

On the Radar – Legislative Update
ASBA Issues Forum

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Presented by

Angela Town, Legal Services

Rakhi Pancholi, Legal Services

School Act

- Amended June 1, 2015 by “Bill 10” - *An Act to Amend the Alberta Bill of Rights to Protect Our Children*

School Act – Bill 10 Amendments

- ▶ Provides a definition of bullying (s.1(1)(b.1));
- ▶ Students must refrain from, report, and not tolerate bullying or bullying behaviour (s.12(h));
- ▶ Identifies the 3rd week in November as “Bullying Awareness and Prevention Week” (s.43.1)

School Act – Bill 10 Amendments

- WCRSLE (s.45.1)
 - ▶ Expands school boards' responsibilities with regards to “welcoming, caring, respectful and safe learning environments”

“A board has the responsibility to ensure that each student enrolled in a school operated by the board and each staff member employed by the board is provided with a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging.”

School Act – Bill 10 Amendments

- WCRSLE (s.45.1)
 - ▶ Boards required to have WCRSLE Policy
 - ▶ Policy must include establishment of *Code of Conduct* for students that addresses bullying behaviour

School Act – Bill 10 Amendments

- WCRSLE (s.45.1)
 - ▶ Student Code of Conduct must meet number of legislated requirements:
 - ◆ publicly available
 - ◆ reviewed annually
 - ◆ provided to staff, students, parents
 - ◆ purpose/rationale
 - ◆ address prohibited grounds of discrimination under *Alberta Human Rights Act*
 - ◆ acceptable and unacceptable behaviour – *whether or not in school or electronic*
 - ◆ Consequences of unacceptable behaviour
 - ◆ Any further requirements by order of Minister

School Act – Bill 10 Amendments

- ▶ Added certain parent and student responsibilities including those related to contributing to a welcoming, caring, respectful and safe learning environment

School Act– Bill 10 Amendments

- Added provisions (s.16.1) to support student organizations/activities that promote equality and non-discrimination with respect to, without limitation:
 - ▶ race, religious belief, colour, gender, gender identity, gender expression, physical disability, mental disability, family status or sexual orientation,
 - ▶ including but not limited to organizations such as gay-straight alliances, diversity clubs, anti-racism clubs and anti-bullying clubs

School Act– Bill 10 Amendments

- Addressed which parts of Bill 10 would be applicable to private schools and charter schools as well
- Repealed section 11.1 of the *Human Rights Act* (Notice to parents where instruction or exercises deal primarily and explicitly with religion or sexuality) but added a nearly identical provision to the *School Act*

Education Act and Regulations

- Not yet in force. Would replace current *School Act*.
- Amended by Bill 10 in June 2015 –virtually identical to *School Act* Bill 10 amendments
- June 2016 – Minister’s announcement - proclamation of *Education Act* would not take place for the 2016-2017 school year
- Further proposed amendments and proposed regulations for *Education Act* not yet released
- *School Act* and regulations remain in force
- *School Act* amended to include certain provisions of *Education Act*

Human Rights Legislation

- “Bill 10” - *An Act to Amend the Alberta Bill of Rights to Protect Our Children* – June 1, 2015
 - ▶ Amends the *Alberta Bill of Rights* to include:
 - ◆ sexual orientation, gender identity and gender expression
 - ◆ the right of parents to make informed decisions respecting the education of their children.

Human Rights Legislation

- *Alberta Human Rights Amendment Act, 2015*
December 11, 2015
 - ▶ Added “gender identity, gender expression” as a protected ground in the *Alberta Human Rights Act*.

