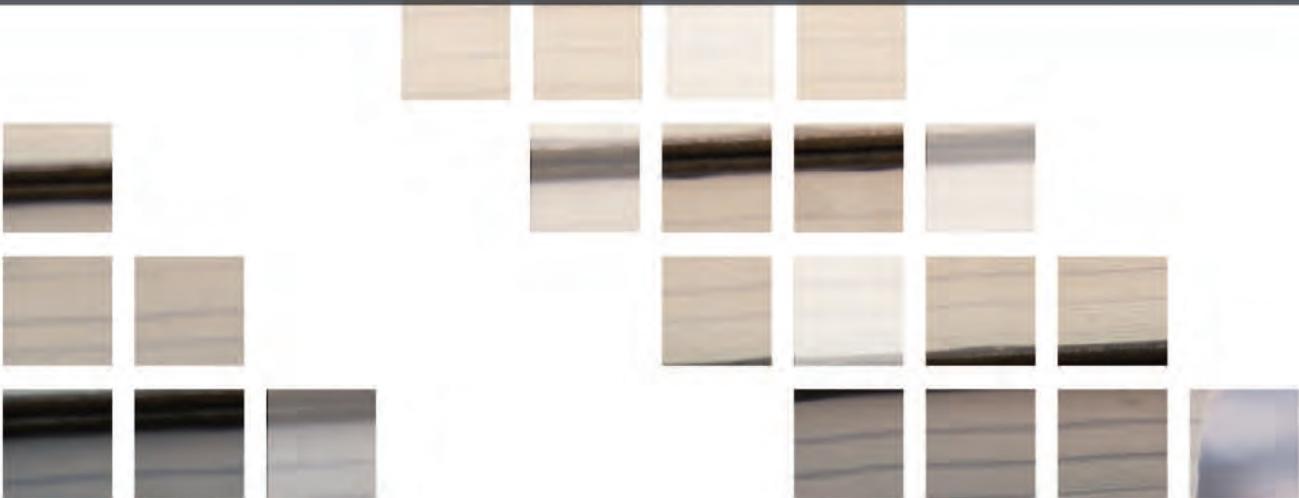




2017 - 2018  
**ANNUAL REPORT**



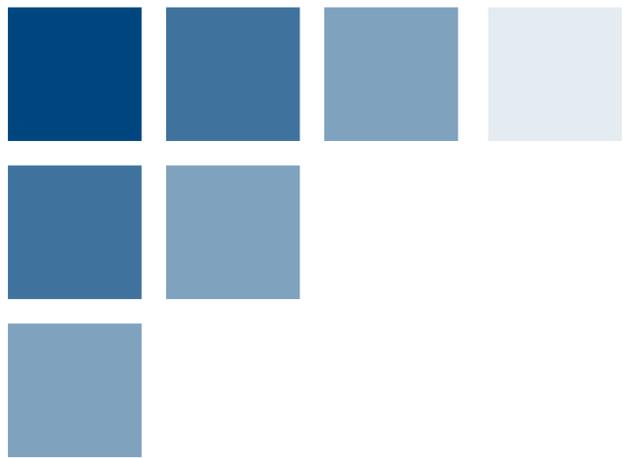


***Our Vision***

*Just and Effective Laws*

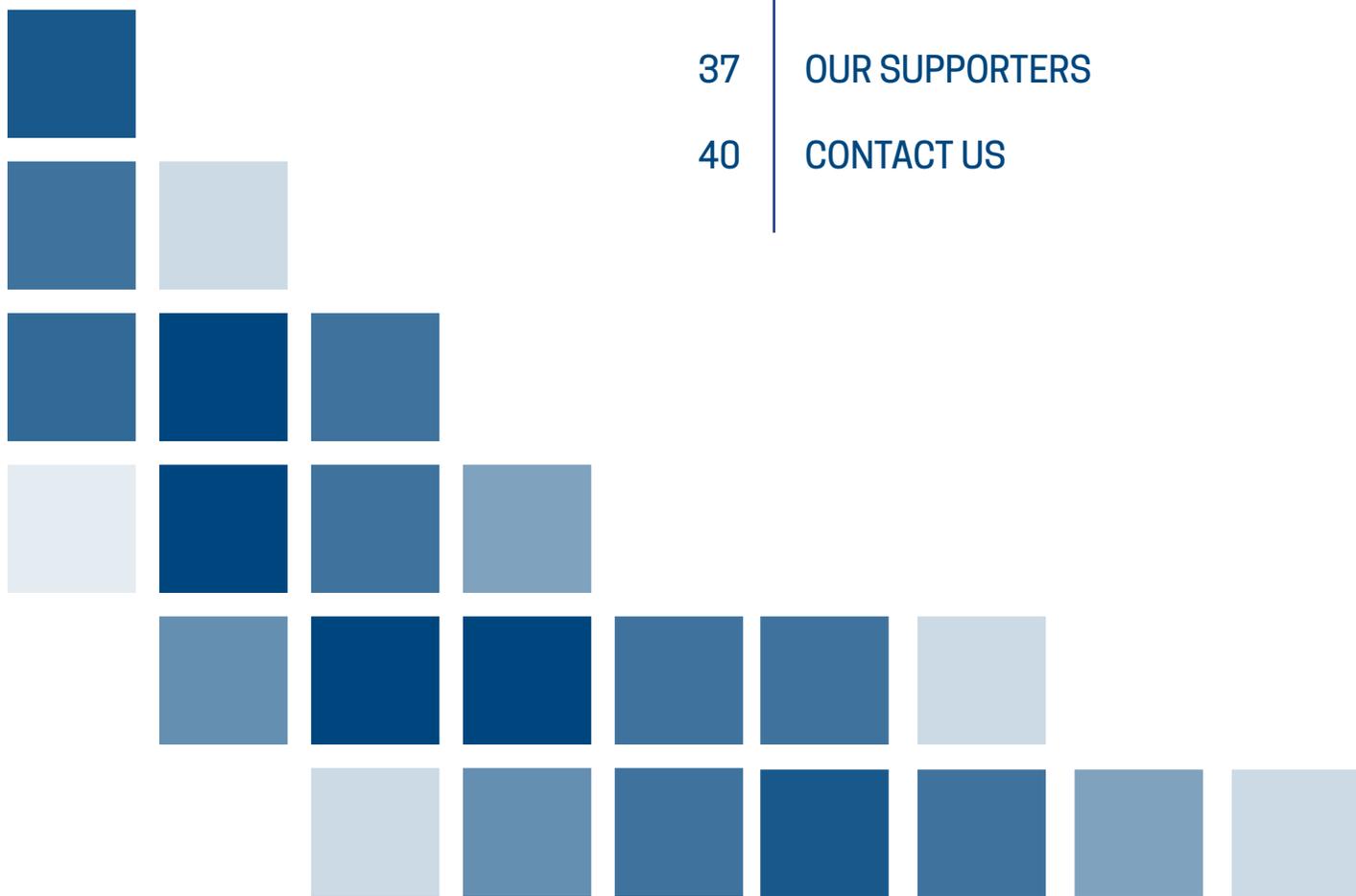
***Our Mission***

*Improve the Laws of Alberta*



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19	ENGAGEMENT
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*We are grateful to  
all of our founders  
and funders for their  
renewed commitment  
to the work that we  
do.*



## **HONOURABLE JUDGE CHARLES GARDNER, CHAIRMAN**

It has been an honour to serve as Chair of the Alberta Law Reform Institute as we mark our 50th year. During this year we hosted a meeting of all of our founding and funding parties. This meeting recognized the value of ALRI's past work and the importance of having an independent law reform agency in Alberta. We are grateful to all of our founders and funders for their

renewed commitment to the work that we do.

