

2000 BILL 25

Fourth Session, 24th Legislature, 49 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 25

**MISCELLANEOUS STATUTES
AMENDMENT ACT, 2000**

THE MINISTER OF JUSTICE
AND ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 25

2000

MISCELLANEOUS STATUTES AMENDMENT ACT, 2000

(Assented to _____, 2000)

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

Child and Family Services Authorities Act

Amends SA
1996 cC-7.3

1(1) The *Child and Family Services Authorities Act* is amended by this section.

(2) Section 1(c) is amended by adding the following after subclause (ii):

- (ii.1) the provision of financial assistance for the care of children who are not living with their parents or guardians and who are not in need of protective services under the *Child Welfare Act*;

Explanatory Notes

Child and Family Services Authorities Act

1(1) Amends chapter C-7.3 of the Statutes of Alberta, 1996.

(2) Section 1(c) presently reads:

1 In this Act,

(c) “child and family services” means the programs and services for which an Authority has assumed responsibility pursuant to an agreement, and may include the following:

(i) programs and services under the Child Welfare Act;

(i.1) programs and services under the Protection of Children Involved in Prostitution Act;

(ii) programs and services under the Social Care Facilities Licensing Act;

(iii) the provision of social allowance for the care of children under section 9 of the Social Development Act;

(iv) the funding of women’s shelters and other safe living arrangements for victims of family violence;

(v) education and prevention with respect to child abuse and domestic violence;

(3) This section comes into force on the coming into force of section 20 of the *Miscellaneous Statutes Amendment Act, 1999 (No. 2)*.

Colleges Act

Amends RSA
1980 cC-18

2(1) The *Colleges Act* is amended by this section.

(2) Section 7(a.2) is amended by adding “, and bachelor of design degree programs,” after “degree programs”.

(3) Section 7.1(3) is amended by adding “and bachelor of design degrees” after “arts degrees”.

Election Act

Amends RSA
1980 cE-2

3(1) The *Election Act* is amended by this section.

(2) Section 16 is repealed and the following is substituted:

Distribution of
lists of
electors

16(1) The Chief Electoral Officer shall furnish the information referred to in subsection (2) free of charge to each registered political party and to each member of the Legislative Assembly who is not a member of a registered political party,

- (a) 2 years after a general election,
- (b) during the 4th and 5th years after a general election, and
- (c) as soon as possible after the register is updated after the Schedule of electoral divisions in the *Electoral Divisions Act* is amended or re-enacted.

- (vi) *early intervention designed to promote and maintain the safety and healthy development of children and families;*
 - (vii) *financial assistance to eligible families needing out of home child care;*
 - (viii) *assistance to families involved in child custody and access disputes;*
 - (ix) *any other program or service prescribed in the regulations;*
- (3) Coming into force.

Colleges Act

- 2(1)** Amends chapter C-18 of the Revised Statutes of Alberta 1980.
- (2) Section 7(a.2) presently reads:
- 7 *Subject to section 7.01, a college board may provide*
- (a.2) *in the case of the Alberta College of Art, bachelor of fine arts degree programs approved by the Minister, and*
- (3) Section 7.1(3) presently reads:
- (3) *The Alberta College of Art may grant bachelor of fine arts degrees on the successful completion of degree programs referred to in section 7(a.2).*

Election Act

- 3(1)** Amends chapter E-2 of the Revised Statutes of Alberta 1980.
- (2) Section 16 presently reads:
- 16(1) *The Chief Electoral Officer shall, 2 years after a general election and as soon as possible after the register is updated after the Schedule of electoral divisions in the Electoral Divisions Act is amended or re-enacted, furnish free of charge*
- (a) *to each registered political party,*
- (i) *one printed copy and one copy in electronic form of the boundary descriptions of the polling subdivisions in each electoral division,*
- (ii) *2 maps showing the polling subdivisions in each electoral division, and*

(2) The information to be furnished under subsection (1) is as follows:

- (a) to a registered political party,
 - (i) one printed copy and one copy in electronic form of the boundary descriptions of the polling subdivisions in each electoral division,
 - (ii) 2 maps showing the polling subdivisions in each electoral division, and
 - (iii) one printed copy and one copy in electronic form of the list of electors for each polling subdivision in each electoral division,

and

- (b) to a member of the Legislative Assembly who is not a member of a registered political party,
 - (i) one printed copy and one copy in electronic form of the boundary descriptions of the polling subdivisions,
 - (ii) 2 maps showing the polling subdivisions, and
 - (iii) one printed copy and one copy in electronic form of the list of electors for each polling subdivision

in the electoral division that the member represents.

(3) The Chief Electoral Officer shall, as soon as possible after a writ has been issued for a general election, furnish free of charge to each registered political party,

- (a) one printed copy and one copy in electronic form of the boundary descriptions of the polling subdivisions in each electoral division,
- (b) 2 maps showing the polling subdivisions in each electoral division, and
- (c) one printed copy and one copy in electronic form of the list of electors for each polling subdivision in each electoral division.

(iii) one printed copy and one copy in electronic form of the list of electors for each polling subdivision,

and

(b) to each member of the Legislative Assembly who is not a member of a registered political party,

(i) one printed copy and one copy in electronic form of the boundary descriptions of the polling subdivisions,

(ii) 2 maps showing the polling subdivisions, and

(iii) one printed copy and one copy in electronic form of the list of electors for each polling subdivision

in the electoral division that the member represents.

(2) In addition to the copies furnished under subsection (1), the Chief Electoral Officer shall, as soon as possible after a writ has been issued for a general election, furnish free of charge to each registered political party,

(a) one printed copy and one copy in electronic form of the boundary descriptions of the polling subdivisions in each electoral division,

(b) 2 maps showing the polling subdivisions in each electoral division, and

(c) one printed copy and one copy in electronic form of the list of electors for each polling subdivision.

(3) The Chief Electoral Officer may require members and registered political parties to pay an amount determined by the Chief Electoral Officer for any additional copies of the boundary descriptions, maps and lists of electors provided under this section.

(4) The Chief Electoral Officer is not required to furnish copies of the boundary descriptions, maps and lists of electors under subsection (1) or (3) if there has been no change to the boundary descriptions, the maps or the information in the register that is used to compile the lists of electors since the Chief Electoral Officer last furnished copies of the boundary descriptions, maps and lists of electors pursuant to subsection (1) or (3), as the case may be.

(5) The Chief Electoral Officer shall, on request and payment of the cost to produce the information as determined by the Chief Electoral Officer, furnish

(a) to a registered political party in accordance with the party's request, one printed copy or one copy in electronic form, or both, of the list of electors for each polling subdivision in each electoral division, and

(b) to a member of the Legislative Assembly in accordance with the member's request, one printed copy or one copy in electronic form, or both, of the list of electors for each polling subdivision in the electoral division that the member represents.

(6) The Chief Electoral Officer may require members and registered political parties to pay an amount determined by the Chief Electoral Officer for any copies of the boundary descriptions and maps requested in addition to those furnished under subsection (1) or (3).

(3) The following is added after section 16:

Post-polling-
day list of
electors

16.1(1) The Chief Electoral Officer shall, forthwith after polling day for a general election, prepare a post-polling-day list of electors for each polling subdivision in each electoral division.

(2) The Chief Electoral Officer shall furnish free of charge

(a) to each registered political party, one printed copy and one copy in electronic form of the post-polling-day list of electors for each polling subdivision in each electoral division, and

(b) to each member of the Legislative Assembly, one printed copy and one copy in electronic form of the post-polling-day list of electors for each polling

(3) Post-polling-day list of electors.

subdivision in the electoral division that the member represents.

(4) Section 17 is repealed and the following is substituted:

Restricted use
of list of
electors

17(1) In this section, “elector” includes a person who is eligible to vote at a plebiscite or referendum conducted under this Act or under an Act to which this Act applies.

