale of flavoured vaping product is prohibited.

**In Force:** On proclamation

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## **Bill 20 - Real Estate Amendment Act, 2020**

**Amended:** • *Real Estate Act*, RSA 2000 cTR-5

**Summary:** The *Real Estate Amendment Act* establishes a new Real Estate Council of Alberta ("RECA") by creating a board of directors (the "Board"). Among other things, 60 days before the end of the Council's fiscal year, the Board must prepare business and financial plans for 3 fiscal years.

The Act also establishes four new industry councils to create and administer rules and licensing requirements for:

- a. residential real estate broker industry;
- b. commercial real estate broker and commercial property manager industry;
- c. residential property manager industry; and
- d. mortgage broker industry.

Real estate appraisers will now be regulated through the Appraisal Institute of Canada, the Alberta Assessors' Association and the Canadian National Association of Real Estate Appraisers.

The Act includes mandatory governance training and dispute resolution procedures for all board of directors and industry council members.

**In Force:** September 1, 2020

**Bill 21 - Provincial Administration Penalties Act**

- Amended:**
- *Conflicts of Interest Act*, RSA 2000 cC-23
  - *Dangerous Goods Transportation and Handling Act*, RSA 2000 cD-4
  - *Highways Development and Protection Act*, SA 2004 cH-8.5
  - *Municipal Government Act*, RSA 2000 cM-26
  - *Provincial Offences Procedure Act*, RSA 2000 cP-34
  - *Railway (Alberta) Act*, RSA 2000 cR-4
  - *Traffic Safety Act*, RSA 2000 cT-6
  - *Victims of Crime Act*, RSA 2000 cV-3
- Repealed:**
- *Traffic Safety (Distracted Driving Demerit) Amendment Act*, SA 2015 c13

**Summary:** The *Provincial Administrative Penalties Act* largely addresses changes to the impaired driving regime. Impaired drivers face serious, mostly immediate and escalating consequences including administrative penalties such as:

- fines up to \$2,000;
- imprisonment for a term of not more than 6 months;
- vehicle seizure for up to 30 days;
- mandatory education programs required by the Registrar; and
- increased driver's licence suspensions for repeat offenders.

Commercial drivers must have zero blood alcohol and drug concentration levels while on the job.

Administrative penalties may be issued no later than 12 months after the alleged contravention.

Affected persons may apply to the Director for a review of the penalty or to the Registrar for relief from the penalties. An application for review should be filed within 7 days of the issuance of the penalty. However, the recipient of the notice of penalty may also request a review within 12 months of the issuance of the notice if they can show exceptional circumstances.

It is important to note that a request for review of an administrative penalty does not act as a stay.

The Director must schedule the review within 21 days of the issuance of the notice and must provide relevant documents to the recipient of the notice. The recipient of the notice must also provide any relevant documents no later than 2 days prior to the date of the review which must be in writing or by electronic means, but not in person. The adjudicator of the review is not bound by the rules of evidence and their decision may be subject to judicial review in the Court of Queen's Bench within 30 days of receipt of the notice by the recipient.

The recipient of the notice of penalty may apply within 30 days of the issuance of the notice, for an extension of time to pay the penalty.

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



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## Bill 22 - *Red Tape Reduction Implementation Act, 2020*

- Amended:**
- *Business Corporations Act*, RSA 2000 cB-9
  - *Companies Act*, RSA 2000 cC-21
  - *Emergency Management Act*, RSA 2000 cE-6.8
  - *Emissions Management and Climate Resilience Act*, SA 2003 cE-7.8
  - *Marketing of Agricultural Products Act*, RSA 2000 cM-4
  - *Mines and Minerals Act*, RSA 2000 cM-17
  - *Municipal Government Act*, RSA 2000 cM-26
  - *Oil Sands Conservation Act*, RSA 2000 cO-7
  - *Partnership Act*, RSA 2000 cP-3
  - *Public Lands Act*, RSA 2000 cP-40
  - *Safety Codes Act*, RSA 2000 cS-1
  - *Surface Rights Act*, RSA 2000 cS-24
  - *Vital Statistics Act*, SA 2007 cV-4.1
  - *Wills and Succession Act*, SA 2010 cW-12.2

- Repealed:**
- *Energy Efficiency Alberta Act*, SA 2016 cE-9.7
  - *Recreation Development Act*, RSA 2000 cR-8

**Summary:** The *Red Tape Reduction Implementation Act* updates or repeals the foregoing legislation including the removal of certain required Cabinet approvals.