Child and Youth Advocate Act

- Under review
 - ▶ s. 23 – committee of the Legislative Assembly must begin a comprehensive review by July 1, 2016
 - ▶ One year to submit report to Legislative Assembly including any recommended amendments to the Act

Child and Youth Advocate Act

- The Office of the Child and Youth Advocate (OCYA):
 - ▶ represents the rights, interests and viewpoints of vulnerable children and youth, e.g. those in need of designated services:
 - ◆ child intervention (child welfare) services under the *Child, Youth and Family Enhancement Act* (CYFEA)
 - ◆ services under the *Protection of Sexually Exploited Children Act* (PSECA)
 - ◆ children involved in youth justice system
- The Act:
 - ▶ what the OCYA is permitted to do
 - ▶ role, administration and operation of the OCYA
 - ▶ reporting responsibilities

Child and Youth Advocate Act

- *Part 1*
 - ▶ process for appointing CYA
 - ▶ terms of the office
 - ▶ establishes the OCYA

Child and Youth Advocate Act

- *Part 2*
 - ▶ CYA's role, functions and general powers, and delegation powers
 - ▶ CYA's right to have access to information (including personal and health information) in custody or control of public body
 - ▶ powers relating to investigations
 - ▶ investigation reports

Child and Youth Advocate Act

- Functions (s.9(2))
 - ▶ Communicate/visit with child/guardian
 - ▶ Assist in appealing/reviewing decisions re: service under CYFEA, PSECA
 - ▶ Appoint lawyers to represent children re CYFEA, PSECA matters
 - ▶ Investigations into systemic issues arising from serious injury to or death of a child receiving designated services
 - ▶ Public education re rights, interests and well-being of children
 - ▶ Research re improving designated services
 - ▶ Information and advice to government
- Limitations on functions (s.9(3), 9(4), 9(5))

Child and Youth Advocate Act

- *Part 3*

- ▶ Administrative and general provisions

- ◆ Financing of operations of OCYA
- ◆ CYA and OCYA staff not compellable as a witness
- ◆ Communications privileged and not admissible
 - ◆ information provided during course of investigation
 - ◆ investigation report
 - ◆ all information provided by a child to the CYA in confidence (not admissible without the child's consent)
 - ◆ limited exceptions

- *Part 4*

- ▶ Act proclaimed in force on April 1, 2012.

Local Authorities Election Act

2016 Review

- *Local Authorities Election Act* governs municipal, school board, & Metis settlement elections
- August 2016 – limited scope review of *LAEA*; discussion guide

Local Authorities Election Act

2016 Review

Key proposals:

- Campaign Finance
 - ▶ Same finance & contribution disclosure requirements for boards as municipalities
 - ▶ Restrict campaign donations to individuals (i.e. no donations from corporations, unions, other organizations) & apply overall annual limit of \$5000 to one or more candidates

Local Authorities Election Act

2016 Review

- ▶ Limit on personal contributions by candidates to own campaign to \$5000
- ▶ Require all candidates to register and disclose, even where campaign is self-funded
- ▶ Offer tax credits or rebates as incentives for municipal campaign donations
- ▶ Rules regarding third party advertising
- ▶ Campaign spending limitations

Local Authorities Election Act

2016 Review

- ▶ Improving accessibility:
 - ◆ greater access to advance votes,
 - ◆ more voting stations at institutions,
 - ◆ flexible voter ID requirements
 - ◆ increase restriction of campaign activities

Local Authorities Election Act

2016 Review

- ASBA submission August 2016
- Anticipate introduction of amendments in Fall 2016

Modernized Municipal Government Act

- *Municipal Government Act* key legislation governing operation and function of municipalities
- May 31, 2016 – Bill 21, *Modernized Municipal Government Act*, introduced in Legislature
- Provincial public engagement sessions held over the summer
- Bill 21 follows previous amendments to *Municipal Government Act* passed in 2015

Modernized Municipal Government Act

- Key proposed changes in Bill 21:
 - Mandatory growth management boards for Edmonton & Calgary
 - Requirements for Intermunicipal Frameworks and Development Plans for municipalities with common boundaries
 - Mandatory orientation training for municipal councilors

Modernized Municipal Government Act

- Creates new category of Conservation Reserve and amends existing purposes for Environmental Reserve land
- Expands use of off-site levies to include pay for all or part of community rec facilities, fire halls, police stations, and libraries
- Measures to encourage and regulate affordable housing
- Changes to the property tax and assessment process

Modernized Municipal Government Act

- ASBA formal submission to government on Bill 21 in July 2016 (available on ASBA website)
- Bill 21 is expected to be proclaimed and regulations in place before 2017 municipal elections