(2) A list of electors, including a post-polling-day list of electors under section 16.1, may be used only as follows:

- (a) by a registered political party or a registered constituency association, for communicating with electors, including for soliciting contributions and recruiting party members;
- (b) by a member of the Legislative Assembly
 - (i) for carrying out the duties and functions of the member,
 - (ii) in the case of a member of a registered political party, for soliciting contributions for the use of the registered political party or any constituency association of that party and recruiting party members, and
 - (iii) in the case of a member who is not a member of a registered political party but who has endorsed a constituency association as the official association of the member, for soliciting contributions for the use of the constituency association;
- (c) by a candidate, for communicating with electors during a campaign period as defined in the *Election Finances and Contributions Disclosure Act*, including for soliciting contributions and campaigning;
- (d) by election officers for the purpose of carrying out their duties under this Act.

(5) Section 149 is amended by adding the following after subsection (1):

(1.1) If within the 30-day period described in subsection (1) a candidate or a candidate’s official agent makes a written

(4) Section 17 presently reads:

17 The list of electors may only be used as follows:

- (a) when provided under section 16 or 57, by registered political parties, registered constituency associations or members or candidates referred to in section 1(1)(b)(iii) or (iv) for the purpose of campaigning for a general election, by-election, referendum or plebiscite conducted under this Act or under an Act to which this Act applies;*
- (b) by election officers for the purpose of carrying out their duties under this Act.*

(5) Section 149 presently reads:

149(1) A candidate and his official agent or either of them, within 30 days after the publication in The Alberta Gazette of the name of the candidate declared elected in the relevant electoral division, may inspect any election documents, except ballots, retained by the Chief

request to the Chief Electoral Officer for a copy of the poll books for the relevant electoral division, the Chief Electoral Officer shall, on payment of the cost to produce the copy as determined by the Chief Electoral Officer, furnish the copy to the candidate.

Health Professions Act

Amends SA
1999 cH-5.5

4(1) The *Health Professions Act* is amended by this section.

(2) Section 13(2) is amended by striking out “to a list of” and substituting “as”.

(3) Section 19(3) is amended by striking out “function” and substituting “duty”.

(4) Section 22(2) is amended

(a) in clause (a) by striking out “members,” and substituting “members or registered members of a

Electoral Officer and pertaining to the election in that electoral division.

(2) Subject to subsection (1), no person may inspect any election documents retained by the Chief Electoral Officer pertaining to the election in that electoral division except by order of a judge.

(3) A judge may make an order under subsection (2) if he is satisfied on oral or affidavit evidence that inspection of the election documents is required for the purpose of

(a) a prosecution for an offence under this Act, or

(b) a petition questioning an election or return.

(4) An order under this section may be made subject to any conditions regarding the inspection that the judge considers appropriate.

Health Professions Act

4(1) Amends chapter H-5.5 of the Statutes of Alberta, 1999.

(2) Section 13(2) presently reads:

(2) The following are not eligible to be appointed to a list of public members:

(a) with respect to an appointment to a council, a person who is a regulated member of that college;

(b) a person who represents or is normally engaged in representing a group of employees who are regulated members in the negotiation of collective bargaining agreements or in any proceedings under a collective bargaining agreement with respect to regulated members or who negotiates or sets professional fees or guidelines on professional fees on or on behalf of regulated members of a college;

(c) a member or officer of a regional health authority, the Advisory Board, the Alberta Mental Health Board or the Alberta Cancer Board.

(3) Section 19(3) presently reads:

(3) When a council delegates a power or duty, it may authorize the person or committee to further delegate the power or function, subject to any conditions imposed by the council.

(4) Section 22(2) presently reads:

(2) The Advisory Board consists of

(a) not more than 12 persons appointed as voting members by the Lieutenant Governor in Council, of which at least 25% must be regulated members, and

profession whose registered members are authorized, by statute, to provide health services,”;

(b) in clause (b)

(i) in subclause (i) by striking out “Labour” and substituting “Human Resources and Employment”;

(ii) in subclause (ii) by adding “and Wellness” after “Health”;

(iii) in subclause (iii) by striking out “Advanced Education and Career Development” and substituting “Learning”;

(iv) in subclause (iv) by striking out “Family and Social” and substituting “Children’s”.

(5) Section 25(1) is amended by striking out “proposed”.

(6) Section 28(2)(b) is amended by adding “or the council” after “the regulations”.

(7) Section 30(3)(c) is amended by striking out “on a registration” and substituting “on an approval”.

(b) the following non-voting members, who must be employees of the Government:

- (i) one employee designated by the Deputy Minister of Labour;*
- (ii) one employee designated by the Deputy Minister of Health;*
- (iii) one employee designated by the Deputy Minister of Advanced Education and Career Development;*
- (iv) one employee designated by the Deputy Minister of Family and Social Services.*

(5) Section 25(1) presently reads:

25(1) A group of persons seeking to be a regulated profession must apply to the Minister for recommendation to the Legislature that this Act be amended to include the proposed profession as a regulated profession.

(6) Section 28(2)(b) presently reads:

(2) An applicant may provide evidence of competence in the practice of the profession

- (b) by being registered with a profession in another jurisdiction recognized by the regulations as having substantially equivalent competence and practice requirements and meeting the requirements for persons to be registered with that profession in that jurisdiction, or*

(7) Section 30(3)(c) presently reads:

(3) On making a decision under subsection (1) the registrar, registration committee or competence committee must

- (c) in the case of a decision to impose conditions on a registration, to defer a registration or to refuse an application, give reasons for the decision and notify the applicant as to how the applicant may request a review of the decision under section 31.*

(8) Section 46(1)(b)(iv) is amended by striking out “and students” and substituting “or students”.

(9) Section 57(2)(b) is amended by striking out “information” and substituting “notice”.

(10) Section 60(4)(a) is amended by striking out “acted on” and substituting “and act on it”.

(11) Section 82(1)(j) is amended by adding “or both” after “hearing”.

(12) Section 86(4) is amended by striking out “unless the Court,” and substituting “unless the Court of Appeal,”.

(8) Section 46(1)(b)(iv) presently reads:

46(1) A person must apply for registration if the person

(b) intends to provide any or all of the following:

(iv) the teaching of the practice of a regulated profession to regulated members and students of the regulated profession;

(9) Section 57(2) presently reads:

(2) On being given notice under subsection (1), the complaints director must

(a) treat the employer as a complainant,

(b) despite not receiving a complaint under section 54, treat the information as a complaint in accordance with section 56, and

(c) notify the employer and the regulated member accordingly.

(10) Section 60(4) presently reads:

(4) On being aware that a ratified settlement is not complied with, the complaints director may

(a) treat it as information acted on under section 55, or

(b) treat it as a complaint and refer it to the hearings director for a hearing.

(11) Section 82(1)(j) presently reads:

82(1) If the hearing tribunal decides that the conduct of an investigated person constitutes unprofessional conduct, the hearing tribunal may make any one or more of the following orders:

(j) direct, subject to the regulations, that the investigated person pay within the time set in the order all or part of the expenses of the investigation or hearing;

(12) Section 86(4) presently reads:

(4) A decision of the council remains in effect pending an appeal to the Court of Appeal unless the Court, on application, stays the decision pending the appeal.

(13) Section 119 is amended

(a) in subsection (1)

(i) by striking out “permit, or if the by-laws authorize release of information when a regulated member receives a reprimand or fine under Part 4” **and substituting** “permit”;

(ii) by repealing clause (a);

(iii) in clause (b) by striking out “information” **and substituting** “conditions imposed, if any,”;

(iv) by repealing clause (c) and substituting the following:

(c) must provide the information

(i) to a person who employs the regulated member to provide professional services on a full-time or part-time basis as a paid or unpaid employee, consultant, contractor or volunteer, and

(ii) to a hospital if the regulated member is a member of the hospital’s medical staff or professional staff, as defined in the *Hospitals Act*;

(v) by repealing clause (d);

(vi) by repealing clause (h) and substituting the following:

(h) subject to the by-laws, may publish or distribute the information referred to in this subsection and information respecting the imposition of a reprimand or fine under Part 4.

(b) in subsection (2) by adding “relevant” **after** “must provide the”;

(c) in subsection (4) by striking out “36(3)” **and substituting** “33(3)”.

