

Bill 57

BILL 57

2003

MISCELLANEOUS STATUTES AMENDMENT ACT, 2003 (NO. 2)

(Assented to , 2003)

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

Apprenticeship and Industry Training Act

Amends RSA 2000 cA-42

**1(1) The *Apprenticeship and Industry Training Act* is amended
by this section.**

(2) Section 2 is amended

**(a) in subsection (2)(a) by striking out “presiding officer” and
substituting “chair”;**

**(b) in subsection (3) by striking out “presiding officer”
wherever it occurs and substituting “chair”.**

**(3) Section 4(4) is amended by striking out “presiding officer”
and substituting “chair”.**

Builders' Lien Act

Amends RSA 2000 cB-7

2 The *Builders' Lien Act* is amended in section 36(1) and (2) by striking out "Minister of Resource Development" wherever it occurs and substituting "Minister of Energy".

Cancer Programs Act

Amends RSA 2000 cC-2

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

(2) Section 2 is repealed and the following is substituted:

Regulations Act

2 The *Regulations Act* does not apply to

- (a) the bylaws of the board or of the Alberta Cancer Foundation, or
- (b) an order made by the Minister under section 16.1.

(3) Section 16 is amended by adding "under section 16.1" after "Minister".

(4) The following is added after section 16:

Schedule of cancer drugs

16.1 The Minister may by order establish a schedule of cancer drugs specifying drugs for the treatment of cancer patients and the conditions of the use of those drugs.

(5) This section comes into force on Proclamation.

Class Proceedings Act

Amends SA 2003 cC-16.5

4(1) The *Class Proceedings Act* is amended by this section.

(2) Section 18(3) is repealed.

(3) Section 19 is amended

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

Examination of class members before an application

19(1) Except with leave of the Court, a party may not require a class member or subclass member, other than a representative plaintiff, to be examined as a witness

- (a) before the hearing of an application, or
- (b) for the purpose of using any evidence arising from the examination in respect of any motion, petition or other proceeding before the Court.

- (b) in subsection (2) by striking out “subsection (1) of”.**

(4) Section 21(2) is amended by striking out “Section 20(3) to (5)” and substituting “Section 20(2) to (5)”.

(5) Section 22(2) is amended by striking out “Section 20(3) to (5)” and substituting “Section 20(2), (4) and (5)”.

(6) Section 40 is amended

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

Limitation periods

40(1) Subject to subsection (3), any limitation period applicable to a cause of action asserted in a proceeding, whether or not the proceeding is ultimately certified, is suspended in favour of a person if another proceeding is commenced and it is reasonable for the person to assume that he or she is a class member or subclass member for the purposes of that other proceeding.

(1.1) Subject to subsection (3), where

- (a) a limitation period is suspended under subsection (1) in favour of a person on account of another proceeding being commenced, and
- (b) the application to certify that other proceeding is dismissed, denied, discontinued or abandoned,

the limitation period that was suspended under subsection (1) resumes running against that person when the application to certify is dismissed, denied, discontinued or abandoned.

(1.2) Subject to subsection (3), where

- (a) a limitation period is suspended under subsection (1) in favour of a person on account of another proceeding being commenced,
- (b) that other proceeding is certified, and
- (c) at any time after that other proceeding is certified any one of the clauses of subsection (2) becomes applicable in respect of that person as though he or she were the member referred to in subsection (2),

the limitation period that was suspended under subsection (1) resumes running against that person when any one of the clauses of subsection (2) becomes applicable in respect of that person.

(b) in subsection (3) by striking out “subsection (2)” and substituting “subsection (1), (1.1), (1.2) or (2)”.

Cooperatives Act

Amends SA 2001 cC-28.1

5 The Cooperatives Act is amended in section 366

(a) by repealing clause (g) and substituting the following:

- (g) it is, in respect of a commercial vehicle as defined in the *Traffic Safety Act*, the holder of a certificate of registration under the *Traffic Safety Act*, unless it neither picks up nor delivers goods or passengers in Alberta,

(b) in clause (h) by striking out “issued by the Alberta Motor Transport Board” and substituting “as defined in section 130 of the *Traffic Safety Act*”.

Environmental Protection and Enhancement Act

Amends RSA 2000 cE-12

6(1) The *Environmental Protection and Enhancement Act* is amended by this section.