Under the Act, a corporation may appoint an alternative agent for service.

The Act repealed the *Energy Efficiency Alberta Act*.

There is no longer a requirement that Cabinet approve contracts and agreements related to Crown agreements.

The Act also removes the requirement for Cabinet to authorize a grant of petroleum and natural gas storage rights.

The Minister may approve changes to royalty rates payable to the Crown.

The Act amends the *Oil Sands Conservation Act* such that the Alberta Energy Regulator has sole approval over proposed oil sands projects and processing plants.

There is no longer a requirement for Cabinet approval for proposed oil sands projects and processing plants.

**In Force:** On various dates

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## Bill 23 - *Commercial Tenancies Protection Act*

- Amended:**
- *Mobile Home Sites Tenancies Act*, RSA 2000 cM-20
  - *Residential Tenancies Act*, SA 2004 cR-17.1

**Summary:** The *Commercial Tenancies Protection Act* prohibits eligible landlords from giving notice of default, distraining on rent, evicting a tenant, or otherwise exercising remedies or terminating the tenancy agreement of commercial tenants protected under the Act from March 17, 2020 to the emergency end date of August 31, 2020, if the breach or default is caused by the COVID-19 pandemic.

The Act provides protection from remedies in the event of the following caused by COVID-19 pandemic:

- non-payment of rent, rent-arrears, or both;
- applicability of a force majeure clause or frustration of contract as a result of COVID-19 pandemic; or
- breach of a continuous occupancy clause by the tenant.

The Act prohibits eligible landlords from increasing rent under the lease or enforcing any provision in the tenancy agreement which imposes a late fee or penalty for late payment of rent, or non-payment of rent by a tenant. Landlords who have charged a late fee or increased rent during the emergency period are required to refund the amount paid or provide the tenant with a credit in the amount paid.

The Act does not protect from termination tenancy where a tenants has committed a substantial breach of their tenancy agreement. Substantial breaches include, the significant interference with the rights of the landlord or other tenants in the premises or common areas, endangering persons or property in the premises or common areas, the tenant repudiating the tenancy agreement by abandoning the premises, or the tenant receiving a notice from any secured creditors under the federal Bankruptcy and Insolvency Act.

Subject to the regulations, non-compliance by eligible landlords with the Act will be considered a substantial breach of the tenancy agreement by the landlord and affected tenants will be entitled to exercise all of their rights relating to a substantial breach under the tenancy agreement as well as any additional rights established by the regulations.

Payment plans will have the effect of amending the tenancy agreement to the extent necessary to respond to give effect to the payment plan.

**In Force:** July 23, 2020, with certain sections taking effect March 17, 2020

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**Bill 24 - COVID-19 Pandemic Response Statutes Amendment Act, 2020**

**Amended:**

- *Apprenticeship and Industry Training Act*, RSA 2000 cA-42
- *Child Care Licensing Act*, SA 2007 cC-10.5
- *Employment Standards Code*, RSA 2000 cE-9
- *Fiscal Planning and Transparency Act*, SA 2015 cF-14.7
- *Guarantees Acknowledgment Act*, RSA 2000 cG-11
- *Health Information Act*, RSA 2000 cH-5
- *Labour Relations Code*, RSA 2000 cL-1
- *Personal Directives Act*, RSA 2000 cP-6
- *Powers of Attorney Act*, RSA 2000 cP-20
- *Private Vocational Training Act*, RSA 2000 cP-24
- *Public Health Act*, RSA 2000 cP-37
- *Safety Codes Act*, RSA 2000 cS-1
- *Student Financial Assistance Act*, SA 2002 cS-20.5
- *Wills and Succession Act*, SA 2010 cW-12.2

**Summary:** The *COVID-19 Pandemic Response Statutes Amendment Act* introduces amendments to 15 provincial statutes and impact legislation governing labour and employment, child care, public health, etc.

The Act authorizes the Chief Medical Officer of Health to introduce or extend orders related to COVID-19 without a state of emergency imposed and to allow all current public health orders that

## LEGISLATIVE SUMMARY

have been enacted by the Chief Medical Officer of Health to remain in force. Specifically, the Act extends existing measures and Orders, including:

- unpaid job-protected leave under the Employment Standards (COVID-19 Leave) Regulation until August 2021;
- authorization for a health-care or continuing-care facility to limit employees to only working at one site;
- period for temporary layoffs under the Employment Standards Code related to COVID-19 is further extended to a maximum of 180 days;
- remote signing and witnessing estate documents, including personal directives, powers of attorney and wills, and guarantees through two-way video conferencing; and
- the provision of up-to-date guidance to businesses operating child care programs, including increasing the maximum cohort size from 10 to 30 staff and children.

