

2024 Bill 18

First Session, 31st Legislature, 2 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 18

PROVINCIAL PRIORITIES ACT

THE PREMIER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 18

2024

PROVINCIAL PRIORITIES ACT

(Assented to , 2024)

Preamble

WHEREAS the Government of Canada has entered into agreements with provincial entities that relate to areas of provincial jurisdiction without the involvement of the Government of Alberta;

WHEREAS agreements that the Government of Canada enters into with provincial entities should support provincial priorities and investments; and

WHEREAS the Government of Alberta is best positioned to understand and determine the unique needs of its population;

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

Definitions

1 In this Act,

- (a) “federal entity” means any of the following:
 - (i) the Crown in right of Canada;
 - (ii) a Minister of the Crown in right of Canada;
 - (iii) a federal Crown corporation;
 - (iv) a federal agency;
 - (v) an agency, board, commission, corporation, council or other body for which

- (A) all or a majority of whose members or directors are
 - (I) appointed or designated, either by their personal names or by their names of office, by a federal enactment, by the Governor in Council, by a Minister of the Crown in right of Canada or by any combination of those methods, or
 - (II) employed under the *Public Service Employment Act* (Canada),
- (B) its personnel are appointed in accordance with the *Public Service Employment Act* (Canada), or
- (C) a periodic financial or other report of its activities is required by law to be tabled in the Parliament of Canada;
- (vi) any other entity or class of entity designated as a federal entity in accordance with the regulations;
- (b) “intergovernmental agreement” means, except in section 2(9)(a), an agreement under which
 - (i) one of the parties is a provincial entity, and
 - (ii) the other party or one of the other parties is a federal entity;
- (c) “provincial entity” means any of the following:
 - (i) a public agency as defined in the *Alberta Public Agencies Governance Act*;
 - (ii) a Crown-controlled organization as defined in the *Financial Administration Act*;
 - (iii) a public post-secondary institution as defined in the *Post-secondary Learning Act*;
 - (iv) a board as defined in the *Education Act*;
 - (v) a regional health authority established under the *Regional Health Authorities Act* and any subsidiary of a regional health authority;

- (vi) Covenant Health and any subsidiary of Covenant Health;
- (vii) a municipal authority as defined in the *Municipal Government Act*;
- (viii) a management body as defined in the *Alberta Housing Act*;
- (ix) any other entity or class of entity designated as a provincial entity in accordance with the regulations.

Intergovernmental agreements

2(1) Subject to subsections (7) to (9) and the regulations, no provincial entity, by itself or with any other entity, may enter into, amend, extend or renew an intergovernmental agreement without obtaining prior approval in accordance with a process established in the regulations.

(2) Any criteria to be considered or requirements to be met that are established by the regulations must be considered or met, as the case may be, prior to an approval to enter into, amend, extend or renew an intergovernmental agreement being granted.

(3) An approval to enter into, amend, extend or renew an intergovernmental agreement may include terms and conditions on the approval.

(4) An intergovernmental agreement entered into, amended, extended or renewed by a provincial entity without a prior approval required under subsection (1) has no effect.

(5) No intergovernmental agreement shall be entered into, amended, extended or renewed on behalf of a provincial entity otherwise than in accordance with this section.

(6) Subject to subsections (7) to (9) and the regulations, when any other Act authorizes a provincial entity to enter into, amend, extend or renew an intergovernmental agreement, approval must also be received in accordance with this Act notwithstanding anything in the other Act.

(7) A provincial entity, a class of provincial entities, an intergovernmental agreement or a class of intergovernmental agreements may be exempted from a requirement for prior

approval to enter into, amend, extend or renew an intergovernmental agreement in accordance with the regulations.

(8) A Minister authorized by the regulations, or another person or entity authorized by the regulations, may exempt a provincial entity, a class of provincial entities, an intergovernmental agreement or a class of intergovernmental agreements from a requirement for prior approval to enter into, amend, extend or renew an intergovernmental agreement.

(9) This section does not apply to

- (a) an intergovernmental agreement to which section 11 of the *Government Organization Act* applies, or
- (b) an intergovernmental agreement in circumstances prescribed in the regulations.

Regulations

3 The Lieutenant Governor in Council may make regulations

- (a) designating or respecting the designation of entities or classes of entities as federal entities or provincial entities for the purposes of this Act;
- (b) establishing a process or processes by which provincial entities or classes of provincial entities may obtain prior approval to enter into, amend, extend or renew an intergovernmental agreement;
- (c) establishing criteria to be considered or requirements to be met before a provincial entity or a class of provincial entities may be approved to enter into, amend, extend or renew an intergovernmental agreement;
- (d) exempting provincial entities, a class of provincial entities, an intergovernmental agreement or a class of intergovernmental agreements from a requirement for prior approval to enter into, amend, extend or renew an intergovernmental agreement;
- (e) authorizing a Minister or another person or entity to exempt a provincial entity, a class of provincial entities, an intergovernmental agreement or a class of intergovernmental agreements from a requirement for

prior approval to enter into, amend, extend or renew an intergovernmental agreement;

- (f) prescribing circumstances in which section 2 does not apply;
- (g) defining any term used but not defined in this Act;
- (h) respecting any other matters considered necessary or advisable to carry out the intent and purposes of this Act.

Coming into force

- 4** This Act comes into force on Proclamation.

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