

1991 BILL 203

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Third Session, 22nd Legislature, 40 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 203

AN ACT TO CREATE A COMMISSION TO EXAMINE  
LEGAL REFORM IN ALBERTA'S JUSTICE SYSTEM

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MR. NELSON

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill 203*  
*Mr. Nelson*

## **BILL 203**

1991

### **AN ACT TO CREATE A COMMISSION TO EXAMINE LEGAL REFORM IN ALBERTA'S JUSTICE SYSTEM**

*(Assented to , 1991)*

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

Purpose

1 The purpose of this Act is to review the justice system of the  
Province of Alberta and make recommendations to make it  
accessible, understandable, relevant and efficient for all those it  
seeks to serve.

Definitions

2(1) In this Act:

- (a) "Commission" means the Justice Reform Commission,
- (b) "Member" means a member of the Justice Reform  
Commission,
- (c) "Minister" means the Attorney General.

Application

3(1) Unless it is expressly declared by an Act of the Legislature  
that it operates notwithstanding this Act, this Act will take  
precedence in interpretation and application over any Act,  
regulation, rule or other provision.

(2) This Act binds the Crown.

### **JUSTICE REFORM COMMISSION**

4(1) There shall be a commission to be known as the "Justice  
Reform Commission" which shall consist of at least 5 members  
appointed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council shall appoint at least one member to the Commission from each of the following:

- (a) an active judge or justice of the Judiciary,
- (b) a member of the Law Society of Alberta in good standing,
- (c) an educator from a school, college, university or technical institute in Alberta other than an educator from the Faculty of Law or one holding qualifications in the study or practice of law,
- (d) an individual holding qualifications in, or practicing in the field of Public Administration,
- (e) a private citizen.

(3) The Minister will designate one of the members of the Commission chosen from the Judiciary as Chief Commissioner of the Commission.

(4) The Commission expires after submitting its final report to the Minister pursuant to section 11.

Administration

5(1) The Commission is responsible to the Minister for the administration of this Act.

(2) Funding for the Commission will be made available from public revenues appropriated for that purpose.

Functions

6(1) It is the function of the Commission:

- (a) to advance the principle that every person is equal before the law and in their opportunity to access the justice system at an affordable cost,
- (b) to promote the understanding of, acceptance of and compliance with the laws in both public and private sectors,
- (c) to review the present court system with a view to expediting court process and processing alternate forms of settlement, negotiation and mediation,
- (d) to investigate, research, develop and conduct educational programs designed to develop a strategy for implementation of plain language in the justice system,
- (e) to make available information and other resources to the Department of Education to enable it to distribute such

information to schools to educate children about legal institutions and the justice system.

## ENFORCEMENT

- Powers** 7(1) The Commission may in its discretion:
- (a) arrange public hearings to be held throughout Alberta,
  - (b) order the establishment of a public inquiry in which each member shall have the powers of a Commissioner appointed under the *Public Inquiries Act*, and to which the *Administrative Procedures Act* will apply,
  - (c) refer to the Court of Queen's Bench any question of law for its opinion, including a question based upon possible recommendations of the Commission should they be implemented in legislation,
  - (d) order the production of records or other documents, which may be relevant to an investigation.
- Confidential** 8 All testimony, materials and information received during the Commission's investigations shall be treated as private and confidential and may only be released with the joint consent of the Chief Commissioner and the Minister.
- Delegation** 9 The Commission may create subcommittees and delegate any of its functions or duties, except the duty to report to the Minister.
- Staff** 10 The Minister may appoint employees pursuant to the *Public Service Act* to assist in the administration of the Commission's duties.
- Report** 11(1) The Commission shall after 12 months, prepare and submit to the Minister a report of its activities during that year, including a summary of its findings and all recommendations under this Act and any other information that the Minister may require.
- (2) When the report is received by him, the Minister shall lay a copy of it before the Legislative Assembly if it is in session and if not, within 15 days after the beginning of the next ensuing session.
- 12 This Act comes into force upon Proclamation.