Milestones were also achieved by two veteran Board members finishing their terms. It was with some reluctance that we said goodbye to both Professor Nigel Bankes and Nolan Steed QC, two Board members that made immeasurable contributions to ALRI for over 10 years. Nigel served three terms on the ALRI Board as the representative of the University of Calgary while Nolan Steed QC retired from both ALRI and his role at the Ministry of Justice. We wish both of them well as they move on to new adventures.

With the departure of two Board members, we conducted an extensive recruitment campaign at the tail end of 2017. While there were many of highly qualified candidates, the Institute was privileged to welcome Jennifer Koshan from the University of Calgary, Deirdre McKenna of Davidson & William LLP, and Lisa Weber of Weber Law. All are highly skilled professionals that are actively engaged in their communities. We look forward to their presence and contributions on our Board.

*Tough decisions were made to maintain our standard of excellence but I'm delighted to say that our resolve has yielded credible, high quality law reform that has not gone unnoticed.*



## **SANDRA PETERSSON, EXECUTIVE DIRECTOR**

2017-2018 was a productive year that would be best described as a collection of significant milestones, some bittersweet, but all leading to a bright future for the Alberta Law Reform Institute. Perhaps most significant was the celebration of ALRI's 50 years of service with November 30th, 2017 being declared Alberta Law Reform Institute Day by the Honourable Minister of Justice Kathleen Ganley.

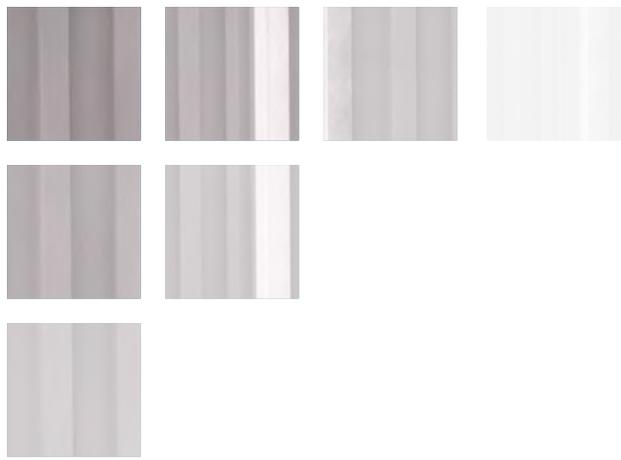
Along with our semi-centennial, ALRI was able to secure financial stability for the next several years. Ever since the economic downturn, mounting pressure on our budget had forced us review project priorities while adjusting staffing and operational expenditures. Tough decisions were made to maintain our standard of excellence but I'm delighted to say that our resolve has yielded credible, high quality law reform that has not gone unnoticed. Recognizing the value that we offer, the Alberta Ministry of Justice and Solicitor General demonstrated ongoing commitment to the Alberta Law Reform Institute with five years of stable funding.

Rarely can one speak of milestones without the mention of the word retirement and while it was present at the Board level, we also had to say goodbye to ALRI Counsel Debra Hathaway. Debra was one of Canada's most senior law reformers. Her legislative drafting expertise and concise writing style were significant assets to the Institute's work. We wish her the best on her new endeavours.

In addition to funding and succession achievements, several project milestones were accomplished this year. The Institute published its Final Report on the *Alberta Evidence Act*, and Reports for Discussion on common-law property division and substitute decision-making documents. With stakeholder engagement in mind, we conducted over two dozen project presentations and consultations to Alberta legal networks and service organizations while also being featured in both the legal and traditional print media.

The future is looking bright for ALRI. With operational strength, financial stability and a strategic vision in hand, we're set to carry out our mission to improve the laws in Alberta.





# WHO WE ARE



*The Alberta Law Reform Institute was established in November 1967 by the Attorney General of Alberta, the Governors of the University of Alberta and the Law Society of Alberta. Funding in kind is provided by the University of Alberta and University of Calgary.*

The Alberta Law Reform Institute was established in November 1967 by the Attorney General of Alberta, the Governors of the University of Alberta and the Law Society of Alberta. We continue to operate to this day under a tripartite agreement between our founding partners and are funded by the Alberta Law Foundation, Alberta Justice and Solicitor General and the University of Alberta. Funding in kind is provided by the University of Alberta and University of Calgary.

Our Board consists of members appointed by our founding partners:

- one elected Bencher appointed by the Law Society of Alberta
- two persons appointed by the Minister of Justice and Solicitor General
- the Provost of the University of Alberta or an academic staff member appointed by the Provost

Other Board members are appointed as follows:

- one person appointed by the Faculty of Law at the University of Alberta
- one person appointed by the Faculty of Law at the University of Calgary
- four to seven additional members chosen by the other members of the Board
- ALRI's executive director

## BOARD MEMBERS

Nigel Bankes (to June 2017)

Donald Cranston, QC

Mona Duckett QC, Vice Chair

The Hon. Justice James Eamon

The Hon. Judge Charles Gardner, Chair

Anne Kirker, QC

Jennifer Koshan (from June 2017)

Deirdre McKenna (from January 2018)

Paul Paton

Sandra Petersson

Karen Platten, QC

Nolan Steed, QC (to June 2017)

Roderick Wood

Lisa Weber (from January 2018)

Professor, Faculty of Law, University of Calgary

Partner, Bennett Jones

Partner, Dawson Duckett Garcia & Johnson

Court of Queen's Bench of Alberta

Provincial Court of Alberta

Partner, Norton Rose Fulbright Canada LLP

Professor, Faculty of Law, University of Calgary

Partner, Davidson & William LLP

Dean, Faculty of Law, University of Alberta

Executive Director, Alberta Law Reform Institute

Partner, McLennan Ross LLP

Executive Director, Legal Policy and Ministerial Services

Branch, Alberta Justice and Solicitor General

Professor, Faculty of Law, University of Alberta

Weber Law

## STAFF MEMBERS

Laura Buckingham

Carol Burgess

Barry Chung

Debra Hathaway (to December 2017)

Ilze Hobin

Jenny Koziar

Katherine MacKenzie

Robyn Mitchell

Sandra Petersson

Geneviève Tremblay-McCaig

Counsel

Operations Manager

Communications Associate

Counsel

Administrative Assistant

Executive Assistant

Counsel

Counsel

Executive Director

Counsel

*2017-2018 showed us how privileged we are as we recognized the many contributions of long-time Board members while also welcoming fresh faces to the Institute.*

## OUR BOARD

The Institute Board has consistently benefitted from the best and brightest experts from the Alberta legal community. Lawyers and judges on the Board contributed over 245 hours to ALRI Board and committee meetings. 2017-2018 showed us how privileged we are as we recognized the many contributions of long-time Board members while also welcoming fresh faces to the Institute.

### **Nolan Steed Q.C. Retires**

Nolan Steed joined the ALRI Board in 2005 as the representative of the Minister of Justice. As Executive Director of Legal Policy with Alberta Justice, Nolan brought a wealth of expertise and perspective to the over 100 meetings he attended.

Nolan made vital contributions to issues such as project planning and selection and provided a gracious and constructive link between the ALRI Board and Alberta Justice.

In addition to leaving the Board, Mr. Steed also retired from his role with the Government of Alberta. ALRI thanks him for his dedication throughout his time on the Board and sends best wishes to him on his new adventure.

### **Nigel Banks Retires from the ALRI Board**

Professor Banks joined the ALRI Board in June 2008 as the nominee of the University of Calgary Faculty of Law. Nigel's enthusiasm and passion for his work, as evidenced by his wide-ranging contributions to ABLawg, was reflected in the way he engaged with fellow Institute Board members and staff.

Nigel was also an integral part of the Institute outside of Board meetings. He served as Chair of the Institute's Communications Committee where his insights helped guide ALRI as it transitioned into new forms of online communication and consultation.