(2) Section 1(g) is amended by striking out “Appeal” and substituting “Appeals”.

(3) The heading following section 89 is repealed and the following is substituted:

Part 4 Environmental Appeals Board

(4) Section 90(1) is amended by striking out “Appeal” and substituting “Appeals”.

(5) Section 91 is amended

(a) in subsection (1)(n) by striking out “section 227” and substituting “section 237”;

(b) in subsection (5) by striking out “expiry of the period” and substituting “expiry of the appeal period”.

(6) Section 95(5)(a)(ii) is amended by adding “of this Act or section 115(1)(a)(i) or (ii), (b)(i) or (ii), (c)(i) or (ii), (e) or (r) of the *Water Act*” after “section 91(1)(a)(i) or (ii), (g)(ii) or (m)”.

(7) Section 97(4) is amended by striking out “Appeal” and substituting “Appeals”.

(8) Section 220(e) is amended by striking out “Appeal” and substituting “Appeals”.

(9) Section 237(4) is amended by striking out “Environmental Appeal Board” and substituting “Environmental Appeals Board”.

(10) The *Agricultural Operation Practices Act* is amended

- (a) in section 20(1)(b)(vii) and (viii) by striking out “Appeal” and substituting “Appeals”;
- (b) in section 25(2)(d) and (4)(j) by striking out “Appeal” wherever it occurs and substituting “Appeals”.

(11) The *Financial Statutes Amendment Act, 2003* is amended in section 1(21) in the new Part 6 by striking out “Environmental Appeal Board” and substituting “Environmental Appeals Board”.

(12) The *North Red Deer Water Authorization Act* is amended in section 2 by striking out “Environmental Appeal Board” and substituting “Environmental Appeals Board”.

(13) The *Water Act* is amended

- (a) in section 1(1) by repealing clause (s) and substituting the following:
 - (s) “Environmental Appeals Board” means the Environmental Appeals Board established under Part 4 of the *Environmental Protection and Enhancement Act*;
- (b) in section 114 by striking out “Environmental Appeal Board” and substituting “Environmental Appeals Board”;
- (c) in section 115(1) by striking out “Environmental Appeal Board” and substituting “Environmental Appeals Board”;
- (d) in section 116 by striking out “Environmental Appeal Board” wherever it occurs and substituting “Environmental Appeals Board”;
- (e) in section 152(3) by striking out “Environmental Appeal Board” and substituting “Environmental Appeals Board”;
- (f) in section 157(e) by striking out “Appeal” and substituting “Appeals”.

Forest and Prairie Protection Act

Amends RSA 2000 cF-19

7(1) The *Forest and Prairie Protection Act* is amended by this section.

(2) Section 9(3) is amended by striking out “or the municipal district” and substituting “, the municipal district or the urban municipality, as the case may be,”.

(3) Section 12 is amended by striking out “6(1)” and substituting “6”.

Government Organization Act

Amends RSA 2000 cG-10

8(1) The *Government Organization Act* is amended by this section.

(2) Schedule 5 is amended in section 6

(a) by striking out “notice of objection” wherever it occurs and substituting “notice of appeal”;

(b) by striking out “Environmental Appeal Board” wherever it occurs and substituting “Environmental Appeals Board”.

(3) Schedule 11 is amended by repealing section 12(5) and substituting the following:

(5) This section does not apply to abandoned vehicles to which section 69(8) or 77 of the *Traffic Safety Act* applies.

(4) Schedule 14 is amended in section 3(1) by striking out “Schedule 12” and substituting “Schedule 11”.

Insurance Act

Amends RSA 2000 cl-3

9 The *Insurance Act* is amended in sections 609(3), 661(1) and (3) and 825(1) by striking out “*Motor Vehicle Administration Act*” and substituting “*Traffic Safety Act*”.

Irrigation Districts Act

Amends RSA 2000 cl-11

10 The *Irrigation Districts Act* is amended

(a) in section 1(mm.1)(ii) by striking out “irrigation acres” and substituting “acres”;

- (b) in section 21(2)(a)(i) by striking out “irrigation acres” and substituting “acres”.

