

# LEGISLATIVE SUMMARY

27th Legislature  
First Session  
Spring 2008

ALBERTA LEGISLATIVE SUMMARY



CANADIAN BAR ASSOCIATION ALBERTA



Alberta **LAW**  
FOUNDATION

# LEGISLATIVE REVIEW SUMMARY

Spring 2008 - 27<sup>th</sup> Legislature - 1<sup>st</sup> Session

## HIGHLIGHTS

The 2008 Spring Session of the Alberta Legislature resulted in the passing of only a few bills. Thirteen bills were passed. Worthy of particular note are the *Labour Relations Amendment Act, 2008* and the *Trade, Investment and Labour Mobility Agreement Implementation Statutes Amendment Act, 2008*. A number of bills of great interest were not passed, including the *Adult Guardianship and Trustee Act, 2008* and the *Insurance Amendment Act, 2008*.

### Amended Legislation

*Alberta Personal Income Tax Act*, R.S.A. 2000, c. A-30  
*Alberta Treasury Branches Act*, R.S.A. 2000, c. A-37  
*Business Corporations Act*, R.S.A. 2000, c. B-9  
*Coal Conservation Act*, R.S.A. 2000, c. C-17  
*Cooperatives Act*, S.A. 2001, c. C-28.1  
*Credit Union Act*, R.S.A. 2000, c. C-32  
*Fiscal Responsibility Act*, R.S.A. 2000, c. F-15  
*Government Organization Act*, R.S.A. 2000, c. G-10  
*Oil and Gas Conservation Act*, R.S.A. 2000, c. O-6  
*Oil Sands Conservation Act*, R.S.A. 2000, c. O-7  
*Partnership Act*, R.S.A. 2000, c. P-3  
*Pipeline Act*, R.S.A. 2000, c. P-15  
*Teachers' Pension Plans Act*, R.S.A. 2000, c. T-1

### Detailed Listing of Bills

#### **Trade, Investment and Labour Mobility Agreement Implementation Statutes Amendment Act, 2008**

Bill 1

##### **Amends:**

*Business Corporations Act*, R.S.A. 2000, c. B-9  
*Coal Conservation Act*, R.S.A. 2000, c. C-17  
*Cooperatives Act*, S.A. 2001, c. C-28.1  
*Government Organization Act*, R.S.A. 2000, c. G-10  
*Oil and Gas Conservation Act*, R.S.A. 2000, c. O-6  
*Oil Sands Conservation Act*, R.S.A. 2000, c. O-7  
*Partnership Act*, R.S.A. 2000, c. P-3  
*Pipeline Act*, R.S.A. 2000, c. P-15

##### **Summary:**

Provides for the implementation of the Trade, Investment and Labour Mobility Agreement ("TILMA") entered into with British Columbia on April 28, 2006. Provides a mechanism for enforcing monetary awards issued under TILMA. Prevents private causes of action from being brought to enforce rights or obligations claimed under TILMA.

Amends the restrictions on extra-provincial registration of a corporation under the *Business Corporations Act* and the *Cooperatives Act*. Allows the Registrar or Director under each Act to enter into agreements with an extra-provincial registrar or director regarding the collection of information and related matters. Permits the Lieutenant Governor in Council or the Minister to make regulations regarding those matters.

Amends the *Oil and Gas Conservation Act*, *Oil Sands Conservation Act*, *Coal Conservation Act* and the *Pipeline Act* to add regulations allowing for the exemption of certain extra-provincial permit or license holders from some requirements under the Acts. Amends the *Partnership Act* to create an alternative registration process for extra-provincial limited partnerships, and to allow the Registrar to enter into agreements regarding the collection of information and related matters.

**In Force:** June 3, 2008

#### **Travel Alberta Act, 2008**

Bill 2

**Amends:** None

##### **Summary:**

Creates the Travel Alberta Corporation owned by the Crown, for the purpose of marketing and promoting tourism in Alberta, assisting Alberta's tourism industry operators to market their products and performing other related duties.

Creates a Board of Directors consisting of the Deputy Minister and members appointed by the Lieutenant Governor in Council. The Board is responsible for making bylaws, approving audited financial statements and appointing a Chief Executive Officer. Allows the Corporation to engage employees. Makes the Corporation an agent of the Crown. Establishes the duty of care for directors, officers and employees and allows the corporation to provide indemnities to such persons and others. Requires the Board to prepare a business plan and annual report for each fiscal year and provide it to the Minister.