### **ALRI Welcomes Jennifer Koshan, Deirdre McKenna and Lisa Weber**

With two prominent and long-serving Board members finishing their terms, ALRI conducted an extensive search for replacement Board members. In June 2017, we were delighted to welcome eminent scholar and ABLawg coordinator Jennifer Koshan to ALRI. In January 2018, we announced the addition of Lisa Weber and Deirdre McKenna, two highly accomplished practitioners, to our Board.

Jennifer Koshan previously served as Crown counsel in the Northwest Territories and also Associate Dean at the University of Calgary Faculty of Law. She has been recognized with 2013 Canadian Association of Law Teachers Prize for Academic Excellence for her contributions to research and law teaching. Her current areas of research include constitutional law, equality and human rights, state responses to violence, feminist legal

theory, and public interest advocacy. Jennifer sits on the ALRI Board as the representative of the University of Calgary.

Deirdre McKenna is a partner at Davidson & William LLP. She is a litigation lawyer with a diverse practice spanning contract, property, employment, tort and corporate work at all levels of Alberta Court. After her LLB from the University of Toronto, Deirdre was called to the Bar and practiced in Calgary for nine years before returning to practice in Lethbridge in 2009. In addition to her role as ALRI Board Member, she is currently a Board Member of the Family Centre and has lectured at the Faculty of Management at the University of Lethbridge.

Lisa Weber's main practice areas include aboriginal law, child welfare, family law, education law, and governance development. She was called to the Bar in 2000 after receiving her LLM from the University of Manitoba. In addition to her role with the Institute, Lisa sits on the Board of Directors for the Institute of Advancement of Aboriginal Women and also serves as Deputy Chief Adjudicator for the Indian Residential Schools Adjudication Secretariat.

### **Debra Hathaway Retires**

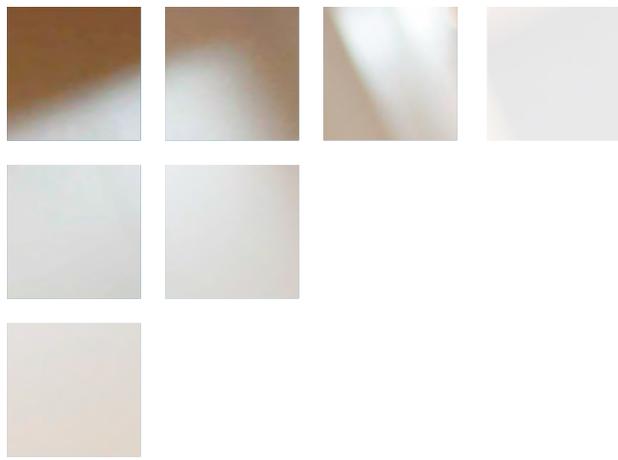
The end of 2017 also marked the retirement of Debra Hathaway. Debra joined ALRI in 2001 and was the principal author of 16 reports during her time at ALRI. A graduate of the University of Manitoba, Debra worked at the Law Reform Commission of Manitoba before moving west to join Alberta Justice as a legislative drafter. Her expertise in legal analysis, law reform process, and her keen wit are missed in our offices.

## **ALRI ALUMNI**

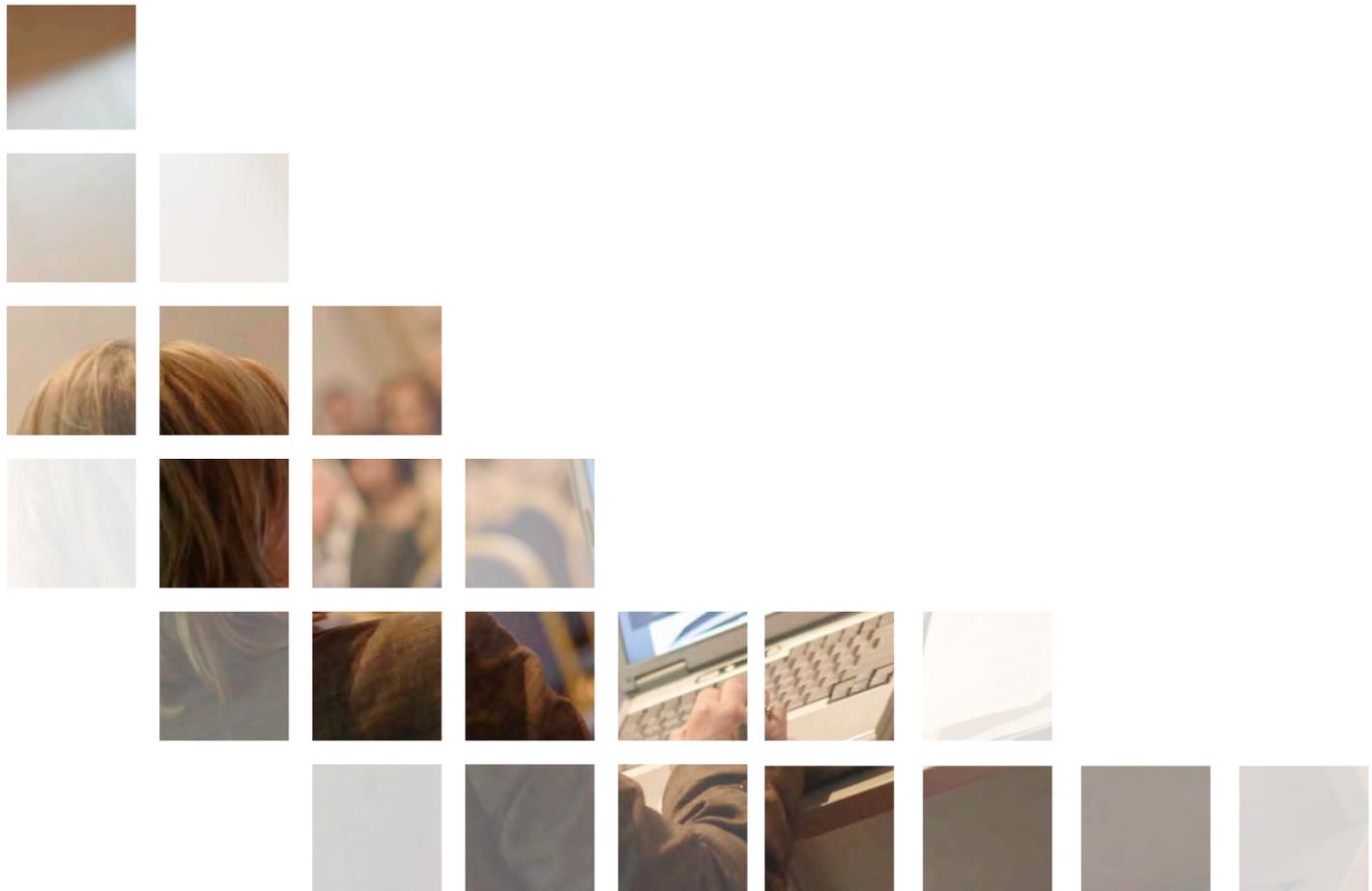
Involvement in the broader community is a common thread among those who work at ALRI. We were glad to see many of our past Board members and students being recognized this year for their contributions to justice in Alberta.

Former Board member Honourable Justice Sheilah Martin was appointed to the Supreme Court of Canada. Former Board member Ritu Khullar Q.C. was appointed to the Alberta Court of Appeal. Doug Stollery Q.C. continues to serve as Chancellor of the University of Alberta.