Judicature Act

Amends RSA 2000 cJ-2

- 11** The *Judicature Act* is amended in section 41.1(1)(c)(ii) by striking out “4(b)” and substituting “9(b)”.

Legal Profession Act

Amends RSA 2000 cL-8

- 12(1)** The *Legal Profession Act* is amended by this section.

- (2)** Section 11 is amended

- (a) in subsection (1) by striking out “2 years” and substituting “3 years”;
- (b) in subsection (3) by striking out “8” and substituting “9”.

- (3)** Section 12(1) is repealed and the following is substituted:

Election of Benchers

12(1) An election of Benchers shall be held between November 1 and December 15 every 3rd year commencing in 2005, and the date of the election shall be determined by the Benchers.

(1.1) Commencing with the election in 2005, Benchers shall be elected for terms of 3 years.

- (4)** Section 32(1) is amended by adding “or a committee of the Benchers” after “Benchers”.

- (5)** Section 41(1)(f) is repealed and the following is substituted:

- (f) has satisfied the academic requirements specified by the rules, and

- (6)** Section 45 is amended by adding the following after subsection (2):

(2.1) The Benchers may delegate any of their authority under subsections (1) and (2) to the Credentials and Education Committee.

(7) Section 61 is amended by adding the following after subsection (4):

(5) The Benchers may delegate any of their authority under this section to a committee of the Benchers.

(8) Section 74 is amended

(a) in subsection (3)(b) by adding “subject to subsection (3.1),” before “send”;

(b) by repealing subsection (4) and substituting the following:

(3.1) If the whole or part of a hearing has been held in private, the complainant is not entitled to receive the portion of the report relating to any part of the hearing held in private for the benefit of another person.

(4) The Executive Director must provide a copy of a report under subsection (1) or (2) to any person requesting a copy on payment of a reasonable fee to cover the cost of preparing the copy, but

- (a) if the hearing to which the report relates was held wholly in private, the Executive Director shall refuse to provide a copy of the report, and
- (b) if the hearing to which the report relates was held partly in private, the Executive Director shall refuse to provide that portion of the report relating to the part of the hearing held in private.

(4.1) The chair of the Conduct Committee shall determine what portions of a report may be provided for the purposes of subsections (3.1) and (4).

(4.2) A determination by the chair of the Conduct Committee under subsection (4.1) may be appealed to the Appeal Committee in accordance with the Rules, and on hearing the appeal, the Appeal Committee shall either

- (a) confirm the determination made by the chair of the Conduct Committee, or
- (b) make its own determination.

(9) Section 75 is amended by adding the following after subsection (4):

(4.1) Where an application is being brought under section 76(11)(c) to dismiss an appeal, copies of the hearing record are not required to be served or given under subsection (4)(b) and (c).

(10) Section 76(2)(c) is amended by adding “except in the case of an application under subsection (11)(c),” **before** “did”.

(11) Section 78(1) is amended by striking out “a hearing before the Benchers of”.

(12) Section 85(3) is amended by striking out “if the Benchers approve the resignation of a member” **and substituting** “an application is granted”.

(13) Subsection (2) applies to persons appointed after it comes into force.

(14) Subsection (5) comes into force on Proclamation.

Provincial Offences Procedure Act

Amends RSA 2000 cP-34

13 The *Provincial Offences Procedure Act* is amended in section 21(3)(c) by striking out “*Motor Vehicle Administration Act*” and substituting “*Traffic Safety Act*”.

Public Sector Pension Plans Act

Amends RSA 2000 cP-41

14 The *Public Sector Pension Plans Act* is amended

- (a) in section 1 by striking out “12” and substituting “9.2”;
- (b) in section 1 of Schedule 4

- (i) in clause (g.1) by striking out “and (10)” and substituting “and (9)”;
- (ii) in clause (g.2) by striking out “and (9)” and substituting “and (8)”.

Traffic Safety Act

Amends RSA 2000 cT-6

15(1) The *Traffic Safety Act* is amended by this section.