Allows the Minister to establish a Strategic Tourism Marketing Council to provide strategic tourism marketing advice to the Corporation and the Minister, and to appoint the members of that Council. Allows the Minister to give directions that must be followed by the Corporation, the Board, or both in exercising their powers and performing their duties under the Act. Gives the Lieutenant Governor in Council the power to make regulations related to appointments to the Board, remuneration paid to directors, codes of conduct or other policies, indemnities, the preparation of records, the collection of information, the Strategic Tourism Marketing Council or other matters related to the operation of the Corporation and the Act generally.

**In Force:** On Proclamation

#### **Fiscal Responsibility Amendment Act, 2008**

Bill 3

##### **Amends:**

*Fiscal Responsibility Act*, R.S.A. 2000, c. F-15

##### **Summary:**

Amends the definition of "accumulated debt" by including amounts raised after April 1, 2008 for the purpose of constructing, purchasing or extending the life of capital assets of school boards, regional health authorities, the Alberta Cancer Board and public post-secondary institutions. Repeals references to the Alberta 2005 Resource Rebates.

**In Force:** June 3, 2008

**Alberta Enterprise Corporation Act, 2008**

Bill 4

**Amends:** None

**Summary:**

Creates the Alberta Enterprise Corporation owned by the Crown with the object of promoting the development of knowledge-based industries and a venture capital industry in Alberta to support them. Allows the Corporation to make investments and engage in other activities for the purpose of achieving those objects.

Provides that the Corporation is not an agent of the Crown. Allows the Minister to transfer money to the Corporation as voted upon by the Legislature. Requires the Corporation to borrow money only in accordance with the regulations, and prevents the Corporation from making guarantees. Permits the Corporation to provide indemnities to present or former directors, officers, employees or other persons acting at the request of the Corporation. Permits the Corporation to engage employees.

Creates a Board of Directors responsible for managing and supervising the affairs of the Corporation, and consisting of members appointed by the Lieutenant Governor in Council. Permits the Board to make bylaws governing the business and affairs of the Corporation and Board and committee meetings. Establishes the responsibility and requisite duty of care of directors and officers. Allows the Minister to request information from the Corporation, and to inspect, review or copy that information. Gives the Lieutenant Governor in Council the power to make regulations, including regulations governing the dissolution or liquidation of the Corporation.

**In Force:** On Proclamation

**Appropriation (Supplementary Supply) Act, 2008**

Bill 5

**Amends:** None

**Summary:**

Provides for the appropriation of funds from the General Revenue Fund for expenses, equipment/inventory purchases and capital investment for the fiscal year ending March 31, 2008.

**In Force:** May 15, 2008

**Appropriation (Interim Supply) Act, 2008**

Bill 6

**Amends:** None

**Summary:**

Provides for the appropriation of funds from the General Revenue Fund for expenses and equipment/inventory purchases, capital investments, non-budgetary disbursements and lottery fund payments of the Legislative Assembly and the Public Service of Alberta, for the fiscal year ending March 31, 2009.

**In Force:** May 15, 2008

**Teachers' Pension Plans Amendment Act, 2008**

Bill 12

**Amends:**

*Teachers' Pension Plans Act*, R.S.A. 2000, c. T-1

**Summary:**

Requires the Crown to ensure that all additional contributions that would be payable by contributing active members from September 1, 2007 to August 31, 2009 are paid out of money voted by the Legislature. Validates any prepayments made before the enactment of this legislation.

**In Force:**

Deemed to have come into force on September 1, 2007; Section 2, to the extent that it adds section 26(4) to the principal Act, comes into force on Proclamation

**Financial Institutions Statutes Amendment Act, 2008**

Bill 13

**Amends:**

*Alberta Treasury Branches Act*, R.S.A. 2000, c. A-37

*Credit Union Act*, R.S.A. 2000, c. C-32

**Summary:**

Allows Alberta Treasury Branches (ATB) to operate post offices with the prior written consent of the Minister in any of its branches specified in the consent. Requires ATB to pay the Minister for charges prescribed by regulation; and allows the Minister to pay ATB for grants prescribed by the regulations. Gives the Lieutenant Governor in Council additional powers to make regulations.

Amends the *Credit Union Act* by requiring a credit union to establish written procedures to deal with complaints by members and other customers, to designate an officer or senior employee to be responsible for administering those procedures, and to make those procedures available to the public. Allows members or others entitled to attend a general meeting to participate by telephonic, electronic or other communication facility to the same extent as if personally present. Provides that certain notice or other documents may be sent by electronic mail. Amends the requirements for electing and appointing directors. Provides an additional protection from liability for directors based on due diligence. Expands the list of situations in which prior board authorization for a loan or guarantee is not required. Gives the Minister additional powers to make regulations.