(13) Section 119 presently reads in part:

119(1) If under Part 2 or Part 4 a regulated member's practice permit is suspended or cancelled, or if conditions are imposed on a regulated member's practice permit, or if the by-laws authorize release of information when a regulated member receives a reprimand or fine under Part 4 or a direction is made under section 118(4), the registrar

- (a) must enter the information on the register,*
- (b) must enter the information on the regulated member's practice permit,*
- (c) must provide the information to the regulated member's employer, if any,*
- (d) must provide the information to the regional health authority of the health region where the regulated member normally provides professional services,*
- (e) must provide the information to any Minister who, or an organization specified in the regulations that, administers the payment of fees for the professional services that the regulated member provides,*
- (f) must provide the information to another college if the registrar knows that the regulated member is also a member of that college,*
- (g) must provide the information to the governing bodies of any similar profession in other provinces, and*
- (h) subject to the by-laws, may publish or distribute the information.*

(2) In addition to the release of information under subsection (1), if a reprimand or other order under Part 4 relates to an improper billing practice by a regulated member, the registrar must provide the information to any Minister who, or an organization specified in the regulations that, administers the payment of fees for the professional services that were subject to improper billing practices.

(4) If a member of the public, during regular business hours, requests from a college information referred to in this section or section 36(3), 60(6) or 85(3), or information as to whether a hearing is scheduled to be held or has been held under Part 4 with respect to a named regulated member, the college must provide the information with respect to that regulated member subject to the payment of costs referred to in section 85(3) and the period of time provided for in the regulations.

(14) Section 121(c) is amended by adding “complete” before “registration”.

(15) Section 131(1)(b) is repealed and the following is substituted:

- (b) respecting the evaluation of education, training, experience, practice and competence required of applicants for registration as regulated members and of applicants for practice permits, including the establishment or designation of an entity that may conduct all or part of an evaluation;

(16) Section 133(5) is amended by striking out “other”.

(17) Section 150 is amended

- (a) in subsection (1) by striking out “Pharmaceutical Association” and substituting “College of Pharmacists”;**
- (b) by repealing subsection (3).**

(14) Section 121 presently reads:

121 A college must keep, for at least 10 years,

- (a) a copy of ratified settlements and admissions of unprofessional conduct,*
- (b) records of investigations and hearings, and*
- (c) records of registration applications and reviews.*

(15) Section 131(b) presently reads:

131(1) A council may make regulations

- (b) respecting the evaluation of and establishing or designating the entity that may evaluate the education, training, experience, practice and competence required of applicants for registration as regulated members and of applicants for practice permits;*

(16) Section 133(5) presently reads:

(5) The college must ensure that copies of the code of ethics and other standards of practice adopted under subsection (3) are readily available to the public and regulated members, and the copies may be distributed in the manner directed by the council.

(17) Section 150 presently reads in part:

150(1) The Agrologists Act is amended in section 31 by striking out "Pharmaceutical Association under the Pharmaceutical Profession Act" and substituting "College of Pharmacists under the Health Professions Act".

(2) The Alberta Health Care Insurance Act is amended by repealing section 13(8.1) and substituting the following:

(8.1) The Minister or a person authorized by the Minister may disclose information obtained under the Blue Cross agreement to the council or complaints director of the Alberta College of Pharmacists for that organization's use in investigating a complaint against a member of that organization or in disciplinary hearings involving that member if

- (a) an officer of the Alberta College of Pharmacists makes a written request for the information, or*
- (b) the Minister considers that it is in the interests of the public and of the Alberta College of Pharmacists that the information be disclosed.*

(18) Schedule 3 is amended

(a) by repealing section 1(1) and substituting the following:

1(1) On the coming into force of this Schedule, the corporation known as the Alberta College of Combined Laboratory and X-ray Technicians is continued as a corporation under the same name.

(b) by repealing section 5 and substituting the following:

5 On the coming into force of this Schedule,

- (a) the members of the council of the Alberta College of Combined Laboratory and X-Ray Technicians under the Health Disciplines Act continue as members of the council of the Alberta College of Combined Laboratory and X-ray Technicians under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (b) the registrar of the Alberta College of Combined Laboratory and X-Ray Technicians under the Health Disciplines Act continues as the registrar of the Alberta College of Combined Laboratory and X-ray Technicians under this Act for the same term of office unless the term is terminated earlier under this Act;
- (c) the president of the Alberta College of Combined Laboratory and X-Ray Technicians under the Health Disciplines Act continues as the president of the Alberta College of Combined Laboratory and X-ray Technicians under this Act for the same term of office unless the term is terminated earlier under this Act;
- (d) if a referral has been made under section 14 of the Health Disciplines Act or a determination has been made under section 14.1 of the Health Disciplines Act that a hearing should be held and a hearing has commenced but not concluded, the members of the committee, as defined in section 12.1 of the Health Disciplines Act, continue as members of that committee for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed with respect to the designated health

(3) The Hospitals Act is amended in section 26(b) by striking out "the Alberta Pharmaceutical Association" and substituting ", the Alberta College of Pharmacists".

(18) Name change. Schedule 3, sections 5 and 7(2)(b) presently read:

5 On the coming into force of this Schedule, if a referral has been made under section 14 of the Health Disciplines Act or a determination has been made under section 14.1 of the Health Disciplines Act that a hearing should be held and the hearing has commenced but not concluded, the members of the committee, as defined in section 12.1 of the Health Disciplines Act, continue as members of the committee for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act with respect to the designated health discipline of Combined Laboratory X-ray Technicians had not been repealed.

(2) For the purposes of subsection (1), the powers and duties

(b) of the Combined Laboratory X-Ray Technicians Committee under the Health Disciplines Act are vested in and may be exercised by the registration committee of the Alberta College of Combined Laboratory and X-ray Technicians, and any reference to a committee in the Health Disciplines Act is deemed to be a reference to the registration committee under this Act;

discipline of Combined Laboratory and X-Ray Technicians;

- (e) the members of the Registration Committee established under the Combined Laboratory X-Ray Technician Regulation (AR 391/88) continue as the members of the registration committee of the Alberta College of Combined Laboratory and X-ray Technicians under this Act for the same terms of office unless their terms are terminated earlier under this Act.

(c) in section 7(2)(b)

- (i) **by striking out** “Combined Laboratory X-Ray Technicians Committee” **and substituting** “Registration Committee of the Alberta College of Combined Laboratory and X-Ray Technicians”;
- (ii) **by striking out** “Technicians, and” **and substituting** “Technicians under this Act, and”.

(19) Schedule 7 is amended in section 2 by repealing clause (d) and substituting the following:

- (d) Orthodontist and Dentofacial Orthopedist;

(20) Schedule 9 is amended in section 2 by adding the following after clause (b):

- (c) hearing aid student intern.

(21) Schedule 19 is amended

(a) by repealing section 1 and substituting the following:

- 1** On the coming into force of this Schedule, the corporation known as the Alberta College of Pharmacists is continued as a corporation under the same name.

(19) Schedule 7, section 2(d) presently reads:

2 A regulated member of The Alberta Dental Association and College may, as authorized by the regulations, use any of the following titles:

(d) Orthodontist and Dental Facial Orthopedist;

(20) Schedule 9, section 2 presently reads:

2 A regulated member of the College of Hearing Aid Practitioners of Alberta may, as authorized by the regulations, use any of the following titles:

(a) hearing aid practitioner;

(b) hearing aid student.

(21) Change of name.

- (b) in section 7(b), (c), (d) and (e) by striking out “Pharmaceutical Association” and substituting “College of Pharmacists”;
 - (c) in section 9(2)(f) by striking out “Pharmacists,” and substituting “Pharmacists under this Act,”;
 - (d) in section 10(2)(e) by striking out “Pharmacists,” and substituting “Pharmacists under this Act,”;
 - (e) in section 11(3)
 - (i) in clause (e) by striking out “Pharmacists,” and substituting “Pharmacists under this Act,”;
 - (ii) in clause (f)
 - (A) by striking out “Review Committee are” and substituting “Review Committee under the Pharmaceutical Profession Act are”;
 - (B) by striking out “Pharmacists,” and substituting “Pharmacists under this Act,”.
- (22) Schedule 27 is amended
- (a) by repealing section 1 and substituting the following:

1 On the coming into force of this Schedule, the corporation known as the Alberta College of Social Workers is continued as a corporation under the same name.
 - (b) in section 2 by adding the following after clause (b):

(b.1) clinical social worker;
 - (c) in section 5
 - (i) in clauses (a), (b) and (c)
 - (A) by striking out “Association of Registered Social Workers” and substituting “College of Social Workers under the Social Work Profession Act”;
 - (B) by adding “under this Act” before “for the same”;
 - (ii) in clause (d) by striking out “Association of Registered” and substituting “College of”;

(22) Change of name.