# WHAT WE DO



# 2017-2018 AT A GLANCE

**650+**  
HOURS VOLUNTEERED  
BY JUDGES & LAWYERS

**275**  
SURVEY RESPONSES

**4**  
CONSULTATIONS

**17**  
PRESENTATIONS

**4**  
PUBLICATIONS

**27**  
RECOMMENDATIONS

## APRIL 2017

### PRESENTATION

Reviewable Transactions  
*May 2017*

### PRESENTATION

Competence and Communication  
in the Alberta Evidence Act  
*June 2017*

### PRESENTATION

Property Division for  
Common-law Couples  
*September 2017*

### PRESENTATION

Property Division for  
Common-law Couples  
*October 2017*

### PRESENTATION

Property Division for  
Common-law Couples  
*November 2017*

### CONSULTATION

Public - Property Division for  
Common-law Couples  
*November 2017*

### PRESENTATION

Property Division for  
Common-law Couples  
*December 2017*

### PUBLICATION

Inter-provincial Recognition of  
Substitute Decision-Making Documents  
*December 2017*

### CONSULTATIONS

Property Division for  
Common-law Couples  
*February 2018*

### PRESENTATION

Assisted Reproduction  
*February 2018*

### PRESENTATION

Competence and Communication  
in the Alberta Evidence Act  
*May 2017*

### PUBLICATION

Property Division for  
Common-law Couples  
*September 2017*

### PRESENTATION

Inter-provincial Recognition of  
Substitute Decision-Making Documents  
*September 2017*

### PUBLICATION

Living Together Before Marriage  
*October 2017*

### PRESENTATIONS

Property Division for  
Common-law Couples  
*October 2017*

### CONSULTATION

Practitioner - Property Division for  
Common-law Couples  
*November 2017*

### PRESENTATION

Property Division for  
Common-law Couples  
*December 2017*

### PRESENTATION

Alternative Careers in Law  
*February 2018*

### PRESENTATION

Property Division for  
Common-law Couples  
*February 2018*

### PUBLICATION

Competence and Communication  
in the Alberta Evidence Act  
*February 2018*

### PRESENTATION

Personal Property Security Act  
*March 2018*

## MARCH 2018

*Our Vision*  
*Just and effective laws*

*Our Mission*  
*Improve the laws of Alberta*

ALRI's mission is to improve the laws in Alberta. We provide independent, comprehensive advice to the Government of Alberta and other agencies to ensure that the law and the administration of justice are kept up-to-date and serve Albertans to the best extent possible.

Our mandate for law reform is set out in the objectives in the 2017 Continuation Agreement:

- the consideration of matters of law reform with a view to proposing to the appropriate authority the means by which laws of Alberta may be made more useful and effective; and
- the preparation of proposals for law reform in Alberta, with respect to both the substantive law and the administration of justice.

## PUBLICATIONS

During this period, ALRI published final recommendations for the *Alberta Evidence Act*, an Act that reflects beliefs about swearing an oath and ideas about children from more than a hundred years ago. ALRI also released preliminary recommendations on substitute decision-making documents, addressing Alberta's growing population of mobile and older adults. We also published two preliminary reports on property division for Alberta's growing number of common-law couples and adult interdependent partners.



*Property Division: Common-law Couples and Adult Interdependent Partners*  
**Report for Discussion 30**  
**September 2017**

Recent numbers from Statistics Canada show that long term common-law relationships are on the rise. While there is established property division legislation for married couples who are divorcing, the laws for dividing property when common-law couples separate is lacking and unpredictable. Executive Director Sandra Petersson and Legal Counsel Laura Buckingham met with the Honourable Minister of Justice Kathleen Ganley and advisors to present our Report for Discussion. Our report proposes recommendations to make the law clearer, more predictable, promote settlement, and improve access to justice for common-law couples.



*Property Division: Living Together Before Marriage*  
**Report for Discussion 31**  
**October 2017**

*While the Matrimonial Property Act* applies a presumption of equal division to property acquired during the marriage, it exempts the property acquired before the marriage. Geneviève Tremblay-McCaig, lead counsel for this report, researched and wrote our report which proposes to extend the presumption of equal division to property acquired by the spouses while they lived together before marriage. If the relationship is an economic partnership, the spouses should be presumed to intend to share property acquired from the beginning of that relationship, including any period of premarital cohabitation.



*Inter-provincial Recognition of Substitute Decision-making*  
**Report for Discussion 32**  
**December 2017**

Canada's senior population has been shown to be both growing and more mobile with Alberta experiencing Canada's highest net interprovincial migration in 2015. The differences in provincial law for both creating and recognizing substitute decision-making documents could create problems for Albertans who move between and own property in other provinces. This report reviews the *Uniform Interjurisdictional Recognition of Substitute Decision-Making Documents Act* [the Uniform Act] and considers whether it is suitable for implementation in Alberta.



*Competence and Communication in the Alberta Evidence Act*  
**Final Report 111**  
**January 2018**

The Report sets out ALRI's final recommendations for updating sections of the *Alberta Evidence Act* based on outdated assumptions about children's abilities to give evidence. It also proposes legislative reform for adults with cognitive impairment and individuals who use alternative means of communication. Upon release, Final Report 111 and our project was featured by several media outlets.

## OUR ACTIVITIES

The Institute believes that law reform is an interactive and collaborative process. ALRI's dedication to this principle has never been stronger as we seek to increase engagement in our consultation initiatives. During this period, we had the following opportunities to speak about our work and involve the profession and public in shaping our recommendations:

### PRESENTATIONS

- Reviewable Transactions, CBA Alberta, May 2017
- Competence and Communication in the *Alberta Evidence Act*, CBA Alberta, May 2017
- Competence and Communication in the *Alberta Evidence Act*, CBA Alberta, June 2017
- Property Division for Common-law Couples, CBA SOGIC, September 2017
- Substitute Decision-making Documents, CBA Wills, September 2017
- Property Division for Common-law Couples, CBA Family, October 2017
- Property Division for Common-law Couples, CBA Solo and Small Practice, October 2017
- Property Division for Common-law Couples, CBA Young Lawyers, October 2017
- Property Division for Common-law Couples, Central Alberta Bar Association, November 2017
- Property Division for Common-law Couples, CBA Wills South, December 2017
- Substitute Decision-making Documents, CBA Wills North, December 2017
- Property Division for Common-law Couples, University of Alberta Faculty of Law Seminar, February 2018
- Property Division for Common-law Couples, University of Alberta CBA Family South, February 2018
- Alternative Careers in Law, University of Alberta Faculty of Law Student Seminar, February 2018
- Property Division for Common-law Couples, CBA Family South, February 2018
- Assisted Reproduction, Society of Trust and Estate Practitioners, February 2018
- *Personal Property and Security Act* Internship Presentation, University of Alberta Faculty of Law Student Presentation, March 2018

### CONSULTATIONS

- Property Division for Common-law Couples, Online Survey for the General Public, November 2017
- Property Division for Common-law Couples, Online Survey for Legal Practitioners, November 2017

- Property Division for Common-law Couples, Edmonton practitioners Roundtable Discussion, February 2018
- Property Division for Common-law Couples, Calgary practitioners Roundtable Discussion, February 2018

On the collaborative front, ALRI maintained connections with partners across Alberta through presentations and consultations with a number of organizations. As part of our project on common-law property division, we made presentations to several CBA Sections at both the North and South Branches. We also held additional roundtable discussions in Edmonton and Calgary due to popular demand by the CBA Alberta Wills sections.

Staff Counsel, Laura Buckingham, who also worked on the common-law property division project, wrapped up project work on the *Alberta Evidence Act*. In addition to completing the Final Report, Laura conducted consultations with the CBA and was interviewed by several media outlets covering the Final Report.



Katherine MacKenzie, lead counsel for our project on interprovincial recognition of substitute decision-making documents held presentations with the CBA Wills section in both Calgary and Edmonton. Due to the potential wide-ranging implications of substitute decision-making law

reform, she continues to conduct consultations with various legal, medical and financial professional networks.