The Act also introduces:

- The extension of the deadline for the public release of Alberta's annual report and financial statements until August 31, 2020.
- The suspension of the limitation periods under the Private Vocational Training Act and Student Financial Assistance Act, with respect to claims related to private career colleges and student financial assistance.
- The extension of the grace period expired for board member appointments to the Apprenticeship and Industry Training Board to five months.
- The use of emergency powers has been extended 60 days upon the expiry of the state of emergency.

**In Force:** June 26, 2020, with certain sections taking effect on later dates.

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### **Bill 25 - *Protecting Alberta Industry from Theft Act, 2020***

**Amended:** • *Scrap Metal Dealers and Recyclers Identification Act*, SA 2013 cS-3.5

**Summary:** The *Protecting Alberta Industry from Theft Act* requires scrap metal dealers and recyclers to use traceable currency to purchase scrap metal if the total value of the transaction is more than a value specified in the regulations.

Scrap metal dealers and recyclers must provide prescribed information to peace officers or a law enforcement agency within 24 hours of a transaction.

The Act increases fines for individuals to \$10,000 or one year in jail, or both for the first offence and \$25,000 or one year in jail, or both for subsequent offences.

The Act also increases fines for corporations to \$50,000 for the first offence and \$200,000 for subsequent offences.

**In Force:** On various dates.

**Bill 26 - Constitutional Referendum Amendment Act, 2020**

- Amended:**
- *Constitutional Referendum Act*, RSA 2000 cC-25
  - *Alberta Taxpayer Protection Act*, RSA 2000 cA-36
  - *Election Act*, RSA 2000 cE-1
  - *Election Finances and Contributions Disclosure Act*, RSA 2000 cE-2

**Summary:** The *Constitutional Referendum Amendment Act* amends the *Constitutional Referendum Act* by allowing referendums to be held on non-constitutional issues of public interest or concern.

The Lieutenant Governor in Council may specify whether the results of the referendum would be binding.

The *Election Finances and Contributions Disclosure Act* applies to every referendum.

The Act amends the *Election Act* by prohibiting most advertisement or publication of information about a department or Provincial corporation's programs or activities related to the subject matter of the referendum that had disproportionate impact on voters in the attendant areas.

**In Force:** July 23, 2020

**Bill 27 - Alberta Senate Election Amendment Act, 2020**

- Amended:**
- *Alberta Senate Election Act*, SA 2019 cA-33.5
  - *Election Finances and Contributions Disclosure Act*, RSA 2000 cE-2

**Summary:** The *Alberta Senate Election Amendment Act* amends the *Alberta Senate Election Act* and the *Election Finances and Contributions Disclosure Act*.

The Act authorizes the Minister of Municipal Affairs to make directives during a senate election when held in conjunction with a municipal election.

The Act makes minor consequential changes to the *Alberta Senate Election Act*. The nomination forms may now contain contact information as opposed to address and phone number of the official agent.

**In Force:** July 23, 2020

**Bill 28 - Vital Statistics (Protecting Albertans from Convicted Sex Offenders) Amendment Act, 2020**

- Amended:**
- *Vital Statistics Act*, SA 2007 cV-4.1

**Summary:** The *Vital Statistics (Protecting Albertans from Convicted Sex Offenders) Amendment Act* amends the *Vital Statistics Act* by requiring anyone 18 years of age or older to submit either a criminal record check or a police information check as well as a fingerprint confirmation letter, as part of their legal change of name application.

Anyone convicted of designated sexual offences listed in subsection 490.011(1) (a), (c), (c.1), (d), (d.1) and (e) of the *Criminal Code*, R.S.C., 1985, c. C-46 is banned for life from completing a legal change of name in Alberta.

**In Force:** July 23, 2020

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## Bill 29 - Local Authorities Election Amendment Act, 2020

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

**Summary:** The *Local Authorities Election Amendment Act* allows people to donate up to \$5,000 for each candidate they support.

Candidates may contribute up to \$10,000 per year to their own campaign. They may also raise no more than \$5,000 per year outside of the campaign period.

Candidates must donate campaign surpluses over \$1,000 to registered charities.