(2) Section 1(1)(ff) is amended

(a) by repealing subclause (v) and substituting the following:

- (v) a conservation officer appointed under section 1 of Schedule 3.1 to the *Government Organization Act*;

(b) by adding the following after subclause (vi):

- (vii) a wildlife officer appointed under the *Wildlife Act*;

(3) Section 92 is repealed and the following is substituted:

Removal of requirements disqualification

92(1) If under this Act or by an order or judgment made under this or any other Act a person is disqualified from driving a motor vehicle in Alberta, or the person’s licence was suspended or cancelled, the disqualification, suspension or cancellation remains in effect notwithstanding that the period of disqualification, suspension or cancellation has expired until the Registrar removes the disqualification, suspension or cancellation.

(2) For the purpose of satisfying the Registrar as to a person’s competency to drive a motor vehicle without endangering the safety of the general public, the Registrar may as a condition of removing the disqualification, suspension or cancellation referred to in subsection (1) require that person to do one or more of the following at any time before or after the removal of the disqualification, suspension or cancellation:

- (a) attend interviews conducted by or on behalf of the Registrar;

- (b) take and successfully complete training, educational or rehabilitation programs or courses as required by the Registrar;
- (c) provide to the Registrar medical and other reports prepared by physicians and other health care providers;
- (d) take and successfully complete any examinations or other tests as may be required by the Registrar.

(4) Section 94 is repealed and the following is substituted:

Prohibition re driving while unauthorized

94(1) For the purposes of this section, a person is an unauthorized driver if

- (a) that person's operator's licence is suspended or cancelled under this Act,
- (b) that person is disqualified from driving a motor vehicle in Alberta,
- (c) that person's licence or permit to operate a motor vehicle in a jurisdiction outside Alberta is suspended or cancelled, or
- (d) that person's privilege to secure a licence or permit to operate a motor vehicle in a jurisdiction outside Alberta is suspended or cancelled.

(2) A person shall not drive a motor vehicle on a highway at any time during which that person is an unauthorized driver.

(5) Section 108(1)(a) is amended by striking out "that is located outside an urban area".

(6) Section 157(1)(a) is amended

- (a) by striking out** "90(6)(b),";
- (b) by striking out "94" and substituting "94(2)";**
- (c) by adding "126," after "123(3),".**

Explanatory Notes

Apprenticeship and Industry Training Act

1(1) Amends chapter A-42 of the Revised Statutes of Alberta 2000.

(2) Section 2 presently reads in part:

(2) In appointing the Board, the Lieutenant Governor in Council shall appoint

(a) a presiding officer,

(3) The Lieutenant Governor in Council may designate one or more members of the Board to act in the place of the presiding officer when the presiding officer is absent or is otherwise unable to carry out the duties of the presiding officer.

(3) Section 4(4) presently reads:

(4) Notwithstanding subsection (3), the presiding officer may vote only in the event of a tie vote.

Builders' Lien Act

2 Amends chapter B-7 of the Revised Statutes of Alberta 2000. Section 36 presently reads in part:

36(1) When a lien attaches to an estate or interest in minerals held directly from the Crown in right of Alberta and the estate or interest

(a) is less than a fee simple estate, and

(b) is not registered under the Land Titles Act,

the statement of lien shall be registered with the Minister of Resource Development and not with the Registrar and this

Act applies to all claims of lien so registered with the Minister of Resource Development.

(2) *In subsections (3) to (6),*

- (a) *“agreement”, “lessee” and “location” have the meanings given to them by the Mines and Minerals Act;*
- (b) *“Minister” means the Minister of Resource Development.*

Cancer Programs Act

3(1) Amends chapter C-2 of the Revised Statutes of Alberta 2000.

(2) Section 2 presently reads:

2 The Regulations Act does not apply to the bylaws of the board or of the Alberta Cancer Foundation.

(3) Section 16 presently reads:

16 The board may, subject to the regulations, provide drugs specified by the Minister for the treatment of cancer patients.

(4) Schedule of cancer drugs.

(5) Coming into force.

Class Proceedings Act

4(1) Amends chapter C-16.5 of the Statutes of Alberta, 2003.

(2) Section 18(3) presently reads:

(3) Notwithstanding subsection (2), except with leave of the Court, a class member or subclass member may not be examined as a witness for the purpose of using any evidence arising from that examination in respect of any motion, petition or other proceeding before the Court.

(3) Section 19 presently reads:

19(1) Except with leave of the Court, a party may not require a class member or subclass member, other than a representative plaintiff, to be examined as a witness before the hearing of any application.