(d) in section 7(2)

- (i) in clauses (a) and (b) by striking out “Association of Registered” and substituting “College of”;**
- (ii) in clauses (b) and (c) by adding “under this Act” before “, and any reference to”;**

(e) in section 8(2)

- (i) in clause (a) by striking out “Association of Registered” and substituting “College of”;**
- (ii) in clauses (a), (b) and (c) by adding “under this Act” before “, and any reference to”;**

(f) in section 9(3)

- (i) in clause (d) by striking out “Social Workers” and substituting “Social Workers under this Act”;**
- (ii) in clause (f) by adding “under this Act,” after “of Social Workers”;**

(iii) in clause (g)

- (A) by striking out “Association of Registered” and substituting “College of”;**
- (B) by striking out “Workers, and any reference to the Association” and substituting “Workers under this Act, and any reference to the College”.**

Legal Profession Act

Amends SA
1990 cL-9.1

5(1) The *Legal Profession Act* is amended by this section.

(2) Section 7(2) is amended

- (a) by repealing clauses (a.1), (a.2) and (a.3) and substituting the following:**
 - (a.1) respecting the requirements to be met by applicants for enrolment as members of the Society or for admission to the Society as students-at-law;

Legal Profession Act

5(1) Amends chapter L-9.1 of the Statutes of Alberta, 1990.

(2) Section 7(2) presently reads in part:

(2) Without restricting the generality of subsection (1), the Benchers may make rules

(a.1) respecting the waiving of the requirements set out in section 39(1)(b);

(a.2) respecting additional examinations that may be required pursuant to section 40(1)(g);

(a.2) respecting the waiving of or exceptions to the requirements referred to in clause (a.1);

(a.3) respecting the waiving of or exceptions to the requirements set out in section 41(2)(d);

(b) by adding the following after clause (bb):

(cc) respecting the establishment of standards governing the collection and dissemination by the Society of information relating to any person or group of persons, including members, students-at-law, professional corporations and law firms;

(3) Section 11 is amended

(a) in subsection (2) by adding “organizational” after “first”;

(b) by adding the following after subsection (3):

(4) Subject to section 17, a Bencher holding the position of President-Elect at the time of an election of Benchers is to be considered an elected Bencher for the purposes of that election, and the name of the President-Elect is to be included on the ballot solely to reflect that that person is considered to have been elected.

(4) Section 12(4) is amended by striking out “or” at the end of clause (b), by adding “or” at the end of clause (c) and by adding the following after clause (c):

(d) the membership of the member was under suspension at any time during that 5-year period by virtue of section 80(7).

- (a.3) *respecting exceptions to the requirements set out in section 41(1)(d);*
- (bb) *respecting the licensing or regulation of persons holding professional legal qualifications obtained in a country other than Canada in relation to services provided in Alberta by those persons in giving legal advice respecting the laws of that country.*

(3) Section 11 presently reads:

11(1) An election of Benchers shall be held on the 2nd Monday of November in every odd-numbered year.

(2) The elected Benchers take office at the first meeting of the Benchers in the year following the year in which the election is held, and the elected Benchers in office immediately prior to the election continue in office until that time.

(3) Subsection (2) does not preclude the conducting of a vote under section 19(5) in the year following the election by Benchers holding office immediately before the election, if the vote is concluded before the first meeting of the Benchers in that year.

(4) Section 12(4) presently reads:

(4) A member is ineligible for nomination or election as a Bencher if, within the 5-year period immediately before the date of the election,

- (a) the member was found guilty of conduct deserving of sanction without an order being made for his disbarment as a result of the finding, unless the Hearing Committee, the Benchers or the Court of Appeal, as the case may be, made an order directing that the member is not ineligible by reason of the finding,*
- (b) an order of the Benchers was made under section 80(4) for the suspension of the membership of the member for a fixed period, or*
- (c) an order of the Benchers was made under section 81(3) for the suspension of the membership of the member for a fixed period, unless the Benchers made an order directing that the member is not ineligible by reason of the suspension order.*

(5) Section 17(1)(c) is amended by adding “, 80(7)” after “80(4)”.

(6) Section 20(2) is repealed.

(7) Section 23(1) is amended by striking out “Secretary,” and substituting “Executive Director, the Deputy Executive Directors,”;

(8) Section 24 is amended

(a) in subsection (1) by striking out “Secretary,” and substituting “Executive Director, the Deputy Executive Directors,”;

(b) in subsection (2)

(i) by adding “a Deputy Executive Director or” before “a Deputy Secretary”;

(ii) by striking out “duties of the Secretary” and substituting “duties of the Executive Director”.

(9) Section 35(c) is repealed.

(10) Section 36 is repealed and the following is substituted:

Role of
Society re
enrolment or
admission

36(1) The following matters are under the control of the Society:

(5) Section 17(1)(c) presently reads:

17(1) A person ceases to hold office as a Benchers if

(c) that person's membership in the Society is suspended under section 69(1)(b), 74, 79, 80(4) or 81(3),

(6) Section 20(2) presently reads:

(2) Notwithstanding subsection (1), if a vote is taken at a meeting of the Benchers on a resolution under section 60, 80(2) or 81(2), the resolution shall be declared carried only if $\frac{2}{3}$ of the Benchers voting on the resolution vote in favour of it and the Benchers casting votes on the resolution constitute a majority of the Benchers then holding office.

(7) Section 23(1) presently reads:

23(1) The officers of the Society are the President, the President-Elect, the Secretary, the Deputy Secretaries, the Treasurer and the holders of any additional offices established by the rules or by the Benchers by resolution.

(8) Section 24 presently reads in part:

24(1) The Secretary, the Deputy Secretaries and the Treasurer shall be appointed by the Benchers.

(2) Unless otherwise expressly provided in the rules or by a resolution of the Benchers, a Deputy Secretary may exercise and perform any powers, functions and duties of the Secretary.

(9) Section 35(c) presently reads:

35 In sections 36 to 45,

(c) "Co-ordinating Council" means the Universities Co-ordinating Council under the Universities Act;

(10) Section 36 presently reads:

36(1) The evaluation of the academic qualifications of, and the examination of, applicants for enrolment as members of the Society or for admission to the Society as students-at-law is under the control of the Co-ordinating Council.

(2) The Co-ordinating Council

- (a) evaluation of the academic qualifications of applicants for enrolment as members of the Society or for admission to the Society as students-at-law;
 - (b) bar admission courses and bar admission examinations;
 - (c) special examinations to be taken by an applicant for enrolment as a member of the Society or for admission to the Society as a student-at-law;
 - (d) the period and conditions of articles to be served before an applicant's enrolment as a member;
 - (e) other examinations to be taken or requirements to be fulfilled by applicants for enrolment as members of the Society or for admission to the Society as students-at-law.
- (2) The Benchers may make rules dealing with any of the matters referred to in subsection (1).
- (3) The Benchers may retain one or more third parties to carry out any of the responsibilities referred to in subsection (1) and may make rules in that regard.
- (4) The Benchers may in the case of a particular applicant, if they consider that special circumstances so warrant, waive or modify a requirement imposed in relation to the matters referred to in subsection (1).
- (5) The Benchers may delegate any of their authority under this section, other than the authority to make rules, to the Executive Director or to the Credentials and Education Committee.