## OUR PLAN FOR 2018-2019

This year was a productive time for ALRI with significant milestones and progress on projects that could potentially improve the lives of many Albertans. Project work concluded on the *Alberta Evidence Act* but we will continue to press the Government of Alberta to update outdated sections of the Act. We are also continuing the momentum from 2017 by building on our consultative work for common-law property division and substitute decision making. Furthermore, ALRI has been and continues to solicit suggestions for potential law reform projects with the intention of designing a comprehensive law reform programme that will guide our work for the next three to five years. 2018-2019 will also include an innovative and exciting collaboration between the Institute and the Faculty of Law at the University of Alberta.

### *Personal Property Security Act*

We're pleased to announce that we're partnering with the University of Alberta Faculty of Law to provide an experiential learning opportunity for 2nd and 3rd year law students. Under the supervision of ALRI Board member and U of A Law Professor Roderick Wood and ALRI Executive Director Sandra Petersson, students will be given the opportunity to conduct research and develop law reform proposals for the Alberta *Personal Property Security Act*. The Institute has already selected several strong and enthusiastic candidates who will begin work in the 2018-2019 academic year.



### **Adverse Possession**

After identifying adverse possession as a possible area of legal concern, ALRI received a government request that we review this area of law. ALRI Counsel Robyn Mitchell, is conducting preliminary research and will begin developing policy options with a view to consultation in 2018.

### **Property Division for Common-law Couples**

After publishing Reports for Discussion 30 and 31, we conducted over a dozen presentations and consultations with various legal and service organizations. We expect to publish our Final Report in mid 2018 with post-report activities intended to create engagement and awareness of the benefits of implementing our recommendations.



### **Inter-provincial Recognition of Substitute Decision-making Documents**

Since publishing Report for Discussion 32, ALRI Counsel Katherine MacKenzie has been engaging with financial and medical professional networks and seniors service organizations. Consultations will be continuing into 2018 with several roundtable workshops in mid 2018. The Institute expects to release its Final Report in late 2018.

### ***Uniform International Commercial Arbitration Act***

ALRI counsel are in the process of developing policy options for implementing the *Uniform International Commercial Arbitration Act* in Alberta and expect to consult with practitioners with a view to publishing a Final Report.

### **Not-for-profit Corporations**

ALRI Counsel Geneviève Tremblay-McCaig is looking at possible options for new Alberta legislation in this area. Our previous consultation showed an interest and need for improved legislation. However, there was not sufficient support for adapting the federal legislation as we had proposed.

On an operational level, ALRI will be running a number of initiatives this upcoming year. Several projects will review proposed legislation by the Uniform Law Conference of Canada including the Uniform International Commercial Arbitration Act.

Project selection work continues for the following topics:

- *Alberta Human Rights Act*
- **Informal Public Appeals (ULCC)**

Decisions on if these preliminary assessments will become official law reform projects will be forthcoming. For more on our project selection process, visit [www.alri.ualberta.ca/index.php/about-alri/our-process/project-selection](http://www.alri.ualberta.ca/index.php/about-alri/our-process/project-selection).





# ENGAGEMENT



**2022**  
**PROJECT PAGE**  
**VIEWS**

**148**  
**LIKES**

**226**  
**RETWEETS**

**586**  
**TWITTER**  
**CLICKS**

**22**  
**BLOG/MEDIA**  
**ARTICLES**

ALRI's work on topical issues in Alberta garnered exposure in both traditional and online media. Our projects on the *Alberta Evidence Act*, common-law property division, perpetuities, and substitute decision-making documents received widespread engagement and were featured by CBC, several legal publications and respected legal blogs.

## **COMPETENCE AND COMMUNICATION IN THE ALBERTA EVIDENCE ACT**

- November 2017 – CBA Law Matters  
[https://issuu.com/cbaalberta/docs/law\\_20matters\\_fall\\_202017\\_final/23](https://issuu.com/cbaalberta/docs/law_20matters_fall_202017_final/23)
- February 2018 – Canadian Lawyer Magazine  
<http://www.canadianlawyermag.com/legalfeeds/author/elizabeth-raymer/alberta-legislation-needs-amending-for-evidence-of-children-and-other-witnesses-says-institute-15279/>
- February 2018 – The Lawyer's Daily  
<https://www.thelawyersdaily.ca/articles/5842>
- February 2018 – ABLawg  
<https://ablawg.ca/2018/02/08/so-help-me-god-alri-recommends-changes-to-make-the-alberta-evidence-act-more-inclusive/>
- February 2018 – Edmonton Journal  
<http://edmontonjournal.com/news/local-news/report-calls-on-province-to-update-child-witness-laws>
- February 2018 – Hanna Herald  
<http://www.hannaherald.com/2018/02/15/institute-recommends-law-reform>
- March 2018 – British Columbia Institute Blog  
<https://www.bcli.org/alberta-law-reform-institute-publishes-report-on-competence-and-communication-in-the-alberta-evidence-act>

## **PROPERTY DIVISION FOR COHABITANTS**

- October 2017 – Orion Legal Research Law Navigator Digest  
[https://admin.nibbler.io/v1/AUTH\\_ca1f094bfd8b4ceea3a48b9c95409073/canlii\\_production/uploads/opinion/file/46868/2017.10.05\\_-\\_Kerr\\_and\\_ALRI\\_Rfd\\_No\\_30.pdf](https://admin.nibbler.io/v1/AUTH_ca1f094bfd8b4ceea3a48b9c95409073/canlii_production/uploads/opinion/file/46868/2017.10.05_-_Kerr_and_ALRI_Rfd_No_30.pdf)
- October 2017 – The Lawyer's Daily  
<https://www.thelawyersdaily.ca/articles/4753>
- October 2017 – CBC Radio  
<http://www.cbc.ca/news/canada/edmonton/programs/edmontonam/property-laws-around-common-law-1.4356686>
- October 2017 – CBC News  
<http://www.cbc.ca/news/canada/calgary/common-law-property-rights-1.4354628>

*Our projects on the Alberta Evidence Act, common-law property division, perpetuities, and substitute decision-making documents received widespread engagement and were featured by CBC, several legal publications and respected legal blogs.*

- October 2017 – British Columbia Law Institute  
<https://www.bcli.org/alberta-law-reform-institute-seeking-comments-on-proposed-rules-for-property-division-upon-breakdown-of-a-relationship-between-common-law-partners>
- October 2017 – Ablawg  
<https://ablawg.ca/2017/10/26/property-division-for-common-law-couples-the-problem-the-project-and-the-proposals/>
- October 2016 – Mincher Koeman Blog  
<https://familylawyerab.com/blog/policy-shifts-recommended-on-common-law-property-division/>
- November 2017 – ABLawg  
<https://ablawg.ca/2017/11/28/the-cost-of-cohabitation-agreements-considering-property-division-laws-for-unmarried-cohabitants/>
- May 2017 – Calgary Journal  
<https://www.calgaryjournal.ca/index.php/news/3684-why-the-matrimonial-property-act-of-alberta-might-be-changing>

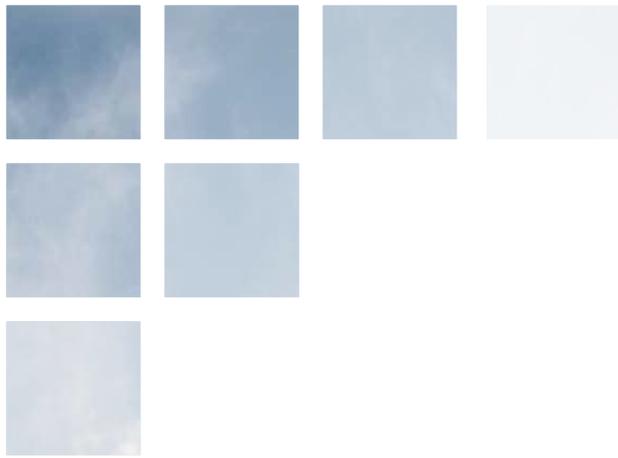
## SUBSTITUTE DECISION-MAKING DOCUMENTS

- January 2018 – Library Boy  
<http://micheladrien.blogspot.ca/2018/01/alberta-law-reform-institute-report-on.html>
- January 2018 – British Columbia Law Institute  
<https://www.bcli.org/alberta-law-reform-institute-publishes-report-for-discussion-on-interprovincial-recognition-of-substitute-decision-making-documents>
- February 2018 – Lawyer’s Daily  
<https://www.thelawyersdaily.ca/articles/5775/think-tank-recommends-alberta-adopt-uniform-rules-on-decision-making-documents>