**In Force:** June 3, 2008

**Alberta Personal Income Tax Amendment Act, 2008**

Bill 17

**Amends:**

*Alberta Personal Income Tax Act*, R.S.A. 2000, c. A-30

**Summary:**

Amends the dollar amounts contained in the formulas for calculating various tax credits. Restricts the indexing of dollar amounts in certain formulas from applying during the 2008 taxation year.

**In Force:**

Sections 2 and 3 are deemed to have come into force on January 1, 2008; Section 4 on July 1, 2008

**Appropriation Act, 2008**

Bill 22

**Amends:** None

## Summary:

Provides for the appropriation of funds from the General Revenue Fund for expenses and equipment/inventory purchases, capital investments, non-budgetary disbursements and lottery fund payments of the Legislative Assembly and the Public Service of Alberta, for the fiscal year ending March 31, 2009. Also provides for the transfer of funds from the Minister of Infrastructure, the Minister of Transportation and the President of the Treasury Board to the capital investment vote or equipment/inventory purchases vote of other ministries.

**In Force:** June 3, 2008

## Labour Relations Amendment Act, 2008

Bill 26

## Amends:

*Labour Relations Code*, R.S.A. 2000, c. L-1

## Summary:

Allows the Labour Relations Board to decide whether a majority of employees, or an employer and a majority of employees, have confirmed that they accept being bound by a collective agreement, as well as deciding the effective date of that confirmation. Restricts the class of people who are eligible to vote regarding the certification of a trade union as its bargaining agent or regarding the revocation of the bargaining rights of a trade union; those who were not an employee for at least 30 days prior to the application for certification, those who quit or abandoned employment between the application and the vote, and those who do not meet any eligibility requirements established in rules made by the Board are not eligible to vote. Provides that a bargaining unit that includes ambulance attendants who are represented by a bargaining agent cannot include any other employees.

Allows employees in a bargaining unit engaged in the construction industry to make an application for revocation of the bargaining rights at any time prior to the earliest of: 90 days immediately following the date of certification, the date on which a majority of employees in the unit confirm they accept being bound by a collective agreement entered into with the employer, or the date on which the employer and a majority of the employees confirm that they accept being bound by the collective agreement in the case of the construction industry.

Prevents a construction contractor from contributing funds to any trade union, trade union trust, or person acting on their behalf, for the purpose of establishing or maintaining a market enhancement recovery fund ("recovery fund").

Allows a construction contractor to deduct dues, assessments or other fees from the wages of an employee and to remit those amounts to the union for the purpose of establishing or maintaining a recovery fund, as long as the employee gives prior written authorization, and the amount and purpose of the deduction are clearly shown in the records of the employer and in a written statement available to the employee at the end of the pay period. Prevents a trade union or any person acting on its behalf from expelling or suspending a person from membership in the union or imposing any form of penalty on a person by reason of that person having refused to authorize such a deduction to the recovery fund. Prevents a trade union or trade union trust from subsidizing the bids, tenders, fees or prices of a construction contractor or the wages paid to its employees by contributing funds to the contractor or any person acting on its behalf.

Requires a trade union or the trustee of a trade union trust to distribute any funds that were contributed by a construction contractor or person acting on its behalf for the purpose of establishing or maintaining a recovery fund. Exempts amounts contained in recovery funds that were by a construction contractor or person acting on its behalf if the amounts consist of dues, assessments or other fees deducted from an employee's wages with his or her consent, in accordance with this Act. Allows the Lieutenant Governor in Council to make regulations regarding the distribution of such funds and related issues.

Increases the maximum fine for failing to comply with the Act or direction of the Board to \$100,000 in the case of a corporation, employers' organization or trade union. Establishes transitional provisions for certificates and collective agreements in effect prior to the coming into force of this Act.

**In Force:** On Proclamation

## Hunting, Fishing and Trapping Heritage Act

Bill 201

**Amends:** None

## Summary:

Provides that a person has the right to hunt, fish and trap in accordance with the law; namely in accordance with the *Wildlife Act*, the *Fisheries Act*, the *Migratory Birds Convention Act*, 1994 and the regulations made under those Acts. Clarifies that the Act does not derogate from any aboriginal right to hunt, fish or trap.

**In Force:** May 15, 2008

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*With thanks to*  
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