(11) Section 37 is amended

- (a) by repealing subsection (1);**
- (b) in subsection (3) by adding “, or the Executive Director acting in accordance with the guidelines of that Committee,” after “Committee” wherever it occurs.**

- (a) *shall evaluate the educational attainments of an applicant for enrolment as a member or for admission as a student-at-law whose degree in law was not granted by a university in Alberta,*
 - (b) *shall, in the case of an applicant whose degree in law was not granted by a university in Alberta, prescribe the content of any examinations at university standards in subjects pertaining to substantive law in force in Alberta that are required by the Council to be taken by the applicant, having regard to his educational attainments, and*
 - (c) *subject to subsection (4), shall prescribe the contents of bar admission examinations.*
- (2.1) *Where academic requirements have been waived by the Benchers pursuant to section 39(1.1) for a person who is applying for admission as a student-at-law, the Co-ordinating Council has no authority to require that applicant to meet those requirements.*
- (3) *The conducting of examinations shall be under the control of the Co-ordinating Council and in accordance with any arrangements that may be made with the Society for that purpose.*
- (4) *The Co-ordinating Council may enter into arrangements with the Society under which the Benchers may prescribe the contents of bar admission examinations and may conduct those examinations under the general supervision of the Co-ordinating Council.*
- (5) *Subject to subsection (6), a person who is required to pass a bar admission examination shall also take a bar admission course in preparation for that examination.*
- (6) *Notwithstanding anything in this Part, the Secretary, if he considers that special circumstances so warrant with respect to any person, may exempt that person from taking all or part of a bar admission course or of a bar admission examination or of both.*

(11) Section 37 presently reads in part:

- 37(1) An applicant for admission as a student-at-law under section 39 shall obtain from the secretary of the Co-ordinating Council a certificate as to the applicant's compliance with section 39(1)(b), unless the requirements set out in that provision have been waived by the Benchers.*
- (3) The Education Committee may permit a person admitted as a student-at-law under section 39(1) to serve part of the period under articles with*
- (a) the Chief Justice of Alberta or any other judge of the Court of Appeal,*

(12) Section 39 is amended

(a) by adding “and” at the end of subsection (1)(a);

(b) by repealing subsection (1)(b) and (c) and substituting the following:

(b) he has satisfied the academic requirements specified by the rules.

(c) by repealing subsection (1.1);

(d) in subsection (2) by adding the following after clause (a):

(a.1) is of good character and reputation;

(e) in subsection (2) by adding “and” at the end of clause (c), striking out “and” at the end of clause (d) and repealing clause (e).

- (b) *the Chief Justice of the Court of Queen's Bench or any other judge of that Court,*
- (c) *the chief judge of the Provincial Court,*
- (d) *the Chief Justice of Canada or any other judge of the Supreme Court of Canada,*
- (e) *the Chief Justice of the Federal Court of Canada or any other judge of that Court, or*
- (f) *the Chief Judge of the Tax Court of Canada or any other judge of that Court,*

but in that event the Education Committee may direct that the total period to be served under articles by that person shall be a period exceeding one year that the Committee prescribes.

(12) Section 39 presently reads:

39(1) The Secretary shall approve the admission of a person as a student-at-law if he proves to the Secretary's satisfaction and in accordance with the rules that

- (a) *he is of good character and reputation,*
- (b) *he has*
 - (i) *received or is entitled to receive a degree from a university in Alberta or from a university recognized by a university in Alberta that, in the opinion of the Co-ordinating Council, would entitle him to pursue a course leading to the degree of Bachelor of Laws at a university in Alberta,*
 - (ii) *successfully completed 2 years, or the equivalent of 2 years, of a full program of studies leading to a degree at a university in Alberta, or*
 - (iii) *successfully completed, at a college or university recognized by a university in Alberta, studies that are, in the opinion of the Co-ordinating Council, the equivalent of 2 years of a full program of studies leading to a degree at a university in Alberta,*

and

- (c) *he has received or is entitled to receive a degree in law from a university in Alberta or has received or is entitled to receive a degree in law from a university outside Alberta that, in the opinion of the Co-ordinating Council, is equivalent to the degree of Bachelor of Laws granted by a university in Alberta.*

(1.1) The Benchers may in accordance with the rules waive the requirements set out in subsection (1)(b).

(13) Section 40 is amended

(a) in subsection (1)(f) by striking out “that the Co-ordinating Council may require the person to take” and substituting “required by the rules”;

(b) by repealing subsection (2) and substituting the following:

(2) The Credentials and Education Committee or the Executive Director acting in accordance with the guidelines of that Committee may direct that an applicant under this section serve under articles in Alberta before that person's enrolment as a member and, if so directed,

- (a) the Credentials and Education Committee or the Executive Director acting in accordance with the guidelines of that Committee shall prescribe the period of articles and may prescribe any conditions related to the service under articles, and
- (b) the Executive Director shall approve the admission of the applicant as a student-at-law if the applicant proves to the Executive Director's satisfaction and in accordance with the rules that the applicant meets the requirements of subsection (1)(a), (b) and (c).

(2) The Secretary shall approve the enrolment of a person admitted as a student-at-law under subsection (1) if he proves to the Secretary's satisfaction and in accordance with the rules that he

- (a) is a Canadian citizen or is lawfully admitted into Canada for permanent residence,*
- (b) is 18 years of age or older,*
- (c) has served under articles for a continuous period of at least one year or, with the approval of the Education Committee, for periods totalling at least one year,*
- (d) has passed a bar admission examination, and*
- (e) if his degree in law was not granted by a university in Alberta, has passed any special examinations that the Co-ordinating Council may require him to take.*

(13) Section 40 presently reads:

40(1) The Secretary shall approve the enrolment of a person as a member of the Society if the person proves to the Secretary's satisfaction and in accordance with the rules that the person

- (a) is a Canadian citizen or is lawfully admitted into Canada for permanent residence,*
- (b) is of good character and reputation,*
- (c) is enrolled as a barrister and solicitor in any province or territory of Canada other than Alberta,*
- (d) has passed a bar admission examination,*
- (e) has served under articles in accordance with subsection (2) if required to do so under that subsection,*
- (f) has passed any special examinations that the Co-ordinating Council may require the person to take if the person is not the holder of a degree in law or if the person's degree in law was not granted by a university in Alberta, and*
- (g) has passed any additional examinations required by the rules to be taken by applicants under this section.*

(2) The Benchers may direct that an applicant under this section serve under articles in Alberta before that person's enrolment as a member and, if the Benchers so direct,

- (a) the Benchers shall prescribe the period of articles and may prescribe any conditions related to the service under articles, and*
- (b) the Secretary shall approve the admission of the applicant as a student-at-law if the applicant proves to the Secretary's satisfaction and in accordance with the*

(14) Section 43 is amended by adding the following after subsection (2):

(3) The Benchers may delegate, in whole or in part, to the Credentials and Education Committee their authority to hear and decide an appeal under subsection (2).

(15) Section 45 is amended

(a) by repealing subsection (1)(c), (d) and (e) and substituting the following:

- (c) is employed
 - (i) as a full-time member of the Faculty of Law of a university in Alberta, having been a full-time member of the Faculty of Law of a university in Alberta for a continuous period of at least 2 years immediately preceding the date of that person's application for enrolment,
 - (ii) as an employee of the Society, having been an employee of the Society for a continuous period of at least 2 years immediately preceding the date of that person's application for enrolment, or
 - (iii) as legal counsel to a court in Alberta other than as a student-at-law,
- (d) has received a degree in law from a university in Alberta or has otherwise satisfied the academic requirements specified by the rules, and
- (e) has passed any examinations and satisfied any other requirements specified by the rules.

(b) by adding the following after subsection (1):

(1.1) The Benchers may, if they consider that special circumstances so warrant, waive or modify the 2-year requirement referred to in subsection (1)(c)(i) and (ii).

rules that the applicant meets the requirements of subsection (1)(a), (b) and (c).

(14) Section 43 presently reads:

43(1) Before making a decision under section 37(4), 39 or 40, the Secretary may refer the matter to the Education Committee, who, with or without consultation with the Benchers, shall direct the Secretary as to the decision to be made.

(2) A person affected by a decision of the Secretary under section 37(4), 39, 40 or 41 may appeal to the Benchers, who may confirm the decision or direct the Secretary to vary or reverse it.

(15) Section 45 presently reads in part:

45(1) Subject to the rules, the Benchers may by resolution approve the enrolment of a person who proves to their satisfaction that he

(c) is a full-time

(i) member of the Faculty of Law of a university in Alberta and has been a full-time member of a Faculty of Law of a university in Alberta for a continuous period of at least 2 years immediately preceding the date of his application for enrolment, or

(ii) employee of the Society and has been a full-time employee of the Society for a continuous period of at least 2 years immediately preceding the date of his application for enrolment,

(d) has received a degree in law from a university in Alberta or has received a degree in law that, in the opinion of the Co-ordinating Council, is equivalent to the degree of Bachelor of Laws granted by a university in Alberta, and

(e) has passed any examinations and has fulfilled any other requirements prescribed by the Education Committee.