**In Force:** July 23, 2020

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## Bill 30 - Health Statutes Amendment Act, 2020

**Amended:**

- Alberta Health Care Insurance Act, RSA 2000 cA-20
- Health Care Protection Act, RSA 2000 cH-1
- Health Professions Act, RSA 2000 cH-7
- Health Quality Council of Alberta Act, SA 2011 cH-7.2
- Hospitals Act, RSA 2000 cH-12
- Mental Health Act, RSA 2000 cM-13
- Public Health Act, RSA 2000 cP-37
- Regional Health Authorities Act, RSA 2000 cR-10

**Repealed:**

- Health Governance Transition Act, SA 2008 cH-4.3
- Provincial Health Authorities of Alberta Act, RSA 2000 cP-3

**Summary:** The *Health Statutes Amendment Act* makes the following changes, amongst other things:

The Health Quality Council of Alberta ("HCQA") activities have been revised. It now:

*assists in the gathering of information and evidence, including by means of research activities and reviews,*

*(ii) the evaluation of programs and other initiatives, and*

*(iii) the synthesis, dissemination and exchange of knowledge relating to patient safety, person-centred care and health service quality in Alberta*

HCQA now reports to the Minister of Health and must give the Minister notice of all meetings and copy of all material relating to a meeting.

The number of public members appointed to councils, complaint review committees and hearing was increased to 50%.

The Act renames the *Health Care Protection Act* to *Health Facilities Act* and outlines the review and approval process for chartered surgical facilities.

Physicians who are in Alternative Relationship Plans for compensation and who contravene the prohibition from collecting payment for service provided under a Plan will have the agreement or arrangement terminated in the case of a third or subsequent contravention.

The 3-year term limit for members of the Hospital Privileges Appeal Board has been removed.

**In Force:** July 29, 2020, with exceptions



**Bill 31 - Environmental Protection Statutes Amendment Act, 2020**

- Amended:**
- *Environmental Protection and Enhancement Act*, RSA 2000 cE-12
  - *Public Lands Act*, RSA 2000 cP-40

**Summary:** The *Environmental Protection Statutes Amendment Act* amends the definitions of “minerals” and “pits” and removes certain references to silica sand.

*“minerals” means all naturally occurring minerals, including, without limitation, gold, silver, uranium, platinum, pitchblende, radium, precious stones, copper, iron, tin, zinc, asbestos, salts, sulphur, petroleum, oil, asphalt, bituminous sands, oil sands, natural gas, coal, anhydrite, barite, bauxite, bentonite, diatomite, dolomite, epsomite, granite, gypsum, limestone, marble, mica, mirabilite, potash, quartz rock, rock phosphate, sandstone, serpentine, shale, slate, talc, thenardite, trona, volcanic ash, sand, gravel, clay and marl, but does not include:*

- i. sand and gravel that belong to the owner of the surface of land under section 58 of the Law of Property Act, or*
- ii. clay and marl that belong to the owner of the surface of land under section 57 of the Law of Property Act.”*

Also,

*“pit” means an operation on or excavation from the surface of the land, including by stripping off the overburden, for the purposes of removing, opening up or proving sand, gravel, clay or marl, and includes any associated infrastructure, but does not include a mine or a quarry*

**In Force:** July 23, 2020

**Bill 32 - Restoring Balance in Alberta's Workplaces Act**

- Amended:**
- *Employment Standards Code*, RSA 2000 cE-9
  - *Labour Relations Code*, RSA 2000 cL-1
  - *Police Officers Collective Bargaining Act*, RSA 2000 cP-18
  - *Post-secondary Learning Act*, SA 2003 cP-19.5
  - *Public Education Collective Bargaining Act*, SA 2015 cP-36.5
  - *Public Service Employee Relations Act*, RSA 2000 cP-43

**Summary:** Amongst other things, the Restoring Balance in Alberta's Workplaces Act amends the foregoing legislation by compressing requirements for terminations of 50 or more people in a single location within a 4-week period. In that event, employers would be required to give 4 weeks' notice to the Minister of Labour when 50 or more employees are being terminated at a single location. However, group terminations are exempted from the notice requirement where terminations are of employees who are employed on a seasonal basis, or for a definite term or task. If an employer is unable to meet the notice requirement, it may be provided “as soon as is reasonable and practicable in the circumstances.”

Employees must receive their final pay on either of the following employee's choice:

1. 10 consecutive days after the end of the pay period in which termination occurred; or
2. 31 consecutive days after the last day of employment.

The new average daily wage would average the employee's total wages over the number of days they worked, per the employee's choice, in either the:

1. 4 week period immediately before the general holiday; or
2. 4 weeks ending on the last day of the pay period immediately before the general holiday.