## RULE AGAINST PERPETUITIES

- April 2017 – Lawyer’s Daily  
<https://www.thelawyersdaily.ca/articles/2863/alberta-law-reform-agency-recommends-abolition-of-outmoded-perpetuities-rule>
- January 2018 – Advocate Daily  
<http://www.advocatedaily.com/ian-hull-time-to-abolish-ontarios-perpetuities-law-hull.html>
- January 2018 – Advocate Daily  
<http://www.advocatedaily.com/matthias-duensing-simplifying-succession--should-ontario-abolish-the-perpetuities-act.html>





# FUNDING



# OUR FUNDERS

**ALBERTA JUSTICE &  
SOLICITOR GENERAL**

**\$500,000**

**ALBERTA LAW FOUNDATION**

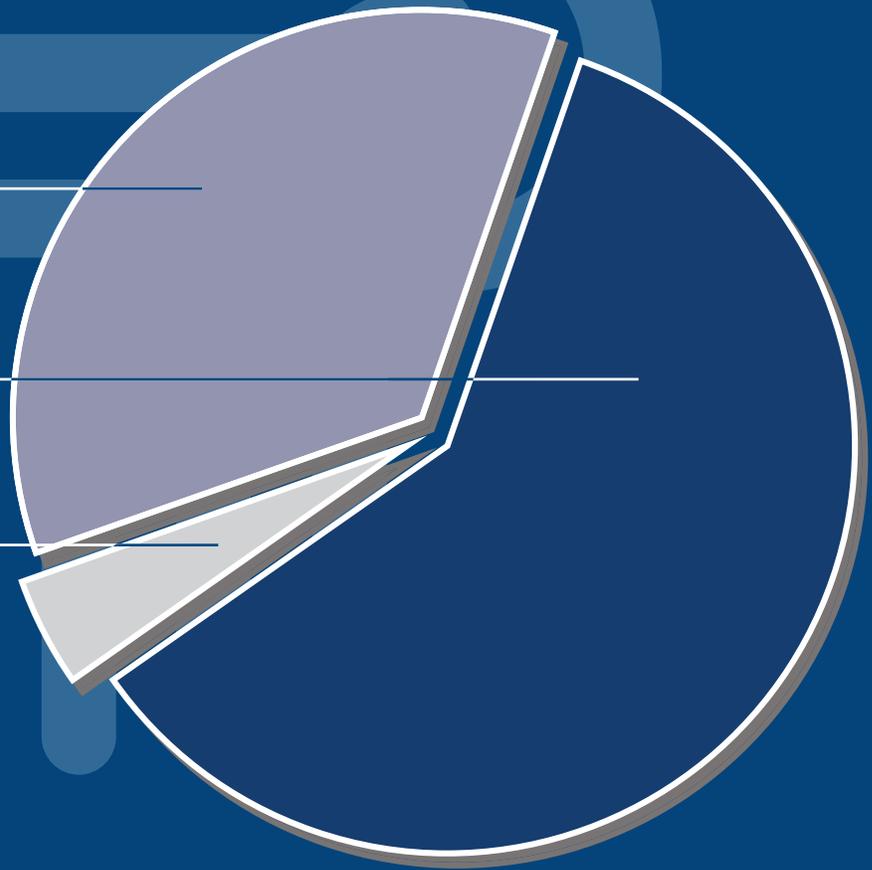
**\$840,000**

**UNIVERSITY OF ALBERTA**

**\$60,000**

**TOTAL FUNDING**

**\$1,400,000**



In 2017-2018, Institute funding was committed from the following sources:

<b>Alberta Law Foundation</b>	<b>\$840,000</b>
<b>Alberta Justice &amp; Solicitor General</b>	<b>\$500,000</b>
<b>University of Alberta</b>	<b>\$60,000</b>

Traditionally, the majority of ALRI's funding has come from the Alberta Law Foundation with another substantial portion coming from Alberta Justice & Solicitor General. Office space and services in kind are provided by the University of Alberta and University of Calgary.

Further information on our funding, additional revenue, expenses and assets is set out in the financial statements.

# AUDITED FINANCIAL STATEMENTS\*

\*ORIGINAL SIGNED

ALBERTA LAW REFORM INSTITUTE  
Financial Statements  
Year Ended March 31, 2018



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## INDEPENDENT AUDITOR'S REPORT

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To the Members of Alberta Law Reform Institute

*Report on the Financial Statements*

We have audited the accompanying financial statements of Alberta Law Reform Institute, which comprise the statement of financial position as at March 31, 2018 and the statements of operations, changes in net assets and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

*Management's Responsibility for the Financial Statements*

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

*Auditor's Responsibility*

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

*Opinion*

In our opinion, the financial statements present fairly, in all material respects, the financial position of Alberta Law Reform Institute as at March 31, 2018 and the results of its operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

Edmonton, Alberta  
June 22, 2018

*KBH*  
Chartered Accountants

**ALBERTA LAW REFORM INSTITUTE**  
**Statement of Financial Position**  
**March 31, 2018**

	2018	2017
<b>ASSETS</b>		
<b>CURRENT</b>		
Cash	\$ 446,669	\$ 267,234
Restricted cash (Note 4)	<u>6,095</u>	<u>11,884</u>
	452,764	279,118
EQUIPMENT (Note 5)	7,594	7,409
INVESTMENTS HELD FOR SPECIAL RESERVE (ORDERLY WIND DOWN) FUND (Note 6)	<u>1,046,806</u>	<u>1,042,385</u>
	<u>\$ 1,507,164</u>	<u>\$ 1,328,912</u>
<b>LIABILITIES</b>		
<b>CURRENT</b>		
Accounts payable and accrued liabilities	\$ 110,710	\$ 14,111
Grant funding repayable	<u>100,955</u>	<u>87,778</u>
Deferred contributions (Note 4)	<u>6,095</u>	<u>11,884</u>
	<u>217,760</u>	<u>113,773</u>
<b>NET ASSETS</b>		
Invested in equipment	7,594	7,409
Restricted - Special Reserve (Orderly Wind Down) Fund (Note 7)	<u>1,046,806</u>	<u>1,042,385</u>
Reserve Fund (Board Discretion) (Note 8)	<u>187,359</u>	<u>127,274</u>
Unrestricted	<u>47,645</u>	<u>38,071</u>
	<u>1,289,404</u>	<u>1,215,139</u>
	<u>\$ 1,507,164</u>	<u>\$ 1,328,912</u>

ON BEHALF OF THE BOARD

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director

**ALBERTA LAW REFORM INSTITUTE**  
**Statement of Operations**  
**Year Ended March 31, 2018**

	2018	2017
<b>REVENUE</b>		
Grants (Note 9)	\$ 1,306,374	\$ 1,188,891
Investment income (Note 10)	4,009	86,737
Other income	640	2,858
	<u>1,311,023</u>	<u>1,278,486</u>
<b>EXPENSES</b>		
Amortization	3,857	4,376
Audit	12,368	12,182
Bank charges	124	-
Board	11,033	2,569
Communication	831	523
Consultants and professional services	8,035	13,200
Equipment rental	2,614	2,679
Information technology support	4,326	14,500
Library	1,224	1,624
Meetings and seminars	1,315	3,989
Memberships, dues and subscriptions	13,025	17,168
Postage	1,277	1,802
Printing and copying	2,503	2,826
Professional development	7,007	8,275
Salaries and benefits	1,132,798	1,134,314
Strategic planning	-	26,879
Supplies and materials	13,289	16,232
Survey costs	4,140	-
Telephone and fax	6,640	6,637
Travel (staff)	12,732	8,021
	<u>1,239,138</u>	<u>1,277,796</u>
<b>EXCESS OF REVENUE OVER EXPENSES</b>	<b>\$ 71,885</b>	<b>\$ 690</b>