(16) Section 45.1(2) is amended

- (a) by striking out “, in accordance with the rules,”;**
- (b) in clause (b) by striking out “that the Co-ordinating Council requires” and substituting “required by the rules”.**

(17) The following is added after section 45.1:

Transitional

45.2(1) In this section,

- (a) “amending Act” means the *Miscellaneous Statutes Amendment Act, 2000*;
- (b) “Council” means the Universities Co-ordinating Council under the *Universities Act*;
- (c) “former provisions” means sections 35 to 45 as they existed before the coming into force of the amending Act;
- (d) “transitional applicant” means an applicant for enrolment as a member or admission as a student-at-law who
 - (i) on or before February 20, 1998, was enrolled in a course leading to a degree in law in an educational institution other than a university in Alberta,
 - (ii) obtains or has obtained a degree in law from that institution on or before May 31, 2000, and
 - (iii) applies to the Council on or before July 1, 2000 for a certificate of equivalence with respect to that degree.

(2) On the coming into force of section 5 of the amending Act, an application by a transitional applicant to the Council under the former provisions that has not been concluded

(16) Section 45.1(2) presently reads:

(2) A member referred to in subsection (1) may act as counsel in any civil or criminal proceedings in Alberta and in any matters in connection with or incidental to those proceedings but shall not carry on a general practice in Alberta as a barrister or solicitor until the Education Committee is satisfied that the member has, in accordance with the rules,

(a) passed a bar examination, and

(b) passed any special examination that the Co-ordinating Council requires, if the member has not received a degree in law or has received a degree in law from a university outside Alberta.

(17) Transitional.

must be concluded in accordance with the former provisions, subject to an agreement referred to in subsection (6).

(3) After the coming into force of section 5 of the amending Act, an application to the Council by a transitional applicant is governed by the former provisions, subject to an agreement referred to in subsection (6).

(4) All examinations prescribed for a transitional applicant by the Council must be successfully completed by the applicant on or before December 31, 2002.

(5) The Credentials and Education Committee may extend the deadlines referred to in subsection (1)(d)(ii) and (iii) and subsection (4) for a period of up to one year if special circumstances exist that are beyond the control of the transitional applicant.

(6) The Benchers may authorize the Society to enter into an agreement with the Council providing for transitional matters, including the respective responsibilities of the Council and the Society in relation to applications referred to in subsections (2) and (3).

(7) Subject to subsections (4) and (5) and to an agreement referred to in subsection (6), the Council shall remain vested with its powers and duties under the former provisions with respect to applications referred to in subsections (2) and (3) until all such applications have been concluded.

(8) No application other than those referred to in subsections (2) and (3) may be dealt with under the former provisions.

(18) Section 47(2)(f) is amended by striking out “Secretary or the Conduct Committee” and substituting “Executive Director or a committee established under this Act”.

(19) Section 49(2) is repealed and the following is substituted:

(2) Notwithstanding section 19(3), a quorum of Benchers at any proceedings before the Benchers under this Part is a panel of no fewer than 7 Benchers.

(18) Section 47 presently reads in part:

(2) *In this Part,*

(f) *“investigation” means an investigation made on the direction of the Secretary or the Conduct Committee that relates to the conduct of a member that is the subject of proceedings under Division 1.*

(19) Section 49(2) presently reads:

(2) *Notwithstanding section 19(3), a quorum of Benchers at any proceedings before the Benchers under this Part, other than proceedings under section 60, shall consist of a panel of no fewer than 7 Benchers.*

(3) If a vote is taken at a meeting of the Benchers on a resolution under this Part, the resolution shall be declared carried only if 2/3 or more of the Benchers voting on the resolution vote in favour of it.

(20) Section 54(1) is repealed and the following is substituted:

54(1) The Conduct Committee shall review any conduct of a member referred to it under section 51, 52 or 54.1.

(21) The following is added after section 54:

Re-
examination
by Conduct
Committee

54.1 If the chair of the Conduct Committee is of the view that the Executive Director, the Conduct Committee or the Appeal Committee, in dismissing a matter, may have overlooked a significant legal or factual element or may not have been aware at the time of dismissal of all of the significant legal and factual elements, the chair of the Conduct Committee may consult with the chair of the Professional Responsibility Committee and the President and, if a majority of those persons are of the view that the matter should be re-examined, the matter is to be referred to the Conduct Committee for review or a second review under section 54.

(22) Section 56 is amended by adding the following after subsection (2):

(3) Subject to subsection (4), the chair of the Conduct Committee may, if that person is of the opinion that there are reasonable grounds for so doing, revoke the appointment of a member of a Hearing Committee before or during a hearing, and may appoint a replacement for a member of a Hearing Committee who ceases to be a member or whose appointment is revoked.

(4) An allegation of bias affecting a Hearing Committee,

- (a) if raised before commencement of the hearing, is to be dealt with by the chair of the Conduct Committee;
- (b) if raised at or after commencement of the hearing, is to be dealt with by the Hearing Committee unless the Hearing Committee refers the matter to the chair of the Conduct Committee.

(20) Section 54(1) presently reads:

54(1) The Conduct Committee shall review any conduct of a member referred to it by the Secretary under section 51 or by the Appeal Committee under section 52.

(21) Referral to Conduct Committee for further review.

(22) Section 56 presently reads:

56(1) If the Conduct Committee directs that the conduct of a member is to be dealt with by a Hearing Committee,

(a) the Secretary, on being informed of the direction, shall give the member notice of the hearing and of the acts or matters regarding the member's conduct to be dealt with, with reasonable particulars of each act or matter,

(b) the chairman of the Conduct Committee shall appoint a Hearing Committee consisting of 3 or more Benchers other than the President or any Benchers disqualified from sitting on the Committee, and

(c) the Hearing Committee so appointed shall hold a hearing respecting the member's conduct.

(1.1) Notwithstanding subsection (1)(b), the chairman of the Conduct Committee may appoint as a member of the Hearing Committee a member of the Society who is

(a) an honorary Bencher referred to in section 8(1)(b) who was a President of the Society in the 10 years

(23) Section 60 is amended by adding the following after subsection (5):

(6) The Benchers or a Hearing Committee may, in lieu of suspension under subsection (1) or (3), impose one or more conditions respecting the conduct of a member referred to in this section and may suspend the membership of the member in accordance with subsection (1) or (3) if the member fails to fulfil the condition or conditions.

immediately preceding the appointment of the Hearing Committee, or

- (b) not a Benchers if that member was elected as a Benchers at least twice in the 10 years immediately preceding the appointment of the Hearing Committee.*

(2) A Benchers who is a member of the Conduct Committee, the Practice Review Committee or the Appeal Committee is not disqualified from being appointed to or sitting on a Hearing Committee unless that Benchers participated in proceedings of the Conduct Committee, Practice Review Committee or Appeal Committee, as the case may be, relating to the same conduct that is or is to be the subject of the hearing by the Hearing Committee.

(23) Section 60 presently reads:

60(1) If the conduct of a member is the subject of proceedings under this Division, the Benchers, without prior notice or hearing, may order the suspension of the membership of the member at any stage of those proceedings if the Benchers consider the suspension warranted in the circumstances having regard to the nature of the conduct.

(2) An order of suspension under subsection (1)

(a) may be terminated by the Benchers at any time on application or on their own motion;

(b) may be terminated by a Hearing Committee on application or on its own motion if it considers the continuation of the suspension unwarranted in the circumstances or when it makes a finding under section 68(1) that the conduct of the member is not conduct deserving of sanction;

(c) terminates on the discontinuance of the proceedings against the member under section 59(1) or (2) unless it has been sooner terminated under to clause (a) or (b) of this subsection.

(3) If a Hearing Committee is directed to deal with a member's conduct and considers it warranted in the circumstances to do so having regard to the nature of the conduct, the Hearing Committee, at any time after the direction is made and without prior notice or hearing, may order the suspension of the membership of the member pending the making of the Committee's decision under section 68(1) and, if the Committee finds the member guilty of conduct deserving of sanction, pending the making of the Committee's order under section 69.