(2) Section 18(4) applies to a decision whether to grant leave under subsection (1) of this section.

(4) Section 21(2) presently reads:

(2) Section 20(3) to (5) apply to notice given under this section.

(5) Section 22(2) presently reads:

(2) Section 20(3) to (5) apply to notice given under this section.

(6) Section 40 presently reads:

40(1) Subject to subsection (3), any limitation period applicable to a cause of action asserted in a proceeding,

- (a) whether or not the proceeding is ultimately certified, is suspended in favour of a person if another proceeding was commenced and it is reasonable for the person to assume that he or she was a class member or subclass member for the purposes of that other proceeding, and*
- (b) resumes running against the person when any of the clauses of subsection (2) become applicable in respect of that person as though he or she were the member referred to in subsection (2).*

(2) Subject to subsection (3), any limitation period applicable to a cause of action asserted in a proceeding that

is certified is suspended in favour of a class member or subclass member on the commencement of the proceeding and resumes running against the class member or subclass member when

- (a) the member opts out of the class proceeding,*
 - (b) a ruling by the Court has the effect of excluding the member from the class proceeding or from being considered ever to have been a member,*
 - (c) an amendment is made to the certification order that has the effect of excluding the member from the class proceeding,*
 - (d) a decertification order is made under section 11,*
 - (e) the class proceeding is dismissed without an adjudication on the merits,*
 - (f) the class proceeding is discontinued or abandoned with the approval of the Court, or*
 - (g) the class proceeding is settled with the approval of the Court, unless the settlement provides otherwise.*
- (3) If there is a right of appeal in respect of any matter described in subsection (2), the limitation period resumes running*
- (a) when the time for appeal has expired without an appeal's being commenced, or*
 - (b) if an appeal has been commenced, when the appeal has been finally disposed of*

Cooperatives Act

5 Amends chapter C-28.1 of the Statutes of Alberta, 2001. Section 366 presently reads in part:

366 For the purposes of this Part, an extra-provincial cooperative carries on business in Alberta if

- (g) *it is, in respect of a public vehicle as defined in the Motor Transport Act, the holder of a certificate of registration under the Motor Vehicle Administration Act, unless it neither picks up nor delivers goods or passengers in Alberta,*
- (h) *it is the holder of a certificate issued by the Alberta Motor Transport Board, unless it neither picks up nor delivers goods or passengers in Alberta, or*

Environmental Protection and Enhancement Act

6(1) Amends chapter E-12 of the Revised Statutes of Alberta 2000.

(2) Section 1(g) presently reads:

1 In this Act,

(g) *“Board” means the Environmental Appeal Board;*

(3) The heading presently reads:

*Part 4
Environmental Appeal Board*

(4) Section 90(1) presently reads:

90(1) There is hereby established the Environmental Appeal Board consisting of persons appointed by the Lieutenant Governor in Council.

(5) Section 91(1)(n) and (5) presently read:

91(1) A notice of appeal may be submitted to the Board by the following persons in the following circumstances:

(n) *where the Director requires a person to pay an administrative penalty under section 227, the*

person to whom the notice is directed may submit a notice of appeal;

(5) The Board may, on application made before or after the expiry of the period referred to in subsection (4), extend that period, where the Board is of the opinion that there are sufficient grounds for doing so.

(6) Section 95(5)(a)(ii) presently reads:

(5) The Board

(a) may dismiss a notice of appeal if

(ii) in the case of a notice of appeal submitted under section 91(1)(a)(i) or (ii), (g)(ii) or (m), the Board is of the opinion that the person submitting the notice of appeal is not directly affected by the decision or designation,

(7) Section 97(4) presently reads:

(4) Notwithstanding subsections (1) and (2), the Environmental Appeal Board or any court shall not grant a stay with respect to a water management order respecting the administering priority under the Water Act.

(8) Section 220(e) presently reads:

220 No action for damages may be commenced against

(e) a member of the Environmental Appeal Board, or

(9) Section 237(4) presently reads:

(4) Subject to the right to appeal a notice of administrative penalty to the Environmental Appeal Board, where a person fails to pay an administrative penalty in accordance with the notice of administrative penalty and the regulations, the Minister may file a copy of the notice of administrative penalty with the clerk of the Court of Queen's Bench and, on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

(10) Amends chapter A-7 of the Revised Statutes of Alberta 2000.

