

1990 BILL 270

Second Session, 22nd Legislature, 39 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 270

**AN ACT TO AMEND
THE JUDICATURE ACT**

MR. WRIGHT

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 270
Mr. Wright

BILL 270

1990

AN ACT TO AMEND THE JUDICATURE ACT

(Assented to , 1990)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

- 1 The Judicature Act is amended by this Act.*
- 2 The following is added after section 47.*
 - (1) A disputes inquiry board under the Labour Relations Code, an arbitration board constituted under the provisions of any enactment, or a grievance board established pursuant to a collective agreement, has the power to hear an application by any party for the extension of a time limit or the waiving or correction of an informality; and if it considers that reasonable grounds exist for the non-observance of the time limit or the formality and that justice will best be served by the extension of the time limit or the waiver or correction of the informality, it may make an order to that effect, upon such terms as it considers just.
 - (2) Notwithstanding any enactment or collective agreement, a person who is bound by the terms of a collective agreement or any provision which is deemed to be part of a collective agreement, is not thereby precluded from any remedy at law that would otherwise be available, unless the matter which is the basis for the remedy sought has been determined in substance pursuant to the provisions of the collective agreement.

Explanatory Notes

- 1 This Bill will amend Chapter J-1 of the Revised Statutes of Alberta 1980.
- 2 This section will give boards the power of waiving formalities and extending time limits if they are of the opinion that justice will be best served thereby. It also provides that the fact of an issue being before a board does not preclude other remedies at law although a court may stay action pending a board's determination of a matter.

- (3) Notwithstanding subsection (2), a court is at liberty to stay any action if the matter is before a grievance board, disputes inquiry board or arbitration board, pending completion of the proceedings before that board.