(4) An order of suspension under subsection (3)

(a) may be terminated by the Hearing Committee that made it or by the Benchers, on application or on the Committee's or the Benchers' own motion;

(24) Section 63(2)(b) is amended by striking out “by the Conduct Committee because that person is under a disability or is otherwise unable to continue to act as a member of the Hearing Committee” **and substituting** “under section 56 by the Conduct Committee or its chair or by the Hearing Committee”.

(25) Section 69(2) is amended

(a) by striking out “either or both” **and substituting** “one or more”;

(b) by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):

- (a) an order that imposes on the member conditions on the member’s suspension or on the member’s practice as a barrister and solicitor, a requirement that the member appear before a Board of Examiners, or any other condition or requirement permitted by the rules;

(26) Section 71(1) is repealed and the following is substituted:

Written report
by Hearing
Committee

71(1) On completing its hearing and deliberations, a Hearing Committee shall

- (a) prepare a written report that sets out
 - (i) each of its decisions and the reasons for its decisions,
 - (ii) the findings of fact and the conclusions of law, if any, and
 - (iii) any order made by that Committee,
- and

(b) terminates on the discontinuance of the proceedings against the member pursuant to section 59(1) or (2) unless it has been sooner terminated under clause (a) of this subsection.

(5) A termination of a suspension by or under subsection (2) or (4) does not preclude the making of another order under this section for the suspension of the membership of the same member in respect of the same conduct.

(24) Section 63(2) presently reads:

(2) A person ceases to be a member of a Hearing Committee if

(a) that person ceases to hold office as a Bencher because of section 17, or

(b) that person's appointment as a member of the Hearing Committee is revoked by the Conduct Committee because that person is under a disability or is otherwise unable to continue to act as a member of the Hearing Committee.

(25) Section 69(2) presently reads:

(2) In addition to an order under subsection (1), the Hearing Committee may make either or both of the following orders:

(a) an order requiring the payment to the Society, for each act or matter regarding the member's conduct in respect of which the Committee has made a finding of guilt, of a penalty of not more than \$10 000, within the time prescribed by the order;

(b) an order requiring the payment to the Society of all or part of the costs of the proceedings within the time prescribed by the order.

(26) Section 71(1) presently reads:

71(1) On making its order under section 69 and its order, if any, under section 70, a Hearing Committee shall

(a) prepare a written report respecting

(i) its finding under section 68(1),

(ii) its determination, if any, under section 68(4), and

(iii) its order under section 69 and its order, if any, under section 70,

and containing the reasons for its decisions in respect of the finding, determination and order, and

(b) give a copy of the report to the chairman of the Conduct Committee and to the Secretary.

- (b) give a copy of the report to the chair of the Conduct Committee and to the Executive Director.

(27) Section 80 is amended by adding the following after subsection (6):

(7) The membership of a member who is sentenced to a term or terms of imprisonment is automatically suspended during the time that the member is imprisoned or is serving a conditional or intermittent sentence of imprisonment and during any period of parole, regardless of

- (a) whether the conduct of the member giving rise to the sentence has been the subject of previous or other proceedings under this Act, including the imposition of one or more sanctions;
- (b) whether a suspension order has been made under subsection (2) or (4)(a);
- (c) the period of suspension prescribed by any order made under subsection (4)(a).

(27) Section 80 presently reads:

80(1) In this section,

- (a) “appeal”, with reference to a conviction for an indictable offence, means an appeal from the conviction or proceedings to have the conviction quashed;*
- (b) “appeal period”, with reference to a conviction for an indictable offence, means the period limited by law for the commencement of an appeal from the conviction.*

(2) If a member is convicted of an indictable offence, the Benchers, without any other proceedings under this Part and before the expiration of the appeal period relating to the conviction, may order the suspension of the membership of the member whether or not an appeal is commenced.

(3) A suspension ordered under subsection (2) may be terminated by the Benchers at any time without affecting the power of the Benchers to subsequently make an order under subsection (4) or another suspension order under subsection (2).

(4) If a member is convicted of an indictable offence, the Benchers, whether a suspension is ordered under subsection (2) or not, may order

- (a) that the membership of the member be suspended for the period prescribed by the order, or*
- (b) that the member be disbarred*

at any time after

- (c) the expiration of the appeal period, if an appeal from the conviction is not commenced within the appeal period, or*
- (d) the conclusion or abandonment of the appeal taken from the conviction.*

(5) The Benchers shall not make any order under subsection (4) until the member has been given

- (a) notice in accordance with the rules of the intention of the Benchers to consider making an order under that subsection, and*
- (b) a reasonable opportunity to make oral or written representations to the Benchers in that regard.*

(28) Section 86 is amended

(a) in subsection (2) by striking out “in Alberta”;

(b) in subsection (4) by adding the following after clause (k):

- (l) permitting the Executive Director or the chair of the Finance Committee to exercise the powers of the Finance Committee under subsection (3) in specified circumstances, and respecting associated procedural matters;
- (m) permitting, in specified circumstances, the dismissal of a claim under subsection (2) without a full hearing, and respecting associated procedural matters, including the procedure, if any, for a review of such a dismissal.

(6) The public may attend and observe proceedings under subsection (5) unless the Benchers, on their own motion or on the application of the member or any other interested party at any time before or during the proceedings, direct that the proceedings are to be held in private.

(28) Section 86 presently reads in part:

(2) If a member misappropriates or wrongfully converts money or other property entrusted to or received by a member in the member's capacity as a barrister and solicitor and in the course of the member's practice as a barrister and solicitor in Alberta, a person entitled to the money or other property may submit a claim to the Society for compensation from the Assurance Fund in respect of

(a) the money, or

(b) in the case of property other than money, the value of the property.

(4) The Benchers may make rules

(a) respecting the administration of the Assurance Fund;

(b) providing for the levying on the active members of an annual assessment of an amount fixed by the Benchers from time to time for the purpose of maintaining and augmenting the Assurance Fund;

(c) providing for the levying on the active members of special assessments of such amounts as may be fixed by the Benchers from time to time for the purpose of maintaining and augmenting the Assurance Fund;

(d) respecting the expenditures of the Society that are chargeable to the Assurance Fund;

(e) providing for the exemption of categories of active members from the payment of annual assessments referred to in clause (b) and special assessments referred to in clause (c) and the conditions on which the exemptions may be given;

(f) respecting claims under this section;

(g) respecting the imposition of conditions to be met before any amount of compensation is paid from the Assurance Fund pursuant to subsection (3);

(h) respecting the powers and duties of the Finance Committee, of an appeal panel of Benchers and of the Benchers in relation to the adjudication of all or any class of claims against the Assurance Fund;

(i) respecting appeals from the Finance Committee to a panel of Benchers appointed in accordance with the rules in respect of all or any class of claims adjudicated

(29) Section 122 is amended

(a) in subsection (1)

(i) by adding “an approved depository that is a branch in Alberta of” **after** “trust account in”;

(ii) by striking out “he” **and substituting** “the member”;

(b) by repealing subsection (3) and substituting the following:

(3) Nothing in this Part affects any arrangement made between a member and the member's client to deposit money received from or on behalf of the client or to which the client is entitled in a separate interest-bearing account in an approved depository for the client, or to purchase a Province of Alberta or Government of Canada Treasury Bill for the client, the interest on which is to be the property of the client.

(30) In the following provisions “Education Committee” is struck out wherever it occurs and “Credentials and Education Committee” is substituted:

section 37(3);
section 38(1) and (2);
section 39(2)(c);
section 41(3), (4) and (5);
section 43(1);
section 45(2)(a) and (b), (3) and (4);
section 45.1(2).

(31) In the following provisions “Secretary” is struck out wherever it occurs and “Executive Director” is substituted:

section 7(2)(h);
section 15;
section 24(3), (4) and (5);

by the Finance Committee, and respecting the powers and duties of an appeal panel so appointed;

(j) respecting the exercise of the powers of the Finance Committee, an appeal panel of Benchers or the Benchers under subsection (3);

(k) respecting proceedings under this Part of the Finance Committee, an appeal panel of Benchers or the Benchers.