(11) Amends chapter 2 of the Statutes of Alberta, 2003.

(12) Amends chapter N-3.5 of the Statutes of Alberta, 2002.

(13) Amends chapter W-3 of the Revised Statutes of Alberta 2000.

Forest and Prairie Protection Act

7(1) Amends chapter F-19 of the Revised Statutes of Alberta 2000.

(2) Section 9(3) presently reads:

(3) The persons who are responsible for a fire shall on demand reimburse the Minister or the municipal district for the costs and expenses of fighting the fire.

(3) Corrects a reference error.

Government Organization Act

8(1) Amends chapter G-10 of the Revised Statutes of Alberta 2000.

(2) Schedule 5, section 6 presently reads:

6(1) A person to whom an enforcement order is directed under section 5(1)(a) or (b) may appeal the enforcement order by submitting a notice of objection to the

Environmental Appeal Board established under the Environmental Protection and Enhancement Act.

(2) A notice of objection must be submitted not later than 7 days after receipt of a copy of the enforcement order, but the Environmental Appeal Board may, on application made before or after the expiry of that period, extend that period where the Board is of the opinion that there are sufficient grounds to do so.

(3) Subject to subsection (4), submitting a notice of objection does not operate to stay the enforcement order.

(4) The Minister may stay an enforcement order on the application of the person to whom an enforcement order was directed.

(5) Where the Minister stays an enforcement order, the Minister may, if the Minister is of the opinion that immediate and significant impairment of or damage to the environment, human health or safety or property may result if certain terms and conditions of the enforcement order are not carried out,

(a) carry out whatever action the Minister considers to be necessary to carry out those terms and conditions and determine the costs of doing so, and

(b) order the person to whom the enforcement order was directed to provide security to the Minister in the form and amount the Minister considers necessary to cover those costs.

(6) Sections 90(3), 91(6) and (7), 92, 94, 95, 96, 99, 100(1)(a) and (c) and (2), 103, 105 and 106(a) and (b) of the Environmental Protection and Enhancement Act apply in the case of a notice of objection submitted under this section, and for those purposes, section 95(5)(a)(v) of the Environmental Protection and Enhancement Act shall be read as if it made reference to an order for security under subsection (5) of this section.

(3) Schedule 11, section 12(5) presently reads:

(5) This section does not apply to abandoned vehicles to which section 93 of the Motor Vehicle Administration Act applies.

(4) Schedule 14, section 3(1) presently reads:

3(1) The Minister may sell, lease or otherwise dispose of any public land under the Minister's administration in accordance with section 10 of Schedule 12.

Insurance Act

9 Amends chapter I-3 of the Revised Statutes of Alberta 2000. Sections 609(3), 661(1) and (3) and 825(1) presently read:

(3) This Subpart does not apply to a contract providing insurance in respect of an automobile not required to be registered under the Motor Vehicle Administration Act unless it is insured under a contract evidenced by a form of policy approved under this Subpart.

661(1) An insurer licensed under this Act to carry on automobile insurance must participate in and is subject to the terms and conditions of any Government approved industry plan to ensure a market for automobile insurance to all owners of automobiles in Alberta and for operators of automobiles in Alberta who hold operator's licences issued under the Motor Vehicle Administration Act.

(3) On acceptance of the filing and approval by the Superintendent under subsection (2), the plan is deemed to be a Government approved industry plan to ensure a market for automobile insurance to all owners of automobiles in Alberta and for operators of automobiles in Alberta who hold operator's licences issued under the Motor Vehicle Administration Act.

825(1) In this section, "motor vehicle" means a motor vehicle as defined in the Motor Vehicle Administration Act.

Irrigation Districts Act

10 Amends chapter I-11 of the Revised Statutes of Alberta 2000. Sections 1(mm.1)(ii) and 21(2)(a)(i) presently read:

1 In this Act,

(mm.1) “rural water use” means the use of a maximum of 25 000 cubic metres of water per year per user for any purpose other than

(ii) the irrigation of irrigation acres recorded on the assessment roll of the district, or

21(2) A water conveyance agreement may authorize

(a) the delivery of water through the irrigation works of the district to an area for a purpose other than

(i) the irrigation of irrigation acres recorded on the assessment roll of the district,

Judicature Act

11 Amends chapter J-2 of the Revised Statutes of Alberta 2000. Section 41.1(1)(c)(ii) presently reads:

41.1(1) In this section,

(c) “supervisory judge” means

(ii) in respect of a justice of the peace, the Chief Judge of the Provincial Court of Alberta or another judge to whom a delegation is made under section 4(b) of the Justice of the Peace Act.