**ALBERTA LAW REFORM INSTITUTE**  
**Statement of Changes in Net Assets**  
**Year Ended March 31, 2018**

	2017 Balance	Excess of revenue over (under) expenses	Interfund transfers (Note 12)	Transfer (to) from deferred contributions (Note 4)	2018 Balance
Invested in Equipment	\$ 7,409	\$ (3,857)	\$ 4,042	\$ -	\$ 7,594
Restricted - special reserve (orderly wind down) fund	1,042,385	4,421	-	-	1,046,806
Reserve fund (board discretion)	127,274	-	60,085	-	187,359
Unrestricted	38,071	71,321	(64,127)	2,380	47,645
	<u>\$ 1,215,139</u>	<u>\$ 71,885</u>	<u>\$ -</u>	<u>\$ 2,380</u>	<u>\$ 1,289,404</u>

**ALBERTA LAW REFORM INSTITUTE**  
**Statement of Cash Flows**  
**Year Ended March 31, 2018**

	2018	2017
<b>OPERATING ACTIVITIES</b>		
Excess of revenue over (under) expenses	\$ 71,885	\$ 690
Item not affecting cash:		
Amortization	3,857	4,375
	<u>75,742</u>	<u>5,065</u>
Changes in non-cash working capital:		
Accounts payable and accrued liabilities	96,599	(25,298)
Grant funding repayable	13,177	53,699
Deferred contributions (Note 4)	(3,409)	(22,169)
	<u>106,367</u>	<u>6,232</u>
Cash flow from operating activities	<u>182,109</u>	<u>11,297</u>
<b>INVESTING ACTIVITIES</b>		
Purchase of equipment	(4,042)	-
Purchase of short term investment	(800,000)	-
Proceeds from disposal of investments	-	741,368
Cash flow from (used by) investing activities	<u>(804,042)</u>	<u>741,368</u>
<b>INCREASE (DECREASE) IN CASH FLOW</b>	<b>(621,933)</b>	<b>752,665</b>
Cash - beginning of year	<u>(321,503)</u>	<u>568,837</u>
<b>CASH - END OF YEAR</b>	<b>\$ 699,570</b>	<b>\$ 1,321,502</b>
<b>CASH CONSISTS OF:</b>		
Cash	\$ 446,669	\$ 267,234
Restricted cash	6,095	11,884
Cash held in special reserve (orderly wind down) fund	246,806	1,042,385
	<u>\$ 699,570</u>	<u>\$ 1,321,502</u>

ALBERTA LAW REFORM INSTITUTE

Notes to Financial Statements

Year Ended March 31, 2018

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1. PURPOSE OF ORGANIZATION

The Alberta Law Reform Institute (the "Institute") was established in 1968 by the Attorney General of Alberta, the Governors of the University of Alberta and the Law Society of Alberta.

The objectives of the Institute are:

- (a) the consideration of matters of law reform with a view to proposing to the appropriate authority the means by which laws of Alberta may be made more useful and effective; and
- (b) the preparation of proposals for law reform in Alberta, with respect to both the substantive law and the administration of justice.

As a not-for-profit organization, the Institute is not subject to taxation.

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2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of presentation

The financial statements were prepared in accordance with Canadian accounting standards for not-for-profit organizations (ASNFPO).

Financial instruments

Measurement

The Institute initially measures its financial assets and liabilities at fair value, except for certain non-arm's length transactions. The entity subsequently measures all its financial assets and financial liabilities at amortized cost, except for investments in equity instruments that are quoted in an active market, which are measured at fair value. Changes in fair value are recognized in excess of revenue over expenses.

Financial assets measured at amortized cost include cash and restricted cash. Financial assets measured at fair value include investments held for special reserve (orderly wind down) fund. Financial liabilities measured at amortized cost include the accounts payable and accrued liabilities and grant funding repayable.

Impairment

Financial assets measured at cost are tested for impairment when there are indicators of impairment. The amount of the write-down is recognized in excess of revenue over expenses. The previously recognized impairment loss may be reversed to the extent of the improvement, directly or by adjusting the allowance account, provided it is no greater than the amount that would have been reported at the date of the reversal had the impairment not been recognized previously. The amount of the reversal is recognized in excess of revenue over expenses.

Transaction costs

The Institute recognizes its transaction costs in excess of revenue over expenses in the period incurred. However, financial instruments that will not be subsequently measured at fair value are adjusted by the transaction costs that are directly attributable to their origination, issuance or assumption.

Cash

Cash includes cash held with banks. Cash subject to restrictions that prevent its use for current purposes is included in restricted cash (see note 4).

(continues)

**ALBERTA LAW REFORM INSTITUTE**  
**Notes to Financial Statements**  
**Year Ended March 31, 2018**

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2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES *(continued)*

Equipment

Equipment is stated at cost less accumulated amortization and amortized over their estimated useful lives at the following rates and methods:

Computer	30%	declining balance method
Office furniture and equipment	20%	declining balance method

Collections

The Institute maintains a library of research material and publications. Collections are expensed on acquisition.

Revenue recognition

The Institute follows the deferral method of accounting for contributions.

Restricted contributions are recognized as revenue in the year in which the related expenses are incurred. Unrestricted contributions are recognized as revenue when received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured. Endowment contributions are recognized as direct increases in net assets.

Restricted investment income is recognized as revenue in the year in which the related expenses are incurred. Unrestricted investment income is recognized as revenue when earned.

Contributed services

Volunteers contribute a significant amount of their time each year. Because of the difficulty in determining fair value, contributed services are not recognized in the financial statements.

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**ALBERTA LAW REFORM INSTITUTE**  
**Notes to Financial Statements**  
**Year Ended March 31, 2018**

**3. FINANCIAL INSTRUMENTS**

The entity is exposed to various risks through its financial instruments. The following analysis provides information about the entity's risk exposure and concentration as at March 31, 2018.

**Liquidity risk**

Liquidity risk is the risk that an entity will encounter difficulty in meeting obligations associated with financial liabilities. The Institute is exposed to this risk mainly in respect of its receipt of funds from its grant providers and from obligations associated with its accounts payable and accrued liabilities.

**4. RESTRICTED CASH AND DEFERRED CONTRIBUTIONS**

	2018	2017
<b>Continuity of deferred contributions</b>		
Opening balance	\$ 11,884	\$ 26,998
Expenses	(3,409)	(22,169)
Transfers from unrestricted fund	(2,380)	7,055
	\$ 6,095	\$ 11,884
	2018	2017
<b>Deferred contributions are comprised of</b>		
Reserve and administrative projects	\$ 6,095	\$ 11,884

**5. EQUIPMENT**

	Cost	Accumulated amortization	2018 Net book value
Computer	\$ 156,108	\$ 150,073	\$ 6,035
Office furniture and equipment	38,247	36,688	1,559
	\$ 194,355	\$ 186,761	\$ 7,594
	Cost	Accumulated amortization	2017 Net book value
Computer	\$ 152,066	\$ 146,606	\$ 5,460
Office furniture and equipment	38,247	36,298	1,949
	\$ 190,313	\$ 182,904	\$ 7,409

**ALBERTA LAW REFORM INSTITUTE**  
**Notes to Financial Statements**  
**Year Ended March 31, 2018**

6. INVESTMENTS HELD FOR SPECIAL RESERVE (ORDERLY WIND DOWN) FUND

	2018	2017
Cash	\$ 246,806	\$ 1,042,385
Guaranteed investment certificate	800,000	-
	\$ 1,046,806	\$ 1,042,385

The guaranteed investment certificate bears interest at 0.85% and matures on February 12, 2019.