## LEGISLATIVE SUMMARY

Employers are authorized to make deductions from the earnings of an employee without the requirement to obtain the employee's consent.

Employers, would be permitted to deduct the following from earnings:

1. a recovery of an overpayment of earnings paid to the employee resulting from a payroll calculation error; and
2. a recovery of vacation pay paid to the employee in advance of the employee being entitled to it.

Deductions could be made up to six months after the overpayment was paid to the employee.

The maximum layoff period for temporary layoffs related to COVID-19 remains at 180 consecutive days. The maximum period before a non-COVID-19 related temporary layoff is deemed to be a termination of employment and is extended from 60 days within a 120-day period to 90 days within a 120-day period.

"Averaging Arrangements" replace "Averaging Agreements since consent of the employee would no longer be required as long as they are given two weeks' notice. The maximum "averaging period" would be extended from 12 weeks to 52 weeks.

Agreements between employees and employers replace any legislative requirements for rest periods. Employees must work for five hours before qualifying for at least a 30 minute break, whether paid or unpaid. If an Employee works shifts between five and 10 hours, they must get at least one 30 minute and if they work shifts of more than 10 hours' length, they get two 30 minute rest periods.

Employers and unions would be able to agree to override certain Employment Standards Code provisions under a collective agreement.

Unions must provide members with an annual financial statement as soon as possible after the union's fiscal year end.

The Board may direct the employer to suspend the deduction and remittance of union dues for up to six months in the event of an illegal strike. Employers may be required to pay employees' union dues in the event of an illegal lockout of employees.

Picketing is a wrongful act if it obstructs or impedes a person from crossing the picket line. Unions are required to obtain approval from the Board before engaging in secondary picketing.

Unions may not suspend or take disciplinary action against a member for an election to pay or not pay union dues.

The Labour Relations Board (the "Board") may dismiss an application without a hearing where an application has been filed with improper motives or an abuse of process.

The Chair or Vice-Chair of the Board may hear some cases while sitting alone.

The Board is also empowered to summarily dismiss a duty of fair representation application if the complainant refuses to accept a fair and reasonable settlement offer.

The Board is required to complete inquiries and consideration of an applications for board certification as soon as possible, and within 6 months after the application is filed.

**In Force:** On various dates.

**Bill 33 - Alberta Investment Attraction Act, 2020**

**Summary:** The *Alberta Investment Attraction Act* created the Invest Alberta Corporation to among other things, promote, identify and pursue investment in Alberta with a focus on high-value or high-impact investment, both of which are defined in the Act.

The Corporation is an agent of the Crown and its Board will manage or super vise the management of the business and affairs of the Corporation. The Corporation's Board must have 7 board members appointed by the Lieutenant Governor in Council.

**In Force:** On proclamation

**Bill 34 - Alberta Investment Attraction Act**

- Amended:**
- *Alberta Personal Income Tax Act*, RSA 2000 cA-30
  - *Child, Youth and Family Enhancement Act*, RSA 2000 cC-12
  - *Condominium Property Act*, RSA 2000 cC-22
  - *Electronic Transactions Act*, SA 2001 cE-5.5
  - *Family Law Act*, SA 2003 cF-4.5
  - *Fiscal Measures and Taxation Act*, 2019, SA 2019 c20
  - *Garage Keepers' Lien Act*, RSA 2000 cG-2
  - *Interpretation Act*, RSA 2000 cI-8
  - *Jury Act*, RSA 2000 cJ-3
  - *Marriage Act*, RSA 2000 cM-5
  - *Motor Vehicle Accident Claims Act*, RSA 2000 cM-22
  - *Petty Trespass Act*, RSA 2000 cP-11
  - *Protection of Sexually Exploited Children Act*, RSA 2000 cP-30.3
  - *Provincial Offences Procedure Act*, RSA 2000 cP-34
  - *Public Service Act*, RSA 2000 cP-42
  - *Religious Societies' Land Act*, RSA 2000 cR-15
  - *Safer Communities and Neighbourhoods Act*, SA 2007 cS-0.5
  - *Teaching Profession Act*, RSA 2000 cT-2

**Summary:** The *Miscellaneous Statutes Amendment Act* makes mostly consequential amendments.

Practitioners should review the *Miscellaneous Statutes Amendment Act* in its entirety to ascertain its implications on their practice.

**In Force:** On various dates



THE CANADIAN  
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2019 — 2020  
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