Legal Profession Act

12(1) Amends chapter L-8 of the Revised Statutes of Alberta 2000.

(2) Section 11 presently reads in part:

11(1) In addition to the number of Benchers specified in section 10, the Benchers shall include 4 members of the public, who shall be appointed as lay Benchers for a term of not more than 2 years by the Minister after consultation with the Benchers.

(3) Notwithstanding subsections (1) and (2), a person ceases to hold office as a lay Bencher after holding the office for periods totalling 8 consecutive years.

(3) Section 12(1) presently reads:

12(1) An election of Benchers shall be held on the 2nd Monday of November in every odd-numbered year.

(4) Section 32(1) presently reads:

32(1) No member may resign from the Society unless the member's resignation is submitted to and approved by the Benchers.

(5) Section 41(1)(f) presently reads:

41(1) The Executive Director shall approve the enrolment of a person as a member of the Society if the person proves to the Executive Director's satisfaction and in accordance with the rules that the person

(f) has passed any special examinations required by the rules 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

(6) 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 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 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.*

(2) 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).

(7) Section 61 presently reads:

61(1) Subject to the rules, a member whose conduct is the subject of proceedings under this Division may at any time during the proceedings apply to the Benchers for their approval of the member's resignation as a member instead of having the proceedings continue.

(2) The Benchers may hold a hearing of an application under this section if they consider that a hearing is warranted in the circumstances.

(3) The Benchers may reject the application or, if they accept it,

- (a) may make their acceptance of the application subject to any conditions the Benchers consider appropriate in the circumstances, and*
- (b) shall give directions as to the information to be entered in the roll in relation to the member's resignation.*

(4) If a person resigns as a member pursuant to this section, then, subject to any conditions prescribed by the Benchers pursuant to subsection (3)(a), proceedings under this Division shall be discontinued in respect of the conduct that was the subject of the proceedings and to which the resignation relates.

(8) Section 74(4) presently reads:

(4) The Executive Director must provide a copy of a report under subsection (1) or (2) to any person requesting a copy, on payment of a reasonable fee to cover the cost of preparing the copy, but shall refuse to provide a copy of the report if the hearing to which the report relates was held wholly or partly in private.

(9) Section 75(4) presently reads:

(4) If an appeal is taken to the Benchers under this section, the Executive Director shall

- (a) serve a notice on the member or the member's counsel showing the time and place at which the hearing report and the hearing record are to be considered by the Benchers and stating that the member may appear before the Benchers at that time and place in person or by the member's counsel,*
- (b) serve on the member concerned or the member's counsel a copy of the hearing report and the hearing record, and*

- (c) *give copies of the hearing report and the hearing record to those Benchers who, to the Executive Director's knowledge, are expected to form the panel of Benchers who will hear the matter or who may be included in that panel.*

(10) Section 76(2)(c) presently reads:

(2) A Bencher is qualified to participate in or vote at proceedings before the Benchers under this section unless that Bencher

- (c) *did not receive a copy of the hearing report and the hearing record before the hearing commenced, or*

(11) Section 78(1) presently reads:

78(1) The public may attend and observe a hearing before a Hearing Committee or a hearing before the Benchers of an application under section 61 or an appeal under section 76 except to the extent that the hearing is directed to be held in private under subsection (2).

(12) Section 85(3) presently reads:

(3) If an order is made against a member under section 72, 77, 82, 83 or 84 or if the Benchers approve the resignation of a member under section 61, the Hearing Committee or the Benchers may give

directions to the Executive Director in accordance with the rules respecting

- (a) *the publication of the name of the member and of information pertaining to any findings, determinations and orders made in respect of the member or to the member's resignation, as the case may be, and*
- (b) *if the member has been disbarred or the membership of the member has been suspended, the posting of notice in the office or other place or places of business of the member relating to the disbarment or suspension.*

(13) Transitional.

