

1983 BILL 14

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 14

~~ATTORNEY GENERAL STATUTES~~
~~AMENDMENT ACT, 1983.~~

THE ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 14

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1983

ATTORNEY GENERAL STATUTES AMENDMENT ACT, 1983

(Assented to _____, 1983)

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

Alberta Evidence Act

1(1) The Alberta Evidence Act is amended by this section.

(2) Section 41(4) is amended by adding the following after clause (d):

(d.1) the board of the Northland School Division No. 61 under the Northland School Division Act;

(d.2) a local board of health under the Public Health Act;

Arbitration Act

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

(2) The enacting clause is amended by adding "of Alberta" after "Assembly".

(3) The following is added after section 11:

11.1(1) An application to the Court under section 11(2) to set aside an award shall be made within 45 days from the day of the publication of the award.

Explanatory Notes

Alberta Evidence Act

1(1) This section amends chapter A-21 of the Revised Statutes of Alberta 1980.

(2) Section 41(4) presently reads:

(4) Subsection (3) does not apply in any case where a photographic print is tendered by

(a) a government;

(b) the Bank of Canada;

(c) a municipal corporation;

(d) a board of a school district or school division under the School Act;

(e) a board of a hospital district under the Hospitals Act.

Arbitration Act

2(1) This section amends chapter A-43 of the Revised Statutes of Alberta 1980.

(2) Amends the enacting clause.

(3) Time period within which an award may be set aside.

(2) Notwithstanding subsection (1), if an award has been made after June 29, 1979 but prior to the commencement of this provision, an application to set aside that award under section 11(2) shall be made within 45 days from the commencement of this section.

(3) Notwithstanding subsection (1) or (2), the Court, on an application made before or after the expiration of the 45-day period, may extend the time within which an application may be made under section 11(2).

Court of Appeal Act

3(1) The Court of Appeal Act is amended by this section.

(2) Section 12 is amended by striking out “a Registrar” and substituting “Registrars”.

Fatality Inquiries Act

4(1) The Fatality Inquiries Act is amended by this section.

(2) The following is added after section 36:

36.1 At any time after the conclusion of a public inquiry the Attorney General may

(a) order that the judge or judge and jury who conducted the public inquiry re-open the public inquiry, or

(b) make an order under section 36 directing that a judge conduct another public inquiry into the death or deaths that were the subject matter of the concluded public inquiry.

(3) Section 41 is repealed and the following is substituted:

41(1) The Attorney General or his counsel may at any time before or during a public inquiry stay the inquiry

(a) for the purpose of allowing a police investigation in respect of a death, or

(b) pending the determination of a charge where a person, in respect of a death, is charged under any statute in force in Alberta.

(2) On staying a public inquiry the Attorney General may

(a) refer the matter back to the Board, or

(b) refer the matter back to the judge to continue the public inquiry at a later date.

Court of Appeal Act

3(1) This section amends chapter C-28 of the Revised Statutes of Alberta 1980.

(2) Section 12 presently reads:

12 In accordance with the Public Service Act there may be appointed a Registrar of the Court and all other officers and employees that the business of the Court requires.

Fatality Inquiries Act

4(1) This section amends chapter F-6 of the Revised Statutes of Alberta 1980.

(2) Order requiring the re-opening of a public inquiry or the conduct of a new public inquiry.

(3) Section 41 presently reads:

41 If before the commencement of or during a public inquiry a person is charged with an offence under any statute in force in Alberta arising from or related to the death, the Attorney General or counsel for the Attorney General may stay the inquiry pending determination of the charge and

(a) refer the matter back to the Board, or

(b) refer the matter back to the judge to continue the public inquiry at a later date.

(4) Section 49(a) is repealed and the following is substituted:

(a) governing fees payable under this Act

(i) to witnesses, jurors, court reporters and interpreters, and

(ii) to persons who provide services under this Act;

Commencement

5 Section 2(3) comes into force on July 1, 1983.

In accordance with section 4(1) of the Interpretation Act, this Bill, except section 2(3), comes into force on the date it receives Royal Assent.

(4) Section 49(a) presently reads:

49 The Lieutenant Governor in Council may make regulations

(a) prescribing the fees payable under this Act

(i) to medical examiners, witnesses, jurors, court reporters and interpreters, and

(ii) to pathologists for autopsies performed pursuant to this Act;