(29) Section 122 presently reads:

122(1) Subject to the rules, every active member shall maintain an interest-bearing trust account in a bank, credit union, trust corporation, loan corporation or treasury branch into which he shall deposit money entrusted to or received or held by the member for or on account of the member's clients or other persons in the member's capacity as a barrister and solicitor, and the member shall instruct the bank, credit union, trust corporation, loan corporation or treasury branch to remit the interest earned on the account to the Foundation semi-annually in each year, and that interest becomes the property of the Foundation.

(2) A member is not liable by virtue of the relation between the member and his client to account to any client for interest earned on money deposited in a bank, credit union, trust corporation, loan corporation or treasury branch pursuant to subsection (1).

(3) Nothing in this Part affects any arrangement made between a member and his client to deposit money received from or on behalf of the client or to which the client is entitled in a separate interest-bearing account for the client, the interest on which shall be the property of the client.

(4) Subsections (1) to (3) apply to professional corporations and to law firms.

(30) New name to replace "Education Committee".

(31) New name replaces "Secretary".

section 26(4);
section 27(1), (2) and (3);
section 28(2);
section 29(1);
section 37(4);
section 39(1) and (2);
section 40(1) and (2)(b);
section 41(2) and (3);
section 43(1) and (2);
section 44(1), (2), (3), (4) and (6);
section 45(2)(b);
section 46(1) and (2)(d);
section 47(3);
section 50(1)(d);
section 51(1), (1.1), (2), (3) and (4);
section 52(1);
section 56(1)(a);
section 57(1);
section 59(3);
section 66(5);
section 68(3)(a);
section 70(1)(e);
section 71(2)(b), (3), (3.1) and (4);
section 72(3), (4), (5) and (6);
section 73(10)(b) and (11)(a);
section 74(5);
section 75(4);
section 77(2)(b), (5) and (7);
section 78(1) and (2);
section 82(1) and (3);
section 90(1)(a) and (b);
section 91(1)(b) and (3);
section 93(1);
section 110;
section 114(1), (2) and (12)(a);
section 127(3) and (5);
section 138.

(32) In the following provisions “Secretary’s” is struck out and “Executive Director’s” is substituted:

section 39(1) and (2);
section 40(1) and (2)(b);
section 41(2);
section 72(4)(c);
section 78(1)(b)(i);
section 110;
section 138.

(32) New name replaces “Secretary’s”.

(33) This section comes into force on Proclamation.

Motion Picture Development Act

Repeals SA
1981 cM-19.1

6(1) The *Motion Picture Development Act* is repealed.

(2) The *Conflicts of Interest Act* is amended in Part 3 of the Schedule by striking out “Alberta Motion Picture Development Corporation”.

Pharmaceutical Profession Act

Amends SA
1988 cP-7.1

7(1) The *Pharmaceutical Profession Act* is amended by this section.

(2) Section 1(1) is amended

(a) by repealing clause (b);

(b) by adding the following after clause (d):

(d.1) “College” means the Alberta College of Pharmacists;

(c) in clause (f) by striking out “Association” and substituting “College”.

(3) The heading preceding section 6 is amended by striking out “PHARMACEUTICAL ASSOCIATION” and substituting “COLLEGE OF PHARMACISTS”.

(4) Section 6 is amended

(a) by repealing subsection (1) and substituting the following:

College

6(1) The corporation known as the Alberta Pharmaceutical Association is continued as a corporation under the name Alberta College of Pharmacists.

(b) in subsections (2), (3) and (4) by striking out “Association” and substituting “College”.

- (33) Coming into force.

Motion Picture Development Act

6 Repeals chapter M-19.1 of the Statutes of Alberta, 1981. Also makes a consequential amendment to the Conflicts of Interest Act (SA 1991 cC-22.1).

Pharmaceutical Profession Act

7(1) Amends chapter P-7.1 of the Statutes of Alberta, 1988.

(2) Section 1(1) presently reads in part:

1(1) In this Act,

(b) “Association” means the Alberta Pharmaceutical Association;

(f) “Council” means the Council of the Association;

(3) The heading preceding section 6 presently reads:

ALBERTA PHARMACEUTICAL ASSOCIATION

(4) Section 6 presently reads:

6(1) The Alberta Pharmaceutical Association is continued as a corporation.

(2) The Association has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

(3) The Association has the power to assist, in a manner and in an amount that the Council may determine, an organization having similar aims and objectives.

(4) The Association shall require pharmacists and restricted practitioners to comply with any agreement it enters into that establishes

(a) maximum dispensing fees, and

(5) In the following provisions “Association” is struck out wherever it occurs and “College” is substituted:

section 3(3);
section 7(1), (2), (3), (4);
section 8(2)(a), (10);
section 21(1)(b);
section 27(3)(b);
section 32(b);
section 43(1);
section 50(3);
section 56(2);
section 57(a)(ii.1);
section 58(1), (3);
section 62(3);
section 68(1)(b), (c), (3);
section 84;
section 85(c);
section 86(1)(a), (b), (2)(a);
section 89.1(1), (2), (3), (4);
section 90(1)(g), (2), (3)(a);
section 91(1)(a), (b), (c), (d), (h), (k), (m), (n), (o), (q), (t),
(2), (3), (4).

(6) Section 38(3) is amended by striking out “Association’s” and substituting “College’s”.

(7) The *Agrologists Act* is amended in section 31 by striking out “Alberta Pharmaceutical Association” and substituting “Alberta College of Pharmacists”.

(8) The *Alberta Health Care Insurance Act* is amended in section 13(8.1)

(a) by striking out “Alberta Pharmaceutical Association for the Association’s” and substituting “Alberta College of Pharmacists for the College’s”;

(b) by striking out “the Association” wherever it occurs and substituting “the College”.

(9) The *Hospitals Act* is amended in section 26(b) by striking out “the Alberta Pharmaceutical Association” and substituting “, the Alberta College of Pharmacists”.

(10) This section comes into force on July 1, 2000.

(b) the maximum mark-up on the wholesale cost of drugs.

(5) Consequential.

(6) Consequential.

(7) Consequential.

(8) Consequential.

(9) Consequential.

(10) Coming into force.

Social Work Profession Act

Amends SA
1991 cS-16.5

8(1) The *Social Work Profession Act* is amended by this section.

(2) Section 1 is amended

(a) by repealing clause (b);

(b) by adding the following after clause (c):

(c.1) “College” means the Alberta College of Social Workers;

(c) in clause (d) by striking out “Association” and substituting “College”.

(3) The heading preceding section 4 is amended by striking out “ASSOCIATION OF REGISTERED” and substituting “COLLEGE OF”.

(4) Section 4 is amended

(a) by repealing subsection (1) and substituting the following:

College

4(1) The corporation known as the Alberta Association of Registered Social Workers is continued as a corporation under the name Alberta College of Social Workers.

(b) in subsection (2) by striking out “Association” and substituting “College”.

(5) In the following provisions, “Association” is struck out wherever it occurs and “College” is substituted:

section 5(1), (2), (3), (4);
section 6(1)(a);
section 12(2)(a);
section 22;
section 24(1)(d)(ii);
section 26(1)(a);
section 34(1);
section 35(1);
section 39(3);
section 45(1)(b), (3);
section 51(1), (3)(b);
section 52(3);
section 53(1);

Social Work Profession Act

8(1) Amends chapter S-16.5 of the Statutes of Alberta, 1991.

(2) Section 1 presently reads in part:

1 In this Act,

(b) "Association" means the Alberta Association of Registered Social Workers;

(d) "Council" means the Council of the Association;

(3) The heading preceding section 4 presently reads:

*ALBERTA ASSOCIATION OF REGISTERED
SOCIAL WORKERS*

(4) Section 4 presently reads:

4(1) The Alberta Association of Registered Social Workers is hereby continued as a corporation.

(2) The Association has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

(5) Consequential.

section 54(1), (2)(b)(ii);
section 58;
section 59(b);
section 60(1)(a), (b), (2)(a), (d);
section 61(2)(a);
section 62(1)(a), (b), (c), (d), (h), (j), (l), (m), (n), (t), (2),
(3).

(6) This section comes into force on July 1, 2000.

(6) Coming into force.