7. NET ASSETS - RESTRICTED - SPECIAL RESERVE (ORDERLY WIND DOWN) FUND

The special reserve (orderly wind down) fund receives revenue from sources other than operating grants or project grants. These funds are restricted to provide for an orderly wind down and to meet contractual obligations to staff should the need arise.

8. NET ASSETS - RESERVE FUND (BOARD DISCRETION)

The Institute has set aside unrestricted surpluses as a contingency fund for future expenditures.

9. GRANTS

	2018	2017
Alberta Law Foundation - current year grant	\$ 840,000	\$ 994,500
Alberta Law Foundation - refundable portion of current grant	(100,955)	(87,778)
Alberta Justice and Solicitor General	500,000	200,000
University of Alberta	60,000	60,000
Revenue from restricted contributions	3,409	22,169
Government of Alberta - STEP grant	3,920	-
	\$ 1,306,374	\$ 1,188,891

The Institute has beneficial relationships with the above noted organizations.

10. INVESTMENT INCOME

	2018	2017
Interest on reserve fund	\$ -	\$ 899
Interest and realized capital gains on restricted - special reserve (orderly wind down) fund	4,009	85,838
	\$ 4,009	\$ 86,737

11. RELATED PARTY TRANSACTIONS

The University of Alberta provides office facilities and services at a cost of \$1 to the Institute.

These transactions are in the normal course of operations and are measured at the exchange amount, which is the amount of consideration established and agreed to by the related parties.

ALBERTA LAW REFORM INSTITUTE

Notes to Financial Statements

Year Ended March 31, 2018

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12. INTERFUND TRANSFERS

During the year, the Institute transferred \$60,085 from the unrestricted fund to the reserve fund (board discretion). The Institute also transferred \$4,042 from the unrestricted fund to investment in equipment for the purchase of equipment.

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13. ECONOMIC DEPENDENCE

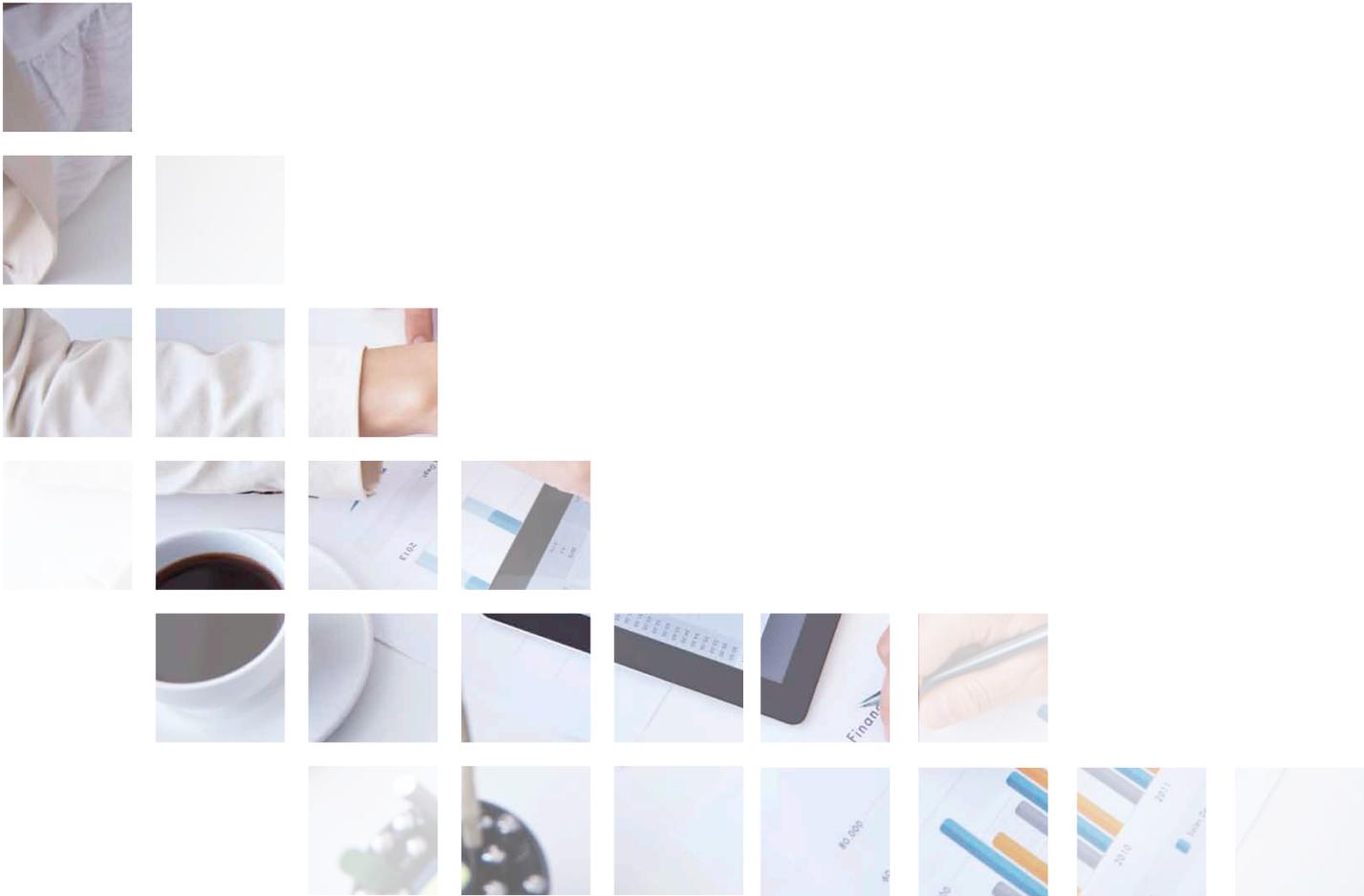
Alberta Law Reform Institute receives 60% (2017 - 79%) of its revenue from Alberta Law Foundation, 36% (2017 - 16%) from Alberta Justice and Solicitor General, and 4% (2017 - 5%) from the University of Alberta.

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# OUR SUPPORTERS



*Effective law reform depends on input from practitioners in the area of law under review.*

The work of law reform would not be possible without the ongoing financial support of our key funders:

**The Alberta Law Foundation**  
**Alberta Justice and Solicitor General**  
**The University of Alberta**

Support in kind is also provided by:

**The University of Alberta**  
**The University of Calgary**  
**Norton Rose Fulbright Canada LLP**  
**The Court of Queen's Bench of Alberta**

We have always contended that law reform is an interactive process. Our work would not be possible without the commitment of subject matter experts who volunteered their time to consultation and advisory groups. The contributions of the following organisations in keeping their members and stakeholders up-to-date on our work are much appreciated:

**Law Society of Alberta**  
**Canadian Bar Association, Alberta Branch**  
**Legal Education Society of Alberta**

Finally, we would like to thank the judges, authors and social media users who refer to our reports in the course of their work.





## CONTACT US

All of our reports are freely available electronically on our website. A limited number of hard copies are available on request.

We encourage you to contact us. The Your Views section on our website was designed to let you choose to be added to our electronic mailing list or provide comments on the current projects we are working on. You can also use this option to suggest an area for review that we are not currently addressing.

You can also follow us on Twitter at [@ablawreform](https://twitter.com/ablawreform) for the latest on our projects and developments in Alberta Law.

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