(14) Coming into force.

Provincial Offences Procedure Act

13 Amends chapter P-34 of the Revised Statutes of Alberta 2000. Section 21(3) presently reads:

(3) Under Part 2 and Part 3 the address for service, in the case of a defendant that is

- (a) a municipality, is the municipal office,*
- (b) a Metis settlement, is its permanent office, and*
- (c) a corporation other than a municipality or Metis settlement, is the most recent address of the corporation as indicated on the records of the Registrar, as defined in the Motor Vehicle Administration Act, but if an address is not indicated on those records the address for service is the registered office of the corporation.*

Public Sector Pension Plans Act

14 Amends chapter P-41 of the Revised Statutes of Alberta 2000. Section 1 and section 1 of Schedule 4 presently read in part:

1 Apart from sections 1 to 12, this Act is divided into

1(1) In this Schedule,

- (g.1) “post-1991 COLA benefits” means pension increases referred to in section 4(1)(j) and (10);*
- (g.2) “post-1991 COLA contributions” means contributions referred to in section 4(1)(i) and (9);*

Traffic Safety Act

15(1) Amends chapter T-6 of the Revised Statutes of Alberta 2000.

(2) Section 1(1)(ff) presently reads:

1(1) In this Act,

(ff) “*peace officer*” means

- (i) *a member of the Royal Canadian Mounted Police;*
- (ii) *a member of a municipal police service;*
- (iii) *a special constable if under that person’s appointment as a special constable that person is empowered to carry out the duties of a peace officer under, or to enforce the provisions of, this Act;*
- (iv) *a park warden appointed under the Parks Canada Agency Act (Canada);*
- (v) *a conservation officer appointed under section 1 of Schedule 3.1 to the Government Organization Act while carrying out duties under this Act for the purposes of enforcing this Act;*
- (vi) *a forest officer appointed under the Forests Act;*

(3) Section 92 presently reads:

92(1) If under this Act or by an order or judgment made under this or any other Act a person is disqualified from driving a motor vehicle in Alberta, the disqualification remains in effect, notwithstanding that the period of disqualification has expired, until the Registrar removes the disqualification.

(2) For the purpose of satisfying the Registrar as to a person’s competency to drive a motor vehicle without

endangering the safety of the general public, the Registrar may as a condition of removing the disqualification referred to in subsection (1) require that person to do one or more of the following at any time before or after the removal of the disqualification:

- (a) attend interviews conducted by or on behalf of the Registrar;*
- (b) take and successfully complete training, educational or rehabilitation programs or courses as required by the Registrar;*
- (c) provide to the Registrar medical and other reports prepared by physicians and other health care providers;*
- (d) take and successfully complete any examinations or other tests as may be required by the Registrar.*

(4) Section 94 presently reads:

94 A person shall not drive a motor vehicle on a highway at any time during which

- (a) that person's operator's licence is suspended or cancelled under this Act,*
- (b) that person is disqualified from driving a motor vehicle in Alberta,*
- (c) that person's licence or permit to operate a motor vehicle in a jurisdiction outside Alberta is suspended or cancelled, or*
- (d) that person's privilege to secure a licence or permit to operate a motor vehicle in a jurisdiction outside Alberta is suspended or cancelled.*

(5) Section 108 presently reads in part:

108(1) In accordance with the following, a road authority may prescribe speed limits that are different from the speed limits established under section 106 or 107:

(a) *in the case of a primary highway or any portion of a primary highway that is located outside an urban area, the Minister may prescribe a maximum speed limit that is higher or lower than 100 kilometres per hour;*

(6) section 157(1) presently reads in part:

157(1) A person is guilty of an offence who contravenes or fails to comply with one or more of the following:

(a) *section 51, 52(1), 53, 54(1), 61(2), 65, 66(5), 68(2), 69(1), 69(2), 69(3), 69(4), 69(5), 69(6), 70, 71, 76(1), 80, 90(3), 90(6)(b), 94, 111, 115(2), 119(1), 120(2), 120(3), 121, 123(2), 123(3), 131(1), 137, 138, 140(1), 145, 147, 166(2), 166(3), 166(4), 173(4), 176(2), 183 or 188;*